

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

Date: March 13, 2007

**JOSÉ M. SANCHEZ**  
Chairman

**TOMMIE C. MARTIN**  
Vice-Chairman

**SHIRLEY L. DAWSON**  
Member

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

By: Marilyn Brewer  
Deputy Clerk

Gila County Courthouse  
Globe, Arizona

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

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Supervisor Dawson led the Pledge of Allegiance and Dixie Mundy delivered the Invocation.

At 10:09 a.m., a public hearing was held to adopt Resolution No. 07-03-01 approving Planning and Zoning Department Case No. Z-07-01, a rezoning request submitted by Globe Pacific Associates (Mark and Roberta Shellenberger-property owners) to rezone tax parcel number 205-24-006N (26.59 acres +/-) from R1-D8 (Residence One w/8,000 sq. ft. density) to R3 (Residence Three) to build the Madeira Peak Vista Apartments in Globe, which will serve senior and disabled residents. Supervisor Dawson stated that she was recusing herself from participation in this item because of her relationship to the land owners. Robert Gould, Community Development Division Director, provided the following information. The Madeira Peak Vista will have 60 units total, of which 48 will be 1-bedroom units and 12 will be 2-bedroom units. There will also be a 2,500 sq. ft. community building and a swimming pool. There are 9 single-story buildings planned; 6 will be 8-plex units per building

and 3 will be 4-plex units. The actual project is estimated to utilize approximately 10 acres of the 26.5 acre parcel. He stated, so that everyone would understand, that the R1-D8 zoning is a single family residential development limited to 1 dwelling unit per a minimum of 8,000 sq. ft. lots and the R3 zoning allows for multiple family development with up to a maximum of 10 residential units per lot. The Planning and Zoning Commission held a meeting on March 9, 2007, at 10:00 a.m. and has considered this issue after hearing testimony from both the developer and the surrounding property owners. Mr. Gould read aloud the Staff Report which outlines the Commission's findings and recommendations to the Board, as follows: 1) The application to amend the zoning district classification from R1-D8 to R3 is in compliance with the land use classification of the Gila County Comprehensive Plan. This Plan calls for a density of 5 to 10 dwelling units per acre for this parcel and the applicant is requesting 6.4 dwelling units per acre. 2) The roadway infrastructure providing access from State Highway 70 is not conducive to high volume traffic. This proposed project provides a significantly lower trip rate than single family detached residential developments allowed under the current zoning. Mr. Gould stated, "We believe that the traffic that will be impacted with this particular development will be less than what you would normally get from the R3 type development, but regardless that road is an issue no matter what zoning is going to be there." 3) Lighting facilities for this project can be designed to not infringe or spill over onto adjacent lots. 4) Sounds generated by outside mechanical equipment can be sound attenuated so that noise infringements do not occur. 5) Rezoning the entire 26.5 acre parcel, when only 10 acres is needed for this project and no development plan is available for the remaining acreage, would constitute speculative zoning. He stated, "We would not like to see the entire 26.5 acre parcel rezoned as has been requested, but, I think, only 9.745 acres." Mr. Gould stated that a minor land division has been done on this property and he presented a copy of a map to the Board. 6) The proposed buildings can be designed to blend in with the surrounding single family neighborhood if appropriately designed. 7)

Landscaping and buffering can be designed to minimize dangers from fires and blend in with the area if designed appropriately. 8) An alternative access point for ingress and egress that is acceptable to the Gila County Public Works Division can be developed to ensure safe evacuation of residents if needed. Mr. Gould then stated that the Planning and Zoning Commission voted unanimously by a 7-0 vote to approve the following motion made by Commissioner Jay Spehar, which he read aloud as follows: "I move to approve Application Z-07-01 to rezone only that portion of parcel 205-24-006N as shown in Exhibit A from R1-D8 to R3 with the following conditions: A) The applicant will identify and develop an emergency point of ingress and egress prior to approval of building plans; B) parking lot lighting and other outdoor lighting will be designed to limit spillover onto adjoining lots; C) outside mechanical equipment will be placed in a manner that limits the decibel level to no more than 55 at the property boundaries; D) the landscaping plan will be done in a manner that minimizes fire fuels and enhances the overall neighborhood; E) the buildings placed on this property will be designed to minimize any institutional appearance and blend in with the surrounding neighborhood; F) the applicant has provided a Minor Land Division, Record of Survey 3305, (a copy of which was provided to the Board) and it is the Commission recommendation that only parcel C, a 9.745 acre parcel, be rezoned to R3, and not the entire 26.5 acre parcel; and, G) if building permits have not been issued within 18 months of the Board of Supervisors' approval date, then the Board of Supervisors may take action to revert the R3 zoning back to its original zoning designation of R1-D8. Vice-Chairman Martin inquired about the reversionary clause contained within the motion, which states that the Board "may" revert the zoning. Mr. Gould advised that this language assures the Board of an avenue to revert the zoning if the applicant does not adhere to the stipulations. He further advised that he would change the wording from "may" to "shall" and would put a note in the system so that the item is brought back to the Board 18 months from this date. Chairman Sanchez requested that Mr. Gould go over item number 5 again, which stated:

5) Rezoning the entire 26.5 acre parcel, when only 10 acres is needed for this project and no development plan is available for the remaining acreage, would constitute speculative zoning. Mr. Gould stated that the reason the entire parcel was being reviewed was because there was no legal description for just the 9.745 acre parcel, but since the time the application was submitted, a Minor Land Division has been completed. He stated that historically it has not been good practice to do speculative zoning because people can artificially inflate the value of their property just by doing a rezoning. He stated, "We didn't want to rezone this other portion that wasn't planned for anything at this time. The applicants want only the 10 acres rezoned for the very start." Chairman Sanchez thanked Mr. Gould for his report and called on Clay McReynolds, a resident of Middleton, Idaho. Mr. McReynolds advised that he was the developer of the project and he then presented some materials to the Board. Mr. McReynolds stated that because he had previously given a PowerPoint presentation to the Board, he would just briefly present the highlights to refresh the Board's recollection of the project. (Note for the record: Mr. McReynold's PowerPoint presentation information is available in the minutes dated January 23, 2007.) After Mr. McReynolds completed his presentation, he advised of one significant change that has occurred and noted that his company has had to make an adjustment today that is different from what he represented in the past because of the market study. Mr. McReynolds stated, "The situation in Globe is you have no senior housing so there are no comps (comparables). You have very few apartments, so you have essentially no waiting list and so I have to determine demand in the community based entirely on the demographics in the community and the rules are very strict. I expressed an opinion that, as originally planned, we would be able to actually lease up these units of 20-24 units per month, which is very quick lease up, but we can't reach the ADOH (Arizona Department of Housing) thresholds on absorption rate with that distinction, so our intent was to have this facility restricted to the 62 years of age and older or disabled. We can't accomplish that. So it still will be a seniors' development, but the only way that we can

make the project feasible to get the financing from the ADOH is to change the senior distinction. There are 2 choices—one is the 62 and older and the other is one member of the household is 55 or older. The only way that we can reach acceptable absorption levels is to change the distinction and the deed restriction would be that one member of the household has to be 55 and older as opposed to all members of the household being 62 and older or disabled. They completed the calculations Friday night and I saw it Saturday, but I was unable to talk to the park analyst and find out what was going on a half hour before this meeting. I apologize for the brevity of change, but that is different from what I have been representing and what their intent was. It would still be a seniors' development, but that distinction is different. (Regarding) community input that we have received on that point, because this matter has been discussed, there have been those who have said they wanted the younger (residents allowed) because they were concerned that if grandparents had custody of grandchildren, they wanted to be able to live there.” Chairman Sanchez inquired if it would be possible under this new change for grandparents to have their grandchildren reside with them. Mr. McReynolds stated that it would be possible; however, the restriction still applies to 3 occupants only so it would be a low number but it is still a possibility. He stated that Arizona doesn't have a maximum occupancy requirement, but The Pacific Companies does have the ability to have occupancy restrictions on the unit. Mr. McReynolds stated, “That does change what we had been talking about and changes the conversation and then there are those who haven't spoken to the issue because it wasn't out there and I realize that as well.” Mr. McReynolds stated that he wasn't aware if this situation was occurring in any of The Pacific Company's other developments and it may, but was probably not significant. The Board further discussed with Mr. McReynolds the various scenarios of seniors with children and/or grandchildren residing with them. Mr. McReynolds clarified that one of the residents would have to be at least 55; there could be no more than 3 residents per unit; and, any other residents would have to be dependents of the senior resident for 2 reasons—1) because of

the qualification requirements and 2) because of the income requirement, whereby all income sources must be counted toward the qualifications. Vice-Chairman Martin inquired if that allows for someone 55 or older to have someone also reside in the same unit as a caregiver. Mr. McReynolds stated that the position of the management company is that the caregiver must either be a professional caregiver or a spouse. Mr. McReynolds requested that ADOH clarify this particular issue because that rule has never been tested, but to date that information has not been received. He stated that the current compliance regulations require that upon a doctor's request for a caregiver, it must be a spouse or a professional caregiver and anyone else would be required to include their income toward the qualifications and "that's unlikely to happen." Chairman Sanchez called on Floyd Krank, a resident of Globe, to speak. Mr. Krank presented the Board with photos of several developments completed by The Pacific Companies, which included a development in Taylor, Arizona, the Cobre Valley Village Apartments being built in Globe, Arizona, and a newly opened facility in Flagstaff, Arizona. Mr. Krank also wanted to note for the record that he was unaware there was going to be a change by The Pacific Companies in the age requirement for the Madeira Peak Vista project. At this time Chairman Sanchez opened the public hearing portion of the meeting and called on Edmund Loew, a resident of Globe. Mr. Loew presented the Board with a written statement, which he stated was his presentation made to the Planning and Zoning Commission entitled, "I'm Being Forced to Address a Moving Target." He stated that part of the surprise that this relates to is the point made earlier in terms of the rush in which this whole project has been done. He expressed thanks to the employee in the County, who failed to post the notices in a timely manner, which allowed the neighboring residents extra time to learn about this project. He stated, "For instance, Mr. Krank keeps referring to this as a win-win proposition and indeed it is for the developer and for the sellers. We learned that one of the reasons related to this particular piece of land was that because of the steep sides adjacent to it, it was of less value and the low income housing tax credit program does not pay for land.

On the other hand, for the sellers, it allows the other 16.5 acres to become more valuable because the infrastructure would be brought in by the developer to the far end and; therefore, those portions of the infrastructure would not be of cost, or at least much less costly than bringing them in (by the seller).” Mr. Loew stated that he did not intend to read aloud the written statement presented to the Board because he respected the time frame. He advised that the written statement addresses not only the advantages to the developer and seller, but also the disadvantages to the adjacent homes and also to the people who will be living there. He stated, “Some of the diminutives pointed out as far as the homeowners go is that the property in front of us is C1 zoned and at the bottom of the sheet (statement) I quoted from the zoning regulation of a Commercial 1 (zoning) District and the intent and purpose is to accommodate only those small scale retail service establishments, which are directly concerned with serving the incidental daily convenience needs of the immediate, adjacent residential area. The particular area in front of us is a utility trailer sales, a pawn shop, a hay and feed (store) and a used car sales (business), none of which really relate, which means that the zoning in front is not appropriate. It’s there and it has expanded 3 times in my lifetime there and each time it’s been done without a County permit and, therefore, it is of non-conforming use. Now we are talking about a development behind us that will be in the current zoning a nuisance and yet by changing the zoning that which is a nuisance becomes something less than that, but it’s still there. Now if you were going to go and buy a home and you were in a neighborhood that had a residence on one side of you and a residence on the other side of you, a non-conforming commercial (property) in front of you and low-income senior housing behind you, wouldn’t you go look for some place that has more consistency? The particular place that we are putting it in is that the 3 streets, Saguaro, Skyline and Ocotillo, form a horseshoe and the entire center of that horseshoe is that which is planned to be developed to put in the housing that they wish. Perhaps the most important of what we’ve learned with the extra time was the zoning regulation—the (Gila County) Comprehensive (Master) Plan

that was spoken of and it says the Land Use (Resource Policy) Plan seeks to maintain existing development patterns and densities of properties that are zoned, platted or developed. The Plan does not propose to modify the existing density levels of these areas, i.e., the Land Use (Resource Policy) Plan is intended to match existing development conditions. There is a provision in there that the projects in these areas that demonstrate, and obviously it has not been demonstrated, an adequacy of infrastructure and show how the surrounding area will benefit may, permissive, be considered for additional project density by the Board of Supervisors.” Mr. Loew stated that a week ago an old friend of his called, and this friend has 24 acres and tried to find a developer to develop senior housing a number of years ago and was not successful. This friend agreed with Mr. Loew about there being some serious reservations with this project being built in the subject location. Mr. Loew stated that his friend told him that the problem is that there is \$7.5 million on the table and everyone is looking at that \$7.5 million and it would seem to him (the friend) that the real question to the Board of Supervisors would be, “Do you follow your own plan?” Mr. Loew stated, “We are supposed to be a nation of laws, which means not only that citizens are expected to follow the law, but so is the government. You adopted the Plan, you set it in place and we, as your citizens, should be able to rely on it. I thank you.” Chairman Sanchez addressed Mr. Loew’s statement regarding a commercial zoning designation that was given to the property located in front of Mr. Loew’s property without going through the permitting process at the time the property was expanded to allow for the sale of used cars, etc. He advised that the property was located in the City of Globe. Mr. Besich corrected Chairman Sanchez and stated that the property was County property; it’s an island. Mr. Loew also acknowledged that the property was located in the County. Chairman Sanchez inquired if the entire area was located within the County. Mr. Besich stated, “Not the entire area.” Mr. Loew stated, “The C1 runs from slightly the other side of Saguaro Drive down to almost parallel with the far side of Ocotillo Drive. The particular portion that is below Skyline is one that had a building on it. It became a

pawn shop and then they expanded the area. They did it without getting permits and they never submitted a plan because they found they could do it 3 times and nobody said anything until the end.” Chairman Sanchez inquired as to how that issue impacts this application. Mr. Loew stated, “We have this non-conforming use in front of us and now this non-conforming use behind us, which when you look at Skyline or all 3 of the streets, you have a single row of houses and if you take and make that which is behind, two thirds as many residences as are in front, that really defines your area and it doesn’t define it in a way that is helpful to residents.” Mr. Loew stated in that in reference to the accident reports and the figures he previously provided to the Planning and Zoning Commission and Mr. Gould, it shows the date, location and severity of the accidents. He stated that perhaps the cause for the difference in numbers is that there is also Hunter Drive and some of the accidents are identified as Hunter and Highway 70; some are identified by milepost; and, others as Saguaro at Highway 70. The reports came from the Globe Police Department and are public records. He stated that one of the accidents last year was a fatality. Chairman Sanchez then called on Neil Beydler, a resident of Globe, who submitted some written information to the Board. Mr. Beydler stated, “I’ve submitted a couple of documents along with some pictures. The first document is a protest and I’m submitting it for the public citizens and neighbors of Skyline Subdivision. We feel the timing of this meeting does not comply with Arizona State Statute 11-829, which says there should be 15 days’ time to react after the decision from the Commissioners made to the Supervisors and we are here within less than 1 working day, which doesn’t give much time for us to prepare. I would like the Board of Supervisors to consider postponing this meeting until it meets the regulations of the Arizona State Statutes. I supplied you a copy of the Statute. I also had this discussion with Mr. Chambers.” Mr. Besich advised that the Board might want to go ahead and take Mr. Beydler’s testimony and then if necessary, it could adjourn into executive session. Mr. Beydler stated, “The other document was just a protest on the recommendation of the Commissioners in which I felt they skimmed

over a couple of issues and didn't pay enough attention to them. One of them is in the safety in regard to the road. I've submitted a series of pictures to you and I would like for you to look at them and take them into consideration. One of the pictures is of a parking lot of a used car lot that shows you the approximate number of cars that are going to be stuffed into this canyon according to the parking lot on the conceptual plan of this project. If these individuals just travel on these twice a day, it will put close to 500 more vehicle passes on that congested area, which is totally inadequate. The other issue I was going to speak on was the clarification of occupancy. At each meeting this has changed and certainly it has changed again today. My initial concern was could it look like 50% seniors and 50% disabled with children? Mr. McReynolds said that was a possibility. I think that's going to be quite a probability. I think this is going to be a very high commodity. There are a lot of people out there. I don't see any guarantees that say a proportion of seniors, a proportion of handicapped. It just is continually changing and I believe that's a real good point and the fact that we've got to postpone this meeting until everyone has had a chance to really review all the facts. Thank you."

Chairman Sanchez then called on Jeanne Polenz, a resident of Globe, who was opposed to the issue. Ms. Polenz stated, "My property is one acre of land that juts out into the proposed 9-acre change on which a half of that has 2 horses. I've had horses there for 10 years and it is zoned for livestock there. When we bought the property, we had in mind that we would have a family setting and be raising our 2 children in a way that would allow us to be in town, but also allow us to take advantage of the beautiful views and a rural lifestyle. I think what you have before you today is what issue do you have to decide? Do you need to decide if Globe needs more low-income or senior housing? I don't think that's anything you have to decide. We know we do. Do you need to decide if Globe needs increased economic development? Well, most of us here in this room agree that we could use more economic development, more services available to the citizens of Globe. Do you need to decide if this development will be of good quality? No, we've seen numerous pictures that tell us that this

development will be of good quality. We don't need to decide that, but what you need to decide is that if this R1-D8 parcel should be rezoned from a long-standing, 55 year, single family neighborhood, to a multi-resident, possibly not family, R3 parcel. I ask you not to do this. When we bought our home 17 years after being residents of Globe for already 6 years, we went in there knowing that eventually this land would be sold and developed, but we hoped it would be single family units just like ours, people who are looking for a rural lifestyle and willing to maintain their homes, willing to be part of that lifestyle. What we see now is we may or may not have that. I'm not saying that the residents would be bad people—that it would be a bad thing for Globe to have, but I'm saying it is not consistent with our neighborhood and we ask you not to change the zoning. If someone wanted to come in and build single family homes, I would be there saying, 'Yes, let's do this,' but in this case I'm asking you to deny this petition and to not change the zoning on this land.” Chairman Sanchez thanked Ms. Polenz for her comments and then called on Bill Orth, a resident of Globe, who was also opposed to the issue. Mr. Orth presented some photographs to the Board. He stated, “On January 24<sup>th</sup>, I sent a letter to Mr. McReynolds with copies to Supervisors Sanchez and Martin and to the Director of Community Services, Bob Gould. In part it says: ‘I enjoy the country-like atmosphere, serene settings and spectacular views; wildlife abounds. Your letter states that the development in the canyon will be an asset to the community. We, the homeowners in the surrounding area, beg to differ with you. Multiple family dwellings conflict directly with the neighborhood dwellings, which would encompass it.’ From my front yard, you can see in those pictures, if you know where to look, the Salado ruins that is in an area that can be developed. It's currently owned by the City (of Globe).” Mr. Orth stated that his friend, Ben, took him hiking there and it's located 3 miles from Saguaro Drive. He also showed a photo taken from his living room showing a chicken hawk sitting on the fence and spoke about all of the wildlife in the area that the residents appreciate. He stated, “This has been on-the-job training, scrambling and a self-help program for the residents. Yesterday, one of the

residents gave me a copy of the Governor's Growing Smarter Oversight Council Report, September 2006, entitled 'The Growing Smarter Guiding Principals for Arizona.' It is 16 pages and I've got it summarized in about 2 minutes, so please bear with me. In that report, it states under 'Stewardship—Observations from Public Input': Local planning needs to better recognize wildlife, its habitat (natural landscapes and corridors). Also under 'Stewardship—Guiding Principals' it states: Natural open land and native wildlife have intrinsic value and are critical to maintaining the character, identity, and health of Arizona for residents, visitors, and future generations and should be accommodated in all future planning decisions. And one more: Build great livable communities on a human scale that grows and prospers and that embraces the many natural landscapes that called us here in the first place." Mr. Orth stated, "Embracing is strictly what our horseshoe-like configuration is with the homes around that canyon. So I don't know if they were prophets or the people that developed the place in the first place were prophets. Finally, under 'Responsibility and Accountability' it states: Planning processes should engage people in issues, encourage cooperation in addressing local and regional issues, and facilitate the implementation of a consensus community vision. Chairman Sanchez stated, "That is what we are doing here this morning; it's part of the process." Mr. Orth stated that under 'Growth' it states: New development should compliment and enhance the existing character and identity of existing communities. Zoning decisions, especially those related to density, have a wide variety of growth and development consequences, many of which are unanticipated at the time such decisions are made. He stated that public hearings, while mandated, are often an effective method of gathering public input. "...Based on what we just heard during the meeting, I want to point out that as you know we are zoned for homes." He then told a story of a friend who looked for 2 years for a house to purchase. Mr. Orth stated, "We have a drier and drastic need for homes (from) \$175,000 to \$185,000..." He concluded by stating, "Finally, with this change, I don't know how to argue the issue anymore. We're changing horses in the middle of

the stream. I think to be forewarned is to be forearmed and from the 'get go' we've been grabbing information. So, I just want to close with 2 comments taken from the report 'Responsibility and Accountability—Observations from Public Input--Governance' which states: Arizonans would like their elected leaders to be thoughtful and provide vision, but feel that they often fail to exhibit sufficient leadership or courage. I would like to close with this report. I would like to take those words and say that we, the residents of the canyon area, feel that you, Supervisor Sanchez, and you, Supervisor Martin, will demonstrate your courage and leadership by standing up for us and voting no on the issue to rezone the canyon.

At 11:12 a.m., Chairman Sanchez called for a brief recess.

At 11:25 a.m., Chairman Sanchez reconvened the meeting.

Continuing with the public hearing for agenda item number 2, Chairman Sanchez called on Mark Shellenberger, a resident of Globe, to speak. Mr. Shellenberger stated that he and his wife are the property owners of the approximate 9.74 acres that has been earmarked and parceled out for The Pacific Companies. Mr. Shellenberger spoke about the fast pace of the project since he was first approached by The Pacific Companies, his involvement with real estate for a number of years and understanding the critical need for housing of all types in this community. He stated that the dynamics of the project have changed continually and because it is a new type of project for this area, it has been difficult to establish comparables for funding. Mr. Shellenberger stated, "We are entrusted as a community to break down the barriers that stop progress and allow people and seniors to move here... and the services that are required will come and benefit everyone." He then presented an aerial photo of the plat map showing the location of the subject property, noting the mostly barren property lacking in vegetation, bicycle trails, 4-wheel bike trails, etc. He also showed the specific locations of the residences of Mr. Orth, whose property has a lot of trees watered by his septic system; Mr. Loew, whose property includes a horse pasture; Ms. Polenz, whose property also includes a horse pasture; and, Mr. Barefoot, whose property contains

trailers, scrap metal, lumber, and a very large retaining wall, etc. Mr. Shellenberger noted an area on the map, which he believed to be Mr. Beydler's residence. Mr. Beydler stated that his residence was not shown on the aerial map because it only borders the original 26 acres (but is not adjacent to the subject 9.74 acre parcel). Mr. Shellenberger stated that there will be a tremendous amount of infrastructure costs—the leveling of the parcel, cutting the banks, compacting, putting in a leaching field, etc., all of which will have to be borne by the developer. He stated, “Companies like The Pacific Companies have the resources, the means and the capability to come in here and create something we can all be proud of, and particularly the senior citizens that would live there. We don't have this type of amenity and we desperately need it. I'm in favor of this project and not only because I'm selling the property because I have adjoining property that gets equally impacted. It can be either positive or negative and I stand to either win or lose. I'm hoping that it's a win because I've lived in this community; I've raise my family here; I want you to know that I'm deeply rooted; and, this has been my home, my life and I've worked here. I'm not just somebody that came in here to make a quick buck and down the road I go. That's not my intent. I live here; I pay taxes here...The R3 zoning being proposed is a good fit and The Pacific Companies are capable of putting up a good installation that the community will be happy with.” Mr. Shellenberger thanked the Board and Mr. Gould for their efforts on his behalf. Chairman Sanchez thanked Mr. Shellenberger for his comments and called on Joe Carrillo, a resident of Globe, who was in favor of the issue. Mr. Carrillo stated that he was the former Planning and Zoning administrator for the City of Globe. Mr. Carrillo stated, “My concern is that we have to move things forward within Globe-Miami and the entire Gila County. We've been laying dormant for a long time and this is an opportunity. We've had developers into these areas before and they get little help so they leave. Now we have one here willing to stay and I think we need to start this project off in order to get everything moving again. This is long overdue...” He added that there are other properties that could be developed such as the area located by

Copper Rim and Holy Angels schools. Mr. Carrillo stated that he is not against the residents who are opposing this project and doesn't deny their position; however, he also realizes that there are many senior citizens and disabled veterans in the area living in substandard housing. He concluded by stating, "Let's approve this project and let's move forward. We have to crawl before we can walk." Chairman Sanchez then called on Therese Hicks, a resident of Wheatfields. Ms. Hicks stated that she is the Chairman of the Southern Gila County Economic Development Corporation, Sub-committee No. 5, which deals with senior housing and senior health and services. She then read aloud a prepared letter to the Board, which was from Ms. Hicks on behalf of the Committee, addressed to Bob Gould and stated the following:

On behalf of Southern Gila County Economic Development Group number 5, Quality of Life, (Sub-Committee on health and senior services) I would like to recommend that you give strong consideration to approving the senior housing project considered for the Skyline Area.

After much discussion our group voted unanimously at our meeting on March 1, 2007, to officially support this endeavor. Many good questions were raised and as a group we felt that although there are some reasonable concerns, the benefits to the elders of our community outweigh the issues to the nearby residents. We feel that as far as possible the Pacific Company has addressed the significant questions and will work to ameliorate points of concern for the residents in the immediate vicinity.

This project fits in very well with our primary goal of improving and enhancing the Quality of Life for our seniors. From an economic development perspective, a community that honors its seniors regardless of there (their) financial status showcases us as a desirable place to relocate potential businesses and industries.

Thank you for your time and attention to this project and your willingness to hear all points of view prior to making your decision.

Ms. Hicks stated that the final comment she would like to make was that she submitted the letter on behalf of the Committee and before being aware that the age requirement was going to be changed to 55 and older. She stated, "That raises a few questions for me and I may not be empowered to present this as speaking for my entire Committee because of that issue. I think that might be something that the Board may want to give some more consideration to. I don't feel that I'm completely satisfied with how this would turn out with 55."

Chairman Sanchez thanked all of the speakers and asked if anyone else in the audience wished to address the Board; no further comment was offered. He then closed the public hearing portion of the meeting. Chairman Sanchez requested an opinion or direction from Bryan Chambers, Chief Deputy County Attorney, on the statement as submitted by Mr. Beydler concerning the Notices of Publication for the Planning and Zoning Commission meeting and the Board of Supervisors' meeting with Mr. Beydler's position being that it does not fulfill the intent of Arizona Revised Statutes (ARS) 11-829C. Mr. Chambers stated that typically the Board would convene into executive session in order to obtain legal advice. He stated, "We don't have to, but normally that would be the procedure."

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board voted by a 2-0 vote to convene into executive session at 11:44 a.m. to obtain legal advice. Supervisor Dawson abstained from voting and did not attend the executive session.

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board reconvened into regular session at 12:13 p.m. Chairman Sanchez called on Mr. Chambers to address the issue. Mr. Chambers stated, "If I might, I'll preface this by saying, I'm not the one that will be able to tell if they (Arizona Revised Statutes) were complied with, but I can explain what the due process requirements are. They are found in A.R.S. Title 11, Section 829, Sub-Section D. It provides that if the Planning Commissioner Hearing Officer has held a public hearing, the Board may adopt the recommendations of the Planning Commissioner Hearing Officer through use of a consent calendar without forming a second public hearing if there's no objection or request for public hearing out of protest. That and other circumstances allows for a matter like this one to be approved on a consent calendar as long as there is no protest. If there is an objection, a request for public hearing on a protest, the Board shall hold a public hearing thereon at least 15 days notice of which shall be given by one publication in the newspaper of general circulation in the County seat and by posting the area included in the proposed change. So what that provides is

that if there is an objection, you can't go through the consent agenda procedure for approving a requested zoning change. If, and perhaps Mr. Gould can speak to this, but my understanding in talking with him is that this particular hearing was posted at least 15 days prior to the hearing in the area included in the proposed change and it was also published more than 15 days prior to today's hearing in the newspaper of general circulation in the County seat. That being said, it fits. If that is correct, if it was in fact posted, this meeting was posted 15 days prior and, if in fact, the Planning (and Zoning) Commission has held a public hearing and made recommendations prior to today's meeting, it would be the opinion of the County Attorney's Office that the notice requirements and due process requirements have been satisfied."

Chairman Sanchez thanked Mr. Chambers for his advice and asked if the Board had any comments. None were received. Mr. Loew inquired if he could ask a question. Chairman Sanchez stated that he would allow one question because he had already closed the public hearing portion of the meeting. Mr. Loew stated, "This is in terms of the process we are now in. The question is that since the issue has significantly changed in terms of this project, is the recommendation of the Planning and Zoning Commission, which was based on another set of assumptions, a valid recommendation at this point? This is a question other people raised and I'm raising it too." Chairman Sanchez thanked Mr. Loew and asked if there was any further discussion by the Board. None was received. Chairman Sanchez then entertained a motion for action regarding this Resolution. Vice-Chairman Martin stated, "After due consideration, I move that we accept the recommendations of the Planning and Zoning Commission to adopt Resolution No. 07-03-01 approving the Planning and Zoning Department Case No. Z-07-01, to rezone Parcel C, approximately 9.745 acres of tax parcel number 205-24-006N from R1-D8 to R3, which is Residence Three, in order to build the Madeira Peak Vista Apartments in Globe. If the building permit for this development is not issued within 18 months, I would like to follow recommendation G in particular, that the Board of Supervisors shall take action to revert the zoning to the original zoning

designation of R1-D8 and that was in the event that the building permit hadn't been issued within 18 months. Chairman Sanchez seconded the motion, which was passed by the Board by a 2-0 vote. Supervisor Dawson abstained from voting because of a conflict of interest. **(Copies of the Resolution and Staff Report are permanently on file in the Board of Supervisors' Office.)**

Jacque Griffin, Assistant County Manager/ Gila County Librarian, presented follow-up information pertaining to a Coordinated Planning Rights of County Government presentation given to the Board on November 28, 2006. Ms. Griffin stated that she was responding from staff regarding a position paper submitted to the Board of Supervisors entitled *Principles and Expectations for Land Use Planning on Federal and State Lands in Gila County, Arizona*, a copy of which was included in the Board's informational packet. She stated that on the last page, the document refers to the FLPMA (Federal Land Policy and Management Act of 1976); however, this is not the full FLPMA document. Ms. Griffin stated that on November 28, 2006, Mr. Besich requested that she and Mr. Gould review the position paper and later provide the Board with an update on how it fits with what Gila County already has and already does with regard to federal land and planning. Ms. Griffin stated that Mr. Gould reviewed the position paper first and then they drew up a 2-page short version review of which she read the summary portion aloud, as follows:

The position paper submitted would appear to be expressing a concern that both the County and the Forest Service be cognizant of the need to work together in developing federal policies that affect the use of federal lands and their impact on the citizens of Gila County. Gila County currently has the *Land Use and Resource Policy Plan* (LURPP) for public lands that was adopted by the Board of Supervisors in 1997 "as a guide in land use and resource policy planning and decision making processes" (excerpt from Resolution 97-1-7, adopting the LURPP dated February 4, 1997). This plan was developed over 28 months in conjunction with many county residents as well as several federal agencies. Seven public scoping meetings were held at locations throughout Gila County to elicit thoughts, ideas and comments from the residents. Approximately 340 people participated in the Public Scoping Process, through meeting attendance, written comments or both.

The process of developing this document began primarily with the Eastern Counties Organization. It clearly spells out the issues of concern that the County has, and the resident's position on those issues. This existing policy

plan is broader in scope and nature, and encompasses all of the multiple use aspects inherent in public land management.

Ms. Griffin stated that the LURPP addresses various aspects of multiple use prospectives including the following: 1) planning and management of public lands; 2) access, recreation and tourism; 3) customs and cultures; 4) economy and tax base; 5) ecosystems and wildlife 6) land exchanges; 7) mining and extractive industries; 8) multiple use; 9) ranching and livestock grazing; 10) timber and forest maintenance; and, 11) water, watershed and riparian areas. She advised that in the Resolution it states that the LURPP should be reviewed annually, which has been done by prior Boards, and Mr. Gould expects to put this on the agenda for review in April by the Planning and Zoning Commission, which is the agency within Gila County that was designed to review same. Ms. Griffin stated that the summary of finds would be that the LURPP addresses very similar items to the *Principles and Expectations for Land Use Planning on Federal and State Lands in Gila County, Arizona* in a broader context in the larger document. Chairman Sanchez thanked Ms. Griffin. Mr. Gould had nothing further to add. Supervisor Dawson stated that a comment was made that the Board did not know what the LURPP was or where it was, but she has studied it thoroughly, found no objections and thought it was well written; however, she did object to the County's lack of keeping it active. She stated, "Now that Mr. Gould will be reviewing the document at a Planning and Zoning Commission meeting, any public groups now have an avenue to address their concerns." Vice-Chairman Martin stated that she participated in the initial group planning for the LURPP and the Board went to great lengths to obtain public involvement and she appreciated the initial comments received from a variety of people. Vice-Chairman Martin stated that she has used the LURPP when making decisions on various planning and zoning issues so, "It may not have come back in front of the Planning and Zoning Commission, but it is not a dead document either." Chairman Sanchez called on Marie Petroff to speak to the Board. Ms. Petroff, a resident of Young, stated that the County staff focused their efforts on the ways that Gila County already works at

participating cooperatively with the federal land management agencies specifically citing the unimplemented 1997 *Gila County Land Use and Resource Policy Plan* for public lands. She stated that to activate the 1997 Plan, a citizens committee must be appointed to establish the criteria and means of coordinating county plans with federal land management agencies. This Plan does not now recognize the Congressional law under the FLPMA that the federal land management agencies must adopt county land management plans. She stated, “The recommendation that the Community Development Division staff along with the Gila County Planning and Zoning Commission merely need to annually review this document and provide a status report to the Board continues the document in a role of a passive and impotent show object. The challenge is to turn around the perspective that land management and planning coordination is a discretionary option for the federal agencies. It is mandated by congressional law, FLPMA and others. We are asking you, our County leadership, to insist that the Forest Service, Fish and Game, etc., obey the law and coordinate all federal land management policies and actions with the County Plans. This cannot be accomplished through organizations like the Eastern Counties Association because FLPMA does not require the Forest Service to coordinate with associations—only directly with individual county governments.” Ms. Petroff stated that David Cook of the Gila County Cattle Growers Association and chairman of the Public Lands Committee No. 8 of the Southern Gila County Economic Development Corporation (SGCEDC) is working with the commissioners of Owyhee County, Idaho. She advised that Owyhee County is the leader in the implementation of public lands coordination and has been successful in limiting the measure of federal land regulations that impact industry and private property. She stated, “We are disappointed that the Gila County managers and supervisors have not consulted with the knowledgeable Owyhee and Modoc County contacts provided. Had they occurred, these conversations would have provided real world scenarios of need and success, which are compellingly persuasive. David Cook and the Gila County Cattle Growers Association are recommending to the

Board of Supervisors that federal land county coordination be adopted and that the SGCEDC Public Lands Committee No. 8 be appointed to fulfill the role of the Countywide citizens committee to enact this critical policy of action to protect the economy, citizens and property rights in Gila County.” In response to Chairman Sanchez’s question to Ms. Petroff about her reference or source for stating that the SGCEDC Committee must be appointed by the Board of Supervisors, Ms. Petroff stated, “That is our feeling on the subject.” She stated that looking at the model that has been provided with Owyhee County and looking at the laws under FLPMA and how some of these actions are enacted, that seems to be the best way. She questioned how the County and the Board of Supervisors would be able to take on the enormous workload of making sure that federal agencies are coordinating with the County’s Plans. Ms. Petroff stated that the citizens committee could provide the people to do that work with recommendations being made to the Board. Chairman Sanchez stated that he had misunderstood her comment and thought she was quoting from something that had been adopted by the Board in 1997. Supervisor Dawson stated that Ms. Petroff also made the comment in her report that no County Supervisor had availed themselves of the knowledge of Owyhee County or contacted them, which is not accurate because her staff has been in contact with them several times. Vice-Chairman Martin questioned Ms. Petroff’s comment on the “unimplemented Plan” and asked what made her think it was unimplemented. Ms. Petroff stated that it was her understanding and from the conversation today that the LURPP was completed in 1997 and has not been followed up on since that time. She stated, “It has been on the shelf; the Planning and Zoning Commission has not reviewed it annually, so it’s been essentially forgotten by the County. That’s the impression.” Chairman Sanchez thanked Ms. Petroff for her comments and then called on David Cook, a resident of Globe to speak. Mr. Cook stated that he wished to give the Board the official stance of the Gila County Cattle Growers Association as presented in a letter to the Board of Supervisors dated March 12, 2007, from the Association, which he read aloud, as follows:

The Gila County Cattle Growers (GCCG) Executive Committee and various board members have reviewed and discussed the proposal before the Gila County Board of Supervisors to adopt the Federal Land Management County Coordination Plan set forth at the November 16, 2006, meeting.

We believe Gila County's Land Use and Resource Policy Plan adopted in 1997 addressed the same issues raised in the November 16<sup>th</sup> proposal, consequently, we believe the proposed plan is unnecessary and we do not support it's (as typed) adoption.

We do support the formation of a county wide citizens committee to review Federal and State Land Agency proposed actions to inform and advise the County of the possible impacts of those actions to its citizens and our economy. We also believe it may be desirable to establish MOU's between the County and government agencies, (i.e. the USF&W, Arizona Game and Fish, TNF, etc.) that require County involvement when their actions impact our economy. An example would be the introduction of an endangered species on Federal or State land which could result in a reduction or elimination of activities on that land such as grazing, mining or recreation.

The GCCG's appreciate the support we have received from the County in an effort to rebuild the cattle industry in Gila County while contending with uncooperative weather and increased regulations. Thank you for involving us in this important issue.

The letter was signed by John Fowler, President; David Cook, Vice-President; and, Therese Hicks, Treasurer.

Chairman Sanchez thanked Mr. Cook for his comments and entertained a motion. Supervisor Dawson made the motion to actively implement this Gila County Land Use Resource Policy Plan for public lands as adopted in February 1997 by having an annual review by the Planning and Zoning Commission and any input from that Commission. Vice-Chairman Martin stated that she objected to the wording "actively implement" because she felt it has been implemented. Vice-Chairman Martin stated that she didn't mind having the words "continue to follow the Plan and have it annually reviewed." Supervisor Dawson amended her motion to state, as follows: "To continue to follow the Gila County Land Use Resource Policy Plan for public lands as adopted in February 1997 and have it annually reviewed by the Planning and Zoning Commission. Vice-Chairman Martin seconded the motion, which passed unanimously.

In addressing agenda item number 4, Mr. Cook requested the Board's consideration that the SGCEDC Public Lands Committee No. 8 be the

recognized citizens' advisory group outlined in the Land Use and Resource Policy Plan for public lands adopted by the Board of Supervisors on February 4, 1997. Mr. Cook read aloud a letter addressed to the Board of Supervisors dated March 13, 2007, from the SGCEDC Public Lands Committee No. 8, as follows:

We would like to thank you for all that you have done and continue to do for public land management within Gila County.

In 1997 Gila County adopted a "Land Use and Resource Policy Plan for Public Lands." In the plan it states, the purpose for such a plan "is to provide direction from citizens of Gila County to assist the county..." It further states, "The citizens of Gila County shall have ample opportunity to participate in the joint planning and implementation process" (of public lands).

Because Gila County has a comprehensive land management plan, which includes public lands, Group No. 8, "Public Lands," is offering their services to the Supervisors to fulfill the elements of a county citizen committee to enhance the County policies, plans, MOU's, and recommendations for Federal land management. This committee shall be open to anyone who wishes to be part of the collaborative effort to play an advisory role to the County Supervisors. The acknowledgement of such a citizens group shall not impede or interfere with action or interaction with regulatory agencies by industries such as mining, grazing or timber. These industries will have complete control of their own actions regarding their industry.

We hope you find this offer favorable, thank you for your time and consideration.

The letter was signed by David Cook, Chairman; Terry Wheeler, Vice-Chairman; John Fowler, President, Gila County Cattle Growers; Tony Castaneda, Roosevelt Residents Organization; Velma Hodson, AZ No Fee Coalition; Larry Widner, USFS (Retired); Ted Schaefer, President-Globe-Miami Chamber of Commerce; James Rassmussen, Citizen; Tom Hale, Citizen; Clarence Rice, President, People for the West; Myles Hodson, Citizen; and, Jeremy Burk, Citizen.

Mr. Cook stated that the SGCEDC Public Lands Committee No. 8 spent a lot of hours researching the Owyhee County Plan and personally conversing with the Owyhee County Chairman of the Commissioners. He noted that he had received Owyhee County's complete packet containing all of the MOUs (Memorandums of Understanding) and briefed the Board on the similarities he discovered between Owyhee County and Gila County while reviewing the material. Mr. Cook stated that it is his opinion that the Counties are very similar, but one of the things Gila County is lacking is a County Attorney like

the one in Owyhee County, who is very well educated and versed on this subject and oversight of the Owyhee County Plan is one of his specific jobs as the County Attorney. The County Attorney has developed MOUs and agreements of this nature with the federal agencies based on the Owyhee County Plan. Mr. Cook stated, "We have a Public Land Policy and we need to get some things finalized and moved forward. We are here to help; we are offering our service. We have industry representatives from the mining industry, the ranching industry, from recreation and whether or not you decide to allow us the opportunity to assist the Board or you use the Planning and Zoning Commission, the County Plan says that no group will be given special circumstances over another group. So it's all about being fair, listening to each other and working these things out and then giving the Board advice and the tools it needs to make better decisions for Gila County." Chairman Sanchez called on Clarence Rice, a resident of Globe, to speak. Mr. Rice, a member of the SGCEDC Public Lands Committee No. 8, stated that he is also President of the People for the West, Globe-Miami, Inc. He stated that as members of the SGCEDC Public Lands Committee No. 8, he feels the Committee can give its expertise in advising the Supervisors on planning and coordination with federal agencies. He urged the Board to acknowledge the SGCEDC Public Lands Committee No. 8 on this item. Chairman Sanchez thanked Mr. Rice for his comments and called on Velma Hodson, a resident of Roosevelt. Ms. Hodson stated that she signed the letter in support of recognizing the SGCEDC Public Lands Committee No. 8 as part of the public to help with public lands and how they affect our communities and requested that the Board consider adopting the SGCEDC Public Lands Committee No. 8 as a public advisory committee. Chairman Sanchez inquired if Mr. and Mrs. Petroff had any further comments. Both did not have any further comments. Chairman Sanchez read aloud the written comments submitted by Michael Armstead, a resident of Payson, which stated that he would like to see that northern Gila County be recognized and the citizens of the north be added to the advisory group as outlined in the LURPP for public lands that was adopted on February 4, 1997, and he

recommended that the LURPP be placed on the Gila County website.

Chairman Sanchez stated that the problem he sees with the request is that the Public Lands Committee No. 8 is a committee of the SGCEDC, which has been endorsed by the Board, but has no representation from the areas north of the Roosevelt Lake Bridge. Supervisor Dawson stated that she directed the Steering Committee of the SGCEDC to clearly define the jurisdiction and purpose for each sub-committee. Supervisor Dawson also stated that she appreciates the citizen involvement and participation in the SGCEDC, but she stated, "There's no way that we can take the SGCEDC Public Lands Committee No. 8, in my estimation, and say you represent Gila County in becoming the advisors on the Land Use and Resource Policy Plan; whereas, the Planning and Zoning is exactly that." She suggested that the SGCEDC Public Lands Committee No. 8 make recommendations to the Planning and Zoning Commission or suggest changes that need to be made in the Plan. Vice-Chairman Martin stated that she has done a lot of work in Owyhee County all during the 1990s and is very familiar with the area; however, she believes it's a "completely different conversation." She explained that Gila County is 5 times larger than Owyhee County. Owyhee County is very rural and agriculture oriented and the people she worked with definitely have an economic impact on that County, but that is not true in Gila County. She stated that in looking at the ranching community in Gila County, if there are 500 people left that are actually connected with interest to a ranch, she is being generous and that would only be 1% of the population of the County. She stated that to have a committee that is representative of the County it would have to be a 100-member committee in order to allow one rancher on that committee to be representative of the population and 60% of the committee would have to be located north of Roosevelt Dam to follow the population. Vice-Chairman Martin stated, "What I read into this is an agricultural request more than anything else, of having a way to influence the federal government because of our business in agriculture. That's a whole different thing than asking for a citizen's committee to influence all across the board." She stated that the

Census Bureau no longer counts agriculture in its census because agriculture in the United States is no longer statistically relevant and it is no different in Gila County. Vice-Chairman Martin stated that she believes the Planning and Zoning Commission is representative of the public and it is the group that should be the citizens' advisory group for public lands. Mr. Cook stated, "We can all agree to disagree at some point and I disagree with the agricultural economic impact to the United States and the County. I will agree, however, that the Planning and Zoning Committee does fulfill the citizens group and county wide." He stated that even though the Board of Supervisors chooses not to recognize the SGCEDC Public Lands Committee No. 8 or any other group, it doesn't mean the group doesn't have the authority to write letters and petition the Supervisors on any issue. He stated this group also has other alternatives through the school boards, which are recognized under FLPMA as also being a tax base of representatives and they could also ask the Tonto National Forest to allow this group to have a seat at the table. Mr. Cook stated that he was not speaking as a representative for the Gila County Cattle Growers Association (GCCGA) and that is why the Board received an official statement from the GCCGA. Mr. Cook stated that he was trying to find common ground between the recreationists, cattle growers, mining people and concerted citizens from all three supervisorial districts and all communities. He stated that at a U.S. Forest Service meeting held at Besh-Ba-Gowah in Globe, the Forest Service moderator raised the issue that not one representative from Gila County government, city or tribe was present at the meeting. Mr. Cook concluded by stating, "This group is not asking to be the representatives for the entire County, or to have a budget; what you have is a citizens group that wants to help, but do not know the avenue in wish to help and that is who I am here speaking for today." Vice-Chairman Martin stated that at the Forest Service meeting in Payson, the County, City of Globe and the San Carlos Apache Tribe were present and she wants everyone to know that the County is involved in the Forest Service planning process. Chairman Sanchez stated that as a point of information the Board had invited the U. S.

Forest Service to give a presentation and it was well attended by members of the public. Chairman Sanchez also stated that an article was published in the local newspaper that referred to the SGCEDC Public Lands No. 8 Committee as a Gila County Committee and he wanted it clarified for the record that this Committee has never been sponsored or authorized by Gila County. Chairman Sanchez called on Dan Adams, a resident of Payson. Mr. Adams, speaking as a senior citizen advisor stated, "It seems to me that if you have a group who wants to help on the major issue of this County, which is putting the unused public land back to work, you should adjust the organization somehow to accommodate them" and he urged the Board to find a way to put this group to work. Vice-Chairman Martin made the motion that the Board not make the SGCEDC Committee No. 8 the recognized citizens advisory group outlined in the Land Use and Resource Policy Plan for public lands adopted by the Board of Supervisors on February 4, 1997. The motion was seconded by Supervisor Dawson and unanimously approved by the Board.

At 1:12 p.m., Chairman Sanchez called for a brief recess.

At 1:21 p.m., Chairman Sanchez reconvened the meeting.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously voted to convene as the Gila County Library District Board. Ms. Griffin requested authorization for the Library District to submit a 2007 LSTA (Library Services and Technology Act) Competitive Grant Application to the Arizona State Library, Archives and Public Records Agency in the amount of \$5,100 for the CLiP (Connecting Library Professionals in Gila County) Project. She stated that there is \$3 million in federal funds that are passed down to the states with \$2 million going for statewide services and special grants including tribal libraries and \$1 million that is for competitive grants in the fields of the following: 1) community focal point; 2) cultural diversity; 3) families and children; 4) information technology; and, 5) strategic partnerships. The purpose for this grant will be to provide the funds for a meeting of the employees of the Gila County museums, special librarians such as the one at the prison, school librarians, college librarians and public

librarians in an ongoing effort to promote collaborative partnerships between the libraries, museums and cultural institutions. Ms. Griffin stated that the grant does require matching funds; however, the Arizona State Library allows staff salaries to be counted toward the match so all of the time put into this effort will be part of the matching funds; therefore, it will not require any additional or new funding. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the Library District to submit a 2007 LSTA Competitive Grant Application to the Arizona State Library Archives and Public Records Agency in the amount of \$5,100 for the CLiP Project.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board reconvened as the Board of Supervisors.

Barbara Valencia, WIA (Workforce Investment Act) Program Coordinator, requested approval of Modification No. 1 for two Program Year July 2006 to June 2007 General Services Contracts between the Gila/Pinal WIA Board of Directors and Central Arizona Association of Governments (CAAG) increasing the total Adult Contract to \$492,842 and the total Youth Contract to \$470,756 for continued employment and training services provided to eligible students and youth in Pinal and Gila Counties. She stated that Modification No. 1 was necessary because the U. S. Department of Labor did not make the final allocations to the State, which are then allocated by the State to the local areas, until the end of the year so this adds those additional funds to the first Contract. Chairman Sanchez inquired how much funding was being added to each Contract. Ms. Valencia stated that \$292,000 was being added to the Youth Contract and \$190,000 was being added to the Adult Contract. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Modification No. 1 for the two Program Year July 2006 to June 2007 General Services Contracts between Gila/Pinal WIA Board of Directors and CAAG.

Steve Sanders, Public Works Division Deputy Director, requested authorization to advertise Request for Proposals (RFP), Bid No. 012907-1, for

the South Elevator Project-Globe Courthouse. He stated that south elevator is in need of some modernization to the hydraulic and control system. This RFP would address those issues and when the job is completed, the elevator will meet ADA (Americans with Disabilities Act) code compliance requirements. The project will also include remodeling the interior of the elevator into one room with new doors being provided. He stated that the RFP is nothing more than to request a proposal to go out for bids. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the advertisement of Request for Proposals, Bid No. 012907-1 for the South Elevator Project-Globe Courthouse.

Mr. Sanders requested the award of Request for Proposals (RFP), Bid No. 01907-1, for the purchase of a 14-ton, 9-wheel roller (new or used) and to authorize the Chairman's signature on said Contract. He explained that the RFP stated that the equipment could be used; however, it must be a 2005 model or newer and have less than 500 operator hours. Of the 3 bids received, the low bid of \$54,191.42 did not meet the bid requirements as the machine was a 2004 model and had over 800 operator hours. Mr. Sanders requested that the Board accept the second lowest bid from Ingersoll Rand Equipment and Services for the purchase of a brand new roller with no operator hours in the amount of \$60,572.75 with \$6,000 for an optional trade-in on the old roller, which is being stored at the County maintenance yard. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded Request for Proposals, Bid No. 01907-1 to Ingersoll Rand Equipment and Services for the purchase of a new 14-ton, 9-wheel roller in the amount of \$60,572.75 with a \$6,000 optional trade-in for the old roller and authorized the Chairman's signature on said Contract.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda item numbers 9A-9K. Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved Consent Agenda item number 9L by a 2-0 vote. Supervisor Dawson

abstained from voting on item number 9L because of a conflict of interest. The Consent Agenda items are as follows:

- A. Ratification of the cancellation of an Intergovernmental Agreement (IGA) between Gila County REPAC and Navajo County effective March 31, 2007. The IGA is being cancelled due to the subcontractor's lack of performance as well as their decision to leave the REPAC Consortium. The original term of this IGA was January 1, 2007, to June 30, 2007.
- B. Approval of a Contract between the Gila County Recorder and US Imaging Inc. for the provision of image conversion services at a cost of \$1,209.35 per month.
- C. Approval to renew a Maintenance Agreement between the Engineering Department and Thomas Reprographics to provide maintenance on a 7055 Map copier (serial #705507874) at a cost of \$750 per year for the period March 1, 2007, through February 28, 2008.
- D. Approval of Amendment No. 2 to an Intergovernmental Agreement (ADOT JPA File No. JPA-01-073) with the Arizona Department of Transportation regarding the SR-87 at Bradshaw Intersection Project.
- E. Authorization for the Chairman to sign a Payment Request Form in order to obtain a credit in the amount of \$10,055.23 from Multimedia Telesys, Inc., which is related to the lease-purchase of the Phase II Video System for the Gila County Jails.
- F. Authorization for the Chairman to sign a 36-month Municipal Lease Agreement with Bank of America at a cost of \$340.10 per month and a 36-month Maintenance Agreement with Digital Imaging Systems at a cost of \$0.011 per copy for one Panasonic copy machine located at the Globe Courthouse main floor and used by the Board of Supervisors and other departments.
- G. Authorization for the Chairman to sign a 36-month Municipal Lease Agreement with Bank of America at a cost of \$278.35 per month and a 36-month Maintenance Agreement with Digital Imaging Systems at a cost of

\$0.011 per copy for one Panasonic copy machine to be used by the Justice Court located in Payson.

- H. Authorization for the Chairman to sign a 36-month Municipal Lease Agreement with Bank of America at a cost of \$241.75 per month and a 36-month Maintenance Agreement with Digital Imaging Systems at a cost of \$0.011 per copy for one Panasonic copy machine to be used by the Finance Division located in Globe.
- I. Approval of the January 2007 monthly departmental activity reports submitted by the Clerk of the Superior Court and Payson Regional Justice of the Peace and the February 2007 monthly departmental activity reports submitted by the Globe and Payson Regional Constables and Globe Regional Justice of the Peace.
- J. Approval of the personnel reports/actions for the weeks of March 5, 2007, and March 12, 2007, as follows:

**March 5, 2007**

Departure from County Service:

- 1. Building Maintenance Technician Senior – Facilities Management – 02-21-07 – Internal Services Fund – Jay Heisler – Hire 04-17-00 – Resigned for other employment
- 2. Environmental Engineering Inspector – Community Development – 02-21-07 – General Fund – Larry Fulks – Temporary position
- 3. Transfer Station Relief – Solid Waste Management – 02-20-07 – Enterprise Fund - David Young – Temporary position

Hire to County Service:

- 4. Legal Secretary – County Attorney – 03-08-07 – Criminal Justice Enhancement Fund - Brenda Van Haren
- 5. Environmental Health Specialist Senior – Health Services – 03-19-07 – Health Services Fund – Patrick Zurick – Replaces Gary Barnes
- 6. Road Maintenance/Equipment Operator – Consolidated Roads – 03-26-07 – Road Fund - Thomas Tanner – Replaces Billy Williams
- 7. Court Clerk – Clerk of Superior Court – 03-05-07 – General Fund -

Barbara Mathers – Replaces Karla Cassa

8. Courtroom Clerk IV D – Clerk of Superior Court – 03-05-07 – General Fund - Jennifer Kimes – Replaces Rachel Petty

Temporary Hire to County Service:

9. Planner – Community Development – 03-05-07 – General Fund - Rudy Frost
10. Staff Nutritionist – Health Services – 02-26-07 – Grant Fund - JoAnn Wegenke

Departmental Transfer:

11. Road Maintenance/Equipment Operator – Consolidated Roads to Solid Waste Operator Senior – Solid Waste Management – 02-26-07 – Road Fund to Enterprise Fund – Billy Williams – Replaces Walter Wiley
12. Court Clerk to Accounting Clerk Specialist – Clerk of Superior Court – 03-05-07 – General Fund – Karla Cassa – Replaces Linda Shirley
13. Courtroom Clerk IV D to Courtroom Clerk – Clerk of Superior Court – 03-05-07 – General Fund – Rachel Petty – Replaces Kimberly Galindo
14. HIV Program Coordinator to Public Health Preparedness Manager – Health Services – 03-19-07 – Grant fund – William Hyer – Replaces Kevin Kenney

End Probationary Period:

15. Building Safety Assistant – Community Development – 03-05-07 – General Fund - Mary Lee
16. Assessor's Aide – Assessor – 03-05-07 – General Fund - Shawn Wilson
17. Director/Planner – Community Development – 02-19-07 – General Fund - Robert Gould
18. Welder – Auto Equipment Maintenance – 02-19-07 – Auto Equipment Maintenance Fund – Bruce Tanner
19. Accountant – Finance – 03-19-07 – General Fund- Stacie Allison

Position Review:

20. Extend probationary period – Legal Secretary – County Attorney – 02-22-07 – General Fund – S. Ellen Farnham

Request Permission to Post:

21. Building Maintenance Technician Senior – Consolidated Roads – Copper Region – Position vacated by Jay Heisler
22. Accounting Clerk – Finance – Position vacated by Evelyn Esparza – transfer position from Purchasing to Finance

**SHERIFF'S PERSONNEL ACTION ITEMS**

Departure from County Service:

23. Task Force Commander – Globe S.O. – 02-26-07 – Task Force Fund – Steven Craig – Hire 11-15-01 – Retirement

Hire to County Service:

24. Deputy Sheriff Cadet – Globe S.O. – 02-26-07 – General Fund - Ronald Escobedo
25. Deputy Sheriff Cadet – Globe S.O. – 02-26-07 – General Fund - Robert Corn

Departmental Transfer:

26. Deputy Sheriff Sgt. to Interim-Acting Task Force Commander – Globe S.O. – 02-26-07 – Task Force Fund – Dennis Buller – Replaces Steven Craig

Position Review:

27. Promotion – Detention Officer to Detention Officer Cpl. – Globe S.O. – 02-19-07 – General Fund – Jared Osborn
28. Assume additional duties – Physician Assistant to Manager of Detention Medical Services – Globe S.O. – 03-05-07 – Detention Health Services Fund – Richard Hobson

**March 12, 2007**

Departure from County Service:

1. Legal Secretary – County Attorney – 02-27-07 – General Fund - Jennifer Harmon – Hire 03-06-06 – Resigned – leaving area

Hire to County Service:

2. Juvenile Detention Officer Trainee – Probation – 03-12-07 – General Fund - Pasqual Olvera

3. Surveillance Officer – Probation – 03-05-07 – Adult/Juvenile Intensive Probation Services Funds – Danny McKeen – Replaces Robert Beraun

Departmental Transfer:

4. Deputy Probation Officer 2 to Deputy Probation Officer Supervisor – Probation – 03-05-07 – General to Diversion Intake Fund – Cynthia Romance – Replaces Arthur Stone

End Probationary Period:

5. Juvenile Detention Officer Trainee – Probation – 03-05-07 – General Fund - Mellie Marin
6. Administrative Clerk Senior – Health Services – 03-19-07 – Health Services Fund - Sharon Heller

Position Review:

7. Extend probationary period to 04-19-07 – Law Clerk – County Attorney – 03-19-07 – General Fund – Raymond Geiser – Has not been admitted to the Arizona State Bar

Request Permission to Post:

8. HIV Program Manager – Globe, Payson, Show Low Health Services – Position Vacated by William Hyer

**SHERIFF PERSONNEL ACTION ITEMS**

9. Deputy Sheriff – Globe S.O. – 03-23-07 – Law Enforcement Boat Safety Fund - Robert Craig Jones – 08-12-02 – Resigned – reason unknown

Hire to County Service:

10. Detention Officer – Payson S.O. – 03-05-07 – General Fund - Yvonne Nelson – Replaces Lynn Durst

- K. Approval of the finance reports/demands/transfers for the weeks of March 5, 2007, and March 12, 2007, (separate handout) as follows:

**March 5, 2007**

\$662,684.76 was disbursed for County expenses by voucher numbers X155278 through X155437, X399236 through X399239, and X399241 through X399335, X399337 through X399525. The hand-issued warrants

listing is as follows: voucher number X399230 in the amount of \$450.00 and, voucher number X399231 in the amount of \$1,240.00.

**March 12, 2007**

\$682,329.34 was disbursed for County expenses by voucher numbers X155438 through X155572, X399526 through X399653, and X399655 through X399788. The hand-issued warrants listing is as follows: voucher number X154297 in the amount of \$630.00; voucher number X399233 in the amount of \$117,767.00; voucher numbers X399234 in the amount of \$5,238.92; and, voucher number X399235 in the amount of \$864.35. **(An itemized list of vouchers is permanently on file with the Board of Supervisors.)**

- L. Approval of a payment for services in the amounts of \$438 and \$553 to Fly-A-Way Travel.

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 1:56 p.m.

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Jose M. Sanchez, Chairman

ATTEST:

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Steven L. Besich, County Manager/Clerk