

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

Date: June 21, 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/Clerk; Marian Sheppard, Chief Deputy Clerk. No County Attorney representative was present.

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. Sadie Dalton led the Pledge of Allegiance.

Item 2 – Information/Discussion regarding a Courthouse security proposal from the Gila County Courthouse Security Committee.

Don McDaniel, County Manager, stated that he met with Presiding Judge Peter Cahill in late January to discuss the Courthouse security issue due to an incident where an unknown person was able to gain entry to the third floor of the Globe Courthouse after normal work hours. It was not a serious incident; however, it emphasized the need to review security issues and implement some security measures. Mr. McDaniel and Judge Cahill determined that the best approach was to establish a task force of County employees and have them meet and provide recommendations. It was determined that both the Payson offices and the Globe Courthouse were going to be the focus of the study. The task force, facilitated by Berthan DeNero, Human Resources Department Director, was formed and has been meeting since February on a regular basis in order to provide recommendations to the Board. Mr. McDaniel then called on Ms. DeNero to present the recommendations. Ms. DeNero stated that the task force consists of the following personnel: Mary Hawkins, Jacque Durbin, Anita Escobedo, Sadie Dalton, Debbie Savage, Major Jim Eskew, Lt. Mike Johnson, Steve Stratton, and Bob Hickman, with a later addition of Darryl

Griffin, Eloise Price and Ruben Mancha. She stated that Ms. Hawkins shared a lot of information from the "Guidelines for Implementing Best Practices in Court Building Security" from the National Center for State Courts and other materials were gathered to assist in creating a plan. The proposals were broken down into 3 phases, copies of which were provided to the Board and reviewed as follows: Phase 1-Extremely Important Issues; Phase 2-Very Important Issues; and Phase 3-Important Issues. Phase 1-Extremely Important Issue includes the following: A) limiting the entrances to the front of the Globe Courthouse utilizing 4 armed security guards with one entrance for the public and one for employees with badges; B) weapons screening using wands, magnetometer, providing gun lockers and better lighting; C) after-hours access to the Courthouse would include the Courthouse being open from 7:45 a.m. to 5:00 p.m., training of employees on the possibility of tailgating by unknowns to gain entrance, performing background checks on all vendors and employees with key cards, isolating the public to the floor they came in on and better scheduling of after-hours meetings; D) the installation of duress alarms for the judge's chambers and training on same as well as escorts for judges in unsecured areas, the installation of key card access, keeping all doors closed and locked and perform sweeps of the offices at the beginning and end of the day; E) courtroom security would include a courtroom security officer (CSO) for each courtroom, the removal of all items that could be used as weapons, installation of duress alarms on the judge's bench, training of courtroom staff in safety, perform sweeps of the courtrooms at the beginning and end of the day and lock courtrooms when not in use; F) have specific hours of operations for courtroom security officers and install the Globe Justice of the Peace's camera and monitoring system to include the courtrooms/front counters; F) the installation of duress alarms with a location identifier on the judge's bench, the bailiff's area, the judge's desk and chambers with monthly checks of the alarms; G) establish policies for threat and incident reporting to law enforcement and training of staff on "What is an incident?"; H) for in-custody defendants, assign a CSO for transport/escort, write a policy for the transport of prisoners in/out of the building and the removal of bystanders before the transport; I) training of employees would include tailgating and the prevention of violence in the workplace; and J) establish a deadline to inform employees and the public of opening the Courthouse at 7:45 a.m. Ms. DeNero advised that the total estimated cost to implement Phase 1-Extremely Important Issues would be \$262,400. Ms. DeNero advised that some of these items will have to go out for bids; however, some Arizona Department of Transportation staff walked around the various sites with her, Mr. Hickman and Mr. Griffin and provided some of the recommendations and approximate costs. Chairman Pastor inquired if Ms. DeNero and staff were also reviewing the buildings in Payson as well as the Public Works Complex. Ms. DeNero replied that the court building and the administration building in Payson are included and a meeting is scheduled for sometime in June. In reference to the Public Works Complex, Ms. DeNero advised that when that building was being designed, security was reviewed very closely. A check of that building will be conducted

at a later date as this security process will be ongoing. Supervisor Dawson stated that the County just spent money building a new Board of Supervisors' (BOS) ramp and entrance, which is securely keyed to only those employees in that section of the Courthouse. Supervisor Dawson stated that even though she understood the need for a single employee entrance, she disagreed with blocking off that BOS entrance because it can be hard for some Board members to access the building. Ms. DeNero stated that issue was one of the most discussed by the task force and she believes they would be flexible on that issue. Ms. Durbin also stated a concern about someone watching and entering the building through that entrance by tailgating. Linda Pearce, a resident of Globe, stated that one of the concerns should be when the BOS Hearing Room is open in the evenings. During those times the entire building is open because the BOS hearing room doors cannot be shut due to the need for access to the restrooms. Ms. DeNero replied that issue was also discussed. Supervisor Dawson reiterated that she knows that keys to the exterior doors are coded the hours they can be accessed; however, she has a really strong opinion on the BOS entrance remaining as it is because very seldom does anyone come to that door as it is marked as an employee entrance only and she is just not in favor of blocking that door. Ms. DeNero stated that the BOS entry door was definitely a topic of discussion and that is the recommendation, but the final decision would be up to the Board. Chairman Pastor stated that this conversation is an introduction to the security issues by the task force and no matter what the plan is there will be hurdles to cross and the Board will make some changes. Chairman Pastor believes the focus should be on protecting employees and staff. He stated that the County spent a lot of money making the BOS entrance ADA (Americans with Disabilities Act) compliant, so the Board needs to look at all of the avenues available before it comes to a decision. Vice-Chairman Martin agreed with Supervisor Dawson. Vice-Chairman Martin stated, "I so appreciate the idea of a single entrance for the public, but I think once the background checks have been done on the employees and the way it's designed back there (referring to the BOS entrance), I don't see putting that kind of money into that kind of entrance, so I'm totally with Shirley on this. On a good day it's easy to come around and come through the front doors, but on a bad day it's not. I sure would lean towards having an employee access (at the BOS entrance) particularly in the daylight hours and particularly with all the other measures we are putting in up there in more than one place. I don't want to see us going overboard, which we tend to do sometimes. I think the security is critical, but I don't want to see us going overboard." Supervisor Dawson stated, "Historically one of the reasons that the security is not more modernized on the third floor is because every proposal that was ever brought to the Superior Court about improving the security up there was so overboard that the presiding judge for many years would just tell them to go back to the drawing board. So nothing was ever brought that addressed the issue in a sane manner other than the judge ordering that no one bring a gun on the third floor." Chairman Pastor stated that he would agree and he looks at this presentation as an introduction to the

issues the task force has been working on and to present their options to the Board and get the Board's input. Mr. McDaniel inquired if the Board had any other items in the report that were bothersome as this item will be placed on the June 28th meeting for a Board action to approve some type of plan to move forward. If modifications need to be made to certain portions like this additional access, they could be made before the next Board meeting. The Board members stated that they needed a few days to review the entire plan as presented. Mr. McDaniel stated that he received a memo regarding this from Judge Cahill that he wanted to read into the record. The memo stated the following: "Please advise the Board that I fully support the Courthouse security committee's proposal. When the committee's report is ready for Board action, I will enthusiastically urge its approval. Our current lack of security is dangerous. It is beneath all generally accepted standards of safe practice. Gila County citizens and court staff deserve better. The committee's recommendations should be adopted promptly. While surely expensive and inconvenient, the changes are nevertheless long overdue." Supervisor Dawson requested that "weapon" be defined. Ms. DeNero stated that the committee didn't discuss a specific definition of a weapon, but it was her personal opinion that a weapon is something that can be used to harm someone else. Vice-Chairman Martin stated that since the County is basically securing the state's courts, she inquired if there was any money available from the state to help the County pay for these security issues. Vice-Chairman Martin stated, "We need the security and I've been harping on that for years, but there has to be a sensible way of going about this and it doesn't sound like it. It sounds like we are getting way off on a tangent on this one." Mr. McDaniel stated that in regard to funding, he specifically asked Judge Cahill and Ms. Hawkins if they were aware of any funding sources through the courts that would help with this endeavor. They indicated that they would explore that and see if there were any funds available for reimbursement to the County; however, at that point they were unaware of any. Ms. DeNero then called on Ms. Durbin to present another idea that was being discussed with the justice courts. Ms. Durbin explained that some of the other counties in Arizona are attaching a fee to every citation issued that would go strictly towards funding the security of the Courthouse. The amount discussed was adding an additional \$20 fee on all citations. Using the current Globe Justice of the Peace numbers, if all funds were collected the total amount would be \$800,000. She did note that usually only about 60% of the monies are collected; however, that was only using the figures from the Globe Justice Court and the same could be done at the Payson Justice Court. She stated that the Board would have to pass some type of order allowing for the collection of same, but that could help fund these security issues. She also stated that there might be the possibility of securing funds through a Homeland Security grant. Supervisor Dawson stated that the third floor consists of state superior court offices, which at one time had money available for security and she recommended that state help be sought through the Arizona Department of Justice. Chairman Pastor recommended that the committee review and apply for all avenues available for funding since this

proposal is not yet set in stone. Chairman Pastor stated that there will be different phases and the Board will review some of it at the June 28th meeting and if there are areas in which the Board does not agree, those items will be removed and suggestions made to the committee that they continue to work on other issues, unless the Board wants to drop the whole project. Ms. DeNero advised that the Human Resources Department will be requesting approval from the Board to apply for a \$25,000 grant for the prevention of workplace violence. Vice-Chairman Martin inquired about grades of security and if there was a way to secure the first and third floors to the highest degree and have less security on the second floor. Ms. DeNero replied that is a possibility, but that would depend on how much money the Board wished to spend. She also noted that there would have to be at least 2 entrances—one for the public and one for the prisoners. Another solution would be to remove administration out of the Courthouse and locate it elsewhere and then this would just be a Courthouse building so that the inconvenience to the public and constituents wouldn't be there. Supervisor Dawson stated that the Courthouse design does not lend itself to being a "courts" building and the security in this building is a huge challenge. Many studies have been done and the last proposed bond election included a proposed court's building, but was voted down by the citizens. She stated, "Certainly we need to move forward with security. We also need to move forward with what is reasonable and how we can best achieve that." She stated that having a big clog of public trying to enter at 8:00 a.m. along with all employees would be a challenge during the wanding process and key card process and again recommended that it be done in a reasonable manner. Discussion was also held about providing training for employees and it was noted that many of the ideas could be implemented immediately at a minimal cost. Ms. DeNero then reviewed Phase 2-Very Important Issues as follows: A) Use of a closed circuit TV to be monitored by 4 employees in the Globe Justice of the Peace Office and use of a radio when not near desk for immediate response and write a policy for use of deadly force; B) decide whether to use Sheriff's employees or private security (internal is recommended); C) install 13 cameras in various locations using 17 inch flat-screen monitors with cameras having panning capacity, digital recording, that would be set off by motion, duress alarms or noise and maintain those recordings for 10 days and the addition of signs notifying public of the use of same; D) emergency equipment and procedures to include an emergency color code for evacuations, an emergency battery generator for court areas, fire alarms with speakers and elevators that meet state and local fire codes; E) interior access during business hours will include the best circulation zones for court staff and judges, best procedure for handling in-custody defendant transport, restrict public to public areas, locking of doors and key access card approval from administration based on need; F) install intrusion alarms on all access doors; G) provide jurors with security information and discuss items of importance, orientation of jurors to include basic evacuation instructions and the decision whether or not to use the Board's hearing room as a jury assembly room; H) parking for judges should not have signage and judges should notify

CSO upon arrival and departure for escorting; and I) in reference to public counters and offices, the Clerk of the Court's Office, the Court Administration area, the STAR's (Superintendent of Schools, Treasurer, Assessor and Recorder) Offices and the County Attorney's Office should all have a duress alarm via the phone installed, train staff on the use of the alarm, install plexiglass surrounding counters, install window coverings to restrict observation, keep cash and checks safe, change combinations of safes/vaults regularly, remove the combinations of safes/vaults in public places and conduct training on how to change safes/vaults combinations. Ms. DeNero advised that the total estimated cost to implement Phase 2-Very Important Issues would be \$355,254. Also reviewed was Phase 3-Important Issues as follows: A) cash handling would include developing policies and training of staff, keep cash/checks locked up, install duress alarms at each counter, install an office safe for money storage and use the Treasurer's Office as a bank; B) have exterior/interior patrols with a system in place so employees can request a patrol and have the Sheriff's Office conduct exterior patrols when the building is closed; C) for the perimeter, provide sufficient lighting and focus on the dim areas, keep doors lock after hours and conduct daily patrols during business hours; D) provide emergency lighting for public lobbies, hallways, stairwells and elevators, establish ingress and egress standards for same and post emergency evacuation procedures and diagrams; E) in regard to screening mail and packages, provide routine visual inspection, address verification examination, require staff to attend postal service training and develop protocol with regards to mail and packages. Ms. DeNero advised that the total estimated cost to implement Phase 3-Important Issues would be \$4,600. The Board then discussed the costs of the 3 phases, which reflected that some would be one-time costs such as capital expenses and then there would be ongoing expenses with the largest being labor-related, particularly for the 4 new security officers. Ms. DeNero advised that the task force discussed the possibility of outsourcing these positions; however, Sheriff Armer was not in favor of that option. Vice-Chairman Martin inquired if it could be done cheaper by outsourcing. Ms. DeNero stated that the option was not explored further for costs. Vice-Chairman Martin stated that the Board should know the exact cost for outsourcing to justify the figures listed in the report. Ms. DeNero noted the request and stated that it will be reviewed by the task force as to actual costs for both in-house and outsourcing of security personnel. Ms. DeNero completed her presentation and stated that this proposal will be presented to the Board for action at its June 28, 2011, meeting. No action was taken by the Board.

At 10:59 a.m., Chairman Pastor called for a short recess. At 11:08 a.m. the Chairman reconvened the meeting.

Item 3 - Presentation/Discussion regarding the Boards, Commissions, and Committees (BC&C) Report and an analysis and evaluation of each BC&C's

current status of compliance with applicable statutes, laws, policies and procedures.

Mr. McDaniel advised that today the Board would begin by reviewing those BC&Cs under the purview of the Human Resources Department as follows: the Benefit Study Committee; the Correctional Officers Retirement Plan (CORP) Local Board of Directors; the Personnel Commission; and the Public Safety Personnel Retirement System (PSPRS) Local Board of Directors.

Mr. McDaniel provided a compliance checklist for the Benefit Study Committee, which he reviewed with the Board, as follows:

- 1) Name: Benefit Study Committee
- 2) Gila County Staff Liaison: All staff
- 3) Legal basis for establishment: Administrative staff committee*
 - Date of creation: Not known
 - Bylaws: N/A
 - Charter: N/A
 - Legal counsel: N/A
- 4) Assigned areas of responsibility: Review and recommend employee benefits
- 5) Membership: 13 County employees
 - Terms of office: N/A
 - Appointing authority: County Manager
- 6) Meeting schedule: As needed
 - Location: As appropriate
- 7) Meeting legal posting and advertising: Not required
- 8) Meeting agendas: N/A
- 9) Meeting minutes: N/A
- 10) Funding sources: N/A
 - Amounts: N/A
- 11) Significant actions and accomplishments: N/A
- 12) Notes: None

Mr. McDaniel advised that the Benefit Study Committee was appointed by the County Manager some years ago to essentially review limiting the number of vendors and limiting the number of payroll deductions and the types of vendors that the County has for benefits to employees and ensuring employees receive the best in the categories for employee benefits.

Next Mr. McDaniel provided a compliance checklist for the Correctional Officers Retirement Plan (CORP) Local Board of Directors, which he reviewed with the Board, as follows:

- 1) Name: Correctional Officers Retirement Plan (CORP) Local Board of Directors for Detention Officers and Non-Uniformed Officers; and Correctional Officers Retirement Plan (CORP) Local Board of Directors for Dispatchers. (Note for the record – At a later date it was learned that there are actually 2 Local

Boards in Gila County and both Local Boards follow the same statutory requirements for membership.)

2) Gila County Staff Liaison: Sheriff's Office Chief Administrative Officer/Bureau Commander

3) Legal basis for establishment: Created per A.R.S. §38-882 & §38-893

- Date of creation: On 9/23/03, the Board of Supervisors adopted resolutions and entered into 2 Joinder Agreements which allowed certain Gila County Sheriff's Office employees to be included in the CORP Local Boards.
- Bylaws: N/A – A.R.S. as necessary
- Charter: N/A
- Legal counsel: County Attorney advises the BOS member only

4) Assigned areas of responsibility: Retirement plan administration

5) Membership: 5 members per A.R.S. (1 Chairman of the Board of Supervisors (BOS) acting as the Chairman of the Local Board or another BOS member as chosen by the BOS Chairman with the overall approval of the other BOS members, 2 "Citizens" appointed by the BOS Chairman with the overall approval of the other BOS members of which one member must be the head of the Gila County Personnel Commission, and 2 "Elected Members", who are members of the Plan and who are elected by secret ballot by members of the Plan.)

- Terms of office: 4 years
- Appointing authority: Board of Supervisors and Plan members

6) Meeting schedule: As needed

- Location: --

7) Meeting legal posting and advertising: Not required

8) Meeting agendas: Yes

9) Meeting minutes: Yes

10) Funding sources: Board of Supervisors

- Amounts: N/A

11) Significant actions and accomplishments: --

12) Notes: None

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

1) Name: Gila County Personnel Commission

2) Gila County Staff Liaison: Human Resources Director

3) Legal basis for establishment: Created per A.R.S. §11-353 & Board of Supervisors' Resolution

- Date of creation: Not available
- Bylaws: Yes (Available in the Human Resources Department)
- Charter: Yes (Available in the Human Resources Department)
- Legal counsel: County Attorney

4) Assigned areas of responsibility: County Merit System Rules & Policies, Rule 3

- 5) Membership: 5 citizens
 - Terms of office: 4 years
 - Appointing authority: Board of Supervisors
- 6) Meeting schedule: As needed
 - Location: As appropriate
- 7) Meeting legal posting and advertising: Required per Arizona Open Meeting Law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: Board of Supervisors
 - Amounts: N/A
- 11) Significant actions and accomplishments: --
- 12) Notes: None

Lastly, Mr. McDaniel provided a compliance checklist for the Public Safety Personnel Retirement System (PSPRS) Local Board of Directors, as follows:

- 1) Name: Public Safety Personnel Retirement System (PSPRS) Local Board of Directors
- 2) Gila County Staff Liaison: Human Resources Director
- 3) Legal basis for establishment: Created per A.R.S. §38-847 & Board of Supervisors' Resolution
 - Date of creation: March 1, 1985
 - Bylaws: Yes
 - Charter: Yes
 - Legal counsel: County Attorney advises the Supervisor member only
- 4) Assigned areas of responsibility: Public Safety retirement administration
- 5) Membership: 5 members per A.R.S. (1 Chairman of the Board of Supervisors (BOS) acting as the Chairman of the Local Board or another BOS member as chosen by the BOS Chairman with the overall approval of the other BOS members, 2 "Citizens" appointed by the BOS Chairman with the overall approval of the other BOS members of which one member must be the head of the Gila County Personnel Commission, and 2 "Elected Members", who are members of the Plan and who are elected by secret ballot by members of the Plan.)
 - Terms of office: 4 years
 - Appointing authority: Board of Supervisors
- 6) Meeting schedule: As needed
 - Location: Gila County Courthouse
- 7) Meeting legal posting and advertising: Required per Arizona Open Meeting Law
- 8) Meeting agendas: Required by law
- 9) Meeting minutes: Required by law
- 10) Funding sources: Board of Supervisors
 - Amounts: N/A
- 11) Significant actions and accomplishments: --

12) Notes: None

Vice-Chairman Martin inquired if it would be possible to have all of the BC&Cs listed on a spreadsheet that shows all of the members and their term of office expiration dates so she can see which members' terms would be expiring for the year. Marian Sheppard, Chief Deputy Clerk, advised that a spreadsheet could be done; however, she is still in the process of gathering and compiling correct data with each liaison.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:23 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk