

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

Date: April 26, 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

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PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via phone conferencing); Shirley L. Dawson, Supervisor; Don McDaniel, Jr., County Manager; and Marian Sheppard, Chief Deputy Clerk.

**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. Michael Pastor led the Pledge of Allegiance.

**Item 2 - 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.**

Don McDaniel, County Manager, advised that over the last few months the Board of Supervisors began a review of information pertaining to all boards, commissions and committees, which are under the purview of the Board of Supervisors. A notebook entitled Gila County Boards, Commissions and Committees (BC&C) has been compiled for this information. The Gila County Industrial Development Authority was reviewed last. Today the Board would review the following: Gila County Board of Adjustment and Appeals; Gila County Building Safety Advisory and Appeals Board; Gila County Planning and Zoning Commission; and Gila County Regional Design Review Committee, which are overseen by the Community Development Division; Gila County Community Action Advisory Board and the Gila-Pinal Workforce Investment Board, which are overseen by the Community Services Division; and various committees/commissions which are associated with the use of the Gila County Fairgrounds.

Mr. McDaniel provided a compliance checklist for the Board of Adjustments and Appeals, which he reviewed with the Board, as follows:

- 1) Name: Board of Adjustment and Appeals
- 2) Gila County Staff Liaison: Community Development Division Director
- 3) Legal basis for establishment: Created per A.R.S. §11-807
  - Date of creation: September 8, 1959
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Consider variances to zoning regulations and any appeals to an interpretation of the zoning regulations that a citizen feels is not proper
- 5) Membership: 5 members
  - Terms of office: 4 years
  - Appointing authority: Board of Supervisors
- 6) Meeting schedule: Meet on a regular basis as posted and advertised
  - Location: Most meetings are in Globe and occasionally in Payson
- 7) Meeting legal posting and advertising: Required by law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: Board of Supervisors
  - Amounts: \$6,000 in the County General Fund for reimbursement for travel and meals\*
- 11) Significant actions and accomplishments: Zoning variances and interpretations
- 12) Notes: None

\* Mr. McDaniel noted that a total of \$6,000 is available for 3 of the BC&Cs combined under the purview of the Community Development Division, not \$6,000 for each one.

Next Mr. McDaniel provided a compliance checklist for the Building Safety Advisory and Appeals Board, which he reviewed with the Board, as follows:

- 1) Name: Building Safety Advisory and Appeals Board
- 2) Gila County Staff Liaison: Community Development Division Deputy Director
- 3) Legal basis for establishment: Created per A.R.S. §11-862
  - Date of creation: October 23, 2007
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Hear appeals to the Building Official's decision; can assign alternate methods of handling building code requirements
- 5) Membership: 5-7 with specific construction-related disciplines
  - Terms of office: 4 years
  - Appointing authority: Board of Supervisors

- 6) Meeting schedule: As noted and posted
    - Location: Globe, Payson and Tonto Basin
  - 7) Meeting legal posting and advertising: Required by law
  - 8) Meeting agendas: Required by law
  - 9) Meeting minutes: Required by law
  - 10) Funding sources: Board of Supervisors
    - Amounts: Amounts: \$6,000 in the County General Fund for reimbursement for travel and meals\*
  - 11) Significant actions and accomplishments: Adopted Energy Efficiency Chapter in the Building Code; also reviewing updating the Code from a 2003 version to a 2009 or even a 2012 version
  - 12) Notes: None
- \* Mr. McDaniel noted that a total of \$6,000 is available for 3 of the BC&Cs combined under the purview of the Community Development Division, not \$6,000 for each one.

Mr. McDaniel then provided a compliance checklist for the Planning and Zoning Commission, which he reviewed with the Board, as follows:

- 1) Name: Planning and Zoning Commission
- 2) Gila County Staff Liaison: Community Development Division Director
- 3) Legal basis for establishment: Created per A.R.S. §11-802
  - Date of creation: September 8, 1959
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Advise and recommend development-related matters to the Board of Supervisors. It is an extension of the Board for the purpose of assisting with anything related to development, building, zoning, master plans, etc.
- 5) Membership: 9 – 3 from each supervisorial district
  - Terms of office: 4 years
  - Appointing authority: Board of Supervisors
- 6) Meeting schedule: Third Thursday of each month; noticed and posted.
  - Location: Globe and Payson
- 7) Meeting legal posting and advertising: Required by law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: Board of Supervisors
  - Amounts: Amounts: \$6,000 in the County General Fund for reimbursement for travel and meals\*
- 11) Significant actions and accomplishments: LURPP, Medical Marijuana
- 12) Notes: None

\* Mr. McDaniel noted that a total of \$6,000 is available for 3 of the BC&Cs combined under the purview of the Community Development Division, not \$6,000 for each one.

The last item for review under the Community Development Division was the Regional Design Review Committee for which Mr. McDaniel provided a compliance checklist as follows:

- 1) Name: Regional Design Review Committee
- 2) Gila County Staff Liaison: Community Development Division Director
- 3) Legal basis for establishment: Created per A.R.S. and Gila County Board of Supervisors' Resolution No. 08-12-01
  - Date of creation: December 2, 2008
  - Bylaws: N/A
  - Charter: N/A
  - Legal counsel: County Attorney, City of Globe Attorney & Town of Miami Attorney
- 4) Assigned areas of responsibility: Design review advisory to the Planning and Zoning Administrator
- 5) Membership: 3 Representatives from each: Gila County, City of Globe and Town of Miami
  - Terms of office: 4 years; Chairmen for 1 year
  - Appointing authority: Each agency appoints 3
- 6) Meeting schedule: As needed
  - Location: Depends on project location
- 7) Meeting legal posting and advertising: Required by law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: None
  - Amounts: N/A
- 11) Significant actions and accomplishments: Design review guidelines for the Highway 60/70 Corridor
- 12) Notes: None

Mr. McDaniel provided a compliance checklist for the Community Action Advisory Board, which he reviewed with the Board, as follows:

- 1) Name: Community Action Advisory Board
- 2) Gila County Staff Liaison: Community Services Division Director
- 3) Legal basis for establishment: Federal and Arizona Department of Economic Security requirement
  - Date of creation: Unknown
  - Bylaws: Yes – Not provided
  - Charter: N/A
  - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Not provided
- 5) Membership: 9 County citizens - 3 per supervisorial district
  - Terms of office: 2 years
  - Appointing authority: Board of Supervisors - 3 per supervisorial district
- 6) Meeting schedule: Quarterly
  - Location: Various locations in the County

- 7) Meeting legal posting and advertising: Not provided
- 8) Meeting agendas: Not provided
- 9) Meeting minutes: Not provided
- 10) Funding sources: Not provided
- 11) Significant actions and accomplishments: Not provided
- 12) Notes: Staff will follow up to obtain and provide this missing information

Mr. McDaniel then provided a compliance checklist for the Gila/Pinal Workforce Investment Board (WIB), which he reviewed with the Board, as follows:

- 1) Name: Gila/Pinal Workforce Investment Board
- 2) Gila County Staff Liaison: Community Services Division Director
- 3) Legal basis for establishment: Workforce Investment Act of 1998, Arizona Revised Statutes and Board of Supervisors' Resolution
  - Date of creation: July 1, 2000
  - Bylaws: Yes – Not provided
  - Charter: N/A
  - Legal counsel: Gila County and Pinal County Attorneys
- 4) Assigned areas of responsibility: Workforce training and vocational rehabilitation and reentering workers into the workforce that have been dislocated for various reasons such as layoffs, change in industry, etc.
- 5) Membership: 14 from Gila County; similar from Pinal County
  - Terms of office: 4 years
  - Appointing authority: Board of Supervisors from Gila and Pinal Counties
- 6) Meeting schedule: Quarterly
  - Location: Various locations in Gila and Pinal Counties
- 7) Meeting legal posting and advertising: Required by law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: Workforce Investment Act (WIA) Title 1B; Arizona Department of Economic Security
  - Amounts: \$2,358,000 (2010)
- 11) Significant actions and accomplishments: Met or exceeded 15 of 15 performance measures
- 12) Notes: None

Supervisor Dawson stated that when she was working on the Job Corps project, there were many questions about the activity of the WIB, which she believes should be reviewed. Supervisor Dawson stated, "I know some of our reps and some of our legislative people have questions about what Gila/Pinal was doing. A lot is going on in Pinal and maybe we need to pay a little bit more attention to what's going on in Gila County with it because Pinal will grab all that they can and they know I would say that. It's really easy to have a One-Stop Center when you are in Pinal County and have Casa Grande sitting there providing assistance and coordination and leadership, and the same with Central Arizona Association of Governments (CAAG)...So I just think this is one

area where we probably, in a long-term plan, need to be looking at ‘Can we get this more active in Gila County?’ or things will continue to migrate to the fastest-growing county in Arizona.” Mr. McDaniel stated that it was his understanding that the funds, even though they come to the entire WIB, are based on Gila and Pinal County’s populations and the funds are spent in the same ratio in the counties in which they are being brought in. Upon inquiry by Chairman Pastor if the \$2.358 million (noted above) are the total funds coming to Gila County, Mr. McDaniel replied that the \$2.358 million is for both Gila and Pinal Counties. Supervisor Dawson stated, “My experience has been and I watched this particularly with the One-Stop, if you ask the Arizona Department of Economic Security where is a One-Stop shop in Gila County, I’m not sure you will get a clear answer. There is a humongous One-Stop Center established in Casa Grande. I think we have room to improve in this one and the only way we’re going to do it is by active coordination with CAAG and everybody saying ‘we are ready to work on this.’ So even though it is a per capita division of funds, if you don’t use it or innovate something it will go away. It will end up not equally dispersed.” Mr. McDaniel stated, “It sounds like we should invite them for a presentation and update because a lot of it may just be a lack of information and that would provide an opportunity to give direction as well.” Supervisor Dawson stated, “And maybe there’s something we can do to help develop better services.” Chairman Pastor stated, “I know through the CAAG structure, we have a supervisor from Pinal County who is very involved in it. His whole plan of attack is Pinal County is becoming the next biggest county and the fastest growing and why should we partner with Gila County on CAAG?” He noted that Gila County is not trying to break away and become independent. Vice-Chairman Martin stated, “We’re about the smallest growing county and we’re partnered with the largest growing county and I think it might be time for us to try to find a new home; that we might be better served with some small county or with a group of small counties. It’s like everything else that we’re doing in Arizona. I’m not sure that structure serves the ones it’s supposed to be serving well. I think we do take the hind seat in this area.” Supervisor Dawson noted that a good example was when Community Bridges was looking at locating in Gila County and it was almost located in Casa Grande. She felt it was because the County wasn’t on top of it. Vice-Chairman Martin stated, “...I think we only should truly think about reconfiguring or asking to be some kind of configuration with somebody else. I think we will continue to play second fiddle as long as we are attached to Pinal County. To me the hand writing is on the wall. It is CAAG in this instance and any instance with the County. I think it’s time we stepped up and partnered up with some other configuration...” Supervisor Dawson stated that the metropolitan areas per capita can deliver services much more economically than rural counties. She does not believe that CAAG recognizes that fact and when distributing the money per capita it is not being fair. In job-related services, Gila County cannot do the training in Globe as economically as it can be done in Casa Grande and that is merely because Casa Grande has more professional faculty. She stated, “We need to fight that battle and the WIB is

one of the places where we need to say, ‘Well, wait a minute.’” Supervisor Dawson stated that she discussed this topic with the Pinal County Supervisor when he was saying ‘we just need to change CAAG.’ Supervisor Dawson didn’t think that could be done without state legislative action or at the governor’s direction and she stated “We need to be prepared and be looking at how is this restructuring and what is a fair restructure?” Vice-Chairman Martin agreed and added, “I think we need to be proactive; we need to initiate that conversation.” She questioned whether there is still a need for CAAG and if it is still a valid layer of government or not. Vice-Chairman Martin stated, “It’s one of the many areas that I think we need to take a real hard look.” Mr. McDaniel stated, “It’s somewhat akin to redistricting in the sense that the federal government requires the creation and establishment of the councils of government around each state around the country and it’s for distribution of federal finds as the primary purpose, the distribution of need, etc. so we couldn’t unilaterally change being a member of CAAG, but we could initiate the process of realigning the district boundaries of CAAG to allow Pinal if they would like to go join the big boys and then allow the reestablishment of perhaps an Eastern Arizona Council of Governments. That’s a process that we could initiate based on what we feel is our need and maybe even consistent with what is happening in Pinal County and their real need to continue to be proud of the fact that they are the fastest growing, which doesn’t speak to how well they are growing or what’s turning out, but they are definitely the fastest. So we’ll give them that and let them go ahead and grow. And it’s true that the needs are different in the more urban areas than they are of the more rural, so that would be justification for initiating on our part, initiating some sort of study at the state level to realign this council of governments and maybe put us somewhere else.” Mr. McDaniel also reminded the Board that the WIB has stated that the Gila/Pinal Workforce Investment Area has met or exceeded 15 of the 15 federally-required performance measures, which is something the WIB should feel proud; however, he believes that people should have questioned the number of people that have been reemployed; the number of people that have been trained; and the number of people who have yet to receive much-needed assistance because they are currently unemployed. He wants to know the real measurements of the Workforce Area’s accomplishments rather than knowing whether the Area has met all of its performance measures. Mr. McDaniel believes this is an opportunity to relook at the WIB’s goals and objectives and whether they are being met, so he will track this issue.

Mr. McDaniel stated that the final group to be reviewed was labeled as the Gila County Fairgrounds; however, it should more appropriately be called the Gila County Fair and Racing Commission because it is the over-arching group with 4 major committees under it as shown in the organizational chart as follows: Gila County Horse Racing Committee; Gila County Fair Committee, Gila County Rodeo Committee and the Gila County Motor Sports Facility Committee. He advised that there are subgroups under some of those but

essentially those are the 4 committees under the Gila County Fair and Racing Commission.

Mr. McDaniel provided a compliance checklist for the Gila County Fair and Racing Commission, which he reviewed with the Board, as follows:

- 1) Name: Gila County Fair and Racing Commission
- 2) Gila County Staff Liaison: None
- 3) Legal basis for establishment: Not provided
  - Date of creation: Not provided
  - Bylaws: Not provided
  - Charter: Not provided
  - Legal counsel: Not provided
- 4) Assigned areas of responsibility: Not available
- 5) Membership: Organizational charts with names provided
  - Terms of office: 4 years
  - Appointing authority: Not provided; self perpetuating
- 6) Meeting schedule: Not provided
  - Location: Not provided
- 7) Meeting legal posting and advertising: Not provided
- 8) Meeting agendas: None
- 9) Meeting minutes: None
- 10) Funding sources: N/A
  - Amounts: N/A
- 11) Significant actions and accomplishments: Fairs, rodeos, motor sports
- 12) Notes: None

Mr. McDaniel stated that it was difficult to obtain the information about this Commission and all of the associated Committees due in part because 100% of the commission and committee members are comprised of volunteers. He also noted that the liaison with the County was lax so many of the records have gone the way of the volunteers and could not be located. It was learned recently that there may be some other avenues to help find some of this information. He stated that the Clerk of the Board of Supervisors Department provided minutes from 2006, which proves that the Board met with the Fair and Racing Commission and Committees and had a lengthy discussion about their accomplishments, how they were organized and what they were doing. So there may be some contacts to enable Mr. McDaniel to proceed in obtaining additional information. He stated that the minutes reflect a discussion with Bob Boice, who apparently is known as the father or grandfather of everything Fairgrounds-related, because he was involved in the purchase or accepting the 180 acres of land from the state of Arizona in 1964, which is used as the County Fairgrounds. This was followed by the establishment of horse racing as the first activity this group wanted to implement. Mr. Boice also stated that in attending various state meetings, all of the other county horse races were run by paid employees of each county; however, because the Gila County horse

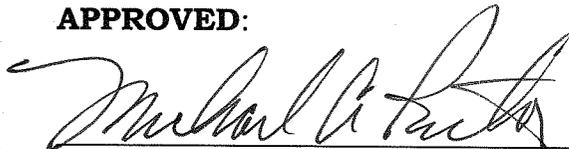
racers were run by an all-volunteer group, it enabled the savings of a lot of funding that would have gone to salaries that could actually be put back into the programs. In summary, the Fairgrounds activities are overseen by volunteers, who, for the most part, are able to solicit funds for all of the activities. He stated, "I know the County does contribute funds to them on a regular basis, but it apparently doesn't cover much of their cost." He also believes the Board should meet with the Fair and Racing Commission to determine whether the County can't help them develop. He stated, "...because what we don't have we can, for example, if we can't find a record of them being created by the Board, the Board can take action and create a Fair and Racing Commission and get it on the record legally by resolution." Chairman Pastor noted that in reviewing the organizational chart, he believes the Horse Racing Committee has now been disbanded, per a letter from Floyd Livingood, because of state budget cutting. Supervisor Dawson also stated that a motorcycle racing group (not to be confused with the go-karts group, which are approved and insured) has taken over a whole canyon area at the Fairgrounds and she inquired if this group was insured. Chairman Pastor stated that he did not remember a request coming to the Board for use of the land from any motorcycle group. Mr. McDaniel stated that he would follow up on this concern. Chairman Pastor noted that the Fair Committee began notifying the Board of its meetings and there have been several meetings with the Rodeo Committee. Chairman Pastor also noted that prison help is utilized to help prepare the rodeo grounds during the annual County Fair, so although it is handled by all volunteers, the County does contribute. He felt that a follow-up meeting might be necessary to ensure that everything is being done legally. Mr. McDaniel suggested that staff meet with the committees to collect additional information, provide that information to the Board, and then invite the Fair and Racing Commission and its committees to meet with the Board to establish some system of regular reporting either to staff or by reports to the Board to ensure that the Board is aware of all the activities and perhaps hold annual meetings. Chairman Pastor inquired if the functions held at the Fairgrounds are insured under the County's insurance umbrella or if each has its own insurance. Mr. McDaniel advised that each group must provide its own certificate of insurance naming Gila County as the additional insured. Chairman Pastor then inquired if the 180-acre Fairground facility belongs to the state or the County because there have been prior discussions as to who owns it and how it is managed. Mr. McDaniel replied that it belongs to Gila County. Supervisor Dawson stated that members of the Fair and Racing Commission previously stated that the land is state land with Gila County having it, but with deed restrictions. She stated, "Specifically when the state of Arizona was looking at expanding that state prison, I was suggesting land where now we have a roping arena, almost simultaneously suggesting that land could be used for prison expansion. Suddenly a donated roping arena went up to show that that land was being used and it expanded." Supervisor Dawson stated to Vice-Chairman Martin, "Maybe you'll recall the time that we were talking about putting in something out there and a clause in the deed was that

if we did anything like that, we had to buy it from the state of Arizona. If it was used for anything other than the Fairgrounds, we would have to pay fair market value and purchase the land. Do you recall that?" Vice-Chairman Martin stated that she did. Vice-Chairman Martin further stated, "I think this should be called the Southern Gila County Fairgrounds. There's not a person on there (the Fair and Racing Commission) that I appointed. There's not anybody up here that uses that facility. They may do all the things that they say they do, but we put \$200,000 out to keep that facility open for folks to come play there. One of my questions is, 'Are we going to really have a Gila County Fair and Racing Commission or Fair Commission?' Lately it looks to me like it's pretty defunct...We have 4 days of a fair and 2 weekends of a race and we hold it open 24/7. It looks to be like if we are looking for places to save money, we ought to shutter that thing until it's time for an event, and if the event doesn't cover the cost of opening it and keeping it open during the time of the event, we should have a hard look at that. I mean we obsess over 2-3 cell phones and yet we let this run year after year. It just infuriates me to think about what's going on here, what continues to go on here and we need to take a good hard look as to what we want to go on here. Yes, we have that land so it's available for fairs and public use at what cost? Where is a figure that shows me how much money comes in from these events? The fact is that the \$10,000 that they take in, we waive in fees by not charging them for the use of it." Supervisor Dawson stated that she also had a lot of questions about the cost of year-round operations of the Fairgrounds and having staff out there 5 days a week. Vice-Chairman Martin stated that staff is out there 5 days a week; however, the events happen on the weekends, so staff is either paid comp time or overtime to be present at the Fairgrounds for the events. Supervisor Dawson agreed and stated that she does not believe the Board has ever received a real picture of the costs of operating the Fairgrounds and believes that the Board should have a real in-depth financial reporting of what it costs to operate the entire facility. She stated that a lot of good activities and events take place at the Fairgrounds and, in particular, the meeting room; however, whether it warrants a 24/7 weekly budget is another matter. She believes there is room for improvement on the program and it needs to be studied more closely. Chairman Pastor stated that Mr. McDaniel has indicated that he will get with the committees and start researching some of the background information and put it together for the Board. Vice-Chairman Martin stated, "Other than background, Mr. Chairman, I would like to see how much they make and how much they pay and how much we subsidize them. I honestly think that we need to take a look at shuttering the place until there are events and can those events pay for opening it up or something like that?...I can see having a night watchman for some kind of monitoring on those facilities, but I'm sure we don't need 5-6 folks out there with every bell, whistle, tool, gadget, 4-wheeler, you name it, running around. I just think this is one of those places that we need, that we are being derelict in what we are doing." Chairman Pastor stated that he thinks it would be a good idea to evaluate the County's functions and possibly the volunteers' functions for using the facility and have

costs provided in order to know if it is cheaper to shut down the facilities. He would also like to know the costs to just open the facility for certain activities like the fair, rodeo and go-carting, etc. Mr. McDaniel stated, "Certainly that approach is not without precedence. Other fair facilities are not open 24/7, 365 days per year." Supervisor Dawson stated that she would like this to be handled by County management rather than it becoming a political ball game. She continued, "I certainly respect the people who have for a century been dedicated to the Gila County Fairgrounds, but we need to look at the economics of this and it shouldn't be politically motivated." Supervisor Pastor agreed that it was something the Board should review. Mr. McDaniel stated that he would follow up on same. Vice-Chairman Martin inquired if perhaps there was a way for a non-profit organization to be formed and have the non-profit organization take over running the Fairgrounds. Chairman Pastor stated that was probably something that would have to be answered by the County Attorney's Office as to the legalities of transferring it to another party. Vice-Chairman Martin stated that she believes the Board should also review what the Gila County Fairgrounds means for Gila County and have it used for a centralized fair to serve the entire County because currently there are several other individual fairs held throughout the County such as in Payson and Young. Chairman Pastor stated that Mr. McDaniel would follow up on all of the issues discussed today which pertain to the Fairgrounds. No action was taken by the Board.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:20 a.m.

**APPROVED:**



Michael A. Pastor, Chairman

**ATTEST:**



Marian Sheppard, Chief Deputy Clerk