

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

Date: May 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 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. Marian Sheppard led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church in Globe delivered the invocation.

Item 2 – PUBLIC HEARINGS:

2A. Public Hearing: Information/Discussion/Action to adopt Gila County Ordinance No. 11-01, Planning and Zoning Case #ZOA-11-01, amending the Gila County Planning and Zoning Ordinance due to the passing of Arizona Proposition 203, allowing the use of medical marijuana for qualified patients. The proposition allows the establishment of dispensaries and cultivation sites for the purpose of growing and distributing medical marijuana for qualified patients with medical conditions.

Bob Gould, Community Development Division Director, stated that Gila County Ordinance No. 11-01 will help the County implement regulations to have some management over the new medical marijuana program. The proposed amended Ordinance allows for a marijuana dispensary and associated cultivation, but requires that it occur in M1 (Industrial) zoning only and that these dispensaries be separated by at least 35 miles within the unincorporated areas of Gila County. Any applicant desiring to set up a dispensary will be required to have a conditional use permit, which will be for one year. The

Ordinance requires that a dispensary must be at least 1,500 feet from schools--preschool, kindergarten, elementary, secondary to high school--places of worship, public parks, public community centers, libraries, etc. The requirement for a conditional use permit also includes an upgraded public notice area of 1,500 feet, which means that everyone within 1,500 feet of the proposed dispensary will be notified of the public hearing to consider the conditional use permit. This Ordinance also requires that a qualified patient and caregiver obtain a conditional use permit and have a public hearing to consider their application to cultivate marijuana. They will also have the same 1,500-foot notification requirements and the permit will also be for one year. Mr. Gould advised that all of the fees have been temporarily removed from the Ordinance, but proposed fees will be included in the Ordinance coming back to the Board for approval at its first meeting in June 2011. The reason for the removal of the fees at this time is because the state posting requirements cannot be met until June. He advised that the Planning and Zoning Commission will review the Ordinance one more time at its May meeting because when they recommended the fees, one of the major concerns was that there was going to be no applicable sales taxes. However, since that time, Mr. Gould has learned that there will be a half-cent sales tax applied so that will make a difference. Mr. Gould stated, "The sales tax is going to be pretty hefty per individual if they are going to sell it for \$300-\$400/ounce like they are talking about. So that's quite a bit of money." Mr. Gould advised the Board that the program is up and running and the State has taken a total of 1,300 applications; 91% of those applications have been approved; and 8 of those are for Gila County from the Payson area. He provided some interesting statistics which include the following: males comprise 77% of the applicants; approximately 40% of the applicants are over 51 years of age; and 83-84% of the applicants were claiming chronic pain as their debilitating condition. Mr. Gould advised that on May 2, 2011, a letter was sent to Will Humble, Director of the Arizona Department of Health Services, from Dennis Burke, U.S. Attorney's Office for the Arizona District, advising, "This is still a violation of federal law and they still reserve the right to enforce federal law where appropriate and where they have the resources to do so." Mr. Gould stated that the U.S. Attorney's Office also referred to a 2009 memo that was sent out regarding this issue in which they basically provided protection against the individuals who really needed the medical marijuana and they were not going to put any additional resources toward that area. Mr. Gould stated that he has heard of raids being done on medical marijuana dispensaries in California and Wisconsin. Chairman Pastor opened the public hearing for comments from the public. Don Ascoli, Chairman of the Planning & Zoning Commission, stated he has worked on this Ordinance and a lot of hard work has gone into it. It was re-reviewed to consider all of the information provided by the State as well as the public and Mr. Gould felt this was a good beginning on how Gila County can move forward in dealing with this issue and urged the Board's support. Each Board member thanked the Planning & Zoning Commission members for their hard work and input on this challenging issue. Chairman Pastor closed

the public hearing and entertained a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Gila County Ordinance No. 11-01, Planning and Zoning Case #ZOA-11-01, amending the Gila County Planning and Zoning Ordinance due to the passing of Arizona Proposition 203, allowing the use of medical marijuana for qualified patients. The proposition allows the establishment of dispensaries and cultivation sites for the purpose of growing and distributing medical marijuana for qualified patients with medical conditions. **(A copy of the Ordinance is permanently on file in the Board of Supervisors' Office.)**

Item 3 – REGULAR AGENDA ITEMS:

3A. Information/Discussion/Action to adopt Proclamation No. 11-07 to proclaim May 5, 2011, as the National Day of Prayer in Gila County.

Jerry Green, Coordinator for the National Day of Prayer for Gila County, requested that the Board approve this Proclamation. He provided some background information going back to when the Pilgrims, upon first touching soil in America, knelt down and prayed on the Mayflower. The Continental Congress proclaimed a Day of Prayer in 1775, the year before the Declaration of Independence was signed. In 1952 Congress established a National Day of Prayer at the federal level signed by President Truman. In 1988 that law was amended designating the National Day of Prayer for the first Thursday in May and signed by President Reagan. The theme this year is "A Mighty Fortress is our God-Psalm 91:2." Mr. Green then provided a schedule of events for the Payson, Star Valley, Globe-Miami and the Hayden/Winkelman areas. He concluded by stating, "We want to encourage participation for residents throughout Gila County for a National Day of Prayer. We need it now more than ever." Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Proclamation No. 11-07 to proclaim May 5, 2011, as the National Day of Prayer in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

3B. Information/Discussion/Action to ratify the previous submittal of a grant application by the Emergency Management Department entitled "FFY2011 State Homeland Security Grant-Signal Peak Tower Upgrade" in the amount of \$112,028 (with no matching funds required) to the Arizona Department of Homeland Security.

Matthew Bolinger, Health and Emergency Services Division Director, stated that he was seeking approval and ratification of a grant application he previously submitted to the Arizona Department of Homeland Security a couple of months ago. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously ratified the previous submittal of a grant application by the Emergency Management Department entitled "FFY2011 State Homeland Security Grant-Signal Peak Tower Upgrade" in the

amount of \$112,028 (with no matching funds required) to the Arizona Department of Homeland Security.

3C. Information/Discussion/Action to ratify the previous submittal of a grant application by the Emergency Management Department entitled "FFY2011 Citizen Corp Programs" in the amount of \$1,395 (with no matching funds required) to the Arizona Department of Homeland Security.

Mr. Bolinger stated that this is another grant application that was submitted to the Arizona Department of Homeland Security at the same time as Agenda Item 3B (above). He stated that this particular grant is a small amount of money; however, these are funds that will be used for search teams or citizen emergency response teams. There is a team in Payson that is very active in helping out during emergencies filling sand bags and helping with evacuations. There is also a newly formed search team in the Globe-Miami area and some of these funds will be used for training materials and for the purchase of items for personal protection. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously ratified the previous submittal of a grant application by the Emergency Management Department entitled "FFY2011 Citizen Corp Programs" in the amount of \$1,395 (with no matching funds required) to the Arizona Department of Homeland Security.

3D. Information/Discussion/Action to approve Agreement No. 144-11 between the Arizona Department of Housing, and Gila County Division of Community Services, Housing Department, to allocate funds in the amount of \$139,635, which will be used to help residents who meet program qualifications for housing rehabilitation for the period effective upon execution by the Arizona Department of Housing through April 15, 2013.

Malissa Buzan, Community Action Plan/Housing Program Manager, requested approval of this Agreement and noted that these funds are community development block grants funds. This is the regional account that is applied for on a yearly basis and the monies that are available are encumbered funds. The Board thanked Ms. Buzan for her time and effort put into this program. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Agreement No. 144-11 between the Arizona Department of Housing and Gila County Division of Community Services, Housing Department, to allocate funds in the amount of \$139,635, which will be used to help residents who meet program qualifications for housing rehabilitation for the period effective upon execution by the Arizona Department of Housing through April 15, 2013.

3E. Information/Discussion/Action to authorize the advertisement of Request for Proposals No. 041111-1 for a contractor to provide for privately owned solar photovoltaic (PV) energy generating systems at several county locations.

Steve Stratton, Public Works Division Director, stated that this is another step in the process of working with Arizona Public Service (APS) to obtain grant funds and also working with a contractor to provide solar energy for several County buildings. The County has submitted an application to APS for the first 3 buildings, which would be the Courthouse, the Guerrero building, and the Public Works complex. There will be a cycle every 3 months and once a contractor is obtained, then the cycle can be continued by adding additional buildings. Chairman Pastor inquired if the County would go out for bids for a contractor to do all of the projects. Mr. Stratton replied that was correct. He explained that it's a separate process whereby the County applies to APS for the first round of funding, and then the County gets a contractor to build the solar PV energy generating systems. The contractor will then own and maintain it and sell electricity to the County at a reduced rate. He advised that there is no upfront money required from the County. Chairman Pastor inquired if at the conclusion of the analysis, etc., is that when the County will decide if it's going to buy in or will the County have to buy in? Mr. Stratton replied, "That will be part of the proposals in reviewing them to continue with no up-front money costs hopefully, which it should be and what the buyout at the end of the term would be. There are several things to consider in the proposals from the contractors and our consultant, Tom Harris, will help us review those, again at no cost to the County." Supervisor Dawson inquired if this is going to be such a large project with restrictions in the bid request that it will mostly likely be out-of-town firms bidding? Mr. Stratton stated, "I hate to say yes or no on that. You never know for sure. I think what you are going to find is a provider of sorts and that person will contract with someone to construct the facilities. As explained to me by Mr. Harris, it is typically a group of people who are after tax credits. So I believe that you will see a firm put in proposals and they will subcontract to contractors to building the facilities." Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the advertisement of Request for Proposals No. 041111-1 for a contractor to provide for privately owned solar photovoltaic (PV) energy generating systems at several Gila County locations.

3F. Information/Discussion/Action to approve Services Contract No. 6880.102/4-2011 between Gila County and Moonlite Janitorial whereby the contractor will provide janitorial services for the Payson Administration building in the amount of \$1,100 per month for a period of one (1) year from May 3, 2011, through May 2, 2012.

Mr. Stratton stated that the County currently contracts with Moonlite Janitorial for janitorial services. When the County purchased the

Administration building in Payson, bids were taken at that time and this company was the low bidder and has done a good job. He recommended that the County renew this contract. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Services Contract No. 6880.102/4-2011 between Gila County and Moonlite Janitorial whereby the contractor will provide janitorial services for the Payson Administration building in the amount of \$1,100 per month for a period of one (1) year from May 3, 2011, through May 2, 2012.

3G. Information/Discussion/Action to authorize the Gila County Attorney's Office to sign the proposed judgments on behalf of Gila County in Center Ridge Apartments, LLC. v. Gila County TX 2009-000876 and TX 2010-001289.

Bryan Chambers, Chief Deputy County Attorney, stated that every December, a number of Gila County taxpayers file a tax appeal with the Arizona Tax Court. Center Ridge Apartments, LLC, has filed a tax appeal for the past 2 years. The County Assessor's Office, the attorneys representing Center Ridge Apartments, LLC, and the owners have proposed a settlement that would resolve the tax appeal based upon factors they looked into in order to assess taxes. Mr. Chambers stated, "This property, in particular, is an apartment complex that provides low income housing and there are some tricky things that go into the evaluations of those types of properties. If the Board were to approve this matter, what it would be doing is simply authorizing the County Attorney's Office to sign a stipulation that would then resolve the lawsuit and would change the evaluation for these 2 tax years." Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the Gila County Attorney's Office to sign the proposed judgments on behalf of Gila County in Center Ridge Apartments, LLC. v. Gila County TX 2009-000876 and TX 2010-001289.

Item 4 - CONSENT AGENDA ACTION ITEMS:

4A. Approval of Amendment No. 1 to Contract No. 506-10 between the State of Arizona Department of Housing and Gila County Community Services Housing Department, whereby the State of Arizona Department of Housing will provide funding in the amount of \$167,590 to provide homelessness prevention assistance to households that would otherwise become homeless to eligible residents residing in Gila County.

4B. Approval of Amendment No. 1 to Contract No. DE111073-001 between the Arizona Department of Economic Security and Gila County Division of Community Services, Community Action Program, whereby the Arizona Department of Economic Security will provide funding in the amount of \$665,906.13 to the Community Action Program to provide residents of Gila County Case Management Services that are

intended to assist the household in resolving crisis situations and move closer to self-sufficiency for the period July 1, 2010, through June 30, 2011.

4C. Approval to authorize the Chairman's signature on Amendment No. 1 to Contract No. 060110-1 between Gila County and IWC, LLC for janitorial services at the Public Works Administration building located in Globe, Arizona, at a monthly cost of \$1,155 for the period October 16, 2010, through October 15, 2011.

4D. Ratification of the previous submittal of a Drug, Gang and Violent Crime Task Force Grant Application by the Gila County Sheriff's Office to the Arizona Criminal Justice Commission in the amount of \$752,412 in order to receive continued funding for the Gila County Sheriff's Drug, Gang and Violent Crime Task Force for the period July 1, 2011, through June 30, 2012.

4E. Approval to authorize the Chairman's signature on the Lease Use Agreement Extension between Gila County and the Pine-Strawberry Horseman's Association to extend the Lease for an additional five-year period from May 23, 2010, through May 23, 2015, and increase the family use fee from \$20 to \$25.

4F. Acknowledgement of a letter dated April 12, 2011, from the Mayor of the City of Globe (City) to the Chairman of the Gila County Board of Supervisors (County) officially providing the County with 90 days' notice of the City's intent to cancel the Intergovernmental/Lease Agreement with regard to the City of Globe Magistrate Court.

4G. Approval of a Special Event Liquor License Application submitted by the Humane Society of Central Arizona to serve liquor at a fund-raiser event to be held on June 4, 2011.

4H. Approval of the February 2011 monthly departmental activity report submitted by the Globe Regional Constable.

4I. Approval of the March 2011 monthly departmental activity report submitted by the Payson Regional Constable.

4J. Approval of the March 2011 monthly departmental activity report submitted by the Recorder's Office.

4K. Approval of Human Resources reports for the weeks of April 26, 2011, and May 3, 2011.

April 26, 2011

Departure from County Service:

1. Michelle Craft – Health and Emergency Services – Public Health Nurse I
– 04/15/11 – Health Services Fund – DOH 01/12/09 – Resignation

Hire to County Service:

2. Leslie Mora – Health and Emergency Services – Community Health
Assistant – 04/25/11 – WIC Fund – Replacing Jami Anderson

End of Probationary Period:

3. Amber Martinez – Health and Emergency Services – Animal Control
Worker – 05/15/11 – Rabies Control Fund
4. Sarah White – Health and Emergency Services – Executive
Administrative Assistant – 04/25/11 – General Fund
5. Jim Berry –Community Development – Building Safety Inspector Sr. –
03/27/11 – General Fund

Position Review:

6. Jami Anderson – Health and Emergency Services – WIC Breast Feeding
Peer Counselor Supervisor – 04/25/11 – Change in fund codes

May 3, 2011

Departure from County Service:

1. Gerardo E. Rojas – Sheriff’s Office – Detention Officer – 04/25/11 –
General Fund – DOH 04/25/11 – Declined position

End of Probationary Period:

2. Patrick Cottrell – Sheriff’s Office – Detention Officer – 05/09/11 – General
Fund
3. Thomas Sowles – Sheriff’s Office – Detention Officer – 05/09/11 – General
Fund

Departmental Transfers:

4. Jacob Delecki – Sheriff’s Office – From Deputy Sheriff Recruit – To
Deputy Sheriff – 04/11/11 – General Fund

**4L. Approval of finance reports/demands/transfers for the weeks of April
26, 2011, and May 3, 2011.**

April 26, 2011

\$883,427.12 was disbursed for County expenses by check numbers 236386
through 236571.

May 3, 2011

\$2,354,910.03 was disbursed for County expenses by check numbers 236572
through 236815. **(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 Action items 4A-4L.

Item 5 - 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 presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:48 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk