

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

Date: March 1, 2011

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 (via ITV conferencing); Shirley L. Dawson, Supervisor; Don McDaniel, Jr., County Manager; 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 a regular session at 10:00 a.m. this date in the Board of Supervisors hearing room. Berthan DeNero led the Pledge of Allegiance and Reverend Rich Hatch of the Southern Baptist Church in Payson delivered the invocation.

Item 2 – PRESENTATIONS:

There were no presentations.

Item 3 – PUBLIC HEARINGS:

3A. Public Hearing: Information/Discussion/Action to adopt Gila County Zoning Ordinance No. 11-01, approving Planning and Zoning Case No. ZOA-11-01 amending the Gila County Planning and Zoning Ordinance due to the passing of Arizona Proposition 203, allowing the use of marijuana for alleviating medical problems for qualified patients. The proposition allows the establishment of dispensaries, cultivation sites and designated caregivers solely for the purpose of growing and distributing medical marijuana.

Bob Gould, Community Development Division Director, noted that Don Ascoli, Chairman of the Planning and Zoning (P & Z) Commission was also present. Mr. Gould stated that he was going to review this quickly because he was going to request that this item be remanded to the P & Z Commission for further

review. He stated that when Proposition 203 was passed, it put a heavy burden on all counties and community governments to come up with a set of regulations on how to effectively deal with the issue of people growing medical marijuana out in their communities. The amendments to the Gila County Zoning Ordinance being presented included 5 different definitions for the qualified patient cultivation, caregiver cultivation, dispensary cultivation, dispensary period and then the marijuana infusion, which is the mixing of marijuana with food stuffs, beverages, etc. A regulation was added stating that these activities for dispensary and cultivation for a dispensary must be located in an M1 zoning district. Also added were 2 sections to the Conditional Use Permit (CUP) portion of the code, the first being modified for the dispensary and cultivation and a separation requirement for dispensaries stating that they must be located a minimum of 35 miles apart in order to maximize the coverage and add as few areas that would be doing home growing as possible in the County. A fee schedule was also added to include a dispensary CUP fee and the cultivation, which will be \$5,000. There are a lot of cost separation requirements between the dispensaries and various uses where children are present, such as schools, libraries, playgrounds and things of that nature. The second section is regarding the CUP for the designated caregiver that has a fee for a caregiver of \$5,000 and a qualified patient fee would be \$1,000. Included is a notification area for all the CUPs for medical marijuana, which would be 1,500 feet, which is quite significant. He stated that the P & Z Commission randomly picked one lot up in Strawberry to see how many notices would need to be sent out and there would be almost 400 notices to be sent out to those residing within 1,500 feet of that lot, which would cost the County \$200 just for postage. So there will be a lot of staff work involved with some of these requirements. Also stated is that there must be an accessory use to the primary use, in other words, they have to have the primary use established, which in this case would be residential, before they could establish any medical marijuana growing on site there. Also emphasized was the fact that if a person resided less than 25 miles from a dispensary they could not grow marijuana - period. Mr. Gould advised that since the amendments to this Ordinance were drafted, a lot of new information has been received including a response yesterday from the Department of Health Services (DOHS) in which 3 sections of the County's Ordinance was cited, with which they are concerned. In the first section cited, the DOHS felt that the County could not require the caregiver to be 25 miles or more away from the dispensary because they felt they could approve a caregiver living right next door to a dispensary. The DOHS also questioned the fees that the County is proposing for the qualified patient and the designated caregiver. The DOHS was also concerned about the regulations of infusion activity where marijuana is blended with food stuffs and beverages because they haven't decided how they are going to regulate that yet so they questioned how the County could do so. Mr. Gould stated that lastly, there is a section of state law that was passed within recent years that completely slipped by him that states that before the County can adopt any of these fees, notice must be provided on the County's website for 60 days prior to

the adoption so the Board could not adopt the fees at this point either way. In closing, Mr. Gould requested that the Board remand this to the Planning and Zoning Commission to deal with some of these issues that have been brought to the County's attention. Mr. Escoli thanked Mr. Gould for providing this update and stated that it does make sense to have the P & Z Commission review and address those concerns. Supervisor Dawson stated that the County has to honor the electorate of the state of Arizona who voted for this and her concern was in regard to the \$5,000 for the CUP fee for the designated caregiver for the cultivation site. She stated, "We cannot put in place fees that are to try to prohibit the action that is a legal action whether we like it or not and my concern would be that if a person legitimately finds that marijuana use helps alleviate pain or helps with their medical condition, then I would not, as a member of this Board, want to place a fee that is prohibitive for that individual to have access to a legal drug." Vice-Chairman Martin stated that she agreed. She stated, "I don't think it's up to us to limit true need in this case." She also requested that the Board have a work session to discuss this item before taking any action or to have a joint work session with the P & Z Commission after they have made any necessary changes to the Ordinance. Mr. Escoli stated that he agreed that a meeting of both the P & Z Commission and the Board would help to solve some of the issues. Don McDaniel, County Manager, recommended that the P & Z Commission review the proposed changes to the Ordinance based on the information just received from the DOHS and then a joint meeting could be held. Chairman Pastor inquired if there was a deadline that needed to be met by the P & Z Commission with the DOHS. Mr. Gould replied that the Director of DOHS said that DOHS was going to be up and running with the caregiver registration cards and the qualified patient registration cards by April 15, 2011, so he felt there was ample time. He also noted that the next P & Z meeting was scheduled for March 17, 2011. Chairman Pastor recommended that this item be discussed at the Board's next work session on March 29, 2011, to which the Board agreed. Chairman Pastor opened the public hearing and called for comments from the public. None were received. Chairman Pastor closed the public hearing and entertained a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously remanded Planning and Zoning Case No. ZOA-11-01 to the Planning and Zoning Commission and requested that this item be placed on the Board's agenda for its work session scheduled for March 29, 2011.

Item 4 – REGULAR AGENDA ITEMS:

4A. Information/Discussion/Action to adopt Proclamation No. 11-02, proclaiming March 18, 2011, as the Centennial Anniversary of the official dedication of Theodore Roosevelt Dam.

Janeen Rohovit, Rural County Liaison for Salt River Project (SRP), stated that SRP will be holding a celebration on March 18, 2011, for the 100-year dedication of the Roosevelt Dam, noting that it has been 100 years since

President Theodore "Teddy" Roosevelt came out to Arizona and dedicated the Dam. Ms. Rohovit provided some interesting details about how the dam and SRP came about. She then invited the Board to be part of the commemoration that will be held on March 18, 2010, at the Dam. Ms. Rohovit concluded by stating, "We're thrilled to be here partnering with Gila County on this event and we appreciate your recommendation to issue a proclamation." She also noted that a packet of information with all of the details would be forthcoming. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Proclamation No. 11-02, proclaiming March 18, 2011, as the Centennial Anniversary of the official dedication of Theodore Roosevelt Dam. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

4B. Information/Discussion/Action to adopt Proclamation No. 11-01, to proclaim March 12, 2011, as "March for Babies Day" in Gila County.

Margret Celix, Chairman of the March of Dimes Committee, provided a brief summary about the March of Dimes and some current statistics on births in Arizona. Ms. Celix stated that the local committee would like to thank the Board of Supervisors for its support in the annual walk for March of Dimes. She noted that this year the walk is being called "March for Babies" and will be held at 7:00 a.m. on Saturday, March 12, 2011, beginning at the old Bullion Plaza Park and ending at Wal-Mart. She stated that the reason for the walk is to raise money for research that goes into preventing birth defects. She requested that the Board adopt the Proclamation. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Proclamation No. 11-01, to proclaim March 12, 2011, as "March for Babies Day" in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

4C. Information/Discussion/Action to approve an Agreement between Gila County and Agate Steel Inc. in the amount of \$35,251.11 to erect and install a pre-engineered metal building for the Community Services Division, Housing Section.

Dave Fletcher, Community Services Division Director, stated that this project has been some time in the making. The funding for this project is through the U.S. Department of Energy (DOE); however, the County also receives funds from the DOE, which usually go toward weatherization. Since the County Housing Department received stimulus funds and continues to spend those funds, the County also requested of DOE if it would be acceptable for the County to use its regularly scheduled funds to build this building in order to have a facility to house all the records, materials and tools at one facility. He stated that early on he spoke to Steve Stratton, Public Works Division Director, to assist in finding a location on which to erect the building and in particular about a piece of property out by the landfill. Using an aerial photo of the

County property, Mr. Fletcher explained to the Board the proposed location for the 30' by 40' building. He stated that the County went out for bids on this project and then those 3 bids received were submitted to the DOE, who reviewed them and approved the bid from Agate Steel. The project will consist of only a concrete slab with the pre-engineered metal building erected on the property and will not have any plumbing or electrical. He further advised that no general funds will be used for the purchase of the building or for putting it together. It is estimated that based on the amount of funds that will be spent, the return on investment is 2.8 years and if that was extrapolated out 20 years, which would be the life expectancy of the building, it is estimated that the County would have an extra \$200,000 to put into weatherization over that period of time. Chairman Pastor inquired if that was the lot that was cut out for an animal shelter. Mr. Fletcher stated that Mr. Stratton has indicated that there would still be room for an animal shelter when and if it gets built at that location. Chairman Pastor inquired about not having any service to the building. Mr. Fletcher stated that it will not have any plumbing, but eventually it might have electricity; however, right now generators can be used for minimal electricity needs. He advised that no employees will be housed in office space there and it will simply be used to store the Housing Department's tools and equipment, which right now are spread out in storage units requiring a lot of time to drive from place to place to pick up necessary tools and supplies. By having everything in one location, it will allow for doing a better job of keeping track of County tools, supplies, equipment and items received such as water heaters, coolers, lights, carbon monoxide, fire detectors, etc. that are from participating utility companies. It will also be a storage unit for storing files that the County is required to keep for 10 years and will provide for a place to put together sun screens and other items. Supervisor Dawson expressed a concern about records disintegrating that are stored in metal buildings during the hot summer temperatures without any air circulation. Mr. Fletcher stated that the old records are currently stored in Conex boxes that have no air either so this new building will be much larger than where the records are currently stored. The Board then discussed whether the building should at least be stubbed in with electricity and a restroom and called on Mr. Stratton for his input. Mr. Stratton stated that his involvement with the project was simply providing the location for it knowing that if electricity was eventually needed there was electricity just across the road and if a bathroom needed to be installed later, it was in a location that is adjacent to an area that would perk for a septic. Supervisor Dawson inquired if it would be a better investment with this building if it was on another parcel of land where utilities are available such as over on Mofford Drive. Mr. Stratton advised that there are other vacant locations near the new Public Works Complex that could facilitate this, but it would still need to have electricity run from the current transformers and conduits to the building. Mr. Stratton stated that he would be more than happy to provide to Mr. Fletcher a drawing and help facilitate the stub outs for water and plumbing and sewer or whatever the Board would direct and it could be done at a minimal expense. Vice-Chairman Martin

inquired if there was a deadline for the use or acceptance of the money. Mr. Fletcher stated that he thought the building would need to be put together before July 1, 2011, and he noted that there was a caveat in Agate Steel's contract that if the price of steel goes up, then the cost of the building would go up accordingly. Mr. Stratton recommended that the Board go ahead and approve the building so the contractor could lock in the steel price and order the building while he and Mr. Fletcher could continue their discussions that the board has requested, as this could save the County some money because the price of steel is escalating. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved an Agreement between Gila County and Agate Steel Inc. in the amount of \$35,251.11 to erect and install a pre-engineered metal building for the Community Services Division, Housing Section, on a location to be selected and details to follow.

4D. Information/Discussion/Action to approve a Housing Services Contract between Cenpatico Behavioral Health of Arizona, LLC, and Housing Subsidy Administrator to allocate funds in the amount of \$128,115.84, which will be used to help residents who meet the program qualifications for the period January 30, 2011, through June 30 2015.

Malissa Buzan, Community Action Program/Housing Services Program Manager, stated that this is a pilot project for 4 vouchers that will be administered in collaboration with Cenpatico Behavioral Health of Arizona, LLC, (Cenpatico) for the seriously mentally ill in Gila County. Cenpatico will be handling the case management portion for these clients and the Gila County Housing Department will be handling the General Section 8 Housing Voucher Program checking the homes to make sure that they are of housing quality standards. She stated that the clients to be served are either homeless, chronically homeless or in a residential treatment program and Cenpatico feels that they are ready to go and move out on their own. The County will get an 8% administrative fee and will do the general work of the Housing Choice Voucher Program. Patricia Campos is the Housing Coordinator for that program. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved a Housing Services Contract between Cenpatico Behavioral Health of Arizona, LLC, and Housing Subsidy Administrator to allocate funds in the amount of \$128,115.84, which will be used to help residents who meet the program qualifications for the period January 30, 2011, through June 30 2015.

4E. Information/Discussion/Action to adopt Resolution No. 11-03-01 officially accepting a recorded Quit Claim Deed for ownership into the Gila County property records whereby the Gila County Municipal Property Corporation releases, remises and forever quitclaims property to Gila County (Fee No. 2011-001176, Gila County Records, Gila County, Arizona.)

Steve Stratton, Public Works Division Director, stated that this is somewhat of a housekeeping matter. He stated that back in the early to mid-1990s the Gila County MPC (Municipal Property Corporation) was formed as a vehicle to borrow money to purchase facilities and also to remodel facilities. When the County sold the bonds in 2009, it paid off the MPC. This final item will be transferring the property to the County, accepting the property and then the Gila County MPC will be defunct. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 11-03-01 officially accepting a recorded Quit Claim Deed for ownership into the Gila County property records whereby the Gila County Municipal Property Corporation releases, remises and forever quitclaims property to Gila County (Fee No. 2011-001176, Gila County Records, Gila County, Arizona.) **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

4F. Information/Discussion/Action to approve Professional Services Contract No. 6500.529/2-2011 between Gila County and Logan Simpson Design, Inc. whereby consulting services will be provided for the Control and Colcord Roads Features Inventory and Documentation in the amount of \$47,041 from March 1, 2011, to February 28, 2012.

Steve Sanders, Public Works Division Deputy Director, stated that this project goes back a number of years when Gila County wanted to extend some paving on Control Road and on Colcord Road. At that time, the County found out that the U.S. Forest Service had designed the roads historic in nature. The County didn't have the documentation to allow it to extend the paving. In 2008, the County began doing a Cultural Resources Survey on both roads, which was done through the first contract with Logan Simpson Design, Inc. Once that was completed, the U.S. Forest Service developed a Programmatic Agreement with the State Historic Preservation Office as to how the County would mitigate any of the historic features identified along the road and to provide for future maintenance on the road and also establish what would be needed after the Programmatic Agreement was finalized. During the past year, the Programmatic Agreement was completed and approved by the U.S. Forest Service with the stipulation that the County had to go back and inventory and document all of the historic features into a HAER (Historic American Engineering Record) Act document. This Professional Services Contract with Logan Simpson Design, Inc. is a contract to provide the HAER document so the County will have it on file. Logan Simpson Design, Inc. has stated that the work can be done in 150 days; however, the County is requesting that the Contract be valid for 1 year in case Logan Simpson Design, Inc. should run into something unknown that might slow the process down. Mr. Sanders advised that the total Contract is approximately \$47,000; 28,700 for the Control Road and \$18,200 for the Colcord Road. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Professional Services Contract No. 6500.529/2-2011 between Gila

County and Logan Simpson Design, Inc. whereby consulting services will be provided for the Control and Colcord Roads Features Inventory and Documentation in the amount of \$47,041 from March 1, 2011, to February 28, 2012.

4G. Information/Discussion/Action to approve Professional Services Contract No. 1005.201/2-2011 between Gila County and Linda Koury, whereby services will be provided for financial reports consulting in the amount of \$16,000 from March 1, 2011, to February 28, 2012.

Joe Heatherly, Finance Director, stated that this Contract would provide for consulting work by Linda Koury to put together the County's financial information and supply the details to the Auditor General's Office so the financial statements can be prepared as she has done for the past 5 years. He advised that although the contract is for 1 year, the scope of work is actually for approximately 600 hours and the estimate is that the work will be completed by early April. Also, at least one third of those hours will be used by Ms. Koury to train the Finance Department staff about the details of how this has been done in the past and to prepare a working procedure manual so this can be taken over by staff to enable them to prepare the audit which will start again for 2011 in probably late August or September of this year. Supervisor Dawson thanked Mr. Heatherly and his staff for taking the initiative to train his staff and she appreciates the total transparency with the Finance Department in answering questions and bringing the County's records current, particularly the audits. Supervisor Dawson made the motion that the Board approve Professional Services Contract No. 1005.201/2-2011 between Gila County and Linda Koury, whereby services will be provided for financial reports consulting in the amount of \$16,000 from March 1, 2011, to February 28, 2012. Vice-Chairman Martin pointed out that next year February 29, 2012, is the last day of the month, not February 28th, as it is a leap year, so with a change for the ending date on this Contract and the Professional Services Contract addressed in Item 4F, she seconded the motion. The motion passed unanimously.

Chairman Pastor stated that because the next 2 agenda items could involve lengthy discussions, he requested that the Board move to Item 5, Consent Agenda Action items, for review first and then return back to Items 4H and 4I.

Item 5 - CONSENT AGENDA ACTION ITEMS:

5A. Approval of an Agreement between the Arizona State Forestry Division, Office of the State Forester, and the Gila County Board of Supervisors for disbursement to Gila County of \$15,000 appropriated for FY 2010-2011 by the Arizona Legislature for environmental programs impacting economic development.

5B. Authorization of the Chairman's signature on Amendment No. 1 to Professional Consulting Services Contract No. 6500.505/01-2010 between Gila County and Sheldon Miller to extend the Contract, per Article I, Activity 5, from the period January 5, 2011, to June 30, 2011, to provide consulting services for various highway projects in Arizona and with the Arizona Department of Transportation.

5C. Approval of Amendment No. 2 to Contract No. HG050277 between the Gila County Division of Health and Emergency Services (Nutrition Services Program) and the Arizona Department of Health Services in the amount of \$200 for the inclusion of the Farmer's Market Nutrition Program Services for the period March 1, 2011, to September 30, 2011.

5D. Approval of an Intergovernmental Agreement for Election Services between the Gila County Recorder's Office and the Town of Hayden to provide "Vote by Mail" mayoral election services on March 8, 2011, and, if needed, run-off election services on May 17, 2011.

5E. Ratification of the Board of Supervisors' approval to submit a Grant Application entitled "Reducing Health Disparities by Preventing Obesity among Minority and Underserved Women and Girls" in the amount of \$2,500 to allow the development of a "FIT WIC" program for low-income women.

5F. Authorization of the Chairman's signature on the Pandemic Influenza Tabletop Exercise-Gila County Scope of Work Agreement between Gila County Health & Emergency Services and Willdan Homeland Solutions in the amount of \$8,199.

5G. Acknowledge the resignation of Ms. Glenda Schroeder from the Whispering Pines Fire District Governing Board and the appointment of Mr. Joseph Brown to complete the term of Ms. Schroeder, which expires November 30, 2012.

5H. Approval of a request by the Greater Grace Fellowship/Classic Celebration's non-profit organization to the use the Payson Complex grounds for the 13th Annual "Mountain High Arts and Crafts Bazaar" on May 28-30, 2011, and the 14th Annual "Zane Grey Days Festival" on October 8-9, 2011.

5I. Approval of a Special Event License Application submitted by the Lions Club of Globe, Arizona, Inc. to serve liquor at a wedding reception on March 19, 2011.

5J. Approval of the December 2010 monthly departmental activity report submitted by the Globe Regional Constable.

5K. Approval of the January 2011 monthly departmental activity report submitted by the Globe Regional Justice of the Peace.

5L. Approval of Human Resources reports for the weeks of February 22, 2011, and March 1, 2011.

February 22, 2011

Hires to County Service:

1. Laurie Sauro – Community Services – Administrative Clerk Sr. – 02/22/11 – Various Fund Codes – Replaces Patricia Trevillian

Position Review:

2. Sharon Heller – Health and Emergency Services – Administrative Clerk Sr. – 02/07/11 – Change in number of hours worked
3. Larry Stephenson – Economic Development – Executive Director – 02/28/11 – Change in number of hours worked
4. Gaylynn Quintana – County Attorney – Legal Secretary Sr. – 02/01/11 – Change in fund code
5. Christina Throop – Community Services – Deputy REPAC Program Manager – 02/14/11 – Change to non-exempt status and change in fund code percentages
6. Cecilia Bejarano – Community Services – Executive Administrative Assistant – 02/14/11 – Change to non-exempt status and change in fund code percentages
7. Breena York – Health and Emergency Services/Community Services – Fiscal Services Manager – 02/14/11 – Change to non-exempt status and change in fund code percentages

End Probationary Period:

8. Ray R. Tarango – Globe Regional Constable – Deputy Constable – 01/03/11 – General Fund
9. Gary H. Lopez – Community Services – Community Services Worker – 02/14/11 – GEST Fund

Request Permission to Post:

10. Community Services – Community Services Worker – New Position
11. Community Services – Community Services Worker – New Position

SHERIFF'S PERSONNEL ACTION ITEMS

End Probationary Period:

12. Colt D. Maxwell – Sheriff's Office – Deputy Sheriff – 02/01/11 – General Fund
13. Arthur Decker – Sheriff's Office – Detention Officer – 12/21/10 – General Fund

March 1, 2011

Departures from County Service:

1. Christina M. Ortiz – Globe Regional Justice Court – Justice Court Clerk Associate – 02/18/11 – General Fund – DOH 09/06/10 – Resignation

2. Yvette Olvera – Probation – Administrative Clerk Senior – 02/18/11 – State Aid Enhancement Fund – DOH 11/01/04 - Resignation

Hires to County Service:

3. Karrie M. Alvino – Globe Regional Justice Court – Justice Court Clerk Associate – 03/07/11 – General Fund – Replaces Christine Ortiz
4. Sally Fulmer – Community Services – Career and Employment Specialist Sr. – 02/22/11 – WIA Fund – replaces Michael Lopez

End Probationary Service:

5. Jeremy Friestad – Public Works – Automotive Service Worker – 02/14/11 – Public Works Fund

Request Permission to Post:

6. Health and Emergency Services – Administrative Clerk Senior – Position vacated by Sharon Heller
7. Health and Emergency Services – Public Health Nurse – Position vacated by Bill Bowling
8. Health and Emergency Services – Director of Health and Emergency Services – Position vacated by Matt Bolinger
9. Community Services – Accountant – Position vacated by Amanda Roady

5M. Approval of finance reports/demands/transfers for the weeks of February 22, 2011, and March 1, 2011.

February 22, 2011

\$1,259,523.21 was disbursed for County expenses by check numbers 234587 through 234621.

March 1, 2011

\$1,663,833.49 was disbursed for County expenses by check numbers 234622 through 234843. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda items 5A-5M.

At this time the Chairman returned back to agenda items 4H with 4I following.

4H. Information/Discussion/Action to adopt Resolution No. 11-03-02, which repeals Gila County Resolution No. 11-01-04 and adopts the revised Redistricting Advisory Committee Guidelines.

Linda Eastlick, Elections Director, requested that the Board adopt a new Resolution No. 11-03-02 to rescind the previous Resolution No. 11-01-04 for the agenda item that was approved in January 2011 on the Redistricting Advisory Committee Guidelines. She stated that a change was needed in the

Guidelines in paragraph 1 where she has now added that the Gila County Community College District (GCCCD) will also be reviewed at the same time that the County does its supervisorial redistricting. Ms. Eastlick stated that she had neglected to include the GCCCD and it does need to be included in the County's redistricting process. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 11-03-02, which repeals Gila County Resolution No. 11-01-04 and adopts the revised Redistricting Advisory Committee Guidelines. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

4I. Information/Discussion/Action to proceed with the selection of the Gila County Redistricting Advisory Committee members and the selection of at least one alternate from each Supervisory district.

