

BOARD OF SUPERVISORS
GILA COUNTY, ARIZONA

Date: November 28, 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 (via telephone conference call); Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; 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. David Rogers led the Pledge of Allegiance, and Reverend Dan Lowe of the Maranatha Baptist Church delivered the Invocation.

Chairman Sanchez stated that Vice-Chairman Martin would be participating in the meeting via a telephone conference call.

Marie Petroff, a resident of Young, Arizona, made a presentation to the Board on the Stewards of the Range property rights conference she attended in Salt Lake City. Also presented to the Board was a proposed position paper for the coordinated planning rights of county government entitled, "Principles and Expectations for Land Use Planning on Federal and State Lands in Gila County, Arizona." Highlights of Ms. Petroff's presentation included the following 3 points: 1) The Federal Land Policy and Management Act of 1976 provides that the Federal land management agencies must coordinate all planning and management actions with county government; 2) County coordination is critical for the protection of ranching and private property rights; and, 3) The Coordinating Counties Program is for citizens to participate in the establishment and operation of county coordination systems. She stated

that because 57% of Gila County is federally owned, federal management actions relating to this massive land directly impact adjoining and co-mingled private lands, as well as impacting and challenging private property rights. In the Federal Land Management Act, Congress mandated that federal agencies coordinate their planning and management activities with county governments that are involved in the land use planning process. She stated that Gila County has had a comprehensive land use plan since 1971. The Act also provides that county government officials must be provided meaningful involvement in the development of land use programs, land use regulations and land use decisions for public land and the agencies must ensure that federal land use plans are consistent with state and local plans. All plans and actions must take into account the impacts to the local economy, custom and culture and consider the least burdensome alternatives. Ms. Petroff then read some brief excerpts from the position paper. At the conclusion of Ms. Petroff's presentation, she requested that the Board adopt this needed policy because she believes that property rights are the basis of all rights. She stated that it is critical for Gila County to adopt this position in order to involve citizens in the County coordination planning process this year, which is critical for the protection of ranching, mining, timber, recreation and private property rights. She stated that Gila County's ranchers, business owners and property owners want the County to take its rightful place at the table by insisting that the federal land management agencies coordinate with the County's land management plan. The following individuals submitted written comments or spoke in favor of the proposed position paper: Michael Armstead of Payson; Irv Wilson, Carolyn McGee, Pat Meredith, Frank and Lynelle Chapman, Jim Petroff, Mary Upshir, Letha Cline, Michael Lechter, all of Young; Tim Wheeler of Roosevelt; Therese Hicks of Globe; and, John Fowler of Phoenix. Mr. Fowler, President of the Gila County Cattlegrowers Association, stated that the Association members have not had the opportunity to review this position paper, but will do so at a meeting on December 13, 2006. An official statement will be given by the Association at a later date. Chairman Sanchez thanked

Ms. Petroff for the presentation and those present for their comments. He stated, "From my position on the Board, I'm sincerely interested and concerned that we do have a seat at the table...It's important that we adopt a position and get involved in the planning, especially where our property rights are concerned." Supervisor Dawson stated, "We've always known that we need to work together. This is going to be a continued need. We've been lucky to have someone in the Forest Service that we've been able to work with recently and we hope that effort will continue...We need to be accountable for our actions and be able to work together to project and wisely use the land that has been given to us in abundance. The restrictions have become prohibitive to the point of mankind becoming the endangered species and the right to livelihood is endangered, so working together, I believe we can come to a reasonable plan and how the County can help manage the land that we have within our outlined district. I appreciate your efforts and concerns and I'm sure we can work this out." Vice-Chairman Martin stated, "This has been and will be a huge issue. I appreciate the interest and the advice and help that are being offered here. I think we need to take a good hard look at this. I would like to know if there are other counties in the west who have adopted something like this, who they are, and get in touch with some of those commissioners and supervisors. I think that we need to pull together and look at this." Chairman Sanchez stated that the Board would not be voting on this item today; however, a vote would be made in the future. Ms. Petroff inquired as to the process for setting a Board meeting date at which time a vote would be taken on this issue. Steve Besich, County Manager/Clerk, stated that if the Board directs County staff to continue to analyze this process, he believes there are a lot of "players" involved. He advised that the County Attorney's Office must research whether the County has any statutory authority under state or federal law. Then County staff must determine the impacts to the County. Mr. Besich advised that Gila County is a member of the Eastern Counties Association and he would like to pass this information on to the Executive Director for review. He stated that the 5 counties involved in the Association are Gila, Graham,

Greenlee, Apache and Navajo of which all counties have similar public land issues. Mr. Besich stated that perhaps the 5 counties could work together whereby there would be more impact regarding this issue. Mr. Besich stated that if directed by the Chairman or if it is the consensus of the Board, County staff would conduct an in-depth analysis so that all of the pros and cons could be presented to the Board at the time a decision will be rendered by the Board. Chairman Sanchez directed staff to proceed in that manner and thanked everyone for their attendance and participation. **(A copy of the proposed position paper is available in the Clerk of the Board of Supervisors' Office.)**

Steve Besich requested approval of the following regarding the facilities planning project for Gila County: A) approval of a citizens' facilities planning process; B) authorization of County staff to procure a facilitator for the process; and, C) approval to appoint Stone & Youngberg, LLC as the County's financial advisor to the facilities planning process. In reference to section A of this agenda item, he presented the Board with a copy of a letter that will be mailed to the elected mayors and tribal council chairpersons within the County requesting that each entity submit the name of one representative that will be considered for appointment to an 18-member citizens facilities planning committee. The committee's primary objective will be to obtain and review information to determine the feasibility of raising funds for a new and/or improved infrastructure that is used by the County court system and the jail system. Part of the process includes forming a County jail district and conducting a bond election, which would take place in November 2007. Mr. Besich presented a scheduling matrix for meetings and other actions to be taken by the committee with the involvement of the committee's facilitator and design consultant. Chairman Sanchez stressed the importance for each local governing entity to be represented on the committee. He stated that the cities, towns and Indian tribes will be represented, as well as the Supervisors having the opportunity to appoint 3 persons from each of their supervisorial districts. He stated that the 3 phases that Mr. Besich outlined in this agenda item are

important for the Board to review and adopt as soon as possible. Supervisor Dawson inquired about the importance of having equal representation from the City of Globe and the Towns of Hayden/Winkelman, as well as equal representation from the Town of Payson and the Town of Star Valley. If representation were to be based on population, Supervisor Dawson believes the towns were not being given fair representation. She inquired if the Town of Payson and the City of Globe should have 2 members on the citizens committee. Mr. Besich stated that staff discussions had been held on this very same issue and the reasoning was that the Board would each have 3 appointees totaling 9, of which some of those appointees would probably come from the City of Globe and Town of Payson as well as 9 more members from the cities, towns and tribe, which the staff felt was straight forward and more than fair. Vice-Chairman Martin agreed with the proposed committee representation. She inquired as to the date the letters will be mailed to all of the governmental entities; whether this committee would be subject to the Open Meeting Law; and; whether meetings will allow public participation. Mr. Besich stated that the letters have been prepared and if the Board adopted this process, the Chairman would be able to sign them today and send them out. He stated that the Board intends to commence the appointment process at its December 12th meeting with a projected first committee meeting on December 18th, 19th or 20th. He also stated that Vice-Chairman Martin was correct in assuming that this is a committee of the Board of Supervisors; therefore, all meetings are subject to the Open Meeting Law. He advised that County staff has been assigned to help with preparing and posting meeting agendas, taking minutes of the meetings, etc. if needed. Vice-Chairman Martin inquired if Mr. Besich is encouraging everyone to have their appointments in by the December 12th Board meeting. Mr. Besich requested that each Board member submit the names of their 3 appointees at this time. Each Board member agreed to submit the names of 3 appointees by the December 12th meeting. Vice-Chairman Martin inquired if the committee ended up having an unfair weight could it be amended later. Mr. Besich stated that the wording in the letter

carefully referenced recommendations to the committee rather than appointments by the other entities. Then it would be strictly up to the Board as to whether it does or does not accept those recommendations. Mr. Besich then addressed section B of this agenda item, authorization of County staff to procure a facilitator for the process. Mr. Besich stated that he attempted to meet with David Steele, who was the facilitator for the Santa Cruz County jail district and bond issue, which was successfully passed; however, Mr. Steele's mother just passed away. Mr. Besich advised that other Arizona county managers have spoken highly of Mr. Steele. He advised that if the Board authorizes the procurement of a facilitator, a written contract would be presented to the Board for approval at a later date. In addressing item C of this agenda item, approval to appoint Stone & Youngberg, LLC as the County's financial advisor to the facilities planning process, Mr. Besich stated Stone & Youngberg, LLC are "tops" in the financial field in Arizona and their track record "speaks for itself." Mr. Besich stated that he believes Stone & Youngberg would be able to advise the County and help secure the best bond interest rates if a bond election is successful. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the following: A) a citizens' facilities planning process; B) County staff to procure a facilitator for the process; and, C) the appointment of Stone & Youngberg, LLC as the County's financial advisor to the facilities planning process.

At 11:11 a.m. a public hearing was held in regard to agenda item number 5 to adopt Resolution No. 06-11-04 to approve Planning and Zoning Department Case No. CPA-06-2, which amends Gila County's Comprehensive Plan that was adopted in 2003. Robert (Bob) Gould, Community Development Division Director, stated that this is a request to amend Gila County's Comprehensive Plan to change the land use designation for a 30-acre parcel of land, known as the Chamberlain Project, which is located just east of Christopher Creek and south of Highway 260 on Colcord Road or Forest Road (FR) 291. He stated that currently the land is zoned as GU (General Unclassified) and the land use designation is .4 to 1.0 dwelling units per acre.

The applicant is requesting 1 to 2 dwelling units per acre for a land use classification, which would allow the County to consider a development proposal for the property owners to allow one-half acre lots in a 43-lot subdivision. Mr. Gould stated that on October 19, 2006, the Planning and Zoning Commission recommended the Board's approval of this amendment request. Supervisor Dawson inquired about the roads that will be used and developed. Mr. Gould stated that the developers will be providing significant road improvements; however, those road improvements will be addressed in phase 3 during the preliminary plat process. He stated that only phase 1, the plan amendment, and phase 2 (the following agenda item), rezoning, would be addressed today. Supervisor Dawson stated that her problem is that people buy property in these areas to be alone and then the next thing they want is for the County to provide them with a paved road. She acknowledged that this wasn't the appropriate time to discuss roads; however, she stressed the importance for the developers to be informed that it is their responsibility. Mr. Gould agreed with Supervisor Dawson. Vice-Chairman Martin stated that she would like to know what arrangements will be made for fire, both for wildfires and community emergency services, and the type of road that will go through the development. Vice-Chairman Martin stated that she also realizes this isn't the time for that discussion, but she wanted the developers to understand that the Board would be looking at the arrangements being made to take care of those issues. At this time, Chairman Sanchez called for public comment. He called on Nathan Palmer, who stated that he works with Rick and Jared Palmer, the applicants. Mr. Palmer stated that discussions have been held with Mr. Gould about improving the road, which is currently paved to within one-half mile of the project with plans to continue the road up to just past the bridge crossing. He stated that discussions have been held with Fire Chief Ray Larsen of the Christopher-Kohl's Fire Department about providing an emergency service system to be designed by Tetra Tech. Tetra Tech has recommended at least a 60,000 gallon elevated holding tank with pumps for pressure and hydrants to be placed within the project for fire protection. He

also stated that sewer disposal designs will be forthcoming during the preliminary plat phase. Mr. Palmer stated that he is aware of the issues that have been presented today. He assured the Board that he is willing to cooperate with the County on any issue in order to ensure that the project is designed in a fashion that meets with the approval of the Board. Supervisor Dawson requested that Mr. Palmer point out the roads on the map that will be improved. Mr. Palmer showed Supervisor Dawson the road improvement locations and he stated that improvements to the roads will be made prior to selling or developing the lots. Supervisor Dawson also inquired about a secondary road for property ingress and egress and whether that road would be paved. Mr. Palmer advised that a secondary road access has already been provided and it will be paved. 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. 06-11-04. **(A copy of the Staff Report and Resolution are permanently on file in the Board of Supervisors' Office.)**

At 11:26 a.m. a public hearing was held to adopt Resolution No. 06-11-05 to approve Planning and Zoning (P & Z) Department Case No. Z-06-06, a rezoning request submitted by Tierra Este Trust (owner) and Jared Palmer (applicant) to rezone tax parcel number 303-15-001G from GU (General Unclassified District) to R1L-D20 w/PAD (Residence One District Limited with 20,000 sq. ft. density, with a Planned Area Development) to develop 43 single family homes. Mr. Gould stated that this is the second phase on the same property referred to in the previous agenda item noted above. The "R1L" in the rezoning request would allow only site-built housing units in the development; the D20 specifies that the density can't exceed 20,000 sq. ft. lots; and, the PAD overlay provides the County with some flexibility in the development standards because of some issues on the property at the present time such as the creek that meanders east and west through the property and some of the hillside issues that the County needs the ability to deal with throughout the development process. He stated that the rezoning of this parcel to the R1L-

