

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

Date: April 7, 2009

SHIRLEY L. DAWSON

Chairman

STEVEN L. BESICH

Clerk of the Board

TOMMIE C. MARTIN

Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

MICHAEL A. PASTOR

Member

Gila County Courthouse
Globe, Arizona

PRESENT: Shirley L. Dawson, Chairman; Tommie C. Martin, Vice-Chairman (via video conferencing); Michael A. Pastor, 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. Steve Stratton led the Pledge of Allegiance and Reverend Barbie Morton of the First Christian Church delivered the Invocation.

Item 2 - Presentation of the quarterly Officer Recognition Award to Officer A.J. Castaneda of the Globe Police Department.

County Attorney Daisy Flores stated that the officer being recognized today is A.J. Castaneda, who was present with family, friends and co-workers. Chief Mullen, Officer Castaneda's supervisor, was also present. She stated that Officer Castaneda is very community minded, cares and has compassion for fellow officers as well as the community. He has been employed by the Globe Police Department since 1996. He has done an outstanding job for the County Attorney's Office in a couple of capacities. Recently, while on Olympic duty, Officer Castaneda got a group of officers together to execute child support warrants, which was a very successful venture. Through that effort, the County Attorney's Office was able to obtain child support for many of the local children. He also participated in the "Dump the Drugs" event in collaboration with the Drug Enforcement Administration and several other organizations, which resulted in the confiscation of 97 pounds of drugs that were removed from the streets of this community. Officer Castaneda was also instrumental in the recent conviction of a person who was involved in both burglaries and drugs, resulting in a sentence for that person of 9.5 years with the Arizona Department of Corrections. He was also recognized as Officer of the Year by the Trinity Baptist Church as well as a domestic violence coalition. Officer

Castaneda graduated from Miami High School in 1981 and was fortunate to marry his high school sweetheart, Claudine. They have 2 children. Ms. Flores concluded by stating that he is the officer that she knows if she was any concerns for her personal safety, she wants not only an officer of his size, but also a person of integrity backing her up. She then called on Officer Castaneda, who offered a few comments, particularly about his father, Abraham Castaneda, who is deceased, but whose dream was for his son to become a police officer. Officer Castaneda stated that his father spent many hours teaching him things and "now that he's gone, I know he would be proud." He attributed receiving this honor to his father and also thanked his wife for her love and support. Chairman Dawson also recognized Officer Castaneda's mother, Rosemary Castaneda, who was present. On behalf of the Board, Chairman Dawson thanked Officer Castaneda for being such an asset to the community and an example to many young people.

Item 3 - Information/Discussion/Action to adopt Proclamation No. 09-02 proclaiming April 19-25, 2009, as Great American Cleanup Week in Gila County in honor of Earth Day on April 22, 2009.

Sharon Winters, Gila County Recycling and Landfill Management Department Manager, stated she was speaking as the Chairman of the Globe Clean and Beautiful Committee to request adoption of this Proclamation. The Great American Cleanup program is a reminder to families that a better environment for all of us starts in our own community. Beautiful communities are not only nice to look at, but are economically vibrant places where people want to live, work, shop and play. She encouraged everyone to join the Great American Cleanup by picking a project; whether it's picking up litter, graffiti removal or any other type project. Supervisors Dawson and Martin thanked Ms. Winters for her efforts in making the County a better place. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Proclamation No. 09-02 proclaiming April 18-25, 2009, as Great American Cleanup Week in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

Item 4 - Information/Discussion/Action to approve an Intergovernmental Agreement between Gila County and the Town of Star Valley whereby the Gila County Sheriff's Office will provide law enforcement services to the Town in the amount of \$383,273 per year for the period July 1, 2009, through June 30, 2010, with a renewal option of five successive one-year terms.

Sheriff John Armer stated that quite some time ago the Sheriff's Office entered into negotiations with the Town of Star Valley to provide law enforcement services to be effective July 1, 2009. For the past 3 years these services have been provided by the Payson Police Department. The cost to provide this service includes not only the Sheriff's Office actual costs, but also the actual cost to the County. The total cost in the amount of \$383,273 per year has

been reviewed and approved by Steve Besich, County Manager/Clerk, and John Nelson, Deputy County Manager. The personnel required to service the contract will include 2 deputy sheriffs and 1 detective criminal investigator. Equipment will consist of 3 vehicles—2 patrol units and 1 unmarked unit. The initial cost to service the contract will be \$294,025, which would include the acquisition of the vehicles. The contract is an annual contract and renewable for up to 5 years pending negotiations. Vice-Chairman Martin thanked Sheriff Armer for working on this with Ronnie McDaniel and she appreciates their expertise in providing a way to protect the citizens with good law enforcement. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved the Intergovernmental Agreement with the Town of Star Valley whereby the Gila County Sheriff's Office will provide law enforcement services to the Town of Star Valley in the amount of \$383,273 per year for the period of July 1, 2009, through June 30, 2010, with a renewal option of five successive one-year terms.

Item 5 – Information/Discussion/Action to authorize the advertisement of Request for Sealed Bids No. 032309-1 for the design of the new Gila County Jail Women's Dormitory in Globe, AZ.

Steve Stratton, Public Works Division Director, stated that this design is for a new Gila County Jail Women's Dormitory in Globe that has been discussed quite often. He requested authorization to advertise for an architectural firm that specializes in this type of facility. Mr. Stratton noted that in the Request for Sealed Bids, he has weighted the criteria—50% for price; 25% for qualifications; and 25% for similar projects that the company has completed. The review board will consist of himself, Sheriff Armer and Jim Eskew of the Sheriff's Office and Bob Hickman, Facilities Manager. Two architectural firms have visited the site and have expressed an interest in providing a bid. An advertisement will also be placed in the local newspaper. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously authorized the advertisement of Request for Sealed Bids No. 032309-1 for the design of the new Gila County Jail Women's Dormitory in Globe, Arizona.

Item 6 - Information/Discussion/Action to allow the Chief Deputy Clerk to proceed with the administrative process of selling Assessor's tax parcels 101-07-025 and 101-07-162, which are owned by the State of Arizona to Gila County for the sales price of \$1 per parcel, and to authorize the Chairman's signature on the quit claim deeds.

Marian Sheppard, Chief Deputy Clerk, stated that a couple of months ago a request was made to the Board granting permission for Gila County to purchase a parcel located in Hayden, which had a house on it, for the amount of \$1.00. The purpose of the purchase was so the company, Entact, which is working with ASARCO, could do some soil testing for contaminants and then proceed with cleaning the site. This is the same case for these 2 parcels. The first parcel, deeded to the State of Arizona in 2007, has a dilapidated

laundromat located on it, which has a roof that is caving in and the building has been vandalized. The lien amount due on this parcel is \$22,806.18. The second parcel was deeded to the State of Arizona in 1990 and the lien on that parcel is \$364.71. If the Board authorizes this request, Ms. Sheppard will issue 2 Quit Claim Deeds selling the parcels to Gila County for \$1.00 each. That will enable the Board to sign other paperwork allowing Entact to test the soil and clean up the site. Upon completion of same, the County will have 2 cleaned parcels, with the costs for cleanup borne by ASARCO, and with the prospect of the County selling them for a higher amount. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved allowing the Chief Deputy Clerk to proceed with the administrative process of selling Assessor's tax parcel numbers 101-07-025 and 101-07-162 to Gila County for the sales prices of \$1 per parcel and authorizing the Chairman's signature on the quit claim deeds.

At this time, Chairman Dawson stated that the Board would postpone Agenda Item number 7 until 11:15 a.m., the time posted on the agenda.

Item 8 - CONSENT AGENDA ACTION ITEMS:

- A. Approval to ratify the Chairman's signature on Solicitation Amendment No. 1 to Solicitation (Grant Application) No. HP961245 to revise certain pages of the Grant Application as required by the Arizona Department of Health Services. Said Grant Application was approved by the Board of Supervisors on March 24, 2009.**
- B. Approval of Amendment No. 2 to an Intergovernmental Agreement (Contract No. HG861383) between the Gila County Division of Health and Community Services and the Arizona Department of Health Services to reduce County Pre-Natal Block Grant funding for the remainder of the grant year from July 1, 2008, through March 31, 2009.**
- C. Approval of the reappointments of Peter J. DeNinno and Arthur E. Lloyd as Superior Court Judges Pro Tempore for the period July 1, 2009, to June 30, 2010.**
- D. Approval of an application submitted by James Krueger to permanently extend the premises/patio of the Shamrock Bar located in Claypool, AZ.**
- E. Approval to appoint William A. Byrne to the Industrial Development Authority Board of Directors for the period April 7, 2009, through May 14, 2013, to fill Michael Pastor's term.**
- F. Approval to reappoint Mitch Malkovich to the Gila County Personnel Commission Board for the period April 7, 2009, through December 31, 2011.**
- G. Approval to appoint the following as members to the Census 2010**

Complete Count Committee for Gila County: Jesse Bryant, Eric Mariscal, Sadie Tomerlin-Dalton, Debi Savage, Linda Eastlick, Carmen Casillas and Ken Volz.

H. Approval of the February 17, 2009, February 24, 2009, and March 3, 2009, BOS meeting minutes.

I. Approval of the February 2009 monthly departmental activity report submitted by the Clerk of the Superior Court.

J. Approval of personnel reports/actions for the week of April 7, 2009.

Departure from County Service:

1. Rick Cayouette – Probation – Juvenile Detention Officer – 04-04-09 – General Fund – DOH 01-07-08 - Resigned

Hire to County Service:

2. Forrest Miller - Health and Community Services – Animal Regulation Enforcement Officer II – 04-06-09 – Rabies Control Fund – Replacing Mark Boyd – Position vacant as of 01-05-09

End Probationary Period:

3. Kyle Mann – County Attorney – Deputy Attorney – 03-16-09 – General Fund
4. Janice McGann – County Attorney – Administrative Clerk – 04-13-09 – General Fund

Request Permission to Post:

5. Public Works Automotive/Equipment Maintenance – Vehicle and Equipment Maintenance Supervisor – Position vacated by Hulbert Sprague retirement date 07-30-09

Position Review:

6. Celina Corona – Probation – Surveillance Officer – 03-30-09 – From 50% Adult Intensive Probation Supervisor Fund– 50% Juvenile Intensive Probation Supervisor Fund – To 50% General Fund – 50% Adult Probation Services Fee Fund
7. Danny McKeen – Probation – Surveillance Officer – 03-30-09 - From 50% Adult Intensive Probation Supervisor Fund– 50% Juvenile Intensive Probation Supervisor Fund – To 50% General Fund – 50% Adult Probation Services Fee Fund

SHERIFF'S PERSONNEL ACTION ITEMS

Hires to County Service:

8. Victoria Garcia – Sheriff's Office/Globe – Detention Officer – 04-13-09 – General Fund – Replacing Brett Rye
9. Wade Haynie – Sheriff's Office/Globe - Detention Officer – 04-13-09 – General Fund – Replacing Sharon Brewer

Revision:

Departure from County Service:

10. Misty Osborn – Sheriff's Office/Globe – Detention Officer – From 5-18-09 to 04-02-09 – General Fund

K. Approval of finance reports/demands/transfers for the week of April 7, 2009. (separate handout)

\$1,464,315.16 was disbursed for County expenses by check numbers 216763 through 216799 and 216801 through 216933. **(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 8A-8K.

Item 9 - CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address issue(s) within the Board's jurisdiction. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further discussion and decision at a future date.

There were no requests to speak from the public.

Item 10 - 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.

At 10:52 a.m., Chairman Dawson called for a brief recess until 11:15 a.m., the time advertised for hearing agenda item number 7.

At 11:15, Chairman Dawson reconvened the regular session to address agenda item number 7.

Item 7 – Information/Discussion/Action - Status of the Courts - to approve the appointment of John Perlman as Globe Regional Justice of the Peace Pro Tempore for the period of April 2, 2009, through April 1, 2010.

Chairman Dawson turned the meeting over to Peter Cahill, Presiding Judge of the Superior Court. Judge Cahill stated that he wished to address the Board for 2 purposes, one of which was to answer any questions the Board may have in regard to developments that occurred last week in the Globe Regional

Justice Court (GRJC), which was precipitated by an Order issued by the Chief Justice of the Arizona Supreme Court placing administrative control of this Court into his hands in the Gila County Superior Court. There is a plan in place to respond to that Order and an important part of that plan is the second reason he wished to address the Board. He requested approval to appoint John Perlman as Judge Pro Tempore of the GRJC. He became aware that there were significant problems in the GRJC a year ago and at that time he met with the parties involved and then requested an investigation by the Administrative Office of the Courts; however, that request was denied. A plan was agreed upon that Judge Patty Nolan would address the administrative issues that were identified and it appeared that she had made some progress. Then earlier this year additional problems and the problems that Judge Cahill thought had been resolved were brought to his attention and again he petitioned the Administrative Office of the Courts for auditing assistance. Approximately a month ago, the Administrative Office of the Courts performed a 3-day audit of the administrative and financial procedures. They were so concerned with the problems they identified, that the Chief Justice issued an Order last week. The auditors are back in the GRJC this morning for another 3 days of furthering their investigation. A temporary plan is in place and consists of 2 parts. One part is to make sure the administrative issues identified by the Supreme Court are addressed so the GRJC is run properly. Jacque Durbin of the Superior Court Administrative Offices has been delegated and assigned to achieve those tasks and do the work. The other part of the plan is that because Judge Patty Nolan has been relieved of her duties subject to his assignment, he needs some judicial assistance and Mr. Perlman has both the ability and the skills to do that working closely with Ms. Durbin. Mr. Perlman is willing, on a temporary basis, to be the Pro Tempore Judge for the GRJC. He expects that within a 3-4 month time frame, Ms. Durbin and Mr. Perlman working together will bring the GRJC up to standards, applying both the financial management and case management standards that are so lacking. Judge Cahill stated that what happens at the completion of the time frame will likely be out of his hands. Judge Cahill stated that he does not know whether the Administrative Office of the Courts will file a judicial claim against Judge Nolan, but he has to be prepared as soon as possible to turn the GRJC back over to Judge Nolan. In the meantime, Judge Cahill has assigned Judge Nolan to assist Judge Dorothy Little in the Payson Regional Justice Court for a couple of reasons. He knows that Judge Little is working hard at her job and could use some help as she often has to call in Judge Weeks and Judge McDaniel to provide relief and with Judge Nolan assisting it will perhaps reduce the costs to the County for outside judges. Another reason for providing assistance to Judge Little is that she runs a high quality, well administered court and has assisted him with the GRJC situation by coming to Globe and addressing the 70+ cases that were on the schedule. In addition, Judge Little is in Globe today along with her Chief Financial Assistant helping to put in place the first steps to organizing the GRJC and Judge Nolan is taking her place on the bench in the Payson Regional Justice Court. Judge Cahill is unsure at this time when Judge Nolan will be allowed to return to work in Globe. Judge Cahill stated that in regard to

finances, Mr. Perlman will need to be paid, assuming the Board approves his appointment. It will be a full-time job for this temporary period and Mr. Perlman will be paid from funds that are available in the GRJC budget. Ms. Durbin, who will have to temporarily set aside her duties, will also be working in the GRJC full time; however, she is a County employee so that will not create any financial burden on the County. He is confident that these two people will be able to put a plan in place. Judge Cahill will also utilize Judge Nolan's services as best he can as she will continue to be paid while in office. He stated that what happens next with any judicial complaint or what the results will be is beyond his control. His job is to return, as soon as possible, the control of the GRJC back to the elected official. He assured the Board that the GRJC will be in good shape and there will be plans in place to ensure that the financial and case management plan that will be developed will be complied, so these problems do not arise in the future. Judge Cahill inquired if the Board had any questions and requested that the appointment of John Perlman be approved. Chairman Dawson thanked Judge Cahill for the speedy manner in which he took action to follow the Supreme Court Order. Chairman Dawson stated that she did not feel that it would be appropriate for the Board to ask any questions at this time and if individual Board members had particular questions, she encouraged them to meet with Judge Cahill after the meeting. She also thanked Judge Cahill for addressing the financial issues because of the County being in financial constraints at this time. Vice-Chairman Martin thanked Judge Cahill for having a plan in place that would address and resolve the problems. Judge Cahill stated that Daisy Flores, County Attorney, played an active role in bringing these issues to his attention and he thanked her for her involvement. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved the appointment of John Perlman as Globe Regional Justice of the Peace Pro Tempore for the period of April 2, 2009, through April 1, 2010.

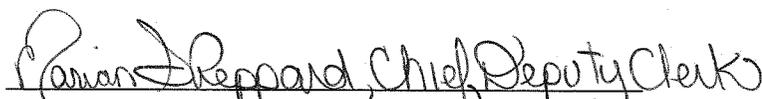
There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 11:29 a.m.

APPROVED:



Shirley L. Dawson, Chairman

ATTEST:



Steven L. Besich, County Manager/Clerk