

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

Date: May 17, 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; Marilyn Brewer, 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. Malissa Buzan led the Pledge of Allegiance and Reverend Rich Richie of the First Church of the Nazarene in Payson delivered the invocation.

Item 2 – PRESENTATIONS:

2A. Recognition of the following 8 employees for April's "Spotlight on Employees" Program: Delia Benavidez, Stephanie Mata, Mary Mendez, Judith Moss, Jacquelyn Serrano, Mary Allen, Rebecca Baeza and Jonathan Bearup.

Erica Raymond, Human Resources Assistant, presented gift cards as recognition awards to 8 employees for April's "Spotlight on Employees" Program as follows: Delia Benavidez, Stephanie Mata, Mary Mendez, Judith Moss, Jacquelyn Serrano, Mary Allen, Rebecca Baeza and Jonathan Bearup. Each Board member thanked the employees for their dedicated work.

Item 3 – PUBLIC HEARINGS:

3A. Public Hearing - Information/Discussion/Action to adopt Resolution No. 11-05-01 authorizing the Gila County Housing Authority to submit its Annual Plan for Fiscal Year 2011 to the U.S. Department of Housing and Urban Development.

Malissa Buzan, Community Action Plan/Housing Program Manager, requested approval of the Resolution for the County's Section 8 Housing Choice Voucher Program and the Annual Plan. Chairman Pastor opened the public hearing and called for public comment; none was received. He closed the public hearing and entertained a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 11-05-01 authorizing the Gila County Housing Authority to submit its Annual Plan for Fiscal Year 2011 to the U.S. Department of Housing and Urban Development. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Item 4 – REGULAR AGENDA ITEMS:

4A. Information/Discussion/Action to adopt Proclamation No. 11-06 proclaiming May 2011, as Building Safety Month in Gila County.

Joe Mendoza, Community Development Division Deputy Director, requested that the Board declare May 2011 as the Building Safety Month in Gila County. He stated that Governor Brewer has declared Building Safety Month in Arizona and for the first time, President Obama has declared Building Safety Month in the United States. Mr. Mendoza advised that activities are being planned and called upon Debby Bradway, Environmental Planning Technician, to review those activities. Ms. Bradway stated that in honor of Gila County's Building Safety Month, educational materials are being provided at the Community Development Division in both the Globe and Payson offices. There will be a theme for each week—week 1 is energy and green building; week 2 is disaster, safety and mitigation; week 3 is fire safety and awareness; and week 4 is backyard safety. On May 26, 2010, refreshments will be served to the customers for customer appreciation day. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Proclamation No. 11-06 proclaiming May 2011, as Building Safety Month in Gila County. Vice-Chairman Martin thanked the staff for their efforts on behalf of promoting the Building Safety Month in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

4B. Information/Discussion/Action to authorize the Chairman's signature on two letters from the Board of Supervisors to the United States Department of Agriculture (USDA) in support of the Pinal Sanitary District's and the Cobre Valley Sanitary District's joint application for a direct loan/grant to the Rural Utilities Wastewater Program of the USDA Rural Development.

Chairman Pastor stated that State legislation was passed this year allowing sanitary districts to merge and today an election is being held on the merger of the Pinal Sanitary District and the Cobre Valley Sanitary District. These Districts requested that the Board provide a letter of support for a loan

application being submitted by the Districts. It doesn't commit the County to any monies or in kind services; it's simply to help move the District's projects along. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously authorized the Chairman's signature on two letters from the Board of Supervisors to the United States Department of Agriculture (USDA) in support of the Pinal Sanitary District's and the Cobre Valley Sanitary District's joint application for a direct loan/grant to the Rural Utilities Wastewater Program of the USDA Rural Development.

Item 5 - CONSENT AGENDA ACTION ITEMS:

5A. Approval of the appointment of William Robert Flower as a Justice of the Peace Pro Tempore for the Globe and Payson Regional Justice Courts in Gila County, for the period of May 1, 2011, through December 31, 2011.

5B. Approval of an Application for Fireworks Display submitted by the Miami High School Class of 2011 requesting to conduct a fireworks display on May 20, 2011, for the Miami High School graduation ceremony.

5C. Approval of a Memorandum of Understanding to an Intergovernmental Agreement between the City of Globe and Gila County in which the City of Globe has applied for Community Development Block Grant funds to provide housing rehabilitation within the City of Globe and whereas Gila County Housing Services will provide rehabilitation services to the City of Globe to meet the requirements under this application. As compensation for services provided, the City of Globe will pay Gila County Housing Services \$15,000 for administration of the grant and the sum of \$23,095 for rehabilitation services for the period of March 23, 2011, through March, 23, 2013.

5D. Approval of Amendment No. 1 to Contract No. 10100 between Gila County and Central Arizona Association of Governments increasing the contract amount from \$1,140,809 to \$1,166,015 (an increase of \$25,206) for the period July 1, 2010, through June 30, 2012.

5E. Approval of Amendment No. 1 to an Intergovernmental Agreement (Contract No. DE101056001) between Gila County and the Arizona Department of Economic Security to revised Section 31.0-Indirects.

5F. To authorize the Chairman's signature on Amendment No. 1 to the Sales Agreement between Gila County (Recorder's Office) and Tyler Technologies Inc., Eagle Division, for the purchase and maintenance of the Eagle Quickdocs software module in the amount of \$12,200 plus an annual maintenance fee of \$3,000 for a total cost of \$15,200 and an

agreement between Gila County (Recorder's Office) and Simplifile for electronic recording in Gila County at no additional cost to the County.

5G. Authorization for the Chairman to sign a Standard Software Maintenance Agreement between Gila County and New World Systems Corporation in the amount of \$271,704 for a three-year term, from July 1, 2011, to June 30, 2014, for modules contained in the County licensed New World application packages.

5H. To authorize the Chairman's signature on Amendment No. 2 to Contract 111008-1 between Gila County and MV Enterprises whereby MV Enterprises will provide bulk fuel and lubricants to Gila County for one year from June 3, 2011, to June 2, 2012.

5I. Authorization for the Chairman to sign two separate Transit Agreements for the distribution of LTAF II (Local Area Transportation Funds) funds to the following entities: Time Out, Inc. in the amount of \$2,500, and the Boys and Girls Club of Globe in the amount of \$5,000.

5J. Approval of reappointment of Mark Marcanti to the Industrial Development Authority of Gila County for an additional six-year term retroactive from January 20, 2010, to January 20, 2016, and reappointment of William Long to the Industrial Development Authority of Gila County for an additional six-year term retroactive from May 18, 2010, to May 18, 2016. (This item was tabled to a future meeting.)

5K. Approval of the September 21, 2010, and October 5, 2010, BOS meeting minutes.

5L. Approval of the March 2011 monthly departmental activity report submitted by the Clerk of Superior Court.

5M. Approval of the Human Resources reports for the weeks of May 10, 2011, and May 17, 2011.

May 10, 2011

Departures from County Service:

1. Dorothy A. Koshinski – Clerk of the Superior Court – Courtroom Clerk – 05/06/11 – General Fund – DOH 01/23/06 – Retirement
2. Kimberley Gissendanner – Community Services – Career and Employment Specialist – 04/21/11 – Various Funds – DOH 04/20/09 – Resignation

End of Probationary Period:

3. Gaylynn Quintana – County Attorney's Office – Legal Secretary Sr. – 05/06/11 – Diversion Program Fund

Departmental Transfers:

4. Brenda Cova – Probation – From Administrative Clerk – To Administrative

Clerk Sr. – 05/09/11 – State Aid Enhancement Fund

Position Review:

5. Catherine Levario – Public Works – Solid Waste Services Worker – 04/08/11 – Correction to fund code

Request Permission to Post:

6. Public Works – Road Maintenance/Equipment Operator – Vacated by John Jackson

May 17, 2011

Departure from County Service:

1. Gary H. Lopez – Community Services – Community Services Worker – 05/03/11 – GEST Fund – DOH 08/16/10 – Resignation

Hire to County Service:

2. Jessica Johnson – Probation – Juvenile Detention Shift Supervisor – 05/23/11 – General Fund – Replacing Karen Eylicio

Temporary Hires to County Service:

3. Denise M. Barajas – Board of Supervisors – Temporary Laborer – 05/31/11 – Constituent Services II Fund
4. Randy Woodie – Board of Supervisors – Temporary Laborer – 05/03/11 – Constituent Services III Fund

End Probationary Period:

5. David Hom – Public Works – Building Maintenance Supervisor – 05/23/11 – Facilities Management Fund

Request Permission to Post:

6. Public Works – Road Maintenance/Equipment Operator – Vacated by Robert Whittle

SHERIFF'S PERSONNEL ACTION ITEMS

Hire to County Service:

7. Lynn Edward Durst – Sheriff's Office – Detention Officer – 05/23/11 – General Fund

5L. Approval of finance reports/demands/transfers for the weeks of May 10, 2011, and May 17, 2011.

May 10, 2011

\$590,513.48 was disbursed for County expenses by check numbers 236816 through 236957.

May 17, 2011

\$2,110,422.37 was disbursed for County expenses by check numbers 236958 through 237176. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

In reference to the Consent Agenda Action items, Chairman Pastor requested that Consent Agenda item 5G be moved to the regular agenda for discussion and Supervisor Dawson requested that Consent Agenda item 5J also be moved to the regular agenda. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda items 5A through 5N with the exception of 5G and 5J, which were moved to the regular agenda for discussion with a separate Board action.

5G. Authorization for the Chairman to sign a Standard Software Maintenance Agreement between Gila County and New World Systems Corporation in the amount of \$271,704 for a three-year term, from July 1, 2011, to June 30, 2014, for modules contained in the County licensed New World application packages. (Pulled from the consent agenda to the regular agenda.)

Chairman Pastor stated that in reviewing the agenda he noted that the amount for this agreement was for \$271,704, which to him was quite large; however, there have been discussions held over the past 6-7 months about some of the improvements or additions to the software package that are needed in the Finance Department. He just wanted to ensure that the County is transparent to the public in what it is doing. He noted that the original agreement was for 18 modules and this agreement will be for 3 more and inquired of Mr. Heatherly whether he was comfortable with the agreement. Mr. Heatherly replied that he was in favor of going forward with the agreement. Supervisor Dawson inquired whether the County was current with its audits. Mr. Heatherly stated that the auditors have completed their review of the County's information and will be forwarding a draft of the FY 2010 audit next week. Each Board member commented on the improvements and accountability in the finance accounting and reporting and thanked Mr. Heatherly along with current and past Finance Department staffs. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved Consent Agenda Action item 5G.

5J. Approval of reappointment of Mark Marcanti to the Industrial Development Authority of Gila County for an additional six-year term retroactive from January 20, 2010, to January 20, 2016, and reappointment of William Long to the Industrial Development Authority of Gila County for an additional six-year term retroactive from May 18, 2010, to May 18, 2016. (Pulled from the consent agenda to the regular agenda.)

Supervisor Dawson addressed this agenda item. She stated, "My concern with this item is we've gone through our boards and commissions review. Again, the IDA is the Industrial Development Authority of Gila County. Its goal is one; mainly to bond those industries that come to the County for bonding authorization. Unfortunately, in '98 there was a charge instituted for that and

that money has become an amount of funds that in some instances has been used in political activities. The purpose of the IDA and the IDA board is for industrial development. It is a corporation and I believe that we should deactivate it. We can reactivate it upon request for any industry that wants to be in the position of requesting Gila County bonding. But if we're talking about economic development, then I believe that the Economic Development board would be involved with that. I do not see this being an organization that needs to be functioning right now and I certainly don't see placing this...I have nothing against the board members, any of them, and I just feel that we are not using the Industrial Development Authority for bonding and therefore it can be an inactive committee until necessary." Chairman Pastor stated, "The item on the agenda is for the approval of the reappointment of 2 board directors' memberships and that's basically what we can address at this point in today's meeting. To request a deactivation of the board, I think we would have to make that as a separate agenda item." Supervisor Dawson replied, "I agree with that. That's why I'm not voting to approve a 6-year appointment of board members." Chairman Pastor inquired of Supervisor Dawson, "So you want to take action on the appointment and everything is secondary until another meeting is set?" Supervisor Dawson replied, "Until it's brought before the board. You know we put up this board's and commission's review. Well, are we just going to review them or are we going to take action on those boards or are we just spinning our wheels doing this little exercise of...?" Chairman Pastor replied, "Well, but you are talking about 2 different things right now." Supervisor Dawson stated, "No, I'm not." Chairman Pastor stated, "We met on the boards and commissions and correct me if I'm wrong Tommie (Vice-Chairman Martin) or Mr. McDaniel. The process is we were going to meet because we didn't know what was going on with our boards and commissions and we were going to review what needed to be done with them. This is first time I've heard anything about deactivating and whether it's right, wrong or indifferent, I think if we're going to do that, we need to sit in a session and discuss the processes that are involved because I believe the board of directors for the Industrial Development is a separate political entity according to statute and there's requirements there that they have to follow." Supervisor Dawson stated, "They are a separate board appointed by the Board of Supervisors. The Industrial Development Corporation was, until a few years ago, an integral part of Gila County. Their funds were at times under Gila County and certainly run by Gila County. Mr. Chairman, I do not want to extend the Industrial Development Authority or its board by voting to reappoint 2 members to that commission through 2016. I believe that as the Board of Supervisors reviews boards and commissions in work sessions that we should then bring an item to the board for action on any boards or commissions that we have questions about and I will do that in the future. For right now I'm saying I do not see reappointing people until 2016 when they themselves said they weren't real sure what the IDA was about. You said that about your own service on there, that you weren't real sure why you served on it—what it was about." Mr. Pastor replied, "That's true, but what I'm asking you is what is your motion? Is

your motion not to approve these 2 reappointments?” Supervisor Dawson replied, “Exactly. Yeah.” Vice-Chairman Martin stated, “Well, that’s a fine topic I think we need to discuss perhaps someday. That’s not germane to this item and as a matter of fact, I have 2 names that I’m getting ready to submit to finish filling out the 2 folks from up here. That’s the direction I am on this. I was trying to find folks here because it’s always been a lag of people up here who are interested in serving on this group, although they’ve done quite a bit of work up here. They’ve done probably as much good in helping folks here as they have anywhere in this County. So I have 2 names that I’ll be getting to Marian (Sheppard) to finish filling out my places on that board. I think that whether or not we do this, or not, it’s beside the fact of whether or not we can decommission them or not and whatever their terms are or whoever’s on there I don’t think it matters if we take action on this. It will not presuppose any other decision, I don’t believe.” Supervisor Dawson inquired about northern Gila County and the exact industrial development action that has been taken by the IDA in that area. Vice-Chairman Martin stated, “The most recent was the seniors, I think they call it the Rim Country Senior’s Baptist Foundation funded I believe. It’s for senior housing. It’s that upper scale senior housing. It’s the Majestic Rim Housing. We’ve had some meetings over there and it’s a really fine facility. I think that’s the last one that I know about, but it’s not the first one.” Supervisor Dawson inquired if it was a bonding activity to which Vice-Chairman Martin replied that it was. Supervisor Dawson stated, “My motion is not to reappoint Mark Marcanti and Bill Long to the IDA board.” Chairman Pastor stated, “Before I ask for a second, do we have some potential candidates to replace them at this time or do you have any or you’re just going to go with the board of directors minus 2?” Supervisor Dawson replied, “We will not be appointing anyone to the IDA board.” Chairman Pastor inquired, “That’s your motion?” Supervisor Dawson replied, “Yes, based on the fact that I do not believe the IDA is functioning under what it was designed for.” Chairman Pastor called for a second to Supervisor Dawson’s motion. Vice-Chairman Martin stated, “Mr. Chairman, no. I was still thinking about Supervisor Dawson’s question on IDA’s activity up here. Can I go ahead and answer that before we go on? The most recent thing they’ve done is help fund a mountain bike activity going on in Pine this summer. I know we just got word of them (the IDA) funding them to the tune of \$15,000-\$16,000 to get the mountain bike world going on up here. I think what it’s about is to keep their fuel break open. It’s for money through a bike run to generate money to keep the fuel break maintained around Pine that we (Gila County) helped pay for. If Supervisor Dawson does not want to reappoint those 2 people I don’t know that we have to take any action at all.” Chairman Pastor deferred to the County Attorney. Mr. Chambers, Chief Deputy County Attorney, stated, “There’s a motion on the table that hasn’t been seconded. If it’s seconded then there would be a vote one way or another. If it’s not seconded, it will die for lack of a second at which point the Chairman could entertain another motion. Chairman Pastor inquired whether Vice-Chairman Martin heard Mr. Chamber’s comment. Vice-Chairman Martin replied that she did hear Mr. Chamber’s

comment. Chairman Pastor stated, "So, there's been a motion made to not approve the reappointment of Mr. Marcanti or Mr. Long." Vice-Chairman Martin inquired whether these were Supervisor Dawson's appointments or Chairman Pastor's appointments. Supervisor Dawson stated, "I don't even recall." Chairman Pastor stated, "I believe they are probably one mine and one Supervisor Dawson's." He continued, "I would like to ask a question as to whether we approve them or don't approve them today; what happens to those positions? Do they stay open? Do they continue serving in the interim?" Supervisor Dawson stated, "It's obvious by the term of the office that they have been serving since 2010, just not officially. Their terms expired in 2010-- January and May." Vice-Chairman Martin stated, "My question: Would not appointing them that goes retroactive to January 2010 at least on the one and May 2010 on the other, does that nullify any actions the 2 of them took?" Mr. Chambers replied, "I'm not sure that I have enough information to answer that question. That certainly could pose some problems to them. I think we discussed before, they have independent legal counsel and so that would certainly be a legal issue for them to discuss. It's conceivable that if they had some close votes on actions that they took and that these individuals voted in favor of the actions that were only approved by slim majorities, they could have some legal issues that come up if the Board (of Supervisors) doesn't agree to reappoint these individuals." Vice-Chairman Martin inquired, "Does that give us some liability by not doing our work? That they are not on there legally to take a legal action?" Mr. Chambers replied, "I'm not sure that really creates any legal liability on the County for doing that. Certainly the IDA may have some legal concerns and again they have independent counsel who can advise them on what they need to do if that happens. There also may be, if these individuals aren't reappointed, then certainly they may have some issues regarding how many of their members it takes to create a quorum, but again, that would be their concern and the concern of their counsel. My understanding of the statute is that this Board (of Supervisors) has the authority to appoint their (the IDA) members. So that's totally up to the pleasure of this Board." Supervisor Dawson stated, "The comment was made at our boards and commissions review that when I asked the question about authorizing the chairman of the IDA to spend \$15,000 without board authorization, they said they always had unanimous votes. I think there was something about a railroad involved, but the chairman allocated these funds without board vote and that they never had...they worked out their differences before so there's never been a vote that wasn't already approved and unanimous." Vice-Chairman Martin stated, "But Mr. Chairman, I don't know that. That's a hearsay thing. I haven't gone through their..." Supervisor Dawson interrupted and stated, "Tommie, you were on the phone when we had that hearing." Vice-Chairman Martin replied, "I know what they said, but I don't know that. I know that's what they said." Supervisor Pastor stated, "Well, one of my concerns is the fact that the IDA isn't here to respond or to be able to answer for themselves, so before we take any type of action I would like to continue this agenda item to the next board meeting and ask staff to research

the legalities of the fact that...I can understand that we don't have to approve the appointments of the 2 members. I don't know that we have a majority vote that would vote to not approve them." Supervisor Dawson stated, "I will withdraw my motion and make a motion that we table Item J." Chairman Pastor inquired, "Can we continue it to the next meeting or 2 meetings down the road?" Supervisor Dawson stated, "We are into the budget and I would suggest that we continue it until Mr. McDaniel is comfortable with placing it on the agenda." Chairman Pastor inquired of Don McDaniel, County Manager, "Any response to that, Mr. McDaniel? Did you have a problem with it? Can we do that? I think it would be better. I think I would like to have the Industrial Development Authority director or directors here to be aware of what's going on. This came up pretty quick. And so I would entertain a second to the motion to continue the item to a later agenda, Tommie? Vice-Chairman Martin replied, "I second (the motion) Mr. Chair(man)." Chairman Pastor stated, "A motion has been made and seconded to continue agenda item 5J." Mr. McDaniel stated, "For clarification, this item is very specific with regard to the reappointment of a couple of members to the board. We can continue this as long as you'd like. It will still be a discussion about the reappointment of those 2 members. It will not be a discussion about whether the board should continue or whether it should be put in idle or anything else. So if that is the intent is to have staff come back with some recommendations with regard to that part of the issue, we would be unable to do that unless you wanted to suggest that we put another item on the agenda that would address those issues." Supervisor Dawson stated, "I would be willing to. I don't know the date when we can do that because of the budget, but when possible to put an item on a work session to again discuss where IDA is and where it's headed. Chairman Pastor inquired, "Do you want to do that in a work session?" Supervisor Dawson replied, "Yes." Chairman Pastor inquired, "And the reappointment can be continued?" Supervisor Dawson replied, "Then after that." Chairman Pastor stated, "The motion has been made and seconded to continue agenda item 5J dependent on staff's determination." The motion had previously been seconded by Vice-Chairman Martin. Chairman Pastor called for a vote. The motion carried by a unanimous vote.

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 7 - 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 11:05 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk