

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

Date: March 25, 2008

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 during the regular meeting and telephone conference during the executive session); Shirley L. Dawson, Member; Jacque Griffin, Assistant County Manager/Librarian; 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 Linda Eastlick delivered the Invocation.

Chairman Sanchez noted that Vice-Chairman Martin would be joining the meeting via video conferencing.

Item 2 - Presentation of the National Association of Development Organization Award to the Board of Supervisors by the Central Arizona Association of Governments (CAAG).

Craig Ringer, CAAG Deputy Director, speaking on behalf of CAAG Executive Director Maxine Leather, who was unable to attend today's meeting, stated that in August 2007 CAAG's Planning Department received the 2007 Innovation in Technology Award from the National Association of Development Organizations (NADO). This prestigious, national award was presented to CAAG by NADO and the NADO Research Foundation at their annual conference held in Austin, Texas. He stated that the formation of CAAG's Planning was at the request of CAAG's Regional Council in January 2005. The purpose of this department was to evaluate massive residential growth occurring in portions of CAAG's region. Gila County supported this effort as Supervisor Jose Sanchez is a board member of CAAG's Regional Council, and he assisted in the establishment and development of the new department by providing leadership and guidance. Mr. Ringer stated that it is with great pleasure that CAAG share

this award with the Board of Supervisors and staff of Gila County. He advised that due to the Planning Department's results and interpretation of data collected, the Arizona Department of Economic Security is reviewing its methodology for determining population estimates and projections statewide. In addition the Planning Department is being viewed as a model for the State in regard to rural planning techniques and methodology. Mr. Ringer presented the Board with a plaque and pictures were then taken. Chairman Sanchez thanked Mr. Ringer for presenting at today's meeting.

Item 3 - Information/Discussion/Action to adopt Proclamation No. 08-01 to declare April 2008 as Child Abuse Prevention and Court Appointed Special Advocate (CASA) Volunteer Month in Gila County.

Cecelia Gonzales, CASA Director and Foster Care Director, requested the adoption of Proclamation 08-01 to declare April 2008 as Child Abuse Prevention and Court Appointed Special Advocate Volunteer Month in Gila County. She presented the Board with a packet of materials regarding CASA. She advised that "GO BLUE" is a grassroots campaign designed to spread statewide awareness about child abuse and the work CASA is doing to speak up for abused children in Arizona. She encouraged the Board to wear the GO BLUE buttons during the month of April to help spread awareness of child abuse. Chairman Sanchez asked Ms. Gonzales to read aloud the Proclamation. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Proclamation No. 08-01. The Board thanked Ms. Gonzales for her presentation. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

Item 4 - Information/Discussion/Action to approve Access Authorization for the Proposed Gila County Pinal Creek Flood/Erosion Control Project Permitting and Design Activities Agreement between Gila County and Phelps Dodge Miami Inc. (PDMI) for the purpose of granting access to Gila County staff and County consultants to enter PDMI's property for conducting non-intrusive investigation activities in support of said Project.

Steve Stratton, Public Works Division Director, stated that this is a request which would allow Gila County staff and consultants acting in their official capacity to access property owned by PDMI, which is situated within a larger project area for which the repair and/or construction of flood/erosion control structures along Pinal Creek in Gila County is being proposed. The County has requested access to the property for purposes of conducting preliminary investigation in support of the Project's design and required permitting. PDMI has agreed to provide access subject to certain conditions. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board approved the Access Authorization for the Proposed Gila County Pinal Creek Flood/Erosion Control Project Permitting and Design Activities Agreement with Phelps Dodge Miami Inc.

At 10:25 a.m. Chairman Sanchez advised that the Board would address agenda item 6 at this time as item 5, an Executive session, was not scheduled to be addressed until 10:40 a.m.

Item 6 – Motion to convene as the Gila County Library District Board of Directors. Information/Discussion/Action to update the Board and receive direction regarding issues at the Young Public Library.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened as the Gila County Library District Board of Directors in order to address agenda item 6.

Jacque Griffin presented a general history of some issues that relate to the Young Public Library which arose in January of this year. She informed the Board that the Pleasant Valley Community Library Board is the Board which oversees activities at the Young Public Library. She then introduced 3 of the 5 Board members that were present at the meeting, as follows: Janie Roberts, Diana Jansen and Reta Cruse. She began reviewing a packet of information she provided the Board containing written policies, procedures and practices of the Young Public Library.

At approximately 10:40 a.m. Chairman Sanchez advised that the Board was scheduled to speak with Attorney Ken Love of the Arizona Attorney General's Office in Executive session so he asked for a motion to reconvene as the Board of Supervisors. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board reconvened as the Board of Supervisors.

Item 5 – Information/Discussion/Action to approve a Settlement Agreement between Qwest Corporation, Gila County and the Arizona Department of Revenue, which would resolve all pending tax litigation with Qwest. An executive session may be held pursuant to A.R.S. § 38-431.03 (A)(3)(4).

Chairman Sanchez read aloud the language contained in agenda item 5 and he asked for a motion to convene into Executive session. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, at 10:37 a.m. the Board convened into Executive session per A.R.S. § 38-431.03 (A)(3)(4) to seek legal advice from Ken Love of the Arizona Attorney General's Office.

Chairman Sanchez reconvened the Regular Session at 11:29 a.m.

The Chairman asked Bryan Chambers, Chief Deputy County Attorney, to read aloud a proposed motion for this item. Mr. Chambers stated, "A motion to participate in the \$40 million statewide tax settlement to settle the pending tax lawsuit with Qwest Corporation for tax years 2002-2009 and to agree to a Qwest valuation adjustment of 10% for tax years 2008 and 2009. Gila County's approximate portion of the \$40 million settlement will be .953% of the

total settlement amount to be divided in the approximate amounts of \$214,000-schools; \$70,000-county government; \$30,500-cities and towns; \$38,000 community college district; and, \$19,000 to special taxing districts.”

Supervisor Dawson made a few brief comments regarding this lawsuit before a motion was made. She expressed a concern for the schools and small rural entities that will have difficulty paying their share of this settlement. Vice-Chairman Martin made a motion to utilize the statement made by Mr. Chambers as the Board’s motion, which was seconded by Supervisor Dawson and unanimously approved. Chairman Sanchez thanked the Board, Mr. Chambers for involvement throughout this case and he paid special thanks for Mr. Ken Love for representing Gila County in this lawsuit.

Vice-Chairman Martin made a motion to reconvene as the Gila County Library District Board in order to continue discussion on agenda item 5. The motion was seconded by Supervisor Dawson and unanimously approved.

****At 11:46 a.m. Vice-Chairman Martin was excused from the remainder of the meeting in order to attend another meeting.****

Continued with Item 6 – Motion to convene as the Gila County Library District Board of Directors. Information/Discussion/Action to update the Board and receive direction regarding issues at the Young Public Library.

Jacque Griffin continued reviewing the packet of information containing written policies, procedures and practices of the Young Public Library. Listed below is a summary of the issues discussed and related concerns and/or comments:

Meeting Agendas and Minutes – Ms. Griffin reviewed the meeting agendas and minutes submitted for the last 12 months. Chairman Sanchez referred to the meeting agendas which state “old business” and “new business” and advised that the agenda items must be specific to the items being discussed and/or voted upon.

Written Policies – Reviewed by Ms. Griffin. Policies need to be more thorough to protect the Library Board and the patrons.

Articles of Incorporation and Bylaws – No comments or concerns.

IRS 990 Form – Ms. Griffin advised that this form was not available; however, the Library accountant is investigating whether this form has been filed.

Budget – The 2007/08 budget was provided with a listing of incurred expenses for the current year.

Commercial Lines Policy - Ms. Griffin suggested that the Arizona Counties Insurance Pool (ACIP), the County’s liability insurance provider, review the

Library's policy and make any recommended changes to ensure that the Library has sufficient liability insurance coverage.

Library Board Members – A current list of members was provided. There appears to be a typographical error regarding the term of office for Patricia Meredith. Her actual term of office began in January 2007; however, list states that her term began in 2008. Ms. Griffin requested that correction be made.

Open Meeting Law – Citizen complaints have been issued to the Gila County Library District regarding possible violations being made to the Open Meeting Law. Some examples were cited. Ms. Griffin advised that because the Library has a written agreement with the Gila County Library District, the Pleasant Valley Community Library Board must conduct all business meetings in accordance with Arizona Open Meeting Laws. She advised that the Board should meet with Bryan Chambers to review Open Meeting Law regulations.

A motion was made by Supervisor Dawson to direct Jacque Griffin, County Librarian, to work cooperatively with the Pleasant Valley Library Board in establishing improved policies, clarifying open meeting laws, seeking definitions of their liability insurance coverage and revising their bylaws and it was seconded by Chairman Sanchez and approved. Chairman Sanchez thanked the Pleasant Valley Community Library Board members for appearing at today's meeting.

Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board reconvened as the Gila County Board of Supervisors.

Item 7 – Information/Discussion/Action to canvass the returns of the March 11, 2008, Pine-Strawberry Water Improvement District Special Recall Election and declare the results official.

Dixie Mundy, Elections Director, presented this agenda item and she reviewed written information that she provided the Board. Ms. Mundy pointed out that for elections involving water improvement districts there is a statute, A.R.S. § 48-1012F, which states that in addition to any other qualified elector of the district, any natural person who is a qualified elector of this state and a real property owner within the district is eligible to vote in this election, without regard to that person's residency. This was a "vote by mail" election and Ms. Mundy referred to another statute which states that there must be a central location in the district for electors to obtain a replacement ballot. The Isabelle Hunt Memorial Library in Pine was designated as the replacement site. She advised that it was impossible to determine with 100% accuracy and within the time frame available, the number of non-resident property owners who were also registered to vote in Arizona. The percentage of voter turnout is based on the number of ballot requests received. In total, there were 1,706 ballots received and 1,659 ballots accepted for tabulation. She then proceeded to review the Election Summary Reports. Ms. Mundy advised that it cost the

County approximately \$22,000 to conduct this election. Supervisor Dawson inquired if the District would repay the \$22,000 to the County. Ms. Mundy replied that any cost incurred by any department of Gila County or any other County will be submitted to the District for payment. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved the results of the canvass and declared the March 11, 2008, Pine-Strawberry Water Improvement District Special Recall Election returns official. **(A copy of the election results is permanently on file in the Board of Supervisors' Office.)**

Item 8 – Information/Discussion/Action to approve a \$20,000 economic stabilization grant award to the Town of Miami to assist with the roof replacement of the Miami Memorial Library.

Ms. Griffin presented this agenda item on behalf of County Manager Steve Besich, who was out of town on business. She advised that the Miami Memorial Library, which also houses the Miami Hall of Fame, is in immediate need of roof repairs as some damage has occurred to the roof and building. As of this date, the cost estimate to repair the roof is \$32,000 and the Hall of Fame has pledged \$12,000. Ms. Griffin advised that the Gila County Library District does not provide funding for capital projects on buildings it does not own. She also advised that this \$32,000 project will protect the structure from any further damage occurring; however, the Hall of Fame and Library will have other expenses for the building. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved a \$20,000 economic stabilization grant award to the Town of Miami for the purposes of assisting with the roof replacement of the Miami Memorial Library.

Item 9 – Information/Discussion/Action to consider and/or approve National County Government Week activities in Gila County.

Ms. Griffin presented this agenda item on behalf of Mr. Besich. She stated that the only input she has obtained thus far is from Vice-Chairman Martin. In the past the Payson County offices have hosted tours of various offices, provided cookies and drinks, etc.; however, there are even less people to plan and participate in events this year, so the Payson offices have chosen not to coordinate activities in Payson. If activities are going to take place in southern Gila County, Vice-Chairman Martin and other Payson County elected officials and staff are interested in participating. Supervisor Dawson advised that the National Association of Counties' theme this year for National County Government Week is "Protecting our Children." She advised that some activities are underway such as the poster coloring contest for elementary school students and an essay contest for older students. She is also trying to plan a barbeque on the front steps of the Courthouse for the public and staff as was done last year. Supervisor Dawson also advised that she has contacted County Attorney Daisy Flores and Sheriff John Armer asking for suggestions

on activities. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved the activities outlined by Supervisor Dawson.

Item 10 – Information/Discussion/Action to approve an application to permanently change the area of service relating to a liquor license at the Punkin Center Store in Tonto Basin, Arizona.

Marian Sheppard, Chief Deputy Clerk, presented this agenda item. She stated that in November 2001, Proposition 201, the Smoke-Free Arizona Act, was passed, which prohibits smoking in most outdoor public places. She advised that this application is similar to various other applications submitted to the Board in recent years. The expansion of the premises will provide an area for smoking customers at the Punkin Center Store. Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board approved the application submitted by Fred Bridges to permanently change the area of service relating to a liquor license at the Punkin Center Store in Tonto Basin.

Item 11 - CONSENT AGENDA ACTION ITEMS:

A. Approval of the appointments of Peter J. DeNinno and Arthur E. Lloyd as Superior Court Judges Pro Tempore for the period July 1, 2008, to June 30, 2009.

B. Approval of the February 2008 monthly departmental activity report submitted by the Payson Regional Justice of the Peace.

C. Approval of personnel reports/actions for the week of March 12, 2008.

Hire to County Service:

1. Records Clerk – Recorder – 03-17-08 – General Fund – Yvonne House – Replacing Yvonne Johnson
2. Community Health Assistant – Health and Community Service – 04-01-08 – WIC Fund – Janel Ortega – Transferring from Greenlee County

Temporary Hire to County Service:

3. Laborer - Board of Supervisors – 03-12-08 - Constituent Services II Fund – Angel Gonzales
4. Personnel Assistant – Personnel Department – 03-31-08 - General Fund – Cole Weaver

End Probationary Period:

5. Records Clerk – Recorder – 03-03-08 – General Fund – Erica Raymond

Position Review:

6. Wage Correction – Detective – County Attorney – 03-10-08 – General Fund – William Naber

SHERIFF’S PERSONNEL ACTION ITEMS

Hire to County Service:

7. Detention Officer – Sheriff’s Office/Globe – 03-31-08 – General Fund – Jamie Cunningham – Replacing Heather Talkalai

D. Approval of the finance reports which lists disbursements that will be issued during the week of March 25, 2008. (separate handout)

\$1,764,703.52 was disbursed for County expenses by check numbers 206996 through 207256. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board unanimously approved Consent Agenda action items 11A-11D.

Item 12 - 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 Ms. Griffin presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Sanchez adjourned the meeting at 12:29 p.m.

APPROVED:

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk