

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

Date: March 4, 2008

JOSÉ M. SANCHEZ
Chairman

STEVEN L. BESICH
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

SHIRLEY L. DAWSON
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member (via telephone conferencing); 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. Vice-Chairman Martin led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church delivered the Invocation.

Chairman Sanchez noted for the record that Supervisor Dawson would be participating in this meeting via a telephone conference call from Washington D.C.

Item 2 - Information/Discussion/Action to request the Board of Supervisors to seek assistance from Governor Napolitano by asking her to make a formal request to the U.S. Army Corps of Engineers for the Corps to immediately provide flood control measures in Tonto Creek.

George Ewing, a resident of Tonto Basin, noted that prior to this meeting he submitted information to the Board for review on this item. He stated that this emergency clause pertaining to the U. S. Army Corps of Engineers (Corps) providing immediate response to the flooding situation at Tonto Creek has been researched and according to the information he has obtained, the Governor must make a formal request to the Corps. He stated, “As residents of Tonto Basin, Gila County, Arizona, we’re requesting the Board of Supervisors to act on our behalf and our interest in requesting this of the Governor...” Mr. Ewing stated that the major problem with Tonto Creek is the degrading stream that is filling up and the water is running against the banks instead of out into the middle of the channel and becoming a great danger, causing great property loss

and the situation will only continue to get worse. He has researched this from time to time and in 1991 approached the Bureau of Reclamation (Bureau) and the Corps to no avail. It is his belief that the Bureau and the Corps are responsible for the flooding because the Bureau built the dam to slow the water down and as the water slows down it moves from side to side. The Corps is responsible because it has jurisdiction over Tonto Creek. Mr. Ewing stated, "If you have jurisdiction, you've got to have some responsibility because the Corps has not allowed anything to be done by private parties, the County or any State agencies." Mr. Ewing believes there are 3 alternatives, as follows: 1) doing what has been done for the past 50 years and that is nothing except for the County providing emergency services to the residents by moving them in and out and watching the tax base wash down the creek along with the loss of lives, etc.; 2) placing the responsibility back on the Corps and Bureau to come in and channel the river and repair the areas on the banks of the creek or go to Congress and he understands all the hoops that would have to be jumped through with necessary studies and environmental issues and anything over \$350,000 would have to be approved by Congress so it would be a long, drawn-out affair; or, 3) to buy out all the residents or relocate them out of the flooded areas. He stated that the residents are not holding the County responsible for this because this matter is much bigger than what the County could handle. It is, however, being requested of the County to be the residents' representatives because the State, Corps and Bureau might listen to the County Supervisors rather than the residents. Chairman Sanchez thanked Mr. Ewing for his comments and stated that he, too, has observed flooding on both sides of the creek. Chairman Sanchez stated that he has also been contacting State legislators and showing them pictures of all the damage to homes in the area. He was asked about the progress on getting a bridge over the Tonto Creek; however, a bridge will not address this flooding problem. Chairman Sanchez also advised the residents present that the County has for the past 2 years hired WestLand Resources to conduct an assessment of Tonto Creek as it relates to flood control beginning in Gisela and going all the way down past Tonto Basin. He also advised the Board that residents from Roosevelt were also present at the meeting as they have concerns about the berms, dikes and other flood control measures that were put in place and are now flooding because of Pinto Creek. Vice-Chairman Martin told Mr. Ewing that he is absolutely correct in his assessment and that when the dam was erected, Tonto Creek became an "A" grading stream and it will continue to do that until it is silted in to the top of the dam. Vice-Chairman Martin stated that she believes a long-term solution would be alternative 3, which would trade land with the U.S. Forest Service along the creek for land on the benches and engage the Bureau, the Corps or Congress to enable the moving of houses, building new houses, building new roads and whatever it takes to relocate people away from Tonto Creek. Mr. Ewing also requested that the Board of Supervisors to direct the County Engineering Department to survey 2 places along the creek to calculate the existing water capacity before it comes out of its banks and onto the dirt where it washes it away. In 1991, the Bureau was

requested to do this survey; however, even though a promise was made by the Bureau that it would be done, Mr. Ewing was later advised that it could not be done because it would establish a precedence of what has been discussed. What it would show is the difference between the degrading strain of 1991 and today's presence, which would show a 30-40% increase in a matter of 15 years. He also stated that he and the residents very much appreciate the County taking on the responsibility of repairing the breached dike, even though it wasn't the County's responsibility; however, he feels if the Corps and Bureau are not involved, the County will end up being in the dike repair business. Vice-Chairman Martin stated that the County can't build and repair enough dikes to solve this problem. Mr. Ewing stated that the County is involved because it has already taken on the responsibility of this dike. Mr. Ewing concluded by stating, "In the long run, in the best interest of Gila County and the State, it is my opinion that we need to pursue this problem because Gila County does not need to be in flood prevention for the next 100 years." Supervisor Dawson stated, "I think Mr. Ewing has expressed well the fact that this is a huge project that will take coordinated effort and cooperation and getting that cooperation is, needless to say, a huge challenge. I appreciate their concerns and the fact that they recognize that this isn't just a County responsibility, but more importantly it goes back to the Bureau of Reclamation and the Corps of Engineers. In fact, the Corps of Engineers has put restraints on what the County can do." At this time, Chairman Sanchez allowed comments from the public. He read written comments from the following residents of Tonto Basin who were in favor of this issue: Cheryl Fogle, Ronald Fogle, Joel Straw, Keith and Barbara Godbold and Raymond Strode. Mr. Godbold noted that with the A-Cross Crossing closed due to the flooding of Tonto Creek, there is more traffic on Cline Boulevard than usual because people are using it to get to Indian Point to launch their boats. Steve Stratton, Public Works Division Director, thanked Mr. Ewing and the residents of Tonto Basin for their assistance to the County during the flooding. He stated that yesterday a contract was awarded for repair of the dike in Roosevelt Gardens and work has begun and will be completed by Friday. The County is working with the U. S. Forest Service to attempt to straighten 3 crossings, namely: A-Cross, Bar X and the Store Crossing for safety reasons. The County has also received permission from the U. S. Forest Service to elevate a portion of the Bar X Road on the west side, which will help with both safety and water issues at that location. Mr. Stratton advised that when he received the information about requesting the Governor to contact the Corps, he contacted James A. Tress, Jr. from WestLand Resources to be present at this meeting to answer any questions and he has also requested that WestLand Resources contact the Corps as it is the liaison with the Corps for Gila County. Some memos from Mr. Tress were presented to the Board and were also available to the public. In reference to the request by Mr. Ewing for engineering support to determine water flows on Tonto Creek, Mr. Besich stated that if the Board had no objection, he recommended that the County's Public Works engineers work with the residents of Tonto Basin to see what type of engineering assets can be

developed that may assist in the future. Chairman Sanchez agreed that if the request is something within the County's ability and resources, then a group should be put together to work with the residents. Chairman Sanchez stated that the County is still under an emergency declaration and he is convinced that the Board needs to step up and try its best at getting these flooding problems resolved. He stated that the County is also trying to gather all of the data on the cost of the losses suffered by the residents and that a press release was put out to the public requesting that all residents of Gila County who suffered any damage from the result of flooding, or expended any resources, materials, time and effort to contact the Gila County Emergency Services Division with that information in order to present the actual cost of damages on to the proper agency. Supervisor Dawson stated that yesterday she attended an emergency preparedness program and representatives from FEMA (Federal Emergency Management Agency) were present and from information she received, the residents suffering any flood damage should fill out an affidavit that documents all hours they expended, what the resident's personal efforts were for and what those efforts would normally cost for reimbursement of those expenses. Supervisor Dawson conveyed to the residents in potential flooding areas that FEMA strongly urged and joined with the states and counties in advising individuals to have their own emergency preparedness programs in place consisting of a 72-hour water and food supply. Vice-Chairman Martin inquired if requesting the Governor to contact the Corps would get the County anywhere specifically. She stated, "I would like to have a plan that we're headed towards and if this assisted, then I would say 'let's go for it,' but if it confuses the issue, then I wouldn't. If this is something that they (the Corps) would come out tomorrow and do something, that would be one thing, but I don't have any faith that is true." She inquired if Mr. Stratton had done any research on that in particular. Mr. Stratton deferred to Mr. Tress of WestLand Resources. Mr. Tress stated that his company has been working with Gila County for several years by going through the Corps permitting process for the dikes. He stated that in regard to the question of whether the County could get someone to come out in days or hours to address this situation, the initial feedback he has received from the Corps in Phoenix was that they did not suggest they could come out in days or hours. WestLand Resources has received the name of another individual in the Los Angeles Corps District; however, he has not yet been able to contact that individual. Mr. Tress stated that he shared Vice-Chairman Martin's pessimism, but he did feel that requesting assistance from the Corps through the Governor's Office would be beneficial. He stated, "It would shed light on the situation and shed light on the responsibilities of the Bureau in raising the dam and changing the stream dynamics and the things that occurred that are exacerbating the flooding situations." Mr. Tress believes that taking this approach would help everyone to move forward in finding some sort of permanent solution; however, he did not believe it would provide any immediate relief. Chairman Sanchez stated that he was glad to hear that information and felt that unless the Board attempts to seek this assistance, the County will never know. Upon motion by

Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the motion to seek assistance from Governor Napolitano by asking her to make a formal request to the U. S. Army Corps of Engineers to immediately provide flood control measures in Tonto Creek. Chairman Sanchez thanked the residents from Tonto Basin and Roosevelt who attended the meeting. He stated that because this item only addressed the flooding issues associated with Tonto Creek and not Pinto Creek, he would meet with those residents present from Roosevelt along with the Public Works Division staff after this Board meeting concluded.

Vice-Chairman Martin requested to move to agenda item number 9, which is the Chairman's summary of current events, in order to provide a brief update on the proposed Tonto Creek bridge and then return to agenda item 3. She stated that thanks to Congressman Renzi, \$3 million has been appropriated for the construction of the bridge; however, it is being held up because the Technical Corrections bill has not passed in Congress. This bill would allow public-land states to slide the scale of their match requirement. When the Department of Transportation's Safety Lieu bill was passed it removed the slide from all but 6 states and Arizona wasn't one of those states. Gila County went from having a required 5% match of funds for federal projects such as building this bridge, to a 20% match. The County needs that 5% before it will allocate any funds toward that project. The Technical Corrections bill, which includes granting the Department of Transportation (DOT) research funding, is the only authorization possible for DOT, so it has to pass before the 2009 Safety Lieu bill comes up. Currently, Senator Bonds from Mississippi is the only person holding out on this bill and discussions are now ongoing to break the bill down into different segments for passage. Because there is no conflict in the House or the Senate that public-land states should be on a sliding scale, there is still the possibility that it will be passed. Vice-Chairman Martin wanted the residents of Tonto Basin to know this information regarding the bridge. Mr. Stratton stated that at Mr. Besich's direction, he will designate Darde deRoulhac, Floodplain Engineer, to contact Mr. Ewing about the survey and assessment and see if the County has the resources and ability to do same.

The Board then moved back to agenda item number 3.

Item 3 - Information/Discussion/Action to approve Professional Lease Contract No. 070107 between Gila County and Cobre Valley Center for the Arts whereby the Historic Gila County Courthouse will be leased to Cobre Valley Center for the Arts in the amount of One Dollar (\$1.00) per year for a period of ten (10) years beginning the date the Contract is approved by the Board of Supervisors.

Steve Stratton presented this agenda item. He stated that the County has complied with all of the legal requirements and he recommended approval of the Contract. He also noted that Kip Culver, Director of the Cobre Valley

Center for the Arts, was present to address any questions of the Board; however, the Board had no questions. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Professional Lease Contract No. 070107 with the Cobre Valley Center for the Arts for the lease of the Historic Gila County Courthouse in the amount of \$1.00 per year for a period of ten (10) years, beginning March 4, 2008.

Item 4 - Information/Discussion/Action to approve Professional Lease Contract No. 070707 between Gila County and the Globe Downtown Association (d/b/a as Historic Globe Main Street Program) whereby the Historic Gila County Jail will be leased to the Globe Downtown Association for the amount of One Dollar (\$1.00) per year for a period of ten (10) years beginning the date the Contract is approved by the Board of Supervisors.

Mr. Stratton advised that the original lease holder, the City of Globe, has opted not to renew the lease so negotiations with Mr. Culver also of the Globe Downtown Association ensued several months ago. The County has complied with all of the legal requirements and he recommended approval of the Contract. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Professional Lease Contract No. 070707 with the Globe Downtown Association (d/b/a Historic Globe Main Street Program) for the lease of the Historic Gila County Jail in the amount of \$1.00 per year for a period of ten (10) years, beginning March 4, 2008.

Item 5 – Information/Discussion/Action to approve two Intergovernmental Agreements; one between Gila County and the Town of Hayden in the amount of \$5,000 and the other between Gila County and the Payson Senior Center in the amount of \$10,000 to provide these agencies with LTAF II funds to assist with the operation of their senior center transit programs for the period March 4, 2008, through January 1, 2009.

Mr. Stratton stated that the LTAF (Local Transportation Area Funds) II funds consist of lottery money that the State Legislature is considering cutting to help offset the State's budget crisis. At the current time, these funds will be used for the senior citizens' Meals on Wheels Program and have been used in the past to transport veterans and the Dial-A-Ride Program. Applications must be submitted to the County for these funds, which are a great investment in our population in both Payson and the senior centers in the southern part of the County that do an excellent job. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board approved both Agreements with the Town of Hayden in the amount of \$5,000 and the Payson Senior Center in the amount of \$10,000 to provide these agencies with LTAF II funds to assist with the operation of their senior center transit programs for the period March 4, 2008, through January 1, 2009.

Item 6 – Public Hearing - Information/Discussion/Action to adopt Resolution No. 08-03-01 designating Crappie Lane, Mattie Lane, Buckshot Lane, Drops hot Lane, Linker Lane and Mali nut Drive as Country Dirt Roads and accepting said roads into the Gila County Country Dirt Road Maintenance System and to authorize the Chairman’s signature on the Country Dirt Road Easement.

Steve Sanders, Public Works Division Deputy Director, presented this agenda item. He stated that these roads located in Tonto Basin are west of Highway 188. There are 33 properties involved and it has been a long, ongoing process to obtain signatures from all of the affected residents; however, that task has been completed. The roads meet the requirements of the County’s Country Dirt Road Maintenance System and approval will allow the County to perform maintenance on the roads 3-4 times per year. Chairman Sanchez opened the public hearing portion of the meeting and asked for comments from the public; none were received. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 08-03-01. **(A copy of the Resolution in permanently on file in the Board of Supervisors' Office.)**

Item 7 – Information/Discussion/Action to accept or reject a Citizen’s Petition to begin the process of establishing a portion of Cline Boulevard from Dooley Drive to Wade Schandley Drive as a County Highway.

Mr. Sanders advised that on December 15, 2007, the Board of Supervisors tabled this same agenda item because the County couldn’t legally pave a road based on a Citizen’s Petition. In order to place petroleum products on a road, the road must first become a County Highway. The residents have now brought back this Citizen’s Petition to the Board according to State statutes to begin the process of establishing a portion of Cline Boulevard as a County Highway. If the Board approves this first step of accepting the Citizen’s Petition, the County engineers will complete a survey of the road and obtain the needed easements from the residents. A public hearing will then be held and the Board will decide whether or not to establish this road as a County Highway and if approved, the road will then be paved. This particular road, which is a County road through subdivisions, will adjoin a portion of an already-paved road. The road leaves the subdivision and crosses through private land that was not a part of the original subdivision, so basically this would just be extending the pavement once the County Highway is created. This road is a main north-south collector on the east side of Tonto Creek. The County’s long-range plan includes paving the road from below the store crossing down to the U.S. Forest Service land and from there to A-Cross Crossing where there is paved road. Discussions are currently ongoing with the U.S. Forest service to obtain an easement on the road, which would allow the County to create a County Highway on that side of the creek along the

entire length of the road. Upon inquiry by Supervisor Dawson, Mr. Sanders stated that it is currently a dirt road with sufficient width for making it a County Highway and easements will be obtained from residents back to the fence line and he recommended that the Board accept the Petition. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted the Citizen's Petition to begin the process of establishing a portion of Cline Boulevard from Dooley Drive to Wade Schandley Drive as a County Highway. Chairman Sanchez apologized for not allowing citizens to speak to the issue as requested. He then read the written comments of Raymond Strode, Joel Straw and Ronald & Cheryl Fogle, residents of Tonto Basin, who were in favor of accepting the Petition and Mr. Straw added that during the summer months he cannot work outside due to the dust from the road and Ms. Fogle noted that she and her mother are asthmatics and all were in favor of paving this portion of Cline Boulevard.

Item 8 – Information/Discussion/Action to appoint Bernie Lieder and Peter Havens of District I; Mike Hanich and John Marcanti of District II; and, Peter Oddonetto, Richard Franco and Bob O'Connor of District III to the Gila County Advisory and Appeals Board as adopted per Resolution No. 07-10-04 on October 23, 2007. (Bob Gould)

Bob Gould, Community Development Division Director, presented this agenda item and stated that this is the final step for the newly created Gila County Advisory and Appeals Board. He stated that upon approval by the Board, all future changes to the Gila County Building Code and any actions that builders wish to appeal would be brought before this Board and he recommended approval of the appointments of said Board members. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously appointed Bernie Lieder and Peter Havens of Supervisorial District I; Mike Hanich and John Marcanti of Supervisorial District II; and, Peter Oddonetto, Richard Franco and Bob O'Connor of Supervisorial District III to the Gila County Advisory and Appeals Board.

Item 9 - CONSENT AGENDA ACTION ITEMS:

- A. Approval of Amendment No. 1 to Resolution No. 07-02-01 changing paragraphs 9 and 10 of the Resolution from 12 months to 24 months in order to allow Arroyo Water Company an additional period of time to obtain a Certificate of Convenience and Necessity from the Arizona Corporation Commission, which is a requirement of the water franchise issued by Gila County.**
- B. Approval of Amendment No. 1 to Contract No. 102405-1 awarded to M.V. Enterprises, Inc. on February 14, 2006, for two one-year terms covering the period of February 14, 2007, to February 14, 2009, for the County's purchase of bulk fuel and lubricants.**

C. Approval to request re-certification of the Gila/Pinal Workforce Investment Board membership by the Governor for a two-year period as required by the Workforce Investment Act of 1998.

D. Approval to appoint Judith Anne Moorhead and Samuel Ingham Moorhead as Precinct Committeemen to the Gila County Republican Committee.

E. Approval of a fee waiver request submitted by the Globe-Miami Regional Chamber of Commerce to utilize the Fairgrounds Exhibit Hall for the Chamber's Annual Camaraderie fundraiser on June 6, 2008.

F. Approval of the February 12, 2008, February 19, 2008, and February 26, 2008, BOS meeting minutes.

G. Approval of the January 2008 monthly departmental activity report submitted by the Payson Regional Justice of the Peace.

H. Approval of personnel reports/actions for the week of March 4, 2008.

Departure from County Service:

1. Laborer – Board of Supervisors – 03-10-08 – Constituent Services II Fund – Angel Gonzales - DOH 02-12-07 – Resigned
2. Deputy Attorney – County Attorney – 02-29-08 – General Fund – Robert Miller – DOH 08-02-07 – Unknown
3. Gila County Recorder – Recorder – 02-15-08 – General Fund – Linda Ortega – DOH 10-30-92 – Retired
4. Community Services Worker – Health and Community Services – 02-15-08 – GEST Fund – Ed Reede – DOH 10-30-06 - Resigned

Hire to County Service:

5. Building Safety Assistant Senior – Community Development – 03-17-08 – General Fund – Angela Parker – Replaces Joe Castaneda

Temporary Hire to County Service:

6. Fairgrounds Caretaker – Fairgrounds – 02-23-08 – General Fund – David Asberry

Departmental Transfer:

7. From Recorder's Office Supervisor – To Chief Deputy Recorder – Recorder – 02-18-08 – General Fund – Dawn Caldera

End Probationary Period:

8. Environmental Health Specialist – Health and Community Services – 03-03-08 - Smoke Free Arizona Fund – Shannon Mostashari

Position Review:

9. Appointment To Gila County Recorder – Recorder – 02-18-08 – General Fund – Sadie Dalton

SHERIFF'S PERSONNEL ACTION ITEMS

Hire to County Service:

10. Executive Administrative Assistant – Sheriff’s Office/Globe – 03-03-08 – General Fund – David North – Replaces Cecilia Maumea

End Probationary Period:

11. Deputy Sheriff Sergeant LEBSF – Sheriff’s Office/Payson – 03-03-08 – Sheriff LEBSF Program Fund – John France

I. Approval of the finance reports which lists disbursements that will be issued during the week of March 4, 2008. (separate handout)

\$913,584.90 was disbursed for County expenses by check numbers 206505 through 206654. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda action item numbers 9A-9I.

Item 9 - At any time during this meeting pursuant to A.R.S. §38-31.02(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 11:25 a.m.

APPROVED:

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk