

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

Date: August 11, 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

PRESENT: Shirley L. Dawson, Chairman; Tommie C. Martin, Vice-Chairman (via video conferencing); Michael A. Pastor, Supervisor; Jacque Griffin, Assistant 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 in the Board of Supervisors hearing room. Bryan Chambers led the Pledge of Allegiance and Reverend Rich Richie of the First Church of the Nazarene in Payson delivered the invocation.

Chairman Dawson advised that because Frank Owens, Probation Department Director, or one of his staff was not yet present and because Judge Cahill was scheduled to speak at 10:30 a.m. due to being in the middle of a jury trial, she would be rearranging some of the agenda items rather than following the numbered sequence. Agenda items number 2 and 3 were skipped at this time.

Item 4 - Motion to convene as the Gila County Library District Board of Directors.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board convened as the Gila County Library District Board of Directors.

A. Information/Discussion/Action to authorize the Gila County Library District to submit a State Grants-in-Aid Application to the Arizona State Library, Archives and Public Records, Library Development Division, in the amount of \$23,000 for the 2009-2010 fiscal year.

Jacque Griffin, Assistant County Manager/Librarian, stated that this is a grant that is received annually and shared between the 8 libraries in the County. A portion is retained by the Gila County Library District office to pay for items such as the movie license, so movies can be shown in the libraries without

violating copyright laws and for the use of ancestry.com within each library. The libraries use their portion of these funds for programming, supplies, the summer reading program, books, etc. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously authorized the Gila County Library District to submit a State Grants-in-Aid Application to the Arizona State Library, Archives and Public Records, Library Development Division, in the amount of \$23,000 for the 2009-2010 fiscal year.

B. Information/Discussion/Action to approve a Support and Maintenance Agreement between the Gila County Recorder/Gila County Library District and HOV Services/Lason Service Administration to provide support and maintenance on a Minolta microfilm reader in the amount of \$990 for the period July 20, 2009, through July 20, 2010.

Ms. Griffin stated that the Gila County Library District owns an old Minolta microfilm reader and it is the only microfilm reader in the County that is also a printer. It used to be located at the Miami Memorial Library because that library had the most available space; however, it was difficult to get the reader serviced, to keep the public from touching the reader and to keep it functioning properly. This microfilm reader was moved to the Recorder's Office a year ago because that office didn't have a film reader/printer. It then broke down and because a service call would cost \$150 plus \$150/hour and parts, it was decided that in the long run it would be cheaper to purchase a maintenance agreement. The current plan is that the cost for the maintenance agreement will be split between the Gila County Library District and the Recorder's Office and then work toward a solution with another piece of equipment that may not cost so much. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved a Support and Maintenance Agreement between the Gila County Recorder/Gila County Library District and HOV Services/Lason Service Administration to provide support and maintenance on the Minolta microfilm reader in the amount of \$990 for the period July 20, 2009, through July 20, 2010.

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

At this time, the Board moved to agenda item number 11.

Item 11 - Information/Discussion/Action to award Request for Sealed Bids No. 032709-1 for the new WIC (Women, Infants and Children) Office Building Project.

Steve Stratton, Public Works Division Director, provide the Board with a copy of the bid sheet showing all of the contract bidders and bid amounts received on this project. He stated that initially 22 contractors pulled prints on this job, which he noted is a sign of the times in the economy. Then the Public Works Division had a walk through on this project and 17-18 contractors were present. Numerous contractors looked at this job and 8 contractors actually

submitted bids with a wide variety of prices. The internal estimate for this job originally was \$230,000 to \$240,000. Once it was known how many contractors were bidding, the internal estimate was revised to \$180,000 to \$220,000. The low bid from J.E. Bowen Construction LLC was \$158,000, which is 25% lower than the next bid. There were concerns over the low bid price so a background check on the contractor was done. The contractor has, in the past, worked for the City of Mesa, Arizona State University and others and the company is bondable. In an attempt not to have anyone go in the red on this job, the successful bidder was contacted and given 1 hour to reconsider or pull his bid; however, the contractor confirmed his bid at the bid price of \$158,000. This project is totally grant-funded and there is no Gila County match required other than overseeing the project. Chairman Dawson stated that with the remaining funds from the \$250,000 grant, she had recommended to Mr. Stratton that perhaps a covered walkway could be constructed from the Central Heights School to this new WIC building in the event of bad weather. Mr. Stratton stated that the total amount of funds available is \$273,000 and it is the County's intention to modify the parking lot at a cost of \$30,000 to improve the parking for this new building and for drainage. Each Board member commented on the amount of money being saved on this project due to the low incoming bids, which is important for the taxpayers even though the contractor is out of town and not local. Mr. Stratton noted that the second lowest bidder was also an out-of-town contractor. Dan Adams, a resident of Payson, commented that he would rather spend less money out of town than spend more money in town. Vice-Chairman Martin inquired if there was some type of contingency in the event the project was not completed by the contractor. Mr. Stratton advised that a performance bond was a requirement for this project and if the contractor didn't finish it for any reason, it would then fall to the bonding company to complete the project and pay the cost. The Board members individually commented on the advantage of building at this time because of the lowered costs due to the economic crisis. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously awarded a contract for Request for Sealed Bids No. 032709-1 for the new WIC Office Building Project to J.E. Bowen Construction LLC in the amount of \$158,000.

The Board now moved to agenda item number 5.

Item 5 – Information/Discussion/Action to approve Modification No. 1 to Challenge Cost Share Agreement No. 09-CS-11031200-015 between Gila County and the U. S. Forest Service, U. S. Department of Agriculture, Tonto National Forest, to extend the Agreement from September 2009 through September 30, 2010 at no additional cost.

Mr. Stratton stated that every year the County renews a maintenance agreement with the U. S. Forest Service and this agreement will extend the contract from September 2009 through September 30, 2010. Supervisor Pastor inquired if this agreement pertained to the maintenance of the 700+ miles of roads that the County maintains. Mr. Stratton replied that this

agreement is for a portion of those miles--approximately 400+ miles and allows the County to maintain those roads and the U. S. Forest Service pays the County for that maintenance. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved Modification No. 1 to Challenge Cost Share Agreement No. 09-CS-11031200-015 with the U. S. Forest Service, U. S. Department of Agriculture, Tonto National Forest, to extend the Agreement from September 2009 through September 30, 2010, at no additional cost.

The Board moved to address agenda item number 2.

Item 2 - Information/Discussion/Action to ratify approval for the Gila County Probation Department to submit a Recovery Act to Rural Law Enforcement to Combat Crime and Drugs Program Grant Application to the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and to ratify approval of the Chairman's signature on Certification as to Recovery Act Reporting Requirements and General Certification as to Requirement for Receipt of Funds for Infrastructure Investments.

Ramon Garcia, Chief Deputy Probation Officer, requested ratification of the Board's approval to submit this Grant Application and ratification of the Chairman's signature on two documents entitled Certification as to Recovery Act Reporting Requirements and General Certification as to Requirement for Receipt of Funds for Infrastructure Investments. He verified earlier this morning that the Grant Application had not yet been approved. Chairman Dawson commented that she signed this paperwork prior to it being placed on a Board agenda because of the time requirements for submission of the Grant Application; however, that is a not a practice she prefers but it is sometimes necessary. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously ratified approval for the Gila County Probation Department to submit a Recovery Act to Rural Law Enforcement to Combat Crime and Drugs Program Grant Application to the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and to ratify approval of the Chairman's signature on Certification as to Recovery Act Reporting Requirements and General Certification as to Requirement for Receipt of Funds for Infrastructure Investments.

The Board moved to address agenda item number 6.

Item 6 – CONSENT AGENDA ACTION ITEMS:

A. Approval to authorize the Chairman's signature on a Grant Agreement between Gila County and Arizona Community Action Association in the amount of \$5,858 to provide rent and mortgage assistance for low-to-moderate income families of Gila County for the period of July 1, 2009 through May 31, 2010.

- B. Approval to authorize the Chairman's signature on Contract No. C051-09-02 between Gila County (Housing Department) and the Arizona Department of Commerce Energy Office in the amount of \$112,316 for the U. S. Department of Energy Low Income Weatherization Assistance Program (DOE) to provide weatherization services to income-eligible Gila County residents for the period July 1, 2009, through June 30, 2010.**
- C. Approval to authorize the Chairman's signature on Contract No. C052-09-02 between Gila County and the Arizona Department of Commerce Energy Office in the amount of \$50,601 for LIHEAP (Low Income Home Energy Assistance Program) to provide weatherization services to income-eligible Gila County residents for the period July 1, 2009, through June 30, 2010.**
- D. Approval to authorize the Chairman's signature on Contract No. C053-09-02 between Gila County and the Arizona Department of Commerce Energy Office in the amount of \$28,434 for Southwest Gas to provide weatherization services to income-eligible Gila County residents for the period July 1, 2009, through June 30, 2010.**
- E. Approval of a request by the Gila County Superior Court to use the Exhibit Hall at the Fairgrounds with a waiver of fees for jury selection to be held on January 12-13, 2010.**
- F. Approval of the July 14, 2009, BOS meeting minutes.**
- G. Approval of the July 2009 monthly departmental activity report submitted by the Globe Regional Constable.**
- H. Approval of the personnel reports/actions for the week of August 11, 2009.**

Departures from County Service:

1. Ellen Cadwell – Globe Regional Justice Court – Justice Court Clerk Associate – 07-31-09 – General Fund – DOH 04-13-09 – Resigned
2. Nicole Mobley – Recorder – Recorder Clerk Senior – 07-24-09 – General Fund – DOH 04-21-08 – Resigned
3. Tyler Savage – Public Works Engineering – Surveyor Assistant – 07-30-09 – Public Works Fund – DOH 06-01-09 – Temporary position

End Probationary Period:

4. Michelle Dyer – Payson Constable – Deputy Constable Part Time – 08-03-09 – General Fund

Position Review:

5. Ramon Hernandez – County Attorney – Detective – 08-01-09 – From Cost of Prosecution Reimbursement Fund – To General Fund
6. Austin Jones – Public Works/Automotive Equipment Maintenance – From Vehicle and Equipment Maintenance Supervisor in Training – To

I. Approval of finance reports/demands/transfers for the week of August 11, 2009.

\$1,833,232.66 was disbursed for County expenses by check numbers 219819 through 219998. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Supervisor Pastor noted that he had some questions on the distribution report (agenda item 6I) for this week and requested to meet with Mr. Nelson this afternoon on same.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved consent agenda items 6A-6I.

At this time, the Board skipped agenda items 7, 8 and 9 and moved to address agenda item number 10.

Item 10 - Information/Discussion/Action to adopt Proclamation No. 09-07 proclaiming August 14-16, 2009, as the World's Oldest Continuous Rodeo held in Payson, Arizona, in honor of its 125th anniversary.

Vice-Chairman Martin read the Proclamation aloud. She stated that if the Board members would like to attend the rodeo she would provide them with tickets. She also noted that she had spent some of her constituent funds to purchase a banner to encourage participation in the 2010 Census. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously adopted Proclamation No. 09-07 proclaiming August 14-16, 2009, as the World's Oldest Continuous Rodeo held in Payson, Arizona, in honor of its 125th anniversary. **(A copy of the proclamation is permanently on file in the Board of Supervisors' Office.)**

The Board moved to agenda item number 7.

Item 7 - 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.

Dan Adams, a resident of Payson, inquired about the County's Wellness Program. Ms. Griffin provided an update on the program, which includes monthly or semi-monthly health activities such as blood draws, heart tests,

etc. Supervisor Pastor also noted that as a new Board member, he is very pleased with the County's Wellness Program.

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 Jacque Griffin, Assistant County Manager/Librarian, on behalf of Steve Besich, County Manager/Clerk, who is ill, presented information on current events.

Chairman Dawson noted that the Board would address agenda item number 9 in executive session and then take a recess until 10:30 a.m. at which time a motion on agenda item 9 would be made if necessary followed by Judge Cahill's presentation—agenda item number 3.

Item 9 - Information/Discussion/Action to receive legal advice from the Board's legal counsel and to direct legal counsel in the matter of the Estate of Nell Faras, PR-2008-0008, San Carlos Apache Tribal Court. Pursuant to A.R.S. §38-431.03(A)(3)-(4), the Board may vote to go into executive session to receive legal advice and/or to direct legal counsel in how to proceed in the lawsuit.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board convened into executive session at 9:54 a.m. and then recessed after the executive session.

At 10:33 a.m., Chairman Dawson reconvened the regular meeting.

Upon motion by Supervisor Pastor, seconded by Chairman Dawson, the Board directed the County Attorney's Office to file for dismissal in the matter of the Estate of Margarite Nell Ferris, Case No. PR-2008-0008.

Item 3 - Presentation and update on the status of the Globe Regional Justice Court.

Peter Cahill, presiding Judge of the Gila County Superior Court, stated that in April 2009, he addressed the Board regarding the status of the Globe Regional Justice Court (GRJC) and today he will present an update on the recent developments within the GRJC. Judge Cahill noted that Judge Nolan was also present, which he stated was significant. He stated that there have been a number of changes and a lot of progress since April due to the work of a numerous court staff, Jacque Durbin of his office in Court Administration, and a lot of credit is also due to Judge Nolan. In May he asked Judge Nolan to participate on a full-time basis in the effort to improve the operation of her court and she has led and participated in that effort. Everything that the Administrative Office of the Courts (AOC) identified as being deficient has been

addressed or is in the process of being addressed. All of the files have been reviewed; daily activities are up to date; there is some backlog that still needs to be addressed, but there is a plan in place; all of the accounting activities are now electronic; there is an efficient calendar system in place that is working; and the previous problems noted by the County Attorney's Office have been resolved. He provided some statistics to show how busy the GRJC is, as follows: The GRJC averages 795 filings per month. In the month of June, 200 warrants were issued, 600 suspensions were issued and the court doubled its receipts, which was one of the intended results that it was hoped would be achieved. The courtroom is being remodeled to make it more efficient. He stated that in addition to Judge Nolan sharing in the credit, he also wanted to thank Judge Perlman for overseeing the process, as well as Judge Little from the Payson Regional Justice Court for her help in getting things organized, Mary Hawkins and her staff, the Facilities Department staff and well as Judge Nolan's staff, who are very dedicated to Judge Nolan. Judge Cahill stated that work continues on institutionalizing all of the changes so that they will remain in place to continue to improve the operations of the GRJC. Judge Cahill stated that he does not anticipate asking the new Chief Justice to change the Order anytime soon, but he is looking forward to that day when the AOC is asked to review and verify that things are much better and the supervision of the GRJC can be restored wholly to Judge Nolan. Upon inquiry from Chairman Dawson, Judge Cahill stated that he is still in charge of overseeing the GRJC at this time for an indefinite amount of time and Judge Perlman will continue to work with Judge Nolan, but on a much more limited basis. The Board discussed the possibility of more photo radar units coming on line in the area creating a greater burden for the GRJC. Judge Cahill responded that he believes it would be a significant amount of additional work for the GRJC as was the case for the Town of Star Valley and the courts wouldn't look forward to being overwhelmed; however, it is the duty of the courts to do justice whether it's by radar or by officer. The Board also discussed the possibility of the Town of Miami taking over the operation of its magistrate court instead of utilizing the GRJC; however, that remains in the future. On behalf of the Board, Chairman Dawson thanked Judge Cahill for his update.

There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 10:44 a.m.

APPROVED:

Shirley L. Dawson, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk