

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

Date: January 13, 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; Michael A. Pastor, Member; 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. Vice-Chairman Martin led the Pledge of Allegiance and Captain Gary Smith of the Salvation Army delivered the Invocation.

Item 2 - Acknowledgement of a Certificate of Recognition presented to the Gila County Board of Supervisors by the Town of Miami.

Chairman Dawson acknowledged that the Board received a Certificate of Recognition from the Town of Miami for providing technical services to determine the Town's financial status and assistance for rectifying computer and billing issues.

Item 3 - Public Hearing - Information/Discussion/Action to adopt Resolution numbers 09-01-02, 09-01-03 and 09-01-04, which relate to obtaining approval to submit a Grant Application with accompanying assurances and certifications to the Arizona Department of Housing for FY 2009 State Community Development Block Grant (CDBG) Funds and State Special Project Funds in order to fund a proposed Community Development Block Grant housing rehabilitation project.

Malissa Buzan, Housing Services Program Manager, stated that a public hearing was held on September 23, 2008, at the County's Central Heights Complex and on September 24, 2008, at the Gila Community College Payson Campus. She advised that Gila County has chosen housing rehabilitation as

the activity to undertake. The next housing rehabilitation projects will be even more energy efficient with weatherization and the addition of solar hot water heating, which can be up to 30% of the cost of a household's utility bills. According to the Arizona Department of Commerce Energy Office, \$.75 of every dollar paid in utility bills immediately leaves our community, so every dollar saved will stay within our community. The County uses local general contractors and subcontractors who hire and buy locally. She stated that these rehabilitation projects increase pride of ownership with neighborhood revitalization, knowledge of home maintenance and energy efficient measures. The County also saves money by keeping low income senior citizens in their homes as long as possible. She requested approval to submit the Grant Application. Supervisor Pastor advised that Ms. Buzan had taken him on a tour of 2 ongoing projects and he requested a follow-up tour after completion of same. Ms. Buzan stated that she would set up a tour at Supervisor Pastor's convenience. Chairman Dawson thanked Ms. Buzan for all the hard work she does on these programs. Chairman Dawson opened the public hearing portion of the meeting and requested comments from the public; none were received. Chairman Dawson closed the public hearing and entertained a motion. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution numbers 09-01-02, 09-01-03 and 09-01-04. **(Copies of the Resolutions are permanently on file in the Board of Supervisors' Office.)**

Item 4 - Information/Discussion/Action to adopt Resolution No. 09-01-05 approving the Gila County Animal Control Hearing Officer Rules of Procedure which relates to the enforcement of countywide dog ordinances.

David Fletcher, Health and Community Services Division Director, stated that in 2002 the Board approved two ordinances, one for barking dogs and the other one for animals at large. The ordinances allowed for a hearing officer to be appointed so one was appointed at that time. Each month 12 individuals come forward in front of the hearing officer because of violations of those two ordinances and the process has worked smoothly without any requests for an appeal. However, in the last 3 months an individual has requested an appeal. In reference to the ordinances, there is a paragraph that states the Board of Supervisors will adopt Rules of Procedure relating to an appeal, which until this time has not been done. Using the format of the Planning and Zoning Department Hearing Officer Rules of Procedure, Mr. Fletcher has adjusted the wording with additions and deletions to reflect the manner in which his department's hearings will be conducted and requested that the Board adopt same. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Resolution No. 09-01-05 approving the Gila County Animal Control Hearing Officer Rules of Procedure, which relates to the enforcement of countywide dog ordinances. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 5 - Information/Discussion/Action to authorize the submission of a Grant Application to the Arizona Department of Homeland Security in the amount of \$50,300 for the purpose of developing a communications site on Aztec Peak.

Adam Shepherd, Undersheriff, presented a map to the Board showing the location of Aztec Peak. The map is a radio propagation study done on the computer to estimate the radio coverage for a particular area having to do with the topography. On December 2, 2008, the Board approved the application for submittal to the U. S. Forest Service for use of this site. Most of the communications of the Sheriff's Office are concentrated near the populated areas, which is mostly on the western side of the County. There is not a lot of coverage on the sites toward the middle of the County or on the eastern side near the reservation. It is hoped that with approval from the U. S. Forest Service to use the Aztec Peak site and submission of this Grant Application to the Arizona Department of Homeland Security for funding that these communication deficits will be addressed. He stated that there are a lot of recreational sites located in the areas without good communication, which has created complicated situations in the event of emergencies. Upon inquiry from Supervisor Pastor about the location, Mr. Shepherd stated that Aztec Peak is centrally located and is between Globe and Young and it is anticipated that the coverage will be expanded to the east as well. Supervisor Pastor inquired if what is being proposed will resolve most of the coverage gaps. Mr. Shepherd stated that because the forest creates a challenge for wireless communication, there is no way to resolve all of the gaps in communication in Gila County; however, all measures are being taken to alleviate as much of the gap as possible. It is also hoped that this collaborative effort with the U. S. Forest Service will create additional opportunities for communication coverage in other areas as funding allows. Vice-Chairman Martin inquired if the U. S. Forest Service has been cooperative. Mr. Shepherd replied that this is the first request to the U. S. Forest Service and a reply has not been received. Supervisor Pastor noted that the general information questionnaire to Homeland Security inquires about whether or not your organization has received grant funds within the last two years. He inquired if this could hurt the possibility of receiving funds if there have been past grants received or if this was just a standard question in the process. Mr. Shepherd replied that it will depend on the funding cycle and he has been advised that although funding has been cut, there are funds still available. There is \$1 million in the County's region consisting of 4 eastern counties that needs to be divvied up so Mr. Shepherd believes it will be funded. The Board thanked Mr. Shepherd for his continued work on communications within Gila County. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously authorized the submission of a Grant Application to the Arizona Department of Homeland Security in the amount of \$50,300 to develop a communications site on Aztec Peak.

Item 6 - Public Sale of unnecessary public roadways and alleys shown inside Inspiration Townsite, Assessor's parcel map no. 206-06 3/3, Official Map No. 39, Gila County Records. The following abutting property owners have submitted bids: Benjamin & Franceen Benton, Eleanor Gregovich, Linda Wheeler, Mike Golden, Richard & Lorie Serb, Palmer Trust, and Dietrich Denton. Other bids have been submitted by Bob Crawford, Eleanor Gregovich, and Palmer Trust.

Steve Sanders, Public Works Division Deputy Director, stated that these roadways and alleys are located in the Claypool area. The Board has previously declared these as unnecessary roadways and alleys and approved them for disposal. The adjacent property owners in the area were contacted, the notice for sale was posted and the County is in compliance with all state statutes. Bids were received from most of the owners in the area. He also provided the Board with a large working map. Vice-Chairman Martin inquired if the County received 1 bid per property. Mr. Sanders advised that there was one portion of an alleyway on which 2 bids were received; however, one of the bidding parties was an adjoining owner and therefore had preferential rights according to state statute. He requested that the second bid from Palmer Trust be denied. On all other properties only 1 bid was received. At this time, Chairman Dawson called for any public comments. Andrew Hill, a resident of Claypool, stated that he did not get a chance to put in a bid because he had been on vacation and he was present to day to ensure he could submit his bid at this time. Upon inquiry from Chairman Dawson as to whether Mr. Hill was an adjoining property owner, he advised that he was an adjoining property owner at 16B Broad Street and showed the Board the property for which he wished to submit a bid. Chairman Dawson inquired of Mr. Sanders if Mr. Hill could submit a bid at this time. Mr. Sanders replied that the County Attorney would have to give an opinion because everyone had been notified by mail and the letter and the public notice in the newspaper both stated that bids must be received prior to the date of the sale. No bid was received from Mr. Hill. Chairman Dawson inquired of Bryan Chambers, Chief Deputy County Attorney, if it would expedite the process if the Board allowed for an exception since this is an adjoining property. Mr. Chambers inquired if any bid had been received to which Mr. Sanders replied that another bid was received from Bob Crawford. Steve Besich, County Manager/Clerk, requested that Mr. Sanders mark the property in question on the map for clarification. Mr. Sanders reviewed the property location and also the locations of the property of both Mr. Hill and Mr. Crawford. Mr. Crawford is an adjoining owner, however, he is located outside the subdivision line and the statute states that adjoining owners within the subdivision, because the road is in a subdivision, have preferential rights. Supervisor Pastor inquired if because Mr. Hill missed the deadline to submit his bid, would the Board still be bound by statute to Mr. Hill? Vice-Chairman Martin also inquired if the Board would be bound by its notice. Mr. Chambers stated, "I think we are bound by our notice." Vice-Chairman Martin stated, "I understand from our attorney that in good faith we

have posted this and in good faith they (the bidders) have all played by the rules and in good faith we are bound by our posting to proceed.” Supervisor Pastor inquired if the letter was sent by certified mail. Mr. Sanders noted that the letters were not sent certified, but postings were also done all around the subject area. Chairman Dawson then asked for an opinion from Mr. Chambers. Mr. Chambers stated, “Again, I think we are bound by the notice as the notice states: ‘...will sell at Public Sale...Any person may submit purchase offers, however, abutting owners of the aforementioned roadway or portion of the roadway have preference rights to purchase the portion or a part of the portion for the consideration paid for the land by the city, town, county or state, whichever first acquired the land within the roadway for public use. Take further notice, the abutting owner can exercise preference rights before the proposed date of sale by written notice to Steve Besich...’ Abutting land owners would have to be able to exercise that preference right. They would have to provide notice before the date of sale, so before today. Apparently on this one particular piece, one abutting land owner has exercised those rights and I think it would be different if we had 2 abutting land owners trying to exercise rights on the same piece before as required by the notice, but we don’t have that.” Chairman Dawson inquired of Mr. Hill if he understood the problem. Mr. Hill stated, “I understand, but Mr. Crawford didn’t own any (abutting) property, but I do and it’s closer to my property. It’s within 8 feet of my house. So if Mr. Crawford wants to build something there, he would be right in our window.” Chairman Dawson advised Mr. Hill that the Gila County Planning and Zoning Department wouldn’t allow Mr. Crawford to build within 8 feet of his house. She expressed sympathy to him for being away on vacation during the posting process and stated that hopefully he would work with Mr. Crawford as a good neighbor. Chairman Dawson inquired if there were any other public comments; none were received. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously accepted the bids for the public sale of unnecessary public roadways and alleys as shown inside Inspiration Townsite, Assessor’s parcel map no. 206-06 3/3, Official Map No. 39, Gila County Records, from abutting property owners as follows: Dietrich Denton—1 bid in the amount of \$20.00 for that portion of South Street south of Parcel 12, Lots 5-11, Block 2; Richard & Lorie Serb—2 bids for a total amount of \$30.00 for that portion of E. Calle Pequena south of Parcel 109, Lots 16-18, Block 8 and that portion of E. Golden Way, south of Parcel 110, Lot 19, Block 8; Eleanor Gregovich—6 bids for a total amount of \$90.00 for that portion of South Street south of Parcels 4 & 5, Lots 5-18, Block 1, and that portion of alleyway west of Parcels 5 & 6, Lots 18 & 19, Block 1, and that portion of alleyway south of Parcel 6, Lots 19-25, Block 1 and north of Parcel 6, Lots 19-24, Block 1; Benjamin & Franceen Benton—3 bids for a total amount of \$40.00 for that portion of South Street south of Parcels 2 & 3, Lots 1-5, Block 1, and that portion of alleyway south of Parcel 10, Lots 32-36, Block 1; Linda Wheeler—1 bid in the amount of \$20.00 for that portion of alleyway south of Parcel 9, Lots 30 & 31, Block 1; Mike Golden—1 bid in the amount of \$20.00 for that portion of E. Calle Pequena south of Parcel 108, Lots 13-15,

Block 8; and Palmer Trust—3 bids for a total amount of \$150.00 for that portion of alleyway east of Parcels 11, 20A & 21, Lots 1-4, Block 2, and for that portion of alleyway east of Parcel 20A, all abutting property owners. The Board also unanimously accepted “other” bids received because no bids were submitted by the abutting property owners, as follows: Bob Crawford—1 bid in the amount of \$10.00 for that portion of South Street, south of Parcel 16B, Lots 15-17, Block 2; Eleanor Gregovich—1 bid in the amount of \$20.00 for that portion of alleyway south of Parcels 7 & 8, Lots 26-29, Block 1. (Note for the record: A bid was received from Palmer Trust for that portion of alleyway west of Parcels 5 & 6, Lots 18 & 19, Block 1, which was denied as the abutting owner submitted a bid and had preferential rights to that portion of unnecessary alleyway.)

Item 7 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) between Gila County and the counties of Graham, Cochise, Greenlee and Santa Cruz whereby the five counties will be part of the Southeastern Arizona Waste Tire Program Consortium with Graham County acting as the lead county. The IGA period shall be for sixty months.

Sharon Winters, Gila County Recycling and Landfill Management Department Manager, stated that the decision was made by the five counties to have each county’s waste tires hauled to Crumb Rubber Manufacturers (CRM) in Mesa to help keep jobs in Arizona. Steve Stratton, Public Works Division Director, added that the tires that go to this new vendor will be crushed and used on Arizona roadways instead of in a landfill where they could catch on fire. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved an IGA with the counties of Graham, Cochise, Greenlee and Santa Cruz whereby the five counties will be part of the Southeastern Arizona Waste Tire Program Consortium for a period of sixty months.

Item 8 - Information/Discussion/Action to consider a sealed bid for the purchase of Assessor’s tax parcel number 305-24-003H, which is owned by the State of Arizona.

Marian Sheppard, Chief Deputy Clerk, stated that in August 2008, the Treasurer deeded this subject parcel which is located in Young to the State of Arizona for non-payment of taxes for 7 consecutive years. In December 2008, the Board conducted an auction and the property was sold to Walter Grantham; however, after the sale, Mr. Grantham informed Ms. Sheppard that he did not wish to purchase said parcel. Ms. Sheppard advised that prior to the auction she received written notice from Janine Conboy that she wanted to purchase the parcel; however, she was unable to attend the auction, which was a requirement for bidding. After the auction, Ms. Sheppard advised Ms. Conboy that the property was available for sale if she would like to submit a sealed bid. Because Mr. and Mrs. Conboy own land which adjoins the subject

parcel, Ms. Sheppard advised Mrs. Conboy of the County's policy which states that if an adjoining land owner submits proof of adjoining land ownership at the time the sealed bid is presented, the Board of Supervisors may consider accepting a bid that is less than the total lien amount, which is \$359.52. Ms. Sheppard opened the sealed bid and stated that a bid was received from Janine Gordon Conboy in the amount of \$359.52, which is the exact amount due. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously accepted a bid from Janine Gordon Conboy in the amount of \$359.52 for the purchase of Assessor's tax parcel number 305-24-003H.

Item 9 - Information/Discussion/Action to consider a sealed bid for the purchase of Assessor's tax parcel number 101-10-012, which is owned by the State of Arizona.

Ms. Sheppard stated that this parcel was also deeded to the State of Arizona by the Treasurer in August 2008 and was listed on the Board's auction held in December 2008; however, the parcel was not sold at the auction. She received a sealed bid on this parcel that is located in Hayden with a restaurant on it and noted that it has a lien amount of \$25,128.68. Chairman Dawson inquired if the bidders were present. Mr. and Mrs. Prudenciano Lara noted that they were present. Chairman Dawson inquired of the Laras if they understood that the bid submitted is only for the land and does not include the equipment in the building. Mr. and Mrs. Lara stated that they understood same. Ms. Sheppard opened the sealed bid and stated that a bid was received from Prudenciano and Janice Lara in the amount of \$17,000. Supervisor Pastor stated that prior to becoming a Board member, he noted in a past meeting that there were some concerns about the Board's policy concerning the sale of state-owned land and inquired of the Chairman about that policy. Chairman Dawson stated that the concerns were not about the policy, but the practice of the Board that the bid amount should be for the full amount of the taxes owed. The present owner, Mr. Grijalva, has had 7 years, prior to the bill accumulating to \$25,000, to pay the back taxes; however, he has been unable to raise the funds. Supervisor Pastor and Vice-Chairman Martin asked Chairman Dawson to give them some background information. Chairman Dawson stated that this parcel has a small Mexican restaurant located on it on the main highway in Hayden. She does not know what plans the Laras have for the building. Mr. Grijalva, the restaurant owner, does have employees, and he has struggled and been unable to pay the taxes on the land. Chairman Dawson then called on Debi Savage, Treasurer, to give the Board more information. Ms. Savage stated that the Treasurer's practice is not to deprive people of their property and her staff has tried to work with Mr. Grijalva. Ms. Savage then called on her assistant, Terri Powell, who has actually been working with Mr. Grijalva over the years. Ms. Powell explained all the numerous conversations and payment arrangements that had been worked out with Mr. Grijalva; however, he was still unable to pay. He even tried to secure a loan, but the banks are not willing to loan on property located in Hayden. After the property was deeded to the State, he has

held numerous conversations with Ms. Sheppard also. In a final conversation to Ms. Powell, Mr. Grijalva stated that he might relocate the restaurant. Chairman Dawson thanked the staff for all of their efforts in working with Mr. Grijalva and it is just an unfortunate situation. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously accepted the bid from Prudenciano and Janice Lara in the amount of \$17,000.00 for the purchase of Assessor's tax parcel number 101-10-012.

Item 10 – Presentation of information related to Gila County Policy No. BOS-4-2005, Disclosure of Conflicts of Interest, with a reminder to each elected official and department director to communicate said policy to their employees.

Marian Sheppard stated that in 2005, the Board adopted a County-wide policy on the Disclosure of Conflicts of Interest for employees. Under Section 3, there is a requirement that each year at the first Board of Supervisors' meeting, the Chief Deputy Clerk will remind all elected officials and departments heads to communicate this policy to their employees. Chairman Dawson stated that in the past she has disclosed that she was the owner of Fly-A-Way Travel, which has since been closed. Chairman Dawson then disclosed that she is half owner of the Casa Monte RV Trailer Park. She stated that no action by the Board is necessary on this item; however, there is a form that must be filled out by any employee to disclose a conflict of interest.

Item 11 - Information/Discussion/Action to adopt Resolution No. 09-01-01 in support of accelerated landscape-scale, science-based, consensus-supported forest restoration across northern Arizona.

Vice-Chairman Martin stated that Pascal Berlioux, President and CEO of Arizona Forest Restoration Products Inc., who has previously made a presentation to the Board, is still trying to open a chipboard plant in Winslow. This is an effort that stems from Arizona Governor Napolitano's support of forest restoration. Vice-Chairman Martin then read the entire resolution aloud. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 09-01-01. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 12 - Information/Discussion/Action regarding appointments or reappointments of members of the Board of Supervisors to the following:
Correctional Officers Retirement Plan (CORP) Board
Public Safety Retirement Board
Gila County Board of Health
Gila County Local Emergency Planning Committee
Central Arizona Association of Governments (CAAG) Regional Council
County Supervisors Association (CSA) Legislative Policy Committee
Eastern Arizona Counties Organization (ECO)

Chairman Dawson stated this item is for a change of officers for the various boards and committees listed. Discussions were held by the Board to determine who would be willing to serve on the various boards and committees. Chairman Dawson inquired about appointing someone to the Southern Gila County Economic Development Committee (SGCEDC). Mr. Chambers advised that because the SGCEDC is not listed on the agenda, it will have to be discussed at a future meeting. Mr. Besich stated that an ex-officio member could have anyone attend. Chairman Dawson stated that in the SGCEDC bylaws, she is a voting member and inquired if being a voting member could present a problem when the County is giving them funding. It could be a conflict. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved the appointments or reappointments of members of the Board of Supervisors to the following:

- Correctional Officers Retirement Plan (CORP) Board – Chairman Dawson
- Public Safety Retirement Board - Chairman Dawson
- Gila County Board of Health – Supervisor Pastor
- Gila County Local Emergency Planning Committee - Vice-Chairman Martin
- Central Arizona Association of Governments (CAAG) Regional Council - Chairman Dawson
- County Supervisors Association (CSA) Legislative Policy Committee – Supervisor Pastor

Eastern Arizona Counties Organization (ECO) - Vice-Chairman Martin

~~Item 13 – Information/Discussion/Action to adopt a revised Gila County organizational chart. (Shirley Dawson) REMOVED FROM THE AGENDA~~

Item 14 - CONSENT AGENDA ACTION ITEMS:

- A. Approval to authorize the Chairman’s signature on Amendment No. 1 to Contract No. 6500.341.526/1119-2007 between Gila County and Dibble Engineering whereby post design services will be provided for the Russell Road/Hospital Drive Extension Project in the amount of \$15,000.**
- B. Approval to authorize the Chairman’s signature on Amendment No. 1 to Contract No. 112-184/3-2007 between Gila County and Westland Resources, Inc. whereby additional services for the Clean Water Act Section 404 Permitting are needed for the six flood control berm repair project areas in the amount of \$7,000.**
- C. Approval of Amendment No. 1 to an Intergovernmental Agreement (Contract No. HG854565) to decrease the price sheet due to a decrease in funding for the Tuberculosis Control Program.**

- D. Rescinding the approval of Sales Orders with Digital Imaging Systems for the following copiers: DP-2330 for D-Home-Globe; DP-2330 for Public Fiduciary-Globe; DP-8045 for Health Dept.-Globe; DP-303 for BOS-Globe; DP-2330 for Purchasing-Globe; DP-8035 for Assessor's Office-Globe; DP-2330 for Assessor's Office-Payson; and DP-2330 for REPAC-Prescott Valley office. Some of these sales were previously approved by the Board of Supervisors on July 8, 2008, and the remainder on September 16, 2008, and were temporarily on hold pending a financing change for the copiers from Bank of America to Key Equipment Finance, Inc.**
- E. Approval of a request submitted by the Greater Grace Fellowship/Classic Celebration's non-profit organization to use the Payson Complex grounds for the 11th Annual "Mountain High Arts and Craft Bazaar" on May 23-25, 2009, and for the 12th Annual "Zane Grey Days Festival" on October 3-4, 2009.**
- F. Approval of a Special Event License Application submitted by the Lions Club of Globe, Arizona, Inc. for the Sheriff's Office Reserve Dance to be held on February 14, 2009.**
- G. Approval of Amendment No. 2 to Weatherization Low-Income Assistance Contractual Agreement between the State of Arizona, Department of Commerce Energy Office and Gila County (Contract No. C055-08) to add LIHEAP supplemental funding in the amount of \$83,353 for a total contract budget of \$183,350.**
- H. Approval of the November 2008 monthly departmental activity reports submitted by the Clerk of the Superior Court and Payson Regional Justice of the Peace, and the December 2008 monthly departmental activity report submitted by the Globe Regional Constable.**
- I. Approval of personnel reports/actions for the weeks of December 30, 2008, January 6, 2009, and January 13, 2009.**

December 30, 2009

Departures from County Service:

1. Jamilyn Anderson – Health and Community Services – Community Health Assistant – 12-26-08 – 98% WIC Fund – 2% Commodity Supplement Food Program Fund – DOH 01-02-07 – Resignation
2. Susan Koepf – Health and Community Services – Public Health Nurse – 01-02-09 – Health Service Fund – DOH 10-17-03 – Resignation
3. Lindsey Wood – Health and Community Services – Temporary Nutritionist – 12-11-08 – WIC Fund – DOH 05-27-08 – Temporary position

End Probationary Period

4. Sharon Caridi - Health and Community Services – Administrative Clerk Senior – 01-19-09 – Health Service Fund
5. Antoinette Gonzales – Public Works/Facilities Management – Custodian Lead – 01-19-09 – Facilities Management Fund
6. Wendy McHood – County Attorney – Deputy Attorney – 01-07-09 – General Fund
7. Barbara Shepherd – County Attorney – Legal Secretary Lead – 01-23-09 – Attorney Justice Enhancement Fund
8. Coal Weaver – Recorder – Recorder’s Clerk – 12-22-08 – General Fund

Position Review:

9. Daniel Prather – Probation – Deputy Probation Officer 2 – 01-05-09 - From 40% Diversion Intake Fund – 40% JPSF Fund – 20% Juvenile Diversion Fees Fund – To 100% General Fund – Change fund percentages
10. Bobby Baldwin – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
11. Eric Butler – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
12. Ricky Cayouette Jr. – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
13. Shirley Jack – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
14. Cindi Meccia – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
15. Joseph Stewart – Health and Community Services – Temporary Mobile Crew – 01-01-09 – GEST Fund – Increase in minimum wage
16. Christopher Young – Public Works/Landfill – Temporary Scale House Operator – 01-01-09 – Solid Waste Fund – Increase in minimum wage
17. Patricia Nolan – Globe Justice Court – Justice of the Peace – 01-01-09 – General Fund – Per ARS 22-125 salary increase based on productivity credits
18. Dorothy Little – Payson Regional Justice Court – Justice of the Peace – 01-01-09 – General Fund – Per ARS 22-125 salary increase based on productivity credits

Department Transfer:

19. Doreen Spychala – From Sheriff’s Office/Payson – To Sheriff’s Office/Globe – From Deputy Sheriff Sergeant – To Deputy Sheriff Sergeant Civil Service Deputy – 01-19-09 – General Fund

January 6, 2009

Hire to County Service:

1. Jeanne Hill – Globe Regional Justice Court – Justice Court Clerk Associate – 01-05-09 – General Fund – Replacing Cassandra Villegas

Position Review:

2. Peter Cahill – Superior Court, Division One – Superior Court Judge – 12-22-08 – General Fund – Salary increase per Arizona Supreme Court

3. Robert Duber II - Superior Court, Division Two – Superior Court Judge – 12-22-08 – General Fund - Salary increase per Arizona Supreme Court
4. Peter DeNinno – Superior Court General – Judge Pro Tempore – 12-22-08 – General Fund - Salary increase per Arizona Supreme Court
5. Arthur Lloyd – Payson Court Commissioner – Court Commissioner/Judge Pro Tempore – 01-01-09 – Payson Court Commissioner Fund - Salary increase per Arizona Supreme Court

SHERIFF’S PERSONNEL ACTION ITEMS

Departure from County Service:

6. Robert Woodhull – Sheriff’s Office/Payson – 911 Dispatcher – 12-27-08 – General Fund – DOH 12-08-08 – Resigned

Hire to County Service:

7. Rose Ann Henderson – Sheriff’s Office/Payson – 911 Dispatcher – 01-05-09 – General Fund – Replacing Heidi D’Arcangelo – Position vacant as of 04-14-08

End Probationary Period:

8. Cindy Salas – Sheriff’s Office/Globe – Detention Sergeant – 01-05-09 – General Fund

January 13, 2009

Departure from County Service:

1. Mary Dixon – Health and Community Services – Career and Employment Specialist – 01-13-09 – WIA Fund – DOH 11-27-06 – Resigned
2. Christopher Haack – Payson Constable – Deputy Constable – 11-18-08 – General Fund – DOH 2-23-04 – Resigned

Hire to County Service:

3. Michelle Craft – Health and Community Services – Public Health Nurse I – 01-12-09 – Health Service Fund – Replacing Evelyn Polk – Position vacant as of 04-28-08
4. Lisa Saige – Health and Community Services – Public Health Nurse I – 01-12-09 – Health Service Fund – Replacing Susan Keopf – Position vacant as of 01-02-09

End Probationary Period:

5. Daniel Nyberg – Public Works/Automotive Equipment Maintenance – Automotive Service Worker – 01-05-09 – Public Works Fund
6. Clifton Mitchell – Public Works/Automotive Equipment Maintenance – Automotive Mechanic – 01-19-09 – Public Works Fund

Request Permission to Post:

7. Health and Community Services – Career and Employment Specialist – Position vacated by Mary Dixon – Availability date – 03-16-09

SHERIFF’S PERSONNEL ACTION ITEMS

Hire to County Service:

8. Sarah Haynie – Sheriff’s Office/Globe – Administrative Clerk – 02-02-09 – General Fund – Replacing Esther Klinger – Position vacant as of 10-24-08

J. Approval of finance reports/demands/transfers for the weeks of December 30, 2008, January 6, 2009, and January 13, 2009. (separate handout)

December 30, 2008

\$1,628,468.75 was disbursed for County expenses by check numbers 214496 through 214655.

January 6, 2009

\$144,579.76 was disbursed for County expenses by check numbers 214656 through 214755.

January 13, 2009

\$2,113,799.12 was disbursed for County expenses by check numbers 214756 through 214909. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda action items 14A-14J.

Item 15 - 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 Mr. Besich presented information on current events.

Item 16 - Information/Discussion/Action to receive legal advice from its attorney regarding Chaparral Highlands, LLC v. Gila County, TX2008-000878; and to instruct its attorney regarding this pending litigation. Pursuant to A.R.S. §38-431.03 (A) (3) & (4), the Board may vote to go into executive session.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board convened into executive session at 11:29 a.m.

Chairman Dawson reconvened the regular session at 12:02 p.m.

Vice-Chairman Martin made the motion to instruct the attorney to proceed as directed in executive session. The motion was seconded by Supervisor Pastor, which was passed unanimously by the Board.

At 12:03 p.m., Chairman Dawson called for a recess until 1:30 p.m.

At 1:32 p.m., Chairman Dawson reconvened the meeting for a work session. No action was taken by the Board on any work session items.

WORK SESSION

Item 17 - Discussion of Board protocol.

Shirley Dawson requested this agenda item to review protocol and update new Board member Mike Pastor. She reviewed the procedure for submitting items for the agenda and noted that all contracts must have the approval of the County Attorney's Office prior to being submitted for the agenda. Any questions can be submitted to the County Manager and he may or may not have the opportunity to discuss items with the other Board members. Submitting projects for the federal economic stimulus package project list was also discussed, along with submitting items through the Central Arizona Association of Governments' transportation stimulus package list and the Arizona Department of Transportation list. Mr. Besich also recommended working with Congressional representatives and keeping them apprized of the County's priorities on its project list. Supervisor Pastor stated he is still learning how to differentiate between items that need to be placed on the agenda or that should be handled as an internal county function by staff. In regard to holding work sessions after a regular meeting on short notice, Vice-Chairman Martin stated, "I don't mind meeting like this in short order if it's a crisis or emergency, but I really mind Chairman Dawson walking on my schedule and time as well as walking on the staff's scheduling and time when it's not anything we have to talk about that can't wait a week." She did agree it was a good idea to hold workshops so the Board could hold discussions on many items. Vice-Chairman Martin also recommended that the County Manager and staff be utilized more often and that the Board refrain from managing for them. Discussion was then held on the Board addressing issues with the County Manager, who may then contact the other Board members if necessary. Mr. Chambers clarified that the County Manager may go to the other Board members; however, he cannot tell them what the other Board members think about an issue because it could possibly create violations of the Open Meeting Law as it could be construed as a discussion among the Board members. The County Manager may only inform the other Board members that there is an issue, but has to be very careful not to disclose how other Board members stand on the issue. Chairman Dawson explained that she requested this work session to review protocol because of concerns about issues she has been blindsided about through phone calls from constituents or

reported about in the local newspapers that have never been discussed by the Board nor has any information been received from the County Manager on same. One particular item was in regard to County staff reviewing the leasing of a building for offices in Payson at a cost of \$200,000. Chairman Dawson stated that those types of items need to be placed on the agenda for review by the entire Board or discussed through the County Manager so that the entire Board is made aware of same. Vice-Chairman Martin updated the Board on what she knew about the possible leasing of office space in Payson so the current office space she is now occupying can, in the future, be used by the Probation Department. Mr. Besich explained that all of the preliminary work was being reviewed and completed by staff on possible workable potentials for renting/leasing office space including cost estimates prior to bringing the item to the Board for discussion. He also noted that it has been the Board's policy to have the other party sign an agreement first so when the document is presented to the Board, it contains all of the terms regarding continued availability of funding and the specific language for termination as required by Mr. Chambers. Chairman Dawson stated that in discussing Board priorities, facilities, etc. she is not interested in managing every little project; however, the facilities in Payson were a big issue in the defeated bond election and she feels that the Board should be kept informed when discussions are being held on issues of that nature. Mr. Chambers advised the Board that it was moving away from the agenda item, which is only about protocol, and requested that they keep discussion limited to that subject. Discussion was also held about Board members speaking with the media. Mr. Chambers stated that to speak with the media is perfectly allowable; however, he cautioned the Board about using the public media as a means of getting a message to another Board member, which has been discussed numerous times at Open Meeting Law presentations. Chairman Dawson concluded this item by requesting that the Board members utilize the County Manager or place items on the agenda for discussion by the entire Board.

Item 18 - Discussion of a proposed revised organizational chart for Gila County.

Chairman Dawson advised the Board that in discussions with the County Manager, Mr. Besich has recommended that along with duties as Personnel Director, Berthan DeNero will also work with the Board to develop a strategic plan for Gila County. Ms. DeNero has been working with the Community Development Division on an overall plan with both short-range and long-range goals and objectives. Chairman Dawson then called on Ms. DeNero to give some comments to the Board. Ms. DeNero briefly explained the process of strategic planning, which would take some time to develop objectives, goals, strategies and accountability. Mr. Besich also explained how the process could be accomplished through 1-2 hour work sessions. He also emphasized the importance of planning for the entire County and including the elected officials along with department heads and management. Vice-Chairman Martin stated

that she would be interested in having 2 different processes, one for just the Board and one for the entire County. Mr. Besich recommended extending an invitation to everyone in the hopes they would be interested. Ms. DeNero stated that another key issue is accountability in meeting the developed criteria. She would also like to meet individually with each Supervisor to get a better feel for their expectations as individuals. The Board will hold its first work session with Ms. DeNero on strategic planning on February 10, 2009, after the regular session. Chairman Dawson, referring back to the organizational chart, stated that in the past a public information officer has been mentioned, particularly someone to respond to public hearings, requests for Board support or opinion such as from the U. S. Forest Service. She stated that Jacque Griffin, County Librarian/Assistant County Manager, noted that since the proposed public information officer job description also included overseeing the libraries that it might have some bearing on her job description. Supervisor Dawson stated that if there is someone else in the County that can be used as a public information officer it would be a big help to the County. Vice-Chairman Martin stated, "Along those lines, I would not like to see us hand it to Jacque because I see her as our County Librarian and I'm not sure it's a good fit. There's a lot she needs to do." Vice-Chairman Martin suggested having a Board policy that answers all of our citizens, more of an overall policy position. It doesn't have to be a big job to see that responses to requests are filed and simply hand on the policy. She feels that these requests are not really looking for detailed input as much as they are looking to see if the Board approves or disapproves of their proposed actions and we should simply tell them each time what our policy is as a County. Supervisor Pastor felt that as a Board it is important to respond when public hearings are held. Mr. Besich reminded the Board that a Board member can't respond individually on behalf of the Board if the subject item hasn't been placed on the Board's agenda; however, if it is something pertinent to a Board member's district, County Supervisors Association or Central Arizona Association of Governments, etc. where there are designated representatives, then each Board member can respond individually. After continued discussion, Mr. Besich and Vice-Chairman Martin agreed to work on a policy to bring back to the Board. Supervisor Pastor requested that the policy include some way to agree that responses could be made. Chairman Dawson also requested that a public information officer also be responsible for working with the I.T. (Information Technology) Department to utilize the County's website, as well as a method for getting letters and responses out to the appropriate parties. Vice-Chairman Martin suggested using more than one person for disseminating County information/responses.

Item 19 - Discussion of Arizona Open Meeting Law.

Chairman Dawson called on Mr. Chambers, who presented an overview of the Arizona Open Meeting Law. He explained that a meeting could be a public meeting, a meeting through e-mail or on the phone because a meeting is

basically communication. Any type of communication between a majority of a public body is considered a meeting and all meetings must be publicly noticed with an agenda and open to the public. If a private conversation is held even with a third party, it would be a violation of the Open Meeting Law because there is no agenda, no notice to the public and it ends up being a private conversation. He also cautioned the Board to be careful in speaking with department heads/managers and vice versa because they could become the conduit through which a meeting takes place. He also advised about being careful in replying to e-mail that could be routed through someone else to get back to another Board member. Even if it was not intentional, it could lead to an allegation of an Open Meeting Law violation. Even a constituent speaking with one Board member and then to another to get their opinion could be construed as a violation. He explained that if a complaint is raised against the Board for an Open Meeting Law violation, the Board would have the burden of proof in proving that it did not violate the Law. Upon inquiry from Supervisor Pastor about speaking with the press, Mr. Chambers advised that as long as a Board member isn't circumventing the Open Meeting Law, they may speak to the press. Mr. Chambers explained to the Board how the Open Meeting Law is enforced through an action in court or through the Attorney General's Office, which has an Open Meeting Law enforcement team of attorneys. When questioned about a possible statute of limitations for bringing an Open Meeting Law allegation, Mr. Chambers was not aware of any cases where that issue was brought up so he was unsure; however, that might be an argument that could be used for dismissal. He explained the fines of \$500 per violation, but a bigger issue is that a violation can cause the undoing of past formal Board action, which could include contract approvals, payments on contracts, etc. After a violation has occurred, the Board has to ratify a Board action within 30 days from the date it knew or should have known there was a violation; otherwise, the Board cannot preserve the effective date. He stated that in ratifying the action, the Board also must confess the violation by providing a 72-hour advanced notice of the meeting that the Board violated the Open Meeting Law, that a discussion took place outside of the public open meeting and note the nature of the discussion and that the Board wants to place it on the agenda on a certain date for ratification. Chairman Dawson inquired about other 3-member County Boards traveling together. Mr. Chambers stated that the Board may travel together; however, he would absolutely not recommend it because of the perception that you're going to violate the Open Meeting Law and are setting yourselves up for accusations. Chairman Dawson thanked Mr. Chambers for his presentation.

Item 20 - Discussion of placing a call to the public as a regular Board meeting agenda item.

Chairman Dawson placed this item on the agenda because she feels in an effort to be open to the public, if someone feels they can't meet with particular staff or the County Manager or don't want to come into the County offices, they

should be given the opportunity to speak to the Board. She would like to place an item on the agenda allowing for a call to the public, but feels it should be structured as far as time and the Board's response. Vice-Chairman Martin stated that the Board needs to understand that it cannot respond to any comments from the public because it has not been agendized. Supervisor Pastor stated that he would want it structured as far as a time limit. Mr. Chambers advised that there is no statute that states specifically the period of time for speaking. He stated, "The statutes allow for a call to the public, but it is not required so it is totally discretionary. You are able to place reasonable time restrictions on the comments. You don't have to, but it may be a good idea. I think currently it is about 3 minutes and also there is no requirement as to where it goes on the agenda. It may make sense to put it at the end of the agenda so you can actually get through all of your business if there's a big gripe session." Supervisor Pastor requested that a form should be filled out requesting to speak and if a person addresses an item during the meeting, then they should not be allowed to speak again at the end of the meeting. He also recommended that all speakers be limited to 1 minute. Mr. Besich stated that he would get some sample policies used by other cities and counties for the Board to review. Mr. Chambers also advised the Board that if there is a call to the public and someone starts cutting down a Board member, that Board member is entitled to defend himself/herself even though it is not on the agenda. But the other Board members may not at that point enter into the conversation. The Board member does not have to defend himself/herself; however, they are entitled to defend themselves if they so desire. The appropriate thing after that would be to set the item for the next Board meeting.

Chairman Dawson thanked everyone for attending the meeting and stated that if anyone has any ideas or suggestions for the Board, "we welcome them."

There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 3:03 p.m.

APPROVED:



Shirley L. Dawson, Chairman

ATTEST:



Steven L. Besich, County Manager/Clerk