

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

Date: January 5, 2010

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, Supervisor; Jacque Griffin, Assistant County Manager/Librarian; 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 in the Board of Supervisors hearing room. Bryan Chambers led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church in Globe delivered the invocation.

Item 2 - Recognition of 4 employees for November’s “Spotlight on Employees” program.

Juley Bocardo-Homan, Deputy Personnel Director, presented gift cards as recognition awards to 4 employees for November’s “Spotlight on Employees” program, as follows: David Rogers, Josephine Goode and Eric Mariscal of the Elections Department and Deputy Virgil Dodd of the Sheriff’s Office who was selected last month, but was unable to attend the meeting. Each Board member thanked the employees for their dedicated work.

Item 3 - Information/Discussion/Action to adopt Proclamation No. 10-01 proclaiming January 11-15, 2010, as National Influenza Immunization Week in Gila County, with January 14th being proclaimed as Influenza Vaccination Immunization Day in Gila County.

Dave Fletcher, Director of the Division of Health and Community Services, stated that January 11-15, 2010, is National Influenza Immunization Week and in light of that Gila County is requesting a Proclamation in conjunction with same. He advised that there are still 4 months of influenza season so it is not too late to be vaccinated and there is ample vaccine available. The County

is still expecting a spike in the number of people becoming ill with both the swine flu and the seasonal flu and he encouraged everyone to get vaccinated. Mr. Fletcher stated that on January 14, 2010, the County is conducting a community vaccination clinic in Globe at the Chamber of Commerce from 9:00 a.m. to 2:00 p.m. and in Payson at the County's Health Office from 9:00 a.m. to 11:00 a.m. and again from 2:00 p.m. to 4:00 p.m. The swine flu (H1N1) is free and the seasonal flu vaccine is free for children up to the age of 19 and for individuals over 19, the cost will be \$30. Raffles will also be held for incentives for people to come out and get their shots. He stated that approximately 10,000 swine flu vaccines have been given within the County. The total flu shots given this year are about 20% of the population and it has usually been at 40% in the past. Flu shots are also available at the County's Health Department. Mr. Fletcher read aloud the Proclamation. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously adopted Proclamation No. 10-01. **(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 City of Globe to provide the City with emergency computer services for the period January 1, 2010, through December 31, 2012.

Darryl Griffin, IT Department Director, stated that Steve Stratton, Public Works Division Director, would provide some background information on this agenda item. Mr. Stratton stated that the City of Globe Police Department called the County's IT Department requesting some assistance with their computer systems because of concerns about confidentiality in regard to the Police Department records. Mr. Stratton agreed to allow the County's IT Department to provide some assistance. Later Mr. Stratton spoke to Globe City Manager Kane Graves and told him that in the future there would need to be an Intergovernmental Agreement (IGA) in place for such emergencies. Mr. Stratton emphasized that the County did not want to interfere or compete with private enterprise; however, the City could contact the County's IT department on an emergency basis and for confidentiality purposes. Mr. Griffin then requested approval of the IGA with the City of Globe for emergency computer services for a period of 2 years from January 1, 2010, through December 31, 2012, with an automatic renewal of 2 consecutive 1-year periods. The County will charge the City of Globe the hourly salary plus benefits of each employee responding and an administrative fee of 5% of the total cost to recover the County's costs for the emergency services. Chairman Dawson inquired if the County was reimbursed the last time emergency services were provided. Mr. Griffin stated that the County was not reimbursed for the services that took approximately 2 hours. Chairman Dawson inquired of Mr. Griffin if he contemplates many actions with the City of Globe. Mr. Griffin stated that he hoped not. He stated that the County hasn't received a lot of calls and any future calls will be filtered through the City's Financial Manager to the County's IT Department to determine whether the request is relevant. Vice-Chairman Martin inquired if the County was going to offer these services to

other cities and towns within the County. Mr. Griffin replied that the County would provide these services on a per basis situation. He advised that in the past the County has helped the Town of Miami. Mr. Griffin would like to see the City of Globe hire its own technical person who can go through the clearance process and provide the City with assistance at a higher level, but unfortunately at present there are not many people in the local area who are qualified to provide these types of services, particularly in the area of security. The County IT Department will do what it can to help as long as it is legitimate. Chairman Dawson stated, "But you're not going to go out and solicit building a business?" Mr. Griffin replied that the County IT Department does not have the resources as it is, but will help when it can. Mr. Stratton stated that through the County's cooperative purchase agreements with the other cities/towns, it is hoped that the cities/towns will use the contractors that the County uses for these purposes. Marian Sheppard, Chief Deputy Clerk, requested that Mr. Griffin clarify the period of time for this IGA as the agenda item states that the IGA is for the period of January 1, 2010, through December 31, 2012, which is 3 years and not 2 years as listed on the agenda. Mr. Griffin replied that the IGA should be for a period of 2 years from January 1, 2010, through December 31, 2011. Ms. Sheppard stated that she would have the IGA dates corrected. Vice-Chairman Martin inquired if an IGA would need to be in place should the County provide this emergency service to other cities and towns. Chairman Dawson stated that an IGA should be required; however, she did not believe the County should go out soliciting work. She stated, "I would prefer that we do this because there has been a need, but I believe that IT departments within cities/towns are essential and these other entities need to develop their own rather than rely on the County to come up with emergency assistance to them." Vice-Chairman Martin agreed with Chairman Dawson and she emphasized that if the County is going to provide these emergency services to the City of Globe; they should be made available to all entities within the County and an IGA should in place with the entity. Chairman Dawson stated if that situation develops, then the County would need to have IGAs in place. Mr. Griffin stated that the factor with being local makes a big difference to the County because of travel and time required for other areas. Supervisor Pastor inquired of Mr. Griffin if he believes there will be a lot of needed emergency repairs. Mr. Griffin believes that the County will receive no more than 2-3 requests per year. Supervisor Pastor suggested that the length of the IGA be changed from 2 years to 1 year and then renew it yearly to encourage those entities to be aware that they should be looking for IT services on their own simply because the County's IT Department is already stretched so thin. Vice-Chairman Martin stated that she completely supported the 1-year contract. Mr. Griffin stated that he would be willing to amend the IGA to one year if that was the Board's wishes. Mr. Stratton recommended that the Board approve a 1-year contract with 2 1-year renewal periods if that meets with approval by the County Attorneys' Office. Bryan Chambers, Chief Deputy County Attorney, stated that the Board could vote to amend the IGA; however, the IGA has already been approved by the Globe City Council, so it would have to be returned to them for re-approval. Chairman Dawson did not believe that would be a problem. Upon motion by Supervisor Pastor, seconded by Vice-

Chairman Martin, the Board unanimously approved an Intergovernmental Agreement with the City of Globe to provide the City with emergency computer services for a 1-year period from January 1, 2010, through December 31, 2010, with an automatic renewal of 2 consecutive 1-year periods. Vice-Chairman Martin questioned the 2 automatic renewals. Mr. Stratton stated that in speaking with Mr. Chambers, he recommended that it be “with the option of 2 1-year extensions” and not automatic renewals. Supervisor Pastor changed his motion to approve an Intergovernmental Agreement with the City of Globe to provide the City with emergency computer services for a 1-year period from January 1, 2010, through December 31, 2010, with the option of 2 1-year extensions. The motion was seconded by Vice-Chairman Martin and unanimously approved by the Board.

Item 5 – Information/Discussion/Action to consider increasing landfill charges for brush bins, brush and minimum load.

Steve Stratton stated that the County has filed for a 30-year expansion of the Russell Gulch landfill. Over the past several months, 11 items in the landfill records have been reviewed to determine those areas in which the County is losing money or breaking even. He opted to bring the 3 items where the landfill is losing money to the Board. In a report received today, the landfill revenues are down 21.5% through the first 6 months of the year compared with the first 6 months of last year. About 5 years ago the County reduced the brush rate for green waste from \$44 per ton to \$22 per ton to encourage people to make their homes and businesses fire safe. The County has had to handle a lot of brush that has come into the landfills. Mr. Stratton requested that the fee not be increased to the original \$44 per ton, but that the fee is increased to \$34.50 per ton, which would generate an additional \$18,000 per year. He also stated that brush bins have been provided by the County for free in the past or at times for \$100, mostly to the subdivisions for cleanups. Mr. Stratton stated that the County is losing money on the bins and his initial thought was to request a \$250 bin fee; however, with the cross boundaries money, the U.S. Forest Service purchased 2 new bins at no cost to the County, so he requested that a bin fee of \$150 be charged which would keep the County from unfairly competing with private enterprise. The third item that was reviewed was tipping fees. Approximately 10 years ago when the tipping fees were increased for the general public and for the commercial haulers, the Board reduced the minimum fee to \$2 and then later it went up to \$3 and now he was requesting that the fee be increased to \$5 for anything under 100 lbs. This would not increase the tipping fees across the scales for commercial or residential. That increase would provide an additional \$24,000 per year. All 3 of these items combined would generate a projected additional income of \$50,000 per year. Chairman Dawson had a concern about the increases particularly the brush fees. She is concerned that perhaps people would dispose of the brush at locations other than the landfill rather than paying a landfill fee. She inquired about the cost for the County to clean up the brush disposed at illegal sites versus the increased rates. She stated, “It’s hard to operate a business that isn’t at least paying for itself, but it’s also difficult to ask people to pay more.”

Vice-Chairman Martin stated that she approved of the increases with the exception of the brush bins because they are a visible sign of the County's presence of assistance to the folks in those communities in northern Gila County; however, she didn't like having to repair the bins when people abuse the privilege of having the free bins in their communities. She would like to see if more cross boundaries revenue would be available for the bins. Mr. Stratton stated that he didn't disagree with Vice-Chairman Martin's philosophy; however, the County doesn't even charge for the waste coming in across the scales in those bins, so the County has to generate revenue from other sources - whether it's from cross boundaries funds, a tipping fee across the scale or a set fee to deliver and pick up bins. Mr. Stratton stated that the County is just losing too much money on the bins, and he was open to suggestions. Vice-Chairman Martin stated that she would try to find more money to help support the free brush bin program. Supervisor Pastor stated that he visited both of the landfills and saw the amount of work involved in just handling the regular trash and that handling the brush is a huge job, especially in Payson. Supervisor Pastor noted that at the landfill in Globe the brush is not even hauled off anymore as no one will come and get it. It is just covered over with dirt and that's creating space problems. Some of the bins have paid for with Supervisor Pastor's constituency funds for cleanup projects in his supervisorial district. Supervisor Pastor also noted that a possible problem with raising rates may affect the County's Code Enforcement program through the Planning and Zoning Department, which is a program to force property owners to clean up their properties. He has received phone calls from constituents requesting a waiver of the fees when having to clean up their properties. He wondered if raising the minimum rates too much could create another trash problem in the neighborhoods. He also added that if the taxpayers expect the County to provide these services, then unfortunately the County also has to at least try and break even with the costs. He agreed that the increased rates are probably necessary, but also requested that a report be provided to the Board within 6 months to determine the effect this increase has on the process. Chairman Dawson stated that she knows the plastic recycling program is losing money; however, she felt it is critical to continue with the program. She believes it is necessary for the County to make up money in some manner in order to continue to offer the services. She will also search for other funding to keep from having to raise rates in the future. Mr. Stratton stated that he has spoken to the Tri-City Fire District to get an agreement back in place to allow the County to burn the brush at the Russell Gulch Landfill instead of using up the space saved in recycling for burying brush. Vice-Chairman Martin stated that the County needs to work on turning the brush into a product or at least be able to burn it because "it's nuts" having to bury brush, which is "not the County's doing but rather the society and culture we are dealing with." She agreed that these increases are going to be necessary. The Board discussed the possibility of turning the brush into chips. Sharon Radanovich, Recycling and Landfill Management Department Manager, stated that the County has a small chipper; however, it is very labor intensive and constantly plugs up so it takes a lot of technical skill to keep it running. Vice-Chairman Martin suggested finding someone who could turn the brush into a mulching

business. Chairman Dawson stated that she knew the San Carlos Apache Tribe used to have a big chipper at the sawmill and wondered if the County could work out an intergovernmental agreement with the Tribe and deliver the brush to the sawmill area. Chairman Dawson requested that Mary Kim Titla, Tribal Liaison for Gila County, work on the possibility of reaching an agreement with the Tribe. Mr. Stratton stated that he would like to make two points to the Board and to the public as follows: 1) The landfill is an enterprise fund, it relies on no general fund monies to operate and it is completely self-sufficient and 2) In the past there was a long-range plan set by previous Boards that included long-range tipping fee increases. In 2002, 2003 and 2004, the County opted not to implement those increases because the landfill was doing fine at the time, but with the projected expansion, the County has to raise funds in order to comply with the Arizona Department of Environmental Quality (ADEQ) requirements and construction. Supervisor Pastor stated to Mr. Stratton that since the landfill is an enterprise zone and the County is required to project how long each landfill will remain open and how the County has reclaimed some of the dumps over the years, he inquired if the landfill fund is a restricted fund and used only for landfill purposes. Mr. Stratton replied, "The landfill is an enterprise zone and those funds that we do collect stay pretty much with the enterprise funds as far as I know. A lot of the funds we collect we do have to pay into accounts that are foreclosure funds that would ensure to ADEQ and other entities that the County does have the funds to close those landfills that do become full." Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved increasing the following landfill charges: brush bin fees will be charged at \$150.00 per bin; brush costs will be increased from \$22.00 per ton to \$34.50 per ton; and the minimum charge per load will increase from \$3.00 per load to \$5.00 per load for anything under 100 lbs.

Item 6 - Information/Discussion/Action to authorize the advertisement of Request for Sealed Bids No. 121509-1 for the Public Works Complex Underground Utilities Project pending approval by the Arizona Department of Environmental Quality (ADEQ) on the Permits and Scope of Information sections of the bid and subject to the County Attorney's review and approval as to form.

Mr. Stratton stated that this item is worded differently because the County is trying to meet certain schedules with the new project located next to the hospital. He stated that yesterday the County received the specifications and contract language, which will be submitted to Bryan Chambers of the County Attorney's Office for approval. Also, the final drawings will be received on Monday. He would like this Request for Sealed Bids to be advertised on January 13 and 20, 2010. ADEQ has approved 2 portions of this Request for Sealed Bids and Mr. Stratton believes the last portion will be approved this week. Mr. Stratton stated that he wanted to get permission to advertise and he assured the Board that procedure would be followed through the County Attorney's Office prior to advertising. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously authorized the

advertisement of Request for Sealed Bids No. 121509-1 for the Public Works Complex Underground Utilities Project pending approval by the ADEQ on the Permits and Scope of Information sections of the bid and subject to the County Attorney's review and approval as to form.

Item 7 - Information/Discussion/Action to approve an Intergovernmental Agreement (IGA) for Cooperative Purchasing between Gila County and the Town of Miami, which will improve the efficiency or economy of the procurement of necessary materials and/or services for both the County and the Town.

Mr. Stratton addressed agenda items 7 and 8 together as they are both IGAs for cooperative purchasing. He noted that similar cooperative purchasing IGAs with cities and towns have recently been presented to and approved by the Board. The IGAs allow these entities to piggyback off of the County's agreement with other entities. Supervisor Pastor inquired if the IGA with the Town of Miami would be valid as he understands the Town's Deputy Clerk, who signed the IGA in December, is no longer employed by the Town of Miami and these dates are for approval in January. Mr. Stratton deferred to Bryan Chambers of the County Attorney's Office. Mr. Chambers stated that if the Deputy Clerk was employed by the Town of Miami at the time that she signed the IGA, it would be valid. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved an IGA for Cooperative Purchasing between Gila County and the Town of Miami (agenda item 7) and also approved an IGA for Cooperative Purchasing between Gila County and the Pine-Strawberry Water Improvement District (agenda item 8), which will improve the efficiency or economy of the procurement of necessary materials and/or services for Gila County, Town of Miami and the Pine-Strawberry Water Improvement District.

Item 8 - Information/Discussion/Action to approve an Intergovernmental Agreement for Cooperative Purchasing between Gila County and the Pine-Strawberry Water Improvement District, which will improve the efficiency or economy of the procurement of necessary materials and/or services for both the County and the Pine-Strawberry Water Improvement District.

See discussion and motion under agenda item number 7 above.

Item 9 - Information/Discussion/Action to approve Professional Services Contract No. 6500.505/01-2010 between Gila County and Sheldon Miller whereby consulting services will be provided for various highway projects in Arizona and with the Arizona Department of Transportation (ADOT) in a not to exceed amount of \$20,000. Contract period shall be for one year.

Chairman Dawson stated that she received a phone call regarding this item; however, she does not believe the County is wasting money when someone is hired to do a specific job to assist the County. She stated that with Mr. Besich being ill, the Board cannot attend every meeting at the "drop of a hat." With

the issue of available federal economic stimulus funds being pursued by so many government agencies, it is imperative that the Board has a person to attend those meetings on the Board's behalf who is knowledgeable about Gila County issues; otherwise the County will lose an opportunity to obtain those federal funds. She believes the hiring of this consultant is a small investment in that effort. Vice-Chairman Martin stated that she believes some of the best money this County ever spent was in hiring Ingo Radicke as a consultant and she believes the County could not find anybody better to follow in Mr. Radicke's footsteps other than Sheldon Miller. Chairman Dawson gave the example of Gila County working with Pinal County to improve the safety of the road to Phoenix because of the work done by Mr. Radicke during the time he served on the Arizona Department of Transportation Board of Directors and she wished he were alive to enjoy the completion of the road. Mr. Stratton stated that Mr. Radicke filled this position for many years and was a great asset to Gila County and the Public Works Division. Mr. Stratton stated that he and Mr. Besich discussed this position and because of Mr. Miller's background both in Globe and Safford and his involvement with economic development and the ADOT Board, they both felt that Mr. Miller was a person that could fill this position. He believes it would be a good investment for the County. Supervisor Pastor agreed that the position needed to be filled, however, the Contract would be for a full year with the County's fiscal year ending June 30th. His concern was about possible costs the State may still pass down to the counties in trying to balance the State budget that could be very critical for the counties. He recommended that the Contract be changed to six months and then reviewed again for the next budget year. Vice-Chairman Martin stated that she would prefer to give Mr. Miller the security of a year's contract with the County. Mr. Stratton stated that he would do whatever the Board wishes, but he noted that there is a section in the agreement (page 20, item 2) which stipulates that the work is to be coordinated through the Public Works Division Director and is subject to continuation of available funding, so that would address Supervisor Pastor's concern. He also noted that this Contract will be paid from Highway User Revenue Funds (HURF) and not with general fund money. He stated that the term of the new Chairman of the ADOT Board will be from January to December and emphasized that the continuation of that relationship with the Chairman is crucial to Gila County. Chairman Dawson stated that even though this Contract will be funded with HURF dollars, as the State continues to sweep funds and make cuts to balance its budget, the HURF dollars could also be in jeopardy including next year's budget. She believes the hiring of Mr. Miller will be a small investment for Gila County. Supervisor Pastor requested a copy of the monthly reports that Mr. Miller will be providing to Mr. Stratton. Mr. Stratton stated that the majority of the monthly reports will be verbal, but he would be happy to share those with the Board or the Board could visit with Mr. Miller. Vice-Chairman Martin stated that in the past Mr. Radicke periodically presented a report to the Board and she would prefer that Mr. Miller did the same. Mr. Stratton suggested that he and Mr. Miller could give a 6-month report to the Board. Mr. Stratton then introduced Mr. Miller to the Board. Mr. Miller stated that it was a pleasure to be here and he stated, "filling in for Mr. Radicke will be some big shoes to fill." He thanked the Board for this

opportunity. Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously approved Professional Services Contract No. 6500.505/01-2010 between Gila County and Sheldon Miller whereby consulting services will be provided for various highway projects in Arizona and with the Arizona Department of Transportation in a not to exceed amount of \$20,000 for a period of one year.

Item 10 - Information/Discussion/Action to approve the purchase of parcel no. 207-07-001, 5836 South Russell Road Globe, AZ, in the amount of \$106,074.28 (estimated fees included) to be used as part of the new Public Works Complex.

Mr. Stratton stated that the Board had previously approved the purchase of this property known as the Keller property; however, he neglected to get approval from the Board authorizing the chairman to sign the necessary paperwork and to request the Board's approval of the total cost of \$106,074.28, which includes the closing costs. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved the purchase of parcel no. 207-07-001, 5836 South Russell Road Globe, AZ, in the amount of \$106,074.28 (estimated fees included) to be used as part of the new Public Works Complex.

Item 11 - 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, Chief Deputy Clerk, stated that in 2005 the Board adopted this policy regarding a requirement that all County employees must officially disclose in writing any possible conflicts of interest. In Section 3 of the Policy, it is noted that the Chief Deputy Clerk shall remind everyone including elected officials and department heads of this policy each January. Chairman Dawson stated that if any employee has a company that does business of any type with Gila County, they need to contact Ms. Sheppard and go over this policy. No action was required by the Board.

Item 12 - Information/Discussion/Action to elect a Chairman and/or Vice-Chairman for the Board of Supervisors, to be effective on January 12, 2010.

Chairman Dawson stated that she had previously suggested that this Board follow the policies of both Graham and Greenlee Counties whereby the Chairman position is rotated every 16 months. She noted that in the past Chairman Sanchez served as Chairman of this Board for 4 years. She stated that Supervisor Pastor requested that this issue be placed on the agenda once before and she had removed it thinking it was a mute issue; however, he has requested it be placed on the agenda again, so the Board will discuss it. Supervisor Pastor stated that at a meeting in January 2009, Chairman Dawson

only suggested rotating the Chairman position every 16 months and that the Board would review it at a later time; however, it has never been discussed again. Supervisor Pastor explained that his request to have this item placed on a Board meeting agenda was for the Board to be able to discuss this issue and that discussion could not take place other than in an open public meeting; otherwise, the Board would be violating the Open Meeting Law. He has had people inquire if the Board Chairman was going to change and Mr. Besich had advised him that it would be up to the Board to make that decision. His suggestion was that since the entire Board was present, he wanted to open up a discussion as to whether the Board preferred to go with the 16-month rotation or if it wished to elect a new Chairman. All three Board members stated that they had no preference; however, Vice-Chairman Martin stated that if the Board did change now, it needed to decide if each Board member would serve as Chairman for 16 months and then decide on the last 16 months who would be best to serve that term. Vice-Chairman Martin stated that if the Board did change now, she was going to suggest that Supervisor Pastor serve as the next Chairman of the Board as he is the current Board liaison for the County Supervisors Association (CSA) for the legislature, which is something she has not been involved with yet. Vice-Chairman Martin was going to request that she be appointed as the CSA liaison for the years 2011 and 2012 because she believes it strengthens your position if you're the Chairman while also serving as the CSA liaison. Vice-Chairman Martin stated that another reason she would recommend Supervisor Pastor as the next Chairman is because she believes this is a serious year for getting funding for the Tonto Creek Bridge. If the County does not receive the funding this year, it will be another 6-year wait. She understands that Supervisor Pastor will be going to Washington, D.C. a couple of times this year and to attend meetings in Washington as the Chairman of this Board would carry more weight in any conversation. Supervisor Pastor stated that he would like to be the Chairman; however, he didn't have a problem continuing with the 16-month proposal at this time. After continued discussion, it was the consensus of the Board that no formal action was necessary at this time. Chairman Dawson would continue as the Chairman for this 16-month period and then this issue will again be placed on a Board meeting agenda at the end of April 2010.

Item 13 - CONSENT AGENDA ACTION ITEMS:

A. Approval to re-advertise Statement of Approval of the following 4 Election Services Agreements with the Gila County Recorder: 1) City of Globe for March 9, 2010, and May 18, 2010, Mayoral/City Council Primary and General Elections; 2) Town of Payson for March 9, 2010, and May 18, 2010, Mayoral/City Council Primary and General Elections; 3) Town of Star Valley for March 9, 2010, and May 18, 2010, Mayoral/City Council Primary and General Elections; and 4) Town of Hayden for March 9, 2010, Special Election-APS Franchise. All elections will be conducted by all mail ballots.

- B. Approval of Amendment No. 2 to Contract No. DES0800 between the Arizona Department of Economic Security/Rehabilitation Services Administration and Gila County d/b/a Gila Employment & Special Training to extend the contract period from March 1, 2010, through February 28, 2011, for the continued provision of job development and placement services.**
- C. Approval of Amendment No. 4 to Agreement for Energy Wise Low Income Weatherization Program Implementation between the Gila County Division of Health and Community Services and Arizona Public Service Company in the amount of \$60,000 to provide weatherization to income-eligible clients for the period January 1, 2010, through December 31, 2010.**
- D. Approval to appoint Sheldon Miller to the Central Association of Governments' (CAAG) subcommittee Comprehensive Economic Development Strategy (CEDS) representing Gila County.**
- E. Approval of Modification No. 4 to Contract No. CMKOL090002 between Gila County, on behalf of the Gila County Juvenile Detention Center, and the U. S. Department of the Interior, Bureau of Indian Affairs to increase the contract amount by \$123,000; from \$72,245 to \$195,245.**
- F. Approval of a Memorandum of Understanding (No. HU052171) between the Gila County Office of Health and the Arizona Department of Health Services to provide STD testing through the Title V Family Planning Program for 3 years, from January 1, 2010, through December 31, 2013.**

(The Board corrected this item to be for a period of 4 years and not 3.)

- G. Approval of the December 1, 2009, BOS meeting minutes.**
- H. Approval of the November 2009 monthly departmental activity reports submitted by the Globe and Payson Regional Justices of the Peace, Payson Regional Constable, Clerk of the Superior Court and Recorder.**
- I. Approval of the personnel reports/actions for the weeks of December 22, 2009, December 29, 2009 and January 5, 2010.**

December 22, 2009:

Departure from County Service:

1. Manuel Rocha – BOS – Temporary Laborer – 12/04/09 – Constituent Services II Fund – DOH 09/08/09 - Temporary position
2. Carl Russell – BOS – Temporary Laborer – 05/24/09 – Constituent Services II Fund – DOH 03/09/09 – Temporary position

Hire to County Service:

3. Elizabeth Mata – Elections – Administrative Clerk – 01/04/2010 – General Fund – Replacing Eric Mariscal

Temporary Hire to County Service:

4. John Canez – BOS – Temporary Laborer – 12/14/09 – Constituent Services II Fund
5. Samuel Leverance – Temporary Surveyor Assistant – Public Works Survey – 12/21/09 – Public Works Fund

Request Permission to Post:

6. Public Works/Automotive Equipment Maintenance – Automotive Service Worker – Position vacated by Daniel Nyberg – Availability Date 12/13/09

SHERIFF'S PERSONNEL ACTION ITEMS

Departure from County Service:

7. Patricia Dodd - Sheriff's Office – 911 Dispatcher – 12/14/09 – General Fund – DOH 11/23/09 – Resignation
8. April Fogle - Sheriff's Office – 911 Dispatcher – 12/22/09 - General Fund – DOH 01/15/03 - Resignation

December 29, 2009:

Departure from County Service:

1. Jane Lien - Health and Community Services – Community Health Assistant – 12/15/09 – WIC Fund – DOH 07/01/09 – Failure to complete probationary period

End Probationary Period:

2. Dave Franquero - Health and Community Services – Career and Employment Specialist – 12/07/09 – WIA Funds

Position Review:

3. John Canez – BOS – Temporary Laborer – 12/16/09 – Constituent Services II Fund – Extended employment by one week

Request Permission to Post:

4. Health and Community Services – Career and Employment Specialist/Casa Grande – Position vacated by Pamela Wagner

SHERIFF'S PERSONNEL ACTION ITEMS

Position Review:

5. Layne Johnson - Sheriff's Office – Deputy Sheriff – 12/21/09 - General Fund – Changing position control number
6. Pete Licavoli - Sheriff's Office – Deputy Sheriff SRO – 12/21-09 – General Fund - Changing position control number
7. Thoreina Hensley - Sheriff's Office – Deputy Sheriff – 12/21/09 – General Fund – Changing position control number

January 5, 2010:

End Probationary Period:

1. Raymond Geiser – County Attorney – Deputy County Attorney Sr. – 09/21/09 – General Fund
2. Pascal Brown – County Attorney – Deputy County Attorney Sr. – 07/01/09 – General Fund

3. James Parker – County Attorney – Deputy County Attorney Sr. - 01/18/10 – Drug Prosecution Recovery Act Fund
4. Lacy Hakim – County Attorney – Deputy County Attorney Sr. – 07/01/09 – General Fund
5. Travis Hillery – Public Works Consolidated Roads – Road Maintenance/Equipment Operator Sr. – 01/04/10 – Public Works Fund
6. Ray Carpenter – Public Works Consolidated Roads – Road Maintenance/Equipment Operator Sr. – 01/04/10 – Public Works Fund
7. Adrian Mata – Public Works Consolidated Roads – Road Maintenance/Equipment Operator Sr. - 01/04/10 – Public Works Fund

Position Review:

8. Chris Phillips – Health and Community Services – Accounting Clerk – 12/21/09 – Change in fund codes

SHERIFF’S PERSONNEL ACTION ITEMS

Hire to County Service:

9. Nancy Neumann - Sheriff’s Office – Administrative Clerk – 01/04/10 - General Fund - Replacing Kathryn Davis

J. Approval of finance reports/demands/transfers for the weeks of December 22, 2009, December 29, 2009 and January 5, 2009. (separate handout)

December 22, 2009:

\$707,106.41 was disbursed for County expenses by check numbers 223144 through 223340.

December 29, 2009:

\$1,883,778.65 was disbursed for County expenses by check numbers 223341 through 223543.

January 5, 2010:

\$159,188.16 was disbursed for County expenses by check numbers 223544 through 223647. **(An itemized list of disbursements is permanently on file in the Board of Supervisors’ Office.)**

Chairman Dawson noted that Consent Agenda Item F contains an error. The MOU should be for a period of 4 years and not 3.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously approved consent agenda items 13A-13J.

Item 14 - 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.

Mary Kim Titla, Tribal Liaison for Gila County, introduced Chris Deschene, currently State Representative for District 2, who is exploring a run for the Arizona Secretary of State. Mr. Deschene introduced himself and gave a brief resume to the Board. Each Board member thanked Mr. Deschene for visiting and wished him well with his future endeavors.

At this time Chairman Dawson skipped agenda item number 15 and moved to agenda item number 16.

Item 16 - Information/Discussion/Action to receive legal advice from its attorney regarding Chavez v. Bennett, Maricopa County Cause No. CV2006-007000 and to instruct its attorneys regarding that case. The Board may vote to go into executive session pursuant to A.R.S. §38-431.03 (A) (3)-(4).

The Board did not vote to go into executive session, but addressed this item in regular session. Mr. Chambers stated that previously the Board of Supervisors authorized the Office of Litigation in the Maricopa County Attorney's Office to represent the Gila County Recorder's Office in this lawsuit. It's an elections lawsuit in which all of the county recorders are involved. The Plaintiff and his attorney discovered that the Elections Directors are not under the supervision of the Recorder's Office, but are under the supervision of the Board of Supervisors. Therefore, they have now amended their complaint to include all of the county Boards of Supervisors across Arizona. He requested direction from the Board as to whether or not the Board wishes to authorize the Maricopa County's Office of Litigation to represent the Board as well as the Recorder's Office in this matter. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Martin, the Board unanimously authorized Mr. Chambers to notify the Maricopa County Office of Litigation that it has been approved to represent the Gila County Board of Supervisors and the Gila County Recorder's Office in the case of Chavez v. Bennett, Maricopa County Cause No. CV2006-007000.

Item 17 - Information/Discussion/Action regarding a proposal to enter into a joint defense agreement with other Arizona counties which, like Gila County, have been named defendants in Campbell v. Elected Officials Retirement Fund, Maricopa County Cause No. CV2008-008969. Pursuant to A.R.S. §38-431.03 (A) (3)-(4), the Board may vote to go into executive session to receive legal advice from its attorney and to instruct its attorney regarding the Board's position on the lawsuit.

The Board did not vote to go into executive session, but addressed this item in regular session. Mr. Chambers explained the facts of this lawsuit that involves

retirement benefits paid to Mr. Campbell from the Elected Officials Retirement Fund as well as a benefit for medical health coverage. Mr. Campbell did not want the medical health coverage provided by Maricopa County, but instead wanted the Fund to pay for the part of the medical insurance premium that it would have paid anyway toward his law firm's health insurance policy. The Fund denied the request so Mr. Campbell filed a lawsuit stating that State law requires the Fund to pay that amount to any health insurance fund in which the retiree wants to participate. The trial court ruled in favor of Mr. Campbell; however, Mr. Campbell was advised that he should have included all counties within the State in his lawsuit because all elected officials would be affected. Now all of the counties have been joined in this lawsuit. This particular lawsuit could have broader implications because the statutory language involved in the Elected Officials Retirement Fund is the same as the other public retirement funds in Arizona. Since the outcome of this case could affect all of the public retirement funds dealt with by the counties, it could affect county rates. Since all Arizona counties are now involved in the lawsuit, it has been proposed that all counties band together and hire a law firm to represent the counties' interests. It appears that most of the other counties, including Maricopa and Pima, have joined in this joint defense agreement. The initial cost of the joint defense agreement is \$50,000 and the counties will pay a prorated share. Gila County's portion would be 2% or a little over \$1,000. There is a provision in the agreement for counsel with a representative from each county, which typically would be someone from the County Attorney's Office. Each representative will direct the litigation with a 1 in 15 vote (1 vote for each county). Upon motion by Vice-Chairman Martin, seconded by Supervisor Pastor, the Board unanimously voted to join in the joint defense agreement with the other 15 counties and to pay its 2% share of the fees and also authorized Bryan Chambers, Chief Deputy County Attorney, as its representative for Gila County.

Item 18 - Information/Discussion/Action regarding the Financial Disclosure Statement form for use by public officers and candidates of the State of Arizona. Pursuant to A.R.S. §38-431.03 (A) (3), the Board may vote to go into executive session to receive legal advice from its attorney.

Chairman Dawson stated that this item is for information only. She explained that Maricopa County has received a judicial decision because it did not follow the procedures requiring that the County's Financial Disclosure Statement form for its elected officials must be adopted by the Board in the form of a resolution. It has been verified that Gila County's form has been adopted by a resolution. Maricopa County is now putting together a new form of its own rather than using the form provided by the Secretary of State's Office. These Financial Disclosure Statements must be filed by the end of January. Gila County elected officials will continue to use the present form; however, the Board may adopt a new form after Maricopa County distributes the form it has drawn up. Mr. Chambers explained that Maricopa County simply made a motion by the Board to follow the disclosure requirements of the statute, which wasn't by resolution or ordinance as required by statute. The statute involved

requires that every incorporated city, town and county shall by ordinance, rule or resolution adopt standards of financial disclosure consistent with the provisions of this chapter applicable to local public officers. In 1999, Gila County adopted a resolution that outlines standards of financial disclosure requiring each person holding an elected office in Gila County to file by January 31st a completed Financial Disclosure Statement similar to the attached Exhibit A, which may be modified periodically. Exhibit A was the Secretary of State's form that complies with the statute. The Statement shall be filed with the Elections officer. He clarified that even if Maricopa County does come up with a new form, that doesn't necessarily mean that Gila County has to change its form. No action was taken by the Board.

The Board then moved back to agenda item number 15.

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 Ms. Griffin, on behalf of Steve Besich, County Manager/Clerk, who is ill, presented information on current events.

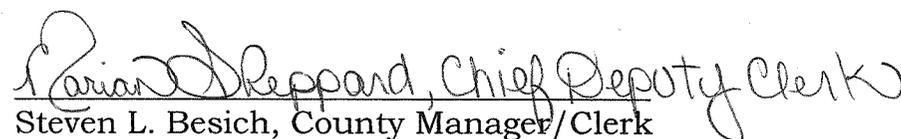
There being no further business to come before the Board of Supervisors, Chairman Dawson adjourned the meeting at 11:43 a.m.

APPROVED:



Shirley L. Dawson, Chairman

ATTEST:

for 
Steven L. Besich, County Manager/Clerk