

BOARD OF SUPERVISORS
GILA COUNTY, ARIZONA

Date: February 14, 2006

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

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; June Ava Florescue, Deputy County Attorney; 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. Judge Robert Duber II led the Pledge of Allegiance, and the Reverend Dan Morton of the First Christian Church delivered the Invocation.

Robert Duber II, Superior Court Presiding Judge, requested approval to establish a jury fees checking account for the Payson Regional Justice Court. He stated, "This issue has to do with the idea that when there is a jury trial in Payson the jurors are entitled to a fee, and the process currently utilized will no longer work in the future." He then called on Dorothy Little, Payson Regional Justice of the Peace, to speak to the issue. Ms. Little stated that in the past jurors have been paid by jury vouchers, which were cashed at the bank; however, the banks will no longer honor the vouchers because they can be counterfeited. She proposed that a County checking account in the amount of \$500.00 be established with two signers on the account. She stated that the total funds needed to pay the jurors would be established in advance of a jury trial, a check would be written and cashed at the bank for that amount, and

the jurors would be paid in cash. A demand for that total amount would then be submitted to the County for reimbursement to ensure that the checking account balance is maintained at \$500.00. Ms. Little stated that she met with Richard Gaona, Director of Finance, to work out the details to ensure the account is balanced and that the audit process is correct. Steve Besich, County Manager/Clerk, stated that he directed that this request first be reviewed by Judge Duber so everyone would be “included in the loop.” Judge Duber stated that his main concern was that the Board be informed of this checking account, which would basically be a petty cash fund, as it would need to be reconciled. Judge Duber stated that the fees may run higher as he wasn’t sure if Ms. Little had calculated the totals to include juror travel fees. He also advised that a related matter for the Board’s information is that in conversations with a couple of transportation providers, there might be the possibility of transporting potential jurors from Payson to Globe on a bus, as opposed to the jurors driving themselves, which may be a viable, money-saving alternative. He will bring more information to the Board at a later date. Mr. Besich stated that policies for the operation of this checking account should be in writing so they can be provided to the County’s auditors. He also recommended to Ms. Little that along with having two signers on the checking account, the holder of the check stock should be handled by a third party, which is currently an internal control procedure for the County. Judge Duber stated that once Board approval is received, policies would be formalized. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved establishing a \$500 jury fee checking account for the Payson Regional Justice Court.

At 10:17 a.m. Chairman Sanchez called for a brief recess in order to celebrate Gila County’s 125th year anniversary. He stated that the actual date of Gila County’s 125th anniversary was February 8th, and today (February 14) was the 96th anniversary of the State of Arizona. He also requested that the history of the County be preserved and placed on the County website. Cake

and refreshments were served and new County pins were passed out commemorating the County's 125th anniversary.

At 10:33 a.m. Chairman Sanchez reconvened the meeting.

Agenda item number 3 had been removed from the agenda prior to the meeting.

Vice-Chairman Martin requested approval of an Agreement between the Arizona State Land Department and the Gila County Board of Supervisors regarding environmental program assistance in the amount of \$25,000, which will be disbursed to the County for FY 2005-2006 for the purposes of planning and implementing specific environmental programs. She stated that Gila County participates in this program with four other counties, namely: Apache, Navajo, Greenlee and Graham. Each of the five counties receives \$25,000, which is 'pooled' together and then disbursed to fund the ECO/EECO (Eastern Arizona Counties Organization - Environmental Economic Communities Organization). She stated that the Agreement is for the FY 2005/2006 and was late in being presented as ECO/EECO has not had a director for several months. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the Agreement with the Arizona State Land Department regarding the Environmental Program Assistance in the amount of \$25,000.

Steve Stratton, Public Works Division Director, requested the award of Call for Bids No. 0102405-1 for the purchase of bulk fuel and lubricants for one year with two one-year renewal options. He stated that the bids were received a couple of months ago but were held for studying because of some differentials in the bids. He stated that at first Pro Petroleum appeared to be the low bidder until it was determined that they had not included the 18 cent tax on gasoline and the 22 cent tax on diesel. These taxes were included in the bid Mr. Stratton received from M. V. Enterprises, Inc. Mr. Stratton recommended that the bid be awarded to M. V. Enterprises, Inc., as they were now the low bidder. Supervisor Dawson inquired about the taxes included in

the bid from M. V. Enterprises, Inc. because their bills state “this does not include taxes.” Mr. Stratton explained that those taxes are referring to taxes on gas. He stated that on a quarterly basis the County applies for reimbursement for taxes on gas from the State, so the taxes are left off the billing that the County does not have to pay. Mr. Stratton stated he had a work sheet that projects how many gallons of diesel and gas would be used by Payson, Tonto Basin, Globe and Young, along with the profits projected, and based on each bid received. The County is projected to save \$2,980.09 on diesel and \$5,899.94 on gas, both based on M. V. Enterprises’ bid. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded Call for Bids No. 0102405-1 for the purchase of bulk fuel and lubricants to M.V. Enterprises, Inc. for one year with two one-year renewal options.

Mr. Stratton requested the award of Call for Bids No. 122205-1 for the Fairgrounds Retaining Wall Demolition and Reconstruction Project. Mr. Stratton gave the following account in regard to the project. Due to the amount of rain the County received last year, there was a failure of the retaining wall at the Fairgrounds. FEMA (Federal Emergency Management Agency) and the State reviewed the wall and after a very lengthy process agreed that the failure of the wall was due to the rain. FEMA agreed to fund portions of the rebuild and mitigation. The County felt the cheapest option was to reuse the block and the bid was advertised in that manner; however, the one bid received was substantially higher than expected at \$299,752.99. A meeting was held with the contractor and the Deputy Director of Emergency Services to do value engineering, but the cost was still too high. It was determined that if the existing wall was demolished and rebuilt, that would be the cheapest option. There are two components to this project. The first component, which is the mitigation factor, is the gunite that would be placed on the slope where the landscape rock is located to make an impermeable surface to water ensuring that the wall does not fail again. The cost for the gunite will be

\$46,000.00 plus \$4,600.00 for the mobilization cost, which will be paid out of the mitigation fund by FEMA. The only portion the County will have to pay is the difference between the geo-grid and the rock, which is \$7,000.00. The second component is the wall. The total amount for the new wall and the gunite would be \$262,513.93, with the County's portion being \$7,000.00 for the slope and 25 percent of the cost for the wall. Supervisor Dawson inquired if the contractor will be using block. Mr. Stratton stated that the wall will be interlocking block; however, the current "mesa" block will be replaced with a cheaper "allen" block. He stated that Teracon, the design engineer, agreed that the allen block is a suitable equal. Mr. Stratton stated that DalMolin Excavating, Inc., was the only bidder on the project and the subcontractor will be Slayton Brothers. Slayton Brothers' specialty is constructing walls such as the project they completed for Cardinal Stadium. He stated that Dan Baldwin was present and could answer any questions pertaining to the technical portion of the wall. The Board was shown pictures of walls made from the allen block. Mr. Stratton requested that the Board proceed with awarding the bid; however, per Bryan Chambers of the County Attorney's Office, the Board would need to award the original contract, which is for \$299,752.99, and then execute a change order to DalMolin Excavating, Inc., per the County's bidding documents in the new amount of \$262,513.93. Vice-Chairman Martin inquired if that was agreeable with the contractor. Mr. Stratton replied in the affirmative and stated that he had met with both the prime contractor and the subcontractor. He also stated that prison labor will be utilized to take down the block from the old wall, and the Fairgrounds crew will utilize that block in other areas, which will reduce costs. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously awarded Call for Bids No. 122205-1 for the Fairgrounds Retaining Wall Demolition and Reconstruction Project to DalMolin Excavating, Inc. in the amount of \$299,752.99, with the understanding that a change order will be issued to DalMolin Excavating, Inc., in the new amount of \$262,513.93.

Marian Sheppard, Chief Deputy Clerk, requested approval of Gila County Order No. LL-06-01, an application submitted by Kelly A. Sterling for a Series 6 – Bar License with an interim permit and person transfer for Kelly’s located in Payson, Arizona. She stated that the County has an internal review process and all departments have signed off on the internal requirements. She stated that Joe Mendoza, Community Development Division Director, noted that the applicant is working with his department on A.D.A (American Disabilities Act) requirements. Ms. Sheppard recommended the Board’s approval to the State. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Gila County Order No. LL-06-01.

Ms. Sheppard requested approval of Gila County Order No. LL-06-02, an application submitted by James M. Rickey on behalf of Pine Verde Foods, LLC, for a Series 6 – Bar License with an interim permit and person transfer for the Mogollon Steak House and Lounge located in Strawberry, Arizona. She stated that all of the internal departments have reviewed and signed off on the internal permitting requirements. She stated that Mr. Mendoza noted that the applicant is working with his department on upgrades and remodeling. Ms. Sheppard recommended the Board’s approval to the State. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Gila County Order No. LL-06-02.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board moved Consent Agenda Item 9A to the regular agenda for discussion. Agenda Item 9A was a request for the approval of four separate Agreements for Election Services between the Gila County Recorder’s Office and the following: Town of Winkelman, City of Globe, Town of Miami, and Town of Payson. Supervisor Dawson stated that she received calls about an error in the mailing of ballots for the City of Globe’s election. She advised that the City of Globe councilperson inquired whether the City of Globe would be charged for the County’s mistake. Mr. Besich stated he had met with Linda Haught Ortega, Recorder, this morning and requested that she brief the Board. Ms. Ortega

presented a map to the Board and gave the following information. The City of Globe changed its ward lines in 1999. Ms. Ortega was given a map (which she had presented to the Board) by the City of Globe and there were no house numbers on the map. The City of Globe did provide the Recorder's Office with a water list so all voters were updated using that list. One of the Recorder's Office employees, at the time, was instructed to update all of the voter registration cards, which the employee stated had been done; however, the employee had not done this and left her employment rather quickly. The water lists were never located. Mr. Hesketh, a candidate in the upcoming City of Globe election, purchased a voter registration list and noted a problem. It was then discovered that 566 of the 3,838 registered voters were not listed in the proper City ward. That error was corrected by the Recorder's Office this morning. Ms. Ortega noted that any person who purchased a voter registration list would be given a corrected list at no cost. Ms. Ortega stated that Bill Doyle of Phoenix mails out the ballots and he has had previous experience with problems of this nature. Mr. Doyle's suggestion was to have the Recorder's Office give him an updated list and he would mail out replacement ballots with a letter from the City of Globe explaining the situation. Mr. Doyle recommended putting a mark on the second ballot envelope to distinguish it from the first set of ballots that were sent out. Ms. Ortega stated that the Recorder's Office does not open the ballots, they only verify the signature, and then turn the ballots over to the City of Globe for counting. Chairman Sanchez inquired if the City of Globe would be verifying which ballots they had received. Ms. Ortega stated that the Recorder's Office would separate the ballots and then return them all to the City of Globe, and the County and City will both have a list of all the voters that will be issued a replacement ballot. Mr. Besich explained that the voter must sign the envelope on the ballot so if the same signature is found on two different ballots, it will be known that one is a duplicate. Ms. Ortega said they will be date stamped as well. Supervisor Dawson inquired if the error was just with two wards. Ms. Ortega replied that

it involved the entire City of Globe. Vice-Chairman Martin inquired if the Recorder's Office would reissue all new City ballots. Ms. Ortega replied that only those ballots that reflect the wrong ward would be reissued. Vice-Chairman Martin inquired as to the total cost. Ms. Ortega stated that she does not have an estimate and the cost would not be known until all ballots have been processed. Ms. Ortega requested permission to deduct any charges to the City of Globe for the costs as it is the County Recorder's error. Supervisor Dawson inquired if there is a 911 map. Ms. Ortega stated that there is not a 911 map for the City of Globe. Mr. Besich stated that the City of Globe and the County are working on a 911 map, which is almost complete. The Board continued discussion on making the 911 map a priority and a future Board agenda item. Vice-Chairman Martin inquired of Ms. Ortega if a similar problem was likely to occur elsewhere in the County. Ms. Ortega replied that the City of Globe is the only area that moved its ward lines. Mr. Besich clarified that the City of Globe is the only incorporated entity that has the wards system; all other candidates run at large with staggered terms. The Board discussed if the Agreement with the City of Globe needed to be amended to state that Gila County would absorb the costs of preparing and issuing the duplicate ballots. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Consent Agenda item 9A, four separate Agreements for Election Services between the Gila County Recorder's Office and the Town of Winkelman, City of Globe, Town of Miami, and Town of Payson, with the statement that Gila County will absorb the cost of the duplicate ballots for the City of Globe.

Supervisor Dawson stated that in reference to Consent Agenda Item 9J, she did not wish to remove it from the Consent Agenda; however, she did want to note that there is a demand presented which is a billing for unemployment compensation for an individual which she has asked the Personnel Department to check before the bill is paid. Supervisor Dawson stated that it will come back to the Board in next week's billing. Mr. Besich stated that he would

discuss the item with Chairman Sanchez after the meeting. Chairman Sanchez asked for a motion to approve Consent Agenda items 9B-9J with the exclusion of the one demand as identified by Supervisor Dawson. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda items 9B-9J, as follows:

- B. Approved Amendment No. 6 of an Intergovernmental Agreement, Contract No. HG352192, between the Gila County Health Department and the Arizona Department of Health Services to provide for the continuation of the Immunization Services Program through December 31, 2007.
- C. Approved ratification of the Chairman's signature on Amendment No. 2 to Solicitation No. HP652141 between the Gila County Health Department and the Arizona Department of Health Services stating that only \$4,000 will be available during this RFP process.
- D. Approved the release of a Request for Proposals for Program Year 2006-2007 as requested by the Gila/Pinal Local Workforce Investment Board for Title I Youth Programs for Gila and Pinal Counties, and as required by the Workforce Investment Act of 1998.
- E. Authorized the Chairman's signature on an Environmental Review Determination form, which is part of the Community Development Block Grant (CDBG) application for the Payson Elevator Project.
- F. Approved a request by the Cobre Valley RNRA Committee to rent the Exhibit Hall at the Fairgrounds on June 3, 2006, for its Annual Dinner-Auction-Fundraiser.
- G. Approved a request by Epic Records to rent the Exhibit Hall at the Fairgrounds on March 4, 2006, for the Radio Sponsored Concert/Show.
- H. Approved the January 2006 monthly departmental activity reports submitted by the Payson and Globe Regional Justices of the Peace and the Globe Regional Constable.
- I. Approved the personnel reports/actions for the week of February 13, 2006, as follows:

Departure from County Service:

1. Elections Assistant – Elections – 02-03-06 – General Fund - Denise Ordorica – Hire 08-07-00 – Abandoned position
2. Weatherization Technician – Community Services – 02-28-06 – Grant Fund - Gerald Philpot – Hire 08-11-03 – Resigned – reason unknown

Temporary Hire to County Service:

3. Transcriptionist – County Attorney – 01-31-06 – Cost of Prosecution Fund - Leitha Griffin

Position Review:

4. Anniversary Date Increase – 02-06-06 – Regina Montolla, Maria Rasmussen
5. Anniversary Date Increase – 02-20-06 – Lisa McCormack

Request Permission to Post:

6. Elections Assistant – Elections – Position vacated by Denise Ordorica
7. Weatherization Technician – Community Services – Position vacated by Gerald Philpot

- J. Approved the finance reports/demands/transfers for the week of February 13, 2006, as follows: \$553,595.18 was disbursed for County expenses by voucher numbers X149458 through X149559, X380291 through X380429, and X380431 through X380509. There were no hand issued warrants. **(An itemized list of vouchers is permanently on file with the Board of Supervisors.)**

In reference to agenda item number 10, consideration of the Arizona Court of Appeals memorandum decision in Gila County v. City of Globe, 2 CA-CV 2005-0086, June Ava Florescue, Deputy County Attorney, counsel for today's Board meeting, stated that Bryan Chambers, 2nd Chief Deputy County Attorney, had requested this item be placed on today's agenda; however, he was presently still in a court hearing on another matter. Chairman Sanchez stated the Board would move onto agenda item number 11 and return to this item when Mr. Chambers joins the meeting.

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).

Chairman Sanchez stated that Mr. Chambers was now present at the meeting to address agenda item number 10. 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) (3) & (A) (4). Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously voted to go into Executive Session at 11:30 a.m. for the purpose of discussion or consultation for legal advice with the attorney for the public body, and to provide direction to legal counsel.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board reconvened into the Regular Session at 11:52 a.m. The Board took no action on agenda item number 10.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the meeting was adjourned at 11:53 a.m.

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk