

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

Date: December 18, 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; 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. Supervisor Dawson led the Pledge of Allegiance and Bill Marshall, Minister of the Miami Church of Christ, delivered the Invocation.

Item 2 - Presentation on A.R.S. §23-212, which goes into effect on January 1, 2008, and provides for business license suspension or revocation for employers who intentionally or knowingly employ unauthorized aliens.

Daisy Flores, County Attorney, presented this agenda item for the benefit of the public and the County, being a public business. She explained that this new law, which goes into effect on January 1, 2008, is designed to sanction employers who knowingly or intentionally hire unauthorized aliens. She advised that there is currently quite a bit of litigation ongoing in the federal courts to determine whether this law is valid. Presently all 15 Arizona county attorneys are being sued as well as the Arizona Attorney General. Employers who violate the law face sanctions that can include temporary loss of all Arizona business licenses. Employers who violate the law a second time face permanent revocation of their Arizona business licenses. She advised that her Office is the investigative body for any complaints that have been filed against any public or private Gila County business. The County Attorney's Office investigates the complaint and if the County Attorney's Office determines that the business knowingly or intentionally violated this law, that Office is required to file suit in the Superior Court whereby a judge will make a finding. If the

judge determines that the business intentionally violated this law, he/she will suspend the business license for 10 days. If the judge determines that there was a known violation of the law, the business is essentially put on probation and the employer is given 3 days in which to file an affidavit with the Superior Court which states that the unauthorized alien is no longer employed at that business and that the practice of hiring unauthorized aliens will not reoccur. Ms. Flores also stated that as of January 1, 2008, employers are required to use the federal government's E-Verify system to verify that the employees they hire are authorized by the federal government to work in the United States. She encouraged the County's Personnel Department to register and utilize the E-Verify system as soon as possible in addition to utilizing its other verification processes for hiring new employees. She advised that the internal procedures of her Office regarding this law are not yet "set in stone" as she believes there will most likely be future legislative changes. Until such time, the County Attorney's Office is obligated to follow the current statutory federal procedures. The Board and Steve Besich, County Manager/Clerk, entered into a discussion with Ms. Flores at this time. Mr. Besich inquired as to the funding provided for the implementation of this new law and Ms. Flores replied that her Office has been provided \$17,000, which will not cover the cost of an investigator and other associated costs. A question was raised whether the County's Personnel Department would be required to verify all existing employees. Ms. Flores replied that is an issue up for debate and she has not determined if the law would only apply to new hires as of January 1, 2008, or if it will apply to existing employees. She advised that if the E-Verify system was used for all current employees, the County would have a rebuttable point. She intends to have a policy and procedures distributed to all County departments by early January. Vice-Chairman Martin complimented Ms. Flores on the easy-to-understand manner in which she explained this process. She asked Ms. Flores to provide information on this issue so that a press release could be issued and Ms. Flores replied that a press release has been issued, which she presented to the Board. The Board thanked Ms. Flores for this presentation.

Item 3 - Information/Action/Discussion to approve a Consultant Agreement between Gila County and From the Eyes of a Child, LLC to provide management skills consulting services to the Gila County Attorney's Office in an amount not to exceed \$10,000 for the period December 18, 2007, through December 31, 2008.

Ms. Flores advised that she would like to provide supervisory training to members of her staff. She could require her staff to attend outside training, which is good; however, she stated "It would not be on point with what is happening in our Office." By entering into this Agreement, a consultant will provide on-site training at the County Attorney's Office, which Ms. Flores believes would provide the most benefit for her staff. She advised that Thomas Leach, the consultant, is responsible for the human resource responsibilities at a large school district. The terms of this Agreement specify that the consultant

will be paid \$65 per hour on an “as needed” basis. The hourly rate shall also apply to the consultant’s travel time to any office of the County Attorney. The total compensation shall not exceed \$10,000 for the term of the Agreement, and the Agreement provides for a one-year renewal option under the same terms and conditions. Supervisor Dawson agreed with this training and she made a comment that customer service training should be provided to staff throughout the County. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved a Consultant Agreement with From the Eyes of a Child, LLC in an amount not to exceed \$10,000 for the period December 18, 2007, through December 31, 2008.

Chairman Sanchez advised that agenda item 9 would be addressed at this time by Ms. Flores so that she could leave the meeting and attend to other business.

Item 9 - Information/Discussion/Action to award Request for Proposals No. 3528-301-89-130102007 for the Gila County Attorney’s Office Workflow Process Automation and System Integration to provide information technology services to convert the Gila County Attorney’s Office into a nearly paperless office.

Ms. Flores advised that with the help of an outside consultant, the bids submitted under this Request for Proposals were opened and reviewed a few weeks ago. Three bids were submitted and Ms. Flores recommended that the contract be awarded to The Ashley Brandon Company, Inc. in the amount of \$291,622. She advised that New Dawn Technologies submitted a lower bid in the amount of \$185,210; however, with the updates and licensing fees included, the cost would be well over \$300,000. Ms. Flores also advised that although this company has a great product, it is not what she feels is needed to transform the County Attorney’s Office into a web based, nearly paperless and virtual work environment. The projected completion date for this project is June 30, 2009. Funds for this project will come directly from the County Attorney’s Office. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously awarded Request for Proposals No. 3528-301-89-130102007 to The Ashley Brandon Company, Inc. in the amount of \$291,622.

Item 4 - Information/Discussion/Action to approve Maintenance Agreement No. GCSO001 and a one-year Warranty between the Gila County Sheriff’s Office and Multimedia Telesys, Inc. on the Video Visitation Equipment and Arraignment System for the Gila County Jail in the amount of \$15,215 for the period November 1, 2007, through October 31, 2008.

Jim Eskew, Sheriff’s Office Detention Commander, presented this agenda item. He advised that when the Video Visitation Equipment and Arraignment System were purchased last November, a one-year maintenance agreement was

included in the purchase price. This request will provide a Maintenance Agreement and Warranty on the System for an additional year. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Maintenance Agreement No. GCS0001 and a one-year Warranty with Multimedia Telesys, Inc. in the amount of \$15,215 for the period November 1, 2007, through October 31, 2008.

Item 5 - Information/Discussion/Action to approve Professional Engineering Services Contract No. 11-2007 between C. L. Williams Consulting, Inc. and Gila County to provide engineering services for the Disabled Access Improvement Project at the Globe Courthouse in the amount of \$16,659.

Steve Stratton, Public Works Division Director, advised that the Disabled Access Improvement Project will provide access for disabled people at the front entrance of the Courthouse in order for the entrance to be ADA (Americans with Disabilities) compliant. Supervisor Dawson inquired about the stairs on the side of the Courthouse entrance and she expressed a concern of ice on the steps during cold weather. Mr. Stratton advised that the steps are not included in this Project; however, he could prepare an addendum to the Contract to include the steps. He said that a slip-resistant material may be an option for the steps. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Professional Engineering Services Contract No. 11-2007 to C. L. Williams Consulting, Inc. in the amount of \$16,659.

Item 6 - Information/Discussion/Action to accept or reject a citizen's petition requesting that Gila County pave Cline Boulevard east of Dooley Drive in Tonto Basin.

Steve Sanders, Public Works Division Deputy Director, provided a history on this issue. He advised that the subject area is located on the east side of the creek in Tonto Basin and it is in excess of 5 miles. The road is located between two subdivisions. The County has an easement on the north end of the road and maintenance on that portion of the road, which includes paving, has been performed in the past by the County. This particular portion of road belongs to the Forest Service and some road maintenance has been performed by the County on this portion of the road in the past, which includes grading; however, the County may not pave the road until an easement is obtained from the Forest Service. The County must provide a record of survey map to the Forest Service which depicts the current condition of the road. If the Forest Service agrees, an easement will then be issued to the County and at that time the road could be paved. Mr. Sanders explained that there are several problems that must be addressed. First, there are new rules in place and NEPA (National Environmental Policy Act) requirements must now be met on any existing roads and the County must pay for that work. Once that can be

achieved, the County could then apply to the Forest Service for the easement; however, at present the Tonto National Forest doesn't have a surveyor on staff, so that causes further delays in obtaining the easement. Chairman Sanchez read aloud a letter he received from Guy Swenson, who is in favor of the Board accepting the Citizen's Petition. Supervisor Dawson suggested that establishing a road improvement district may solve this problem as was done by Yavapai County, which had similar road problems. Several public participation forms were submitted on this agenda item in favor of the Board of Supervisors accepting the Citizen's Petition. Keith Godbold addressed the Board and stated that because this portion of the road is unpaved, there is a lot of dust on the road which has contributed to breathing problems for many residents living alongside this road. Guy Swenson asked, "What constitutes a subdivision?" and he questioned why the pavement suddenly stopped on this portion of the road. Harvey Hart, Tim Nawrocki and David Reed did not publicly speak; however, they did submit public participation forms in favor of this issue. Supervisor Dawson asked for clarification whether this was a legal subdivision and Mr. Sanders replied that he could not verify that until he actually looked at a map of the subject area. Mr. Sanders advised that the County intends to pave the entire road because it is a heavily traveled road and funds have already been budgeted for this project. The County is waiting to get an easement from the Forest Service and the intent is to also obtain easements from private property owners where the road traverses through private property. Mr. Sanders advised that once that is done, the County will pave the entire road. He recommended that the Board reject the Citizen's Petition at this time. After discussing the issue, the Board decided that rejecting the Citizen's Petition may send the wrong message to concerned citizens and it may be construed that the Board does not want to pursue paving the road, so it was decided to table this agenda item so that Mr. Sanders could have more time to work with the concerned parties and the Forest Service. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously tabled the Citizen's Petition to pave Cline Boulevard east of Dooley Drive in Tonto Basin to allow time for Mr. Sanders to work with the concerned parties and the U.S.D.A. Forest Service and bring it back to the Board in 2008. Steve Stratton pointed out that the work on this road may not happen immediately upon receipt of the easements. Road work is scheduled in cycles and Mr. Stratton advised that this work would be done in the next work cycle as it would not be cost effective to only pave this small portion of road.

Item 7 - CONSENT AGENDA ACTION ITEMS:

A. Approval to certify the "Fill the Gap" funds per A.R.S. §42-2421(G) for the Treasurer's Office FY 2006/2007 annual collections by the Superior Court in the amount of \$822,407.40; Payson Regional Justice Court in the amount of \$595,323.65; and, Globe Regional Justice Court in the amount of \$574,441.98.

- B. Approval to appoint Bradley Werrell, Joseph Ring II and Lewis Mark Levenson as precinct committeemen to the Gila County Republican Committee.**
- C. Authorization of the Chairman's signature on Modification No. 4 to Grant No. 05-DG-11030121-006 "Removal of Noxious Weeds" between the U.S.D.A. Forest Service and Gila County to extend the expiration date from December 31, 2007, to December 31, 2008, to complete tasks as outlined in the Grant.**
- D. Approval to adopt Resolution No. 07-12-02, which authorizes the Sheriff's Office to submit a FY 2008 Law Enforcement and Boating Safety Fund Grant Application in the amount of \$237,179.48 to the Arizona State Parks Board and to authorize the Chairman's signature on the Participant Application for said Grant.** (A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)
- E. Approval of the December 4, 2007, BOS meeting minutes.**
- F. Approval of the November 2007 monthly departmental activity report submitted by the Globe Regional Justice of the Peace.**
- G. Approval of personnel reports/actions for the week of December 18, 2007.**

Departure from County Service:

1. Environmental Health Specialist Senior – Health and Community Services – 12-22-07 – Health Services Fund – Patrick Zurick – 03-19-07 – Resigned
2. Lube Specialist – Public Works/Auto/Equipment – 12-14-07 – Publics Works Fund – Jim Edmiston – 09-18-95 – Resigned

Hire to County Service:

3. Environmental Health Specialist – Health and Community Services – 12-24-07 – Health Services Fund – Bhishm D. Naraine – Replacing Shane Stuler

End Probationary Period:

4. Automotive Mechanic – Public Works/Auto/Equipment – 12-17-07 – Public Works Fund – Jaja Jaimah
5. Automotive Mechanic – Public Works/Auto/Equipment – 12-17-07 – Public Works Fund – Merle Ray

Position Review:

6. Change fund percentages – Risk Management Analyst – From Emergency Management/Fairgrounds To Emergency Management/Bio Terrorism Program – 12-10-07 – From General Fund To General Fund/Bio Terrorism Program Fund – Debra Williams

Request Permission to Post:

7. Community Health Assistant Senior/Payson – Health and Community Services/Teen Pregnancy Prevention Program – Grant funded position
8. Community Health Assistant Senior/Globe – Health and Community Services/Teen Pregnancy Prevention Program – Grant funded position
9. Administrative Clerk – Gila County Public Fiduciary – Vacated by Lara V. McGee

SHERIFF’S PERSONNEL ACTION ITEMS

Departure from County Service:

10. Detention Officer – Sheriff’s Office/Globe – 12-23-07 – General Fund – Deborah A. Steward – 09-04-07 – Resigned

Hire to County Service:

11. Detention Officer – Sheriff’s Office/Payson – 12-24-07 – General Fund – Frank H. Stemm – Replacing Bonnie Burk
12. Detention Officer – Sheriff’s Office/Payson – 12-10-07 – General Fund – Scott M. Ardrey – Replacing Matthew Havey

Temporary Hire to County Service:

13. Administrative Clerk/Part Time – Sheriff’s Office/Globe – 12-10-07 – Meth Initiative IGA Fund – Darlene Duncan

Position Review:

14. Reclassification – From Detention Officer To Detention Sergeant – Sheriff’s Office/Globe – 12-10-07 - General Fund – Kevin M. Fane – Promoted to Sergeant
15. Reclassification – From Detention Officer To Deputy Recruit – Sheriff’s Office/Payson – 11-26-07 – General Fund – Matthew T. Havey – Replacing Darcia Miner attending MCSO Academy
16. Reclassification – From Detention Officer To Detention Sergeant – Sheriff’s Office/Globe – 12-10-07 – General Fund – Toni C. M. Laguna – Promoted to Sergeant
17. Change position control number – Deputy Sheriff – Sheriff’s Office/Globe – 12-10-07 – General Fund – Charlie G. Links
18. Reclassification – From Deputy Sheriff Recruit To Deputy Sheriff – Sheriff’s Office/Globe – 12-10-07 – General Fund – Darcia C. Miner – Passed Arizona post certified deputy waiver test
19. Reclassification – From Detention Officer To Detention Sergeant – Sheriff’s Office/Globe – 12-10-07 – General Fund – Cindy Salas – Promoted to Sergeant

H. Approval of finance reports which lists disbursements that will be issued during the week of December 18, 2007. (separate handout)

\$1,692,492.99 was disbursed for County expenses by check numbers 204452 through 204482 and 204486 through 204651. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Vice-Chairman Martin made a motion to approve Consent Agenda Action items 7A-7H and Supervisor Dawson seconded the motion. Prior to a unanimous vote being given by the Board, Mr. Besich commented on Consent Agenda item 7A and he referred to the information contained in the Board's informational packet related to that item. Mr. Besich stated, "...It speaks to court collections....For the base year '97-'98, it was \$2,000,000 and now 7 to 8 years later it is less than \$2,000,000. It would be interesting to know how much is outstanding or uncollectible – the fees." Mr. Besich offered to obtain that information and later report that information to the Board. Chairman Sanchez thanked Mr. Besich for pointing out that fact and for following up on this issue. He then stated that a motion and second had been made on the Consent Agenda and he asked that all Board members signify approval by saying "aye", which was done.

Item 8 - 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 11:52 a.m.

APPROVED:

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk