

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

Date: January 27, 2015

**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

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

A County attorney was not present at this meeting.

**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. Sherry Grice led the Pledge of Allegiance.

**Item 2 – REGULAR AGENDA ITEMS:**

**A. Information/Discussion/Action to adopt Resolution 15-01-01 that will approve and authorize County staff to issue the financing package along with any other necessary agreements, instruments and documents; and approve the sale, execution and delivery of up to \$2,000,000 in pledged revenue obligations.**

Jeff Hessenius, Finance Division Director, advised that it is necessary to adopt a resolution in order to proceed with the final actions required to secure financing for the Copper Administration Building. The financing package RFP (Request for Proposals) was sent to approximately 18 different financial institutions and responses are due by mid-February for review and analysis in order to determine which financing package is best for the County. He introduced Mark Reader, Stifel, Nicolaus & Company Managing Director, who stated that Mr. Hessenius accurately summarized this agenda item. Mr. Reader stated that the RFP is "on the street" and is due in approximately 10

days, so it's just a matter of evaluating the bids once they are received and reporting the information back to the County.

Vice-Chairman Martin thanked Mr. Reader for his expertise in assisting the County with this project. Supervisor Marcanti acknowledged that this action is another step in the process to move this project forward. Mr. Hessenius added that there has been an opportunity for the citizens to provide comments via email through the Gila County website as to this issue and, to date, there have been none received. Chairman Pastor stated that there have been numerous inquiries received from the public regarding the Copper Administration Building.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Resolution 15-01-01 that approved and authorized County staff to issue the financing package along with any other necessary agreements, instruments and documents; and approved the sale, execution and delivery of up to \$2,000,000 in pledged revenue obligations.

Chairman Pastor thanked Mr. Reader for being present at the Board meeting and then stated that although this has been a long process, it has demonstrated the County's efforts to provide transparency for the citizens of the County. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

**B. Information/Discussion on a revised draft Curfew Ordinance for future Board of Supervisors' approval.**

Mike Pastor, District II Supervisor, provided a brief history regarding a curfew ordinance and introduced Sherry Rice, Vice-Chairman of the Copper Basin Safe Kids Chapter, Arizona.

Ms. Rice stated that she presented information regarding adopting a curfew ordinance in Gila County at a Board of Supervisors' meeting in 2013; however, no action was taken by the Board at that time. She requested that the Board of Supervisors adopt a curfew ordinance for unincorporated areas of Gila County that would apply to youths under the age of 18. She read aloud a statement and stated that 9 of 15 Arizona counties have a youth curfew ordinance in place, as follows: Cochise, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Yavapai, and Yuma. She reviewed highlights of the 2014 Arizona Youth Survey for Gila County provided by the Arizona Criminal Justice Commission.

Chairman Pastor stated that he has observed that many 8<sup>th</sup> grade students seem to be susceptible to a lot of peer pressure and outside influences. He commented that it is favorable that Ms. Rice has spoken to Sheriff Adam Shepherd, who was not opposed to the implementation of a curfew ordinance.

Chairman Pastor advised that he received letters from Mitch Malkovich and Linda Pearce expressing their support of a curfew ordinance being adopted. Chairman Pastor also conveyed that local ranchers living in the Six Shooter Canyon area in Globe are concerned with the number of parties with bon fires and underage drinking that are taking place on U.S. Forest Service land that is located near their properties, and the potential risk of fires.

Vice-Chairman Martin stated, “Kids aren’t different than in the past; parents are different.” She supports adopting a curfew ordinance, but wants to ensure that there is consistency with regard to enforcement of the ordinance.

Supervisor Marcanti thanked Ms. Rice for her concern and interest in the youth in Gila County. He met with Sheriff Adam Shepherd and the Undersheriff with the intent of obtaining statistical information indicating that there is a need for a curfew ordinance; however, no such information was available. Supervisor Marcanti’s primary concern is the cost and manpower to enforce a curfew ordinance. He advised that the County would need to have a hearing officer to hear cases, implement an appeals process, and assign staff responsibility to oversee and follow through with the fines and or punishment imposed on youth offenders. He stated, “I don’t see how it (curfew ordinance) will help the community.”

Chairman Pastor referred to Section VI of the draft curfew ordinance that is entitled “Enforcement” and stated that he felt that it was “pretty liberal.” He asked County Manager Don McDaniel to address the enforcement section of the draft curfew ordinance.

Mr. McDaniel stated that Sections V and VI of the draft curfew ordinance allows an officer, who arrests a minor for a curfew violation, to take a great amount of time to actually question the youth as to the reason the youth is out late at night. He stated that the initial draft curfew ordinance was presented to the Board on January 29, 2013, during a work session. At that time the draft ordinance was sent to the Sheriff’s Office as well as the Probation Department to receive comments, and those comments are included in the revised draft curfew ordinance which is attached to the agenda item. He also reiterated that the letters submitted by Linda Pearce and Mitch Malkovich are in favor of adopting the ordinance.

Mr. McDaniel then reviewed the most recent revisions to the draft curfew ordinance. When “County” is defined in the ordinance under “Jurisdiction,” it includes all of United States Forest Service land, all of Bureau of Land Management areas and State-owned land, but specifically excludes incorporated communities and Tribal Reservation land. Another significant change is the hours of enforcement which are Sunday through Thursday 10 p.m. to 6 a.m. and Friday and Saturday from 12:00 a.m. to 5 p.m. Regarding valid defenses a youth may present to an arresting officer, Section III of the

draft ordinance outlines eight permissible reasons to be out during the curfew hours, as follows:

1. Accompanied by the minor's parent, guardian or an adult having supervisory custody.
2. With prior written permission of the parent or guardian, or an adult having supervisory custody, in a motor vehicle involved in interstate travel.
3. With prior written permission of the parent or guardian, or an adult having supervisory custody, in an employment activity or going to or returning home from an employment activity without any detour or stop.
4. Involved in an emergency.
5. With prior written permission of the parent or guardian, or an adult having supervisory custody, attending an official school, religious or other recreational activity supervised by adults and sponsored by any school district, governmental entity, a civic organization or other similar entity that takes responsibility for the minor, or going to or returning from without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by any school district, governmental entity, a civic organization or other similar entity that takes responsibility for the minor.
6. With prior written permission of the parent or guardian, or an adult having supervisory custody, exercising the First Amendment right of free exercise of religion or freedom of speech protected by the United States Constitution.
7. With prior written permission of the parent or guardian, or an adult having supervisory custody, was engaged in reasonable, legitimate and specific business and/or activity.
8. Married or had been married, or had disabilities of a minor removed, or emancipation ordered by a court of competent jurisdiction.

Mr. McDaniel added that the ordinance is written in a community friendly manner and that education and resources are offered to parents and children of the community.

Vice-Chairman Martin stated that she is conflicted with this issue, but understands that an action needs to be taken by the Board of Supervisors at a future meeting.

Chairman Pastor requested Mr. McDaniel to schedule this issue on a future Board meeting agenda for the Board to take an action to adopt or not adopt a curfew ordinance. He also encouraged members of the public to contact any of the three Supervisors with any questions or comments.

**Item 3 – 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 4 – At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager 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 10:47 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Clerk of the Board