D20 w/PAD would allow for a far superior development. The property to the east and west of this parcel is zoned GU and to the north and south is U. S. Forest Service property. He stated that on October 19, 2006, the Planning and Zoning Commission recommended the Board's approval of this rezoning request with the following stipulations: 1) A variation in setbacks be permitted to keep housing off very steeply sloped areas. Possibly building envelopes will suffice in lieu of setbacks. 2) Require a dedication (through easement) of a natural open space area in which no development will be permitted. The primary purpose will be for drainage, but could also include outdoor recreation areas as well. 3) Require individual grading and erosion control plans for certain lots that are characterized by a slope of equal to or greater than 15% over 50% or more of the parcel or lot. 4) Allow lot sizes to dip below the minimum 20,000 sq. ft. requirement as long as the average lot size is greater than 20,000 sq. ft. At this time Chairman Sanchez called for public comment. Fire Chief Ray Larsen of the Christopher Creek-Kohl's Fire District stated that this project is located within his fire district; therefore, it has fire protection. He explained that the Palmers had approached him early on and have been more than gracious in meeting with him and the County Planning and Zoning Department to discuss some of the requirements for the water source, a second road, the width of the roads, the bridges, ingress and egress, etc. Chief Larsen clarified the road location for Supervisor Dawson. It takes an hour to drive there on very rough roads and FR (Forest Road) 200 is not an issue with this project, nor is FR 512. The main access is Highway 260, which is paved 2 miles in and the last one-half to three-quarters of a mile is a gravel Forest Service Road that the developers have previously stated they would improve. He stated that if all of the conditions were met, this would be an asset to the Fire District. The Board members thanked Chief Larsen for his comments and Vice-Chairman Martin also wanted to recognize him for all his efforts during last year's fire season. Chairman Sanchez called for other public comments; none were received. He then closed the public hearing and asked for a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the

Board unanimously adopted Resolution No. 06-11-05 approving Planning and Zoning (P & Z) Department Case No. Z-06-06. **(A copy of the Staff Report and Resolution are permanently on file in the Board of Supervisors' Office.)**

Steve Stratton, Public Works Division Director, requested authorization to advertise Call for Bids No. 102606-1, Arcadia Drive Road Improvement Project. He stated that this road is located in the Alhambra subdivision and it has a drainage problem as well as a drop that needs a guard rail. He advised that originally the project was to be done in-house; however, due to the high dollar amount, the County is restricted from doing it in-house. The engineer's estimate is \$200,000, which exceeds the County's authority under the Achen-Gardner Act. He requested authorization to advertise the bids at this time to insure that the bids will be received by December 9, 2006. If the bids are within the budget, Mr. Stratton will come back to the Board with a recommendation to award the bid, which would be funded out of restricted funds—HURF (Highway User Revenue Funds) and half cent sales tax funds. Chairman Sanchez stated that this recommendation came from the Alhambra Block Watch group that is very active in that area. He thanked Mr. Stratton and the residents and property owners for their cooperation. Mr. Stratton stated that the Daou family has agreed to donate some needed property to the County, and the County will get a temporary construction easement from the Daou family, which will allow for entrances to some unsold lots. After the project is completed the County would do an "as built" and then receive that property in the legal description from the Daou family. He recommended that any excess property be abandoned to the Daou family. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the advertisement of Call for Bids No. 102606-1.

Mariano Gonzalez, Director of Emergency Management Services, requested the approval of an Intergovernmental Agreement (IGA) between the State of Arizona, Division of Emergency Management, and Gila County in order to receive a Conditional Grant Award in the amount of \$102,613.00 for the

period July 1, 2006, through June 30, 2008. He stated that annually the Division of Emergency Management applies for this training and exercise grant; however, these funds are becoming more difficult to obtain. Gila County is acting as the lead agency for the eastern region of Homeland Security for Arizona, which has banded together with other counties consisting of Pinal, Gila, Graham and Greenlee. Mr. Gonzalez advised that it was easier to find funding that would cover a larger region and benefit more agencies. He stated that one of the buzz words of Homeland Security is “inoperability” as well as “integration” of the equipment that is received under Homeland Security grants. He stated, “The training and exercise costs are something the County is always scrambling to afford in order to prove to Homeland Security that the County knows how to use the equipment that we receive as well as integrate it and become interoperable with the other agencies, not only at the County level, but at the regional, state and national levels. These funds will be used to ensure that the training calendar in each county is met and to ensure that we can demonstrate our interoperability of the equipment that is purchased under the Homeland Security Grant for this particular grant.” Chairman Sanchez thanked Mr. Gonzalez for his efforts to obtain these grant funds. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the IGA with the State of Arizona, Division of Emergency Management, in order to receive a Conditional Grant Award in the amount of \$102,613.00 for the period July 1, 2006, through June 30, 2008.

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved Consent Agenda item numbers 8A-8G by a 2-1 vote. Supervisor Dawson voted nay because she had just received the finance vouchers for approval this morning and did not have time to review them. The Consent Agenda items are as follows:

- A. Approval of a request by Bustle and Boots Square Dance Club to rent the Fairgrounds Exhibit Hall for square dances to be held on October 26 and 27, 2007.

- B. Adoption of Resolution No. 06-11-06 naming a road in Payson to be called Cactus Flat Road. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- C. Adoption of Resolution No. 06-11-07, which authorizes the Sheriff's Office to submit a FY 2007 Law Enforcement and Boating Safety Fund Grant Application in the amount of \$205,783.00 to the Arizona State Parks Board and to authorize the Chairman's signature on the Participant Agreement for said grant. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- D. Approval of Amendment No. 3 to Intergovernmental Agreement (Contract No. HP461413-014) between the Arizona Department of Health Services and the Gila County Division of Health and Community Services to amend the Special Terms and Conditions Section and Price Sheet of the Contract, effective October 1, 2006.
- E. Approval of the October 2006 monthly departmental activity reports submitted by the Recorder and the Clerk of the Superior Court.
- F. Approval of personnel reports/actions for the week of November 27, 2006, as follows:

Departure from County Service:

- 1. Recorder Clerk – Recorder – 11-20-06 – General Fund - Heather Poeling – Hire date 09-25-06 – Abandonment of position
- 2. Election Worker – Recorder – 11-07-06 – General Fund - Ronald Paluden – Temporary position
- 3. Election Worker – Recorder – 11-07-06 – General Fund - Judy Collins – Temporary position
- 4. Operations Worker – Solid Waste Management – 11-16-06 – Enterprise Fund – Robert Cotton – Hire date 03-30-05 – Resigned for personal reasons

Hire to County Service:

- 5. Chief Probation Officer – Probation – 11-27-06 – General/State Aid Enhancement Funds – Frank Owens – Replaces Hellen Carter

End Probationary Period:

6. Administrative Assistant – Public Works/Purchasing – 11-13-06 – Public Works/General Fund – Valrie Bejarano
7. Operations Worker Senior – Solid Waste Management – 12-11-06 – Enterprise Fund – Ernest Davis

Position Review:

8. Change fund codes – Deputy Probation Officer 2 – Probation – 11-27-06 – Adult/Juvenile Probation Service Fees Funds to General/Adult/Juvenile Probation Service Fees – Linda Proffitt
9. Change fund codes – Deputy Probation Officer 2 – Probation – 11-13-06 – Adult Intensive Probation Services Fund to State Aid Enhancement Fund – David Jones
10. Change fund codes – Deputy Probation Officer 1 – Probation – 11-13-06 – State Aid Enhancement Fund to Adult Intensive Probation Services Fund – Raymond Dion

Request Permission to Post:

11. Operations Worker – Solid Waste Management – Position vacated by Robert Cotton

SHERIFF'S PERSONNEL ACTION ITEMS:

Departure from County Service:

12. Deputy Sheriff (Sgt.) – Globe S.O. – 12-29-06 – General Fund - Danny Alexander – Hire date 03-16-86 – Retirement

End Probationary Period:

13. Detention Officer (Cpl.) – Globe S.O. – 11-27-06 – General Fund - Lee Alexander
 14. Detention Officer – Globe S.O. – 11-27-06 – General Fund - Wayne Hubble
- G. Approval of the finance reports/demands/transfers for the week of November 27, 2006, (separate handout) as follows:
\$760,056.18 was disbursed for County expenses by voucher numbers X153982 through X154146, X154148 through X154171, X395711 through

X395868, X395870 through X395952. The hand-issued warrants listing is as follows: voucher number X395072 in the amount of \$800.00; voucher number X153880 in the amount of \$967.65; voucher number X395157 in the amount of \$752.88; voucher number X395158 in the amount of \$87.00; X395159 in the amount of \$140.00; and, voucher number X395160 in the amount of \$4,305.63. **(An itemized list of vouchers is permanently on file with 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). No action was taken by the Board.

There being no further business to come before the Board of Supervisors, Chairman Sanchez adjourned the meeting at 11:59 a.m.

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk