

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

Date: March 3, 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; John Nelson, Deputy County Attorney; and Marian Sheppard, Chief Deputy Clerk.

Item 1 – Call to Order – Pledge of Allegiance

The Gila County Board of Supervisors met in a special session at 4:00 p.m. this date in the Board of Supervisors hearing room. Michael Pastor led the Pledge of Allegiance.

Item 2 – Information/Discussion/Action to authorize the Chairman of the Board of Supervisors to sign Amendment No. 1 to the Crew Use Contract dated February 23, 2011, between Gila County and the Arizona State Forestry Division, and to allow Gila County to expend up to \$48,800 utilizing the Wild Land Fire Crews for removal of debris from Tonto Creek for the period of March 7 through March 31, 2011.

Matthew Bolinger, Health and Emergency Services Division Director, stated that this is an amendment to a contract Gila County entered into with the Arizona State Forestry Division (ASFD) in 2008 to use its Wild Land Fire Crews. He stated that these are generally 20-man crews from the prison system that are quite high speed for prison crews who are used on wild land fires to go out on the front lines and cut line. The County used these crews back in 2009 to clean out some dead and down debris in the Six Shooter Canyon areas to protect some of the bridges and culverts and they worked very well. Mr. Bolinger advised that when he contacted the ASFD they advised that the rates to use these crews have gone up because of the increased price in fuel and labor so the ASFD wanted to update the contract with the new rate sheet. The ASFD also wanted to include some language in the contract that allows the County to use their crews on federal lands because in Tonto Creek and in the

Tonto Basin area, most of the land that the County will be going onto will be U.S. Forest Service land. Mr. Bolinger advised that if the County uses the Globe crew it will cost about \$1,300/day for a 20-man crew, which includes guards and mileage; however, if the County uses a Florence crew the price will increase approximately \$350/day because of the extra travel. He advised that the plan is to hopefully put the Globe crew into Tonto Creek starting Monday, March 7, 2011. He advised that the County received a special use permit from the U.S. Forest Service last Monday and it expires on the last day of March because beginning in April, some nesting is done by critical habitat in Tonto Creek so the County would have to be out of there by April 1st. Mr. Bolinger stated that an estimate of the cost for a Globe crew working 4 days/week for the next 4 weeks would be a little over \$22,000. If the County used crews from Globe and Florence the cost would be approximately \$50,000. Chairman Pastor inquired if the plan is to just use the Globe crew. Mr. Bolinger replied that he is scheduled to go out to the site with the Globe crew foreman today, but the decision will be based upon on the Board's decision today; however, currently it would be just using the Globe crew. Supervisor Dawson thought the County should do as much as possible while it has permission to do so because getting permission to get in there is very difficult and inquired if Florence had been contacted about sending up a crew. Mr. Bolinger stated that he doesn't contact the crew bosses himself, but rather he contacts a gentleman with the ASFD that handles it and at this point he has only put Mr. Bolinger in contact with the Globe crew foreman, Bob Arthur. If it is felt that another crew is necessary, Mr. Bolinger stated that ASFD staff are willing to help in any way they can, but that would be up to the Board on how much it wanted to do and spend. Mr. Bolinger also wasn't sure that both crews would be needed, but if the Board authorized the \$50,000, he could gauge after a week's worth of work using just the Globe crew. He would then put in a request for the Florence crew as well if he didn't think all of the cleanup would be done by the end of March. What the crew would be doing is cleaning out the dead and down material in the historical channel. He wasn't sure if the County would want to get off into the snags and things over near the edges, but there were many options with using just one crew the whole time, and splitting up and see how they are doing; however, the decision would be up to the Board. Supervisor Dawson reiterated that her preference would be to do as much as possible while the County has permission. Steve Stratton, Public Works Division Director, stated that it would make sense to bring both crews in and either finish earlier or get more done. If the County started with both crews, and it would only be a minimum amount of difference between the Globe crew and the Florence crew, these crews are really good, but working on a creek or river is much wider than what the County has dealt with in the past. The material is going to be sledded out and stacked. He recommended that the County utilize both crews if the funding is available. Mr. Stratton also requested that if both crews are used that they not start near where his crews will be working for safety reasons, but he would work that out with Mr. Bolinger and the Globe and Florence crews. Mr. McDaniel stated that he never

thought that anything other than the maximum amount of clearing in the minimal amount of time we have available would be done, so the recommendation is to expend up to \$48,800 and that is to put both crews in for as long as we can keep them there, which would be the end of the month. He stated that secondly, all 3 of the items on today's agenda are basically for one project in Tonto Creek and this was not budgeted for 2011, because it was unknown at that time. However, the budget does have natural resource funds budgeted in the amount of \$250,000 for such purposes as this. The total of all of these projects is roughly \$123,000 to \$125,000 with some amended numbers. He also advised the Board that those natural resources funds are used occasionally and it could be possible that before the end of this fiscal year the Board would need to move some rainy day funds into the natural resource fund to cover some of the recurring costs. Vice-Chairman Martin inquired about "dead and down" wood and whether the U.S. Forest Service personnel could accompany County staff to determine the dead and down wood. Mr. Bolinger stated that the U.S. Forest Service has already sent a wildlife biologist out to look at the nesting because they were flagging off a few places where they are concerned about possible nesting sites. He stated that in meeting with Mr. Arthur, foreman for the prison crew, and Kelly Jardine, the district ranger for the U.S. Forest Service, he didn't know if they are flagging off the dead and down wood itself. He stated that from experience with the Six Shooter Canyon project, the crews were very experienced in removing things that the Forest Service wants removed and other than one hiccup in Six Shooter Canyon with some small cottonwood tree that they were nursing, the crews did a really good job. Mr. Bolinger stated that he would definitely bring this up with Mr. Jardine just to make sure the County isn't removing something that they'll come back later and say these crews shouldn't have removed. Vice-Chairman Martin stated that she hasn't been out on that creek in awhile; however, if the County and crews aren't really careful, something might be cut down that is alive. Vice-Chairman Martin stated that she ran into this situation before where somebody was allowed dead and down wood and cut down something that was alive and "it gets real sticky then." Mr. Stratton stated that he has had some good discussions with Mr. Jardine and Greg, the biologist. As general information for the Board, a lot of the dead and down wood are trees and some of it is actually brush that has woven itself in between the willow trees and other trees. That is primarily the type of wood the County wants to remove because that's what churns the water. He agreed with Mr. Bolinger that the crews are very good and very knowledgeable. He also stated that neither he nor Mr. Bolinger could guarantee the Board that nothing is going to happen. During conversations with Mr. Jardine and Greg, and given past experience working with these crews, all of them believe that should damage occur, it would be minimal. Vice-Chairman Martin stated that she just wondered if the Forest Service would be going along with the County and crews to inspect the work as it is completed and not afterward. Mr. Stratton stated that the Forest Service has not said that but since that area is of a critical nature he believed "they will keep a pretty good eye on us." Vice-Chairman Martin requested to

make that definitive one way or the other by taking the initiative and asking for the U.S. Forest Service to be along with the County and crews as it stops a lot of blame later when there are unintended consequences. Supervisor Dawson stated, "I absolutely disagree from the experience in Dripping Springs with the Arizona Department of Environmental Quality...When we start inviting federal inspections, which is however these guides turn out or whoever they are, their job is to create problems. I'm sorry." Mr. Stratton stated that since the biologist is actually assigned to that area and he's the one that has flagged the critical habitat that the County needs to stay away from, he's 99% sure the biologist is going to be there. Chairman Pastor stated that in the letter from Kelly Jardine, it does say that they (the U.S. Forest Service) are going to be, or he kind of indicated that they would be checking on everything, but he doesn't know if they're actually going to be there all the time. Mr. Stratton stated that he's not sure they have the manpower to be there all of the time, but he was pretty sure they're going to be monitoring it. Vice-Chairman Martin stated that she didn't see the letter. Chairman Pastor advised her that the letter is included with the next agenda item. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the Chairman of the Board of Supervisors to sign Amendment No. 1 to the Crew Use Contract dated February 23, 2011, between Gila County and the Arizona State Forestry Division, and to allow Gila County to expend up to \$48,800 utilizing the Wild Land Fire Crews for removal of debris from Tonto Creek for the period of March 7 through March 31, 2011.

Item 3 - Information/Discussion/Action to authorize the Chairman of the Board of Supervisors to sign USDA Forest Service Contract No. FS-2800-9 (7/2007) for the purchase of mineral materials at no cost to Gila County in order to reduce the height of existing sandbars in the Tonto Creek and allow the County to expend up to \$39,290.40 in order to extract the purchased minerals.

Mr. Stratton stated that this project is a collaborative effort utilizing both HURF (Highway User Revenue Funds) resources and General Fund resources. Mr. Stratton stated that this process began in December 2010, when he spoke with Ron Fowler of the U.S. Army Corps of Engineers (Corps) and explained that the County was going to be removing these minerals or aggregate under the Tulloch Ruling, over which the Corp of Engineers has no jurisdiction. It is different from channelizing and Mr. Fowler agreed. Mr. Stratton stated that in speaking with Ranger Kelly Jardine about this, some of the materials that will be removed can be used for shoulder buildup on U.S. Forest Service roads that the County maintains. Partial HURF funds can be utilized and the other portion of the material will be used on other County projects, so the project will be partially paid for by HURF funds and the other portion by General Funds. He advised the Board that the County intends to rent a 966 loader and with Board approval, it will be delivered tomorrow to begin work on Monday. The County will also rent 2 dump trucks from Payson Concrete and will hire a

temporary loader operator that is experienced and lives in that area. Two of the County's dump trucks, 1 water truck and 1 blade on the project will also be utilized. The 966-rented loader will use approximately 6.5 gallons of fuel per hour at \$3.71/gallon for a total cost of approximately \$6,500. The rental for the 2 trucks will be \$10,400 each and everything is based on 160 hours—40 hours a week for 4 weeks. The fuel for the County owned equipment, which Mr. Stratton proposed that those costs be split as well, would be just under \$1,500 per piece of equipment. The total cost from the General Fund would be a commitment of approximately \$33,192 and the HURF funds contribution would be \$15,152.20 plus the labor, which is equal to about another \$13,000 including benefits. Chairman Pastor inquired whether the total cost for the project would be the \$39,000. Mr. Stratton replied that the total project cost would come up to just over \$48,000, a combination of General Funds and HURF funds. Chairman Pastor then inquired whether the motion should be for \$39,000 or \$48,000. Mr. Stratton replied that he would prefer that the motion be for \$39,000 of General Funds; however, the General Fund is not bearing the whole cost on this project. He also clarified that the depth to which the County would be removing materials, will not go below the elevation of the adjacent roadway whether it be the Bar-X Crossing, the Store Crossing or the A-Crossing. Using the elevation of the roadway does give the County the argument that it is not channelizing by any means, and that is agreed upon with the U.S. Forest Service and the Corps. Mr. Stratton stated that other clarification he wanted make to the Board and the residents is that because of critical habitat problems that would have delayed this permit, the County cannot work above the Bar-X Crossing. The County was going to work 50-100 yards in each direction of each of the crossings, but will not be working above the Bar-X. Chairman Pastor referenced the letter received from Ranger Kelly Jardine in which Mr. Jardine states, "My staff will mark the boundaries for the sand bar excavation work and coordinate closely with the Gila County crew completing the work to ensure that those boundaries are known and understood by all." Chairman Pastor stated that by Mr. Jardine making this statement, he believes they will be aware of where the County is working and what it is doing and should be monitoring it throughout the project. Vice-Chairman Martin stated that she was glad to hear the County won't be going below the existing roadway because she is so distrustful of the whole process with the U.S. Forest Service. She also expressed another concern and wondered if there had been any conversation about liability getting shifted to the County in the future where they could point to this as causing something in the future. Vice-Chairman Martin stated, "I'm skeptical as heck when we deal with this kind of a deal especially something that just shows up and drops in our lap with this and it makes me wonder if there's any potential liability that could be shifted to us in the future because of changing the flow patterns or any other thing they could come up with." Mr. Stratton replied that there has not been any conversation concerning liability with the U.S. Forest Service or with anyone else. Mr. Stratton stated, "We are going about this in such a manner that we are working in the middle of the channel and we will monitor

what effects we do have on the channel itself and any water shifting. We're hopeful that by doing this, it will allow the water to stay more in the middle and not go bank to bank and not cut those banks and dikes, but as I said all we can do is monitor it." Vice-Chairman Martin inquired whether someone could take photographs before the project starts, during the project work and after the project is completed. Mr. Stratton replied, "Absolutely, we will document all of our activities and Kelly Jardine has met on site with Lonnie Cline and Brent Cline (County employees) and they do understand." Vice-Chairman Martin stated, "I would like pictures too, actual pictures of the before, during and after. I just think we can't be too careful on some of this stuff." Mr. Stratton replied, "We will make a nice scrapbook for everybody." Supervisor Dawson stated, "The thing that gets me is once we get permission to get in there and try to clean this up, there never seems to be a concern about the critical human existence; flooding, those banks changing, but we have to be--we can't go about cleaning up because we might bother the critical habitat of the flycatcher." Mr. Stratton added one additional comment for the Board and to add to Mr. Bolinger's previous comments about the Forest Service land, the County does have TCEs (temporary construction easements) from the other parcels that the County feels may be impacted and everyone has been very cooperative in getting those to the County. Vice-Chairman Martin made the motion that the Board authorize the Chairman of the Board of Supervisors to sign USDA Forest Service Contract No. FS-2800-9 (7/2007) for the purchase of mineral materials at no cost to Gila County in order to reduce the height of existing sandbars in the Tonto Creek and allow the County to expend up to \$39,290.40 in order to extract the purchased minerals. The motion was seconded by Supervisor Dawson. Vice-Chairman Martin then amended her motion to include that the \$39,290.40 would be a General Fund expenditure, which was seconded by Supervisor Dawson. The motion passed unanimously.

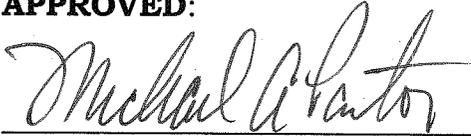
Item 4 - Information/Discussion/Action to authorize the Public Works Division to proceed with the repair of Roosevelt Gardens East and authorize the expenditure of funds of a not to exceed amount of \$40,000.

Mr. Stratton stated that this project is totally funded by the General Fund with no HURF funds involved. He stated that the County was successful in receiving a Nationwide No. 3 Permit from the Army Corps of Engineers with the assistance of Westland Resources. The Nationwide Permit will allow the County to replace the riprap that is missing on the face of the dike. The riprap has to be hand placed and cannot be placed with machinery in order to assure that it will not roll down and take out the willow trees because of the willow flycatcher. Mr. Stratton stated that it is believed that the County has enough riprap, which was purchased from a road project close to Miami, of approximately 600 yards that would be enough to replace the missing riprap on the face of the dike and allow for running a 2-foot-wide ribbon on the top of the dike for 900 feet. This would allow the riprap to actually lock into each other. He explained that it's angular; it's shot rock, quaried rock rather than

the rounded rock and it will turn water better and won't roll in the stream. He stated that it's important that that face rock be replaced and then locked in with at least a couple of feet of riprap on the top in order to help it remain secure. Chairman Pastor inquired if he was referring to Roosevelt Gardens East. Mr. Stratton replied that this particular dike is located in that subdivision along with others dikes, but this one is located by most of the homes. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the Public Works Division to proceed with the repair of Roosevelt Gardens East and authorize the expenditure of funds of a not to exceed amount of \$40,000.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 4:34 p.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Mariañ Sheppard, Chief Deputy Clerk