

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

Date: October 23, 2007

JOSÉ M. SANCHEZ
Chairman

STEVEN L. BESICH
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian Sheppard
Chief Deputy Clerk

SHIRLEY L. DAWSON
Member

Gila County Courthouse
Globe, Arizona

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

Item 1 – Call to Order – Pledge of Allegiance – Invocation

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Bryan Chambers led the Pledge of Allegiance and Greg LeCheminant of the Church of Jesus Christ of Latter Day Saints delivered the Invocation.

Chairman Sanchez stated that Vice-Chairman Martin would be joining the meeting via video conferencing from her office in Payson.

Item 2 - Presentation of a \$25,000 Senior Transportation/Meals on Wheels Program grant award issued by the Gila River Indian Community State-Shared Gaming Revenue Program to Gila County on behalf of the Payson Senior Center.

Vice Chairman Tommie Martin presented this agenda item and she introduced the following Payson Senior Center representatives: Reed Cox, Executive Director, and Barbara Underwood, President. Mr. Reed provided an overview of the services provided by the Payson Senior Center's Meals on Wheels Program. The Program serves approximately 60 meals per day to senior citizens at the Center and 120 meals per day to the homes of senior citizens. Employees, drivers and volunteers prepare and serve the meals. Ms. Underwood advised that this grant money ensures the continuation of this vital program. She advised that for many senior citizens, this is the only hot meal they receive each day. Ms. Underwood publicly thanked the Gila River Indian community for this grant award. Mr. Reed submitted a grant application to the Gila River Indian Community with Gila County agreeing to be the pass-through agency for the grant funds. Gila County recently received written notice that the Gila River Indian Community awarded the grant to Gila County for the Payson Senior Center. Vice-Chairman Martin was pleased to present a copy of the check to Mr. Reed and Ms. Underwood. The actual check will be deposited in Gila County's bank account and a separate check will then be issued to the Payson Senior Center. Vice-Chairman Martin acknowledged the importance of this Program and she

stated that for some senior citizens, who are shut in their homes, this is the only social interaction they receive. Mr. Besich wanted assurance that a letter of thanks would be sent to the Gila River Indian Community by the Payson Senior Center; Mr. Reed replied that a thank-you letter had already been sent and that he would provide the Board with a copy of the letter. Chairman Sanchez advised that the passage of Proposition 202 by the voters in Arizona in November 2002 set the stage for new gaming compacts between the State and the respective tribes. An important provision of Proposition 202 was the sharing of gaming revenues with the State. The Gila River Indian Community has decided to exercise its option to retain and administer 12 percent of its State-shared gaming revenue. Supervisor Dawson also expressed her appreciation to the Gila River Indian Community and to Mr. Reed and Ms. Underwood.

Item 3 - Information/Discussion/Action to consider an invitation by the Town of Star Valley to serve on its Water Task Force Committee.

Chairman Sanchez read aloud this agenda item and Vice-Chairman Martin advised that Chuck Heron, Mayor of the Town of Star Valley, was present in her office. Steve Besich, County Manager/Clerk, stated that he and the Star Valley Town Manager had discussed the concept of a water task force committee, which is the reason he requested that Town officials attend today's meeting. Chairman Sanchez advised that the Board of Supervisors received a letter from the Town of Star Valley inviting one person to represent Gila County on its Water Task Force Committee. Vice-Chairman Martin read the Committee's mission statement into the record. Mayor Heron advised that the Committee has been in operation since the incorporation of the Town of Star Valley under the auspice of the Diamond Star Water Coalition, and it has been in effect for almost two years. He recited the names and titles of the members of the Committee. He stated that the Town of Star Valley received official notice yesterday that the Town of Payson has declined the invitation to be represented on the Committee. Mr. Besich provided additional information on previous efforts made by other organized groups that were formed to address water problems in northern Gila County. The Board and Mayor Heron entered into a discussion on the operation of the Committee. In summary, Mayor Heron advised that the core members of the Committee would meet once a month; however, meetings between the Committee and the Arizona Department of Water Resources and Central Arizona Project would occur on a quarterly basis. He explained the difference between "safe yield" and "sustainable yield." Supervisor Dawson also commented on the struggles that have occurred in past years by other groups or committees that have been formed to address northern Gila County water issues. She stated, "I can see that the purpose of this Task Force is to add some trust to what is going on." Mr. Besich stated, "I want Gila County to be at that table to say 'yes, we monitored and reviewed the reports and we agree with them.' We need someone to determine where we are going with water." Mr. Besich advised that, if the Board so chooses, he or his designee would serve on the Committee; however, his first choice would be to have Supervisor Dawson serve on the Committee. Vice-Chairman Martin believes the Committee would be better served by assigning Darde DeRoulhac, Chief Engineer for the Gila County Flood Plain District, or Jerry Farr, Engineering Department Construction Projects Manager, to serve on the Committee. At the end of the discussion Chairman Sanchez advised that he would like the Board to accept the Town of Star Valley's invitation to serve on the Committee and to direct Mr. Besich to proceed with appointing a staff member to serve on said Committee. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted Star Valley's invitation to service on its

Water Task Force Committee and directed Mr. Besich to assign a staff member to represent Gila County on the Committee.

Item 4 - Presentation regarding Arizona Public Service's volunteer remediation of an old manufactured gas plant on Pine and Mesquite Streets in Globe.

Bill Marshall, Arizona Public Service (APS) Mountain District Area Manager, presented this agenda item. He introduced Judee Jackson, Community Development Consultant, and Judy Heywood, Remediation Project Manager. Ms. Heywood provided a PowerPoint presentation of the Former Globe Manufactured Gas Plant (MGP) Remediation Project. In summary, there were more than 1,500 MGP sites operated in the U.S. from the late 1800s to the 1950s. Thirteen MGP sites were operated in Arizona and 8 of those MGP sites have corporate predecessor ties to APS. APS acquired the MGP sites along with electric generating facilities to form APS. APS sold the natural gas portion of the business, but retained the responsibility for the environmental impacts at these sites. Most of the MGP sites were closed in the 1950s. While APS was digging a trench in one of their facilities in Phoenix, one of these MGP sites was noticed and that is when APS began conducting its research of MGP sites. APS developed an MGP remediation program. The first step was to identify and characterize the sites. The second step was to prioritize the sites for remediation. The third step is to implement remediation plans. The goal of APS is to remediate the sites to levels that are protective of human health and the environment, and to enter the Arizona Department of Environmental Quality (ADEQ) Voluntary Remediation Program. There is one MGP site located in downtown Globe at the corner of Mesquite and Pine, just east of US Highway 60 and Pinal Creek, which comprises a half-acre. Globe Electric Light and Gas Company built the MGP in 1905 and operated it to 1912 and other companies acquired it for various durations after those dates. In the 1960s, the City of Globe took title to the property. In order for APS to determine the environmental impacts to this site, 6 monitoring wells were installed along with soil borings and soil samples taken. APS began monitoring this site in 1997. To date there are no potential impacts to the groundwater, surface water or air. Ms. Heywood advised that there would be a public comment period prior to any work commencing on this site. APS will hold an open house on October 25th at the Globe High School Gymnasium to discuss the Remedial Action Plan. The public comment period will run from October 9 through November 8, 2007. She proceeded to explain the steps to be taken at the Globe MGP site. Since APS does not own this property, it has no control over the use, so ADEQ has regulatory oversight. Soil samples will be taken with an analysis of the samples. The sample results will determine whether excavation will continue, one foot at a time, until the results are clean. This site will be excavated until the site is visually clean and the soil reaches ADEQ's residential cleanup levels. The soil taken from this site will be deposited at a special waste landfill in Maricopa. A health and safety officer will be present at all times on the site and daily safety meetings will be held. The project will take approximately 4 to 6 months to complete with a project start-up date of December 2007. The project will run 5 days per week, 10 hours per day. APS just issued a call for bids on the Globe MPG site. Supervisor Dawson mentioned that the City of Globe has discussed the need for an underground parking garage and she suggested that this site may provide a solution to that issue. The Board thanked Mr. Marshall, Ms. Heywood and Ms. Jackson for the presentation.

Item 5 - Public Hearing - Information/Discussion/Action to adopt Resolution No. 07-10-04 approving Planning and Zoning Department Case No. ABCO-07-02, which amends the

following sections of the Gila County Building Code Ordinance: Section 1-Building Code; Section 4-Advisory Board; Section 8-Building Permits; and, Section 16-Amendment.

Joe Mendoza, Community Development Division Deputy Director/Chief Building Official, presented this agenda item. He handed out revised pages 41, 49, 56 and 64 of the Board's informational packet that were approved by Bryan Chambers, Chief Deputy County Attorney. He advised that the most recent revisions to these pages weren't ready in time to include in the informational packet. He also handed out a page entitled "Advisory and Appeals Board Interest List." Mr. Mendoza reviewed all of the proposed changes to the Building Code Ordinance with the Board. The Staff Report submitted by Mr. Mendoza summarizes all of the changes being made to the Ordinance, as follows:

STAFF REPORT

The Gila County Building Code Ordinance lists the adopted codes and amendments that regulate construction within the County. From time to time, changes are necessary to make corrections and to update the information contained in this Ordinance.

The following changes to the Building Code Ordinance are currently proposed. Each proposal is followed by a statement explaining why the change is necessary.

1. Amend Section 4, Advisory Board, and replace it with the duties and functions of the Advisory and Appeals Board. ARS 11-862 states that any code adopted shall contain a provision for an advisory board. In addition, each of our adopted Code books includes a section that provides for a board of appeals. Many jurisdictions meet these requirements by combining the two boards into an Advisory and Appeals Board including Yavapai and Pinal Counties. The changes being proposed to Section 4 list the duties and functions of such a board.
2. Delete the sections of the adopted codes that reference an appeals process. The proposed change described in #1 above makes the code provisions for an appeals process unnecessary. With the creation of an Advisory and Appeals Board, code sections referencing Appeals Boards should be deleted.
3. Correct the Seismic Design Category information contained in Table R301.2(1). The information originally entered into Table R301.2(1) placing Gila County in Seismic Design Category C was not completely correct. The northern portion of Gila County is actually in Seismic Design Category B and only the southern portion of the County is in Seismic Design Category C. Some additional Code requirements apply to multi-family and commercial structures in C.
4. Delete the adopted amendments to the International Residential Code that regulate the location of LPG appliances. Code amendments were adopted that regulated locations where LPG appliances could be installed. These amendments were adopted at the recommendation of the Arizona Building Officials organization. However, after a meeting with several mechanical contractors and representatives from the LPG suppliers

within the county, it was determined that meeting the minimum code requirements is sufficient to insure public safety and the amendments are unnecessary.

5. Amend Section 8, Building Permits, to include Investigation Fees. Each of the previously adopted codes included a section providing for Investigation Fees. These were fees imposed to cover the cost of the additional work involved when a project is begun without a permit. For some reason, this provision has been included in some sections of the code and omitted from others. For consistency, it should be included in the Building Code Ordinance so that it applies in every case where work commences without a permit.
6. Delete Section 1.E, State Plumbing Code. The State Plumbing Code sunset on July 1, 2007.
7. Amend Section 1.I.3, Park Model Trailers. Park Model Trailers are Recreational Vehicles per the State but set up like Manufactured Homes. They are subject to both the Building Code and the Zoning Ordinance.

At the end of Mr. Mendoza's presentation, he referred to the list of people who have expressed an interest in serving on the Gila County Advisory and Appeals Board. A brief discussion was held between Mr. Mendoza, Mr. Besich and the Board whereby Mr. Mendoza and Mr. Besich clarified some issues related to the proposed changes. Chairman Sanchez opened the public hearing at this time and no comments were offered; therefore, the public hearing was closed. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board adopted Resolution No. 07-10-04. **(Copies of the Resolution and the Building Code Ordinance, which denotes all of the section changes, are permanently on file in the Board of Supervisors' Office.)**

For the record, Vice-Chairman Martin left the meeting at this time to attend to other County business.

Item 6 - Information/Discussion/Action to authorize expending an amount not to exceed \$50,000 to be used for electrical upgrades and restroom improvements at the old armory building located in Claypool, Arizona.

Steve Stratton, Public Works Division Director, presented this agenda item. For the record, Gila County has been leasing the old armory buildings from Phelps Dodge Miami Mining, Inc. for many years to house its Facilities and Land Management Department and the former Purchasing Department. Mr. Stratton advised that Phelps Dodge has now partnered with Gila County Community College to establish a vocational training program. The intent is for Building A to be used initially for the program and the Facilities and Land Management Department will use Building B. Eventually that County department will be relocated. Mr. Stratton referred to the handouts he provided the Board, which were 3 written proposals presented to the County from companies that would like to provide the electrical upgrades. The County will be providing the materials for the restroom improvements and the students of the vocational training program will perform the work. At this time Mr. Stratton is anticipating spending approximately \$30,000; however, the request is for an amount not to exceed \$50,000. Mr. Stratton stated that he has

obtained verbal permission from Jay Spehar of Phelps Dodge; however, he has not yet received written permission. Supervisor Dawson stated that she recently met with Mr. Spehar and Alan Tittes of Phelps Dodge and she assured everyone that they fully support this endeavor. Chairman Sanchez initiated a brief discussion regarding the existing lease agreement with Phelps Dodge and the amount to be expended. Mr. Besich provided information on the future changes that will be made to accommodate the Facilities and Land Management Department and the County Shop at a different location. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved the requested

Item 7 - Information/Discussion/Action to award a Contract in reference to Call for Bids No. 012907-1 to ThyssenKrupp Elevator in the amount of \$69,993 whereby elevator modernization services will be provided for the South Elevator Project at the Globe Courthouse.

Mr. Stratton advised that his Division has been working for over one year to bring the elevator modernization project to fruition and he explained that there are a limited number of companies that are qualified to perform the modernization services. He advised that the County has been in negotiations with ThyssenKrupp Elevator for quite some time and he recommended that a contract be awarded to this company. Mr. Besich questioned the condition of the elevator once the upgrades have been made. Mr. Stratton advised that once the upgrades have been made, the elevator will be “safe and operable.” Mr. Besich stated his primary concern is that any elevator having access to the third floor of the Courthouse, which is the location of the Superior Courts, Clerk of the Court’s Office and judges’ chambers, is secure. A discussion ensued regarding installing video surveillance equipment on the elevator that would access the third floor. Mr. Stratton advised that this would be a good time to begin working on that effort. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board awarded the contract related to Call for Bids No. 012907-1 to ThyssenKrupp Elevator in the amount of \$69,993.

Item 8 - Information/Discussion/Action to approve Professional Services Contract No. 6500.341.510/10-2007 between Gila County and Hydro Geo Chem, Inc. in the amount of \$12,346.65 whereby an abandoned underground storage tank will be removed from the Parker Creek County Yard.

Steve Sanders, Public Works Division Deputy Director, advised that in the 1920s when the road to Young was a County road, Gila County established a road maintenance yard at Parker Creek. At a later date the road maintenance yard was disbanded; however, the underground storage tank was not removed. In 1993 the U.S. Forest Service approached the County to remove the abandoned underground storage tank. Supervisor Dawson initiated a discussion on this road and Mr. Sanders clarified that the subject road has always been owned by the U.S. Forest Service; however, the U.S. Forest Service issued a permit to the County to use the road. Mr. Sanders recommended the Board’s approval of this Contract. Supervisor Dawson stated, “We don’t play the same games in the state as to whom is responsible. It seems to me that if the U.S. Forest Service acquires these lands, they acquire the liability.” Chairman Sanchez announced that the Contract states that any soil samples taken during the removal process will be analyzed. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved Professional Services Contract No. 6500.341.510/10-2007 between Gila County and Hydro Geo Chem, Inc. in the amount of \$12,346.65.

Item 9 - Information/Discussion/Action to approve a 60-month Cable One Commercial Service Agreement between Gila County and Cable One, Inc., to provide fiber optic data service between the Gila County Courthouse and the Central Heights County Complex with a one-time installation charge of \$2,500 and a monthly charge of \$1,425.

Darryl Griffin, Information Technology Department Director, provided a PowerPoint presentation for this item. In summary, Mr. Griffin advised that because there is a bridge that separates the Globe Region and the Payson Region, it is costly for Gila County to provide Data for constituent services between the locations where County departments/offices are housed in the Globe and Payson areas. He explained that Internet and Data services for all computers being operated at the Central Heights County Complex in the Globe Region is sluggish due to insufficient bandwidth. This Agreement with Cable One, Inc. will allow for the installation of the 10mb fiber feed, which will greatly speed up connectivity for constituent services for the Central Heights County Complex. In addition this contract will also provide a 5mb fiber internet pipe at the Gila County Courthouse in Globe and thus offloading the Globe Region's Internet traffic to Mesa. Increasing Bandwidth for County departments/offices located in the Payson Region will also benefit due to there being less traffic contention from the Globe Region. The Board, Mr. Chambers, Mr. Besich and Mr. Griffin entered into a discussion regarding the length of this Agreement, which is 60 months. The Agreement states, "This Agreement shall remain in effect for an initial term of 60 months on or around January 1, 2008, and shall be automatically renewed for a subsequent term of 12 months unless terminated prior to the end of any term by Cable One or Subscriber by at least 30 days written notice..." Given the fact that computer technology continually changes, a concern expressed by Supervisor Dawson regarding the lengthy duration of the Agreement, which essentially is for 72 months. It was decided that Mr. Griffin should meet with Cable One, Inc. representatives to establish a shorter time period. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board tabled this agenda item.

Item 10 - CONSENT AGENDA ACTION ITEMS:

- A. Ratification of the Chairman's signature on the Second Amendment to the Statute of Limitations Tolling Agreement between Gila County and Chaparral Pines Investors, LLC, whereby paragraph 2 has been amended to extend the term of the Agreement. Said Agreement is dated October 16, 2007.**
- B. Approval of Public Works Division Policy No. DPW06-02 – Safety Equipment.**
- C. Approval to authorize the advertisement of Call for Bids No. 101207-1, an annual contract for all advertising, publications and printing required to be done or made by all departments within Gila County government for the period January 1, 2008, through December 31, 2008.**
- D. Approval of the October 9, 2007, BOS meeting minutes.**
- E. Approval of the September 2007 monthly departmental activity report submitted by the Recorder's Office.**

F. Approval of personnel reports/actions for the week of October 23, 2007.

Departure from County Service:

1. Legal Secretary I – County Attorney – 10-26-07 – General Fund – Jill Anthony – 05-18-06 – Resigned
2. Plan Reviewer - Community Development – 04-01-07 – General Fund – Herbert Bartholomew – 03-28-05 – Resigned
3. Courtroom Clerk – Clerk of Superior Court – 09-13-07 – General Fund – Rachel Petty – 09-15-03 – Relocated to Tucson

Hire to County Service:

4. Community Health Assistant – Health and Community Services – 10-29-07 – WIC and Commodity Supplement Food Program Funds – Tammy Heir – Replacing Judy Leitner

End Probationary Period:

5. Public Fiduciary Assistant – Public Fiduciary – 10-15-07 – General Fund – Robyn Kidwell
6. Recorder’s Clerk – Recorder – 11-12-07 – General Fund – Carolyn White
7. HIV Case Manager – Health and Community Services – 11-12-07 – HIV Consortium and HIV Funds – Malinda Williams

Request Permission to Post:

8. Animal Regulation Enforcement Officer – Health and Community Services – Vacated by Jerry Garlinghouse

SHERIFF’S PERSONNEL ACTION ITEMS:

Departure from County Service:

9. Administrative Clerk – Sheriff’s Office/Globe – 10-09-07 – General Fund – Aaron Begay – 10-09-07 – Accepted another position
10. Detention Officer – Sheriff’s Office/Globe – 10-15-07 – General Fund – Ross Drishinski – 10-15-07 – Accepted another position

Hire to County Service:

11. Administrative Clerk – Sheriff’s Office/Globe – 10-29-07 – General Fund – Frances Avalos – Replacing Aaron Begay
12. Deputy Sheriff – Sheriff’s Office/Payson – 10-29-07- General Fund - Thomas Shorts – Replacing Karen Baltz
13. Deputy Sheriff Sergeant – Sheriff’s Office/Globe – 11-04-07 – General Fund – Dennis Buller – Replacing Christopher Bender/Tim Scott

Departmental Transfers:

14. Administrative Clerk – Sheriff’s Office/Globe – 10-29-07 – General Fund – Frances Avalos – Replacing Aaron Begay
15. Deputy Sheriff – Sheriff’s Office/Payson – 10-29-07- General Fund - Thomas Shorts – Replacing Karen Baltz
16. Deputy Sheriff Sergeant – Sheriff’s Office/Globe – 11-04-07 – General Fund – Dennis Buller – Replacing Christopher Bender/Tim Scott

G. Approval of finance reports which lists disbursements that will be issued for the week of October 23, 2007. (separate handout)

\$1,882,058.10 was disbursed for County expenses by check numbers 2631 through 2665,

2812 and 2815 through 2982. (An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)

Item 11 - At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and Mr. Besich presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Sanchez adjourned the meeting at 12:36 p.m.

APPROVED:

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk