

BOARD OF SUPERVISORS
GILA COUNTY, ARIZONA

Date: February 7, 2006

JOSÉ M. SANCHEZ
Chairman

STEVEN L. BESICH
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian Sheppard
Chief Deputy Clerk

SHIRLEY L. DAWSON
Member

Payson College Campus
Payson, Arizona

PRESENT: José 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, 2nd Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Vice-Chairman Tommie Martin led the Pledge of Allegiance and Jeremy Goodman delivered the Invocation.

Chairman Sanchez advised the audience of the process to address the Board of Supervisors for the public hearing scheduled on today's agenda. He acknowledged Town of Diamond Star Mayor Ronnie McDaniel in the audience.

Chairman Sanchez addressed the adoption of Resolution No. 06-02-01 celebrating Gila County's 125th anniversary on February 8, 2006. He asked Steve Besich, County Manager/Clerk, to read aloud the Resolution. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 06-02-01. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Chairman Sanchez addressed the adoption of Resolution No. 06-02-02 approving Planning and Zoning Department Case No. Z-05-5, a rezoning request submitted by Gary Rovetto to rezone tax parcel no. 304-24-024C from

Rural Residential (RR) to Transitional Residential and Trailer District (TR/TD). He expressed a concern that the public hearing was not noticed on the actual meeting agenda; however, it was publicly noticed as required by law. He asked Bryan Chambers, 2nd Chief Deputy County Attorney, to determine if the Board could conduct a public hearing at this time. Mr. Chambers affirmed that since the rezoning request had been properly publicly noticed, the public hearing could be held at this time. Terry Smith, Community Development Deputy Division Director/Planning and Zoning Manager, read the staff report into the record. He advised that the purpose for this rezoning request is to expand the current RV Park for a total of 25 spaces with office, storage and common areas. The property is located at 161 N. Nottingham Lane in Oxbow Estates in Payson, Arizona, and it is approximately 2.25 acres in size. The property to the south and west is zoned RR and property to the north and east is Forest Service land. The Planning and Zoning Commission unanimously recommends the Board's approval of this rezoning request with the stipulation that if the site plan is not approved within twenty-four months, the property will revert to the current zoning of RR. The neighborhood response to this request was that one e-mail was submitted in opposition and one property owner living with 300 feet of the subject property signed a petition in opposition. Mr. Smith advised that his office received notification of opposition from a total of two property owners that live within 300 feet of the subject property out of four property owners living within that same designated distance, which represents 50% by number and exceeds 20% by area whereby a unanimous vote of approval by the Board of Supervisors must be made in order for this rezoning to go into effect according to A.R.S. §11-829. At this time Chairman Sanchez asked for public comment. The following individuals spoke in opposition to this rezoning request: Andy Toth, Kyle Parker, Phil Spencer, Birgit Spencer, Cindy Lowe and Fred Hendrix. Shannon Branstetter also filled out a Public Participation Form; however, she stated to Chairman Sanchez that she only wanted to register her opposition to the rezoning request, not speak to the

issue. Concerns expressed by those people that addressed the Board are as follows: density, negative effect on the groundwater, lack of a sufficient water supply, insufficient wastewater disposal site, property devaluation, property access is not designed for the increased traffic load, increased dust on the roads, subject property does not meet the criteria for the proposed zoning, and the subject property is not harmonious with the existing neighborhood. In addition to the concerns stated above, Ms. Spencer requested that the Board consider all property owners within the area, not just those property owners living within the 300 foot radius. She provided the Board with a signed petition and stated, "We feel it has been stated incorrectly...Out of 71 lots, I talked to 56 property owners; out of them 54 were against it. We have been told only those (individuals who own property) within 300 feet have a voice and we request that the Board of Supervisors consider all property owners in the area." Mr. Ralph Bossert of Tetra Tech, Inc. addressed the Board and stated that he is representing the applicants, Mr. and Mrs. Gary Rovetto. He showed a map of the RV Park and stated that the Rovettos purchased the existing 8 space RV Park approximately one year ago with the intent to improve and expand it. Mr. Bossert advised that a citizens' participation meeting was held to primarily discuss traffic, sewer and water issues for the expanded RV Park; five people attended. He stated that this request to rezone the property was the first step in the zoning process which will allow the Rovettos to proceed. The next step would be to spend the necessary money for the sewer and water systems for 25 spaces, although it has not yet been determined if the Park can handle 25 spaces. A disposal area has been identified; however, the soil evaluations have not been conducted yet to determine if the area is adequate. He also said that treatment of the disposal may have to be provided. The proposed site plan must also be submitted to the Arizona Department of Environmental Quality (ADEQ) and the Gila County Health Department for approval before permitted construction, so the number of spaces may be reduced. Mr. Bossert advised that the Rovettos would like to clean up, expand and improve the property;

however, they need a revenue stream to pay for improvements that may be required. Chairman Sanchez called on Mr. Smith to speak to the Board. Mr. Smith agreed with Mr. Bossert on the steps that need to be taken in the approval process. He said that his department is giving the Rovettos 24 months to present the final site plan. Mr. Smith also addressed Ms. Spencer's concern about having the Board consider comments from all property owners in the area, not just those individuals living within 300 feet of the subject property. He then recited the statutory guidelines pertaining to residents living within 300 feet of the subject property. He said, "Anyone can comment. It is up to this Board to accept comments...We (Planning and Zoning Department) send a notice to property owners living within 300 feet. Anyone can comment, but they must register with our office." Vice-Chairman Martin agreed that there are significant concerns regarding water, dust, sewer, traffic, etc., and she stated, "...all of which could be negotiated and mitigated in the process." She said that the property first must be zoned Transitional Residential and then Trailer District. If the property doesn't get through the process of being designated as a Trailer District; she stated, "then it becomes a piece of property that has a number of uses on it and it does not conform to the community." She asked Mr. Smith if there were other options. Mr. Smith explained that if the TR/TD zoning was granted, the County would require the applicant to use the property as an RV park and if the property was not used as such, the property would revert to its original zoning after a period of 24 months. He also suggested that the Board consider adding a special condition of approval which would specify that should the RV Park not be established, the Planning and Zoning Department would proceed with the reversion to Rural Residential. Supervisor Dawson stated that she physically viewed the RV Park and could not distinguish the difference between it being an RV park or a trailer park. Mr. Smith explained that RV parks are designated for seasonal use; however, the final determination would be up to ADEQ. The Board continued its discussion with Mr. Smith on the process and the possible effects of rezoning

to TR/TD. Chairman Sanchez closed the public hearing at this time. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously voted to deny adopting Resolution No. 06-02-02.

Ms. Linda Haught-Ortega, Gila County Recorder, requested \$9,400.00 (wages and benefits) of unbudgeted fiscal year 2005-2006 contingency funds to provide for a new, full-time Clerk II position (Position #1614) for the Globe Recorder's Office. She explained that the workload in her office has increased due to Proposition 200 being implemented and the fact that seven elections will be conducted by mail in March 2006. She advised that a person is filling this position at present in a temporary capacity. Supervisor Dawson inquired if this position would be a full-time position until the elections have taken place, or if the position would be budgeted from this point forward. Ms. Haught-Ortega advised that she would definitely need to have the position through November and at that time she will revisit the need to continue funding this position. The Board and Ms. Haught-Ortega continued to talk about the effects of Proposition 200 and elections held only by mail. Steve Besich asked Ms. Haught-Ortega if this request will provide enough funds through June 2006 or if there would need to be a budget adjustment for the 2006-2007 fiscal year. Ms. Nancy Duke, Deputy Recorder, clarified that the \$9,400.00 request would be enough money for the position through June 2006. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved allocating \$9,400.00 of unbudgeted fiscal year 2005-2006 contingency funds for the Recorder' Office Clerk II position.

Steve Stratton, Public Works Division Director, requested authorization to advertise Call for Bids No. 092205-01 for the purchase of one or more new Tandem Chip Spreader(s) to be used by the Public Works Division. Mr. Stratton advised the Board that his department has the cash on hand to purchase the Spreader(s). Upon motion by Vice-Chairman Sanchez, seconded by Supervisor Dawson, the Board unanimously authorized advertising Call for Bids No. 092205-01.

Steve Besich addressed agenda item number six and advised the Board that he received a letter from the Arizona Heritage Alliance asking Gila County to become a member and by doing so provide monetary support in the amount of \$500.00 for membership year 2006. Mr. Besich advised that the Arizona Heritage Alliance is comprised of groups, individuals, government and tribal entities, and businesses that work together to maintain the long-term viability of the Heritage Fund and making certain that maximum benefit to Arizona is realized. The Heritage Fund is basically comprised of money generated from hunting and fishing licenses. The letter states that the Heritage Alliance has fought to protect the Fund from over 33 legislative attempts to divert the funding over the course of 15 years. Mr. Besich advised that the Arizona Heritage Alliance is a non-profit organization of which Gila County has never previously supported. The packet of information submitted by the Alliance states that the total economic impact from 1990-2005 to Gila County has exceeded \$2M. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously agreed to not become a member of the Arizona Heritage Alliance at this time.

Sheriff John Armer addressed agenda item number seven, a request for the Board to approve a reclassification/salary adjustment for the position of Sheriff's Chief Administrator, and approve salary adjustments for the following positions: Detention Commander, Task Force Commander, Administrative Manager, and Director of Nursing. Sheriff Armer advised that last summer, he and the Board agreed on these changes; one change to take place in September 2005 and one change to take place in January 2006. He provided the Board with information and justification for making these requests.

For the record, this agenda item stated that the Board may vote to go into Executive Session pursuant to A.R.S. § 38-431.03 (A) (1). Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously voted to go into Executive Session at 11:32 a.m. to seek legal advice regarding this agenda item.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board reconvened into the Regular Session at 12:17 p.m.

Supervisor Dawson made a motion to approve all of the requested changes to Sheriff's Office positions as stated in agenda item number 7. The motion died for lack of a second. Chairman Sanchez asked for another motion; however, another motion was not submitted.

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved Consent Agenda items A through H. Supervisor Dawson abstained from voting on this item. The approved items are as follows:

- A. Adopted Resolution No. 06-02-03 appointing Chris Benjamin to the Planning and Zoning Commission from January 1, 2006, to December 31, 2006. **(A copy of this Resolution is permanently on file in the Board of Supervisors Office.)**
- B. Adopted Resolution No. 06-02-04 appointing Mitch Malkovich to the Board of Adjustment and Appeals from January 1, 2006, to December 31, 2006. **(A copy of this Resolution is permanently on file in the Board of Supervisors Office.)**
- C. Approved Offer and Acceptance Solicitation No. HP652141 and Solicitation Amendment submitted to the Arizona Department of Health Services by the Health and Community Services Division to apply for grant funds for the continuation of the HIV Case Management Program.
- D. Approved a correction to Amendment No. 3 of Contract No. E5205008 between the Arizona Department of Economic Security and the Health and Community Services Division. The co-locator percentage of area was reduced from 1.29 percent to 0.94 percent for office space in Show Low.
- E. Approved a request submitted by Classic Community Celebrations to utilize the Payson County Complex grounds for the following charity events: May 27-29, 2006 - 8th Annual Mountain High Arts and Crafts Bazaar, and September 30-October 1, 2006 - 10th Annual Zane Grey Days Festival.
- F. Approved the January 10, 2006, and January 17, 2006, BOS minutes.

G. Approved the personnel reports/actions for the week of February 6, 2006, as follows:

Departure from County Service:

1. Legal Secretary – County Attorney – 01-25-06 – General Fund - Susan Bowden – Hire 11-01-05 – Resigned without notice
2. Transfer Station Attendant – Solid Waste Management – 02-01-06 – Enterprise Fund - Harold Rubke – Hire 01-13-03 – Sale of Transfer Station
3. Transfer Station Attendant – Solid Waste Management – 02-01-06 – Enterprise Fund - Raymond Loehr – Hire 07-13-96 – Sale of Transfer Stations
4. Deputy Probation Officer I – Probation – 02-02-06 – Juvenile Standard Fund - Susan Gerard – Hire 07-14-99 – Resigned – leaving area
5. Legal Secretary III – County Attorney – 02-17-06 – General Fund - Jessica Cruz – Hire 03-27-00 – Resigned for other employment
6. Temporary Transfer Station Attendant – Solid Waste Management – 02-01-06 – Enterprise Fund – Don Simon, Vernon Thomas, Jack Bledsoe, Laurence Rundle, Karen Meredith – Sale of Transfer Stations
7. Temporary Clerk – County Attorney – 01-13-06 – A.G. Victim Rights Fund - Danielle Palmer

Hire to County Service:

8. Executive Director – EECO/EACO – 01-27-06 – Eastern Arizona Counties Fund - Clarence Bigalo – replaces Martin Moore
9. Clerk II – Recorder – 01-21-06 – General Fund - Valerie Castaneda

Temporary Hire to County Service:

10. Attorney – County Attorney – 01-30-06 – Justice Enhancement Fund - Kelsi Karim

Departmental Transfer:

11. Unit Supervisor to Deputy Probation Officer – Probation – 02-06-06 – Juvenile Standard Fund – Cynthia Romance – Requested reassignment

End Probationary Period:

12. One Stop Disability Specialist – G.E.S.T. – 02-20-06 – Grant Fund -
Catherine Levario
13. Fairgrounds Caretaker – Fairgrounds – 02-06-06 – General Fund -
Justus Byrne
14. Property Appraiser I – Assessor – 02-23-06 – General Fund
Cheryl Beery-Wellington
15. Tax Specialist/Cashier – Treasurer – 02-06-06 – General Fund -
Tiffiney Sanchez

Position Review:

16. Anniversary Date Increase – 01-23-06 – Sharon Radanovich, David
Buffington, Denice Bondurant, Pamela Alvino, Cheryal Taylor
17. Anniversary Date Increase – 02-06-06 – Diana Jones, Susan Mitchell,
Margie Chapman, Julie Scott, Tammy Dover, David Hom, Kenneth
Clark, Karen Johnson
18. Anniversary Date Increase – 02-20-06 – Ernest Marcanti, Debbie
Cameron, Richard Quigley, Linda Soderman, Gerald Ninninger, Misty
Price
19. Change Fund Codes – Deputy Probation Officer – Probation – 02-06-06 –
State Aid Enhancement Fund to Adult Probation Service Fees Fund –
Kathleen Joerns
20. Demotion – Unit Supervisor to Deputy Probation Officer – Probation –
02-06-06 – State Aid Enhancement Fund – Ben Albright

SHERIFF'S PERSONNEL ACTION ITEMS

Departmental Transfer:

21. Deputy Sheriff (Sgt.) to Deputy Sheriff – Globe S.O. – 01-26-06 – General
Fund - Edward Morgan – voluntary transfer

Position Review:

22. Salary Increase – Deputy Sheriff Cadet to Deputy Sheriff – 01-23-06 –
General Fund - Trent Boling – Successful completion of Sheriff's Office

Academy Class

H. Approval of finance reports/demands/transfers for the week of February 6, 2006, as follows:

\$689,350.95 was disbursed for County expenses by voucher numbers X149356 through X149457, X380029 through X380176, and X380179 through X380259. The hand-issued warrants listing is as follows: voucher number X379735 in the amount of \$6,035.00, and voucher number X149355 in the amount of \$6,577.80. **(An itemized list of vouchers is permanently on file in the Board of Supervisors Office, which includes Consent Agenda Item I.)**

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved Consent Agenda item I. Supervisor Dawson abstained from voting on this item due to a conflict of interest, as follows:

I. Approval of a payment for services in the amount of \$525.60 to Fly-A-Way Travel.

At this time each Board member presented a brief summary of current events as allowed by A.R.S. §38-431.02(K). No action was taken on any items that were presented.

There being no further business to come before the Board of Supervisors,
Chairman Sanchez adjourned the meeting at 12:32 p.m.

José M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk