

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

Date: September 29, 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/Librarian; Marian Sheppard, Chief Deputy Clerk; and Brian 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. Steve Stratton led the Pledge of Allegiance and Reverend Steve DeSanto of Shepherd of the Pines Lutheran Church in Payson delivered the invocation.

Item 2 - Presentation of the County Attorney's Office quarterly Officer Recognition Award to retired Officer Jerry Valenzuela of the Gila County Sheriff's Office by County Attorney Daisy Flores.

County Attorney Daisy Flores stated that it is not often a retired officer is recognized; however, this is a unique case as to the reason Officer Valenzuela deserves this award. She stated that the best quote that defines Officer Valenzuela is "the badge is the most important part of an officer's uniform; you never want to tarnish it" and that is how he has handled himself as a law enforcement officer. Mr. Valenzuela did not come into law enforcement right out of college, but rather as a second adventure and graduated from the academy in 1995. He worked for the Globe Police Department and then worked at a wide variety of positions at the Sheriff's Office from 2000 until his recent retirement. Because an officer's name is on a lot of reports, they are still answerable to a subpoena even though retired. In one particular long and drawn out case, Officer Valenzuela was called in on several occasions to give testimony. Ms. Flores then called on Bryan Chambers, Chief Deputy County Attorney, to give the details as he was handling that case. Mr. Chambers explained the details of that particular case and how Officer Valenzuela was harshly attacked by the defense attorney; however, he remained calm and

poised and answered all the questions. Because of Officer Valenzuela's testimony, the County Attorney's Office was able to get a guilty verdict against this particular defendant, who is now serving 10 years in prison. He concluded by stating that Officer Valenzuela "had the enthusiasm of Barney Fife and the wisdom of Andy Griffith" so they had the best combination of both wrapped into one officer. Officer Valenzuela gave a few remarks. On behalf of the Board, Chairman Dawson thanked Officer Valenzuela for his years of service to the County.

Item 3 - Information/Discussion/Action to provide information on a new employee appreciation program entitled "Spotlight on Employees."

Juley Bocardo-Homan, Deputy Personnel Director, presented information to the Board about a new employee appreciation program. The purpose of the program is to recognize employees who display the following qualities: teamwork, quality, morale building, integrity, customer service and initiative. The program will be handled electronically through the submission of a form by a department head/supervisor via the Intranet. The public is also welcome to submit a letter of appreciation about an employee. She explained the awards that will be presented and stated that a picture of the employee will also be included on the Intranet. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved the new employee appreciation program entitled "Spotlight on Employees."

Item 4 - Motion to convene as the Gila County Flood Control District Board of Directors. Information/Discussion/Action to consider a floodplain variance request submitted by Robert and Francie Phillips for parcel number 201-14-017 located in Tonto Basin.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board convened as the Gila County Flood Control District Board of Directors. Steve Sanders, Public Works Division Deputy Director, stated that Mr. Phillips was apparently not present at the hearing. He explained that the Phillips reside in the West Valley of Phoenix and own property in Tonto Basin; it is the Tonto Basin property on which they are requesting a variance for the placement of a mobile home. The County provided the Phillips with a flood hazard determination sheet advising them of the elevation requirements. At that point, without providing a site plan or any other information, the Phillips requested a variance. Mr. Sanders stated that to date it is unknown where the Phillips plan to locate the new mobile home in order to determine the height elevation requirements. The Phillips also stated to him that they had a survey done; however, the County does not have that survey information. At this time, Mr. & Mrs. Phillips arrived stating that they had been delayed because of road construction. Mr. Sanders repeated the above information and then Chairman Dawson called on Mr. Phillips to address the issues. Mrs. Francie Phillips stated that the information was sent to the County and they requested if there was any other information the County required, but they never heard back

from the County. They had an old mobile home on this property and are replacing it with a newer model, which is located next to the garage. When they provided the survey, the County stated that the mobile home had to be raised up 6 feet higher than the elevation of the old one because it is located in a flood plain. She noted that the garage is at ground level and not elevated. She stated that they are requesting a 2-foot variance to bring the mobile home down at least 2 feet due to her husband's medical conditions and her father, who also lives with them, has difficulty in climbing steps. She inquired as to any other information the Board needed and also provided a map of the area. Mr. Sanders stated that no information had been provided to the County other than a letter from a doctor and a variance request. After continued discussion, Chairman Dawson stated that she was going to request that this item be tabled because the Board could not make any decisions without the necessary paperwork and that Mr. & Mrs. Phillips needed to meet with Mr. Sanders and Darde DeRoulhac, Chief Engineer of the Flood Control District. Once the paperwork was provided, a variance request could then be heard by the Board at its next meeting. Chairman Dawson requested that the Phillips meet with Mr. Sanders and Mr. DeRoulhac after the Board meeting. Mr. Sanders stated that Mr. DeRoulhac could meet with them immediately. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously tabled this item. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board reconvened as the Board of Supervisors.

Item 5 – Update on activities of the Gila County Treasurer's Office.

Deborah Savage, County Treasurer, provided an update to the Board on the status of the property tax notices. She stated that 135 trays of bills were received from the printer last Friday afternoon and her staff worked Saturday and Monday to ensure they would be mailed out on time. The tax notices for the personal property and businesses were handled by the Assessor's Office. To date, the mail room still has approximately 35 trays to process and will be completed by tomorrow morning. She stated that a flyer regarding the upcoming census was included with each tax notice. They also sent out tax notices to all taxpayers, including those whose taxes are paid by their mortgage company, in order to notify all taxpayers of the importance of the upcoming census. Supervisor Pastor stated that he went to the Treasurer's Office and was amazed at the amount of mail that was being processed and thanked the employees for their hard work. Chairman Dawson noted that the State Legislature is now considering giving the taxpayers a refund without taking into consideration the cost and the amount labor for each county to resend these notices and she hoped it would not happen. Vice-Chairman Martin stated that a question going around in her area was if the tax bills would be sent out late this year. Ms. Savage stated that although she has been unable to locate a specific statute, she was always told that the taxes notices needed to be mailed out by October 1st of each year; however, it is done as a courtesy to the public. The tax notices are being mailed out on time. The taxes are due

now and the first half of the taxes are delinquent on November 2nd. On behalf of the Board, Chairman Dawson thanked Ms. Savage and her staff.

Item 6 - Information/Discussion/Action to approve the selection of Kimley-Horn & Associates, Inc. to provide professional services for the design concept report, environmental studies and design for the new bridge over Tonto Creek near Punkin Center and to authorize Gila County Public Works to negotiate a scope of work and fee for the project.

Mr. Sanders stated that this project has been ongoing as long as there has been private property on the east side of the Tonto Creek in Tonto Basin. In the past, Congressman Renzi appropriated money in the Federal Safety Lieu Highway Bill to pay for the design to construct a bridge across Tonto Creek. The Board authorized accepting the funds and on July 14, 2009, the Board approved advertising a Request for Qualifications for design firms to submit proposals. He stated that 12 firms submitted bids and a selection committee composed of 5 individuals from around the state reviewed them and scored them based on set criteria. Then 3 firms were called in for interviews and Kimley-Horn and Associates, Inc. (Kimley-Horn) was chosen by unanimous vote of the committee. He stated that with the Board's approval, the Public Works Division will begin negotiating a scope and fee that is satisfactory to both the County and Kimley-Horn and will then be able to move forward with the project. Once a fee is negotiated with Kimley-Horn, a formal contract will be presented to the Board for approval. If for some reason the County is unable to negotiate a scope and fee with Kimley-Horn, the proposal would be awarded to the second bidder on the list, which is Jacobs Engineering. Supervisor Pastor inquired about the time line for negotiations. Mr. Sanders replied that it would be 1 month. Mr. Pastor stated that at his next meeting with the Tonto Basin residents, he knows they will be asking him questions. Chairman Dawson stated that her nephew is an employee with Kimley-Horn; therefore, she would abstain from voting on this item. The Board discussed with Mr. Sanders a forming a volunteer committee of residents in that area who will participate in the environmental NEPA (National Environmental Policy Act) process. Mr. Sanders also advised that the first 4 years of funding for this project is available; however, he was not sure about available funding for the 5th year. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board, by a 2-0 vote, approved the selection of Kimley-Horn & Associates, Inc. to provide professional services for the design concept report, environmental studies and design for the new bridge over Tonto Basin near Punkin Center and authorized Gila County Public Works to negotiate a scope of work and fee for the project. Chairman Dawson abstained from voting.

Item 7 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) for cooperative purchasing between Gila County and the Town of Star Valley, which will improve the efficiency or economy of the procurement of necessary materials and/or services for both the County and the Town.

Steve Stratton, Public Works Division Director, stated that he would address both agenda item numbers 7 and 8 together as the IGAs are the same, but with different entities. Mr. Stratton stated that the Board had previously approved this same IGA with the City of Globe, which he had offered to all cities/towns within Gila County, and these are two more towns that wish to participate. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved an IGA for cooperative purchasing with the Town of Star Valley.

Item 8 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) for cooperative purchasing between Gila County and the Town of Payson, which will improve the efficiency or economy of the procurement of necessary materials and/or services for both the County and the Town.

(Note: This item was addressed above with agenda item number 7.) Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved an IGA for cooperative purchasing with the Town of Payson.

Item 9 - Information/Discussion/Action to award or reject a contract for Request for Sealed Bids No. 070109-1 for the construction of the Gila County Women's Jail Dormitory.

Mr. Stratton stated that it was his recommendation to reject all bids. He stated that 18 bids were received with the lowest being \$903,000, which was 25% more than budgeted. He has since been in contact with DLR Group, the County's architectural firm, Sheriff Armer and Jim Eskew, Detention Commander, and they believe that enough adjustments can be made to redesign and open up the area to be more productive and conducive to construction thereby reducing the project costs by \$200,000 without sacrificing the integrity or quality of the project. He provided the particulars of the changes that will be made to the design, which included the change from 11 cameras to 8; the walkway will have less structural steel; the exercise yard will be redesigned to encompass the walls with CMU (concrete masonry unit) rather than no-climb steel, which is extremely expensive; and the removal of the perimeter fence will be replaced with gates near the kitchen. Chairman Dawson inquired about the security. Mr. Stratton stated that these changes will still provide the security needed for a quality dorm; however, the costs will be reduced. Chairman Dawson inquired about the entire Board or at least one Board member being shown onsite where the changes will be made. Mr. Stratton stated that the redesign would be completed within 2 weeks and then he would provide a tour for the Board. Vice-Chairman Martin inquired if he was not only requesting that all bids be rejected, but was also requesting permission to rebid for a new design. Mr. Stratton replied that she was correct. He stated that of the 18 bids received, there was a group of 14-16 that were

very close in their bid amount and when the numbers are that close, it was obvious that the County's estimation was too low. DLR Group also found some clarifications in the bid documents that they feel need to be made where there may have been some duplicity by sub-contractors. He again requested that the Board reject all bids and grant permission to advertise for new bids based on the new design. The new bid date requirement would be November 12, 2009. The Board held a discussion about ensuring the redesign would be in compliance with the code for jails. Mr. Stratton stated that DLR Group has assured him that the redesign will be in compliance. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously rejected all bids for the construction of the Gila County Women's Jail Dormitory and authorized the advertisement of a new call for bids.

Item 10 - Information/Discussion/Action to adopt Resolution No. 09-09-04 authorizing the Public Works Division to submit a Grant Application to the Arizona Department of Transportation (ADOT) for LTAF II (Local Transportation Assistance Fund) funds in the amount of \$46,917.96 to assist in eligible transit related projects that are qualified under ADOT guidelines.

Mr. Stratton stated that each year he requests permission to submit an application for LTAF II funds, to allow the County to give these funds to various organizations such as agencies that provide for senior citizens. These are lottery funds and there is a match requirement of \$9,383.59 by the County for total funding of \$46,917.96. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-09-04 authorizing the Public Works Division to submit a Grant Application to the ADOT for LTAF II funds in the amount of \$46,917.96 to assist in eligible transit related projects that are qualified under ADOT guidelines. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Chairman Dawson stated that agenda item numbers 11, 12 and 13 (below) would be discussed together with 3 separate motions as they all refer to the disposal of unnecessary public roadways. Mr. Sanders stated that he would speak to all 3 items in general terms, but they were specific to each bidder.

Item 11 - Information/Discussion/Action to adopt Resolution No. 09-09-05 approving the disposal of an unnecessary public roadway being a portion of Christopher Creek Loop (Old State Highway 260) and more particularly described as Parcel 260-A of Record of Survey Map No. 3744, Gila County Records, Gila County, Arizona and to authorize the Chairman's signature on the Quit Claim Deed for said disposal to Dale S. Ashby and Nancy A. Ashby.

Mr. Sanders stated that the Board had previously agreed to the disposal of these unnecessary roadways. Two of the properties are located in Christopher Creek on the old State Route 260 and the other one is located in East Verde on

Nellie Drive. This is the final step of the process for disposal by requesting adoption of the Resolution and allowing the Board to sign the Quit Claim Deed to quit claim the roadways to the adjacent property owners. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-09-05 approving the disposal of an unnecessary public roadway being a portion of Christopher Creek Loop (Old State Highway 260) and more particularly described as Parcel 260-A of Record of Survey Map No. 3744, Gila County Records, Gila County, Arizona, and authorized the Chairman's signature on the Quit Claim Deed for said disposal to Dale S. and Nancy A. Ashby. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 12 - Information/Discussion/Action to adopt Resolution No. 09-09-06 approving the disposal of an unnecessary public roadway being a portion of Christopher Creek Loop (Old State Highway 260) and more particularly described as "Area 1" of Record of Survey Map No. 3740, Gila County Records, Gila County, Arizona and to authorize the Chairman's signature on the Quit Claim Deed for said disposal to Little Creek Land Company, LLC.

(Note: This item was addressed above with agenda item numbers 11 & 13.) Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-09-06 approving the disposal of an unnecessary public roadway being a portion of Christopher Creek Loop (Old State Highway 260) and more particularly described as "Area 1" of Record of Survey Map No. 3740, Gila County Records, Gila County, Arizona and authorized the Chairman's signature on the Quit Claim Deed for said disposal to Little Creek Land Company, LLC. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 13 - Information/Discussion/Action to adopt Resolution No. 09-09-07 approving the disposal of an unnecessary public roadway being a portion of Nellie Drive, East Verde Park, Official Map No. 144 and more particularly described as "Shaded Area A" and "Shaded Area B" of Record of Survey Map No. 3759, Gila County Records, Gila County, Arizona and to authorize the Chairman's signature on the Quit Claim Deed for said disposal to Gerald J. Koessler and Nancy M. Koessler.

(Note: This item was addressed above with agenda item numbers 11 & 12.) Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-09-07 approving the disposal of an unnecessary public roadway being a portion of Nellie Drive, East Verde Park, Official Map No. 144 and more particularly described as "Shaded Area A" and "Shaded Area B" of Record of Survey Map No. 3759, Gila County Records, Gila County, Arizona and authorized the Chairman's signature on the Quit Claim Deed for said disposal to Gerald J. Koessler and Nancy M. Koessler. **(A**

copy of the Resolution is permanently on file in the Board of Supervisors' Office.)

Item 14 - Information/Discussion regarding the benefits and drawbacks of a 4 day (4-10 hour days) work week schedule which includes a potential utility savings.

Chairman Dawson stated that she requested that a discussion be held with County administrators regarding the benefits or drawbacks for the County to go to a 4-day (10 hours/day) work week. Chairman Dawson stated that she had received a concern from an employee that believed it was illegal for the Courthouse to be closed. She stated that the County Supervisors Association had sponsored HB2236, which was passed by the State Legislature this year allowing same as long as the Courthouse is open for 40 hours per week. Several counties have already implemented a 4-day week and have experienced savings on utilities; however, those counties do not have buildings designed like the courthouse in Globe. The court systems, located on the first and third floors of the courthouse cannot, by law, go to a 4-day week, so the courthouse would have to remain open all 5 days from 8:00 a.m. to 5:00 p.m.; hence, there may not be much savings in utility costs. There would be cost savings from parking County cars for 3 days and closing the annex buildings around the County. Chairman Dawson stated that because of the current financial situation with the State of Arizona and the following 2 years appearing likely to be worse, she was requesting the cooperation of the entire County in trying to figure out how the County can best cut costs and asked staff for recommendations. Jacque Griffin, Assistant County Manager/Librarian, provided the Board with information on the pros and cons from other states/counties that have gone to the 4-day week. She also provided a worksheet showing 35 questions that should be asked when drafting a compressed work week policy. She noted that some of the entities that tried the 4-day work week reverted to the 5-day week. Ms. Griffin also stated that if all employers go to 4-day work weeks, then perhaps some consideration should be given that if businesses are working Monday-Thursday, then maybe government should work Tuesday-Friday to accommodate the working people by providing a day to tend to County business. Chairman Dawson proposed that the County review this now and then start experimenting with it in January. Supervisor Pastor stated that he has met with the Finance Director about potential cost saving issues, which included the 4-day work week. Supervisor Pastor stated that working in the private sector, he enjoyed the 4-day week; however, he did not know whether it would work in government because it is a different type of service that is being provided. If the County chooses to pursue this idea, Supervisor Pastor recommended that employees in addition to management be included in the discussion. He's received many calls from employees with concerns. He has been told by supervisors in other counties who have gone to the 4-day week that they are not sure there are any savings. Those discussions between Supervisor Pastor and others, he approaches the issue as a 4-day, 10-hour work week. He stated, "I'm not

looking at cutting employee hours because that's not going to help anybody out." He intends to be very involved in this issue and is looking forward to active debate from everyone in the County, not just upper or middle management. Chairman Dawson stated that she would appreciate management working on a survey of all departments, hold discussions at departmental meetings and then have a survey of all employees. Vice-Chairman Martin stated that she would like to know how much the County really could save in utilities and also if the shortened week really serves the customers. Will there be issues with other clients like real estate offices that need County services and expect them on a 5-day weekly basis? She stated that employees in Payson have scheduled themselves to work 4 10-hour days, but they are still open to the public 5 days a week from 8:00 a.m. to 5:00 p.m. This is a savings to employees in the cost of gas, etc. Her main concern is to determine if the County is truly going to save on utility costs and also that it doesn't override the concerns of the public. She believes a survey of the public should also be conducted. Chairman Dawson also noted that many in the public who work from 8:00 a.m. to 5:00 p.m. might appreciate early and late hours at the Courthouse to accommodate their needs. Mr. Stratton stated that when this item first appeared on the Board's meeting agenda, he received quite a few unfavorable comments from the public and employees; however, he noted that change is difficult for a lot of people. He stated that the road crew has been on 4-10 work schedule for several years and it has proved to be more productive. He noted that landfills cannot be closed for 3 days in a row because it's a rule of the landfills so they will remain on the same 5-day schedule to accommodate the needs of the public. Mr. Stratton stated that his department is reviewing different scenarios regarding the County's utilities. The County's Arizona Public Service electricity bill currently costs approximately \$500,000/year and \$200,000 of that is for street lighting. He will continue to review the utility costs and provide a report to the Board on potential savings. Chairman Dawson suggested putting a survey on the County's website in order to obtain public comment. Ms. Griffin suggested that this item be continued for discussion at the Board's next work session to which the Board agreed. No action was taken by the Board.

Item 15 - Motion to convene as the Gila County Library District Board of Directors. Information/Discussion/Action to ratify the Chairman's signature on a 12D Fund Request Application between the Gila County Library District and San Carlos Apache Tribal Council for NDI Brain Boxes™ to be placed in all public libraries within Gila County for the purpose of promoting early literacy for ages birth through 5½ years.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board convened as the Gila County Library District Board of Directors. Ms. Griffin stated that this application is for gaming money that the casino awards and because there was such a short turn-around time to get the application submitted, the Chairman of the Board had already signed the application. She stated that the funds are being requested for the purchase of NDI Brain

Boxes™, which are used for early childhood education. The Library District already has 2 sets of these NDI Brain Boxes™, one in the Tonto Basin Library and one in the Payson Library, which were provided by a grant from the State Library and were placed in those libraries because they were already doing early childhood programming. This application contains a request for funds to provide the expensive NDI Brain Boxes™ at the other 6 libraries within the County. Vice-Chairman Martin inquired if there was any feedback on the use of these Boxes. Ms. Griffin stated that she has received feedback from the librarians using them and they both really like them; however, they use them differently. She stated that parents also like them. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously ratified the Chairman's signature on a 12D Fund Request Application between the Gila County Library District and San Carlos Apache Tribal Council for NDI Brain Boxes™ to be placed in all public libraries within Gila County for the purpose of promoting early literacy for ages birth through 5½ years.

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

Item 16 - Information/Discussion/Action to consider a sealed bid for the purchase of Assessor's tax parcel number 205-18-033D, which is owned by the State of Arizona.

Marian Sheppard, Chief Deputy Clerk, stated that even though this is a sealed bid, it is more of a house-keeping issue. This issue first came to her attention in May 2007 from Larry Huffer of the Assessor's Office. At one time this piece of property along with other connected parcels were abandoned by the City of Globe and deeded to various property owners. After several ownerships, at one point the subject parcel of land was not deeded over to the present owners. The previous owners received several tax notices, but just ignored them believing that they no longer owned the property. It was then deeded to the State of Arizona for non-payment of property taxes and has been listed on the County's Back Tax Land List for many years. In the initial discussions with Mr. Huffer, it was discussed that this was either an error on the County's part or the title examiner and a request was made to the County Attorney to see if the Board could just transfer ownership over to the present owners. At the time, the County Attorney advised that the County could not gift the property so nothing was done and the owners never came forward. Now the present owners have submitted a bid for the purchase of same. Ms. Sheppard then opened the sealed bid and stated that a bid of \$25.00 was received from John F. Strizich. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously accepted the bid from John Strizich in the amount of \$25.00 for the purchase of Assessor's tax parcel number 305-18-033D.

Item 17 - CONSENT AGENDA ACTION ITEMS:

- A. Approval to appoint the following precinct committeemen to the Gila County Republican Committee: Milton Dee LeFevre and William D. Powers.**
- B. Approval of Public Works Division Policy No. RM 09-09 – Shop Service Pit Safety to establish safety guidelines for the service pit in the Auto/Equipment Maintenance shops.**
- C. Approval of Amendment No. 3 to a contract between Gila County and Central Arizona Association of Governments to add Program Year 2009 funds under the Workforce Investment Act Title 1B Program, as follows: an increase of \$490,694 for the Adult Program and an increase of \$455,417 for the Youth Program for the period April 1, 2009, through June 30, 2010.**
- D. Approval of a request by the Signal Peak Community Foundation for the Board of Supervisors to co-sponsor the Post-Secondary Education Fair and to waive the rental fees for the use of the Exhibit Hall at the Fairgrounds for the November 3, 2009, event. No conflict with date and no security needed. Sponsorship does not include any monetary contribution.**
- E. Approval of an Agreement for Election Services Agreement between the Gila County Recorder and the Miami Unified School District No. whereby the Recorder will conduct a November 3, 2009, all mail ballot Special Budget Override Election for the Miami Unified School District No. 40.**
- F. Authorizing the Chairman’s signature on a 36-month Kansas State Bank of Manhattan Lease with Option to Purchase Agreement dated August 14, 2009, for a Konica Minolta Bizhub C353 copier which will be used by the Emergency Services Department at a cost of \$228.69 per month (\$2,744.28 total), Order Agreement with Hughes-Calihan Konica Minolta, Inc., Standard CPC Maintenance Contract with Hughes-Calihan Konica Minolta, Inc. for maintenance of said copier at an annual cost of \$982.08, and Form 8038-GC.**
- G. Approval of a Memorandum of Understanding between the City of Globe and the Gila County Community Services Division dated July 20, 2009, whereby Gila County will be paid \$15,000 to administer the City’s Housing Rehabilitation Program in the amount of \$23,095 as provided by the Arizona Department of Housing.**
- H. Authorization of the Chairman’s signature on a Risk Assessment Assurance form whereby the Gila County Division of Health and**

Community Services/CAP (Community Action Program)/Housing Department assures appropriate expenditures of Community Services Block Grant funds in the amount of \$150,000 received through the American Recovery and Reinvestment Act of 2009.

- I. Approval of Amendment of Solicitation/Modification of Contract between Gila County on behalf of the Gila County Juvenile Detention Center and the Bureau of Indian Affairs to increase the contract amount by \$68,563.60 from \$457,747.80 to \$526,311.40 for continued detention services.**
- J. Approval of an Intergovernmental Agreement for Election Services between Gila County, the Miami Unified School District No. 40 and the Gila County Superintendent of Schools to provide election operational services for a Special Budget Override Election to be held on November 3, 2009.**
- K. Approval of the August 17, 2009, August 25, 2009, August 31, 2009, September 1, 2009, September 15, 2009, and September 18, 2009, BOS meeting minutes.**
- L. Approval of the August 2009 monthly departmental activity reports submitted by the Globe and Payson Regional Constables, Globe and Payson Regional Justices of the Peace, Recorder and Clerk of the Superior Court.**
- M. Approval of the personnel reports/actions for the weeks of September 22, 2009, and September 29, 2009.**

September 22, 2009:

Departures from County Service:

- 1. Orlando Ramirez – Probation – Deputy Probation Officer 2 – 09-10-09 – Adult Probation Service Fees – DOH 09/04/01 – Resigned

Hire to County Service:

- 2. Pamela Wagner - Health and Community Services – Career and Employment Specialist – 09-14-09 – ARRA Fund

End Probationary Period:

- 3. Athena Gooding – County Attorney – Legal Secretary Lead – 10-26-09 – General Fund

Position Review:

- 4. Janice McGann – County Attorney – Legal Secretary Senior – 08-31-09 – From General Fund – To 80% General Fund/ 20% ACJC Fund

SHERIFF'S PERSONNEL ACTION ITEMS

End Probationary Period:

- 5. Christopher McGroarty - Sheriff's Office/Globe – Deputy Sheriff – 09-14-09 – General Fund

Position Review:

6. Keith Thompson - Sheriff's Office/Globe – Deputy Sheriff Sgt. – 09-14-09 – From General Fund – To Copper Basin Coalition Alcohol Enforcement Fund
7. Jay Valenzuela - Sheriff's Office/Globe – Deputy Sheriff – 09-14-09 - From General Fund – To Copper Basin Coalition Alcohol Enforcement Fund

September 29, 2009:

Departures from County Service:

1. Elizabeth Mata – BOS – Clerk – 08-28-09 – General Fund – DOH 04-16-09 – Temporary employment

End Probationary Period:

2. Teri Berumen – Recorder – Recorder's Clerk – 10-12-09 – General Fund
3. Melva Warbington – Recorder – Recorder's Clerk – 10-12-09 – General Fund

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service:

4. Keith Thompson - Sheriff's Office/Globe – Deputy Sheriff Sgt. – 09-21-09 – DOH 11-05-01 - Resigned

N. Approval of finance reports/demands/transfers for the weeks of September 8, 2009, and September 15, 2009. (separate handout)

September 22, 2009:

\$2,073,912.32 was disbursed for County expenses by check numbers 220793 through 220998.

September 29, 2009:

\$452,746.21 was disbursed for County expenses by check numbers 220999 through 221134. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

O. Approval of the modification to the Employment Network (EN) Ticket to Work Contract No. SS00-04-E1256 between Gila County GEST Program and the Social Security Administration and authorization for David Caddell, GEST Program Manager, to accept same in order to incorporate recent changes to the Ticket to Work, Self-Sufficiency Program and the EN contract for providing services to clients in Gila County.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved consent agenda items 17A-17O.

Item 18- 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.

Mickie Nye, a resident of Globe, gave an update on a trip to Washington where he was accompanied by his wife, Chairman Dawson and Judge Edd Dawson. The purpose of the trip was to meet with Congressmen/women as well as deputies of the Department of Agriculture, Forest Service and Job Corps. The issue of concern while there were that there are no Civilian Conservation Camps (CCC) in the southwestern United States. The discussions held were about the high school graduation rates in San Carlos, Globe, Miami and southern Gila County as well as the need to reestablish the hope of the future for our young people and to convey those messages. He hopes the consequences of the trip will be positive and bring the development of a CCC Job Corps to this area. It would bring a \$25 million facility and approximately \$100,000 in salaries to this area. Chairman Dawson added that it would also save countless lives.

At this time, the Board moved to agenda item number 21.

Item 21 - Information/Discussion/Action regarding a 2004 Intergovernmental Agreement between Gila County and the San Carlos Apache Tribe pertaining to the maintenance of certain roads within the Tonto Association and Anchor Seven Association boundaries. The Board may vote to go into executive session pursuant to A.R.S. 38-431.03(A)(3) in order to seek legal advice from its counsel regarding this Intergovernmental Agreement.

Chairman Dawson stated that when campaigning for public office, she filled out a request for public records on any Intergovernmental Agreements (IGA) between Gila County and the San Carlos Apache Tribe and was assured that none existed. When she took office, Steve Titla, Attorney for the San Carlos Apache Tribe, contacted her and several e-mails were exchanged regarding memorandums of understanding. Finally, because of the tenacity and hard work of Mary Kim Titla, Tribal Liaison for the County, a meeting was held between Mr. Titla and Bryan Chambers of the County Attorney's Office and a signed agreement surfaced that states that the Gila County Board of Supervisors approved an Agreement to maintain the cattle roads that the San Carlos Apache Tribe has been inquiring about for the past 5 years. The agreement was signed at the time by Chairman Sanchez and Tribal Chairwoman Kathy Kitcheyan on February 3, 2004. She stated that Gila County has not done anything with this Agreement for the past 5 years and requested that the Board honor this Agreement and instruct Mr. Stratton to work with Mr. Titla on a new agreement with a start and stop date, and a

process for renewing or terminating same. Mr. Stratton stated that in preparation for this agenda item, he asked Brent Cline, Roads Superintendent, to drive the roads involved, which Mr. Cline did on September 23, 2009, along with Matt Hopkins, who is a member of San Carlos Transportation Department. In reviewing those roads, one of the requests to Mr. Cline was to put together a cost to bring those roads up to an acceptable standard for a dirt road. He had already advised Chairman Dawson earlier that the cost would be in the \$40,000 range; however, after meeting with Mr. Cline again, Mr. Cline advised that he had missed some things and the actual cost will be in the \$40,000 to \$60,000 range. Mr. Stratton stated that the reason he requested this item be placed on the agenda is because he is not clear on the legality of using HURF (Highway User Revenue Funds) monies on these roads and was asking for clarification from Mr. Chambers, which was provided. He was not sure if it was legal to use HURF funds, but he also did not have the authority to obligate funds from the General Fund in that amount to do the work. Mr. Stratton stated that he was here to answer questions and get clarification from the Board. Supervisor Pastor stated that this has been an ongoing issue for the last month and half and although there is an IGA with the Tribe, which looks like a valid document, there was also another proposed IGA for same presented to the Board by the County's insurance provider in September 2005 (in which a motion by Supervisor Dawson was made and passed to table the item because of liability issues.) He requested that either Mr. Stratton or Mr. Chambers meet with Mr. Titla on developing a new agreement since several years have passed since these agreements were first developed. Supervisor Pastor stated that Mr. Stratton has made a couple of proposals to him, which he "wasn't real pleased about" and he believes that the County needs to discuss this with the Tribal authorities or whomever is in charge of negotiations for the Tribe. Supervisor Pastor stated that in all of the information he has read related to this issue he did not find any requests by the Tribe for the County to blade the roads in the past few years. Chairman Dawson stated that there has been almost a constant request by the Tribe. Chairman Dawson stated that she believes the Board needs to address this issue and sit with the Tribe and come to a resolution whereby the County does provide the services of maintaining some of the roads. She stated that several other counties have MOUs or IGAs for maintaining roads on Native American reservation land. She also stated that there is a statute allowing the signing of IGAs with Native American reservations. She inquired of Mr. Chambers if the Board needed to negotiate with the Tribe before actually going out and blading the roads. Chairman Dawson stated, "I am going to ask that we go into executive session for legal advice on this matter because I feel like we have been 5 years and 8 months with a legal document we have not honored." Vice-Chairman Martin stated that she wasn't denying that the document was there; however, she was not sure that one board could obligate another board to anything, document or no document. "It's my understanding that we cannot." Chairman Dawson stated that the Harry Jones letter authorizing his work for the County was honored for many years—a letter, not a contract. Vice-Chairman Martin stated that when the Board studied this issue several years

ago, her position has not changed. She stated, "I am absolutely all for helping San Carlos put together their own road department as Navajo County has now done with the roads on the Navajo Reservation. They have helped them establish what they are calling NDOT (Navajo Department of Transportation) ...To me it's 2 different things going on here. One of them is 'do we have a legal document here?' I don't doubt that we do. I don't like it. I don't like the fact that it goes on forever. I don't like the fact that we didn't know about it. I don't like all of that, but neither from a philosophical standpoint do I believe that it's appropriate for us to take either HURF dollars or taxpayer dollars and take our equipment onto that reservation. I know that 10 years ago the last time we were out there with equipment, it was vandalized. It's not something that we can go out there and set up a job and leave it. It has to be loaded back and forth. I believe that we do things like the library at San Carlos that are absolutely appropriate and the college campus is absolutely appropriate, but I would like to have a lot more discussion about if it is appropriate to blade these roads. We don't blade the roads to our ranches. We don't blade roads to our small mines. We claim that they have to have 24 hour access on those roads if we're going to use taxpayer dollars or HURF dollars; all of them public dollars. If we're not going to blade roads to our own ranches—to property that pays taxes—to our own small mines—to property that pays taxes—and folks that have got little businesses out there adding to the wealth of the county, I don't think it's appropriate to go onto the reservation until we address that. I think there's 2 things going on here and if we need to go into executive session to discuss the appropriateness of the IGA, that's one thing. I think the only action I would be willing to take today is to give a 30-day notice that this IGA is no longer in effect. I don't have any qualms in discussing this in a workshop setting or to have the staff look at it. I would like to know what all services we do or don't provide to San Carlos." In reference to Chairman Dawson stating that other counties blade the roads for reservations, Vice-Chairman Martin stated that the only other one she was aware of was that she believes Apache County does lay roads on the Navajo Reservation and she believes that they are looking towards what Navajo County is doing with the NDOT so that the Navajos can set up their own excise taxes and can get their own HURF dollars. Vice-Chairman Martin also stated, "I believe that in the past, I've been told that San Carlos gets HURF dollars. Philosophically, I do not believe that it's an appropriate use of property tax dollars/HURF dollars at this stage of the game. I'm not at all opposed to helping set up a San Carlos DOT, helping train, how to use equipment, how to buy equipment and I think there's equipment available through the government surplus. I am just more into helping folks learn how to fish and quit feeding folks fish. That's where I am coming from." Chairman Dawson called on Mary Kim Titla to speak. Ms. Titla stated that she extended invitations to Steve Titla to attend today's meeting as well as Barney Bigman, who is the director for the Transportation Department at the San Carlos Apache Reservation. She stated that requests have been made over the years for the County to assist the Tribe in helping to maintain these roads. These roads are public roads used by the public for recreational purposes out on the reservation. They are also used by the San Carlos Cattle Association

and at times they are used to bus children for field trips. In speaking to Mr. Titla, he is the one who produced the IGA. She stated that in Mr. Titla's words, "This amounts to nothing less than a broken treaty." Mr. Titla and the Tribe are not in favor of any adjustments or a new IGA. They have requested that the work commence immediately. As far as any concerns over vandalism, they have offered to provide a secure site for any equipment that needs to be stored out there and do have security guards that work at the sand and gravel operation, where Ms. Titla is a Board member, so she knows there are secure sites out there. Ms. Titla stated that she met a couple of weeks ago with the San Carlos Apache Tribe Transportation Committee when 3 members of the Tribal Council were present. They are not pleased that this document has not been honored as this document is an agreement, a legal agreement. As was mentioned, Mr. Cline did inspect the roads and can attest that the roads specified are in dire need of blading and that funding through the Bureau of Indian Affairs is limited. She stated that safety is an issue and she would not like to hear of a tragedy occurring on one of those roads. She stated that livelihood is an issue as the Cattle Association relies on these roads to be maintained for hauling the cattle to a sale; however, that is another issue. She stated that the IGA from 2004 was scrutinized by San Carlos' legal representatives and they noted that someone from the County supplied Mr. Hardy (of Arizona Counties Insurance Pool) with a copy of the 2004 IGA, as the 2005 proposed IGA was modeled in the same language as the 2004 IGA. She stated, "It's a little tough for me to accept that no one in the County knew about this document and some of the people who signed this document still work for the County." Ms. Titla concluded by stating, "The good people of San Carlos have contributed millions of dollars to our local economy over the years and the County knows that the casino is currently supplying funding and revenue every year to the County and various projects. I urge the County as Tribal Liaison and a member of the San Carlos Apache Tribe to honor this agreement and direct the Public Works Division to carry it out immediately." Chairman Dawson made the following motion: "That the Board honor the 2004 agreement that is signed by our County legal department and signed by the then Chairman of the Board and is signed by the Chief Deputy Clerk of the Board; that we honor this contract until a new contract is presented to the Board." Supervisor Pastor requested that Chairman Dawson withdraw her motion to allow the Board to go into executive session to obtain legal advice unless the Board's legal advisor would provide the advice in the public meeting. He stated, "I would like to ask Mr. Chambers some legal questions and usually that is done in executive session." Chairman Dawson stated that the motion failed for lack of a second. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board voted, by a 2-1 vote, to go into executive session at 11:36 a.m. Chairman Dawson voted "nay." At 12:33 p.m., Chairman Dawson reconvened the meeting. Chairman Dawson made the following motion: "I make a motion to honor the intergovernmental agreement, which was entered into in February 2004, between Gila County and the San Carlos Apache Tribe; that we instruct Public Works (Division) to begin work with the Tribe in grading the necessary roads and that we (the Board of

Supervisors) instruct Public Works (Division) to work with Steve Titla and the Tribe in establishing a new intergovernmental agreement.” Supervisor Pastor stated that he believed the motion was 2 motions on one item and inquired of Mr. Chambers if the Board needed to make a motion regarding the agreement and then make a separate motion to begin negotiations. Chairman Dawson stated that she would withdraw the motion. Supervisor Pastor requested that Mr. Chambers be allowed to answer his question. Mr. Chambers stated that the Board could handle the motion either way. Supervisor Pastor asked Marilyn Brewer, Deputy Clerk of the Board, to read aloud Chairman Dawson’s motion, which Ms. Brewer read as follows: “That we honor the IGA, which was entered into in February 2004, between Gila County and the San Carlos Apache Tribe; that we instruct Public Works to begin work with the Tribe in grading the necessary roads and that we instruct Public Works to work with Steve Titla and the Tribe in establishing a new IGA.” The motion was seconded by Supervisor Pastor and passed by a 2-1 vote. Vice-Chairman Martin voted “nay.”

The Board then moved on to agenda item number 20.

Item 20 - Information/Discussion regarding Rule 2.7 of Gila County’s Merit System Rules and Policies. The Board may vote to go into executive session pursuant to A.R.S. 38-431.03(A)(3) in order to seek legal advice from its counsel regarding Rule 2.7 of Gila County’s Merit System Rules and Policies.

Chairman Dawson stated that Mr. Chambers would be gone for 2 weeks and unless Birdie DeNero, Personnel Director, felt that there was an emergency on this item, she requested that the Board table this item and bring it back for a retreat work session item. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board tabled this item.

The Board then addressed agenda item number 19.

Item 19 - 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.

At 12:43 p.m., Chairman Dawson recessed the regular meeting until 1:30 p.m. for a work session.

At 1:38 p.m., Chairman Dawson reconvened the meeting for a work session.

WORK SESSION:

Item 22 - Discussion of the Gila County strategic planning process to include: A. Ice breaker; B. Complete value statements; C. Begin a SWOT (strengths, weakness, opportunity, threats) analysis.

Berthan DeNero, Personnel Director, began the strategic planning work session with an ice breaker in which the Board participated. Ms. DeNero passed out packets of information to the Board. She stated that the Board had previously discussed value statements and now she would like to talk about changing them to action. She stated that the 3 words describing Gila County or the Board of Supervisors hopefully would be integrity, teamwork and accountability. Her question to the Board was, "How are we going to embody these value statements?" Issues discussed on integrity included how the County can overcome its public perception, how the team needs to give feedback to each other in an honest, appropriate way that holds them to these value statements and how to get the cooperation of the departments to measure themselves by these value statements. The discussion moved on to teamwork, which includes respect, support and accepting individuals. This included a discussion on micro-managing. Also discussed was the hardship of the Board becoming a team because of the restrictions created by the Open Meeting Law in which Board members are not really allowed to freely communicate with each other. As an important part of teamwork, the Board discussed setting its legislative priorities at local, state and federal levels at a future work session as well as establishing priorities for the upcoming County Supervisors Association Legislative Summit. Mr. Stratton recommended that he and Ms. Griffin meet individually with the Board members to get each one's input for 5 priority items and then the Board could meet in a work session and discuss them. This would also involve input from management for direction prior to the meeting. No action was taken by the Board.

There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 2:46 p.m.

APPROVED:

Shirley L. Dawson, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk