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5 Attorneys for Defendant Yavapai County

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

7  
8 RESIDENTS OF THE RED ROCK LOOP,  
INC., a Delaware nonprofit corporation, and  
9 THE SMOKE TRAIL RANCH  
PROPERTY OWNERS ASSOCIATION,  
INC., an Arizona nonprofit corporation,

10 Plaintiffs,

11 v.

12 YAVAPAI COUNTY, ARIZONA, by and  
through the YAVAPAI COUNTY BOARD  
13 OF SUPERVISORS and GLOBAL  
COMMUNITY COMMUNICATIONS  
14 ALLIANCE, an Arizona Corporation.

15 Defendants.

No. P1300CV202100142

**DEFENDANT YAVAPAI COUNTY'S  
MOTION TO DISMISS**

16  
17 Defendant Yavapai County, by and through Sheila Polk, Yavapai County Attorney,  
18 and her deputy undersigned, hereby requests this Court dismiss Defendant Yavapai County  
19 (“County”) from Plaintiff’s First Amended Complaint (“FAC”). Plaintiffs lack standing and  
20 thus the Court lacks subject matter jurisdiction pursuant to Ariz. R. Civ. P. 12(b)(1) and the  
21

1 FAC fails to state a claim upon which relief can be granted pursuant to Ariz. R. Civ. P.  
2 12(b)(6). Further, the FAC does not allege a legally cognizable violation of Arizona’s open  
3 meeting law and so fails to state a claim upon which relief can be granted pursuant to Ariz.  
4 R. Civ. P. 12(b)(6) as to defendant Yavapai County. This Motion is supported by the  
5 following Memorandum of Points and Authorities.

6 Memorandum of Points and Authorities

7 “When adjudicating a Rule 12(b)(6) motion to dismiss, Arizona courts look only to the  
8 pleading itself and consider the well-pled factual allegations contained therein.” *Cullen v.*  
9 *Auto-Owners Ins. Co.*, 218 Ariz. 417, 419, ¶ 7 (2008) (citations omitted). “Courts must also  
10 assume the truth of the well-pled factual allegations and indulge all reasonable inferences  
11 therefrom.” *Id.* (citations omitted). “A complaint's exhibits, or public records regarding  
12 matters referenced in a complaint, are not ‘outside the pleading,’ and courts may consider  
13 such documents without converting a Rule 12(b)(6) motion into a summary judgment  
14 motion.” *Coleman v. City of Mesa*, 230 Ariz. 352, 356, ¶ 9 (2012) (citations omitted).

15 **I. Background**

16 Plaintiffs are two corporate entities that purport to “represent” the interests of  
17 homeowners. (FAC ¶¶ 1, 2.) The FAC only makes one claim against the County: that the  
18 County’s Board of Supervisors (“Board”) allegedly failed to comply with Arizona’s open  
19 meeting law because its February 19, 2020 amended agenda (“Agenda”) did not specifically  
20 list the possibility that a lawsuit would be settled. (FAC ¶¶ 24–25, 33–34.) As a result of that  
21 alleged deficiency, the FAC requests that the corresponding meeting be declared null and

1 void and that the settlement agreement approved at that meeting be declared null and void.  
2 (FAC Prayer A, B.) A copy of the Agenda is attached to this Motion as Exhibit 1. Exhibit 1  
3 is a “public record[] regarding matters referenced in a complaint” and thus does not convert  
4 this Motion into a motion for summary judgment. *Coleman*, 230 Ariz. at 356, ¶ 9.

5 The Arizona open meeting law requires public entity agendas to “list the specific  
6 matters to be discussed, considered or decided at the meeting.” A.R.S. § 38-431.02(H). “The  
7 public body may discuss, consider or make decisions only on matters listed on the agenda and  
8 other matters related thereto.” *Id.* “Notwithstanding the other provisions of [§ 38-431.02],  
9 notice of executive sessions shall be required to include only a general description of the  
10 matters to be considered.” A.R.S. § 38-431.02(I).

11 The Agenda describes an “executive session pursuant to A.R.S. §38-431.03(A)(3) and  
12 (A)(4) for legal advice, consultation and discussion regarding claims and lawsuits.” (Exhibit  
13 1.) Those statutes authorize executive sessions for “[d]iscussion or consultation for legal  
14 advice with the attorney or attorneys of the public body,” A.R.S. § 38-431.03(A)(3), and for  
15 “[d]iscussion or consultation with the attorneys of the public body in order to consider its  
16 position and instruct its attorneys regarding the public body's position regarding contracts that  
17 are the subject of negotiations, in pending or contemplated litigation or *in settlement*  
18 *discussions conducted in order to avoid or resolve litigation,*” A.R.S. 38-431.03(A)(4)  
19 (emphasis added).

20 After the executive session, the Agenda describes an executive session follow-up  
21 action: “Consider such action as may be required regarding the following claim and/or

1 lawsuit: Global Community Communications Alliance v. Yavapai County  
2 V1300CV201980189.” (Exhibit 1.)

## 3 **II. Argument**

### 4 A. Plaintiffs lack standing to bring the FAC.

5 “To gain standing to bring an action, a plaintiff must allege a distinct and palpable  
6 injury.” *Sears v. Hull*, 192 Ariz. 65, 69, ¶ 16 (1998) (citing *Warth v. Seldin*, 422 U.S. 490,  
7 501 (1975)). “An allegation of generalized harm that is shared alike by all or a large class of  
8 citizens generally is not sufficient to confer standing.” *Id.* (citing *Warth*, 422 U.S. at 499). In  
9 general, a litigant may not assert the rights of others to gain standing. *Bennett v. Brownlow*,  
10 211 Ariz. 193, 196, ¶ 17 (2005) (“To establish standing, we require that petitioners show a  
11 particularized injury to themselves.” (citations omitted)).

12 As noted, Plaintiffs are two corporate entities that purport to “represent” the interests  
13 of homeowners. (FAC ¶¶ 1, 2.) The FAC makes no allegations that they were harmed in any  
14 way or were “affected by an alleged violation” of the open meeting law. A.R.S. § 38-  
15 431.07(A). The FAC does not allege that Plaintiffs are taxpayers in Yavapai County. *See*  
16 *Welch v. Cochise County Board of Supervisors*, 250 Ariz. 186, \_\_\_, ¶ 12 (App. 2020) (review  
17 granted April 13, 2021). Even if the homeowners who Plaintiffs “represent” were taxpayers,  
18 suffered harm or were affected by an alleged open meeting law violation, none of which the  
19 FAC alleges, those homeowners are not parties to this case.

20 Accordingly, the FAC does not allege sufficient facts to confer standing on Plaintiffs.  
21 The Court therefore lacks subject matter jurisdiction pursuant to Ariz. R. Civ. P. 12(b)(1) and

1 the FAC fails to state a claim upon which relief can be granted pursuant to Ariz. R. Civ. P.  
2 12(b)(6).

3 B. The FAC does not allege a legally cognizable violation of Arizona’s open meeting  
4 law.

5 As a matter of law, the Agenda satisfied all statutory requirements to give notice of the  
6 specific matters to be discussed, considered or decided at the meeting. The open meeting law  
7 allows for action to be taken concerning items listed on the agenda, and other related matters.  
8 There is no legal requirement that all possible discussions or all possible actions in relation  
9 to the matter be listed on the agenda. The legal requirement is that the specific matter to be  
10 discussed or acted upon be listed. In this case, it was.

11 The first sentence of the Agenda states that “ALL ITEMS LISTED [on the Agenda]  
12 ARE POTENTIAL ACTION ITEMS UNLESS OTHERWISE NOTED.” The executive  
13 session follow-up action stated the full name of the Global Community Communications  
14 Alliance v. Yavapai County case at issue, including its case number. The precise lawsuit listed  
15 on the agenda is the specific matter discussed, considered or decided by the Board. The  
16 inclusion of the case name and case number on the agenda satisfies the open meeting law.  
17 The agenda also described that the Board could take “such action as may be required,” which  
18 naturally includes settling the lawsuit.

19 “The case law in Arizona establishes the authority of the Board of Supervisors to  
20 control litigation.” *Cochise Cty. ex rel. Riley v. Bd. of Sup'rs of Cochise Cty.*, 7 Ariz. App.  
21 571, 575 (1968). That power rests exclusively with the Board and there is no requirement that  
the Board confer with members of the public before making a decision to resolve pending

1 litigation. The Board must only list the matter on an agenda and take action at a public  
2 meeting. Therefore, the Agenda’s notice that the Board could take “such action as may be  
3 required” regarding a specific lawsuit necessarily included notice that the Board could settle  
4 the litigation in its role controlling that litigation.

5 The open meeting law also expressly allows the Board to take action on matters *related*  
6 to an item appearing on an agenda. A.R.S. § 38-431.02(H). In such a circumstance, the  
7 potential actions or discussions about the matters related to the item on the agenda could not  
8 appear on the agenda. That statutory possibility contradicts Plaintiffs’ position that each  
9 possible *action* must be listed because the open meeting law does not even require every  
10 *matter* to be listed.

11 Moreover, the executive session to which the follow-up action corresponded was  
12 pursuant, in part, to A.R.S. § 38-431.03(A)(4). That citation reasonably indicated that there  
13 was the possibility of “settlement discussions conducted in order to avoid or resolve  
14 litigation.” The executive session follow-up item, combined with the remainder of the  
15 Agenda, fully complied with the open meeting law. Even if it did not due to an alleged  
16 technical deficiency, it substantially complied with all applicable requirements. *Welch*, 250  
17 Ariz. at \_\_\_, ¶ 23 (App. 2020) (“A mere technical violation of open-meeting laws is  
18 insufficient to invalidate a public body’s actions, however. Actions taken in substantial  
19 compliance with open-meeting laws are therefore valid.” (citations omitted)).

20 There is no requirement for the Board or any public body to further clarify the self-  
21 evident point that an action “as may be required” by litigation could include settling that

1 litigation. It would be impracticable to list every conceivable action that the Board could need  
2 to take during active litigation. A requirement to do so would make it impossible for the Board  
3 to take any action which has more than one potential solution. Further, such a requirement  
4 would be more confusing than helpful to the public’s understanding of the possible actions.  
5 *See Thurston v. City of Phoenix*, 157 Ariz. 343, 344–45 (App. 1988) (holding that notice was  
6 insufficient where city described two potential proposals in its agenda but adopted a third  
7 proposal and noting “the notice given was, at best, confusing and may have actually been  
8 misleading.”). Such a requirement would also potentially require the Board to decide, outside  
9 of a public meeting, the details of the settlement or action that may be required before placing  
10 it on an agenda, which would encourage precisely the type of non-public action that the open  
11 meeting law is meant to prevent.

12 Further, it would be bad public policy to interpret the open meeting to require the  
13 Board to post an agenda with the precise nuances of a potential settlement before the  
14 corresponding meeting. Such an agenda could undermine the Board’s ability to settle a case  
15 without “tipping its hand” through a detailed agenda item.

16 Finally, the FAC requests judgment “[d]eclaring that the February 19, 2020 Board of  
17 Supervisors Meeting was conducted in violation of the Arizona Open Meeting Law, and that  
18 as a result, any purported action taken at such meeting is null and void.” (FAC Prayer A.)  
19 Even if the alleged deficiencies identified in the FAC rendered the specific settlement  
20 agreement null and void, they have nothing to do with the remainder of the Agenda. There is  
21 no basis whatsoever to declare that the entire meeting was null and void. *See Op. Ariz. Att’y*

1 Gen I08-001, 2008 WL 733185, at \*3 (“When a public body violates the OML by discussing,  
2 proposing, or taking legal action on a matter not properly noticed on the agenda, that violation  
3 does not nullify all other legal action taken at the meeting when the violation has no  
4 demonstrated prejudicial effect on the complaining parties.”).

5 **III. Conclusion**

6 Plaintiffs lack standing to bring this action. Therefore, the Court lacks subject matter  
7 jurisdiction pursuant to Ariz. R. Civ. P. 12(b)(1) and the FAC fails to state a claim upon which  
8 relief can be granted pursuant to Ariz. R. Civ. P. 12(b)(6). For that reason, the FAC should  
9 be dismissed.

10 Further, the Agenda gave adequate notice of the specific matter to be discussed,  
11 considered or decided by the Board at its February 19, 2020 meeting. Accordingly, the  
12 County and Board fully complied with all applicable statutory requirements. Count Two of  
13 the FAC should be dismissed and the Court should not invalidate the Board’s actions or the  
14 underlying settlement agreement. As no further claims remain against the County, the County  
15 should be dismissed from this case.

16 RESPECTFULLY SUBMITTED this 28th day of May, 2021

17 Sheila Polk  
18 YAVAPAI COUNTY ATTORNEY

19 By: /s/ Benjamin D. Kreutzberg  
20 Thomas M. Stoxen  
21 Martin J. Brennan  
Benjamin D. Kreutzberg  
Deputy County Attorneys



1 COPY of the foregoing electronically served  
this 28th day of May, 2021, to:

2  
3 Scott L. Claus  
4 Vail C. Cloar  
5 Holly M. Zoe  
6 *Attorneys for Plaintiffs*

7 COURTESY COPY of the foregoing emailed  
this 28th day of May, 2021, to:

8  
9 Anthony M. Misseldine  
10 *Attorney for Global Community Communications Alliance*

11 By: /s/ Melinda Scocozza

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# EXHIBIT

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**AMENDED**

**Note: This agenda may be amended subject to the provisions of A.R.S. §38-431.02**

**NOTICE OF PUBLIC MEETING & AGENDA**

**YAVAPAI COUNTY BOARD OF SUPERVISORS BOARDS OF  
DIRECTORS OF YAVAPAI COUNTY IMPROVEMENT  
DISTRICTS, BOARDS OF DIRECTORS OF YAVAPAI COUNTY FLOOD  
CONTROL DISTRICT, FREE LIBRARY DISTRICT  
AND JAIL DISTRICT**

**Wednesday, February 19, 2020 - 9:00 A.M.**

**Yavapai County Administrative Services Verde Valley Complex  
Hearing Room, First Floor  
10 South 6th Street, Cottonwood, Arizona**

**ALL ITEMS LISTED ARE POTENTIAL ACTION ITEMS UNLESS OTHERWISE NOTED. THE ORDER OF ITEMS MAY BE MODIFIED AT THE MEETING. THE BOARD MAY VOTE TO RECESS INTO AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. §38-431.03(A)(3).**

**NOTE: ONE OR MORE BOARD MEMBERS MAY ATTEND TELEPHONICALLY. BOARD MEMBERS ATTENDING TELEPHONICALLY WILL BE ANNOUNCED AT THE MEETING.**

**HEARING AID DEVICES FOR THE HEARING IMPAIRED ARE AVAILABLE AT BOTH BOARD HEARING ROOMS. REQUEST FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST THREE WORKING DAYS IN ADVANCE OF A SCHEDULED MEETING.**

**ANY MATERIALS YOU WISH TO PRESENT TO THE BOARD MUST BE PROVIDED TO THE CLERK OF THE BOARD PRIOR TO THE START OF THE MEETING.**

**CALL TO ORDER**

**INVOCATION/PLEDGE OF ALLEGIANCE by Pastor Karl Schloeman, Faith Lutheran Church**

**ROLL CALL**

## SUPERVISORS' REPORTS AND COUNTY ADMINISTRATOR'S REPORT

Pursuant to A.R.S. §38-431.02(K), individual Supervisors and the County Administrator may present brief summaries of current events but no discussion may occur and no action may be taken regarding anything that is presented.

Supervisors will present a brief report on organization or entity meetings attended.

**CALL TO THE PUBLIC:** Individuals may address the Board for up to three (3) minutes on any relevant issue within the Board's jurisdiction. Pursuant to A.R.S. §38-431.01(H), Board members shall not discuss or take action on matters raised during the call to the public. The Board may direct staff to study the matter or direct that the matter be rescheduled for consideration at a later date.

## PRESENTATIONS

1. **Board of Supervisors** - Presentation of Proposition 202 funding from the Ak-Chin Indian Community for the Sedona Fire District in the amount of \$33,298.00. (District 3 -Supervisor Garrison)

## CONSENT AGENDA (Routine items that may all be approved by one motion.)

1. **Board of Supervisors** - Approve amended minutes of December 18, 2019, and the minutes of meetings of January 22, 2020, February 5, 2020, and special meeting of February 5, 2020.
2. **Board of Supervisors** - Approve extension of lease/license agreement between Sedona-Oak Creek Airport Authority and Sedona Car Rentals, LLC for the period of March 1, 2020, to February 28, 2022. YC Contract No. 2020-030
3. **Board of Supervisors** - Approve removal and appointment of precinct committeemen as recommended by the Yavapai County Democratic Party, all as evidenced in Board Memorandum No. 2020-02.
4. **Board of Supervisors** - Approve Resolution No. 2022 authorizing the County Recorder to establish emergency vote centers for the Presidential Preference Election to be held on March 17, 2020.
5. **Board of Supervisors** - Approve Resolution No. 2024 authorizing the Yavapai County Recorder as designee to approve the use of all Yavapai County ballot drop-off boxes and locations.
6. **Board of Supervisors** - Approve vouchers for January 27, 2020, through February 7, 2020.
7. **County Attorney** - Approve Intergovernmental Agreement (IGA) with the Governor's Office of Youth, Faith and Family in the amount of \$15,000.00 to support the Third Annual Arizona Drug Summit September 14-15, 2020. YC Contract No. 2020-027
8. **County Attorney** - Approve Waiver of Conflict regarding agreements with the Yavapai County School Superintendent and School Districts in Yavapai County entered into during Fiscal Year (FY) 2020-2021 concerning the following services: E-Rate; Substitute Teacher Consolidation; Data Hosting; and Educational Services, including, but not limited to, nursing therapy (physical, occupational, and speech), psychology, counseling, behavioral health, autism screening, and special education.
9. **Elections** - Approve appointment of poll workers and central board workers for the Presidential Preference Election to be held on March 17, 2020, and authorize the Elections Director to approve any workers who are obtained after this date.
10. **Facilities** - Approve Professional Services Agreement with Falcon, Inc., in the amount of \$95,000.00 for Part 2 consultant services for Co-Located Re-Entry and Screening & Evaluation Facility, Capital Project No. CI0087, Yavapai County Criminal Justice Center, Prescott. YC Contract No. 2019-446A1
11. **Fleet Management** - Approve request to retain one Chevrolet Tahoe that was scheduled to go to auction, for one year.
12. **Fleet Management** - Approve attached lists of vehicles and equipment to be auctioned.
13. **Fleet Management** - Approve the assignment of the Fleet Management Assistant Director as an additional delegate to authorize the issuance of undercover plates. (All Districts)
14. **Flood Control District - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Flood Control District and following consideration of this item, will reconvene as the Board of Supervisors-** Approve application for transfer of certificate of stockpond water right no. 38-60181 to Yavapai County for Board-owned parcel 301-48-421 for the fee of \$75.00. (District 4 - Director Brown)

15. **Flood Control District - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Flood Control District and following consideration of this item, will reconvene as the Board of Supervisors-** Approve completion of a 1-year recertification document for the Yavapai County Flood Control District's Community Rating System (CRS) Program and execution of the document that will be provided to the Federal Emergency Management Agency and National Flood Insurance Program. (All Districts)
16. **Flood Control District - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Flood Control District and following consideration of this item, will reconvene as the Board of Supervisors-** Purchase two parcels in a low-lying area prone to flooding in Seligman, parcel 301-26-134 and 301-26-135 for a total not to exceed \$11,000.00. (District 4 - Director Brown)
17. **Human Resources** - Approve new job description for the Prescott Justice Court.
18. **Information Technology Services** - Approve the renewal of multi-year contract for service with CenturyLink for the Centerpoint facility. YC Contract No. 2020-032
19. **Information Technology Services** - Approve the renewal of multi-year contract for enhanced service with CenturyLink to support the Mayer Sheriff's substation. YC Contract No. 2020-033
20. **Information Technology Services** - Approve termination of YC Contract No. 2018-453 and approve a multi-year contract with CenturyLink to expand Internet network connectivity services from 600 Mbs to 1000Mbs. YC Contract No. 2020-034
21. **Information Technology Services** - Approve the renewal and upgrade of service as part of a multi-year contract for service with CenturyLink for the Yarnell Sheriff's Substation and Justice Court. YC Contract No. 2020-035
22. **Juvenile Probation** - Approve replacement of video surveillance equipment and purchase of annual maintenance with PremiseOne in an amount not to exceed \$51,940.81. YC Contract No. 2020-036
23. **Library District - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Free Library District and following consideration of this item, will reconvene as the Board of Supervisors** - Approve the acceptance and expenditure of \$48,200.00 awarded from the Arizona State Library, Archives, and Public Records for a State Grant-In-Aid Construction (SGIA-C) grant to partially fund construction costs associated with the expansion of the Cordes Lakes Public Library. YC Contract No. 2020-022 (District 2 - Director Thurman)
24. **Public Works** - Approve acceptance of donated public roadway easements for donated right-of-way on Woodside Drive in the Wildwood Estates Unit 4 Subdivision. (District 1 - Supervisor Simmons)
25. **Public Works** - Approve an Intergovernmental Agreement with the City of Cottonwood for a contribution in the amount of \$35,000.00 for public transportation services known as Cottonwood Area Transit (CAT). YC Contract No. 2018-508A1 (District 3 - Supervisor Garrison)
26. **Public Works** - Approve an Intergovernmental Agreement (IGA) with the Yavapai-Prescott Indian Tribe for maintenance of the road between Yavpe Connector and Prescott Canyon Estates subdivision to allow for emergency ingress and egress. YC Contract No. 2020-025 (District 1 - Supervisor Simmons)
27. **Public Works** - Award contract to Asphalt Paving & Supply, Inc. in the total amount of \$554,424.24 for Verde Valley School Road Overlay (FY 2019-2020) in Yavapai County, AZ - Project #1922791. YC Contract No. 2020-028 (District 3 - Supervisor Garrison)
28. **Public Works** - Approve Change Order #1 to Authorization of Services #1922776 with Kimley-Horn and Associates, Inc. in the increased amount of \$9,000.00 for additional professional services regarding Ogden Ranch Road from Camino Real to SR 260 in Cottonwood. YC Contract No. 2019-314A1 (District 3 - Supervisor Garrison)
29. **Public Works** - Approve Authorization of Services #2022803 with Civiltec Engineering, Inc. for professional engineering services in the amount of \$15,742.00 for Williamson Valley Road Safety Improvements Phase 3. YC Contract No. 2020-031 (District 4 - Supervisor Brown)
30. **Public Works** - Approve Authorization of Services #1922791.1 with Speedie and Associates in the amount not to exceed \$15,315.00 for quality assurance testing on the upcoming Verde Valley School Road Overlay (FY 2019-2020) in Yavapai County, AZ - Project #1922791. YC Contract No. 2020-029 (District 3 - Supervisor Garrison)

31. **Public Works** - Approve the transfer of Federal Aviation Administration (FAA) Entitlement Funds from Bagdad Airport to Sedona Airport in the amount of \$393,732.00, and authorize Public Works Director to sign as the Sponsor's Authorized Official. No County funds involved. (District 3 - Supervisor Garrison)
32. **Public Works** - Approve release of bonds held in retention under the financial assurances for Sterling Ranch at Talking Rock Phase One and Double Adobe Road. (District 4 - Supervisor Brown)
33. **School Superintendent** - Approve 2019-2020 Independent Contractor Agreement between the Yavapai County Education Service Agency (YCESA) and the following entity: Jennifer Woods - YC Contract No. 2020-026
34. **Sheriff** - Approve termination of YC Contract No. 2018-370: Yavapai County Towing and Services Agreement, between Yavapai County and TNT Towing & Transport, L.L.C.
35. **Sheriff** - Approve establishment of a new Fund Number for the Fallen Officer Memorial and approve the Sheriff to accept all donations and deposit them through the Yavapai County Treasurer's Office into the established fund.
36. **Sheriff** - Approve three (3) employees to take a County vehicle out of state for Tactical Explosive Breaching training from March 22-28, 2020, in Los Angeles, California.
37. **Sheriff** - Approve two (2) employees to attend Advanced Crime Scene Photography training from April 6-9, 2020, in Phoenix, Arizona.

## **ACTION**

1. **Board of Supervisors** - Accept resignation of Bagdad-Yarnell Constable, John E. Watson.
2. **Board of Supervisors** - Discussion and possible action regarding the process to appoint a replacement for the Bagdad-Yarnell Constable, pursuant to A.R.S §16-230 and A.R.S. §11-402.
3. **Board of Supervisors** - Approve acceptance of Prop 202 funding from the Yavapai-Apache Nation on the amount of \$18,370.00 for Verde Valley area organizations.
4. **Board of Supervisors** - Approve hearing date for the establishment of the Oak Creek Domestic Water Improvement District as March 18, 2020.
5. **Board of Supervisors** - Approve Resolution No. 2023 authorizing a Lease Agreement between Yavapai County and the Yavapai County Jail District, Intergovernmental Agreement and Continuing Disclosure Undertaking, as an emergency measure, with respect to Jail District Financing. YC Contract No. 2020-037 and YC Contract No. 2020-041. Action to be taken by roll call vote and approved by a super-majority of all Yavapai County Board of Supervisors.
6. **Jail District - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Jail District and following consideration of this item, will reconvene as the Board of Supervisors-** Approve Resolution No. 2020-1 authorizing the issuance and Sale of Pledged Revenue Obligations to finance new correctional facilities; approve Site Lease Agreement - YC Contract No. 2020-037, Ground Lease Agreement - YC Contract No. 2020-038, Lease-Purchase Agreement - YC Contract No. 2020-039, Trust Agreement - YC Contract No. 2020-040, Intergovernmental Agreement - YC Contract No. 2020-041 and Obligation Purchase Agreement - YC Contract No. 2020-042

## **HEARINGS**

1. **Public Works** - Hearing to renew an existing water franchise agreement with Big Park Water Company. YC Contract No. 2020-001 (District 3 - Supervisor Garrison)
2. **Public Works** - Hearing to renew an existing water franchise agreement with Little Park Water Company. YC Contract No. 2020-002 (District 3 - Supervisor Garrison)

## **EXECUTIVE SESSION**

1. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(1) to discuss or consider appointment and assignment of the Yavapai County Finance Director.

2. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(3), (A)(4) and (A)(7) for legal advice/consultation regarding contract(s) for sale, purchase or lease of real property.
3. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice, consultation and discussion regarding claims and lawsuits.
4. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice, consultation and discussion regarding solar panel claims and lawsuits.

**EXECUTIVE SESSION FOLLOW-UP ACTION**

1. **Board of Supervisors** - Consider such action as may be required regarding appointment and assignment of the Yavapai County Finance Director.
2. **Board of Supervisors** - Consider such action as may be required regarding contract(s) for sale, purchase or lease of real property.
3. **Board of Supervisors** - Consider such action as may be required regarding the following claim and/or lawsuit: Global Community Communications Alliance v. Yavapai County V1300CV201980189.

**ADJOURNMENT**

COPIES OF THE AGENDA ARE AVAILABLE IN THE BOARD OF SUPERVISORS' OFFICE, 1015 FAIR STREET, ROOM 310, PRESCOTT, ARIZONA, OR AT THE BOARD OF SUPERVISORS' COTTONWOOD OFFICE, 10 SOUTH 6TH STREET, COTTONWOOD, ARIZONA, AFTER 2:00 P.M. ON WEDNESDAY PRECEDING THE MEETING. THE AGENDA IS ALSO AVAILABLE AFTER 2:00 P.M. ON THURSDAY ON THE INTERNET AT: [WWW.YAVAPAI.US](http://WWW.YAVAPAI.US) . ANY AMENDMENTS TO THIS AGENDA WILL BE NOTICED AS PROVIDED IN A.R.S. 38-431.02 AND WILL BE REFLECTED IN THE MEETING RESULTS POSTED ON THE WEBSITE FOLLOWING THE MEETING.

*Pursuant to the Americans with Disabilities Act, the Yavapai County Board of Supervisors endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact the Board of Supervisors' Office at (928) 771-3200, TDD# (928) 771-3530 at least 48 hours prior to the meeting (not including weekends or holidays) so that an accommodation can be arranged.*

Posted: February 14, 2020, at 11 : 00am by VA



\_\_\_\_\_  
**Kim Kapin, Clerk of the Board**