

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

Date: December 7, 2010

**MICHAEL A. PASTOR**  
Chairman

**JOHN F. NELSON**  
Clerk of the Board

**TOMMIE C. MARTIN**  
Vice-Chairman

By: Marilyn Brewer  
Deputy Clerk

**SHIRLEY L. DAWSON**  
Member

Gila County Courthouse  
Globe, Arizona

---

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Supervisor (via phone conference); Don McDaniel, Jr., County Manager; Marilyn Brewer, Deputy Clerk; and Bryan Chambers, Chief Deputy County Attorney.

**Item 1 – Call to Order – Pledge of Allegiance**

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors hearing room. Tommie Martin led the Pledge of Allegiance.

**Item 2 - Presentation/Discussion regarding Redistricting of Gila County and Proceeding with an Application to the Department of Justice to Bailout from Section 5 Obligations Pursuant to the Voting Rights Act of 1965.**

Linda Eastlick, Elections Director, introduced Tony Sissons, President/Owner of Research Advisory Services, Inc., Phoenix, Arizona, and Bruce Adelson, Attorney at Law/CEO of Federal Contract Compliance in Potomac, Maryland. Ms. Eastlick stated that both of these gentlemen worked with Gila County on the redistricting process in 2000, although at the time Mr. Sissons was working for the County on the submissions side and Mr. Adelson was working for the U.S. Department of Justice on the review side; however, Mr. Adelson now has his own private company. These 2 consultants will serve as legal and process consultants for the current Gila County Redistricting process. Mr. Sissons began a PowerPoint presentation entitled “Redistricting of Supervisor Districts.” Mr. Sissons provided a brief background on himself and Mr. Adelson and what the role of each would be during Gila County’s redistricting process. He explained that Gila County has to redistrict for the following 2 reasons: 1) the U.S. Constitution, under the principle of “one person, one vote” requires that the districts from which we elect representatives be equal in population, and 2)

the County must redistrict after every decennial census and whenever there is a change in the number of districts. The official estimate of Gila County population in 2009 was 57,204, which shows an increase of 11.4% since 2000. If that population figure turns out to be close to the official Census count, each supervisorial district's ideal size would be estimated to be 19,068, which includes all people, regardless of age, eligibility to vote, or citizenship. Chairman Pastor stated that since there has been a challenge as to the legality of the citizenship of a resident, he wanted to know the reason Mr. Sissons was stating that citizenship has no basis in the Census. Mr. Sissons explained that every decade there are many challenges to the way the Census Bureau administers its responsibilities of counting population for representation. If there are people that are in this country without a legal right to be here, the greatest likelihood is that they never answered the Census in the first place. The Census Bureau has done studies on this to look at the self-exclusion and the reasons for same and the Census Bureau has never lost a court case to date. Chairman Pastor also inquired about part-time residency. Mr. Sisson replied that the instructions the Census Bureau gives to its enumerators is that it is up to the respondent to decide where they live, but the guidance that the enumerator will give is how many nights out of the year does the resident spend in one place versus the other place and whatever that predominance is, the Bureau will then consider that to be the residence of that person. Mr. Sissons continued with his presentation by stating that in the past, district populations could vary as much as 10% without having to give an explanation; however, in 2004, a Federal court decision in a Georgia case reduced the allowable variance. Block-level redistricting allows flexibility to achieve a small variance. To comply with the Federal Voting Rights Act, Gila County must draw new districts that have "neither the purpose, nor the effect, of diluting the voting strength of racial, origin or language minority populations." To avoid "retrogression" in minority voting strength, it must be understood what "benchmark" minority proportions are that the U.S. Department of Justice (DOJ) will be using. The DOJ looks at the minority populations that exist today (2010 Census) in the most recently pre-cleared districts, not at the proportions that existed when the districts were drawn. Those proportions won't be known until the 2010 Census data arrives in March 2011. Mr. Sissons stated that in 2000, the voting-age minority populations in Gila County were as follows: District 1 - 5.94%; District 2 - 28.48%; and District 3 - 47.70%. None of the districts were "minority-majority," but District 3 was close. The 2010 Census will provide information as to whether population shifts during the decade will now require drawing a minority-majority district. In regard to redistricting principles, Mr. Sissons stated that as a result of laws and court cases, certain common "district design" rules have evolved. In some circumstances, these rules can conflict with each other. It will be up to the Board of Supervisors to prioritize how it wants the districting principles applied. The discussion and adoption of those priorities should be held in a public session. He then explained both the common and less common redistricting principles. The courts and the DOJ want the redistricting process

to be an assertively public process and the public record should clearly demonstrate that Gila County paid attention to its residents and did not just “give lip service” to public input. He stated that the preliminary studies will include examining, mapping and documenting the physical and demographic makeup of Gila County; examining County and DOJ records to get a complete picture of the County’s preclearance history; and then catalog recent state, county and city election results at the precinct level. When the Census data arrives, the population, race and ethnicity values in the current districts will have to be determined along with the size of population shifts necessary to equalize districts. The minority race proportions in each current district will also have to be determined as well as the permissible population movements necessary to equalize district populations without diminishing minority voting strength. Finally, the magnitude and extent of any racially-polarized voting will have to be examined. Mr. Sissons stated that there will have to be a major outreach to all of the community leaders to explain the process, determine their expectations, and encourage their participation and leadership. Also, a contact list of people and organizations will have to be developed as suggested by key leaders. Public information will be prepared to include maps illustrating topics examined in the preliminary studies; information handouts/booklets describing the various aspects of the redistricting process; as well as citizen redistricting kits, which will include a printed booklet of instructions, data and foldout base maps along with a redistricting map on the County’s website. Initial meetings will be held with the Board and elected officials in the form of a work session to go into more detail on the process, legal setting, roles and responsibilities; to discuss districting principles; and to obtain Supervisors’ direction on priority ranking of districting principles. This will be followed by individual meetings with Board members and staff to obtain input on possible or preferred configuration of districts. The first round of resident 30-minute public hearings/workshops will include 3 meetings, one in each of the current districts. The meetings will include viewing exhibits, a short presentation on scope, purposes, process, timelines and legal issues; stressing that no maps have been drawn yet and that the request for input is genuine; and invite citizens to try their hand at drawing their perceptions of ‘communities of interest’ important to them on tracing paper laid over County maps. This will be followed by the County analyzing the plans and community-of-interest maps submitted by citizens, preparation of 3-4 alternate plans and then have the proposed alternate plans published. A second round of resident 30-minute public hearings/workshops will again include 3 meetings, one in each of the current districts and will include a short formal presentation that describes the features of each plan; stresses the extent to which plans incorporate ideas gathered in various public-input meetings; and describe ways for citizens to register their views or choices of plans or plan features and, in this case, that would be with the redistricting committee. The consultants and County staff will be present to answer questions. After all the meetings are held, then the consultants will prepare final versions of 2-3 plans for consideration by the Board. The plans will be displayed on the County’s website and in the

newspapers. The public will be invited to send in comments and to attend the plan adoption meeting. At a regular meeting of the Board, the redistricting committee along with the consultants and staff will present plans to the Board at a meeting held specifically for that purpose. The consultant team's preclearance expert will examine the adopted plan for compliance with the new DOJ Section 5 regulations. In conclusion, Mr. Sissons stated that the consultants will prepare the preclearance application files and exhibits requested by the County Attorney because the submission on the County's behalf has to be prepared by the County Attorney. Daisy Flores, County Attorney, inquired about the time frame and when she should expect a final decision. Mr. Sissons stated that the supervisorial plan should be adopted in early December 2011. Chairman Pastor stated that Mr. Sissons mentioned providing technical and legal assistance to the Gila County staff and redistricting committee, if one is formed, and inquired if it is required to have a redistricting committee or if that was just a recommendation. Mr. Sissons replied that to his knowledge it is not a requirement, but a committee was used for the 2000 Census. Upon inquiry by Vice-Chairman Martin as to when the Census data will arrive, Mr. Sissons stated that it should arrive any time after March 15, 2011, because the Census Bureau is required to have all of the data to all the states where it then gets passed down to the jurisdictions and that deadline is April 1, 2011. Vice-Chairman Martin stated that the only other special district in Gila County that is population based is the Gila County Community College District (GCCCD); the other districts such as fire and water are land based. She inquired if the GCCCD would be included. Mr. Sissons stated that even judicial districts are not required to balance their populations, but any changes to those districts are still subject to the DOJ preclearance. The GCCCD will be included; however, 10 years ago when the County did the supervisorial districts, the GCCCD had not come into existence. When the map was drawn by staff with the College's 5 districts, he was asked to review it and it was done on the basis of whole precincts. He stated it will be a matter of whether the County and the GCCCD can come to an agreement as to which entity will actually manage the process of drawing those districts. Mr. Sissons stated that because GCCCD's maps were drawn so recently, they probably won't need to be redistricted because the populations would be approximately the same. His advice would be, and he will check, that they will need to be redistricted because it is highly unlikely that they will still be in population balance. Vice-Chairman Martin stated that she would like to have that information. Mr. Sissons stated that it was not part of his contract at this point and the issues that arise out of whether or not the Board gives the redistricting advisory committee the responsibility to do those and should they run a parallel process or do one after the other are decisions that will need to be made internally. Vice-Chairman Martin inquired whether there would be a different committee for that or whether the same committee would be used. Mr. Sissons replied that a separate committee could be created and he was thinking in terms of not so much the DOJ view of things, but possible court challenges. He stated that redistricting is one of those processes in which

some people can feel like they have been really aggrieved by the outcome and decide to take it to court, so it has to be looked at by how the process would be viewed by the court, which he would refer to the County Attorney. Vice-Chairman Martin inquired if Mr. Sissons would recommend that the County look at the judicial district. Mr. Sissons replied that by looking at a map, he could sort of plot and analyze them, but they really are sized and proportioned to administrative activity within the district. The matter of representation is not a constitutional matter; it's simply a decision by the U.S. Supreme Court many years ago that judicial districts of any sort would not have to comply with 'one person, one vote.' Supervisor Dawson stated that the County is embarking on a very complicated process. She was reviewing the guidelines of forming the redistricting committee, which she knows will be a challenging process. Supervisor Dawson stated that she believes the Board is going to ask for people to submit their names if they are interested in serving on this committee. She inquired how often the redistricting committee would have to meet during this 6-8 month process. Mr. Sissons stated that they would probably need to meet approximately 8 times because they would be the ears and eyes of the process for each of the 6 public meetings and would probably be involved in a couple of meetings before those 6 meetings. The committee would also be involved in presenting the plan to the Board. Supervisor Dawson stated that because of the way the County is divided with isolated small populations of Native Americans on either side of the Salt River Canyon, in Canyon Day, Cedar Creek, Carrizo Creek and Cibecue, she inquired if they should be represented on this committee also. Mr. Sissons stated that in reading the rules that staff have come up with that parallel the state rules on selecting a committee, he believes one of the requirements is that there be 3 members from each of the 3 supervisorial districts. In terms of appearance, it would probably be a very good idea to make sure that each of the racial minorities within the County are accounted for in the composition of the committee to the extent that is possible. Bill Rapport, Mayor of the Town of Star Valley, questioned, "Will you be able to select people from each individual area, town, etc. in each district to be represented on this committee and who would make the final decision?" Mr. Sissons stated that as he understands it, people generally will be invited to put in an application to be on the committee and the final decision will be the prerogative of the Board of Supervisors. Chairman Pastor stated that in regard to having the committee represent the entire County, he believes that further on in the work session and through the discussions this morning, "We will be able to figure out some kind of process that we want to develop in order to recruit folks from all over the County." Chairman Pastor stated that there has been some mention of a radio campaign to see if people want to volunteer and in his community meetings, he's going to encourage those people to submit a letter requesting the opportunity to serve. Ms. Eastlick stated that this is just the kickoff meeting and there will be further discussions with the Board on recommendations on the appointments. She has some preliminary guidelines as to how the committee should be developed. Mr. Rapport wanted to ensure that he is kept informed of the

process. Vice-Chairman Martin stated that even though there will be a formal committee, nothing precludes the communities from coming together and providing input into the process. Mr. Sissons stated that the committee will be a very visible conduit for the opinions of the residents and during the last redistricting process there were several groups that drew complete County-wide plans so he does expect that to happen. Mr. Adelson then addressed the Board and explained that his role will be to manage all of the consultants that manage the process working with the County and the County Attorney's Office to ensure that everything is done properly so the County doesn't get in trouble. He then explained the reason the County has to deal with the DOJ in getting preclearance before any changes can be implemented. Mr. Adelson stated that redistricting is thought to be the highest priority for the DOJ to review. Having reviewed all of the County submissions during the last round as the team leader for the DOJ's review of the state-wide legislative and congressional plans, Mr. Adelson knows that mistakes were made and he wants to avoid those same mistakes to ensure that the DOJ does not enter an objection. If the DOJ objects to a redistricting plan, then the County is legally prohibited from using it. If the DOJ requests additional information in writing, then that delays the possible implementation of the plan. The DOJ is the boss of the process and nothing can happen until the DOJ approves the plan. He assured the Board that in working through the process, those mistakes will not be made. Mr. Adelson also stated that this process will take approximately 1 year as the data will not be available for another 4 months. It will take months to develop a plan, and it will take a significant amount of time to prepare the plan for submittal to the DOJ and then the DOJ has to preclear the plan. He stated that the ideal situation is that the plan is precleared and everything is all set a year from now because then the County has to have its candidate qualifying dates that have to be met the following year. He explained that the State of Arizona, because of the delays in getting information requested by the DOJ, caused a delay in the plan process and the candidate qualifying dates were all missed. Jesse Bryant, a reporter for KQSS Radio, inquired, "Are candidates and elections pretty much up in the air until this process is finalized? What is the expectation of a candidate that might be on the fringe of a district now that could potentially be excluded when the process is done?" Mr. Adelson replied, "I think the expectation is that all the lines will likely change. How they change and where they change, we can't predict. So if someone is in a particular district now, that person may or may not be in that district when the data comes out and we do all of our analyses. The redistricting requirement applies to every jurisdiction in the state that elects by district." He stated that this is a decennial process that involves millions of people across the United States every 10 years; it is a very complex and complicated process with a high level of analysis. If there is a bump in the process from the DOJ or a lawsuit, then that's problematic and everything else could be delayed; elections could be delayed; candidate qualifying could be delayed and the County or any jurisdiction could find itself in a great deal of difficulty. Chairman Pastor inquired that with boundary lines possibly changing and if a person is in a

position or an office with a term that extends past 2012, will that person serve out his/her term and then the change is made for the new district or after the term is expired? Chairman Pastor stated that he was inquiring because there are some overlapping terms at the Gila County Community College District that go beyond 2012. Mr. Adelson stated that all of those things are a part of the calculation that goes into redistricting, which is a very complex process. He stressed that by federal law all entities that redistrict have the burden of showing that they are not violating federal law and that they are not discriminating. He stated, "You have to prove that. DOJ doesn't have to prove it or disprove it. You do. And if you don't prove it, you lose." He also emphasized that DOJ decisions are final and not appealable. The only alternative is to go to court and ask the court to grant permission to use an interim plan temporarily, but the court cannot overturn the DOJ objection. Mr. Adelson then explained in more detail about the provision in the Voting Rights Act, Section 5, which deals with the bailout process or becoming exempt from preclearance. He explained that every jurisdiction in Arizona that is covered by Section 5 has the legal right to apply to bailout; however, cities, school districts and other sub-jurisdictions below the County level can bail out without being tied to the County. In order to bail out successfully, the County must have a clean record for 10 years of Section 5 preclearances by the DOJ including all sub-jurisdictions within the County. The County cannot bail out on its own. The DOJ also does not have a problem with retroactive preclearance. However, if there is any discrimination in the past that hurt the rights of minority voters, then the County could not bail out and the process stops. He then explained the process that the DOJ goes through to approve a bailout. Once the bailout has been approved by the DOJ, then the County and the DOJ file a joint lawsuit with the federal court in Washington. It's a consent lawsuit, so it's non-adversarial. The court then signs an Order, which allows the County to bail out and once the County is out from under Section 5, it is out forever unless it should do something blatantly discriminatory, which has never happened before. Vice-Chairman Martin inquired about sub-jurisdictions such as fire districts and water districts that are bound by land barriers and not population barriers and whether they have to opt out. Mr. Adelson stated that any district that holds its own elections is covered by the Section 5 requirements. Vice-Chairman Martin inquired who would help these sub-jurisdictions through the bailout process because they wouldn't have any idea how to do same? Mr. Adelson stated that in his experience, the smaller the jurisdiction, the less experience they have with the intricacies of Section 5 and his part in working with the County on bailout will be to help these jurisdictions to understand what federal law says and what needs to be done in order to move forward with the bailout. Ms. Eastlick advised that tonight at 6:30 p.m. a meeting will be held in the Globe Board of Supervisors' hearing room and also by ITV in Payson in which all special districts, school districts, cities and towns have been invited to attend and learn about the whole bailout process and she hopes that at least 1 member from each district will be participating. In order to proceed with the bailout, these districts' assistance

will be needed to provide information to put together the retroactive submissions. Ms. Eastlick also encouraged the Board to attend. Chairman Pastor thanked Mr. Sissons and Mr. Adelson for their presentation. No action was taken by the Board.

**Item 3 - Presentation/Discussion regarding a report of recently completed Secure Rural Schools Title II Grant, and an analysis and evaluation of potential projects for Secure Rural Schools Title II Special Projects application for 2011 Title II grant funds that will become available in 2011 in the estimated amount of \$432,000 for projects in Gila County.**

Jacque Griffin, Assistant County Manager/Librarian, explained that the Secure Rural Schools (SRS) Program for 2008-2011 includes provisions for Title II Special Projects on federal lands. This Act authorizes the use of area Resource Advisory Committees (RAC) as a mechanism for local community collaboration with federal land managers in recommending Title II special projects on federal lands. There are 5 eastern counties in Arizona (Apache, Gila, Graham, Greenlee and Navajo) that make up the geographical area for the Eastern Arizona RAC, which consists of 15 members, 3 from each county. The SRS Title II Special Project requests for proposals from these 5 counties are handled by Apache-Sitgreaves Forest Service staff and presented to the Eastern Arizona RAC for its review and recommendations. These projects are then approved through the Secretary of Agriculture or its designee such as a Forest Supervisor or District Ranger and funded through the U.S. Forest Service federal process. Ms. Griffin provided a handout to the Board, which showed that these projects may include, but are not limited to the following: road, trail and infrastructure maintenance or obliteration; soil productivity improvement; improvements in forest ecosystem health; watershed restoration and maintenance; restoration, maintenance and improvement of wildlife and fish habitat; control of noxious and exotic weeds; and reestablishment of native species. The Board, Ms. Griffin and Steve Stratton, Public Works Division Director, discussed the difference in this funding and the Secure Rural Schools funding for Payment in Lieu of Taxes (PILT), which is in conjunction with the County School Superintendent's Office where 5% of those federal funds go to roads and the remainder to education. Ms. Griffin explained that in the past, the SRS Title II was not fully funded, so Gila County's portion was much smaller; however, when the SRS Program of 2008 through 2011 was enacted by Congress as fully funded or more fully funded, that's when the County was entitled to receive these large amounts of money. This set of funding is only for the years 2008-2011 and the amount currently being applied is for 2010 because the federal government lags a year behind. There will be one more year of funding in this process and each year it is 15% less than what was awarded the year before. Last year's funds were \$500,000, so this year it is believed the funds will be in the amount of \$432,000. Before 2008, the funding was approximately \$30,000 for the 5 counties. Vice-Chairman Martin explained how this program was first funded in Oregon and Washington to take

the place of timber sales receipts that were going into a variety of rural counties and the original percentage breakup was to counties that had the higher timber sales and receipts. That was then broadened to all the rural counties. Ms. Griffin stated that last year she came before the Board requesting permission to apply for this money to the RAC and even though it's for the benefit of the geographical area of Gila County, the money does not come to Gila County government unless the County applies for it. In past years, Gila County's portion had gone to a stewardship project on the Apache Sitgreaves National Forest and it is the Apache Sitgreaves Forest District office that administers these grants. Last year there were approximately 10-12 grant applications that were either partially or totally included for the Gila County geographical area; however, the RAC only recommended 2 projects—one for 3 miles of paving of the 512 Road in Young and a small portion for the Tonto Natural Resources Education Center to do some education for the fourth graders. There were other projects that were mostly applied for by the U.S. Forest Service entities and one by the Arizona Game and Fish Department. Mr. Stratton presented a more thorough review of the newly paved 3-miles of the 512 road. The County worked with Jacobs Engineering on the design and it was administered by the Arizona Department of Transportation (ADOT). There was a combination of funds earmarked for this project by former Congressman Renzi along with the RAC money designated for this project. ADOT estimated the cost to be approximately \$1.45 million. The successful contractor, Intermountain West from Payson, bid the project at \$1.13 million. In order to get the project done prior to snow season and around dealing with the critical habitat, the County had to front approximately \$1.45 million to ADOT to do the project. Mr. Stratton then gave a photo presentation of this road, which leads north out of Young and ties into Highway 260. This actual piece of road lies in Coconino County; however, Gila County has an intergovernmental agreement with Coconino County for the maintenance of this portion of the road, as Gila County had already been maintaining it for many years. He stated that ADOT is currently in the process of a 45-day waiting period after reseeding and then it will declare the project finished and reimburse the County for the upfront money. This project will help with the County's maintenance efforts and will also help with the travel for the citizens of Young. There still remains approximately 13 miles of this road that is unpaved. Mr. Stratton stated that he, Steve Sanders, Public Works Division Deputy Director and Ms. Griffin in consultation with the Road Department Superintendent have come up with 8 projects for the 2010 funding. Mr. Sanders has also reviewed how those projects intertwine with the Small Area Transportation Study that was done 4-5 years ago in which Mr. Sanders was the delegate for Gila County. Mr. Sanders then reviewed the 8 projects with the Board. All projects meet the criteria and follow the Small Area Transportation Study as much as possible and are projects on forest roads that deal with pavement maintenance and 1 is regarding a bridge. He stated that 4 of the viable projects are probably not the best projects to apply for with this money. Those projects include the following: 1) construction of a bridge across Oak Creek in Tonto Basin to

provide connectivity to the citizens on the east side, however, the cost of the bridge does not make it feasible as a RAC project; 2) the extension of some paving on the Control Road in Payson, however, it was determined not to be feasible due to a project by the Central Federal Lands Division of the Federal Highway Administration, which is due to begin in April 2011 and finish in December 2011; 3) Vented Ford Crossing on Forest Road 199 (the Houston Mesa Road) at 2<sup>nd</sup> Crossing, however, it was determined not to be feasible due to an anticipated increase in traffic and no alternate routes available because of the Control Road Bridge Replacement project; and 4) extending the paving of Forest Road 512, however, since this Road benefitted from the last SRS Title II project the County was awarded, it was felt that another project in another area would be more favorably received by the RAC. Mr. Sanders advised that there are 4 other viable projects in no particular order that are identified in the Small Area Transportation Plan, with one exception, for the Board to review.

These 4 projects are as follows:

- 1) Double Chip Seal Forest Road 424, corrected to be Road 423, (Cline Boulevard) located on the east side of Tonto Basin, which would consist of a double-chip seal on the unpaved portion (approximately 5 miles) of Cline Boulevard. The existing paved portion of the road (approximately 2.8 miles) would receive a chip overlay. The entire length of the road would be striped and NEPA (National Environmental Policy Act) would be done at an estimated cost of the project to be \$400,474.
- 2) Double Chip Seal Forest Road 55 (Russell Road to Kellner Canyon Road) south of Globe, which would consist of a double chip seal on the unpaved portion of the road (approximately 3.6 miles on U.S. Forest land), NEPA would need to be done, and there are areas of the road that should be realigned to improve geometry and sight distance at an estimated cost of the project to be \$423,600.
- 3) Double Chip Seal Forest Road 291 (Colcord Road), which would extend the paving through a double chip seal to the end of Colcord Road; however, this road is not in the Small Area Transportation Study possibly because it is designated historic in nature and the surface could not be altered until a cultural study and an Historic American Engineering Record (HAER) could be recorded for the road. The cultural study has been completed and the County is moving forward with the HAER document. There are also some areas that would need to be realigned to improve geometry and sight distance. The entire project is estimated to cost \$417,021.
- 4) Mill and Replace Paving on Forest Road 417 (Gisela Road) starting at the intersection of State Route 87 or the forest boundary and going east towards the community of Gisela about 2 miles. While the long-range ultimate goal would be to relocate the road away from the current location and move it away from the wash, at this time it isn't economically feasible. The current pavement of 2 miles is distressed and cracked and it needs to be milled and replaced with new asphalt, but at this time it is hard to determine a cost estimate without knowing the depth of the existing pavement and base material

as it would reduce the cost if there is sufficient base/asphalt. The approximate cost would be \$402,212.

Ms. Griffin requested that the Board review these potential projects as she will address the Board on January 4, 2011, at which time she will ask the Board for its priorities on these projects in order to move forward with the grant application. She advised that a Request for Proposals will be issued in mid-January 2011 with a request that the grant applications be submitted by the end of February 2011. The RAC will meet in March 2011 to review the applications. It is definitely a competitive grant process and it is unknown what the other entities will be requesting. Mr. Stratton stated that the Board could also suggest other projects to review and that's the reason for this work session. In the event the Board has other projects, it would allow sufficient time to conduct the research that would be necessary for other projects. Ms. Griffin stated that the group also discussed the idea of submitting 4 projects costing approximately \$100,000 each; however, the concern was that each project as it is submitted would be competing with every other project submitted by other entities for the same area and they felt that the RAC would have more opportunity to pick and choose projects that were not necessarily submitted by the County. The best strategic plan was to look for larger projects costing approximately \$400,000 that met the criteria and would provide the County with a better chance of being awarded the grant. Chairman Pastor inquired if the other 4 counties in the consortium would be competing for the same money. Mr. Griffin replied that each county has within its geographical area an identified amount of money for that area and of those 5 counties, Gila County's amount of money is the largest; however, the RAC is not bound by law to spend the geographical Gila County money within Gila County. Historically, the RAC has spent the money within the geographic areas. Vice-Chairman Martin stated that she appreciated the time, effort and thought that went into selecting these projects. Vice-Chairman Martin stated that she agreed with the first 4 projects that were not selected based on the reasons given; however, she also felt that the Colcord Road project could also be put off for an additional year because the County is currently working with ADOT on a right-hand turn lane at that location. She would also like to see the paving on Cline Boulevard finished and/or the Gisela Road started although it seems to be a bigger project and the County might want to do more than redo the 2 miles. She also agreed that the Russell Road project was a good project. Chairman Pastor questioned in regard to the Cline Boulevard project in Tonto Basin if the NEPA required would be costly and burdensome. Mr. Sanders stated that he thought the County could get the U.S. Forest Service to do the NEPA because it's on an existing road and not in any undisturbed areas, and it could be done in less than 6-8 months. Chairman Pastor stated that if that entire road was completed, it would give the County some relief because it has been a very labor intensive road to maintain in the past. Mr. Sanders stated that any time the County can put down oil or pave a road and reduce the maintenance, staff can move forward and work on other areas. Don McDaniel,

County Manager, inquired if the lack of NEPA would slow down the Kellner Canyon/ Russell Road project. Mr. Sanders replied that he did not believe it would slow down the process simply because it is also in an already disturbed area. He stated that the Forest Service could be contacted tomorrow on all 4 of these projects to see if there are any potential problems. Mr. Stratton stated that in the past because Russell Road is on a maintenance agreement, the previous Forest Engineer had actually attempted to start allocating money on a yearly basis to pave that road, so he does not believe there would be any environmental problems. He also advised that the District Ranger for the Tonto National Forest has been working with the County and he believes the Cline Boulevard project could be cleared to start as well. Mr. Stratton also noted that when reviewing these projects, the roads that were maintenance problems for the County's road crew were taken into consideration so any of these projects would eliminate a lot of road work. Mr. Stratton also agreed with Vice-Chairman Martin that the Gisela road poses too many unknowns and more research needs to be done. No action was taken by the Board.

At 11:45 a.m., Chairman Pastor called for a 5-minute recess. At 11:55 a.m. Chairman Pastor reconvened the meeting.

**Item 4 - Presentation/Discussion regarding the Boards, Commissions, and Committees Report and an analysis and evaluation of each BC&C's current status of compliance with applicable statutes, laws, policies and procedures.**

Mr. McDaniel stated that each Board member was provided with a binder that contains all of the information that has been gathered on each one of the identified Boards, Commissions and Committees (BC&Cs) for which the Board of Supervisors is responsible. He reiterated that the Board has a fiduciary as well as a legal responsibility for each of these groups in some fashion. What has been provided is a base report and Mr. McDaniel advised that he would like to review each one with the Board at work sessions over the next few months and include a compliance checklist of critical items that should be tended to by each BC&C. He advised that the Board of Supervisors serves as the Board of Deposit. Mr. McDaniel provided a compliance checklist, which he reviewed with the Board, as follows:

- 1) Name: Board of Deposit
- 2) Gila County Staff Liaison: County Treasurer, Chief Deputy Clerk of the BOS
- 3) Legal basis for establishment: Statutory A.R.S. §35-325
  - Date of creation: N/A
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Selects servicing bank for County funds

- 5) Membership: Board of Supervisors (BOS)
  - Terms of office: Same as BOS
  - Appointing authority: Elected – statute
- 6) Meeting schedule – As needed
  - Location: BOS Hearing Room, Globe Courthouse
- 7) Meeting legal posting and advertising: Yes, Clerk of the BOS Department
- 8) Meeting agendas: Yes, Clerk of the BOS Department
- 9) Meeting minutes: Yes, Clerk of the BOS Department
- 10) Funding sources: N/A
  - Amounts: N/A
- 11) Significant actions and accomplishments: Select servicing bank every 3 years
- 12) Notes: --

Mr. McDaniel stated that every 3 years or so the Board selects a bank to be the County servicing bank. The Bank is currently JPMorgan Chase, N.A. and is up for consideration in June 2012. Supervisor Dawson inquired if there is a branch of this bank in Payson. Vice-Chairman Martin advised that there is a branch in Payson. Vice-Chairman Martin suggested that the date the servicing bank is up for consideration should be added to this information. Supervisor Dawson inquired about the number of County bank accounts and if that would be under the umbrella of the Board of Deposit. Mr. McDaniel stated that would not be an issue the Board of Deposit would address as it simply establishes the servicing bank for the County. The matter of the number of accounts remains an issue for the County, and the Finance Director has discussed that issue with the County Manager. There are some bank accounts, and most notable is one bank account in which it is uncertain of the person who has authority over it. Work continues on reviewing these accounts and eliminating those with zero balances.

Mr. McDaniel stated that the Board of Supervisors serves as the Board of Equalization. Another compliance checklist was provided by Mr. McDaniel and reviewed with the Board as follows:

- 1) Name: Board of Equalization
- 2) Gila County Staff Liaison: County Assessor, Chief Deputy Clerk of the BOS
- 3) Legal basis for establishment: Statutory A.R.S. §42-16102
  - Date of creation: N/A
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Hear appeals to property valuations
- 5) Membership: Board of Supervisors (BOS)
  - Terms of office: Same as BOS
  - Appointing authority: Elected – statute
- 6) Meeting schedule – As needed
  - Location: BOS Hearing Room, Globe Courthouse

- 7) Meeting legal posting and advertising: Yes, Clerk of the BOS Department
- 8) Meeting agendas: Yes, Clerk of the BOS Department
- 9) Meeting minutes: Yes, Clerk of the BOS Department
- 10) Funding sources: N/A

- Amounts: N/A

11) Significant actions and accomplishments: Resolve valuation disputes

12) Notes: --

Mr. McDaniel noted that there was a page attached that describes in greater detail the areas of responsibility for the Board of Equalization, which includes the primary hearing appeals of property valuations. Supervisor Dawson, who was out of town and calling in by phone, advised that her phone may go out at any time, but she appreciated all of the work by staff involved in putting these reports together and she hopes that members of the public will volunteer to serve on some of these committees.

Mr. McDaniel stated that the Board of Supervisors serves as the Flood Control District Board of Directors. Another compliance checklist was provided by Mr. McDaniel and reviewed with the Board as follows:

- 1) Name: Flood Control District Board of Directors
- 2) Gila County Staff Liaison: ~~Community Development Division Director~~  
Corrected to: Gila County Public Works Division, Engineering Department, Chief Engineer of the Flood Control District
- 3) Legal basis for establishment: Statutory A.R.S. §48-3602
  - Date of creation: N/A
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Adopt floodplain regulations and administration
- 5) Membership: Board of Supervisors (BOS)
  - Terms of office: Same as BOS
  - Appointing authority: Elected – statute
- 6) Meeting schedule – As needed
  - Location: BOS Hearing Room, Globe Courthouse
- 7) Meeting legal posting and advertising: Yes, Clerk of the BOS Department
- 8) Meeting agendas: Yes, Clerk of the BOS Department
- 9) Meeting minutes: Yes, Clerk of the BOS Department
- 10) Funding sources: Taxing authority
  - Amounts: N/A
- 11) Significant actions and accomplishments: Maintain and administer regulations
- 12) Notes: --

Mr. McDaniel advised that there was also a 2-page list of items that include the powers and duties of the Flood Control District Board of Directors, which primarily includes adopting floodplain regulations and administering them.

This Board also hears appeals for variances. Vice-Chairman Martin inquired if this Board has to abide by the bailout. Mr. McDaniel replied in the affirmative. Bryan Chambers, Chief Deputy County Attorney, stated that one of the things that may be confusing is redistricting with the bailout process. "Certainly with redistricting there are only a few districts. I think the Board of Supervisors has its districts, the City of Globe has districts that need to be redistricted and there's also the Gila County Community College District. As far as the bailout process, any district that has elections will be a district that has to be considered for the bailout process. Since the Flood Control District has the Board of Supervisors as its Board of Directors, the only way the Flood Control District becomes involved is because the Directors are involved as the Board of Supervisors. There isn't any separate Flood Control District election or Library Districts, as far as that goes." Chairman Pastor inquired as to the County taxes for the Flood Control District. Mr. McDaniel stated that the Flood Control District does not tax; however, it could. Mr. Stratton stated that the way it is set up right now is that the whole County is one district and there can be specific instances if someone wished to form a Flood Control District. It could be certain areas such as Tonto Basin, but it would be the same as road districts, sanitary districts and those that are by parcel. Vice-Chairman Martin inquired if road districts have elected boards. Mr. Stratton stated that they do not have elected boards, but they internally appoint a person as chairman or administrator.

Vice-Chairman Martin noted that Mr. Chambers did not receive this BC&C report and she requested that one be provided for him.

Mr. McDaniel stated that the Board of Supervisors serves as the Gila County Jail District Board of Directors. He stated that statutorily the Board of Supervisors can establish a jail district, but only with voter approval of a property tax or an excise tax. The Board of Supervisors established the Gila County Jail District by Resolution No. 07-06-07 on June 26, 2007, and then held an election on November 6, 2007. The vote to approve the property tax or excise tax failed and consequently the Board, even though it adopted a resolution establishing the Gila County Jail District, by the voters not adopting it, there is not really a Gila County Jail District in existence; however, it is listed in the BC&C binder for the record.

Mr. McDaniel stated that the Board of Supervisors serves as the Library District Board of Directors. He included a sheet from the Arizona Revised Statutes pertaining to Library Districts' powers and duties. Another compliance checklist was provided by Mr. McDaniel and reviewed with the Board as follows:

- 1) Name: Library District Board of Directors
- 2) Gila County Staff Liaison: Gila County District Librarian
- 3) Legal basis for establishment: Statutory A.R.S. §48-3901

- Date of creation: N/A
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Coordinates city, town & reservation libraries within Gila County and promotes County-wide literacy
  - 5) Membership: Board of Supervisors (BOS)
    - Terms of office: Same as BOS
    - Appointing authority: Elected – statute
  - 6) Meeting schedule – As needed
    - Location: BOS Hearing Room, Globe Courthouse
  - 7) Meeting legal posting and advertising: Yes, Clerk of the BOS Department
  - 8) Meeting agendas: Yes, Clerk of the BOS Department
  - 9) Meeting minutes: Yes, Clerk of the BOS Department
  - 10) Funding sources: Arizona State Library, Archives & Public Records ~~and general funds~~ & tax funding \*\* (See Clarification below)
    - Amounts: \$1.3 million
  - 11) Significant actions and accomplishments: --
  - 12) Notes: --

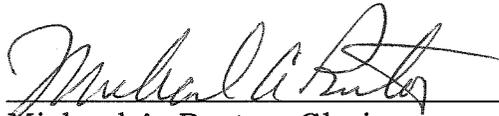
\*\* Ms. Griffin corrected the record in regard to the funding sources stating that the Board of Supervisors sets the Library District tax rate and the taxes that are collected at \$.20/\$100 of valuation and it's been that rate for a long time; prior to that it was \$.22. The Library District taxes are collected just like County taxes and used for the benefit of library services. In addition to that, the Library District receives \$23,000/year from the Arizona State Library, Archives & Public Records--State-Grants-In-Aid. Ms. Griffin added that there are 8 public libraries in Gila County and 5 are city or tribal and 3 are local community-operated libraries. She stated that 3 of the libraries—Pine, Young and Tonto Basin--are organized as private, non-profit corporations with a 501(C)(3) status. The communities select those members to the individual boards and it's encouraged to be an open process. The Gila County Library District can't call an election because if it was an election, the libraries would expect the Gila County Elections Department to handle the election. The members of the community serve on those boards of directors of the non-profit organizations and then do the actual operating of the libraries in those communities. The Gila County Library District has a Library Service Agreement with each library, which serves as a legal document to help ensure that meetings are in compliance with the Open Meeting Law; that each library agrees to comply with sharing, being free lenders and borrowers; and it states that the Library District will provide access to the automation system. The Board discussed with Bryan Chambers, Chief Deputy County Attorney, the various library issues, such as how the Library District was established, meeting and minutes requirements, liability insurance, unemployment insurance, facility ownership, Globe Tool Lending Library and the possibility of

revising the current Library Service Agreements. No action was taken by the Board.

There was some discussion about future BC&C meetings and whether to invite the various Board members to the meetings or hold the work sessions first and if further information is necessary, then the various board members could be invited. Mr. Chambers advised the Board that its meetings are public and the various board members could attend them anyway, according to the Open Meeting Law.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 12:39 p.m.

**APPROVED:**



\_\_\_\_\_  
Michael A. Pastor, Chairman

**ATTEST:**



\_\_\_\_\_  
Marian Sheppard, Chief Deputy Clerk