

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

Date: November 17, 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; 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. Steve Besich led the Pledge of Allegiance and Linda Eastlick delivered the Invocation.

Item 2 - Public Hearing – Information/Discussion/Action to adopt Ordinance No. 08-02 entitled the Clean and Lien Ordinance, which requires an owner, lessee or occupant of real property within the unincorporated area of Gila County to remove rubbish, trash, weeds, filth, debris or dilapidated buildings constituting a public nuisance; prescribing the procedure for notice and appeal; providing for the removal thereof by the County and the assessment of the cost thereof as a lien against the property in the event of non-compliance; and prescribing a penalty for the placement of such materials on the property of another.

Margie Chapman, Community Development Building Safety Assistant Senior, addressed this agenda item on behalf Bob Gould, Community Development Division Director, who was unable to attend the meeting. She stated that the proposed Clean and Lien Ordinance will give the Hearing Officer more authority to require a property owner in the unincorporated areas of the County to remove rubbish, trash, weeds, filth, debris and dilapidated buildings, which constitute a hazard to public health and safety. The Gila County Hearing Officer Rules of Procedure Ordinance, Gila County Planning and Zoning Ordinance and Gila County Building Code Ordinance outline the rules and regulations which are enforced by the Hearing Officer at hearings to address

various violations such as building without a permit and unsightly and fire hazard violations, all of which have had very positive outcomes. Gila County has 8 cases that have not been resolved in the last 3 years because the Code Compliance Officer is either unable to locate or serve the property owner for various reasons or the owners refuse to comply and the County has utilized all possible ways of handling these issues. The neglected property constitutes a hazard to public health and safety and no one is available or willing to take responsibility to clean up these properties. Ms. Chapman stated that the current procedure “needs a little more teeth as far as the final result.” Ms. Chapman surveyed other counties to obtain the procedures used by Code Compliance Officers who handle these types of abandoned property cases. The findings were that all counties, with the exception of Gila County, utilize a Clean and Lien Ordinance, a collection agency or both to address these issues. The proposed Clean and Lien Ordinance contains the following: 1) It will require an owner, lessee or occupant of real property within the unincorporated area of Gila County to remove rubbish, trash, weeds, filth, debris or dilapidated buildings constituting a public nuisance; 2) it will prescribe the procedure for notice and appeal; 3) it will provide for the removal thereof by the County and the assessment of the cost thereof as a lien against the property in the event of non-compliance; and 4) it will prescribe a penalty for the placement of such materials on the property of another. The Planning and Zoning Commission, at its meeting on August 21, 2008, recommended approval of the proposed Clean and Lien Ordinance to the Board of Supervisors. Vice-Chairman Martin inquired as to the number of cases that have been handled since this program was implemented. Ms. Chapman replied that approximately 700-750 cases have been resolved, 16 have gone to hearings and then there are these 8 that are still being pursued. Each Board member thanked Ms. Chapman and her staff for the fine job they have done in implementing this program. Chairman Sanchez opened the public hearing and called for public comments. Larry Miller, a resident of Central Heights, stated that he is in favor of the Board adopting this Ordinance and then he presented some photos of his neighborhood to the Board. He explained that the problem that exists is that a storage company in the vicinity rents storage lockers and when the parties default on the rent, the contents are sold to the public. His neighbors purchase these items and pile them in their yards or in large trailers, which are covered with a tarp although “stuff” is hanging out of them. Yard sales are then held, which to Mr. Miller constitutes running a business, and this creates a lot of traffic in the area because these particular trailers have been parked on the street for 4 months. Mr. Miller stated that the item the Board is addressing includes removing debris from property; hence, his attending the meeting to address this issue. Chairman Sanchez stated that he would personally look into the matter. Bessie Dooley, a resident of Miami, stated that she is in favor of this Ordinance because she is a member of the City of Globe’s “Clean and Beautiful” Committee. Chairman Sanchez closed the public hearing and entertained a motion from the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Clean and

Lien Ordinance No. 08-02. **(A copy of the Ordinance is permanently on file in the Board of Supervisors' Office.)**

Item 3 - Public Hearing – Information/Discussion/Action to adopt Resolution No. 08-11-03 amending sections of the Gila County Hearing Officer Rules of Procedure Ordinance No. 05-01, which relates to Planning and Zoning Department Case No. ROP 08-08-01.

Ms. Chapman stated that this request is to amend Gila County Hearing Officer Rules of Procedure Ordinance No. 05-01, which was originally adopted on December 6, 2005. It will amend the following sections: Introduction; Rule 1-Scope; Rule 2-Definitions (2.11); Rule 3-Service (3.1); Rule 5-Notice of Hearing (5.1); Rule 21-Ruling of the Hearing Officer (21.4); and Rule 23-Appellate Review (23.1, 23.5.1.3, 23.6, 23.9.4). These amendments will provide the Hearing Officer with the authority to implement the regulations outlined in Clean and Lien Ordinance No. 08-02 in order to regulate unsafe structures and remove rubbish, trash, weeds, filth and debris, which constitutes a hazard to public health and safety. The Planning and Zoning Commission, at its meeting on August 21, 2008, recommended approval to the Board of Supervisors of these proposed amendments to Hearing Officer Rules of Procedure Ordinance No. 05-01. Ms. Chapman stated, "I feel very strongly that these amendments need to be approved today because there are pending cases...and I don't see any problems that we would not be able to address with the new Clean and Lien program." Chairman Sanchez opened the public hearing and called for public comments. Bessie Dooley, a resident of Miami, indicated that she is in favor of adopting these amendments. Chairman Sanchez closed the public hearing and entertained a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 08-11-03 amending the sections noted above of Gila County Hearing Officer Rules of Procedure Ordinance No. 05-01, which was originally adopted on December 6, 2005. **(A copy of the Resolution and Ordinance 05-01 showing the amendments is permanently on file in the Board of Supervisors' Office.)**

Item 4 - Public Hearing - Information/Discussion/Action to adopt Resolution No. 08-11-04 approving Planning and Zoning Department Case No. Z-08-04, a zoning request submitted by John Little, authorized agent for Kyle and Karen Sawyer, to rezone parcel numbers 304-32-009 and 304-32-010 from RR (Rural Residential) to C3 (Central Commercial) in order to construct "Rye Way Commercial Center" composed of 3 buildings totaling 20,000 square feet for storage of contractor's equipment and materials, automotive repair, sheet metal, wrought iron work and similar uses. (Note for the record: 6 buildings will be constructed, not 3 as listed above, but totaling the same 20,000 square feet.)

Joe Mendoza, Community Development Division Deputy Director, presented 2 handouts to the Board consisting of site plans and a zoning map depicting the proposed layout of the subject property along the highway. He stated that the subject sites are located on the west side of Highway 87 in the unincorporated community of Rye. The request for a rezoning change from RR (Rural Residential) to C3 (Central Commercial) is for the purpose of constructing the “Rye Way Commercial Center”, a facility for the storage of contractors’ equipment and materials, automotive repair, sheet metal, wrought iron work and similar uses. He noted that the applicants are proposing to build 2 buildings of 5,000 square feet each and 4 buildings of 2,500 square feet each, for a total of 20,000 square feet, not 3 buildings as noted in the agenda item. Letters were sent to all property owners within 300 feet of the subject property and at the required citizen’s notification meeting all responses were positive and in support of the project. No other comments have been received either for or against this project to date. The Gila County Comprehensive Master Plan depicts the subject properties as being within the “Multi-Functional Corridor” area and the proposed C3 District and uses are allowed in multi-functional corridors. The property surrounding these parcels is zoned RR to the north and south, and C3 to the east and west as shown on the zoning map. The Planning and Zoning Commission, at its meeting held on October 16, 2008, recommended approval of this request to the Board of Supervisors. Mr. Mendoza reviewed the development aspects of the project as noted and as recommended by staff that include the following: An existing home and workshop will need to be removed from this site before this facility can be developed; the Arizona Department of Transportation (ADOT) will need to approve the ingress and egress routes (driveway access) when the development plan is submitted for building permits; the septic tank and leach field that currently services the home is outside any building footprint by more than 15 feet and may be utilized for one or more of the proposed buildings; all development requirements will need approval before the building permit can be issued; lighting for outdoor and signage uses will need to comply with the Outdoor Light Control Ordinance (Dark Sky Ordinance); and the two tax parcels should be consolidated into one tax parcel before the development plan is submitted so the property line won’t go through a building. Mr. Mendoza stated that the staff report recommends that the Resolution be adopted with the following 4 conditions to mitigate compatibility issues between the existing rural and commercial uses: 1) An 8 foot masonry wall shall be constructed along the north and south sides of the subject site to buffer noise, dust and unsightly conditions from the established residential uses; 2) paved access ways and parking spaces shall be constructed for dust control and handicap access in inclement weather; 3) the “Rye Way Commercial Center” shall meet all development requirements deemed necessary by ADOT and by applicable Gila County entities; and 4) an approved building permit shall be obtained within 36 months of the approval date of the zoning change Resolution. If no permit has been obtained in the 36-month time frame, then the C3 zoning may be reverted to the RR zoning at the discretion of the Board of Supervisors.

Vice-Chairman Martin requested that the Board be notified after the 36-month time period has expired. Mr. Mendoza stated that he would notify the Board of same. At this time, Chairman Sanchez opened the public hearing and called for public comments; none were received. Chairman Sanchez closed the public hearing and entertained a motion from the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 08-11-04 with Mr. Mendoza's recommended conditions noted as items 1-4 above and included in Exhibit A to Resolution No. 08-11-04. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 5 - Information/Discussion/Action to canvass the election returns of the November 4, 2008, General Election and declare the results official.

Dixie Mundy, Elections Department Director, distributed the results of the November 4, 2008, General Election in a report for the Board's review. Included on page 1 was an Election Summary of all the counties in Arizona. Gila County's voter turnout was 73%, which was the 4th highest voter turnout in the State, with the overall voter turnout in the State being 74.3%. On page 3, the Hand Count and Early Ballots Audit Summary was listed. Arizona Revised Statutes allows the hand count and early ballot audit on the condition that at least 2 of the local political parties provide representation during these procedures. Ms. Mundy briefly explained the entire hand-counting process. The precincts randomly selected for the hand count were Globe No. 7 and Claypool No. 3. The precincts randomly selected for the early ballots audit were Globe No. 7, Claypool No. 2, Christmas, Payson No. 5 and Young. All of the votes were tallied by machine and then the hand tally was compared to the machine count to ensure that the machines are counting accurately. Upon completion of the count, the results reflected a zero difference between the hand count and the machine count. On behalf of the County, Ms. Mundy publicly thanked the parties and members of the parties who performed this hand count and early ballot audit as it is an all-day commitment. Continuing with the report, Ms. Mundy stated that page 4 reflected the Write-In Votes Tally Summary and the Pine-Strawberry tally for the governing board of directors. Pages 4A and 4B consisted of a spreadsheet showing a Summary of Ballots Tabulated/Rejected Provisionals. The next 5 pages consisted of cumulative reports, which are a combination of all precincts and votes cast by candidate, followed by a precinct by precinct report by candidate. The Board continued to canvass all of the remaining election summary reports. Each Board member and Mr. Besich thanked Ms. Mundy and her staff for their many hours of dedicated work on this election. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the results of the canvass and declared the November 4, 2008, General Election returns official. Ms. Mundy also wanted to thank her staff stating "they are the best." She also wanted to publicly thank the owner of the business "Here's Your Sign" for donating \$200 worth of signs, which the County had ordered for identifying

polling places. **(A copy of the election results is permanently on file in the Board of Supervisors' Office.)**

Item 6 - Information/Discussion/Action regarding obtaining adequate court/probation facilities in Payson.

Chairman Sanchez stated that upon a request by Mr. Besich, this item was tabled because Judge Peter Cahill, who requested this item, was unable to attend today's meeting.

Item 7 - Information/Discussion/Action to authorize the advertisement of Bid No. 102708-1 for the purchase of a wheel loader for the Gila County Recycling & Landfill Management Department of the Public Works Division.

Steve Sanders, Public Works Division Deputy Director, stated that the County's existing wheel loader has become too expensive to repair so it has been scrapped. The County is currently renting a loader from Empire Machinery for work at the landfill. Approval of this request will allow the Public Works Division to advertise a call for bids for a new loader and the funds have already been budgeted. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the advertisement of Bid No. 102708-1 for the purchase of a wheel loader for the Gila County Recycling & Landfill Management Department of the Public Works Division.

Item 8 - Information/Discussion/Action to authorize the Chairman's signature on Change Order No. 1 to the Contract between Gila County and WestLand Resources, Inc., whereby additional environmental services for the Clean Water Act Section 404 Permitting are needed for the Dripping Springs Bank Stabilization Project No. 1207.06 in the amount of \$7,500.

Mr. Sanders stated the County is working on a bank stabilization project on Dripping Springs Wash in the area of Deer Farm Road. Because the County is using rock on this project from an Arizona Department of Transportation (ADOT) site, ADOT has requested that this additional environmental work be done before it will release the material to this job site. Change Order No. 1 will take care of the additional work required by ADOT. Mr. Besich also wanted to publicly thank Ames Construction Company for assisting the County with this project. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the Chairman's signature on Change Order No. 1 to the Contract with WestLand Resources, Inc. in the amount of \$7,500.

Item 9 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) between Gila County and Pinal County to participate in

the Pinal County Safety Rodeo to be held on November 20, 2008, at the Pinal County Fairgrounds.

Mr. Sanders stated that in the past the County has participated in ADOT's equipment rodeo; however, it is no longer funded. Pinal County has invited Gila County's road crew to participate in its rodeo and approval of the IGA must be completed prior to participation. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved an Intergovernmental Agreement with Pinal County to participate in the Pinal County Safety Rodeo.

Item 10 - CONSENT AGENDA ACTION ITEMS:

A. Approval of Amendment No. 1 to an Intergovernmental Agreement (Contract No. HG861383) between the Gila County Division of Health and Community Services and the Arizona Department of Health Services in the amount of \$28,242 to continue services provided under the County Prenatal Block Grant for the period July 1, 2008, through June 30, 2009.

B. Approval of Amendment No. 1 to an Intergovernmental Agreement (Contract DE070366-001), which amends the budget in the amount of \$71,881 for Coordination – Disability Specialist for the Disability Program Navigator at GEST One Stop Center for the period April 1, 2008, to March 31, 2009.

C. Approval of an Intergovernmental Agreement for Election Operational Services between Gila County and the Hellsgate Fire District for the conduct of the Fire District governing board member election and the international fire code election held on November 4, 2008.

D. Approval of an Intergovernmental Agreement for Election Operational Services between Gila County and the Pine-Strawberry Fire District for the conduct of the Fire District governing board member election held on November 4, 2008.

E. Approval of an Intergovernmental Agreement for Election Operational Services between Gila County and the Christopher-Kohl's Fire District for the conduct of the Fire District governing board member election held on November 4, 2008.

F. Adoption of an Order canceling the election for a governing board member of the Houston Mesa Fire District and appointing Richard Yeakey to fill the position.

G. Approval of Amendment No. 11 to a Management Operating Agreement

between Gila County and ARAMARK Correctional Services, LLC, to increase meal pricing at the Gila County Jail, effective for the period August 17, 2008, through August 16, 2009.

H. Approval of the October 7, 2008, October 14, 2008, and October 21, 2008, BOS meeting minutes.

I. Approval of the September 2008 monthly departmental activity reports submitted by the Payson Regional Justice of the Peace and the Gila County Recorder and the October 2008 monthly departmental activity reports submitted by the Globe Regional Constable, the Payson Regional Constable and the Globe Regional Justice of the Peace.

J. Approval of personnel reports/actions for the weeks of November 4, 2008, November 11, 2008, and November 17, 2008.

November 4, 2008

Departure from County Service:

1. Daniel Huggins – Health and Community Services – Mobile Crew Worker – 10-13-08 – GEST Fund – DOH 07-11-05 – No longer a client
2. Terry Smith – Community Development – Temporary Planner – 11-01-08 – General Fund – DOH 06-23-97 – Became contract labor
3. Barbara Waddell – Probation – Office Supervisor – 10-28-08 – General Fund – DOH 09-17-01 – Resigned for other employment

Hire to County Service:

4. James Anderson – Public Works/Consolidated Roads – Road Maintenance/Equipment Operator – 11-10-08 – Public Works Fund – Replacing Mark Hicks – Position vacant as of 08-02-07
5. Christine Ortiz – Public Works/Automotive Equipment Maintenance – Administrative Clerk Specialist – 11-03-08 – Public Works Fund – Replacing Jinky Coleman – Position vacant as of 07-03-08
6. Janice McGann – County Attorney - Administrative Clerk – 10-16-08 – General Fund – Replacing Gayle Dossey – Position vacant as of 08-01-08

Departmental Transfers:

7. Kathy Coker – Probation – From Deputy Probation Officer 1 – To Deputy Probation Officer 2 - 10-27-08- Juvenile Standards Probation Fund
8. Daniel Prather - Probation – From Deputy Probation Officer 1 – To Deputy Probation Officer 2 – 10-13-08 – 40% Diversion Intake Fund – 40% JPSF Fund – 20% Juvenile Diversion Fees Fund
9. Cassandra Villegas – From Globe JP Court – To Public Works/Facilities Management – From JP Court Clerk I – To Administrative Assistant – 11-03-08 – From General Fund to Facilities Management Fund

End Probationary Period:

10. Ramon Hernandez – Detective – County Attorney – 11-19-08 – Cost of Prosecution Fund

11. Brenda Kell – Health and Community Services/Emergency Management – Administrative Clerk – 11-24-08 - Bio Terrorism Program Fund

Position Review:

12. Martin Clay – Health and Community Services – Business Service Representative/One Stop Manager – 10-08-08 – WIA Fund – Change in fund code

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service:

13. Michael Hicks – Sheriff's Office/Globe – Detention Officer – 11-05-08 – General Fund - DOH 09-15-08 – Resigned

End Probationary Period:

14. David Kell – Sheriff's Office/Globe – Detention Officer – 10-27-08 – General Fund
15. Ray VanBuskirk – Sheriff's Office/Globe – Deputy Sheriff – 11-10-08 – General Fund

November 11, 2008

Departure from County Service:

1. Jesse McGill – Public Works/Flood Management – Engineering Technician Senior – 10-24-08 – General Fund – DOH 03-16-05 – Resigned
2. Merle Ray – Public Works/Automotive Equipment Maintenance – Lube Specialist – 11-14-08 – Public Works Fund – DOH 06-18-07 – Resigned

Hire to County Service:

3. Porter Wilbanks – Public Works/Consolidated Roads – Road Maintenance/Equipment Operator – 11-17-08 – Public Works Fund – Replacing Micah Arney – Position vacant as of 08-23-07
4. Robert Whittle Jr. – Public Works/Consolidated Roads – Road Maintenance/Equipment Operator – 11-17-08 – Public Works Fund – Replacing Andy Nosie – Position vacant as of 08-16-07

Departmental Transfers:

5. Lacy Hakim – County Attorney – From Deputy Attorney – To Deputy Attorney Senior – 09-29-08 – General Fund
6. Pascal Brown – County Attorney – From Deputy Attorney – To Deputy Attorney Senior – 09-29-08 – General Fund

Request Permission to Post:

7. Public Works/Automotive Equipment Maintenance – Automotive Mechanic – Position vacated by Justin McNeil – Availability Date 11-16-08

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service:

8. John DeSanti – Sheriff's Office/Payson – Detention Officer – 11-23-08 – General Fund – DOH 01-10-05 – Resigned

Departmental Transfers:

9. Ray Van Buskirk – Sheriff’s Office/Globe – From Deputy Sheriff – To Task Force Agent – 11-10-08 – From General Fund – To Narcotics Task Force Fund –
10. Jerry Valenzuela – Sheriff’s Office/Globe – From Task Force Agent – To Deputy Sheriff – 11-10-08 – From Narcotics Task Force Fund – To General Fund
11. Wayne Dorsett – Sheriff’s Office/Roosevelt – From Deputy Sheriff – To Deputy Sheriff LEBSF – 11-10-08 – From General Fund – To Sheriff LEBSF Program Fund
12. Johnna Kemper – Sheriff’s Office/Globe – From Deputy Sheriff LEBSF – To Deputy Sheriff – 11-10-08 – From Sheriff LEBSF Program Fund – To General Fund

November 17, 2008

Departure from County Service:

1. Charlotte Williams – Globe Justice Court – Justice Court Associate – 11-12-08 – General Fund – DOH 11-12-07 – Temporary position with County
2. Wynona Bearup – School Superintendent - Financial Consultant – 10-27-08 – General Fund – DOH 10-01-1963 – Temporary position with County

Hire to County Service:

3. Sandra Yoder – Payson JP Court – Justice Court Clerk Associate – 11-17-08 – General Fund – Budgeted position

Departmental Transfers:

4. David Baker – From Public Works Consolidated Roads – To Public Works/Automotive Equipment Maintenance – From Road Maintenance/Equipment Operator – To Lube Specialist – 11-24-08 – Public Works Fund

End Probationary Period:

5. Nathaneal Cutter – Public Works/Automotive Equipment Maintenance – Automotive Mechanic – 11-10-08 – Public Works Fund

Position Review:

6. Hulbert Sprague – Public Works/Automotive Equipment Maintenance – Vehicle and Equipment Maintenance Supervisor – 11-10-08 – Public Works Fund – From Exempt – To Non-Exempt
7. Christina Throop – Health and Community Services– Deputy REPAC Program Manager – 11-10-08 – WIA Fund – From Non-Exempt – To Exempt
8. Daniel Alonzo – Globe Justice Court – Collections Officer – 11-17-08 – General Fund – From 20 hours per week – To 29 hours per week

K. Approval of the finance reports which lists disbursements that will be issued during the weeks of November 4, 2008, November 11, 2008, and November 17, 2008. (separate handout)

November 4, 2008

\$1,404,796.28 was disbursed for County expenses by check numbers 212690 through 212875.

November 11, 2008

\$707,879.58 was disbursed for County expenses by check numbers 212876 through 213017.

November 17, 2008

\$2,841,848.43 was disbursed for County expenses by check numbers 213018 through 213331. **(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 items 10A-10K.

Item 11 - 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 11:17 a.m.

APPROVED:

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk