

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

Date: March 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

Gila County Courthouse  
Globe, Arizona

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PRESENT: Shirley L. Dawson, Chairman; Tommie C. Martin, Vice-Chairman (via video conferencing); Michael A. Pastor, 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 Reverend Barbie Morton of the First Christian Church delivered the Invocation.

**Item 2 - Motion to convene as the Board of Directors of the Gila County Flood Control District. Information/Discussion/Action to consider a floodplain variance request from Timothy J. Roemer on Parcel No. 201-06-023G that is located in Tonto Basin.**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board convened as the Board of Directors of the Gila County Flood Control District. Steve Sanders, Public Works Division Deputy Director, stated that Mr. Timothy J. Roemer has property located in the floodplain in Tonto Basin. In 2003, Mr. Roemer received a status report from the County and was advised at that time that he would have to bring the property out of the floodplain by importing fill material to raise the floor elevation to or above the regulatory flood elevation for this particular steel building or he would have to install flood vents in the building. A Gila County Floodplain Use Permit was signed by Mr. Roemer and was issued on August 26, 2003, which stipulated that flood vents are required and gave the criteria for the flood vents in the 30 foot by 30 foot steel building for which the permit was issued. The approved drawings for the building permit also noted that vents need to be installed in the building. So Mr. Roemer knew of the flood vent requirement at the time of the permitting and signed the permit. Now that the building has arrived, it does not have

flood vents installed. Mr. Roemer requested to be placed on the agenda for a waiver of the requirement of the Floodplain Management Ordinance. Mr. Sanders stated that County staff does not feel that installation of the flood vents would create a hardship for the applicant so there is no justification to grant a variance; therefore, it has been referred to the Board. Darde de Roulhac, Chief Engineer of the Flood Control District, was also present to answer any technical questions. Upon inquiry from Vice-Chairman Martin, Mr. Sanders stated that Mr. Roemer could still install these flood vents. The building is a Bunger Steel, Inc. building and Mr. De Roulhac spoke with the engineer who designed the building and the engineer advised that installing flood vents would not compromise the integrity of the building. Chairman Dawson called on Mr. Roemer, a resident of Tonto Basin, to speak. In presenting his request for a waiver, Mr. Roemer gave the following information. His biggest concern is that installing these flood vents would weaken the structure. Mr. Roemer also questioned where the water would come from that requires him to comply with the floodplain request, whether it would come down the hill from the west or down from Tonto Creek. He has asked this question several times and no one at the County seems to know other than stating that FEMA requires the flood vents. Mr. Roemer showed photos of his property to the Board and explained where his house and garage are located, along the steel building, which he stated is elevated up to 2-2.5 feet higher than his adjacent neighbor's building. When Mr. Roemer received the permit for the building, the flood elevation was at 2,273 feet and since that time it has been changed to 2,278 feet for reasons unknown to him. He has submitted paperwork to the County from the U.S.G.S. (U.S. Geological Survey) about the flow of Tonto Creek from 1941 to the present and the worst flood from Tonto Creek was in 1993. It was 72,500 cubic feet of water/second coming down the Creek and his property was dry. He has owned the property since 1985 and built the house in 1993 and the garage in 2003. His certified house elevation is at 2,273.4 feet and his adjacent neighbors are is at ground level. The steel building is located on a slightly elevated crest on his property and the water would flow off that property in compliance with Section 52-A1 and Section 52-B2 of the Floodplain Management Ordinance. The mobile home/RV Park lost some property in 1993 because of the failure of a U.S. Corps of Engineers dike that has never been repaired; however, his property was dry. Mr. Roemer stated that his insurance company rates him through FEMA as a Class C flood zone, which is outside the floodplain and these are the reasons why he is requesting the variance. Primarily, Mr. Roemer stated he is worried about the structural integrity of the building by having to cut the sidewalls to install the flood vents because the raised ribs are part of the structural load. Chairman Dawson inquired of Mr. de Roulhac if he had the engineer's opinion in writing that the structural integrity of the building would not be compromised by the installation of the flood vents. Mr. de Roulhac advised that he did not receive that information in writing. Supervisor Pastor questioned of Mr. Roemer if, at the time he built his house in 1993, he knew what the code was for the floodplain in which he was building. Mr. Roemer replied that at that time the

floodplain elevation was 2,273 feet and now it has changed to 2,278 feet. Supervisor Pastor inquired of Mr. Sanders if this was correct. Mr. Sanders stated that on the permit when Mr. Roemer agreed to install the flood vents, an elevation was not given to him; however, the change in elevation could be true, but by code he is still required to meet the elevation requirements because the building is in the floodplain and to get out of the floodplain elevation certain requirements must be met. Vice-Chairman Martin requested that the County get written verification from Bunger Steel, Inc. stating that the structural integrity of the building would not be compromised by installing the flood vents. She stated, "I appreciate Mr. Roemer's concern about the integrity of the building, but I also appreciate needing vents in the building." Supervisor Pastor stated that he is currently dealing with some other residents that are also being required to install flood vents and they are doing so. He stated that it seems to have been the practice of the Board to stand by staff recommendations involving floodplain requirements and this has been an ongoing issue since 1993. Mr. Pastor did not have a problem with getting a written statement from Bunger Steel, Inc. Mr. Roemer advised Supervisor Pastor that the house and garage were approved for building at the same time and that this steel building is a totally separate building that sits on a crest of land as shown in the photos. Vice-Chairman Martin stated that the area is flood prone and gets more so every year because of the nature of the dam and the a-grading of the stream. She believes that each year it becomes more of a problem and not less. Vice-Chairman Martin stated that because Mr. Roemer initially agreed to install the flood vents, as does everyone that builds in that area, she still wanted him to have the flood vents installed; however, she would also like him to have a letter from Bunger Steel, Inc. stating that the installation would not compromise the integrity of his building. Chairman Dawson agreed and inquired of Mr. Roemer if he understands that the Tonto Creek has been changing its course and will continue to do so until something is done by the U. S. Corps of Engineers. This is not something that Gila County can do. So the County's floodplain ordinance requirement to have Mr. Roemer install the flood vents was made with his knowledge of same and to which he agreed from the beginning. Mr. Roemer stated that at the Payson County office where he applied for the permit, he feels he was coerced as he could not get his plans approved without that particular document and then he reiterated his previous arguments. Mr. Roemer also stated that he does not know where to install these flood vents because the requirement says to put them on the upside and downside of the water flow. The County cannot tell him where the water flow would come from—down the hill or down Tonto Creek because nobody in the County knows except that he has to install these flood vents. Chairman Dawson inquired if Mr. de Roulhac had any comments on same. Mr. de Roulhac stated that the preferred location would be up and down stream, which would be the end walls, with the minimum requirement of 2 vents so water could pass through. The minimum total net area is one square inch per every square foot of enclosed area with the bottom of the vent to be no more than one foot above the ground. The vents could be screened and

louvered and can have a flap on them provided they automatically open with water pressure against them. Mr. Roemer showed Mr. de Roulac paperwork that shows his property is located outside the floodplain area. Supervisor Pastor requested that Mr. de Roulhac explain the zones to the Board. Mr. Sanders replied that he or staff would be happy to sit with Mr. Roemer after the meeting and explain in detail about any questions he might have regarding same and provide as much support and direction as possible. Chairman Dawson stated that although the Board understands that Mr. Roemer's property has not flooded in the past and hopes it never will flood, because of the a-grading of Tonto Creek, "the County cannot operate on hope." The Board has to operate on the protection of all the citizens and Mr. Roemer was advised of the requirements before erecting the building. She apologized for Mr. Roemer feeling he was coerced, but that he should have taken action at that time. She advised Mr. Roemer that Mr. Sanders would meet with him immediately after this meeting. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously denied the floodplain variance request from Timothy J. Roemer on Parcel No. 201-06-023G.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board reconvened as the Board of Supervisors.

**Item 3 - Information/Discussion/Action to approve Professional Services Contract No. 6500.341.526/2-2009 between Gila County and C. L. Williams Consulting, Inc. in the amount of \$13,682.00 to provide engineering services for the Gila County Industrial Complex Project in Globe.**

Mr. Sanders stated that it is a misnomer to call this an Industrial Complex Project as stated on the agenda, but rather it's a Public Works Division Facilities Complex Project. He explained that the Russell Gulch Landfill will be reaching capacity in the next 8-9 years so the Public Works Division started looking into possible expansion in the area, which would include relocating the road yard as well as the shop. The preferred location was the Birch site across from Bixby Road in Wheatfields, but to bring that property out of the floodplain was cost prohibitive. Another proposed area is adjacent to the landfill along Hope Lane back through the south up to the landfill and bring down part of that mountain and fill the canyon across the way, which had the potential to develop as an industrial park; hence the name of the project. However, that too became cost prohibitive. Being reviewed now is land along Russell Road and Hope Lane where the new road accesses the hospital. BHP Billiton has agreed to sell the County 7 additional acres at the previously quoted price, which would provide adequate flat space. Approval of this Contract will develop a footprint of the proposed facilities in that area, which would include the road yard, Public Works Administration facility, the shop, and the Facilities Management Department. All costs for this Contract would be paid exclusively with HURF (Highway User Revenue Funds) monies. Upon motion by

Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved Professional Services Contract No. 6500.341.526/2-2009 with C. L. Williams Consulting, Inc. in the amount of \$13,682.00 for engineering services for the Public Works Division Facilities Complex Project in Globe.

**Item 4 - CONSENT AGENDA ACTION ITEMS:**

- A. Approval to renew a Professional Services Agreement between the Gila County Health and Community Services Division, Office of Health, and Jean Turney-Shaw, FNP, whereby nurse practitioner services will be provided to the County for the period January 1, 2009, through December 31, 2009.**
  
- B. Approval of a Memorandum of Understanding between Gila County Health and Community Services Division (REPAC), as a Workforce Investment Act One Stop Partner, and the Greenlee County Workforce Investment Board to establish a cooperative working relationship and define roles and responsibilities for providing dislocated worker services to Greenlee County.**
  
- C. Authorization for David B. Caddell, GEST Program Manager, to accept through the State's SPIRIT System and on behalf of the Gila County Board of Supervisors, Amendment No. 1 to Contract No. DES080022-22-A1 between Gila County and the Arizona Department of Economic Security, which extends the contract period from 4/1/2009 through 3/31/2010 and adds to the DES Special Terms and Conditions the AZ 2-1-1 clause and items 1-4 in regard to employment requirements.**
  
- D. Approval of the January 6, 2009, and January 13, 2009, BOS meeting minutes.**
  
- E. Approval of personnel reports/actions for the week of March 3, 2009.**

Departure from County Service:

- 1. Jo Johnson – Board of Supervisors – Supervisor Staff Specialist – 02-26-09 – General Fund – DOH 02-01-1991 – Retirement

Hire to County Service:

- 2. Michelle Dyer – Payson Constable – Deputy Constable – 02-12-09 – General Fund – Replacing Chris Haack – Position vacant as of 11-18-08

Temporary Hire to County Service:

- 3. Lisa Lane – Health and Community Services – Administrative Clerk – 02-23-09 – WIA Fund

Position Review:

- 4. Ramai Alvarez – County Attorney – Deputy Attorney Senior – 02-17-09 – General Fund – From 40 hours per week – To 30 hours per week

5. Travis Wills – Public Works/Consolidated Roads – Road Maintenance/Equipment Operator – 03-02-09 – Public Works Fund – Extend Probationary Period to 05-10-09
6. Raymond Geiser – County Attorney - From Deputy Attorney – To Deputy Attorney Senior - 03-16-09 – General Fund

**SHERIFF’S PERSONNEL ACTION ITEMS**

Departure from County Service:

7. Tamara Renteria – Sheriff’s Office/Globe – 911 Dispatcher – 02-17-09 – General Fund – DOH 09-15-08 – Resigned
8. Toni Laguna – Sheriff’s Office/Globe – Detention Officer Sergeant – 02-17-09 – General Fund – DOH 05-29-06 – Separated Without Prejudice

Hire to County Service:

9. Cynthia Colson – Sheriff’s Office/Payson – 911 Dispatcher – 03-02-09 – General Fund – Replacing Amy Walker

End Probationary Period

10. Bradley Bennett – Sheriff’s Office/Payson – Detention Officer – 03-02-09 – General Fund
11. Jamie Cunningham – Sheriff’s Office/Globe – Detention Officer – 03-30-09 – General Fund
12. Dennis Tomerlin – Sheriff’s Office/Payson – Detention Officer – 03-02-09 – General Fund

Position Review:

13. Amy Walker – Sheriff’s Office/Payson – 911 Dispatcher – 03-02-09 – General Fund – Change in Position Control Number
14. Erich Kenney – Sheriff’s Office/Globe – From Detention Officer – To Detention Officer Sergeant – 03-02-09 – General Fund

**F. Approval of finance reports/demands/transfers for the week of March 3, 2009. (separate handout)**

\$511,958.78 was disbursed for County expenses by check numbers 215906 through 216055. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Supervisor Pastor had a request in regard to Consent Agenda Action Item number 4F, which is the approval of the finance reports/demands/transfers each week. The agenda states that this item has a “(separate handout)”; however, a separate handout has not been received by the Board. He stated that the Board receives a copy of the finance reports and demands; however, it also lists “transfers,” which believes the Board does not receive. Supervisor Pastor stated that this item should either be moved to the Regular Agenda each week for discussion or it could remain as a Consent Agenda Action Item; however, he requested that all backup information including all transfers of funds be listed and included in the Board packet each week because there have been some questions about same.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved Consent Agenda Action items 4A-4F.

**Item 5 - CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address issue(s) within the Board's jurisdiction. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further discussion and decision at a future date.**

There were no requests to speak from the public.

**Item 6 - 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 Dawson adjourned the meeting at 10:55 a.m.

**APPROVED:**

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Shirley L. Dawson, Chairman

**ATTEST:**

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Steven L. Besich, County Manager/Clerk