

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

Date: February 3, 2009

**SHIRLEY L. DAWSON**

Chairman

**STEVEN L. BESICH**

Clerk of the Board

**TOMMIE C. MARTIN**

Vice-Chairman

By: Marilyn Brewer  
Deputy Clerk

**MICHAEL A. PASTOR**

Member

Star Valley Conference  
Room  
Star Valley, Arizona

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PRESENT: Shirley L. Dawson, Chairman; Tommie C. Martin, Vice-Chairman; Michael A. Pastor, Member; Steve Besich, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, Chief Deputy County Attorney.

Chairman Dawson noted that this was a test meeting that was being held in Star Valley in conjunction with internet televised video to the Globe Board of Supervisors' Hearing Room.

**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. Chairman Dawson led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church delivered the Invocation.

**Item 2 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) between the Town of Star Valley and Gila County regarding the consolidated administration and operation of limited jurisdiction courts for the period January 1, 2009, through June 30, 2013.**

Steve Besich, County Manager/Clerk, stated that since 2006, the Town of Star Valley has utilized the Payson Regional Justice Court to serve as the Star Valley Magistrate Court and the Town wishes to continue this relationship. The County has other similar agreements like this one in place. The Town of Star Valley agrees to pay 32% of the total budget for the Payson Regional Justice Court minus judicial salaries. The percentage paid by the Town of Star Valley will be reviewed annually beginning January 2010 and amended effective April 1, 2010, and each April 1<sup>st</sup> thereafter according to the following formula: The Town of Star Valley shall pay the Payson Regional Justice Court

a fee that is a percentage of the total budget for the Payson Regional Justice Court minus judicial salaries. That percentage will be a percentage of the total Payson Regional Justice Court filings for the previous calendar year. This percentage will be calculated as follows: The numerator of the fraction that will create the percentage will be figured by adding the total number of Star Valley Magistrate Court non-photo radar citations for the year to one-tenth of the total number of Star Valley photo radar citations for the year. The denominator shall be the total number of the Payson Regional Justice Court filings for the year. The annual fee to be paid by the Town of Star Valley to the County for the calendar year 2009 shall be 12 equal payments of the total based on the percentage of the budget as noted above. The Justice of the Peace will also serve as the Town Magistrate and all employees will be County employees under the Regional Justice of the Peace. Both towns will retain separate, legal identities. Chairman Dawson inquired of Judge Dorothy Little how the percentage of her court's time that is utilized for Star Valley photo radar citations. Judge Little stated, "That's what we tried to work into the IGA was the comparison of cases because there are numerous more cases under the photo enforcement, but they are processed substantially different than the other cases. Of the 10 staff members, probably 2 are a priority on Star Valley, whatever percentage that is." Chairman Dawson then inquired should the State outlaw photo radar, will that also outlaw Star Valley's photo radar? Judge Little replied that there are several pending bills at the State Legislature in regard to photo enforcement, but she was not sure if any would restrict state highways like the one in Star Valley and the 101 in Scottsdale, which have been established for quite some time. However, if all photo radar is abolished, it will affect the Town of Star Valley. Chairman Dawson stated that it might be possible that if photo radar is abolished, then this IGA would not be necessary. Judge Little stated that there is a clause to opt out of the IGA. Mr. Besich stated that the "driver" in the IGA would be the number of cases and if the number drops, the contributions to the overall budget would fall off and vice versa. There is also the opportunity for the Town of Star Valley to establish the Magistrate Court in-house. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved the IGA between the Town of Star Valley and Gila County regarding the consolidated administration and operation of limited jurisdiction courts for the period January 1, 2009, through June 30, 2013.

**Item 3 - Information/Discussion/Action to approve an Intergovernmental Agreement Regarding Worker's Compensation in Joint Activities (IGA), that is effective between all cities, towns and counties which executes and delivers the IGA to the Arizona Counties Insurance Pool.**

Steve Besich first provided some background information stating that there are 11 counties participating in the Arizona Counties Insurance Pool. A joint training operation conducted by the Pinal County Sheriff's Office and headed up by Pinal County resulted in the death of an officer from the City of Casa

Grande. The officer's family sued Pinal County for negligence and the case is still pending. This IGA will provide indemnification for Gila County as Gila County would be responsible for its employees and the other entity would be responsible for its employees. This IGA basically spells out the responsibility of each entity. This is the only way to bring excessive litigation under some control, with the exception of negligence. Another alternative being reviewed would be to change the law and add the statement that in the event of joint training exercises between entities, each entity would indemnify the other and be responsible for its own employees; however, that's for the future. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved an Intergovernmental Agreement Regarding Worker's Compensation in Joint Activities (IGA) that is effective between all cities, towns and counties.

**Item 4 - Information/Discussion/Action to approve Professional Services Contract No. 6500.341.526/12-2008 between Gila County and RBF Consulting whereby consulting services will be provided for the Mulberry Drive Drainage Improvement Project in the amount of \$9,500.**

Steve Stratton stated that this project is located in Tonto Basin. This drainage has been in place for a number of years; however, impact to the drainage from a fire has been quite dramatic. Currently there are some culvert pipes in the drainage that are inadequate and backing up causing damage to some areas around it. He recommended that this Contract be awarded to RBF Consulting for a hydrologist study and to determine the size and type of structure needed. Supervisor Pastor stated that he has had discussions on this project and feels that it is a good use of taxpayer money to protect our citizens from flooding. Mr. Stratton advised that the project will be paid for by one-half cent sales tax funds. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved the Professional Services Contract No. 6500.341.526/12-2008 between Gila County and RBF Consulting whereby consulting services will be provided for the Mulberry Drive Drainage Improvement Project in the amount of \$9,500, to be paid with one-half cent sales tax funds.

**Item 5 - Information/Discussion/Action to award a contract regarding Request for Sealed Bids No. 111008-1 for the purchase of bulk fuel and lubricants to be used by the Gila County Fuel Management Public Works Division.**

Steve Stratton advised that 5 bids were received. The County has contracted for the purchase of bulk fuel and lubricants with MV Enterprises, Inc. in the past and is the low bidder. A couple of the bidders only wanted to deliver to the larger fuel drops in Payson and Globe, but did not want to deliver to Young or Tonto Basin and did not want to bid on the lubricants. However, MV Enterprises, Inc. submitted a bid for both items and was also the low bidder.

The original contract is for a period of 16 months with two (2) 1-year extensions if the County so desires and Mr. Stratton recommended it be awarded to MV Enterprises, Inc. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously awarded Sealed Bids No. 111008-1 for the purchase of bulk fuel and lubricants to be used by the Gila County Fuel Management Public Works Division.

**Item 6 - Information/Discussion/Action to approve a request submitted by the Pine-Strawberry Fire District (PSFD) for permission to erect a protective structure and install a diesel water pump at the Strawberry Reservoir site (which is owned by Gila County) in order to provide fire protection for the Strawberry community. All expenses will be paid by the PSFD.**

Vice-Chairman Martin passed out photos of the proposed area involving the Strawberry Reservoir site. She also introduced Harris Scott, Captain, of the PSFD. She provided some history on how a livestock tank became a water retention pond when development began in the area and the pond and water rights were eventually deeded to the County for fire water in particular. The County cleaned it out, lined it, designed a structure and put in a stand pipe that was gravity fed off of Fossil Creek Road. It works fair; however, the flow of water is not fast enough for filling a fire truck. Captain Scott stated that as an engineer he was concerned about a pipe going through the dam and the possibility of it leaking from any vibration, so a siphon was installed over the dam. The siphon doesn't always stay in place and reestablishing it can be difficult and is not good in the event of an emergency water need. Mr. Scott requested approval to erect a protective structure, approximately 10' by 12' in size, to house a donated diesel water pump, which will eventually in the future extend the system down to Fossil Creek because of the low supply of domestic water in the area. Vice-Chairman Martin added that there isn't any other good water source in the area particularly for emergencies. Captain Scott advised that there would be no cost to the County other than allowing the use of the land to erect the structure, which will be maintained by and the responsibility of the PSFD. Supervisor Pastor inquired if there would be any environmental issues with putting in a diesel pump. Mr. Besich stated that the County has not studied that issue and was not sure there was a plan. Supervisor Pastor inquired if the diesel water pump would be running only in cases of emergency and if it would be noisy for the neighbors. Captain Harris stated that the tank would be kept pressurized to provide 1500 gallons/minute for emergency use and he did not believe it would be noisy enough to irritate the neighbors. Mr. Besich stated that he would expect the PSFD to submit some type of plan to the County Planning and Zoning Department to ensure that there will not be a neighborhood issue down the road. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved the request submitted by the Pine-Strawberry Fire District for permission to erect a protective structure and install a diesel water pump at the Strawberry

Reservoir site (which is owned by Gila County) in order to provide fire protection for the Strawberry community, with all expenses being paid by the PSFD.

**Item 7 - CONSENT AGENDA ACTION ITEMS:**

- A. Approval of Public Works Division Policy No. DPW09-01, Prescription Safety Glasses Assistance Policy.**
- B. Approval of a Copier Maintenance Agreement between Hughes-Calihan Konica Minolta, Inc. and the Gila County Public Works Division to provide maintenance on a Konica Minolta BIZHUB C353 color copier at a cost of \$894 plus \$0.064 per copy for a period of 12 months, which will begin when the copier is delivered to the County's Guerrero Complex.**
- C. Approval of a Point to Point Dedicated Service Agreement between Network Services and the Gila County I.T. Department to provide increased TI bandwidth from Globe to Payson and provide a single T1 line from Globe to the Mesa Co-Lo at a total cost of \$2,400 per month with a one-time installation charge of \$2,440. These lines will replace existing lines provided through AT&T for an estimated cost savings of \$1,600 per month.**
- D. Approval of Grant Contract Award No. CESTBTG09-41 for project title Gila County Constable Training Grant in the amount of \$1,298.38 awarded by the Constable Ethics Standards & Training Board, Training Grant Program, in order for the Globe Regional Constable and Deputy Constable to attend mandatory training as required by A.R.S. 22-137 being held in Laughlin, NV on January 6-9, 2009.**
- E. Approval of Grant Agreement No. CESTBTG09-42 for project title Gila County Constable Training Grant in the amount of \$1,370.65 awarded by the Constable Ethics Standards & Training Board, Training Grant Program, in order for the Globe Regional Constable to attend the Tucson National Association training from March 30, 2009, through April 4, 2009.**
- F. Approval of Grant Agreement No. CESTBTG09-10 for project title Gila County Constable Training Grant #2 in the amount of \$713.76 awarded by the Constable Ethics Standards & Training Board, Training Grant Program, in order for the Payson Regional Constable to attend mandatory training as required by A.R.S. 22-137 being held in Laughlin, NV on January 6-9, 2009.**

- G. Approval of Amendment No. 3 to Contract No. DE081297001 between the Gila County Health and Community Services Division and the Arizona Department of Economic Security to increase the contract amount from \$2,257,294 to \$2,293,504, an increase of \$36,210 in PY07 performance incentives.**
- H. Approval of a request submitted by the Gila County 4-H Rabbit Club to use the Fairgrounds Exhibit Hall on March 21, 2009, for the Gila Hoppers 4-H Rabbit Show with a waiver of fees.**
- ~~I. Approval of an Election Services Agreement between the Town of Miami and the Gila County Recorder whereby the Recorder will conduct a March 10, 2009, all mail ballot election for the Town of Miami. (withdrawn)~~**
- J. Approval of the December 16, 2008, BOS meeting minutes.**
- K. Approval of the December 2008 monthly departmental activity reports submitted by the Recorder and the Payson Regional Justice of the Peace, and a 2008 annual report submitted by the Payson Regional Constable.**
- L. Approval of personnel reports/actions for the weeks of January 27, 2009, and February 3, 2009.**

**January 27, 2009**

Departure from County Service:

- 1. Jerry Garlinghouse – Health and Community Services/Rabies Control – Animal Regulation Enforcement Officer Senior – 12-19-08 – Rabies Control Fund

Hire to County Service:

- 2. John Jackson – Public Works/Consolidated Roads – Road Maintenance/Equipment Operator – 01-26-09 – Public Works Fund – Replacing Dan VanBuskirk – Position vacant as of 09-04-08

Departmental Transfers:

- 3. Mark Boyd – Health and Community Service/Rabies Control – From Animal Regulation Enforcement Officer To Animal Regulation Enforcement Officer Senior – 01-05-09 – Rabies Control Fund

Request Permission to Post:

- 4. Health and Community Services/Rabies Control – Animal Regulation Enforcement Officer/Payson – Position vacated by Mark Boyd – Availability date 02-19-09
- 5. Health and Community Services/Nutrition Services – Community Health Assistant/Globe – Position vacated by Jami Anderson – Availability date 02-26-09

## **February 3, 2009**

### Departure from County Service:

1. Josie Castillo – Superior Court/Probation – Administrative Clerk Senior – 01-02-09 – 33% Court Improvement Project Fund – 32% CASA Program Fund – 18% APSF Fund – 17% JPSF Fund – DOH 12-11-06 – Resigned
2. Rebecka Jaimah – Personnel – Personnel Assistant – 02-02-09 – General Fund – DOH 08-14-06 - Resigned

### Hire to County Service:

3. Earl LaForge – Public Works Automotive/Equipment Maintenance – Automotive Mechanic – 02-09-09 – Public Works Fund - Replacing Justin McNeil – Position vacant as of 09-16-08
4. Michelle Norton – Probation – Juvenile Detention Officer – 01-26-09 – General Fund – Replacing Ema Peru – Position vacant as of 08-13-06
5. Kimberly Salcido – Probation – Juvenile Detention Officer – 02-02-09 – General Fund – Replacing Patrick Steele – Position vacant as of 08-12-08

### Departmental Transfers:

6. Cole Weaver – Temporary Transfer – From Recorder – To Personnel – From Recorder’s Clerk – To Personnel Assistant – 01-26-09 – General Fund

### Position Review:

7. Jacob Delecki – Probation – From Deputy Probation Officer 1 Under filled – To Deputy Probation Officer 2 – 01-19-09 – From Adult Probation Services Fee Fund – To State Aid Enhancement Fund
8. Erwin Diaz – Probation – Deputy Probation Officer 1 Under filled – 01-19-09 – From State Aid Enhancement Fund - To General Fund
9. Orlando Ramirez – Probation – From Deputy Probation Officer 1 Under filled – To Deputy Probation Officer 2 -01-05-09 – Adult Probation Service Fee Fund
10. Ricky Reed – Probation – Deputy Probation Officer 1 Under filled – 01-19-09 – From Juvenile Standards Probation Fund – To Globe Safe School Fund
11. Dana True – Health and Community Services – Accounting Clerk Senior – 01-19-09 – From 100% 2014 WIA Fund – To 15% 2014 WIA Fund/ 85% 2013 WIA Fund

### Request Permission to Post:

12. Personnel – Personnel Assistant – Position vacated by Rebecka Jaimah – Availability Date 04-02-09
13. Elections – Elections Director – Position vacated by Dixie Mundy – Availability Date 09-03-09

## **SHERIFF’S PERSONNEL ACTION ITEMS**

### Departure from County Service:

14. Caleb Hale – Sheriff’s Office/Globe – Detention Officer – 01-26-09 – General Fund – DOH 06-09-08 – Failure to complete probationary period

End Probationary Period:

15. Clifford Carnahan – Sheriff’s Office/Globe – Detention Officer – 02-02-09 – General Fund

**M. Approval of finance reports/demands/transfers for the weeks of January 27, 2009, and February 3, 2009.**

**January 27, 2009**

\$1,928,778.25 was disbursed for County expenses by check numbers 215093 through 215246.

**February 4, 2009**

\$599,400.82 was disbursed for County expenses by check numbers 215247 through 215392. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved Consent Agenda action items 7A-7M, with the exception of item 7I, which was withdrawn from the agenda.

**Item 8 - 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.

**Item 9 - Information/Discussion/Action to seek legal advice regarding the former maintenance yard in Star Valley/Chaparral Pines. Request the Board of Supervisors to go into Executive Session pursuant to A.R.S. § 38-431.03 (A) (3) & (4) to provide legal advice and seek direction from the Board’s attorney.**

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board convened into executive session at 10:47 a.m.

Chairman Dawson reconvened the regular session at 11:01 a.m.

Upon motion by Supervisor Pastor, the Board unanimously authorized the Chairman’s signature on the Mutual Release involving Gila County and

Chaparral Pines Investors Group pending the receipt of a closure document from the Arizona Department of Environmental Quality.

**WORK SESSION: (No action was taken on the following 3 items.)**

**Item 10 - Discussion regarding additional County facilities in Payson.**

Steve Stratton, Public Works Division Director, gave a PowerPoint presentation and provided photos and floor plans to the Board and Judge Cahill and his staff on 5 properties located in Payson that could possibly be either purchased or leased by the County for offices for Vice-Chairman Martin and her staff, and the Planning and Zoning Department. He proposed that the top floor of the Payson County Complex where Vice-Chairman Martin currently has offices would be vacated and then utilized by the Payson Gila County Probation Department and judicial offices, allowing it to remain in close proximity to the judicial courtrooms located on the bottom floor of the Payson County Complex. The 5 properties shown in the presentation are currently known as the Main Street Grill, the Women's Club, two vacant buildings across from the Women's Club (501 and 503 Main Street), two log cabin-style buildings and the First American Title building. Mr. Stratton presented the pros and cons for each location, with some of the cons being inadequate office space and/or parking. Judge Cahill spoke on the frustration of the staff with its inadequate space and he is very encouraged by some possible options to relieve the current situation. Vice-Chairman Martin advised that this could possibly be a short-term fix, as it could be for 5 or more years before the economy straightens out. Mr. Stratton advised that the two most feasible properties would be the Women's Club and the First American Title building; however, he just learned that another property, the current location of the Department of Economic Security at the Basha's Shopping Center, may be vacant in March, but he hasn't yet had a chance to review that property. Discussions were held with Bob Hickman, Facilities Department Director, who will provide the costs for remodeling the upstairs portion of the County Complex and a timeline for completion of same. No costs were available at this time for the lease/purchase of other buildings. Chairman Dawson requested that staff be prepared at the next meeting to make a recommendation to the Board.

**Item 11 - Discussion of the federal stimulus package and priorities.**

Discussion continued from previous meetings on the projects list for the federal economic stimulus package. Chairman Dawson stated that she believes the County's first priority should be the construction of a new jail facility because it continues to leave the County in jeopardy as inmates are being held in an unsafe facility. She also suggested again that one staff person should be focusing on negotiating the County's part of the stimulus package. She stated that the Board needs to be very conscious of the individual needs of each district and decide which project will help the most people and then narrow the focus to what will help this County for the next 4-5 years. She felt the Board and the County lobbyists need to focus on priorities, not a myriad of concerns.

Vice-Chairman Martin spoke on the lobbyists' past activities on behalf of the County with their strength being in the appropriation process. She also advised that the Jefferson Relations Lobbyist Firm has been purchased by another company; however, Lobbyist Patty Powers, with whom Vice-Chairman Martin deals, was retained with the new company along with the County's business. Vice-Chairman Martin provided the Board with some information she received from Ms. Powers, which included a Press Release from the U. S. Senate Committee on Appropriations, a Summary of the American Recovery and Reinvestment Act and an article entitled "Senators Look at Competing Efforts to Boost Infrastructure" that shows the language being discussed in the Senate and what the House of Representatives has already completed on the stimulus package. When the stimulus money is finally passed out, it will probably be funneled through federal and/or state agencies. She stated that some of the projects the County has listed seem to meet with the requirements that may be forthcoming. Supervisor Pastor recommended that the project list be broken down into 3 areas—infrastructure, environmental and small area transportation and then prioritize items within those 3 areas. Mr. Besich recommended that the Board have weekly phone sessions with the lobbyists and also suggested that the Board might want to prioritize a top project for each of the 3 supervisorial districts. He also recommended that Vice-Chairman Martin discuss the project list with the cities and towns in Gila County at the upcoming meeting with same, but to be careful in not setting their priorities. Discussion was also held on the regional wastewater projects throughout the County. Chairman Dawson advised that the Board will continue this discussion in two weeks, as next week's work session will be on strategic planning that will hopefully be completed by April in order to help with the budgeting process.

Chairman Dawson advised that a Board meeting was not being scheduled for March 10<sup>th</sup> because of a scheduled legislative conference.

**Item 12 - Discussion regarding response to community requests for monetary assistance.**

Chairman Dawson stated that because of so many requests for monetary assistance from outside groups, she would like the Board to discuss ways to prioritize these requests. Supervisor Pastor felt that the Board should support some community activities because they affect all of the taxpayers and suggested working with the County Manager to get direction from him as requests are received. Mr. Besich suggested that for the remainder of the budget year, the Board could consider requests as they have done in the past; however, as requests are considered, those entities/groups/committees requesting funds should be advised that after June 30<sup>th</sup>, 2009, they should consider that there will probably not be any further assistance from the County because of the current economic situation. Vice-Chairman Martin suggested not funding the same groups each year. Mr. Besich recommended developing a

policy for funding requests during the next fiscal year. He stated that anytime an event is held at the Fairgrounds with waived fees, it costs the County money such as the 4-H program, which he feels is a good investment and not a request for a cash contribution. Vice-Chairman Martin stated that she is in favor of assisting those programs that assist people with food, etc. rather than just events. Mr. Besich requested that all future monetary assistance requests be forwarded to him for review.

There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 12:24 p.m.

**APPROVED:**

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Shirley L. Dawson, Chairman

**ATTEST:**

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Steven L. Besich, County Manager/Clerk