

BOARD OF SUPERVISORS
GILA COUNTY, ARIZONA

Date: October 3, 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

Gila County Courthouse
Globe, Arizona

PRESENT: José M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman (via telephone conference call); Shirley L. Dawson, Member; Jacque Griffin, Assistant County Manager/County Librarian; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 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 Pastor Dan Morton of First Christian Church delivered the Invocation.

Jesse Bolinger, Globe Regional Constable, requested the adoption of Resolution No. 06-10-01 authorizing the Gila County Sheriff and Constables to charge in civil cases a \$5.00 fee for every writ served on behalf of the Justice of the Peace to be deposited into the Constable Ethics Committee Fund (Fund). He advised that Senate Bill 1180 addresses the establishment of the Constable Ethics Committee, which became a law on September 21, 2006. This law requires Constables to collect a fee for every writ served on behalf of the Justice of the Peace. In Gila County, Sheriff's deputies occasionally serve writs. The law states that a writ service fee, not to exceed \$5, will be deposited into the Fund that will be administered by the Ethics Committee. The fees shall be established by the Board of Supervisors and requires the Ethics Committee to use 80% of the monies for Constable training, equipment, and related grants;

and, 20% of the monies for operating expenses of the Ethics Committee. The law also directs the State Treasurer to invest and divest the monies in the Fund as provided by law and on notice from the Ethics Committee and provides that monies earned from investment be credited to the Fund and exempts the Fund from lapsing of appropriations. Mr. Bolinger advised that an amount of \$40 plus mileage is presently being charged for every writ served. He recommended increasing the fee to \$45 plus mileage, of which the additional \$5 will be deposited into the Fund. He also advised that all County Constables are recommending the \$5 amount to their Boards of Supervisors. Supervisor Dawson asked Mr. Bolinger about the number of writs served by his office each month. Mr. Bolinger replied that his office serves approximately 10-15 writs per month and that the Payson Regional Constable's Office serves approximately the same amount. He stated that the Sheriff's Office serves very few writs. Supervisor Dawson inquired if the writ service fee is charged to individuals trying to cover their losses and Mr. Bolinger replied in the affirmative. She was concerned that charging fees such as this one is difficult for business owners. Vice-Chairman Martin inquired if the fee could be passed to the defendant. Mr. Bolinger offered that any fee being charged can be passed to the defendant by a court action; however, there is difficulty in collecting those fees later on. Chairman Sanchez asked Bryan Chambers, Chief Deputy County Attorney, to speak to the issue. Mr. Chambers advised that the fee may not exceed \$5; however, the Board may choose to charge anywhere from one cent to \$5. Supervisor Dawson stated that she would like the amount charged for serving writ fees to be \$2 and then she made a motion to adopt Resolution No. 06-10-01, which was seconded by Vice-Chairman Martin. Chairman Sanchez voted against the adoption of this Resolution. Marian Sheppard, Chief Deputy Clerk, asked for the motion to be restated by adding that said adoption of the Resolution would be contingent upon changing the amount stated on the Resolution from \$5 to \$2 before the Chairman signs the Resolution. Supervisor Dawson restated the motion as

recommended by Ms. Sheppard, which was seconded by Vice-Chairman Martin. Chairman Sanchez again voted against adopting this Resolution and the motion passed by a 2-1 vote. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Bryan Chambers requested approval to modify the County Attorney's Office Student Loan Forgiveness Program to allow new attorneys to get a prorated benefit based upon their actual service during the first year of the Program. He advised that the Board approved this Program several months ago and stated that the intent of the Program is to retain attorneys. Mr. Chambers stated that many attorneys incur a debt of up to \$100,000 for a student loan. He stated that the County Attorney's Office is grateful for the salary adjustments recently made for employees (as a result of the recent implementation of a new salary compensation pay plan); however, a considerable number of attorneys have left the employ of the County for higher paying jobs elsewhere. The added language to the Program guidelines is as follows: Deputy County Attorneys hired after July 1 would qualify for the Program on a pro-rated basis by taking the number of complete months worked during the year divided by 12 and then multiplying that quotient times the full payment available for Deputy County Attorneys continuously employed throughout the year. Supervisor Dawson questioned whether there is a requirement to be employed with the County for a certain length of time before qualifying for the Program. Mr. Chambers advised that an attorney would have to work a certain period before being eligible for the Program. He stated that attorneys could receive payments from the Program for up to 10 years. He stated, "We hope that after that time (10 years), they would just stay." Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the modification to the County Attorney's Office Student Loan Forgiveness Program.

Chairman Sanchez advised that he had received a request from the Public Works Division to table agenda item number 4 to a later date. Upon

motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously tabled agenda item number 4.

Steve Sanders, Public Works Division Deputy Director, requested the adoption of Resolution No. 06-10-03 accepting Prince Road into the Gila County Maintained Roadway System. Prince Road was formerly known as 2nd Street and it is located on Pine Valley home sites under the Tonto Rim, Official Map 164, Gila County Records. Mr. Sanders advised that the subject road is located in Supervisorial District 1. He further advised that it is a dedicated road; however, the dedication did not expressly give the road to Gila County. Mr. Sanders stated that the Pine-Strawberry Fire Department sits on this road and should the Board decide to adopt this Resolution, it will give the County the ability to provide road maintenance on Prince Road. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 06-10-03. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Mr. Sanders requested the Board to accept or reject a Citizen's Petition to begin the process of establishing Old Mill Road as a Country Dirt Road. The road is located in Tonto Basin off of Pine Boulevard. He advised that should the Board accept the Petition, the next step in the process is for County staff to contact the owners residing along the subject road and have them sign easements deeding the road to the County. The signed easements will then be presented at a future Board meeting at which time the Board may establish Old Mill Road as a Country Dirt Road and accept said road into the County Country Dirt Road Maintenance System. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted the Citizen's Petition.

Mr. Sanders requested authorization for the Chairman and County Manager to sign a Loan Repayment Agreement [Arizona Department of Transportation HELP (Highway Expansion and Extension Loan Program) Loan No. QGGI3S02U] and a Closing Certificate, entered into between Gila County

and the Arizona Department of Transportation's (ADOT) Board of Directors, and approval to adopt Resolution No. 06-10-04 authorizing County staff to submit said documents to ADOT. All of the documents listed above pertain to the County's Ice House Canyon Bridge Replacement Project. (For the record, this Project has also been referred to in past Board minutes as the Six Shooter Canyon Bridge Replacement Project.) Mr. Sanders advised that Gila County is requesting \$487,500 in HELP loan funds for the Ice House Canyon Bridge Replacement Project. Mr. Sanders stated, "Due to various government involvement from the federal level to the local level, it has taken this long to get it (project approvals and documents) in place." He advised that the County will be advised of the loan interest rate once the HELP loan application has been approved. He anticipated that the interest rate would be between 2 percent and 2.5 percent, with a term of 4 to 5 years for repayment of the loan. Supervisor Dawson inquired as to the County account that will be used to pay the loan and Mr. Sanders advised that the half-cent sales tax funds have been budgeted to repay this loan. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the Chairman's and County Manager's signatures on the documents as specified above and the Board also adopted Resolution No. 06-10-04. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Steve Stratton, Public Works Division Director, requested the award of SOQ (Statement of Qualifications) No. 060706-1, a contract for a portable food and beverage concession on County property, and authorization for the Chairman's signature on the contract award document contained within the SOQ packet. He advised that the Board authorized the newspaper publication of the SOQ approximately 4 weeks ago. One bid was submitted by Laterra Hermosa Café, LLC for this SOQ. The bid states that the concession will be established on a push cart and a person will be provided to operate the concession; it will not be an automated concession. Mr. Stratton advised that the concession will operate from 7 a.m. to 3 p.m. and it will be located on the

second floor of the Courthouse building in the vicinity of the Assessor's Office. He assured the Board that this location will meet ADA (Americans with Disabilities Act) requirements. Mr. Stratton referred to page 66 of the Board's informational packet and advised of one change to the SOQ. Laterra Hermosa Café, LLC submitted a letter (page 82 of the Board's informational packet) stating that the portable concession will remain on the County's premises. He advised that the County will not incur any liability should damage occur to the portable concession. The SOQ states that \$150 per month will be charged to the vendor with the term of the contract being 1 year with a 2-year renewal option. He advised that should the vendor choose to renew the contract, a renewal contract will be presented to the Board of Supervisors for approval prior to the expiration of the initial contract. Chairman Sanchez inquired if the vendor would be required to meet County Health Department regulations and Mr. Stratton replied in the affirmative. A discussion ensued between Mr. Stratton and the Board regarding the following: 1) whether the award of this contract would affect non-profit organizations that occasionally have fund-raiser events on County property, such as in the Courthouse building, by selling cookies, burritos, etc.; 2) whether the award of this contract gives the vendor exclusive rights to sell food and beverages on County property; 3) whether the bid was submitted by any vendor for the Payson County complex; and, 4) whether the contract contains a cancellation clause. Both Mr. Stratton and Mr. Chambers answered these questions. Mr. Stratton advised as follows: 1) this contract will not affect those non-profit organizations that occasionally sell food and/or beverages on County property in order to raise funds for special events; 2) there was only one vendor, Laterra Amerosa Café, LLC, that submitted a bid and the Payson County Complex was not included in their bid; 3) page 3 of the contract (page 79 of the Board's informational packet) states that either party may terminate this contract without cause by providing thirty (30) days notice in writing to the other party. The Board and Mr. Stratton also wanted clarification from Mr. Chambers on how to handle a situation if another

vendor approaches the County to provide a different type of service, such as an automated teller machine or a concession to sell sodas in a cup with ice. They questioned whether the County would first have to approach the vendor that provides the portable food and beverage concession to determine if that vendor wants to add those services or whether the County could issue a new SOQ. Also, the Board and Mr. Stratton inquired whether the County could accept applications of this type from prospective vendors during the year or wait until next year's cycle. Mr. Chambers stated, "As far as the current SOQ, we advertised for bids on this and we got what we got. If someone came in later with a proposal, we would have to at that point do another SOQ. If the Board awards (the contract) today, there is a 30 day clause to get out. I believe the Board could come up with a new SOQ, but exclude the services that are under contract (meaning the contract for a portable food and beverage concession). There is nothing in the contract that makes any of this exclusive." Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded SOQ No. 060706-1 to Laterra Amarosa Café, LLC.

Mr. Stratton requested the award of a contract related to Informal Bid No. 092106, Canyon Creek Hazard Tree Removal Project, and authorization for the Chairman to sign the contract. The scope of services outlined in the bid packet states that the contractor shall be responsible for hazard tree removal along Forest Service (FR) Roads 188, FR 33, and FR 34 located on the Pleasant Valley Ranger District, with said project to be completed by December 31, 2006. Mr. Stratton advised that the United States Department of Agriculture, Forest Service, allocated \$50,000 to the Road Maintenance Agreement entered into between the Forest Service and Gila County for the County to maintain certain Forest Service roads. Two bids were submitted and Mr. Stratton recommended that the Board award the contract to Precision Pine & Timber, Inc. in the amount of \$44,444.00. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously awarded the contract to Precision Pine & Timber, Inc.

Mr. Stratton addressed Call for Bids No. 061306-1 that was advertised several weeks ago for automated vending machine services. Valrie Bejarano, Public Works Division Administrative Assistant, presented the Board with 2 spreadsheets. The spreadsheets contained the location of vending machines at various County buildings/structures (both in the Globe and Payson areas), square footage for the space occupied by each vending machine, name and phone number of the vendors for each machine, and the calculated price per square footage that could be charged by the County to recoup the cost for heating, cooling and space that is needed to operate the machines upon County property. Mr. Stratton advised that currently the County does not charge vendors to place a machine within a County building/structure. He further advised that while composing the recent Call for Bids packet which was issued for a portable beverage and food concession, it was determined that the County should at least attempt to recoup expenses incurred by the County for the operation of the vending machines, meaning space and cost of electricity; otherwise, it may be construed by some people that the County is providing a “gift” to vendors. A discussion ensued between the Board and Mr. Stratton regarding the automated vending machines. It was agreed that because most of the County structures are located in rural areas, the vending machines are provided to employees and citizens as a courtesy; a means to obtain a soda or snack because there isn't a cafeteria or any other means to obtain food or drink within a County building/structure. Based on the calculations, Mr. Stratton advised that it costs Gila County \$80 per square foot for the vending machines. He advised that in response to that quote to vendors, Cobre Valley Snack computed that it would cost approximately \$6,000 annually to operate all of its vending machines within Gila County. All of the vending machines located in the Globe area are provided by Cobre Valley Snack. According to calculations made by County staff, the actual cost to Cobre Valley Snack would be \$3,740 per year to place vending machines at County buildings/structures. Mr. Stratton inquired whether the County could negotiate a price with its vendors

and he deferred that question to Mr. Chambers. Vice-Chairman Martin stated that she would also like to have this issue clarified as she considers the vending machines located at the Payson County Complex, “more of a public service than anything.” Mr. Stratton and the Board entered into a discussion regarding charges being made to vendors in other Arizona cities and towns. He reiterated that the County is only attempting to recoup the costs the County incurs for space and electricity; it is not trying to make a profit by charging vendors. Supervisor Dawson suggested tabling this item in order to further conduct research and consideration of this issue. Mr. Stratton and the other Board members agreed that this item should be tabled. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously tabled agenda item number 10.

Ms. Sheppard requested the approval of Gila County Order No. LL-06-05, an application for a person to person transfer of a Series 6-Bar License with an interim permit to operate. This application was submitted by Michael E. Esparza, Jr. for Guayo’s on the Trail Restaurant. Ms. Sheppard advised that the only change being made is to have the name of the license transferred from the restaurant owner, Mr. Esparza, Sr., to the restaurant owner’s son, Mr. Esparza, Jr. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Gila County Order No. LL-06-05. This application will be forwarded to the State Department of Liquor Licenses and Control for final review and approval.

Ms. Sheppard presented the Board with a sealed bid for the purchase of tax parcel number 206-21-057-4, which is owned by the State of Arizona. She presented the Board with pictures and a map of the subject property. Ms. Sheppard advised that the Board accepted a bid from an individual several weeks ago for the purchase of the subject parcel of land; however, that person did not remit payment for the property within the required 48-hour time frame so the sale was null and void. She opened the sealed bid envelope and read aloud the bid slip which states that Eric Scheindlinger offered \$2,180.17 for

the subject property. This amount is the minimum acceptable bid allowed by the Board for the subject property. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted Mr. Scheindlinger's offer of \$2,180.17 for tax parcel number 206-21-057-4.

Chairman Sanchez asked for a motion to approve Consent Agenda items 13A through 13I. Vice-Chairman Martin made a motion to approve Consent Agenda item 13A through 13I. Supervisor Dawson requested to move Consent Agenda item 13H to the regular agenda for discussion prior to taking a Board action. Item 13H addresses the approval of personnel reports/actions for the week of October 4, 2006. There was no second to Supervisor Dawson's motion. Chairman Sanchez seconded Vice-Chairman Martin's motion to approve all of the Consent Agenda items, which passed by a 2-1 vote. The Consent Agenda items are as follows:

- A. Approval to renew a Support Agreement between the Gila County Information Technology Department and Commvault Systems, Inc. to provide computer back-up software for all County computer users' files for a one-year period at a cost of \$10,041.00.
- B. Approval to appoint Kimberly Rust as a Deputy Constables in the Globe Regional Constable's Office.
- C. Authorization for the Chairman to sign a Direct Grant for Local Health Work signature page, which allows the Gila County Health Department to accept FY 2006-2007 grant funds in the amount of \$35,407.69 from the Arizona Department of Health Services to be used for a public health nurse and/or sanitarian.
- D. Approval of Amendment No. 4 to Intergovernmental Agreement (Contract No. E5313521) between the Gila County Employment and Special Training (GEST) Department and the Arizona Department of Economic Security to extend the term of the Agreement from October 23, 2006, through October 22, 2007, and approval of Amendment No. 7 to Intergovernmental

Agreement (Contract No. E5311526) between the same entities to extend the term of the Agreement from November 1, 2006, to June 30, 2007.

- E. Approval of Law Enforcement and Boating Safety Fund Participant Agreement No. 20603 between the Gila County Sheriff's Office and the Arizona State Parks Board accepting grant funds in the amount of 181,672.56 to fund 3 law enforcement deputies for Roosevelt Lake patrol for the period July 1, 2006, through June 30, 2007.
- F. Approval of the September 2006 monthly departmental activity report submitted by the Globe Regional Constable.
- G. Approval of personnel reports/actions for the week of October 10, 2006, as follows:

Departure from County Service:

- 1. Bldg. & Grounds Maintenance Worker – Fairgrounds – 09-22-06 – General Fund - Justus Byrne – Hire 08-15-05 – Resigned for other employment
- 2. Voter Outreach Coordinator – Elections – 09-15-06 – General Fund - Josephine Goode – Hire 08-04-03 – Resigned to run for office
- 3. Recorder's Clerk – Recorder – 09-26-06 – General Fund - Rachel Hensler – Hire 04-10-06 – Resigned – reason unknown
- 4. Sanitarian – Community Development – 10-06-06 – General Fund - Kellie Duncan – Hire 08-28-06 – Resigned for other employment
- 5. Surveyor – Engineering – 09-22-06 – Engineering Fund - Alton Cain – Temporary position

Hire to County Service:

- 6. Recorder's Clerk – Recorder – 09-25-06 – General Fund - Heather Poeling – replaces Carla Smith
- 7. Law Clerk – County Attorney – 09-20-06 – General Fund - Raymond Geiser – replaces Jillian Bachman
- 8. Administrative Clerk – Community Services – 10-02-06 – Grant Fund - Mary Miller – replaces Stephanie Cruz

9. Rural Addressing Assistant – Rural Addressing – 09-06-06 – General Fund - Dawn VanHassel – Amended to correct funding code for regular status hire

10. Director – Southern Gila County Economic Development – 10-16-06 – SGCED Fund - Christopher J. Martin

Temporary Hire to County Service:

11. Clerk – Recorder – 09-26-06 – General Fund - Lisa Duane

Departmental Transfer:

12. Director/Chief Bldg. Official to Deputy Director/Chief Building Official – Community Development – 10-02-06 – General Fund - Joe Mendoza

13. Deputy Director/Planner to Director/Planner – Community Development – 10-02-06 – General Fund – Robert Gould

End Probationary Period:

14. Road Maintenance/Equipment Operator – Consolidated Roads – 10-02-06 – Road Fund - Stephen Cline

15. Road Maintenance/Equipment Operator – Consolidated Roads – 10-02-06 – Road Fund - Johnny DeHart

SHERIFF’S PERSONNEL ACTION ITEMS

Departure from County Service:

16. 911 Dispatcher – Payson S.O. – 09-23-06 – General Fund - Andria Loyd – Hire 11-17-03 – Resigned – reason unknown

17. 911 Dispatcher – Payson S.O. – 09-26-06 – General Fund - Deborah Hunsaker – Hire 03-24-03 – Resigned – reason unknown

18. 911 Dispatcher – Payson S.O. – 09-27-06 – General Fund - Elizabeth Lacey – Hire 05-30-01 – Resigned – reason unknown

Hire to County Service:

19. Detention Officer/CMA – Globe S.O. – 10-16-06 – General Fund - Sharon Boyer – replaces Carrie Tavares

20. Detention Officer – Globe S.O. – 10-02-06 – General Fund - Nethanjah Childers – new position

Position Review:

21. Correction of salary on implementation of PSPC Salary Plan – Detention Officer (Lt.) – Globe S.O. – 09-18-06 – General Fund – Violetta Johnson

22. Code Change – 911 Dispatcher – Globe/Payson S.O. - 09-05-06 – General Fund - Krista Garcia, Stephanie Marquez, Annette Padilla, April Gonzales, Candice Jorgenson, Josanna Brier, Susan Hornung

H. Approval of finance reports/demands/transfers for the week of October 10, 2006, as follows: \$394,594.69 was disbursed for County expenses by voucher numbers X153191 through X153326 and X393270 through X393517. The hand-issued warrants listing is as follows: voucher number X392659 in the amount of \$338.04, voucher number X392970 in the amount of \$85.92, voucher number X153190 in the amount of \$961.95, and voucher number X393269 in the amount of \$157.16. **(An itemized list of vouchers is permanently on file in the Board of Supervisors office.)**

At this time Chairman Sanchez advised that agenda item 15 would be addressed before agenda item 14.

Dixie Mundy, Elections Department Director, addressed agenda item number 15, approval to publish the Governor's official proclamation to call the 2006 General Election. Ms. Mundy advised that A.R.S. §16-214 states that the Board of Supervisors must meet within 5 days of receiving the Governor's proclamation to approve publication of the proclamation in the official newspaper of the County. She advised that this has been a statutory requirement for numerous years. Ms. Mundy requested to publish the proclamation in both English and Spanish. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the publication of the Governor's proclamation in both English and Spanish calling the November 7, 2006, General Election.

At this time each Board member and County Administrator 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 11:38 a.m.

José M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk