

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

Date: July 29, 2014

MICHAEL A. PASTOR
Chairman

MARIAN E. SHEPPARD
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Laurie J. Kline
Deputy Clerk

JOHN D. MARCANTI
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Supervisor; Don E. McDaniel, Jr., County Manager; Jacque Griffin, Assistant County Manager/Librarian; Bryan B. Chambers, Deputy Attorney Principal; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors' hearing room. Steve Stratton led the Pledge of Allegiance.

Item 2 – REGULAR AGENDA ITEMS:

A. Presentation of the Prison Rape Elimination Act (PREA).

Sheriff J. Adam Shepherd stated that this presentation was to inform the Board about the Prison Rape Elimination Act (PREA) of 2003. He stated that it has taken the federal government approximately 10 years to deliver the specific guidelines and requirements with regard to the PREA. He stated that today's presentation will provide a summary of the federal guidelines that have been handed down as of 2012; explain the direct impact to the County; and explain the liability exposure to the County. He then introduced Justin (Matt) Solberg, Detention Commander, who stated that the biggest area of non-compliance was the cross-gender bathrooms and showers. Additionally, he stated that in order to be compliant with PREA guidelines it would be necessary to install more cameras and hire more staff for monitoring; as well as to build more one-person cells. It would be necessary to hire additional staff in order to monitor the additional cameras that need to be installed in order to eliminate any blind spots in the corridors of the jail. It is necessary to have additional one-man cells due to the fact that some prisoners are prone to victimization and some

prisoners are prone to being predators; therefore, there is a need for prisoner separation. He added that out of 50 standards of compliance, there were only 3 areas in which the County was non-compliant. The 3 areas of non-compliance are in the construction design of buildings in both Globe and Payson. He then stated that David Kell, Detention Officer Sergeant, is the Prison Rape Elimination Act (PREA) Coordinator and that he would be providing a slide presentation regarding the PREA.

David Kell, Detention Officer Sergeant, provided information regarding the details of the PREA and explained the conditions that exist in correctional facilities which were the basis for enacting the PREA. Chairman Pastor inquired if the County has been audited regarding compliance with the PREA. Officer Kell stated that the County has not been audited; however, it will be audited in 2015 and given a 90-day notice of the audit.

Commander Solberg presented photos to illustrate some of the concerns with regard to the areas of non-compliance. He stated that the cost to bring these aforementioned areas of non-compliance into compliance would be an approximate 10% increase in staffing costs or approximately \$284,269. The 20% increase in staffing costs for monitoring would be approximately \$568,000.

Vice-Chairman Martin inquired if the 10% increase in staff is only to cover the cross-gender supervision non-compliance issue; to which Commander Solberg confirmed that was correct.

Chairman Pastor inquired if the amounts previously stated included the 50 cameras. Commander Solberg replied it did not include equipment. He then reviewed the equipment costs as follows: monitors at a cost of approximately \$3,900; DVR recording equipment at a cost of approximately \$6,500; and an additional 50 cameras at a cost of approximately \$40,000.

Vice-Chairman Martin inquired if it is a requirement that the cameras be physically monitored by individuals. Commander Solberg stated that was correct that the cameras have to be monitored by individuals. She then asked about the possibility of solving the one-man cell issue by sending some prisoners to other facilities and if the number of single cells is based on statistics, to which he replied that the requirement of having up to 25 single person cells for each gender is based on statistics. He then added that the Gila County Sheriff's Office has a good relationship with the Pinal County Sheriff's Office and that some inmates are transported and housed in Pinal County; but that there is a limit of 8 to 10 inmates that the Pinal County Sheriff's Office will house. Currently, there is no charge to the County for this service; however, the normal daily rate for each inmate to be housed is \$180 for the first day and \$80 for each day thereafter for the duration of the incarceration.

Supervisor Marcanti inquired if there was federal grant money to help bring the County into compliance with the PREA; to which Detention Officer Sergeant Kell stated that the federal government has provided approximately \$500,000; however, there are several different agencies across the country that this funding is divided amongst. The funding is primarily for electronic monitoring, not for construction or facility design of the jails. The Board held a brief discussion regarding the design of the jail and reducing the liability exposure of Gila County relating to the standards of the PREA.

Detention Commander Matt Solberg stated that there may be a reduction in the percent of federal funding allotted to the County, but more of a concern would be a civil lawsuit.

Sheriff J. Adam Shepherd stated that Don McDaniel, County Manager, asked that some numbers be put together to present to the Board regarding the jail facilities not being in compliance with PHRA and the reasons. The intention is to keep the Board apprised of this situation so that there are no surprises later.

B. Information/Discussion regarding Amendment No. 2 to the Gila County Long Range Facilities Management Plan.

Steve Stratton, Public Works Division Director, stated that Lonnie Brevick, P.E. would be presenting the Long Range Facilities Management Plan (LRFMP) Amendment No. 2 short and long term options for southern Gila County.

Mr. Brevick stated that Amendment No. 1 to the LRFMP addressed long-term storage issues in northern Gila County and was approved by the Board and is in progress. The second amendment includes costs for the following additions to the first amendment:

- 1) Increased square feet area required by the Probation Department;
- 2) Emergency generator systems for each of the new facilities and the remodeled Las Lomas School building;
- 3) Camera, card access and security systems for each of the new facilities and the remodeled Las Lomas School building;
- 4) Special mill work for the Assessor's and School Superintendent's areas plus bathroom relocation work for the 2nd floor of the Courthouse.

The following is a summary of short term actions to satisfy County needs.

Option One – 4 Amigos Lot

- 1) Construct new masonry building on the 4 amigos lot to house the Justice Court, Constable and Probation Department;
- 2) New Masonry building to be single story, L-shaped with two 50' x 80' areas;
- 3) Remodel the Courthouse:

First Floor to house County Attorney, Court Administration, third court hearing room, Law Library storage, jury selection room, common and utility areas;

Second Floor to house Assessor, Recorder, Treasurer, Superintendent of Schools, Board of Supervisor, Board Hearing room, County Administration, and common areas;

Third Floor to house Clerk of the Court, Superior Courts, jury deliberation room, jury selection room and common area;

4) Vacate and sell the Michaelson building that currently houses Child Support and County Attorney investigators, located at 157 S. Broad Street;

5) Vacate the leased building that currently houses the Probation Department, located at 1100 Monroe Street.

Estimated Expenditures and Savings – Globe 4 Amigos Lot Option

Description of Action	Expenditure/(Savings)
Construct New Building and Parking	\$ 1,946,450
Remodel Court House	\$ 1,177,500
Subtotal Construction Costs	\$ 3,779,980
Description of Action	Expenditure/(Savings)
Design and Management Fee	\$ 312,395
Contingency	\$ 343,635
Total Project Cost	\$ 3,779,980
One Time Savings for Sale of Michaelson Bldg. – Child Support	(\$ 90,000)
Money available per year to service County debt – Monroe Bldg. rent and State Subsidy for Child Support	(\$ 200,000)

A summary of long-term options available to satisfy County needs is shown below.

Option One – Las Lomas School

1) Long-term lease and remodel of Las Lomas School to house Justice Court, Constable, Sheriff’s substation, Board of Supervisors, Board Hearing Room, County Administration, Human Resources, Library District, and Finance;

2) Install new security systems and emergency generator system:

3) Remodel the Courthouse

First Floor to house County Attorney, Court Administration, third court hearing room, storage, common and utility areas;

Second Floor to house Assessor, Recorder, Treasurer, Superintendent of Schools, jury selection room and common areas;

Third Floor to house Clerk of Court, Superior Courts, jury deliberation rooms, Law Library, and common area.

4) Remodel Guerrero Building to house the Probation Department;

- 5) construct a new mail room building to be located on the Courthouse Complex site;
- 6) Additional new space of 22,404 square feet and 21, 478 of square feet of remodeled space added to County facilities total area for a cost of \$4,556,341;
- 7) Vacate and sell the Michaelson building that currently houses Child Support and County Attorney investigators, located at 157 S. Broad Street;
- 8) Vacate the leased building that currently houses the Probation Department, located at 1100 Monroe Street.

Estimated Expenditures and Savings – Globe Option One

Description of Action	Expenditure/(Savings)
Remodel Las Lomas School	\$ 2,269,031
Remodel Court House	\$ 1,177,500
Remodel Guerrero Building	\$ 239,040
New Mail Room Building	\$ 80,000
Subtotal Construction	\$ 37,65,571
Design and Management Fees	\$ 376,557
Contingency	\$ 414,213
Total Project	\$ 4,556,341
One Time Savings for Sale of Michaelson Bldg. – Child Support	(\$ 90,000)
Money available per year to service County debt – Monroe Bldg. rent and State Subsidy for Child Support	(\$ 200,000)

Estimated Expenditures and Savings – Globe Option Two

Description of Action	Expenditure/(Savings)
Construct New Building	\$ 2,777,474
Remodel Court House	\$ 1,177,500
Remodel Guerrero Building	\$
New Mail Room Building	\$ 80,000
Subtotal Construction	\$ 239,040
Design and Management Fees	\$ 427,401
Contingency	\$ 427,401
Total Project	\$ 5,171,557
One Time Savings for Sale of Michaelson Bldg. – Child Support	(\$ 90,000)
Money available per year to service County debt – Monroe Bldg. rent and State Subsidy for Child Support	(\$ 200,000)

The Board members had an open discussion regarding the short-term and long-term options as listed above. Discussion was also held in order to further explore ways to reduce costs while still accommodating the office space needs of the County. The security of the Courthouse and staff was mentioned by Mr. Stratton as the reason for some of the construction choices and options of remodeling the Courthouse.

Chairman Pastor emphasized that since he has been a Supervisor he has expressed concerns regarding County employees working in rented office space. He stated that it would be a better use of resources to get County employees out of rented office space and into County-owned office space. The Board discussed the existing problems with regard to the safety of citizens and employees with the status quo of ingress and egress to the jail in Payson.

Supervisor Marcanti inquired if Mr. Stratton had explored the option to sell the 4 Amigos property. He stated that another avenue to consider may be to install a modular building at either the Gila County shop area or on the Las Lomas School area. Mr. Stratton stated that he would provide the option of installing a modular building at the locations listed above to the Board in the near future.

Chairman Pastor stated that the projects currently in process should be completed before additional projects are started. Vice-Chairman Martin expressed that the Board may want to address the immediate need of getting the Probation Department out of rented office space and into the Courthouse. She also was in favor of using one of the County owned lots to place a modular building that would be used exclusively for storage. Chairman Pastor directed Mr. Stratton to provide an update to the Board of County projects both short-term and long-term by department of projects totaling \$100,000 or more. He also asked for an update to the 2nd Amendment options presented today to include the additional options arising out of today's discussion to the Board in 6 to 8 weeks.

Chairman Pastor recessed the meeting at 11:26 a.m. and reconvened the meeting at 11:36 a.m.

C. Information/Discussion regarding the adoption of a Food Code, food inspection form, risk-based food inspections, food handler card testing, and food establishment review plan.

Michael O'Driscoll, Health and Emergency Services Division Director, introduced Lauren Savaglio, Environmental Health Manager, who provided a PowerPoint™ presentation regarding the 2013 Federal Drug Administration Food Code. She explained some of the diseases caused by improperly handled food and the preparation of such food, and she provided some common causes of foodborne disease outbreaks. She gave some statistics provided by the

Centers for Disease Control and Prevention which explains the necessity for inspections of food establishments as follows:

Most common causes of outbreak in 2012:

Norovirus: 41% of reported outbreaks

Salmonella: 25% of reported outbreaks.

In the food preparation setting, outbreaks originated at Restaurants (60%)

Caterers or banquet facilities (13%) Homes (13%)

Ms. Savaglio then discussed some of the major changes in the 2013 Food Code as follows:

- Cut leafy greens and cut tomatoes require refrigeration for safety.
- Packaged food labels must include a major food allergen statement.
- Holding temperature for hot food drops from 140°F to 135°F.
- Egg pooling requirements change.
- Egg cooking temperature requirements change.

- Raw or undercooked animal products are prohibited on a children's menu.
- Partial cooking now requires plan review and approval.
- Grill marking provisions are added.
- Glove change/hand washing requirements have changed.

She stated that County staff is being trained that, if during restaurant inspections, the owner or food preparer needs training and help understanding the requirements, then staff will stop the inspection and provide training for the owner or food preparer at that time as it is beneficial for Health Department staff to educate and build partnerships with the restaurant owners and food preparers in the community.

She then discussed, "Understanding the New Risk-Based Inspection Rules" which is intended to make it easier for restaurant owners and food handlers to be compliant. What this means is the number of required inspections is based on risk categories; consequently, a lower risk establishment would be inspected less than a higher risk establishment. She then gave a summary of the changes to the 2013 Federal Drug Administration Food Code and stated that 13 of the 15 Arizona counties are moving toward the newer food code.

Supervisor Marcanti inquired as to the Federal Drug Administration Food Code currently in use which he stated was the 2009 Federal Drug Administration Food Code for most of the Arizona counties. He didn't think that Gila County should advance to a newer edition food code without being able to keep up with the 2009 edition.

Vice-Chairman Martin stated that she agreed with the County using a newer edition food code if it eased the burden on restaurant owners and food handlers. Ms. Savaglio recapped a few of the changes previously mentioned.

Supervisor Marcanti asked for copies of the 1999, 2009, and 2013 Federal Drug Administration Food Code to which Ms. Savaglio replied that she would send a link or electronic copy of each of the years of the Food Code as stated above to each of the Supervisors.

Mr. O'Driscoll presented the new "Food Establishment Inspection Report" and stated that it has been re-written to make it easier for a person to purchase a restaurant and simpler to obtain the permit to operate. He stated that the Arizona Department of Health Services has implemented a new law stating that Food Handler Cards are transferable, and the cards may be obtained online in the language of choice and then take the test at the Health Department.

Ms. Savaglio stated it will be festival season in Gila County soon and food handler cards will be required for vendors serving foods. If a person has a food handler card from another Arizona county, at present it cannot be used in Gila County; the vendor would have to obtain a new food handler card from Gila County until the new law goes into effect making food handler cards transferable.

Supervisor Marcanti inquired if the facilitators of the Gila County Chili Cook-Off would be charged for a permit. Mr. O'Driscoll stated that the station serving the free chili would not be charged for the permit, and they do not have to obtain a food handler card. He stated that he is going to meet with the County Fair Committee soon in order to find out what foods are scheduled to be served during the County Fair and to let the Fair Committee know what the rules are for the food vendors serving potentially hazardous foods during the Gila County Fair.

Chairman Pastor requested a motion to continue regular agenda items 2D-2F to the August 26, 2014, work session due to the length of the first half of the agenda. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously continued regular agenda items 2D-2F to the August 26, 2014, work session.

D. Presentation by the Gila County Library District on electronic resources that are provided for all residents.

E. Presentation on the National Association of Counties (NACo) Prescription and Health Discount Program.

F. Information/Discussion regarding the procedures which accompany the adopted Community Agency and Economic Development Funding Policy No. BOS-FIN-016.

Item 4 – CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

There were no requests to speak from the public.

Vice-Chairman Martin stated that she has agreed for Gila County to sponsor, for the Southwest Region, the White House Rural Council, Made in Rural America Regional Forum, on Monday, August 11, 2014, at 9:00 a.m. to be held at Mazatzal Hotel, Highway 87, in Payson. She stated the importance of this forum and for Gila County to develop a product to export internationally. She explained that the United States Department of Agriculture helps open and expand export markets for U.S. agriculture through 2014 Farm Bill Programs. She gave the example of “copper splashes” perhaps being a viable commodity to export from the County, which may result in positive public relations for Gila County. Supervisor Martin then asked for suggestions from the Board as to the knowledge of any Gila County citizens who may be in a position and willing to get into the export business.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 12:41 p.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Clerk of the Board