

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

Date: January 5, 2016

MICHAEL A. PASTOR
Chairman

MARIAN E. SHEPPARD
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian Sheppard
Clerk

JOHN D. MARCANTI
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Jefferson R. Dalton, Deputy Gila County Attorney, Civil Bureau Chief; and, Marian E. Sheppard, Clerk of the Board.

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. Robert Hickman led the Pledge of Allegiance and Jefferson Dalton delivered the invocation.

Item 2 – PUBLIC HEARINGS:

A. Information/Discussion/Action to issue a recommendation to the Arizona Department of Liquor Licenses and Control regarding Gila County Order No. LL-15-06, a new Series 12 restaurant license application submitted by Mark Allen Moppin for M&M Reno Creek Cafe located at 270 S. Old Hwy. 188, Tonto Basin, Arizona.

Marian Sheppard, Clerk of the Board, advised that the County has an internal process whereby the Health Department and Building Safety Department review the application to determine if there are any County-related permitting issues, and the Treasurer reviews the application to determine if the applicant is current on paying property taxes for any property that is owned in Gila County. She reported that there are no County related issues, and that she has not received any letters of objection to this application. Chairman Pastor opened the public hearing; however, there were no comments, so he closed the public hearing and asked for a motion from the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously

voted to recommend that the Arizona Department of Liquor Licenses and Control approve the application.

Item 3 - REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to consider approving a Memorandum of Understanding establishing a partnership between the Industrial Development Authority of Gila County and Gila County government to make application and promote the designation of the Central Arizona Transformation Corridor Promise Zone.

Don McDaniel, County Manager, advised that this agenda item was continued from the Board's December 15, 2015, meeting in order to allow Jefferson Dalton, Deputy Gila County Attorney, Civil Bureau Chief, to review a memorandum sent to the County from the Industrial Development Authority's legal counsel. At the December 15th Board meeting, Mr. Dalton explained his concerns with the Memorandum of Understanding and advised that he would not approve the agreement as to form. Supervisor Marcanti commented that he strongly supports this endeavor as it will help the San Carlos Apache Tribe, other entities and Gila County as a whole to receive the Promise Zone designation. Chairman Pastor called upon Linda Gross to speak as she had submitted a public participation form on this agenda item. Ms. Gross stated that as a local business owner and a person who is an advocate for economic growth in the community, she expressed her support of this proposed designation.

Upon motion Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved the Memorandum of Understanding between Gila County and the Industrial Development Authority of Gila County.

B. Information/Discussion/Action to consider adopting an Order to call for a Special Election to be held May 17, 2016, to elect a new Board of Directors for the Solitude Trails Domestic Water Improvement District.

This agenda item was continued from the Board's December 15, 2015, meeting. Eric Mariscal, Elections Department Director, advised that should the Board of Supervisors decide to adopt this Order to call for a May 17th election of the Solitude Trails Domestic Water Improvement District (STDWID), the deadline is January 18, 2016. Vice-Chairman Martin stated that it is important for the Board to adopt this Order so that a special election can be held on May 17th to elect a new Board of Directors for the STDWID. Chairman Pastor wanted to ensure that the Board of Supervisors would schedule a community meeting with members of the STDWID to which Mr. McDaniel assured the Board that a meeting would be scheduled in the near future. He advised that County staff is

currently working with members of the STDWID to obtain all of the necessary data to ensure that the STDWID continues to operate effectively and efficiently until a new board can be seated.

Chairman Pastor called upon Linda O'Dell, Gila County School Superintendent, to speak as she had submitted a public participation form on this agenda item. Ms. O'Dell advised that she is in support of the Board adopting the Order.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted the Order. **(A copy of the Order is permanently on file in the Board of Supervisors' Office.)**

C. Information/Discussion/Action to accept the Victims of Crimes Act grant submitted by the Court Appointed Special Advocate Program of Gila County.

Jonathan Bearup, Deputy Court Administrator, introduced this agenda item and asked Dan McKeen, Court Appointed Special Advocate (C.A.S.A.) Coordinator, to present information on the C.A.S.A. program. Mr. McKeen advised that there are 4 C.A.S.A. volunteers in southern Gila County who serve 101 children in out-of-home placements; whereas, there are 14 C.A.S.A. volunteers in northern Gila County who serve 56 children in out-of-home placements. He stated that the County needs to have an enhanced C.A.S.A. volunteer presence in southern Gila County, so that is the reason it is so important to continue to find funding for the C.A.S.A. program, such as this grant award.

Each Supervisor provided comments and offered their support to help this very important program, and they thanked Mr. Bearup and Mr. McKeen for the presentation of information.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously accepted the Victims of Crimes Act grant award.

D. Information/Discussion/Action to approve the on-going Intergovernmental Agreement between Gila County Superior Court Administration and the Arizona Department of Economic Security to provide additional resources that facilitate access and visitation for non-custodial parents and their children.

Mr. Bearup advised that the Arizona Revised Statutes allow the Superior Court to enter into Intergovernmental Agreements (IGAs); however, the Board of Supervisors' policy specifies that all IGAs need to be presented to the Board for approval. He added that, in the past, this particular IGA was not presented to

the Board, but he felt it was important to follow County policy. Mr. Bearup explained the services provided with these grant funds. He added that the reporting requirements for this grant are very stringent; however, because the Superior Court met all of the requirements, the Court qualified for supplemental money for a total of \$11,000. This IGA has been in place for the past two years. Vice-Chairman Martin asked Mr. Bearup if there was any way of knowing whether or not mediation works during divorce proceedings and Mr. Bearup replied that the Superior Court is able to track successes and failures.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved this IGA between Gila County Superior Court Administration and the Arizona Department of Economic Security.

E. Information/Discussion/Action to authorize the advertisement of Request for Proposals No. 110615-1 - Supplemental Nutrition Assistance Program Education Support Services.

Jeff Hassenius, Finance Division Director, advised that the Board of Supervisors previously authorized the Health Department to submit a grant application and subsequently accept a grant award (Grant No. ADHS15-00004836) in the amount of \$200,638 to provide AzNN (Arizona Nutrition Network), SNAP-Ed (Supplemental Nutrition Assistance Program Education), and Location Implementation Services. In order to meet grant requirements, Gila County is seeking contract support services for the administration of food systems and active living services in alignment with these programs. This Request for Proposals (RFP) will allow Gila County to contract with an Arizona-based organization employing a Registered Dietitian Nutritionist.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously authorized the advertisement of RFP No. 110615-1.

F. Information/Discussion/Action to adopt Resolution No. 16-01-01 authorizing the disposal of an unnecessary public roadway being a portion of S. Marion Canyon (aka Miami Street) adjacent to Lots 22, 23, and 24, Block 43, as shown on Miami Map No. 3, Plat Map No. 25, Gila County Records, Gila County, Arizona and authorize the Chairman of the Board of Supervisors to execute and deliver in the name and under the seal of County of Gila, a quit claim deed conveying the abandoned roadway to John R. Stemm and Barbara J. Stemm.

Steve Sanders, Public Works Division Director, advised that previously the Board of Supervisors accepted a bid from John and Barbara Stemm for the purchase of the property. This request is for the Board to adopt the resolution which authorizes the Board Chairman to sign the quit claim deed.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Resolution No. 16-01-01 and authorized the Chairman's signature on the quit claim deed. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

G. Information/Discussion/Action to approve Intergovernmental Agreement No. 110415-Economic Development Grant between Gila County and the City of Globe, whereby the County will disburse \$20,000 to the Globe Active Adult Center to assist in providing and delivering meals to senior citizens in the community through the Meals on Wheels program; 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 advised that the Board of Supervisors has authorized the contribution of funds to the Globe Active Adult Center for many years as it is a very worthy program. The Center receives funding from other sources; however, Mr. McDaniel stated that additional funds are needed in order for the program to continue to work and be successful.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Intergovernmental Agreement No. 110415-Economic Development Grant.

H. Information/Discussion/Action to approve the use of the State of Arizona, State Procurement Office Contract No. ADSP012-013788 with SD Crane Builders, Inc. for the construction of interior improvements, exterior improvements and all associated facets of construction on the Copper Administration Building in the amount of \$2,271,632.21 with estimated completion 240 days from the date of the "Notice to Proceed" issued by the County to SD Crane Builders.

Mr. Hessenius advised that on October 6, 2015, the Board approved the job order contract method of construction for this project. He stated that since that time he and members of the County's project team have met with representatives of SD Crane Builders, Inc. Mr. Hessenius recognized members of the team that were present. The Board members held a brief discussion on the details of the project and completion date, which is scheduled for August 1, 2016.

Mr. McDaniel recognized and thanked Michael Scannell, Deputy County Manager, for his leadership efforts to get this project realigned. Mr. Scannell thanked Mr. McDaniel for the compliment and passed on that recognition and gratitude to team members.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the use of the State of Arizona, State Procurement Office Contract No. ADSPO12-013788 with SD Crane Builders, Inc.

I. Information/Discussion/Action to approve the following six Countywide policies to be included in the Countywide Policy Manual that are currently Merit System Rules and Policies: BOS-HRS-120 Standards of Conduct (replaces Rule 6); BOS-HRS-215 Probationary Employment Period (replaces Rule 19); BOS-HRS-405 Performance Appraisal (replaces Rule 20); BOS-HRS-610 Disciplinary Action (replaces Rule 21); BOS-HRS-615 Grievance Process [replaces Rule 22(a)]; and, BOS-HRS-625 Personnel Commission (replaces Rule 3).

Mr. McDaniel advised that the Countywide Policy Committee was formed approximately 3-4 years ago to review new or existing policies being presented to the Board of Supervisors. One of the efforts is to take the existing Gila County Merit System Rules and Policies and convert them to policies; all six of the policies being presented are currently Merit System Rules. He called upon Shelley McPherson, Human Resources Department Director, and she briefly reviewed the changes that were proposed. She added that the Board previously met in a work session at which time each policy was reviewed and discussed in detail with the Board.

Supervisor Marcanti wanted to know the procedure for filling vacancies on the Gila County Personnel Commission. After a brief discussion, it was decided that the policy on Boards, Commissions and Committees (BCCs) (Policy No. BOS-COB-002) should be revised to include a process for the selection of new members or reappointment of members to a BCC. Vice-Chairman Martin also noted that the Board members should be given additional advance notice when there is a vacancy on a BCC. Mr. McDaniel added that it is the responsibility of the Staff Liaison, which is the department head, to notify Board members of any expiring terms of office for existing members or vacancies.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved the following six Countywide policies to be included in the Countywide Policy Manual that are currently Merit System Rules and Policies: BOS-HRS-120 Standards of Conduct (replaces Rule 6); BOS-HRS-215 Probationary Employment Period (replaces Rule 19); BOS-HRS-405 Performance Appraisal (replaces Rule 20); BOS-HRS-610 Disciplinary Action (replaces Rule 21); BOS-HRS-615 Grievance Process [replaces Rule 22(a)]; and, BOS-HRS-625 Personnel Commission (replaces Rule 3).

ITEM 4 - CONSENT AGENDA ACTION ITEMS: (Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed and voted upon as a regular agenda item upon the request of any member of the Board of Supervisors.)

A. Approval of a Memorandum of Agreement between Tonto Apache Tribe and the Gila County Sheriff's Office regarding the Arizona Criminal Justice Information System Holder of Record Agreement.

B. Approval of Cooperative Law Enforcement Agreement No. 16-LE-11031200-004 replacing Agreement No. 11-LE-11031200-004 between the Gila County Sheriff's Office and the U.S. Department of Agriculture, Forest Service in the amount of \$74,400 for the performance period of December 31, 2015, through December 31, 2016.

C. Approval of the adjustment to the appointment of John Perlman as Justice of the Peace Pro Tempore, specifically, the termination of appointment in the Globe Regional Justice Court and the affirmation of appointment in the Payson Regional Justice Court.

D. Approval of FY 2016 Victims' Rights Program Award Agreement No. AG No. 2016-004 between the Gila County Attorney's Office and the Arizona Attorney General's Office in the amount of \$33,890 to cover the existing salary and employee-related expenses for a full-time advocate, with no cash match funds required, for the period July 1, 2015, through June 30, 2016.

E. Approval of Amendment No. 3 to an Intergovernmental Agreement (Contract No. ADES14-055408) between Gila County and the Arizona Department of Economic Security which will decrease the un-obligated fund balances and will change this contract end date to December 31, 2016, all of which pertain to funding for the former Gila/Pinal Counties Workforce Investment Area.

F. Approval of Arizona Department of Housing (ADOH) Community Development Block Grant Contract No. 108-15 Closeout Report to finalize the contract between the ADOH and the Gila County Division of Community Services, Housing Services, which will successfully end the contract and ensure that Gila County Housing Services has met all requirements of said contract.

G. Approval of Arizona Department of Housing (ADOH) Community Development Block Grant Contract No. 103-15 Closeout Report to finalize the contract between the ADOH and the Gila County Division of

Community Services, Housing Services, which will successfully end the contract and ensure that Gila County Housing Services has met all requirements of said contract.

H. Approval of revised Amendment No. 2 to an Intergovernmental Agreement (Contract No. ADES15-089113) between the Arizona Department of Economic Security and Gila County Division of Community Services, Community Action Program, revising the Itemized Service Budget for Case Management and Community Services whereby the cumulative reimbursement ceiling has been increased from \$451,731 to \$477,916 for the period July 1, 2015, through June 30, 2016.

I. Acknowledgment of the November 2015 monthly activity report submitted by the Clerk of the Superior Court's Office.

J. Acknowledgment of the December 2015 monthly activity report submitted by Payson Regional Justice of the Peace's Office.

K. Acknowledgment of the November 2015 monthly activity report submitted by the Globe Regional Justice of the Peace's Office.

L. Acknowledgment of the November 2015 monthly activity report submitted by the Payson Regional Constable's Office.

M. Approval of the November 24, 2015, December 1, 2015, and December 15, 2015, Board of Supervisors' meeting minutes.

N. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of November 23, 2015, through November 27, 2015; November 30, 2015, through December 04, 2015; and, December 07, 2015, through December 11, 2015.

O. Approval of finance reports/demands/transfers for the weeks of December 22, 2015, December 29, 2015, and January 5, 2016.

December 22, 2015

\$1,635,143.41 was disbursed for County expenses by check numbers 274122 through 274261.

December 29, 2015

\$266,313.99 was disbursed for County expenses by check numbers 274262 through 274308.

January 5, 2016

\$1,230,973.62 was disbursed for County expenses by check numbers 274309 through 274417. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Chairman Pastor asked for a motion to move Consent Agenda action item number 4-O to the regular agenda for discussion and action. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board voted unanimously to move Consent Agenda action item number 4-O to the regular agenda.

Chairman Pastor called upon Mr. Hessenius to explain the types of financial reports that are associated with this agenda item. Mr. Hessenius explained that the Finance Division compiles two different weekly financial reports that are available for the Board of Supervisors' review. A hard copy of one report contains detailed information regarding payments made by the County for a weekly reporting period. The report that is attached to the meeting agenda contains a condensed version of the hard copy report as follows: check number, payment date, payee name, and transaction amount. Mr. Hessenius apologized to the Board for not providing up to date reports during the last couple of months; however, he explained the reason the reports have not been provided to the Board in a timely manner is because his office is currently under-staffed. After a brief discussion, it was agreed that the weekly financial reports would be immediately brought up to date by the Finance Division and provided to the Board members. It was also agreed that weekly financial reports would not be placed on a Board meeting agenda for Board approval until the Board has had an opportunity to review all of them in advance of the meeting.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Consent Agenda action item number 4-O.

Vice-Chairman Martin made a motion to approve the remaining Consent Agenda action item numbers 4-A through 4-N, which was seconded by Supervisor Marcanti. Before the Chairman had an opportunity to ask for the vote, Jefferson Dalton, Deputy County Attorney, Civil Bureau Chief, advised that he did not approve as to form Consent Agenda action item numbers 4-A and 4-B and he offered to explain his reasons for not approving them. Chairman Pastor advised that the official written minutes of this meeting would reflect that Mr. Dalton did not approve as to form Consent Agenda action item numbers 4-A and 4-B due to some legal concerns Mr. Dalton had with language contained in the agreements. Chairman Pastor then asked for a vote

on the motion; all Board members voted in favor of approving Consent Agenda action item numbers 4-A through 4-N.

ITEM 5 - CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a 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 comments 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 County Manager may present a brief summary of current events. No action may be taken on information presented.

Each Board member presented information on current events. Mr. McDaniel advised that he did not have any new information to present.

ITEM 7 - EXECUTIVE SESSION ITEMS: (The Board of Supervisors may vote to go into executive session on one or all of the items listed in this section. No action will be taken by the Board while in executive session.)

A. Move to go into executive session pursuant to A.R.S. § 38-431.03(A) (3) and 38-431.03(A) (4) in order to receive legal advice from its attorney regarding a Notice of Claim from Carson Construction regarding the Pine Creek Canyon Road Construction Project and to discuss or consult with the attorney of the public body in order to consider its position and instruct its attorney regarding the public body's position in order to avoid or resolve litigation. Then, after executive session has concluded move to direct the County Attorney's Office to proceed as directed in executive session.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously voted to go into executive session at 11:20 a.m. to address agenda item number 7-A.

Chairman Pastor reconvened the regular meeting at 11:50 a.m. and asked for a motion on agenda item number 7-A. For the record: Vice-Chairman Martin had an appointment, so she was not present for the remainder of the meeting. Supervisor Marcanti made a motion to proceed as directed by the County Attorney while in executive session with regard to a Notice of Claim from Carson Construction regarding the Pine Creek Canyon Road Construction Project.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:51 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Clerk of the Board