

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

Date: November 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

PRESENT: Shirley L. Dawson, Chairman; Tommie C. Martin, Vice-Chairman (via video conferencing); Michael A. Pastor, Supervisor; 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 in the Board of Supervisors hearing room. Steve Stratton led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church in Globe delivered the invocation.

Item 2 - Recognition of 4 employees for October’s “Spotlight on Employees” program.

Juley Bocado-Homan presented gift cards as recognition awards to 4 employees for October’s new “Spotlight on Employees” program, as follows: Debbie Gildersleeve, Administrative Clerk for the Probation Department, and Bill Williams, Buckhead Mesa Landfill Operations Supervisor, who both work in Payson. Donna Puhara, Fiscal Administrator for the County Attorney’s Office, and Denise Cox, Treasurer Services Specialist, who both work in Globe. Each Board member thanked the employees for their dedicated work.

Item 3 - Information/Discussion/Action to adopt Resolution No. 09-11-01, which pursuant to A.R.S. §28-7203, authorizes a roadway exchange whereby Tri-City Fire District by quit claim deed is deeding a portion of parcel no. 203-15-007E to Gila County, and Gila County by quit claim deed is deeding a portion of Hicks Drive adjacent to parcel no. 203-15-007E to Tri-City Fire District; and authorization of the Chairman’s signature on the quit claim deeds.

Steve Sanders, Public Works Division Deputy Director, stated that the subject parcel is located in Wheatfields at Hicks Drive and the Old Highway 88. A

portion of a feed store on property owned by Tri-City Fire District encroaches onto Hicks Drive. On the other side on old Highway 88, there is not a clear title from when the property was deeded to the County from the Arizona Department of Transportation. The adoption of this Resolution will remove the cloud off both titles. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-11-01, authorizing a road exchange whereby Tri-City Fire District, by quit claim deed, is deeding a portion of parcel no. 203-15-007E to Gila County and Gila County, by quit claim deed, is deeding a portion of Hicks Drive adjacent to parcel no. 203-15-007E to Tri-City Fire District; and authorized the Chairman's signature on the quit claim deeds. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 4 – Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) (ADOT File No. IGA/JPA 09-128-I) between the Arizona Department of Transportation and Gila County with estimated project costs of \$3,375,000 for the Ice House Canyon Wash Bridge #8193 and Jess Hayes Road Project, and to adopt Resolution No. 09-11-02 which authorizes the Chairman to sign said Agreement.

Mr. Sanders stated that this IGA will allow the County to receive ARRA (American Recovery and Reinvestment Act) funds from the Arizona Department of Transportation (ADOT) and move forward on the Ice House Canyon Wash Bridge. He referred to the estimated project cost of \$3,375,000 contained in the IGA. Mr. Sanders advised that amount is the amount of funds that are available; however, the project costs will not be that high. It is expected that the design will be completed by December 1, 2009, turned over to ADOT for review through December and then will go out for bids to begin construction of the project. He advised that there is a possibility that this IGA could be amended next week because there is the potential for additional ARRA funding. Upon inquiry by Supervisor Pastor, Mr. Sanders advised that the timeline for the construction to begin is unknown at this time. Once it is turned over to ADOT, it becomes their project and will be handled out of the Globe ADOT District Office rather than through Phoenix so it should move fast. He expects construction to commence in the summer of 2010. Steve Besich, County Manager/Clerk, inquired about the engineer's estimate of the actual projected costs for the bridge. Mr. Sanders advised that it will be approximately \$1.5 million and the funding is from a grant that has been available since 2001. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved an IGA (ADOT File No. IGA/JPA 09-128-I) with the Arizona Department of Transportation for the Ice House Canyon Wash Bridge #8193 and Jess Hayes Road Project, and adopted Resolution No. 09-11-02, which authorized the Chairman to sign said IGA. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 5 – Information/Discussion/Action to adopt Resolution No. 09-11-03 approving the disposal of a portion of Golden Way within Inspiration Townsite, Official Map No. 39, Gila County Records, Gila County, Arizona

and to authorize the Chairman's signature on the quit claim deeds to: 1) Susan Kay Friend and Nancy Jane Friend, and 2) Garry M. and Barbara D. Smith.

Mr. Sanders stated the Board had previously approved the sale and accepted the bids received for disposal of this portion of Golden Way. This area is an alleyway located in Claypool; it serves no purpose to the County; and it was not open to traffic. Adoption of this Resolution and signing the quit claim deeds will complete the process. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-11-03 approving the disposal of a portion of Golden Way within Inspiration Townsite, Official Map No. 39, Gila County Records, Gila County, Arizona and authorized the Chairman's signature on the quit claim deeds to: 1) Susan Kay Friend and Nancy Jane Friend, and 2) Garry M. and Barbara D. Smith. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 6 - Information/Discussion/Action to approve Professional Services Contract No. SS71803D between Gila County and Kimley-Horn and Associates whereby engineering services will be provided for the New Bridge Over Tonto Creek Project in the amount of \$1,744,997 for Phase I and \$747,309 for Phase II.

Mr. Sanders stated that the Board previously authorized the County to enter into negotiations with Kimley-Horn and Associates for an engineering services contract to design a bridge over Tonto Creek and a contract has been finalized. The contract came in under budget for the funds available. Once Phase I has been completed, Phase 2 will allow the County to move to 100% set of plans for the project. Supervisor Pastor stated that the federal Safety Lieu Bill was set to expire on October 31, 2009, and he inquired if an extension had been granted. Steve Stratton, Public Works Division Director, stated that the Safety Lieu Bill has been extended for an additional 18 months and after that time the County will try to secure additional funding for the construction of the bridge. He stated that with the 100% plans being in place, it will help the County to go after those additional funds. Mr. Sanders stated that these funds will not be affected by the Safety Lieu Bill as the first 4 years have been authorized and ADOT is in the process of authorizing the 5th year of funding. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved Professional Services Contract No. SS71803D with Kimley-Horn and Associates whereby engineering services will be provided for the New Bridge Over Tonto Creek Project in the amount of \$1,744,997 for Phase I and \$747,309 for Phase II.

Item 7 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) (ADOT File No. IGA/JPA 09-007I) between the Arizona Department of Transportation (ADOT) and Gila County whereby the State will allow Gila County the use of the Tonto Basin ADOT Maintenance Yard to conduct activities in and around Tonto Basin.

Steve Stratton stated that this is basically a housekeeping item and it is in reference to the ADOT maintenance yard the County currently occupies in Tonto Basin. The County did not have an agreement with ADOT; however, the County recently erected a steel canopy over the yard so the employees would have a place to get out of the weather to work on vehicles and equipment. Mr. Stratton was hesitant to expend those funds without an Agreement because the County was working there based on a 30-day cancellation at the time. In discussions with the ADOT engineer, Jerry Barnes, Mr. Barnes agreed on the need for a contract; however, it has taken some time to negotiate this IGA with ADOT. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved an IGA (ADOT File No. IGA/JPA 09-007I) with the Arizona Department of Transportation (ADOT) whereby the State will allow Gila County the use of the Tonto Basin ADOT Maintenance Yard to conduct activities in and around Tonto Basin.

Item 8 - Information/Discussion/Action to approve a Transit Agreement between Gila County and Boys & Girls Club, Globe Unit, to provide funding in the amount of \$5,000 as related to Local Transportation Assistance Fund II (LTAF) guidelines.

Mr. Stratton stated that he comes to the Board from time to time seeking approval to spend the lottery money on transportation items and typically the County works with the senior centers for the Meals on Wheels programs and transit of seniors. This is a new Agreement with the Boys & Girls Club, Globe Unit, that will allow the County to provide LTAF II funds to help perform the maintenance, pay for insurance and pay for fuel for the van that transports children to and from the Boys & Girls Club. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved a Transit Agreement with the Boys & Girls Club, Globe Unit, to provide funding in the amount of \$5,000 as related to LTAF II guidelines.

Item 9 - CONSENT AGENDA ACTION ITEMS:

A. Approval for the Chairman to sign a letter on behalf of the Board of Supervisors addressed to GoDaddy.com which authorizes Darryl Griffin, Information Technology Department Director, to allow Kelly Riggs, System Administrator, the ability to request a Secure Socket Layer (SSL) to process secure transactions via the Gila County website www.gilacountyaz.gov.

B. Approval of Public Works Division Policy No. DPW 09-07 – Routine Safety Inspections of Roads in the Gila County Maintained Roadway System.

C. Approval of Public Works Division Policy No. DPA 09-05 – Commercial Driver License (CDL) Random Drug/Alcohol Testing.

- D. Approval of an Amendment (Project No. 2321-0009, Proposal No. 195) to Agreement for Professional Services (entered into on July 24, 2001) between Gila County and Tetra Tech to add an additional scope of work in the amount of \$189,000 for the Ice House Canyon Bridge and Jess Hayes Road Project.**
- E. Approval of an Amendment (Project No. 2321-0009-01, Proposal No. 001) to Agreement for Professional Services (entered into on July 24, 2001) between Gila County and Tetra Tech to add an additional scope of work for asbestos, lead-based paint and PISA services in a not to exceed amount of \$6,300 for the Ice House Canyon Bridge Project and Jess Hayes Road Project.**
- F. Approval to adopt Resolution No. 09-11-04 naming a road in the Tonto Basin area to be called Prickly Pear Way. The Rural Addressing Department has not received any opposition to this road name. (A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- G. Approval to adopt Resolution No. 09-11-05 naming a road in the Tonto Basin area to be called East Boney Back Vista. The Rural Addressing Department has not received any opposition to this road name. (A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- H. Approval to adopt Resolution No. 09-11-06 naming three (3) roads in the Tonto Basin area to be called North Colcord Cove, East Hidden Lane and East Creekside Circle. The Rural Addressing Department has not received any opposition to these road names. (A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- I. Authorization for the Gila County Division of Emergency Management & Public Health Preparedness to accept FFY 2009 Homeland Security Grant Program Award (Grant No. 555300-01) (Project Title: Gila County Citizen Corp Council Community Preparedness) from the Arizona Department of Homeland Security in the amount of \$6,460 which has been funded under the Citizen Corps Program for the period October 1, 2009, through September 30, 2010.**
- J. Authorization for the Gila County Division of Emergency Management & Public Health Preparedness to accept FFY 2009 Homeland Security Grant Program Award from the Arizona Department of Homeland Security for two projects: 1) Grant No. 555300-02 - Project Title: Regional NIMS Training (Gila, Pinal, Graham & Greenlee Counties) partially funded under the State Homeland Security Grant Program for \$30,000, and 2) Grant No. 555300-03 – Project Title: Communications Exercises partially funded under the State Homeland Security Grant Program for \$48,950. Both grants are in effect for the period October 1, 2009, through September 30, 2010.**

K. Approval to appoint the following individuals as precinct committeemen to the Gila County Democratic Party: Maxine June Whitely and Sydney James Whitely.

L. Approval of the personnel reports/actions for the week of November 3, 2009.

Departmental Transfers:

1. Victoria Bryant – Child Support – From Administrative Clerk – To Case Manager – 10-26-09 – General Fund

End Probationary Period:

2. Vernon Davis – Public Works Consolidated Roads – Road Maintenance/Equipment Operator – 11-09-09 – Public Works Fund

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service:

3. Susan Ellis – Sheriff's Office/Payson – 911 Dispatcher – 10-15-09 – General Fund – DOH 10-15-09 – Declined Position
4. Paul Ortiz – Sheriff's Office/Payson – Deputy Sheriff Recruit – 10-19-09 – General Fund – DOH 03-17-08 – Resignation

Hire to County Service:

5. Aaron A. Villegas – Sheriff's Office – Detention Officer – 11-09-09 – General Fund – Replacing Laura Schluns

M. Approval of finance reports/demands/transfers for the week of November 3, 2009. (separate handout)

\$1,597,595.61 was disbursed for County expenses by check numbers 221868 through 222020. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

In reference to Consent Agenda item number 9C above, Supervisor Pastor inquired about the County's drug testing policy and if it only applies to CDL-licensed operators. Mr. Stratton replied that the drug testing policy only applies to those employees who perform safety sensitive functions, which also includes some of the Sheriff's Office employees. Supervisor Pastor inquired about the difference between the government and private industry drug regulations as he understood that in the private industry all employees are subject to random drug testing. Mr. Stratton stated that as far as CDL operators, Gila County must comply with a federal guideline. Mr. Besich stated that a drug testing policy has been reviewed with the County's insurance pool and Georgia Staton, the attorney who represents the County on employee-related issues, has advised that if an employee sees another employee that is impaired and is willing to report a suspected impairment, then the County has the right to randomly drug test that employee. Other than that, Ms. Staton does not believe that the County has the legal authority to impose a drug-testing policy on employees who are not in safety sensitive positions. Mr. Besich advised that he could provide more information to the Board if desired. Jacque Griffin, Assistant County Manager/Librarian, added that the term

“unlawful search and seizure” provides an additional layer of protection to government employees. Chairman Dawson stated that all employees of the San Carlos Apache Tribe are subject to drug testing.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved consent agenda items 9A-9M.

Item 10- 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 11 - At any time during this meeting pursuant to A.R.S. §38-31.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and Steve Besich, County Manager/Clerk, presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 11:05 a.m.

APPROVED:

Shirley L. Dawson, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk