

GRAHAM COUNTY BOARD OF SUPERVISORS)

(SS. SAFFORD, AZ February 6, 2023

STATE OF ARIZONA, COUNTY OF GRAHAM)

The Graham County Board of Supervisors met in a regular session this date with the following present:

Paul R. David	Chairman
John Howard	Vice-Chairman
Danny Smith	Member (Attended Telephonically)
Dustin Welker	County Manager / Clerk
Hannah Duderstadt	Deputy Clerk

Chairman David called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance. Upon motion of Supervisor Howard, seconded by Supervisor David, the minutes of the regular board meeting and work sessions held on January 17, 2023, and work session held on January 31, 2023, were approved.

Sheriff PJ Allred requested approval of out of state travel for one employee to attend the Police K9 Conference in Las Vegas, Nevada on March 7, 2023, through March 9, 2023. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Sheriff Allred requested approval to purchase an unbudgeted capital item, the Sotoxa Oral Fluid Mobile Analyzer from Intoximeters Inc. for \$4,500. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Sheriff Allred requested approval of unbudgeted capital for two Detention Center Workstations and 1 PTZ camera. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

County Attorney L. Scott Bennett requested approval of out of state travel for three employees to attend Karpel Solutions National User Group Meeting in St. Louis, Missouri on April 4, 2023, through April 6, 2023. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chief Deputy Treasurer Lori Boren, on behalf of Treasurer Mary Bingham, requested approval to accept the offer for purchase of Over the Counter Tax Deed Sale Parcel. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

County Manager Dustin Welker, on behalf of Judge Wyatt Palmer, requested approval to ratify the Appointment of Pro Tempore Judge Jeremy J. Waite for Graham County Justice of the Peace. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chief Probation Officer Josh Halversen, on behalf of Judge Michael Peterson, requested approval of an Agreement with Dr. Nicole Cooper-Lopez for Restoration to Competency (RTC) services for the remainder of fiscal year. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

Engineer Michael Bryce requested approval of the City of Safford's request for a pavement cut along Airport Road. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Engineer Bryce requested approval to accept a Quit Claim Deed from Alvin James Summers and Shari Dawn Summers, and Graham Vincent Pace and Calleigh Dawn Pace, for a portion of Parcel #109-43-054 for the right of way on Bryce Eden Road. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Health Director Brian Douglas requested approval of an amended AHCCCS IGA for Inmate Hospitalization services. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chief Probation Officer Josh Halversen requested approval of the Drug Court Coordinator Position. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Planning & Zoning Director Steve McGaughey requested approval of a Special Event Liquor License for the Southeastern Arizona Sportsman Club at the fairgrounds on February 25, 2023. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Human Resources Director Cindy Norris-Blake requested approval of Resolution No. 2023-01, Resolution of the Graham County, Arizona Board of Supervisors Amending Resolution 1977-22 which Relates to Non-Discrimination in Employment. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

RESOLUTION 2023-01

Resolution of the Graham County, Arizona Board of Supervisors Amending Resolution 1977-22 Which Relates to Non-Discrimination in Employment

WHEREAS, Title VII of the Civil Rights Act of 1964, as amended, the American with Disabilities Act, the Pregnancy Discrimination Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act (collectively, "Federal Employment Discrimination Laws"), prohibit employment discrimination based on race; color; religion; sex (including sexual orientation and gender identity); national origin; pregnancy and related medical conditions; age (40 or older); disability; or genetic information (including family medical history); and retaliation; and

WHEREAS, the Arizona Civil Rights Act of 1965, as amended and codified at A.R.S. §41-1461, et seq., similarly prohibits employment discrimination based on race; color; sex; religion or creed; national origin; age (40 or older); physical or mental disability; genetic testing results; pregnancy, childbirth, and related medical conditions; and retaliation; and

WHEREAS, Graham County promotes equal employment and equal opportunity in its employment and personnel practices, in accordance with Federal Employment Discrimination Laws, and the Arizona Civil Rights Act of 1965, as amended; and

WHEREAS, Graham County is committed to ensuring that all its employees can work in an environment free from harassment, discrimination, and retaliation; and

WHEREAS, in recognition of its legal and moral obligations articulated above, Graham County does not discriminate based on race; color; religion; sex; (including sexual orientation and gender identity); national origin; age (40 or older); physical or mental disability; genetic information and genetic testing results (including family medical history); pregnancy, childbirth, and related medical conditions; retaliation; or any other characteristic or trait protected by law in its employment and personnel practices, such as hiring, promoting, demoting, transferring, recruiting, advertising, laying off, terminating, compensating, or selecting for training, job assignments, accessibility, and working conditions; and

WHEREAS, Graham County wishes to amend Resolution #1977-22 to reflect its current policies and practices related to employment discrimination.

NOW, THEREFORE BE IT RESOLVED, Graham County amends Resolution #1977-22 to ensure equal employment opportunities and an environment free from harassment, discrimination, and retaliation.

BE IT FURTHER RESOLVED, that Graham County prohibits discrimination based on race; color; religion; sex (including sexual orientation and gender identity); national origin; age (40 or older); physical or mental disability; genetic information and genetic testing results (including family medical history); pregnancy, childbirth, and related medical conditions; retaliation; or any other characteristic or trait protected by law in its employment and personnel practices, in accordance with Federal Employment Discrimination Laws, and the Arizona Civil Rights Act of 1965, as amended. In particular, Graham County prohibits employment discrimination in decisions related to hiring, promoting, demoting, transferring, recruiting, advertising, laying off, terminating, compensating, or selecting for training, job assignments, accessibility, and working conditions of employees and prospective employees (i.e. applicants).

BE IT FURTHER RESOLVED that Graham County will require persons (including entities) with whom it contracts to comply with the Federal Employment Discrimination Laws and the Arizona Civil Rights Act of 1965, as amended, to the extent applicable.

BE IT FURTHER RESOLVED, that Graham County has implemented or will implement rules and regulations in support of this Resolution (2023-01).

BE IT FURTHER RESOLVED, that the Graham County Human Resources Director is appointed to serve as the Graham County Compliance Officer. In this role, the Human Resource Director will investigate all of Graham County's complaints of employment discrimination.

PASSED, ADOPTED, AND APPROVED by the Graham County, Arizona Board of Supervisors this 6th day of February, 2023.

GRAHAM COUNTY BOARD OF SUPERVISORS

/S/: Paul R. David, Chairman

/S/: John Howard, Vice-Chairman

/S/: Danny Smith, Member

ATTEST:

/S/: Dustin Welker, Board Clerk

County Manager Dustin Welker requested approval to apply for a Department of Fire and Forestry Management (DFFM) Post Fire Flood Mitigation grant to construct a low water crossing on Klondyke Road at the Cottonwood Wash crossing. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Manager Welker requested approval of Resolution No. 2022-14, Renewing a Resolution Granting a Telecommunications Services Franchise to Valley Telephone Cooperative, Inc. Upon motion of Supervisor David, seconded by Supervisor Howard, the request was unanimously approved.

GRAHAM COUNTY RESOLUTION NO. 2022-14

RENEWING A RESOLUTION GRANTING A TELECOMMUNICATIONS SERVICES FRANCHISE TO VALLEY TELEPHONE COOPERATIVE, INC.

KNOW ALL MEN BY THESE PRESENTS, THAT,

WHEREAS, on December 3, 2012, VALLEY TELEPHONE COOPERATIVE, INC., an Arizona corporation, was granted pursuant to A.R.S. 40-283 and 9-583, to the Board of Supervisors of Graham County, Arizona, for the right, privilege, license, and franchise to construct, install, operate, and maintain along, over, under and across the streets, alleys, and highways, within Graham County, facilities for the purpose of maintaining and operating a telecommunications system, and all other facilities and improvements necessary for local network and intrastate telecommunications services (the "Franchise"); and

WHEREAS, the Franchise was made for a term of five (5) years; and

WHEREAS, VALLEY TELEPHONE COOPERATIVE, INC., has applied for renewal of the Franchise; and

WHEREAS, said Application came on regularly to be heard at 8:00 o'clock a.m., on the 6th day of February 2023, before the Board of Supervisors of Graham County, and the Board of Supervisors considered the Application for renewal of the Franchise, and there being good cause to grant this Application,

NOW, THEREFORE, it being determined by the Board of Supervisors of Graham County the renewal of the grant of this Franchise is regular, proper, authorized by law and in the best interest of Graham County, and the inhabitants thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED:

1. That this Board of Supervisors of Graham County, Arizona, acting for and on behalf of said County (the "County"), does hereby renew and grant unto VALLEY TELEPHONE COOPERATIVE, INC., an Arizona corporation, (hereinafter called "Grantee"), a nonexclusive right, privilege, license, and franchise (hereinafter "the franchise") to construct, install, operate, and maintain along, over, under and across the streets, alleys, and highways under the jurisdiction of the County, facilities for the purpose of maintaining and operating a telecommunications system, and all other facilities and improvements necessary for telecommunications. This grant does not include the authorization to use State highways and those areas within the corporate boundaries of any city or town.

This grant is subject to the terms, conditions, and limitations expressed below or incorporated herein by reference.

2. The County reserves the right to impose future restrictions, limitations and conditions upon the exercise of the rights granted herein as it deems best for the public safety and welfare. The Grantee is further required to comply with all lawful, applicable ordinances of the County regulating the conduct of work within the public rights-of-way; as such ordinances are now enacted or may be amended or adopted from time to time. The Grantee is required to obtain a separate Right-of-Way Use Permit from the County prior to initiating any construction in the right-of-way and to pay the applicable fees for the associated inspections.
3. The Franchise granted hereby shall not be exclusive, and nothing herein shall be construed to prevent the County from granting other like or similar franchises to any other person, firm, or corporation.
4. The Grantee shall bear all expenses and costs, including damages and compensation for the alteration of the direction, surface, grade, or alignment of a public roadway or for revenues lost by the Grantee, which may arise in connection with its exercise of the rights granted herein.
5. The Grantee shall erect, construct, and maintain all facilities authorized herein in a good and workmanlike manner and in compliance with all valid laws, ordinances, and regulations, which may be in force from time to time. All such work shall be performed in such a manner as may be necessary to avoid any unreasonable damage, disturbance, or modification to existing public rights-of-ways, including roads, streets, highways, bridges, borrow ditches or shoulders thereon.
6. The Grantee shall, immediately upon erecting, constructing, replacing or repairing its facilities, or any part thereof, at its own cost and expense, restore any effected public right-of-way, including any road, street, highway, bridge, borrow ditch or shoulder thereon, to not less than the same condition which existed prior to the Grantee's action.
7. The County does not waive or relinquish any rights it may have to the full and complete use of the public rights-of-way subject to this Franchise, whether for road purposes or otherwise. The rights of the County in and to the use of the rights-of-way are, and shall be, paramount and superior to the rights of the Grantee. In the event the location of the Grantee's facilities may interfere or conflict with the County's use, expanded use, alteration, improvement, or maintenance of the County's rights-of-way, the County may require the Grantee to relocate at the Grantee's expense, all facilities which give rise to such interference or conflict. The County will provide the Grantee with reasonable notice of any relocation requirement and will provide a reasonable period of time for the Grantee to perform such relocation.
8. The Grantee assumes the sole responsibility for all liability for any injury or damage to any person or property, or to the road and right-of-way itself, caused by or arising out of the exercise of the rights granted herein and attributable to any act or omission of the Grantee. The Grantee shall indemnify, defend and hold harmless the County, its officers, departments, employees and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature, including all costs of legal defense, arising out of the exercise of these rights which are attributed to any act or omission of the Grantee, its agents, employees, or anyone acting under its direction, control or on its behalf.

9. The County grants this Franchise for a term of five (5) years from the date of its authorization, which term shall be renewed in accordance with provisions of A.R.S. § 9-583.G or other applicable law. This Franchise may not be sold, leased, assigned, conveyed or transferred in any manner, in whole or in part, including pursuant to the sale or merger of the Grantee itself, without the express written consent of the County, which consent shall not be unreasonably withheld.
10. The County reserves the right to alter or amend the terms of this Franchise in any manner necessary to protect the safety or welfare of the public or the public interest. This reservation includes, but is not limited to, the authority to impose such amended franchise fees, rentals or use payments, or other form of compensation or assessment as the County may be authorized, now or in the future, to impose under the laws of the State of Arizona and the United States.
11. The County may terminate this Franchise if Grantee fails to comply with the material terms of this Franchise or applicable law. Termination may occur only if Grantee is given written notice of the defect in performance and the defect in performance is not cured within sixty days of the notice. If the Grantee continues to fail to comply with the terms of this Franchise after this notice and remedy period, the Board of Supervisors may, following a public hearing, revoke all rights granted herein and render this Franchise null and void.
12. Upon termination of the Franchise, whether by expiration or its term, or for cause, or by voluntary abandonment, and after written notice from the County, the Grantee may remove all of its facilities, installed pursuant to the rights granted herein within one hundred eighty (180) days of such termination, and shall repair any damages caused thereby. All such facilities which are not removed within this period shall be deemed to be abandoned and shall become the property of the County.
13. This Franchise will not be effective for any purpose until the Grantee has indicated its acceptance in writing below.
14. The Franchise granted herein are made pursuant to the laws of Arizona, including A.R.S. §§ 40-283 and 9-582, et seq., which are incorporated herein by reference.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Graham, State of Arizona, has caused these presents to be executed and signed by the Chairman of the Board of Supervisors on this 6th day of February 2023.

**BOARD OF SUPERVISORS
COUNTY OF GRAHAM:**

/S/: Paul R. David, Chairman

ATTEST:

/S/: Dustin Welker, Clerk of the Board

Under current events report, Supervisor David reported on the following: 1/25 Vitality Program event; Lions Club mtg.; House Transportation Committee hearing; 1/26 DOE Grant program; SAGLIF music program; 1/27 CSA Legislative Policy Committee mtg.; 1/30 Rural Transportation; 1/31 Marijuana

Ordinances work session; Ft. Thomas Bridge Project work session; SAGLIF mtg.; 2/01 Lions Club mtg.; 2/02 AZ Liquor Board mtg.; 2/03 CSA Legislative Policy mtg.; GOP monthly mtg.;

Supervisor Smith was excused from giving a report;

Supervisor Howard reported on the following: Law Enforcement Appreciation luncheon; United Way Committee mtg.; Thatcher Town Council mtg.;

Manager Welker reported on the following: Fairground project updates; Hydra Pest Control work on firebreaks; Justice of the Peace court remodel update; Work Session on Marijuana Ordinances; Next board mtg. open bids for ballpark concessions; RFP on fairgrounds painting project; Samaritan Home respite center update; Dept. Head/Elected Officials survey due Feb 8th; Record Retention program improvement;

Demands and hand written warrants were unanimously approved upon motion of Supervisor Howard, seconded by Supervisor David. Pursuant to the provisions of A.R.S. §11-217, as amended in 1996, those demands/warrants for any supplier which total more than \$1,000.00 are as follows:

<u>SUPPLIER/PURPOSE</u>	<u>AMOUNT OF WARRANT</u>
ADHS, AHCCCS TREASURER	\$44,683.00
ARIZONA COUNTIES INSURANCE POOL	\$9,448.79
ARIZONA COUNTIES WORKERS COMP	\$39,597.47
AZLGEBT	\$231,584.92
BI INCORPORATED	\$1,504.13
BOB BARKER	\$4,330.69
BOKF, NA (VIA BANK OF OKLAHOMA)	\$160,374.48
BRANDT WOODS, LLC	\$5,500.00
BRIENNA MORALES	\$1,280.00
CENTURY LINK – BUSINESS SERVICES	\$8,903.62
CENTURY LINK – 91155	\$2,171.00
CHASE BANK – CARDMEMBER SERVICE	\$5,520.62
CITY OF SAFFORD UTILITIES	\$25,494.08
CITY OF SAFFORD WASTE TIRE FUND	\$19,234.45
CKC CONSTRUCTION	\$116,685.61
CMI, INC.	\$9,907.22
COLL CONSULTING LLC	\$12,093.75
COOPER LOPEZ & ASSOCIATES, PLLC	\$2,522.50
DENNIS MCCARTHY	\$2,600.00
DLM CONSULTING	\$9,600.00
DRAKE FORENSIC GROUP	\$2,750.00
EASTERN ARIZONA COURIER	\$1,434.00
ECOLAB	\$1,592.74
ELIZABETH M. HALE	\$2,822.00
EMPIRE SOUTHWEST	\$1,690.71
FORSUPPLIES INC.-XXX	\$1,380.00
GILA ELECTRONICS OF YUMA, INC.	\$3,472.89
GOSERCO INC.	\$35,765.15
GOVNET, INC.	\$2,655.00

GRAHAM COUNTY ELECTRIC COOP	\$6,459.25
HANESS GEO COMPONENTS	\$13,691.09
HOME DEPOT CREDIT SERVICES	\$2,820.85
HORNE FREEDOM FORD	\$2,193.00
JEREMY J. WAITE	\$1,800.00
JOSI Y. LOPEZ	\$2,400.00
JUSTICE BENEFITS, INC.	\$1,787.28
KATHRYN WILLIAMS	\$1,290.00
LAURENCE SCHIFF, M.D.	\$1,900.00
LAW OFFICE OF CHANNEN DAY	\$1,500.00
LAW OFFICE OF REBECCA JOHNSON	\$3,700.00
LEXISNEXIS	\$1,160.74
MACDONALD COUNSELING SERVICES, PLLC	\$1,740.00
MACKS AUTO PARTS, INC.	\$1,984.51
NATIONAL TEST SYSTEMS-XXX	\$2,130.00
PIMA COUNTY JUVENILE COURT SERVICES	\$50,662.00
QUILL – ACCT NO. C3986166	\$2,131.32
RHODES ENTERPRISES	\$2,364.96
RWC INTERNATIONAL	\$1,598.38
SAFFORD ACE 1881-A	\$5,325.99
BRUCE ELLSWORTH SAULS CREEK ENGINEERING	\$3,795.00
SCOTT NAEGELE, M.C., N.C.C., L.P.C.	\$1,750.00
SEAGO	\$5,000.00
SPARKLIGHT	\$1,633.95
SUMMIT FOOD SERVICE, LLC	\$19,726.07
THE MASTER’S TOUCH, LLC	\$8,622.84
VALLEY TELECOMMUNICATIONS CO.	\$1,416.84
VERIZON WIRELESS – TX	\$2,346.20
WESTWOOD PHARMACY CLINICAL SERVICES	\$1,911.96

Chairman David announced it was the time and date to hold a public hearing on the following, Planning & Zoning Director Steve McGaughey gave background on the request.

Conditional Use Permit CUP22-06 (APN 105-35-164). Request is for temporary business usage for hyperbaric oxygen, red light therapy. Applicant is Dawn Norton. Site address is 3330 N. Duncan Way, Central.

The applicant, Dawn Norton, gave further background and spoke in favor of her request. No one spoke in opposition to the request. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chairman David announced it was the time and date to hold a public hearing on the following, Planning & Zoning Director Steve McGaughey gave background on the request.

Road Name Request. Applicant is Planning & Zoning. Request is to name a private easement. Proposed road name is “43rd Place”. Situs address is along 4326 S. US Hwy 191.

No one spoke in favor or opposition to the request. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chairman David announced it was the time and date to hold a public hearing on the following, Planning & Zoning Director Steve McGaughey gave background on the request.

Road Name Request. Applicant is Travis Palmer. Request is to name a private easement. Proposed road name is "Elements Road". Situs address was corrected from 931 N. 1st Ave. to W. 8th St., Thatcher, AZ 85552.

No one spoke in favor or opposition to the request. Upon motion of Supervisor Howard, seconded by Supervisor David, the request was unanimously approved.

Chairman David adjourned the regular meeting at 8:54 a.m. At this time Supervisor Smith took his leave.

Chairman David called the work session to order at 9:00 a.m. Those in attendance in addition to Supervisor Howard were:

Steve Puzas	Highway Superintendent
Michael Bryce	County Engineer
Trey Andrews	Parks Director
Steve McGaughey	Planning & Zoning Director
Dustin Welker	County Manager

Various Highway, Engineering, Parks, and Planning & Zoning issues were discussed.

Chairman David adjourned the work session at 10:05 a.m.

GRAHAM COUNTY BOARD OF SUPERVISORS

Paul R. David, Chairman

ATTEST:

Dustin Welker, Board Clerk