

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

Date: September 18, 2012

TOMMIE C. MARTIN
Chairman

JOHN F. NELSON
Clerk of the Board

SHIRLEY L. DAWSON
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

MICHAEL A. PASTOR
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Tommie C. Martin, Chairman (via ITV conferencing); Shirley L. Dawson, Vice-Chairman; Michael A. Pastor, Supervisor; Don McDaniel, Jr., County Manager; John Nelson, Deputy County Manager/Clerk via ITV; 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. Shirley Dawson led the Pledge of Allegiance and Reverend Gary Bowser of Star Valley Baptist Church in Globe delivered the invocation. The Board welcomed John Marcanti, newly elected Supervisor for District 3, and a former Board member, Jose Sanchez, to the meeting.

Item 2 – REGULAR AGENDA ITEMS:

2A. Information/Discussion/Action to approve an Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum whereby the County will disburse up to \$25,000 to the Museum to use to maintain and improve the Museum; and further the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County.

Don McDaniel, County Manager, stated the Jose Sanchez, was present to represent the Bullion Plaza Cultural Center/Museum . He stated that this is a follow -up to a past presentation that Mr. Sanchez made to the Board of Supervisors about the need for funding to continue the work being done on the old school, which is now the Museum. This is a proposal for an economic development grant for \$25,000 for that purpose and if the Board finds that it is for the benefit of the public and the County, the Board may approve this grant. Each Board member commented on how the preservation of turning the old

school into a museum has enhanced the Town of Miami and all were supportive of the endeavors being made. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously approved an Agreement-Economic Development Grant between Gila County and the Bullion Plaza Cultural Center & Museum whereby the County will disburse up to \$25,000 to the Museum to use to maintain and improve the Museum; and further the Board determined this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County. Mr. Sanchez thanked the Board for its partnership with Gila County.

2B. Information/Discussion/Action to approve an Intergovernmental Agreement-Economic Development Grant between Gila County and the Pleasant Valley Fire District for a grant not to exceed \$13,000 to purchase a replacement heart monitor/defibrillator for this remote area of the Tonto National Forest in Gila County; and further, the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County.

Mr. McDaniel stated that this is an economic development grant for Pleasant Valley, also known as Young. Pleasant Valley is a relatively remote area in the County with approximately 700 residents; however, it services approximately a 640-square-mile area in terms of the fire district's service area. The Pleasant Valley Fire District has a great need for a piece of equipment, specifically a heart monitor/defibrillator, and has requested a \$13,000 grant. He stated that if the Board determines it's for the benefit of the public and the County, it could grant these funds to them. Supervisor Dawson stated that the initial request to her had been a request for funding assistance to repair the old, used equipment, which was quite costly. She felt that helping save lives in this remote area is a worthy endeavor. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously approved an Intergovernmental Agreement-Economic Development Grant between Gila County and the Pleasant Valley Fire District for a grant not to exceed \$13,000 to purchase a replacement heart monitor/defibrillator for this remote area of the Tonto National Forest in Gila County; and further, the Board determines this is for the benefit of the public and will improve or enhance the economic welfare of the inhabitants of Gila County.

2C. Information/Discussion/Action to approve a grant reimbursement payment for the steel archway and fencing to Arizona Department of Transportation for the Gila County Fairgrounds Entrance and Gateway Enhancement Project in the amount of \$56,495.13.

Steve Stratton, Public Works Division Director, passed out information to the Board that he would be referring to in his presentation. He first provided some background information on the grant. The scoping document for the grant was written in 2006 and was reviewed by the Arizona Department of Transportation (ADOT) staff 3 times and the term "Buy America" was never mentioned. The

JPA (Joint Partnership Agreement) No. 07-002-0-1 between Arizona State and Gila County was approved May 10, 2007, and the JPA does not represent anything called “Buy America” either. The original grant was \$369,002 and the County match of 5.7% was \$20,099. Mr. Stratton noted that one of the documents he passed out referenced the date of September 10, 2012, which was from Jodi Rooney, the local ADOT agent. Because of the audits that the Federal Highway Administration (FHWA) performed, ADOT is no longer allowing any self-administration of any grants. He explained that another document stated that the FHWA did several audits of many jurisdictions in 2011 – some 5 years after the project was first started and they have many issues. One is that the certificates for “Buy America” were missing; another is that there were cases of prevailing wage not being paid; and other items as listed. Mr. Stratton stated, “Ultimately, I guess that responsibility falls to me as the Department Head. What I would like to say is that before the project started we did have a meeting with the local government agent with ADOT at the time, Bob Gasser, and one of the questions I did ask him knowing that there were some federal funds in this is, ‘Do we have to pay prevailing wage?’ having been involved in that and many other cases and his answer was ‘no.’ Well, as you can see, according to the audits there, the answer is ‘yes.’ However, that is not the specific item they are talking to us about. It is the lack of a “Buy America” certificate for the steel in the archway. I’ve also given you an email correspondence between Nicole Kavanagh, Administrative Clerk Specialist for the Facilities Department, and the Young Electric Sign Company (YESCO), who was the subcontractor for the prime (contractor) on the Fairgrounds Archway project. It will reference in there that they only keep their records for 3 years so there’s no way that we can certify or they can certify that the steel was purchased in America. However, they do reference that the ratio for that particular year was 75%/25% with 75% being purchased in America. That was not satisfactory to FHWA. In this particular case, we’re guilty until we prove ourselves innocent, I guess. That’s pretty much it. I don’t have any reasoning for you. I can’t do anything, but stand here and take the blame for it...This was HURF (Highway User Revenue Funds) dollars on the match and it will have to be repaid with HURF dollars.” Supervisor Dawson stated that it’s unfortunate that the guidelines weren’t clear in the beginning and coming back 5 years afterward and trying to find out what portion or if it’s all U.S. made, “Let’s just move forward.” Supervisor Pastor stated that with ADOT now handling the administration of these federal grant projects, he believes that will be a benefit to everybody involved. He stated, “Certainly we’re not the only county that got in trouble over this period of time and Mr. Stratton has also assured me that the rest of our projects look like they are okay. We don’t feel we’re going to be under any special review by the federal agencies so at this point, I’m pretty satisfied with the answers I got.” He suggested that the County keep its records for at least 7 years. Mr. Stratton stated that the County is keeping its records longer and that’s why they were able to reference the JPA. Mr. Stratton advised that the County has 3 other projects currently ongoing namely: Traffic Enhancement Grants for sidewalks in Six Shooter Canyon, Central Heights and the bus stops or pedestrian stops in Pine-Strawberry and

the County is currently in the process of redoing the JPA's with ADOT for those to become ADOT-administered rather than self-administered. He stated that the only drawback to that is the timelines get much further out, usually 2-3 years longer to get a project done. Mr. Stratton also noted that the 512 Road in Young is also being administered by ADOT because the County is not certified. Supervisor Pastor inquired if it would benefit the County to become certified. Mr. Stratton replied that it's pretty complicated and he felt the County would be better off to let ADOT administer the projects and take the liability. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously approved a grant reimbursement payment for the steel archway and fencing to Arizona Department of Transportation for the Gila County Fairgrounds Entrance and Gateway Enhancement Project in the amount of \$56,495.13.

2D. Information/Discussion/Action to review all bids submitted for Request for Proposals No. 062512-1 for janitorial service in southern Gila County; award to the lowest, most responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder.

Joe Heatherly, Finance Director, stated that this recommendation stems back from just over a year ago in June when the County terminated its contract with the janitorial service at that time. Since then the Facilities Department under the Public Works Division, hired some people to do the janitorial work internally while an evaluation was completed. He stated that Mr. Stratton now recommends that the County should go back to having the contract work done rather than doing it in-house. A Request for Bid Proposals was advertised by the County and bids were received back. He recommended that the Board offer the contract to WCD Enterprises, LLC in the amount of \$92,880/year for a 12-month period with 2 1-yr renewal options. Supervisor Pastor had some questions regarding the verbiage in the proposal, which Mr. Heatherly explained were standard in all County contracts. Supervisor Pastor then inquired if the new company would hire the County's temporary janitorial employees. Mr. Heatherly explained that some of the employees were temporary and others were hired as full-time employees. He advised that the new contract will not provide janitorial services for all of the buildings in southern Gila County. Mr. Stratton further explained that there are several buildings, namely, the Sheriff's Office and the Guerrero Building, that contain information that is sensitive in nature so those buildings will continue to be cleaned by in-house staff. This also allowed the outside contractor the ability to lower its price by not having to include those 2 buildings. Mr. Heatherly clarified that the following buildings will be included in this janitorial contract: the Courthouse, the Michaelson building, the Health and Community Services Division, the Womens/Infants/Children building, Public Works Administration facilities and the Sign and Shop buildings. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously awarded Request for Proposals No. 062512-1 for janitorial service in southern Gila

County to WCD Enterprises, LLC, in the amount of \$92,880/year for a 12-month period with 2 1-yr renewal options and authorized the Chairman's signature on the award contract.

2E. Information/Discussion/Action to review all bids submitted for Invitation for Bids No. 032712-1 for the Russell Road Reconstruction Project; award to the lowest, most responsible and qualified bidder; and authorize the Chairman's signature on the award contract for the winning bidder.

Mr. Heatherly stated that this project consists of widening Russell Road and providing turn lanes onto Besich Boulevard and Hope Lane. In addition to that, a privacy wall will be built along the west side of Russell Road that will come up to the County's property line next to the Shop and Road buildings. He stated that a formal bid was sent out and bids were received from 5 contractors. He recommended that the Board award the contract to Visus Engineering Construction, Inc. in the amount of \$720,000. Supervisor Pastor inquired if the concerns about this contractor had been addressed. Mr. Stratton explained that he did some research on this company. He stated that a group called ARCON did the dirt work for the first phase of the Industrial Park in Superior. When that firm went bankrupt, these are 3 people that went out and developed their own company and have been doing business since then. He also understands that ADOT is going to award the new road to the Arboretum to this same company so he is now more comfortable about this company. Also upon inquiry by Supervisor Pastor about whether the County will have a manager on this project, Mr. Stratton advised that Roland Boyer will be assigned to this project for the County. Supervisor Pastor then inquired if the issue with the horse corrals on Russell Road has been resolved. Mr. Stratton stated that it was resolved by the County opting to do overhead electrical rather than underground. It was more conducive to the property owners and it also reduced the cost of the project from the Arizona Public Service side about \$40,000 and from the contractor's side by not having to do underground potentially up to \$100,000. It will also clean up some problems within the properties adjacent to that road. Also, the backflow will be moved at the County's expense. He also advised that when the County rezoned the property, a promise was made to the 3 homeowners that the County would complete a privacy wall to keep from being obtrusive to their residences. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously awarded Invitation for Bids No. 032712-1 for the Russell Road Reconstruction Project to Visus Engineering Construction, Inc. in the amount of \$720,000 and authorized the Chairman's signature on the award contract.

2F. Information/Discussion/Action to approve a Grantee Agreement (Contract No. GRA-RC004-13-0556-01) between the Gila County Health Department and the Gila Regional Partnership Council, Arizona Early Childhood Development and Health Board (First Things First), in the amount of \$155,000 to provide the Healthy Steps program to address

child development, environmental issues, well-baby visits, nutrition, and other areas of development for the period of October 1, 2012, through June 30, 2013.

Michael O'Driscoll, Health and Emergency Services Division Director, stated that this contract is a good opportunity to partner with First Things First to bring a proven national home visitation program into Gila County to locate those children with developmental disabilities and to provide those parents and the children with services to prepare them for kindergarten. Currently the County is aware of approximately 77 children--46 in Payson and 31 in Globe that have developmental disabilities and are enrolled in pre-school. Those numbers don't include the current students in kindergarten or those students not enrolled in pre-school. This program will allow the County to become true partners in the community and the health care community with the hospitals and pediatricians to monitor the children from birth to 5 years and take a look at where they are at in 6-month increments for the development of these children and if they need assistance, the County will provide those services. This contract will allow for 1 person in Payson and 1 person in Globe to begin locating those children. Vice-Chairman Dawson stated that in reference to when First Things First was first funded, she was hoping that they would partner with the long-established local Developmental Learning Center rather than duplicating or forcing the Learning Center into a financial situation so they're no longer able to offer the services that they have provided so well for 30-plus years. Mr. O'Driscoll replied that this is a true partnership grant and contract with First Things First where what is being done is to bring everybody to the table and work with those organizations that currently exist that do help children and this takes it basically one step further. He stated, "Those partnerships will be solidified in an attempt to try to cast the umbrella over Gila County in a wider net to work with all organizations and this will not affect the Development Learning Center's services one bit." Chairman Martin stated that she, too, would like to partner with existing programs. Chairman Martin added that she would like to see this actually reach the kids, "and not be wadded up in administration." She requested that an update on the program be provided to the Board next year, to which Mr. O'Driscoll agreed. He also added that this program also partners with existing programs in Gila County including the Library District's literacy program. The positions required through this contract are solely going to provide for direct services and field services. Staff will be spending approximately 75-80% of their time out in the field and offering direct services to these parents and children. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously approved a Grantee Agreement (Contract No. GRA-RC004-13-0556-01) between the Gila County Health Department and the Gila Regional Partnership Council, Arizona Early Childhood Development and Health Board (First Things First), in the amount of \$155,000 to provide the Healthy Steps program to address child development, environmental issues, well-baby visits, nutrition, and other areas of development for the period of October 1, 2012, through June 30, 2013.

ITEM 3 – CONSENT AGENDA ACTION ITEMS:

3A. Approval of Amendment No. 2 to the Intergovernmental Agreement between Re-Employment Pre-Layoff Assistance Center (REPAC) and Gila County which will increase REPAC's annual cost from \$15,876 to \$17,850. REPAC's office space has increased from 249 sq. ft. to 299 sq. ft. and common area has increased from 507 sq. ft. to 551 sq. ft. at the Pinal County Comprehensive One-Stop Center in Casa Grande.

3B. Authorization of the Chairman's signature on Amendment No. 1 to Contract No. 040112-1 between Gila County and Western States Petroleum for bulk fuel and lubricants to add 5/20 crankcase semi-synthetic lubricant to the contract at a cost of \$8.41 per gallon.

3C. Approval of Amendment No. 4 to the Intergovernmental Agreement between Central Arizona Association of Governments (CAAG) and Gila County, which increases CAAG's annual cost to \$7,967 by adding one cubicle of workspace at the Gila County Comprehensive One-Stop Center in Globe.

3D. Approval of the revised Public Works Division Policy # DPW 05-06 - On-Call Policy.

3E. Approval of request for waiver of fees by the Gila County Fair Committee for the use of the Fairgrounds facilities in Globe for the 2012 Gila County Fair scheduled September 20 through September 23, 2012.

3F. Approval of a Special Event Liquor License Application submitted by the Gila County Rodeo Committee to serve liquor at the Gila County Fair Bull Riding event on September 21, 2012, and the Team Roping event on September 22, 2012.

3G. Approval of a Special Event Liquor License Application submitted by the Cobre Valley Regional Medical Center Foundation to serve liquor on November 3, 2012, at the Gila County Fairgrounds for its annual Art and Wine Auction.

3H. Approval of the June 2012 monthly activity report submitted by the Clerk of the Superior Court.

3I. Approval of the July 2012 monthly activity report submitted by the Clerk of the Superior Court.

3J. Approval of a Special Event Liquor License Application submitted by Pine Strawberry Fuel Reduction, Inc. to serve liquor during a fund-raiser dinner to be held at Fossil Creek Creamery on September 22, 2012.

3K. Approval of an Application for Wine Festival License/Wine Fair License submitted by Pillsbury Wine Co., LLC to serve wine samples and sell its domestic wine during a Wine Fair being held in conjunction with the Pine Strawberry Fuel Reduction, Inc.'s fund-raiser dinner at the Fossil Creek Creamery on September 22, 2012.

3L. Approval of Amendment No. 2 to an Inmate Work Contract (ADC Contract No. 020020DC) between the Gila County Board of Supervisors and the State of Arizona Department of Corrections, for and on behalf of its Arizona State Prison Complex-Phoenix/Globe, to extend the Contract for an additional 5 years, effective January 1, 2013, through December 31, 2017, and to change the name to Arizona State Prison Complex-Florence/Globe.

3M. Approval of the August 20, 2012, BOS meeting minutes.

3N. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the week of August 18, 2012, to August 24, 2012, and the week of August 25, 2012, to August 31, 2012.

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

3O. Approval of finance reports/demands/transfers for the weeks of September 11, 2012, and September 18, 2012.

September 11, 2012

\$250,569.02 was disbursed for County expenses by check numbers 248613 through 248710.

September 18, 2012

\$2,092,594.11 was disbursed for County expenses by check numbers 248711 through 249108. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

In reference to item 3M, Chairman Martin noted the misspelling of a name in the August 20, 2012, minutes and requested that it be corrected. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously approved Consent Agenda action items 3A through 3O.

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.

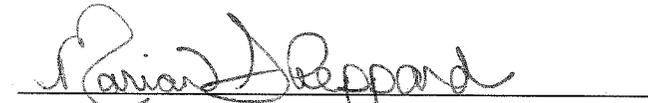
There being no further business to come before the Board of Supervisors, Chairman Martin adjourned the meeting at 10:55 a.m.

APPROVED:



Tommie C. Martin, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk