

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

Date: May 31, 2011

MICHAEL A. PASTOR
Chairman

JOHN F. NELSON
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian Sheppard
Chief 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; 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. Chairman Pastor led the Pledge of Allegiance.

Item 2 – Presentation/Discussion regarding the Gila County Board of Supervisors exploring the establishment of a Separate Legal Entity (SLE) with the Town of Payson and the Town of Star Valley.

Town of Payson Mayor Kenny Evans addressed this agenda item by advising that for the past 4-5 years, he and others have been involved in an ongoing effort to create a 4-year university in Payson. Part of that initial process was to conduct an exploratory survey of Payson area residents and then try to resolve each of those concerns. Mayor Evans stated, “One (concern) was Town residents didn’t feel they had the capacity or desire to create a university on the backs of the tax base, bonding authority. The reservoir project, based on its size, was all we could handle as one major project at a time...We wanted to create a stand-alone entity, financed without having to impact the bonding, but still be able to come to an agreement with an educational institution.” He explained that passage of legislation over the past couple of years now allows cities, towns, counties and special taxing districts to form a separate legal entity (SLE), of which all of the specifics are outlined in A.R.S. §11-952.02 - Separate Legal Entities; Joint Exercise of Powers.

Supervisor Dawson compared an SLE to that of an Industrial Development Authority (IDA) and she was concerned that once an SLE was created, it could

never be dissolved. She also questioned the reason Gila County was being asked to participate in the SLE. Mayor Evans replied that an IDA has very specific authorities whereas an SLE is a much more powerful tool to enter into agreements with the state and federal government. All of the purposes for forming an SLE must be spelled out in an Intergovernmental Agreement (IGA) and there must also be a Governance Agreement. In answering Supervisor Dawson's question about the Towns' reasoning for inviting Gila County to participate in forming an SLE, Mayor Evans replied that the Towns don't need the County to participate, but rather it was an opportunity for all 3 entities to reap future benefits. He explained that an SLE has the ability to engage in electric generation and transmission, which could benefit the County.

Mayor Evans entered into a discussion with the Board regarding the purpose and content of both the IGA and Governance Agreement. The IGA, to be signed by all 3 entities, would initially be for a period of 50 years and it may be extended for additional 10-year periods upon approval of a resolution by each of the entities. He also mentioned that none of the entities would contribute funding to the SLE. He stated: "Theoretically each entity could appoint, say, 3 members (to a board of directors). They are offered, which is somewhat rare, where a member of the Board of Supervisors could sit on that board. It may be an evolving board. Its purpose is to acquire the land, amalgamate the land to a sufficient size for a college campus to make it energy neutral. It's a land acquisition and amalgamation function predominantly. Those contracts (the IGA and Governance Agreement) will govern the day-to-day operations."

Vice-Chairman Martin stated, "Today we are being asked to agree in concept, but allow staff and attorneys to come up with the next steps to take." Mayor Evans replied that this effort will require a commitment of staff time from all 3 entities, but before taking the next step, there needs to be an agreement in place, at least in concept. He also added that if the County chooses not to participate, the Towns may proceed in a different direction.

Mayor Evans provided specific details of the steps to be taken once the SLE is formed. He reiterated that the primary purpose is to acquire land for the college, which could include a land exchange with the Forest Service. A discussion ensued regarding the amount of land needed, and the involvement of Winters Energy Group in building, owning and operating a solar energy facility at the Payson Event Center. He stated, "The land is owned by Payson. The energy facility being built will be owned by Winters Group, so there would be a tax coming back to the County. The County gets the bulk of taxes on the property. This is a private corporation that anticipates making money, so it would be a taxable enterprise."

Chairman Pastor inquired about the funding and Mayor Evans replied that the funding would come from private investors. Chairman Pastor commented that he has supported the Gila County Community College (GCCC) for years and he

wanted some type of assurance that the proposed university would work in concert with GCCC. Mayor Evans stated that they would work with GCCC.

At the conclusion of the discussion, Vice-Chairman Martin stated that she did not see the downside of taking this issue to the next step, which would be to place an action item on a future Board of Supervisors' meeting agenda to direct staff to work with the Town of Payson and Town of Star Valley in drafting an IGA. Chairman Pastor felt that at this point he has a lot of questions that need to be answered by attorneys. He advised that the Board would meet with County Manager Don McDaniel to determine the need for placing this issue on a future Board of Supervisors' meeting agenda. The Board thanked Mayor Evans for his time.

Mr. McDaniel suggested that the Board address agenda items 4 and 5, and then return to item 3. At 11:50 a.m., Chairman Pastor recessed the meeting for approximately 5 minutes. He reconvened the meeting and then called on Matthew Bolinger, Health and Emergency Management Division Director, to address agenda items 4 and 5.

Item 4 - Information/Discussion regarding Gila County's adoption of an ordinance relating to the use of permissible consumer fireworks.

Mr. Bolinger advised that County Manager Don McDaniel requested that an ordinance be drafted to address the use of fireworks in Gila County, especially during the summer months when fire restrictions are typically imposed by the Board of Supervisors for the unincorporated areas of the County. He advised that newly enacted legislation does not allow cities or towns to ban the sale of fireworks; however, it does allow cities and towns to impose restrictions on the use of permissible consumer fireworks within its corporate limits and a county may regulate the use of permissible consumer fireworks within the unincorporated areas of the county during times when there is a reasonable risk of wildfires in the immediate county. Mr. Bolinger drafted an ordinance and he stated that another suggestion was that language regarding the use of fireworks be added to an existing County ordinance. He then called upon Marian Sheppard, Chief Deputy Clerk, to further expound on the purpose of this agenda item. Ms. Sheppard advised that the Board could review the draft ordinance Mr. Bolinger drafted, which is attached to this agenda item, or consider amending an existing County ordinance, which addresses open outdoor fires by adding language related to fireworks. Vice-Chairman Martin advised that Ordinance 98-01 – Open Outdoor Fire contains language that addresses the burning of existing combustibles, so she suggested that the Board could just add the word “fireworks” to it or adopt a separate ordinance which specifically addresses fireworks. She stated, “Fire chiefs have taken a look at this. The law continues to move around fireworks right now...If we add it (the word “fireworks”), it lets us ban the use of fireworks during fire season. It lets us match to their restrictions. They (fire chiefs) felt that was adequate at

this time until Arizona finally decides how it will handle fireworks in general.” Mr. McDaniel briefly reviewed the revisions that would be made to Ordinance No. 98-01 and he added that the amended language would not prohibit a public fireworks display that has been previously approved by the Board of Supervisors. Chairman Pastor stated that A.R.S. §36-1601 defines “fireworks” and also “permissible consumer fireworks”, and he inquired if the proposed amendments to the existing ordinance would address both. Mr. McDaniel replied that the added language would be broad enough to cover fireworks. Supervisor Dawson expressed a concern that the risk of wildfires is right now so she would like the amended ordinance to be adopted at the next regular Board meeting, which would be June 7th. Mr. McDaniel advised that in order to change an ordinance, a public hearing must take place of which at least 15 days’ notice must be provided in the newspaper. Discussion on this agenda item concluded.

Item 5 - Information/Discussion regarding proposed amendments to the Gila County Street Naming and Property Numbering Ordinance.

Mr. Bolinger advised that the Street Naming and Property Numbering Ordinance was last amended in 1998. The changes being proposed to the Board are to the rural addressing section of the Ordinance, to change from a grid system to a block system. Some of the other changes reflect the grid system to block system changes and the remaining changes are being made to clean up the Ordinance. He then reviewed each section of the Ordinance that is being changed. Discussion on this agenda item concluded.

At this time Chairman Pastor moved to address agenda item 3.

Item 3 - 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.

Mr. McDaniel reviewed information contained in the Gila County Boards, Commissions, and Committees notebook that are under the purview of the Gila County Health and Emergency Services Division, as follows: Gila County Board of Health, Gila County Communications Planning Selection Committee, Local Emergency Planning Committee, and Mapping Committee.

Mr. McDaniel provided a compliance checklist for the Gila County Board of Health, which he reviewed with the Board, as follows:

- 1) Name: Gila County Board of Health
- 2) Gila County Staff Liaison: Health Department Director is Secretary
- 3) Legal basis for establishment: A.R.S. §36-182
 - Date of creation: Recreated June 9, 2010

- Bylaws: N/A – Rules of Procedure required – not available
 - Charter: N/A
 - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Investigate and report contagious or infectious disease
 - 5) Membership: 1 Medical Doctor, 1 BOS member and 3 citizens at large by district
 - Terms of office: 4 years
 - Appointing authority: Board of Supervisors
 - 6) Meeting schedule: Annual meeting in July required; monthly meetings optional
 - Location: Gila County Health Department
 - 7) Meeting legal posting and advertising: Open Meeting Laws apply
 - 8) Meeting agendas: Open Meeting Laws apply
 - 9) Meeting minutes: Open Meeting Laws apply
 - 10) Funding sources: Board of Supervisors General Fund; grants
 - Amounts: To fund Health Department, not Board of Health
 - 11) Significant actions and accomplishments: None
 - 12) Notes: None

Mr. McDaniel provided then a compliance checklist for the Gila County Communications Planning Selection Committee, which he reviewed with the Board, as follows:

- 1) Name: Gila County Communications Planning Selection Committee
- 2) Gila County Staff Liaison: None
- 3) Legal basis for establishment: Board's general powers
 - Date of creation: September 9, 2008
 - Bylaws: N/A
 - Charter: N/A
 - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Investigate forming Communications Department
- 5) Membership: None
 - Terms of office: N/A
 - Appointing authority: Board of Supervisors
- 6) Meeting schedule: None
 - Location: N/A
- 7) Meeting legal posting and advertising: Not required
- 8) Meeting agendas: Not required
- 9) Meeting minutes: Not required
- 10) Funding sources: N/A
 - Amounts: N/A
- 11) Significant actions and accomplishments: None
- 12) Notes: Discussed at a BOS meeting to assist in vendor selection and to investigate advisability of Communications Department to coordinate efforts of

the Information Technology (IT) Department, Sheriff's Office and Emergency Management Services.

Mr. McDaniel further provided a compliance checklist for the Local Emergency Planning Committee, which he reviewed with the Board, as follows:

- 1) Name: Local Emergency Planning Committee
- 2) Gila County Staff Liaison: Health & Emergency Services Division Director
- 3) Legal basis for establishment: A.R.S. §26-344 & US Title 42, Chapter 116
 - Date of creation: May 15, 1989
 - Bylaws: Yes
 - Charter: N/A
 - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Preparedness, response, recovery in emergencies
- 5) Membership: 9 members – A.R.S. prescribed representation
 - Terms of office: Until resignation or replacement
 - Appointing authority: Board of Supervisors originally; Chairman and committee thereafter
- 6) Meeting schedule: Bi-annual required; as needed otherwise
 - Location: As appropriate
- 7) Meeting legal posting and advertising: Open Meetings Laws apply
- 8) Meeting agendas: Open Meetings Laws apply
- 9) Meeting minutes: Open Meetings Laws apply
- 10) Funding sources: N/A
 - Amounts: N/A
- 11) Significant actions and accomplishments: HAZMAT response; purchase incident action plan software
- 12) Notes: None

Upon reviewing the Local Emergency Planning Committee membership, Vice-Chairman Martin commented that she was uncertain about one member, and she felt that it was important to ensure the members' names were current.

Mr. McDaniel concluded by providing a compliance checklist for the Mapping Committee, which he reviewed with the Board, as follows:

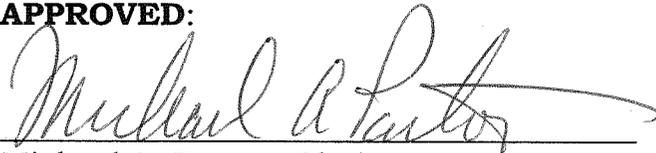
- 1) Name: Mapping Committee
- 2) Gila County Staff Liaison: Emergency Services staff
- 3) Legal basis for establishment: Board of Supervisors' general powers
 - Date of creation: Fall 2007
 - Bylaws: N/A
 - Charter: N/A
 - Legal counsel: County Attorney
- 4) Assigned areas of responsibility: Countywide mapping issues
- 5) Membership: --
 - Terms of office: N/A
 - Appointing authority: Board of Supervisors

- 6) Meeting schedule: As needed; last meeting was mid-2008
 - Location: --
- 7) Meeting legal posting and advertising: N/A
- 8) Meeting agendas: N/A
- 9) Meeting minutes: N/A
- 10) Funding sources: N/A
 - Amounts: --
- 11) Significant actions and accomplishments: Report and recommendations submitted to the BOS
- 12) Notes: None

Upon reviewing the Mapping Committee, Mr. McDaniel advised that the committee was created in the fall of 2007 and the last meeting was held in 2008, so he concluded that this committee has served its life. Supervisor Dawson replied that may not be the case due to the present issue of addressing the possibility of redistricting supervisorial districts. Mr. McDaniel advised that he would look further into the need for this committee.

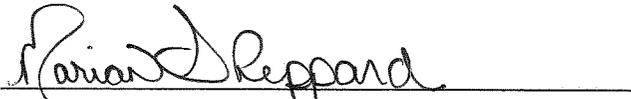
There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 12:11 p.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk