

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

Date: March 6, 2012

TOMMIE C. MARTIN
Chairman

JOHN F. NELSON
Clerk of the Board

SHIRLEY L. DAWSON
Vice-Chairman

By: Marian Sheppard
Chief Deputy Clerk

MICHAEL A. PASTOR
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Tommie C. Martin, Chairman (via ITV conferencing); Shirley L. Dawson, Vice-Chairman (via telephone conference call); Michael A. Pastor, Supervisor; Don McDaniel, Jr., County Manager; John Nelson, Deputy County Manager/Clerk; 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. Jacque Griffin led the Pledge of Allegiance and Reverend Rula Colvin of St. Paul's United Methodist Church delivered the invocation.

Chairman Martin advised that the Board would now address a part of agenda item 5 to allow County Manager Don McDaniel to provide a report on a recent incident. Mr. McDaniel advised that last Wednesday a Health Department employee disposed of 2 boxes of paperwork at a County-owned recycling bin located in Payson. Most of the paperwork was pamphlets and brochures from past WIC (Women, Infants and Children) programs; however, it was discovered that 12 files were inadvertently included in the paperwork which contained personal information on previous participants in the program. Two individuals went through dumpsters looking for items, discovered the files and immediately contacted the press and later the County Health Department. County staff immediately investigated the situation and found that none of the information deposited in the dumpster left the dumpster, so the information was retrieved and did not proceed into anyone else's hands. Mr. McDaniel stated that it was huge mistake and he emphasized that the Health Department has a strong protocol established for the disposal of paperwork that contains personal or confidential information. The employee was reprimanded and has been retrained and is now aware of the correct protocol. Mr. McDaniel then asked for any questions. Chairman Martin received information that this incident

was going to be broadcast on television by a news station. Mr. McDaniel informed the Board that a fact sheet pertaining to this incident was prepared that will be provided to the media in Globe and Payson and to anyone else who is interested in receiving a copy. Chairman Martin thanked Mr. McDaniel for the update.

Item 2 – REGULAR AGENDA ITEMS:

2A. Motion to adjourn as the Gila County Board of Supervisors and convene as the Gila County Library District Board of Directors.) Information/Discussion/Action to approve the Dedicated Internet Access Service Agreement between the Gila County Library District and Network Services for Internet access for the Hayden Public Library from July 1, 2012, through June 30, 2013, at a cost of \$380 per month, and authorize the Chairman to sign the Agreement.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board adjourned as the Gila County Board of Supervisors and convened as the Gila County Library District Board of Directors.

Jacque Griffin, Assistant County Manager/Librarian, advised that the cost last year was \$370 per month. The Library District qualifies for a subsidy from the federal government, which is called an E Rate. This provides the County with a rebate of 90% of the \$380 per month cost to provide Internet access for connectivity and for library patrons. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously approved the Dedicated Internet Access Service Agreement between the Gila County Library District and Network Services for Internet access for the Hayden Public Library from July 1, 2012, through June 30, 2013, at a cost of \$380 per month, and authorizes the Chairman to sign the Agreement.

2B. Information/Discussion/Action to approve the Addendum Maintenance and Subscription Agreement for Polaris Integrated Library System between the Gila County Library District and GIS Information Systems, Inc., for the period April 2, 2012, to March 30, 2015, at a total cost not to exceed \$117,654.51, payable over a three-year period. (Motion to adjourn as the Gila County Library District Board of Directors and reconvene as the Gila County Board of Supervisors.)

Ms. Griffin stated that in 2003 the Library District purchased an integrated library system for all 8 libraries within the County and the 2 community college libraries. Since that time the Tool Lending Library was added to the system and in 2008 the Apache County Library District which consists of 11 libraries was added. This system includes hardware, software, license and subscriptions. This is being done to roll the purchase and maintenance agreement into a maintenance agreement. Upon motion by Vice-Chairman

Dawson, seconded by Supervisor Pastor, the Board unanimously approved the Addendum Maintenance and Subscription Agreement for Polaris Integrated Library System between the Gila County Library District and GIS Information Systems, Inc., for the period April 2, 2012, to March 30, 2015, at a total cost not to exceed \$117,654.51, payable over a three-year period.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board adjourned as the Gila County Library District Board of Directors and reconvened as the Gila County Board of Supervisors.

2C. Information/Discussion/Action to canvass the election results contained in the Official Canvass of the Presidential Preference Election held February 28, 2012, in Gila County, Arizona, and declare the results official.

David Rogers, Elections Specialist, provided the Board and certain County staff with copies of the Canvass of Election Results report for the Presidential Election. He reviewed highlights of the report and then asked for Board questions or comments. Vice-Chairman Dawson complimented the excellent work done by the staff of the Elections Department. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board canvassed the election results contained in the Official Canvass of the Presidential Preference Election held February 28, 2012, in Gila County, Arizona, and unanimously declared the results official. (A summary of the election results is attached to these minutes.)

2D. Information/Discussion/Action to adopt Resolution No. 12-03-01 accepting the following tracts of land for roadway purposes, Tracts "A", "B", "C", and "D" as shown on Punkin Center Village Subdivision Map, Official Map No. 606 and 606A, Gila County Records and more particularly described in Fee No. 2012-001154, Gila County Records, as public roads and to be maintained as public roadways in the Gila County Maintained Roadway System.

Steve Sanders, Public Works Division Deputy Director, advised that the tracts of land are located in Tonto Basin on the east side of the creek, just off what is known as the store crossing road. The Punkin Center Village Homeowners Association originally dedicated the subject roads as being private; however, about 18 months ago the residents approached Supervisor Pastor about the possibility of the County accepting the roads into its County Maintained Roadway System. After investigation by County staff, it was determined that the subject property meets County roadway standards. Mr. Sanders stated that the road length is 1.1 miles within the subdivision and taking it into the County's system will not cause a burden upon the County, but rather it will generate a little extra income next year in Highway User Revenue Funds (HURF). Upon motion by Supervisor Pastor, seconded by Vice-Chairman

Dawson, the Board unanimously adopted Resolution No. 12-03-01 accepting the following tracts of land for roadway purposes, Tracts "A", "B", "C", and "D" as shown on Punkin Center Village Subdivision Map, Official Map No. 606 and 606A, Gila County Records and more particularly described in Fee No. 2012-001154, Gila County Records, as public roads and to be maintained as public roadways in the Gila County Maintained Roadway System. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

2E. Information/Discussion/Action to approve Professional Service Contract No. 020312 between Gila County and Stanley Convergent Security Solutions, Inc. whereby the contractor will provide for the Courthouse security system installation and upgrade in the amounts of \$32,155.91 and \$18,802.51 from March 6, 2012, to May 15, 2012.

Steve Stratton, Public Works Division Director, reviewed 3 Power Point slides of the proposed security system changes to the 1st and 3rd floors of the Courthouse. He advised that prior to the installation of the system and upgrades, an email will be sent to elected officials and department heads requesting that they establish a security level for each of their employees. Vice-Chairman Dawson inquired about the costs and Mr. Stratton replied that the costs of \$32,155.91 and \$18,802.51 are one-time charges. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously approved Professional Service Contract No. 020312 between Gila County and Stanley Convergent Security Solutions, Inc. whereby the contractor will provide for the Courthouse security system installation and upgrade in the amounts of \$32,155.91 and \$18,802.51 from March 6, 2012, to May 15, 2012.

Prior to Chairman Martin asking for a motion for the approval of the Consent Agenda items, Vice-Chairman Dawson requested that item 3H, Human Resources weekly reports for all personnel action items, be moved to the regular agenda for discussion followed by a Board action. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously agreed to move Consent Agenda item 3H to the regular agenda. Vice-Chairman Dawson stated, "I would like to receive information that the H.R. (Human Resources) Department is totally in charge of all hiring and dismissals with no Board approval. This says we acknowledge the reports; does that mean Birdie (DeNero, who is the H.R. Director) and each department is in charge of hiring, firing, transfers and we are just informed – puppets with no authority?"

Mr. McDaniel replied that in accordance with the Arizona Revised Statutes the Board of Supervisors is the "authority" to hire and fire. He advised that several months ago the Board gave that authority to the County Manager with the provision that the H.R. weekly reports are to be placed on a Board meeting agenda on a monthly basis for the Board's acknowledgement of the reports. He

noted that the meeting agendas are provided to the Board members a week before each meeting. During this week any Supervisor may contact the County Manager if there is an issue with any item so that the Manager could take the appropriate action with that item.

Vice-Chairman Dawson's concern is that the Board is being asked to approve personnel items for those employees of the Court System, which the Board has no authority over as Court employees operate under Court policies and procedures. Those policies and procedures may differ from the general policies and procedures of the County. She stated that her question may need to be addressed to the State Office of the Courts. She stated, "I believe the County Attorney's Office and the Courts need to proceed to show why we have any authority to acknowledge their human resources reports. Why are we getting this? Why is that not the judge's decision and responsibility, financial, and legal obligation?" She then registered her vote against the approval of the Human Resources weekly report dated February 28, 2012.

Chairman Martin suggested meeting in a future work session to further discuss this topic to which Vice-Chairman Dawson agreed.

Mr. Chambers stated that the reason the personnel reports, which include Court employees, are presented to the Board for its acknowledgement is for payment purposes because the Board of Supervisors "does have control over the financial purse strings of the County." He then acknowledged that Vice-Chairman Dawson raised some interesting issues; however, he advised that this is not the first time a governmental entity has had to address this same type of issue. He then cited the Hounshell versus Apache County court case whereby it was ruled that the Board of Supervisors does not have authority over the employees of elected officials. He stated, "In all county departments, clearly, yes, the Board of Supervisors does have authority and then it gets murky because of the Hounshell case."

Vice-Chairman Dawson stated to Mr. Chambers that she would like her question pursued as requested earlier in the conversation and she confirmed the need to discuss the topic further during a work session of the Board.

Upon motion by Supervisor Pastor, seconded by Chairman Martin, the Board approved Consent Agenda item 3H. Vice-Chairman Dawson voted against approving a part of that item which was the Human Resources weekly report dated February 28, 2012. The vote passed by a 2 to 1 vote.

Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously approved Consent Agenda items 3A through 3J with the exception of 3H.

Item 3 – CONSENT AGENDA ACTION ITEMS:

3A. Approval of Amendment No. 3 to Contract No. SS71803D between Gila County and Kimley-Horn and Associates, Inc. for additional engineering and reporting to potentially save construction costs for the Tonto Creek Bridge project in the amount of \$57,174 for the period March 6, 2012, through October 31, 2012.

3B. Approval of Amendment No. 2 to an Intergovernmental Agreement (Contract No. ADHS12-010923) between the Gila County Division of Health and Emergency Services and the Arizona Department of Health Services to continue to provide Community Health Grant Program services for the period January 1, 2012, through December 31, 2012.

3C. Approval to submit a Grant Application to the Arizona Criminal Justice Commission for the renewal of an existing Victim Assistance Grant in the amount of \$24,029 with a required cash match by the County of \$24,029 from the General Fund.

3D. Approval of a request by the Phoenix Metro Bicycle Club to use the Courthouse parking area as a rest stop for a bike ride on March 10, 2012.

3E. Approval of a request by GABA, Inc. to use the Courthouse parking area as a rest stop for a bike race on May 5 & 6, 2012.

3F. Approval of the January 2012 monthly departmental activity report submitted by the Clerk of the Superior Court.

3G. Approval of the August 23, 2011, September 13, 2011, November 8, 2011, and February 21, 2012, BOS meeting minutes.

3H. Acknowledgment of the Human Resources weekly reports for all personnel action items approved by the County Manager for the month of February 2012, as follows: February 7, 2012, February 14, 2012, February 21, 2012, and February 28, 2012. (This item was pulled to the regular agenda and voted on separately. It was approved with a 2 to 1 vote of the Board.)

February 7, 2012:

Departures from County Service:

1. Cecelia Gonzales – Probation – CASA/Foster Care Manger – 02/14/12 – 75% Court Appointed Special Advocate Fund – 25% General Fund – DOH 09/29/97 – Terminated for cause
2. Pete Ortega – Public Works Recycling and Landfill Management – Solid Waste Operations Supervisor – 05/01/12 – Solid Waste Fund – DOH 07/26/91 – Retired
3. Peter Poarch – Recorder – Recorder Clerk – 02/10/12 – General Fund –

DOH 11/07/11 – Resigned

4. Marianne Seligman – Recorder – Recorder Clerk – 11/07/11 – General Fund – Declined employment offer

Hires to County Service:

5. Nicole Barnes – Globe Regional Justice Court-Justice Court Clerk Associate Part-Time-02/27/11- General Fund - Replacing Ruben Mancha
6. Miriam Saravia-Jones – Globe Regional Justice Court-Justice Court Clerk Associate Part-Time - 02/27/12-General Fund – Replacing Ruben Mancha

Temporary Hires to County Service:

7. Tonia Busby – Community Services – Administrative Clerk – 03/01/12 – Workforce Investment Act Fund

End Probationary Period:

8. Diana Jones – Finance – Management Analyst – 01/20/12 – General Fund
9. Joshua Clark – County Attorney – Deputy County Attorney – 02/01/12 – Diversion Program Fund

Position Review:

10. Malinda Williams – Health and Emergency Services – HIV Case Manager – 02/08/12 – Changes in fund codes
11. Barbara Quiroz-Garcia – Health and Emergency Services – Community Health Assistant – 02/08/12 – Changes in fund codes

Request Permission to Post:

12. Community Services – Accounting Clerk – Position vacated by Sandy Lautigar

SHERIFF'S PERSONNEL ACTION ITEMS

Hires to County Service:

13. Christina Voakes – Sheriff's Office – 911 Dispatcher – 03/12/12 – General Fund – Replacing Megan Miller

February 14, 2012:

Departures from County Service:

1. Angela Lara – Community Services – Career and Employment Specialist – 01/27/12 – WIA Fund – DOH 09/26/11 – Failure to complete probationary period

Hires for County Service:

2. Cynthia Gonzales – Public Works Facilities and Land Management – Custodian Lead – 02/16/12 – Facilities Management Fund – Replacing Antoinette Gonzales

Temporary Hires to County Service:

3. Larry Perez – Public Works Facilities and Land Management – Temporary Custodian – 02/16/12 – Facilities Management Fund

Departmental Transfers:

4. Megan Miller – From Sheriff's Office- To Clerk of Superior Court – From 911 Dispatcher- To Courtroom Clerk – 02/20/12 – General Fund – Replacing Kay St. Laurent
5. Nicholas Montague – From Finance – To Community Services – From Accountant Senior - To Accountant -02/03/12 – 50% WIA Fund - 50%

GEST Fund

Position Review:

6. Antoinette Gonzales – Public Works Facilities and Land Management – From Custodian Lead – To Custodian – 02/15/12 – Facilities Management Fund
7. Nora Mata-Vega – Probation – Juvenile Detention Officer – 02/16/12 – General Fund – Six months of service
8. Kathleen Lord Joerns – Probation – Deputy Probation Officer 2 – 02/13/12 – From General Fund – To Adult Probation Services Fund
9. Sigifredo Marquez – Probation – Deputy Probation Officer 1 – 02/13/12 – From Adult Probation Services Fund – To General Fund

Request Permission to Post:

10. Antoinette Gonzales – Public Works Facilities and Land Management – From Custodian Lead – To Custodian – 02/15/12 – Facilities Management Fund
11. Nora Mata-Vega – Probation – Juvenile Detention Officer – 02/16/12 – General Fund – Six months of service
12. Kathleen Lord Joerns – Probation – Deputy Probation Officer 2 – 02/13/12 – From General Fund – To Adult Probation Services Fund
13. Sigifredo Marquez – Probation – Deputy Probation Officer 1 – 02/13/12 – From Adult Probation Services Fund – To General Fund

SHERIFF'S PERSONNEL ACTION ITEMS

Request Permission to Post:

14. Sheriff Office – I.T. Administration Support Technician/Part-Time – Position vacated by Val Zufelt

February 21, 2012:

Departures from County Service:

1. Kyle Quiroz – Health and Emergency Services – Animal Control Worker – 01/26/12 – Rabies Control Fund – DOH None – Declined offer of employment
2. Katie Meredith – Health and Emergency Services – WIC Breastfeeding Peer Counselor – 02/10/12 - WIC Fund – DOH 02/24/11 – Resigned

Position Review:

3. Ginger Horta – Administrative Services – Administrative Clerk – 02/01/12 – General Fund – Extend Probation
4. Alberta Lancieri – Probation – Deputy Probation Officer 2 – 01/31/12 – 100% Diversion Intake - To 50% Juvenile Standards Probation Fund 50% Adult Probation Service Fees Fun
5. Erika Pisano – Probation – From Deputy Probation Officer 1-To Deputy Probation Officer 2 – 01/31/12 – From 50% Juvenile Standards Probation Fund 50% Adult Probation Service Fees Fund To 100% Diversion Intake
6. Barbara Guthrey – Assessor – Property Appraiser II – 01/31/12 – General Fund – Amend Hire Date to 09/16/1983

Request Permission to Post:

7. Health and Emergency Services – Breastfeeding Peer Counselor – Position vacated by Katie Meredith

8. County Attorney – Deputy County Attorney Senior – Position vacated by Carolyn Borcharding

SHERIFF'S PERSONNEL ACTION ITEMS

Departures from County Service:

9. Claudia DalMolin – Sheriff's Office – Chief Administrative Officer – 02/29/12 – General Fund – DOH 11/23/1982 – Retired

End Probationary Period:

10. David Hornung - Sheriff's Office – Deputy Sheriff Sargent – 08/25/11 – General Fund

Position Review:

11. Luetta DuBois – Sheriff's Office – Administrative Clerk/Part Time – 01/01/12 – General Fund – Rescinded resignation
12. Clarence Rice – Sheriff's Office – Detention Officer – 02/27/12 – General Fund – Going to Full Time Status

February 28, 2012:

Departures from County Service:

1. Cecelia Gonzales – Probation – CASA/Foster Care Manger – 02/14/12 – 75% Court Appointed Special Advocate Fund – 25% General Fund – DOH 09/29/97 – Terminated for cause
2. Pete Ortega – Public Works Recycling and Landfill Management – Solid Waste Operations Supervisor – 05/01/12 – Solid Waste Fund – DOH 07/26/91 – Retired
3. Peter Poarch – Recorder – Recorder Clerk – 02/10/12 – General Fund – DOH 11/07/11 – Resigned
4. Marianne Seligman – Recorder – Recorder Clerk – 11/07/11 – General Fund – Declined employment offer

Hires to County Service;

5. Nicole Barnes – Globe Regional Justice Court-Justice Court Clerk Associate Part-Time-02/27/12-General Fund - Replacing Ruben Mancha
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Temporary Hires to County Service:

7. Tonia Busby – Community Services – Administrative Clerk – 03/01/12 – Workforce Investment Act Fund

End Probationary Period:

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9. Joshua Clark – County Attorney – Deputy County Attorney – 02/01/12 – Diversion Program Fund

Position Review:

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Request Permission to Post:

12. Community Services – Accounting Clerk – Position vacated by Sandy

Lautigar

SHERIFF'S PERSONNEL ACTION ITEMS

Hires to County Service:

13. Christina Voakes – Sheriff's Office – 911 Dispatcher – 03/12/12 – General Fund – Replacing Megan Miller

3I. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of February 4, 2012, to February 10, 2012, and February 11, 2012, to February 17, 2012.

Copies of the contract reports are permanently on file in the Board of Supervisors' Office.

3J. Approval of finance reports/demands/transfers for the weeks of February 28, 2012, and March 6, 2012.

February 28, 2012

\$324,902.51 was disbursed for County expenses by check numbers 243711 through 243809.

March 6, 2012

\$1,986,454.18 was disbursed for County expenses by check numbers 243810 through 243996. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

After the Consent Agenda was addressed and a vote taken, Chairman Martin addressed agenda item 5 at which time Vice-Chairman Dawson provided her summary of current events. Vice-Chairman Dawson then advised that she would be hanging up the phone to attend to other business as she was in Washington, D.C. Chairman Martin then addressed agenda item 4, the Call to the Public. No public comment was provided, so Chairman Martin went back to agenda item 5 at which time Supervisor Pastor, Chairman Martin and Mr. McDaniel provided a summary on current events.

Item 4 - 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.

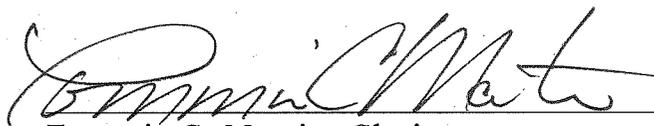
There were no requests to speak from the public.

Item 5 - 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 and the County Manager presented information on current events (see notations above regarding the timing of the presentation of current events).

There being no further business to come before the Board of Supervisors, Chairman Martin adjourned the meeting at 11:04 a.m.

APPROVED:



Tommie C. Martin, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk