

**BOARD OF SUPERVISORS**  
**GILA COUNTY, ARIZONA**

Date: November 15, 2005

**JOSÉ M. SANCHEZ**  
Chairman

**STEVEN L. BESICH**  
Clerk of the Board

**TOMMIE C. MARTIN**  
Vice-Chairman

By: Marilyn Brewer  
Deputy Clerk

**SHIRLEY L. DAWSON**  
Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2<sup>nd</sup> Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Jacque Griffin led the Pledge of Allegiance, and Jeremy Goodman delivered the Invocation.

A public hearing was held at 10:07 a.m. at which time Steve Sanders, Public Works Division Deputy Director, requested the adoption of Resolution No. 05-11-05 designating an unnamed road off of Golden Hill Road as a Country Dirt Road and accepting said road into Gila County's Country Dirt Road Maintenance System. This road, which had at one time been maintained by the County, serves 3 parcels with 2-3 homes per parcel. Mr. Sanders stated that petitions were received from the residents along this road, and said residents have also signed an easement to create the Country Dirt Road. Chairman Sanchez asked for public comment; none was offered. Chairman Sanchez closed the public hearing and asked for a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board

unanimously adopted Resolution No. 05-11-05. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Steve Stratton, Public Works Division Director, requested the approval of Professional Services Contract No. 112-162/11-205 between the Public Works Division and Gila Management LLC of the City of Tucson in the amounts of \$13,393.00 for Phase I-RFQ and Design and \$28,310.00 for Phase II-Construction (only if the State Special Project Grant from CDBG is obtained) for the Payson Governmental Complex Elevator Design/Build Project. He stated that in reviewing the application process, there must be a completed design prior to applying for the secondary CDBG (Community Development Block Grant) monies. There are two phases to this contract; phase one is for the design in the amount of \$13,393.00 which must be paid up front, and phase two in the amount of \$28,310 will be paid only if the Grant from CDBG is received and will be used for overseeing the daily construction operations. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Professional Services Contract No. 112-162/11-205 with Gila Management LLC.

Mr. Stratton requested the approval of a Preservation Conservation Easement Deed for the Heritage Grant Fund awarded to the Cobre Valley Center for the Arts to allow for an electrical service upgrade to the Old Courthouse building. Mr. Stratton then called on Kip Culver, Director of the Cobre Valley Center for the Arts. Mr. Culver stated that the Heritage Grant was received in the amount of \$20,000 with a cash match requirement by the Cobre Valley Center for the Arts of \$14,000, which has been raised by the Center. He stated that the property owner, Gila County, needs to approve an Easement Deed for a period of 10 years to ensure public access to the facility. Jacque Griffin, Assistant County Manager/County Librarian, stated that it was discovered that the original Easement Deed, as provided in the Board's informational packet, failed to list Gila County as the owner; therefore, when the revised Easement Deed is received back from Arizona State Parks, it will

then be presented to the Board for approval as a consent agenda item. After discussion, the consensus of the Board was to go ahead and approve the Easement Deed subject to approval by the County Attorney's Office and authorize the Chairman's signature on the revised Easement Deed when it is received. Supervisor Dawson inquired if there has been any effort to sell this County building to the City of Globe or the Center for the Arts. Steve Besich, County Manager/Clerk, stated that there have been numerous discussions over the years. He stated that the City of Globe had stated an interest, but then came up with a list of \$200,000 worth of work they wanted completed. Ms. Griffin stated that the Cobre Valley Center for the Arts might also be interested in owning the building. Supervisor Dawson stated that she believes the sale of the building should be pursued as it is vital to downtown Globe. Vice-Chairman Martin made the motion to approve the Preservation Conservation Easement Deed for the Heritage Grant Fund, subject to approval by the County Attorney's Office. Supervisor Dawson seconded the motion, which was passed unanimously by the Board.

Tom Melcher, Chief Deputy Sheriff, requested the approval of a Mutual Aid Agreement between the Arizona Department of Public Safety (DPS) and the Sheriff's Office whereby the Sheriff's Office will provide one or more officers for the purpose of enforcing Arizona's DUI statutes during joint DPS sponsored, federally funded overtime details. He stated that these funds are made available by the DPS to provide overtime funding for the Sheriff's Office to assist the DPS with the Task Force. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the Mutual Aid Agreement.

In addressing agenda item number 6, Chairman Sanchez stated that a sealed bid was submitted for the purchase of tax parcel number 208-05-434-G6. Chairman Sanchez called on Ms. Sheppard to speak to the issue. Ms. Sheppard advised that the County's sealed bid process is used to place bids on land located in Gila County that has been deeded to the State of Arizona for

non-payment of property taxes. She explained that the County currently has a policy that states a person may submit a bid for a lesser amount than the lien amount due if the person provides proof of ownership of adjoining property at the time of placing the sealed bid. She stated that in this case the bidder, Delia C. Leon, owns the house located on the property, but does not own the property. The house and property are on separate tax bills and the taxes for the house are currently paid. Ms. Leon recently learned that the subject parcel had been transferred to the State for non-payment of taxes and was available for purchase. Ms. Sheppard advised that Ms. Leon could submit a bid for a lesser amount than the lien amount of \$697.66 because she has adjoining property (the house). She presented the Board with a map and photographs of the parcel which is located in Globe, Arizona. She then opened the sealed bid envelope and read aloud the bid slip which stated that a bid in the amount of \$25.00 was submitted by Delia C. Leon for the subject parcel of land. Supervisor Dawson stated that she didn't understand the bid for \$25.00 when the lien amount is \$697.66. Ms. Sheppard explained that when taxes have not been paid on a parcel for 7 consecutive years the parcel is deeded to the State of Arizona. The total lien amount includes not only the back taxes, but interest/penalties and publication fees as well. Chairman Sanchez inquired if the homeowner was aware of this problem. Ms. Sheppard stated that Ms. Leon, when paying her taxes, thought she was paying for both the house and the land. Over time the land parcel was deeded to the State of Arizona. Ms. Sheppard stated that she has not been given an explanation by the Treasurer's Office as to the reason the house and land taxes were separated. If the Board approves the sale, Ms. Sheppard would ask Ms. Leon to pursue combining both tax parcels into one parcel. Supervisor Dawson advised that she would like to table this item as she would like to check further into the details as she had a problem with the \$25 bid when \$697.66 is owed on the back taxes. Ms. Sheppard explained that the Treasurer's Office and the Assessor's Office both agree that it would be advantageous to sell this property to Ms. Leon at an

amount less than the total amount because she owns the house sitting on the subject parcel. Supervisor Dawson stated that she understands Ms. Leon does not live here. Ms. Sheppard stated that Ms. Leon is temporarily working out of town and that she also owns another property. She stated that the County has routinely sold parcels to adjoining property owners to get the property back on the tax roll, which is a win-win situation for all, as well as a savings of time in issuing notices, etc. Supervisor Dawson made the motion to table this item to a later date. Mr. Besich inquired if the Board was going to require the bidder to resubmit another sealed bid. He stated that the matter should be clear because the previously sealed bid is now a matter of public record. He recommended that the Board reject this bid and authorize a re-bid which would be *“a lot cleaner and no one could accuse the Board of shopping the bid out.”* Supervisor Dawson stated that there’s a 9 foot strip of land within the subject parcel that is unidentified, and she’s assuming that the house is located on the adjoining property. Ms. Sheppard stated that the Treasurer’s Office has verified that the house is located on the subject parcel and somehow they got separated and that is why the Treasurer’s Office has recommended selling this parcel to eliminate the problem. Supervisor Dawson stated that she would still like to look into the matter. Chairman Sanchez stated that based on the information heard by the Board, as well as the recommendation by Mr. Besich, he inquired if Supervisor Dawson would consider withdrawing her motion. Supervisor Dawson withdrew her first motion and then made the motion to reject the bid submitted by Delia C. Leon in the amount of \$25.00. Vice-Chairman Martin seconded the motion and the Board unanimously rejected the bid.

Vice-Chairman Martin presented the second phase of Gila County’s Natural Resources Initiative. She stated that at a previous Board of Supervisors’ work session, the Board discussed the parameters of the Initiative but did not come to any conclusions. During the work session, Vice-Chairman Martin advised that she would get the necessary written Agreement to the

Board to continue with the Initiative; however, she was unable to get that Agreement to the Board until this morning. She advised that this is a two-part Agreement between Gila County and Resource Management International (RMI). This Agreement puts in motion the four areas discussed at the work session, as follows: 1) RMI will provide an update and continued implementation of the first segment of Gila County's Community Wildfire Protection Plan (CWPP) for the Rim Country and also complete the implementation of the CWPP segment for Pleasant Valley and the Pinal Mountain areas, all to be completed by June 30, 2007, and shall not exceed \$30,000; 2) RMI shall provide project supervision in collaboration with Alvin Medina, Research Ecologist, Rocky Mountain Research Station, for the development of rangeland and mine restoration technology and administrative policy for Gila County, which will include the publication of restoration research completed by four project researchers in a scientific medium by October 2006, and shall not exceed \$90,000; 3) RMI shall provide supervision, management, development, coordination and analysis of Forest Biomass Reduction Grant projects, which are being funded at \$250,000 and up, and are an outgrowth of the initial state and federal funding of the CWPP process, and may be in partnership with other resource groups with evaluation in June of each year for the following year, and shall not exceed \$50,000 which may be used as matching grant funds; and, 4) RMI shall provide its expertise to the County in other natural resource matters as assigned and agreed upon by RMI and Gila County through the County Manager, and subject to the continuation of available funding, and shall not exceed \$30,000. Vice-Chairman Martin stated that the Agreement also includes termination language, task coordination, cost, and payment details, and has been approved as to form by the County Attorney's Office. Chairman Sanchez inquired about the resource groups in which the County may form a partnership, listed under item 3. Vice-Chairman Martin explained the objectives of these resource groups which are Eastern Counties Organization (ECO), Environmental Economic Communities

Organization (EECO), Renewable Technology Center (RTC), and Regional Payson Area Project (RPAP). The main objectives of these groups are to be able to heat schools by cleaning out the forests. Supervisor Dawson inquired if the project manager and project researcher are identified at this time. Vice-Chairman Martin stated that she is not sure, but Alvin Medina will identify those people. She believes the project manager will be a lady in Flagstaff who is currently working with Mr. Medina. Supervisor Dawson inquired if the County has funding available to get this project underway. Steve Besich replied that some monies were pledged for natural resource funding from the funds that did not have to be paid for out-of-county college tuition. He also stated that this project should be subject to the availability of funding in the event of a catastrophe whereby the County would have to re-prioritize activities. Vice-Chairman Martin replied that this Agreement contains a clause which states that the Agreement is subject to available funding. Mr. Besich stated that RMI has done previous work for the County as a sub-contractor, and for the record he wanted public verification that none of the Supervisors has any financial interest in RMI so that the relationship does not come into question. All Board members replied that they do not have any financial interest in RMI. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the Agreement in the amounts noted above.

In addressing agenda item number 8, the Consent Agenda items, Chairman Sanchez stated that he had a concern with Item G-6, a personnel issue, which he stated he would be unable to discuss at this time. Supervisor Dawson stated that the Board could call an executive session. Chairman Sanchez stated that from past precedence if an employee is to be discussed, the employee must be notified 24 hours in advance. Supervisor Dawson questioned, *“Isn’t the employee present and could be notified?”* Bryan Chambers of the County Attorney’s Office stated that any personnel item may be discussed subject to the provision first that the employee or officer that the

item is about receive 24-hours advanced notice so that person has time to decide whether he/she wishes to be discussed in executive session or the general public meeting. Supervisor Dawson inquired if the person involved in this personnel issue is present at today's meeting, can he/she allow the 24-hour notice to be waived? Mr. Chambers stated that the statute does not address if the person has the right to waive the 24-hour notice. Mr. Chambers wasn't aware of any case law that would suggest waiving the notice, but was unsure; therefore, he recommended that the Board remain with the language of the statute. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved moving Consent Agenda item number G-6 to the regular agenda for discussion and possible action. Upon motion by Chairman Sanchez, seconded by Vice-Chairman Martin, the Board approved tabling Consent Agenda item G-6 to the next regular meeting of the Board by a 2-1 vote. Supervisor Dawson voted "nay." Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the Consent Agenda items A-H, with the exception of item G-6, as follows:

- A. Adopted Resolution No. 05-11-04 authorizing the Sheriff's Office to submit a FY 2006 Law Enforcement and Boating Safety Fund Grant Application in the amount of \$159,198.00 requesting funding for four officers. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- B. Approved the reappointment of Shirley Dawson as Gila County's representative on the County Supervisors Associations' Legislative Policy Committee until further notice.
- C. Approved the reappointments of Arthur Lloyd and John Perlman as Judges Pro Tempore for the Payson Regional Justice Court, and Rebecca Baeza, John Huffman, Ronnie O. McDaniel, James E. Weeks, Peter J. DeNinno and J. Dee Flake as Judges Pro Tempore for the Payson and Globe Regional Justice Courts for one year, January 1, 2006, through December 31, 2006.

- D. Approved the appointment of Peter M. Zonakis as a Gila County Democratic Party precinct committeeman for the Payson #1 election precinct.
- E. Approved the October 18, 2005, and October 25, 2005, BOS meeting minutes.
- F. Approved the October 2005 monthly departmental activity reports submitted by the Globe Regional Justice of the Peace and Payson Regional Constable.
- G. Approved the personnel reports/actions for the week of November 14, 2005, as follows:

Departure from County Service:

- 1. Attorney – County Attorney – 11-18-05 – General Fund - Dennis Harrison  
– Hire 10-21-02 – Resigned – leaving area

Departmental Transfer:

- 2. Constable Clerk – Globe Constable to Legal Clerk/Courtroom Clerk -  
Clerk of Superior Court – 11-14-05 – General Fund – Rachel Petty

Position Review:

- 3. Salary Adjustment and Change Fund Code – Diversion Collections  
Assistant – County Attorney – 11-02-05 – General Fund to Bad Check  
Program Fund – Byron Cotney
- 4. Anniversary Date Increase – 10-31-05 – Cheryl Sluyter, Chad Chesley
- 5. Anniversary Date Increase – 11-14-05 – Betty Casillas, Gail Widner,  
Patricia Taylor Yarger
- 6. End Probationary Period plus Merit Increase – District Services  
Coordinator – Board of Supervisors District III – 11-14-05 – General  
Fund – Tina Chaffin
- 7. Salary Adjustment – Building & Zoning Inspector II – Community  
Development – 11-14-05 – General Fund – Mark Kaufman – Obtained  
Residential Mechanical Inspector certification
- 8. Reclassification – Assistant Program Manager to Deputy Public Fiduciary  
– Public Fiduciary – 11-14-05 – General Fund – Laura Short

**SHERIFF'S PERSONNEL ACTION ITEMS**

Hire to County Service:

- 9. Deputy Sheriff – Globe S.O. – 11-21-05 – General Fund - Amy-Noel Bagwell – replaces Jessica Strickland
- 10. Detention Officer – Globe S.O. – 11-14-05 – General Fund - Bonnie Burke – replaces Adonia Lomayaktewa
- 11. Detention Officer – Payson S.O. – 11-21-05 – General Fund - Wayne Hubble – replaces Mark Dearden
- 12. Detention Officer – Globe S.O. – 11-14-05 – General Fund - Lona Kelley – new position
- 13. Detention Officer – Globe S.O. – 11-14-05 – General Fund - Anna Cruz – new position

H. Approved the finance reports/demands/transfers for the week of November 14, 2005 (separate handout), as follows: \$1,050,698.92 was disbursed for County expenses by voucher numbers X148066 through X148164, X375122 through X375131, X375133 through X375268, and X375270 through X375418. The hand-issued warrants listing is as follows: X148065 in the amount of \$205.69. **(An itemized list of vouchers is permanently on file in the Board of Supervisors.)**

At this time each Board member and the Chief Administrator were presented the opportunity to give a brief summary of current events as allowed by A.R.S. §38-431.02(K).

There being no further business to come before the Board, Chairman Sanchez adjourned the meeting at 11:23 a.m.

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Jose M. Sanchez, Chairman

ATTEST:

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Steven L. Besich, County Manager/Clerk