BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA

Date: February 19, 2013

MICHAEL A. PASTOR
Chairman

TOMMIE C. MARTIN
Vice-Chairman

JOHN D. MARCANTI
Member

JOHN F. NELSON
Clerk of the Board

By: Marian Sheppard
Chief Deputy Clerk

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Supervisor; Don McDaniel, Jr., County Manager; John Nelson, Deputy County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and Bryan Chambers, Deputy Attorney Principal.

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. Bryan Chambers led the Pledge of Allegiance and Reverend Charles Proudfoot of the Community Presbyterian Church (Payson) delivered the invocation.

Item 2 - PRESENTATIONS:

2A. Recognition of Gila County employees who have been employed for 5, 10, 15, 20, 25, 30 and 35 years in 2012.

Angelo Cutter, Human Resources Department Deputy Director, announced the names of the recipients of service awards for those employees working in the Globe area, and Berthan DeNero, Human Resources Department Director, simultaneously announced the recipients' names at the Payson County Office. Chairman Pastor and Supervisor Marcanti presented the service awards to those employees in Globe and Vice-Chairman Martin presented them in Payson. The awards given are as follows:

For 5 years of service: Debra Aguirre, Misty Allinson, Jamilyn Anderson, Leana Asberry, Malinda Benedetto, Shannon Boyer, Roland Boyer, Dawn Caldera, Robert Campbell, Kathy Coker, Robert Corn, Jefferson Dalton, Terry Dalton, Jacob Delecki, Berthan DeNero, Wayne Dorsett, Lisa Dzera, Linda Eastlick, Ronald Escobedo, Mark Guerena, Kathy Hale, Matthew Havey, David Kell,

Jennifer Kimes, Geoff Little, Danny McKeen, Eric Mariscal, Sylvia Martinez, Christopher Pena, Chris Phillips, Susan Pontel, Anthony Puskaric, Wanda Rakoczy, Merle Ray, Erica Raymond, Clarence Rice, Johnny Sanchez, Gary Scales, Katrisha Stuler, Brenda Van Haren, Amber Warden, Mark Warden, Cathy Wickwire

For 10 years of service: Mary Allen, Forrest Bennett, Janie Bennett, Claudia Brooks, Stephanie Canizales, Margie Chapman, Denise Cox, Michelle Daly, Virgilio Dodd, Judy Esteves, John Garrett, Andrea Hamm, George Hernandez, Richard Hobson, Johnny Holmes, William D. Newman, Misty Price, Laura Short, Cheryl Sluyter, Mary Stemm, Steve Stratton

For 15 years of service: Sylvia Badilla, Jesse Bollinger, Carol Branch, Lonny Cline, Shannon Coons, Vicki DeAnda, Ken Doss, Glen Farnham, Robert Hickman, Nyra Hillery, Ester Rios, Marian Sheppard, Linda Soderman, Bree'na York

For 20 years of service: Bryan Chambers, Tina DeSchaaf, Gabriel Eylicio, Larry Huffer, Jendean Sartain

For 25 years of service: David Franquero, Barbara Guthrey, Dorothy Little

For 30 years of service: Belinda Licano, Richard Taylor

For 35 years of service: John Root

After the presentations were made, at 10:20 a.m. Chairman Pastor briefly recessed the meeting so that refreshments could be served in Globe and Payson. Chairman Pastor reconvened the meeting at 10:27 a.m.

Item 3 - REGULAR AGENDA ITEMS:

3A. Information/Discussion/Action to adopt Proclamation No. 2013-01, to proclaim March 16, 2013, as "March for Babies Day" in Gila County.

Margret Celix, Chairman of the local March for Dimes Committee, read aloud the Proclamation and she provided some information on the March for Babies Day. She then requested that the Board support this nationwide event and important community walk by adopting the Proclamation. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Proclamation No. 2013-01. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

3B. Information/Discussion/Action to adopt Resolution No. 13-02-01 accepting a roadway easement on Copper Hills Road as described in Fee Nos. 2013-000552, 2013-000553, and 2013-000554, Gila County Records,

as a public road and for said road to be maintained as a public roadway in the Gila County Maintained Roadway System.

Steve Sanders, Public Works Division Deputy Director, advised that Copper Hills Road is located north of Globe. The first section of the road lies within the Globe city limits; the next 2.5 miles of road is maintained by the County; and then the following section of road enters the Copper Canyon Ranches Subdivision as a private road, which is maintained by the Copper Canyon Ranches Homeowners' Association (HOA.) As the road enters the forest boundary, it once again becomes a County maintained roadway per an agreement in place between Gila County and the United States Forest Service, Tonto National Forest. The easements stated in this agenda item are for 2.1 miles of road currently located inside the subdivision. County staff met with members of the HOA on this issue to figure out a way that the 2.1 mile portion of road could become a County maintained roadway. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin the Board unanimously adopted Resolution No. 13-02-01 accepting a roadway easement on Copper Hills Road as described in Fee Nos. 2013-000552, 2013-000553, and 2013-000554, Gila County Records, as a public road and for said road to be maintained as a public roadway in the Gila County Maintained Roadway System. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

3C. Information/Discussion/Action to adopt Resolution No. 13-02-02 to approve the Signing and Striping Plan for Cline Boulevard and Ewing Trail.

Mr. Sanders advised that Cline Boulevard and Ewing Trail are located in Tonto Basin on the east side of the creek and they are also known as Forest Road 23. With the receipt of some additional Title II funds under the U.S. Forest Service's Secure Rural Schools Program, the County was able to place some double chip seal upon these roads. Once that chip sealing was completed, Mr. Sanders stated that the issue of striping and additional signage was addressed of which some of it is regulated according to state statutes and, therefore, must be approved by the Board of Supervisors. Chairman Pastor inquired as to the timing to add the striping to which Mr. Sanders responded that upon Board approval, it would be done this afternoon. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Resolution No. 13-02-02 to approve the Signing and Striping Plan for Cline Boulevard and Ewing Trail. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

3D. Information/Discussion/Action to adopt Resolution No. 13-02-03 which authorizes the Board of Supervisors' execution of Amendment No. One to an Intergovernmental Agreement (ADOT File No. IGA/JPA-07-109I/AG Contract No. P0012008005567) between Gila County and the

State of Arizona, Department of Transportation, for the upgrade to the railroad crossing on Bixby Road in Globe.

Mr. Sanders stated that in 2008 the County entered into an Intergovernmental Agreement with the State of Arizona Department of Transportation (ADOT) to upgrade the Bixby Road railroad crossing. In April 2010, the County paid its share of the estimated construction costs. One of the upgrades consisted of installing a timber crossing with gates and flashers. Due to the high truck traffic, Gila County requested a concrete crossing because it would last a lot longer and it would reduce maintenance costs. ADOT responded that if the concrete crossing was approved, the County would have to pay 5.7% of the additional cost. Late last year the project was completed and there was an additional project cost of $10,400 of which the County's portion is $593. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 13-02-03 which authorizes the Board of Supervisors' execution of Amendment No. One to an Intergovernmental Agreement (ADOT File No. IGA/JPA-07-109I/AG Contract No. P0012008005567) between Gila County and the State of Arizona, Department of Transportation. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

3E. Information/Discussion/Action to change the Gila County initial enrollment period for employee medical insurance which currently includes a special exception of a ninety- (90) day period to, "All new employees will be covered on the first day of the month coinciding with, or immediately following the completion of thirty (30) days of full-time employment provided proper enrollment has been made and any required contributions have been authorized," to match the Arizona Local Employee Benefit Trust (AZLGEBT) Plan document, effective March 1, 2013.

Jacque Griffin, Assistant County Manager/Librarian, advised that Gila County has been with the AZLGEBT Plan since 1999. She stated that the 90-day waiting period to be eligible for employee medical insurance is a hold-over from the County's previous insurance carrier, which was a Health Management Organization. She further advised that all of the other Arizona counties that participate in the AZLGEBT Plan have a 30-day waiting period for their employees to be eligible for medical insurance. She stated that with the changes that will occur with the passage of the Health Care Reform Act, and if the waiting period remains at 90 days, it could actually take up to 110 days for employees to be eligible for medical insurance, which could be a hardship for some employees. Vice-Chairman Martin was pleased that Gila County would have the same waiting period as other participating counties. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously changed the Gila County initial enrollment period for employee medical insurance which currently includes a special exception of a ninety-

(90) day period to, "All new employees will be covered on the first day of the month coinciding with, or immediately following the completion of thirty (30) days of full-time employment provided proper enrollment has been made and any required contributions have been authorized," to match the Arizona Local Employee Benefit Trust (AZLGEBT) Plan document, effective March 1, 2013.

3F. Information/Discussion/Action to approve Amendment No. 1 to Software Contract (which is an amendment to a Master Services Agreement) between Colorado CustomWare, Inc. (CCI) and Gila County; to approve a Lease Purchase Agreement between Zions First National Bank and Gila County whereby the County will realize an overall savings of $50,616.55 over a five-year period; and to adopt Resolution No. 13-02-04, which authorizes the approval of the Lease Purchase Agreement, all of which is needed for the Assessor's Office software package.

Joseph Heatherly, Finance Division Director, requested that this agenda item be tabled to the next regular Board meeting as there are some unresolved issues regarding language that is required from the State of Arizona, which is not currently on the Agreement with Zions First National Bank. Mr. Heatherly advised that they are in contact with the Bank's attorney and hope to have the issue resolved next week. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously tabled this agenda item to the next regular Board of Supervisors' meeting.

Item 4 - CONSENT AGENDA ACTION ITEMS:

4A. Approval of Amendment No. 1 to an Independent Contractor Agreement (Contract No. 07012012-13) between the Arizona Community Action Association (ACAA) and the Gila County Division of Community Services, Community Action Program, whereby ACAA will allocate SemStream Arizona Propane funds in the amount of $8,255.69 in order to provide propane assistance to eligible families residing in the Payson area of Gila County, and to allocate additional Utility Repair Replacement Deposit (URRD) funds in the amount of $48,000 in order to provide additional repair and replacement services to eligible families residing in Gila County for the period beginning July 1, 2012, through June 30, 2013.

4B. Approval of an Agreement between Gila County (dba Gila/Pinal Workforce Investment Board) and Portable Practical Educational Preparation, Inc. (PPEP) whereby Gila County will provide PPEP with work space at the Pinal County Comprehensive One-Stop Center in Casa Grande in the amount of $5,964 per year for the period September 1, 2012, through June 30, 2014.

4C. Approval of Amendment No. 1 to Professional Service Agreement No. 040512 between Gila County and ATL, Inc. to increase the contract amount by $8,403 for cost overruns, for a total contract amount of $43,403 for work performed on the Pine Creek Canyon Road Reconstruction Project.

4D. Approval of Amendment No. 1 to Contract No. 032712-1 between Gila County and Visus Engineering Construction to increase the contract amount by $46,157.86 for cost overruns, for a total contract amount of $766,157.86 for work performed on the Russell Road Reconstruction Project.

4E. Approval of the December 2012 monthly activity report submitted by the Recorder's Office.

4F. Approval of the January 2013 month departmental activity report submitted by the Globe Regional Justice Court.

4G. Approval of the January 2013 monthly activity report submitted by the Payson Regional Constable's Office

4H. Approval of the January 29, 2013, and February 5, 2013, BOS meeting minutes.

4I. Acknowledgment of contracts under $50,000 which have been approved by the County Manager for the weeks of January 14, 2013, to January 18, 2013; and January 21, 2013, to January 25, 2013.

4J. Approval of finance reports/demands/transfers for the weeks of February 12, 2013, and February 19, 2013.

February 12, 2013

$336,985.80 was disbursed for County expenses by check numbers 252147 through 252267.

February 19, 2013

$1,784,750.95 was disbursed for County expenses by check numbers 252268 through 252402. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Chairman Pastor advised that Supervisor Marcanti requested to move Consent Agenda item 4D to the regular agenda as he had some questions. Chairman Pastor further advised that he also wanted to move item 4C to the regular agenda. Upon motion by Vice-Chairman Martin, seconded by Supervisor

Marcanti, the Board unanimously moved Consent Agenda items 4C and 4D to the regular agenda for discussion and action.

Mr. Stratton first addressed Consent Agenda item 4C. He explained that the cost overruns were from the company that did testing for Gila County on the oil content and densities for the Pine Creek Canyon Road Reconstruction Project. Additional shot crete and concrete were added beyond the original scope of work. Chairman Pastor was told there was a lack of cooperation between the water company and other utility companies. Mr. Stratton clarified that the issue was with Suddenlink Communications, a company which has a cable franchise license with Gila County. At present there is an ongoing conversation between the County, Suddenlink and the general contractor regarding the County and the general contractor trying to recoup costs from Suddenlink. At Chairman Pastor's request, Mr. Stratton explained the contractor's problems with the asphalt and ABC material. He explained that the County eventually changed the specifications on the ABC material. As for the asphalt, Mr. Stratton explained that there were oil content problems and that issue has been resolved by making adjustments to the oil content on grade, which resulted in additional testing being done. Chairman Pastor inquired if this extra cost was caused by the County or the contractor. Mr. Stratton's response was that the County hired its own material company to do the testing, and that is no longer being done. He added that the contractor simultaneously hired its own company to do the testing; however, the problem is that the test results did not come out the same. Chairman Pastor then asked for a Board motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Consent Agenda item 4C.

Chairman Pastor read aloud Consent Agenda item 4D and asked for Board comments. Supervisor Marcanti advised that he reviewed all of the cost overruns and change orders for this project; however, he did have one question to ask. He recalled that in December a County employee was called out to the job site on a weekend and he questioned whether that cost was charged to the contractor by the County. Mr. Stratton replied that as far as the back charges, a trade was made with the contractor to address those additional costs. Mr. Stratton then pointed out two large cost overruns over which the County had no control. The first change order for $19,000 was for the water line. The County worked with Arizona Water Company staff who worked in the Phoenix office; however, when local staff of Arizona Water Company viewed the work site, they wanted additional lines so that the water would not have to be turned off for local water users. The second issue was with El Paso Natural Gas with regard to the depth of the pipes. El Paso Natural Gas personnel would not allow any lab equipment over the gas lines, so a concrete cap had to be put on them which caused an additional cost of $22,000. Vice-Chairman Martin acknowledged that change orders are required at times and she extended her appreciation to Mr. Stratton for the explanation. Mr. Stratton commented that

he considers Visus to be "one of the better contractors." Chairman Pastor asked for further explanation on change order number 1 and he commented that it was at the request of the County. Mr. Stratton replied that there was an oversight and it was left out of the original plans. Chairman Pastor commented that the change order for Arizona Water Company in the amount of $22,000 was excessive. He then questioned change order number 6 to remove the retaining wall. Mr. Stratton replied that as the project progressed, it became apparent that the wall had to be removed. Chairman Pastor believed that the removal of the wall was included in the original plans, and he was surprised to see it as a change order. Mr. Stratton replied that it was not included in the original plans. Chairman Pastor asked for an explanation on "unforeseen surface conditions" and the need to remove a cattle guard. Mr. Stratton replied that there was an old cattle guard beneath the surface and the County was not aware its presence. It had to be removed and structural fill added to level out the surface. Chairman Pastor commented that $8,000 seems excessive to remove a cattle guard. He further commented that a 10% contingency fund is established for all big contracts, so he was concerned when he saw an additional cost of $46,000 bringing the total cost of the project to $121,000. He cautioned County staff to be more diligent before finalizing plans for projects to reduce the number of change orders. Chairman Pastor's final question was whether the corrals had been moved. Mr. Stratton provided some history on this issue and it was agreed that he would provide Chairman Pastor with an update by email. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda item 4D.

Chairman Pastor asked for a motion to approve the remaining Consent Agenda items. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Consent Agenda items 4A through 4J with the exception of 4C and 4D.

Item 5 - 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(H), action taken as a result of public comment will be limited to responding to criticism made by those who have addressed the Board of Supervisors, may ask staff to review the matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

There were no requests to speak from the public.

Item 6 - 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 Pastor adjourned the meeting at 11:15 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Chief Deputy Clerk