

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

Date: August 18, 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, Member; Don E. McDaniel, Jr., County Manager; Bryan B. Chambers, Deputy County Attorney/Civil Bureau Chief; and Laurie J. Kline, Deputy Clerk.

ABSENT: Marian E. Sheppard, Clerk of the Board

Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE - INVOCATION

The Gila County Board of Supervisors met in a regular session at 10:00 a.m. this date in the Board of Supervisors' hearing room. Bryan Chambers led the Pledge of Allegiance and Reverend Rula Colvin of the St. Paul's United Methodist Church in Globe delivered the invocation.

Chairman Pastor advised that the Board would address agenda item 3A at this time.

Item 3 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to set primary and secondary property tax rates for 2014 for all taxing jurisdictions within Gila County and convey tax rates for all jurisdictions to the County Treasurer, and adopt Resolution No. 14-08-01 providing for the collection of taxes for all jurisdictions by the County Treasurer for fiscal year 2014-2015.

Don McDaniel, County Manager, reviewed the process for setting the primary and secondary tax rates for Gila County. He advised that the Board sets the tax rates on the 3rd Monday in August of each year, which is the last date allowed per statute. He compared the net assessed value of Gila County's General Purpose fund which was \$438,624,843 for fiscal year 2013-2014, and is \$416,099,715 for fiscal year 2014-2015. Last year's levy amount was

approximately \$18.3M and this year's levy amount is approximately \$17.4M. He explained that a \$1M reduction in the tax levy is because County departments were asked to reduce their yearly budgets by 5%, which has occurred for the past four years. The County has adjusted its budget downward accordingly and required County departments to make the savings. Mr. McDaniel stated that other jurisdictions have not reduced their budgets, which has resulted in the tax burden being placed on the taxpayers. He reviewed the net assessed valuation, tax levies and tax rates for the Town of Hayden. Last year the Town of Hayden's net assessed value was approximately \$13.3M and this year it is approximately \$3M, which is primarily due to the reduction of the assessed value of the ASARCO mine that is located in Hayden. Last year ASARCO's levy amount was approximately \$538,000 and this year it is \$277,000. Mr. McDaniel emphasized that the tax rate has doubled from last year, from \$4.03 per \$100 of assessed property valuation to \$8.07 per \$100 of assessed property valuation. He also compared the amounts for the Town of Winkelman. Mr. McDaniel proceeded to review some of the school districts' rates from last fiscal year to this fiscal year.

Chairman Pastor stated that for the past 1-2 weeks, there has been a lot of discussion with the Treasurer, Assessor and the County Attorney's Office regarding the tax levies and tax rates for the County.

Vice-Chairman Martin clarified that the purpose of this agenda item is to "certify" the tax rates and she added that the Board of Supervisors has control over "setting" the rates for the line item on Exhibit A of the resolution that is entitled Gila County General Purpose and for the Library District. All other tax rates are set by other jurisdictions. She stated that the same is true for School Superintendent Dr. Linda O'Dell who "certifies" the rates set by the school districts. Dr. O'Dell verifies that the figures provided to her are mathematically accurate and then she ensures that the correct information is forwarded to the Board of Supervisors. Once the Board "certifies" the tax rates, they are submitted to the Treasurer, who issues the property tax bills.

Mr. McDaniel commented that the ASARCO mine is centrally assessed and the State has fulfilled the request of ASARCO to devalue the mine by \$10M. He added that was done by ASARCO in order to stay in business and to continue to support the community; however, it has been his observation that the mine continues to operate in the same fashion with the same number of employees, so he questions the reason that the Arizona Department of Revenue (ADOR) reduced its value. Assessor Deborah Hughes provided further information on the manner in which the ADOR dictates the centrally assessed properties of which ASARCO in Hayden is included. Supervisor Marcanti inquired as to any recourse the County may have as far as an appeal or protest to the ADOR, to which Ms. Hughes indicated that as it is possible to protest; however, the ADOR has no obligation to prove the reasons for its decisions with regard to

centrally assessed property and how it may be valued. Bryan Chambers, Deputy County Attorney/Civil Bureau Chief, stated that ASARCO has protested its taxes more often than not and has been in litigation with the ADOR for years. ASARCO has been fighting the assessed value of the smelter in Hayden.

Jeff Gregorich, Hayden-Winkelman Unified School District Superintendent, provided a packet of information to the Board members, which he reviewed. He highlighted key points of the net property assessed valuation drop for the Hayden-Winkelman Unified School District. Dr. O'Dell thanked Mr. Gregorich for the presentation and the Board for the opportunity to present the information.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously set primary and secondary property tax rates for 2014 for all taxing jurisdictions within Gila County and conveyed tax rates for all jurisdictions to the County Treasurer; and adopted Resolution No. 14-08-01 providing for the collection of taxes for all jurisdictions by the County Treasurer for fiscal year 2014-2015. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Chairman Pastor returned to agenda item 2A at this time.

Item 2 – PUBLIC HEARINGS:

A. Information/Discussion regarding Ordinance No. 2014-03, which is the amended "Building Code Ordinance" for the unincorporated areas of Gila County, and to inform the public that the Board of Supervisors will conduct another public hearing on September 2, 2014, to adopt as amended Ordinance No. 2014-03.

Bob Gould, Community Development Division Director, stated that the Gila County Building Safety Advisory and Appeals Board along with Gila County Building Department officials have been working diligently to update the County's Building Code Ordinance from the 2003 codes to the 2012 codes. During the study of the current Building Code Ordinance it was determined that there are some issues that need to be addressed prior to adoption by the Board; therefore, Mr. Gould requested that the Board continue this item to its September 2nd meeting. He added that Scott Buzan, Chief Building Official, was in Payson to answer any questions of the Board. There were no questions from the Board, nor did Mr. Buzan have any comments for today.

Supervisor Marcanti added that he had served on the Building Safety Advisory and Appeals Board and he was aware that this has been an ongoing project for approximately 4-5 years. He advised that the Board is comprised of local architects; engineers; and electrical, plumbing, and heating ventilation and air

conditioning (HVAC) contractors. The Board agreed that it would be beneficial to listen to a presentation by Mr. Buzan on September 2nd.

Chairman Pastor asked for public comment at this time. No comments were provided; therefore, he closed the public hearing and asked for a motion. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously continued this item to the Board of Supervisors' September 2, 2014, meeting.

B. Information/Discussion/Action to adopt as amended Ordinance No. 2014-04, which is known as the "Zoning Ordinance for Unincorporated Areas of Gila County, Arizona."

Mr. Gould stated that in January of this year it was decided by the County Manager and Community Development Division staff to not develop a Unified Development Code for Gila County, but rather revisions would be made to the existing County Zoning Ordinance. He proceeded to review the changes that were made to the Ordinance.

A summary of the changes are as follows: 1) The entire format of the Ordinance was revised for ease of use. 2) An administrative section was added to outline the responsibilities of each of the decision-making governing bodies. 3) A section was added for the application process. 4) The application process did not change except for conditional use permits (CUPs) whereby the Planning and Zoning Commission will approve the CUPs and any appeals of the Commission's decisions will be heard by the Board of Supervisors. 5) All residential districts were compiled into one section. 6) Mr. Gould emphasized that the regulatory changes make it a less cumbersome process for applicants. 7) With regard to the appeals process, the time limit is now defined as 15 "working" days because previously the timeline was referred to as "working days", "calendar days" or "days." 8) Clarification was provided with regard to the applicant of a rezoning request or a CUP request. The applicant must be the property owner or someone authorized by the property owner to act on their behalf. The property owner must submit a notarized authorization agent form. 9) All temporary use permits must include an expiration date. 10) All decisions rendered by the Community Development Division Director may be appealed to the Board of Adjustment and Appeals. 11) Language has been added regarding the pre-application process. 12) Definitions of all common or key words used in the Ordinance were compiled into one section. 13) R1-L and Single Family Residential Districts were noted as *not* being required to follow the parking requirements that are outlined in the Ordinance. Mr. Gould advised that they were not previously required to follow parking requirements; however, they were accidentally omitted in the Ordinance as being an exception to the parking requirement. 14) Language was added for Americans with Disabilities Act (ADA) required number of parking spaces. 15) Property Development Plan submittal requirements were added. 16) Additional

language was added to the section for Single Family Residential Districts to outline the definition of nuisances such as horses, chickens, etc. 17) Language was added to require that an applicant receive a zoning clearance prior to being issued a building permit.

Mr. Gould advised that in June 2014, the Planning and Zoning Commission conducted a public hearing regarding the proposed Zoning Ordinance changes and voted unanimously for the Board of Supervisors to approve this amended Zoning Ordinance as submitted.

Vice-Chairman Martin inquired if there are any areas within Gila County that are un-zoned to which Mr. Gould replied that Young is un-zoned; therefore, this Zoning Ordinance would not apply to that area. She also questioned whether or not these Zoning Ordinance changes affect unincorporated zoned areas to which Mr. Gould replied that this Zoning Ordinance does not affect those areas. She also wanted to know if the proposed changes allow the County to have more or less flexibility with regard to enforcing the Zoning Ordinance to which Mr. Gould replied that it allows the County additional flexibility because certain "standards" were removed.

Mr. Gould advised that the Planning and Zoning Commission will continue reviewing the Zoning Ordinance and, in the future, requests will be presented to the Board of Supervisors to approve additional changes; however, it will most likely be presented by certain sections instead of the entire amended Ordinance. Supervisor Marcanti acknowledged some added sections such as medical marijuana and construction of commercial radio towers. He stated that this Ordinance had not been amended so completely for many years. The Board concurred that additional changes may be forthcoming, but that this amended Ordinance is appreciated.

Chairman Pastor asked for public comment at this time. No comments were provided; therefore, he closed the public hearing and asked for a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted as amended Ordinance No. 2014-04, which is known as the "Zoning Ordinance for Unincorporated Areas of Gila County, Arizona."

Item 3 – REGULAR AGENDA ITEMS:

B. Information/Discussion/Action to adopt Resolution No. 14-08-02 authorizing the installation of regulatory signage at the intersection of Scott Avenue and Inspiration Drive in Gila County.

Steve Sanders, Public Works Division Deputy Director, stated that there was an auto accident recently at the intersection of Scott Avenue and Inspiration Drive; based on traffic counts it would be responsible and beneficial to the County to install regulatory signage. Upon motion by Supervisor Marcanti,

seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 14-08-02 authorizing the installation of regulatory signage at the intersection of Scott Avenue and Inspiration Drive in Gila County. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

C. Information/Discussion/Action to adopt Resolution No. 14-08-03 authorizing the installation of regulatory signage at the intersection of Montecito Drive and Basham Road in Gila County.

Mr. Sanders explained that citizens in the area of the intersection of Montecito Drive and Basham Road requested an evaluation of the traffic at this intersection. The intersection is east of Globe and it is part of Gila County's Maintained Roadway System. An engineering study of said intersection proved to warrant the need for additional stop signs at the intersection. Chairman Pastor directed Mr. Sanders to notify the homeowners, who live within close proximity of the intersection, that stop signs are going to be erected and that they must not be blocked by any vehicles or debris. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Resolution No. 14-08-03 authorizing the installation of regulatory signage at the intersection of Montecito Drive and Basham Road in Gila County. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

D. Information/Discussion/Action to approve a purchase requisition to Pioneer Title Agency in the amount of \$349,227 for the purchase of property needed in Tonto Basin for right-of-way for the Tonto Creek Bridge; and authorize the Chairman's signature on all documents related thereto.

Mr. Sanders stated that in April 2009 the County entered into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the design of a bridge over Tonto Creek in Tonto Basin, Arizona. The design is approximately 95% complete; therefore, the County needs to acquire rights-of-way on privately owned property. Negotiations with the property owners are ongoing, but are nearing a resolution. The County has received additional cooperation from ADOT with regard to a difference in monetary offers from one of the property owners for property rights that are needed in connection with this project.

The Board agreed that it was in the best interest of the County to immediately move forward with this project. Chairman Pastor requested that Mr. Sanders recap today's Board discussion and action regarding this issue and send the information to him via email, to which Mr. Sanders agreed.

Mr. Sanders added that this project is to be funded with the half-cent transportation excise tax revenue. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved a purchase requisition to Pioneer Title Agency in the amount of \$349,227 for the purchase of property needed in Tonto Basin for right-of-way for the Tonto Creek Bridge; and authorized the Chairman's signature on all documents related thereto.

E. Information/Discussion/Action to approve a Road Project Agreement (FS Agreement No. 14-RO-11031200-022) between the United States Department of Agriculture, Forest Service, Tonto National Forest, and Gila County to receive \$342,644 for the surfacing project of Forest Road 512 (Young Road), effective through September 30, 2014, at which time it will expire unless extended.

Jeff Hassenius, Finance Division Director, stated that on September 4, 2012, the Board of Supervisors directed staff to submit a Secure Rural Schools Title II Special Projects application to the United States Department of Agriculture, Forest Service, Tonto National Forest, for the Forest Road 512 surfacing project which was awarded. On May 27, 2014, the County submitted another application to said entity to complete the remainder of surfacing Forest Road 512 project; which was accepted and awarded to the County.

The Board was pleased that this portion of the project should complete the surfacing of the last approximately 8.5 miles of the Forest Road 512 in Young, Arizona. The Board also thanked everyone who was instrumental in obtaining these grant funds. Mr. Sanders added that this grant award was the highest amount the County has received in quite some time and that the project will commence in March or early April 2015. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved a Road Project Agreement (FS Agreement No. 14-RO-11031200-022) between the United States Department of Agriculture, Forest Service, Tonto National Forest, and Gila County to receive \$342,644 for the surfacing project of Forest Road 512 (Young Road), effective through September 30, 2014, at which time it will expire unless extended.

F. Information/Discussion/Action to review the bid submitted for Invitation for Bid No. 060314 for the purchase of MC800-TR chip seal oil for Gila County road maintenance and repair; award to the lowest, responsible and qualified bidder, and authorize the Chairman's signature on the award contract for the winning bidder.

Mr. Hassenius stated that on June 24, 2014, the Board of Supervisors authorized the advertisement of Invitation for Bid No. 060314 for the purchase of MC-800TR chip seal oil, and it was advertised in the Arizona Silver Belt on

July 2, 2014, and July 9, 2014. The bids were opened in a public setting on July 24, 2014. Only one bid was received and it was from Wright Asphalt

Products Company LLC. It is recommended to award the contract to said bidder for a period of seven months with two one-year extensions.

Chairman Pastor inquired as to the length of the contract. Steve Stratton, Public Works Division Director, replied that to his knowledge, it is the intent of the Finance Division Director that the oil products contracts expire during the same month in order to present to the Board at one time instead of multiple times for oil products. He added that Wright Asphalt Products Company, LLC is the only company that he is aware of that produces a "terminal blend" of oil, and that the cost of the chip seal oil wasn't exorbitant.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously awarded a contract to Wright Asphalt Products Company, LLC for the purchase of MC-800TR chip seal oil for a period of seven months beginning on August 18, 2014, through March 17, 2015, with two one-year renewal options; and authorized the Chairman's signature on the award contract.

G. Information/Discussion/Action to review all bids submitted for Request for Proposals No. 042314 for janitorial service in northern Gila County; award to the lowest, most responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder.

Mr. Hessenius stated that the Board of Supervisors authorized the advertisement of Request for Proposals on June 24, 2014, and it was advertised in the Arizona Silver Belt on July 2, 2014, and July 9, 2014. Four bids were opened on July 23, 2014, and it was determined that Jani-Serv Inc. was the lowest and most responsive bidder.

Chairman Pastor commented that there was quite a difference in bid proposals and he inquired if Mr. Hessenius analyzed the information and checked the track record of the winning bidder. Mr. Hessenius stated that was done and that he would keep an eye on the performance of the new service vendor. Mr. Stratton added that the contractor will be monitored to ensure they are performing to the County's expectations and that the quality of work is also meeting the expectations of the County. Chairman Pastor inquired if the contractor was aware that the service area may become larger than anticipated, to which Mr. Stratton replied that there are provisions that can be added to the contract. Supervisor Marcanti commented that he thought the bids were good and in line with the scope of work.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously awarded a contract to Jani-Serv Inc. to provide janitorial

service in northern Gila County for a period of 12 months beginning on August 18, 2014, through August 17, 2015, with one three-year renewal option; and authorized the Chairman's signature on the award contract.

Item 4 – CONSENT AGENDA ACTION ITEMS: (Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed and voted upon as a regular agenda item upon the request of any member of the Board of Supervisors.)

A. Approval of two Special Event Liquor License Applications submitted by the Lion's Club of Globe, Arizona, Inc. to serve liquor at the 2014 Gila County Fair on September 18-19, 2014, and September 20, 2014.

B. Acknowledgment of the July 2014 monthly activity report submitted by the Globe Regional Constable's Office

C. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of July 21, 2014, to July 25, 2014; and July 28, 2014, to August 1, 2014.

D. Approval of finance reports/demands/transfers for the weeks of August 12, 2014, and August 19, 2014.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda action items 4-A through 4-D.

Item 5 – 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 comments from the public.

Item 6 – At any time during this meeting pursuant to A.R.S. §38-31.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and the County Manager presented information on current events.

There being no further business to come before the Board of Supervisors,
Chairman Pastor adjourned the meeting at 11:40 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Clerk of the Board