Ms. Eastlick stated that before proceeding to the selection of the Gila County Redistricting Advisory Committee members, she wanted to make the Board aware that some changes have occurred since this item was submitted in terms of the list of individuals. She then passed out a new list to the Board. Ms. Eastlick stated that initially 29 individuals submitted applications and in the interim Gail Lenox has withdrawn her paperwork. She also wanted to make the Board aware of some changes or additional information (in green on the list) on individuals who were nonconforming to the requirements set forth, which included the following: The first individual in Supervisor District 1 was Tracy Andersen, who was not registered in the state of Arizona until July 2010; in District 2, Luetta DuBois is a County employee; in District 2, Jay Spehar changed his registration from Democrat to Party Not Designated at the end of last year; Mitchel Holder in Supervisor District 3 had cancelled his registration in October 2009 and then did not reregister again until the following year in November 2010; and Richard Powers changed his registration in the last year from Republican to Independent. She stated that the revised list reflects the number of candidates at this point, which is 28, and it also reflects the number from each Supervisorial District as well as those from the College District and those numbers of each party affiliation. Ms. Eastlick stated that the process adopted by the Board in the Gila County Redistricting Guidelines (Guidelines) states that the Board will select 9 members for the Gila County Redistricting Advisory Committee and that the first selection will be made by the Chairman; the second by the Vice-Chairman; and the third selection from the third member of the Board. She also recommended that the Board select alternates; however, that would be at the Board's option. She advised that these alternates would only serve on the Committee in the event that an individual from the Committee had to resign for some reason or be removed. Chairman Pastor began the selection of the Committee by selecting Curtis Johnson, Supervisor District 2, College District 4 and a Democrat. Supervisor Dawson inquired if there needed to be a certain number selected by political party. Ms. Eastlick advised that the Guidelines have defined that there could be no more than 4 from each of the major political parties and because there will be 9

members one will have to be from another party, a Party Not Designated or an Independent. Vice-Chairman Martin selected Mike Vogel, Supervisor District 1, College District 2 and a Democrat. Supervisor Dawson selected Robert W. Pastor, Supervisor District 3, College District 4 and a Democrat. For the second round, Chairman Pastor selected Adelaido Rodriguez, Supervisor District 2, College District 5 and a Democrat. Vice-Chairman Martin selected James Muhr, Supervisor District 1, College District 1 and a Republican. Supervisor Dawson selected Thomas J. Moody, Supervisor District 3, College District 5 and an Independent. For the third round, Chairman Pastor selected Joseph Skamel, Supervisor District 2, College District 3 and Party Not Designated. Vice-Chairman Martin selected David Prechtel, Supervisor District 1, College District 1 and a Republican. Supervisor Dawson selected Loretta Stone, Supervisor District 3, College District 3 and Party Not Designated. Ms. Eastlick stated that the tally shows that there are members from each college district, 4 or fewer from each of the major parties and 1 or more from the Independent or Party Not Designated status. Chairman Pastor then began the discussion for selecting alternates. Bryan Chambers, Chief Deputy County Attorney, stated that there was no provision in the Guidelines for selecting alternates. Mr. Chambers stated that although it has been suggested that the Board appoint alternates, since there is no provision in the Guidelines, he was not sure exactly what legal authority an alternate would have or what they would do. He stated that there are provisions in the Guidelines that if someone resigns then the Board can appoint a new member, but there's nothing that provides for alternates. Ms. Eastlick also noted that any alternate would have no authority or responsibility until they become a member. Mr. McDaniel stated that as a more pragmatic and practical situation, since the Board doesn't know who those people would be that may not be able to serve and would not know what requirements that person is going to have fill with regard to party and district, it might be best to reserve a selection of alternates until the Board knows which member they were going to be replacing. Vice-Chairman Martin stated, "However we do it, I do plan to pick now 2 alternates and I'm thinking juries have alternates for crying out loud. We're asking these people to work for months and things happen to people and I don't want someone to have to start at ground zero about half way through or two-thirds of the way through and not have all the nuances of all the meetings. I'm going to pick a Democrat and a Republican alternate and suggest that they go to all the meetings. I'm quite willing to pick up the travel on them, but I want them as up to speed as the regular committee in the event that we have to switch one of them out. And you need to also know that I plan that whoever is not picked I would like to see if they wouldn't be willing to come into some kind of an ad hoc committee set up so they pay attention. I think that the more brains that get in on this conversation the better off we'll be. And I would like to find a way to use the folks that stepped up and said they would like to be involved to also be able to look at all information, give some ad hoc advice to me or to us or to this group. I don't like putting these people-- we have a lot of folks here that stepped up and I would like to see that they are at some level

involved in the conversation, whether it's formally or informally." Supervisor Dawson said she seconded that as well. Mr. Chambers responded by stating, "These are going to be open public meetings and so all of these individuals whether they are selected or not today can come to meetings. It certainly might be wise, as Vice-Chairman Martin has pointed out, to encourage a few people to come to these meetings because in the event that somebody does step down, this Board will have to appoint people to take their place. If this Board wants to go ahead and state that there will be other people that they will be interested in, I think that probably is fine and I think it's probably related enough to this agenda item that you can do so, but in the event someone does resign after being appointed, there will have to be another action taken by this Board in order to get them formally on the Committee. Certainly they can attend every single meeting as any member of the public can and the Board can come back with an amendment to the Guidelines if it wants to, to add alternates, but that's not part of the Guidelines that the Board just approved." Chairman Pastor inquired of Mr. Chambers if legally the Board could or could not select alternates. Mr. Chambers replied, "I'm saying that you can list who you would include as alternates, but in the event that a position opens that needs to be filled, it will have to come back before this Board for approval." Chairman Pastor stated and he would expect it to come back before the Board to name another member; however, at this time, he thought the Board should go ahead and select its alternates and identify them for Ms. Eastlick's purposes in notifying them. Mr. Chambers stated, "Just one more thing in light of Mr. McDaniel's comment, in the event that there is a position open if it's a position that has to be filled by a Republican or a Democrat or whatever, that's going to obviously affect which alternate might be able to get the position. Technically any naming of alternates today would be non-binding on the Board in the future, so it would make sense to choose one of those, but the Board would not be bound to choose any of them." Chairman Pastor selected for his 2 alternates, Linda Pearce, Supervisor District 2, College District 4 and a Democrat, and also William A. Bryne, Supervisor District 2, College District 3 and a Democrat. Vice-Chairman Martin selected as her 2 alternates, Christine Harrison, Supervisor District 3, College District 2 and a Democrat and also Paul Bates, Supervisor District 1, College District 1 and a Republican. Supervisor Dawson selected as her 2 alternates, Gary Andress, Supervisor District 3, College District 4 and a Democrat, and also Robert Hibbert, Supervisor District 3, College District 2 and a Republican. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board approved the following people to serve as the Gila County Redistricting Advisory Committee members: Curtis Johnson, Michael Vogel, Robert Pastor, Adelaido Rodriquez, James Muhr, Thomas Moody, Joseph Skamel, David Prechtel, and Loretta Stone. Ms. Eastlick stated that she would proceed to make notification to all members of the Committee and would also notify all alternates that they are alternates and that they have no specific function on the committee at this point in time unless another motion were to be brought to the Board for them to serve on the Committee. Chairman Pastor stated to Ms. Eastlick that she

might encourage the alternates that if they want to participate they are more than welcome and they should be there. Vice-Chairman Martin added, "I would even say they are expected to be there."

Item 6 - CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address issue(s) within the Board's jurisdiction. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for further discussion and decision at a future date.

There were no requests to speak from the public.

Item 6 - At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the Chief Administrator may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and Mr. McDaniel presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:46 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk