

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

Date: December 2, 2008

JOSÉ M. SANCHEZ

Chairman

STEVEN L. BESICH

Clerk of the Board

TOMMIE C. MARTIN

Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

SHIRLEY L. DAWSON

Member

Gila County Courthouse
Globe, Arizona

PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman (via video conferencing); Shirley L. Dawson, Member (via telephone conferencing for the first part of the meeting and then in person for the latter part); Steve Besich, 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 Regular Session at 10:00 a.m. this date. Steve Besich led the Pledge of Allegiance and Reverend Dan Morton of the First Christian Church delivered the Invocation.

Chairman Sanchez announced that Vice-Chairman Martin would participate in today's meeting via video conferencing from her office in Payson. Supervisor Dawson would participate via telephone conferencing from San Carlos (and later in person at the actual meeting).

Item 2 - Public Hearing - Information/Discussion/Action to adopt Resolution No. 08-12-01 approving Planning and Zoning Department Case No. Z-08-05, which amends the Gila County Planning and Zoning Ordinance by adding Section 104.5, Regional Design Review Guidelines.

Bob Gould, Community Development Division Director, gave a PowerPoint presentation regarding the new Overlay District known as the Regional Design Review Program to be included in the Gila County Planning and Zoning Ordinance. The "grassroots" effort to get this program going originated with the Highway 60-70 Corridor Committee chaired by Kim Stone, and a sub-committee of the Southern Gila County Economic Development program, which was the Planning and Zoning Subdivision chaired by Fernando Shipley, Mayor of Globe. Numerous public meetings have been held on this program by the various entities involved with the Committee's goal of improving the business communities and affecting positive changes on the way development is

occurring along the Highway 60-70 Corridor to make it more conducive to bring in new businesses to the area as well as creating an attractive place for citizens and visitors. A 9-member Design Review Committee will be administering the program, with 3 members being from each entity (Globe, Miami and Gila County) involved and one of those 3 members must be a business owner or resident within the design review area. Once an application is received, the Committee would be required to meet within 15 days and render a written decision within 30 days to the appropriate entity. Mr. Gould briefed the Board on the guidelines and exemptions, which are applicable to all properties that front on the Highway 60-70 Corridor starting at the beginning of the Town of Miami and extending toward the San Carlos Reservation, as well as being applicable to some redevelopment and rehabilitation projects. Some of the items included in the guidelines are site design; architectural design—building materials and colors; and overhead structures. Photos before and after were shown of areas that could be enhanced by the addition of landscaping, bicycle or pedestrian pathways and possibly landscaping strips between roadways. Mr. Gould then called on Mr. Shipley, who introduced some of the Committee members present. He stated that many people have worked very hard on this project. The program has received some criticism because the Committee is not addressing existing problems. He stated that if they try to address existing problems, it would create risk for a lot of people. The Committee has instead chosen to address new projects to incorporate quality, good design and address issues pertaining to the health of the children and residents so they can safely walk and bike and feel safe in doing same. There is agreement that new buildings should be closer to the streets so people feel more comfortable getting out into those areas. Some of the ideas presented are not realistic at this time because the property is owned by the Arizona Department of Transportation (ADOT) and the Committee doesn't have approval to place trees in the center of the roadways. However, if ADOT completes a bypass road, then the medians could be addressed once those roads became a part of the entities. Mr. Shipley explained Proposition 207, which is about the legal taking or restricting of property by diminishing the value; however, all of the efforts of this Committee are geared toward increasing property values and to incorporate quality. He stated that he did speak with some attorneys from the Arizona Municipal Risk Retention Pool (AMRRP) and requested a legal opinion and was advised by the attorneys that what the Committee is doing is very positive and would not open them up to Proposition 207 litigation.

At this time (10:33 a.m.), Supervisor Dawson stated that she is supportive of this measure and would now have to leave the meeting via telephone to attend a swearing-in ceremony in San Carlos.

Mr. Shipley continued by stating that the AMRRP attorneys also advised that if the Committee did run into a problem, AMRRP would handle the defense as it is looking for a test case and felt this could be a good one. He then called on Mr. Stone, who stated that he did not have any comments to add to what was

already presented. Mr. Shipley thanked the Board for its assistance in this project. Chairman Sanchez and Vice-Chairman Martin expressed appreciation to Mr. Shipley, Mr. Stone, Mr. Gould and the committees for their dedicated work on this project. Chairman Sanchez then opened the public hearing and asked for comments from the public; none were received. Chairman Sanchez closed the public hearing and then read aloud the title of the proposed Resolution. Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board adopted Resolution No. 08-12-01 approving Planning and Zoning Department Case No. Z-08-05, which amends the Gila County Planning and Zoning Ordinance by adding Section 104.5, Regional Design Review Guidelines. The vote was 2-0 as Supervisor Dawson was not participating in the meeting at this time.

Item 3 - Supervisors' Annual Property Tax Sale/Auction for the sale of real property deeded to the State of Arizona by Treasurer's Deed in the year 2008, as follows: 101-10-012, 102-38-081C, 201-10-104, 205-07-004E, 205-25-001B, 206-21-517, 206-22-001, 207-08-171A, 207-08-171B, 207-15-186D, 207-17-121, 208-03-278, 304-02-054 and 305-24-003H.

Chairman Sanchez read aloud this agenda item and then called upon Marian Sheppard, Chief Deputy Clerk, to advise the public of the bidding procedures. Ms. Sheppard advised that there are 14 properties listed for sale at today's auction. She advised the audience of the statutory process whereby any newly deeded properties must be advertised for sale although the Board is not obligated to sell every parcel. Ms. Sheppard further advised that the minimum acceptable bid would be the total lien amount as listed on the tax sale list and that all bids are final and no warranties or guarantees as to the condition of this property are given by the County. The Board addressed each of the 14 parcels separately. The auction results are as follows:

Tax Parcel #	Lien Amount	Sale Amount	Purchaser's Name
101-10-012	\$25,128.68	--	--
102-38-081-C	\$453.36	--	--
201-10-104	\$462.00	\$462.00	Albert St. Laurent
205-07-004E	\$1,201.86	--	--
205-25-001-B	\$402.68	\$402.68	William Staudte
206-21-517	\$1,366.74	--	--
206-22-001	\$684.96	--	--
207-08-171-A	\$3,802.95	\$5,500.00	Juan Artiach
207-08-171-B	\$1,557.62	\$1,800.00	Charles Cindrich
207-15-186-D	\$455.20	--	--
207-17-121	\$2,023.86	--	--
208-03-278	\$386.14	\$386.14	Edwin Schuler
304-02-054	\$444.74	\$444.74	Robert Shannon
305-24-003-H	\$359.52	\$359.52	Walter Grantham

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved the sale of tax parcel number 201-10-104 to Albert St. Laurent in the amount of \$462.00.

Upon motion by Vice-Chairman Martin, seconded Chairman Sanchez, the Board approved the sale of tax parcel number 205-25-001-B to William Staudte in the amount of \$402.68.

Upon request from Charles Cindrich, a bidder in the audience, and upon approval by Bryan Chambers, Chief Deputy County Attorney, and the Board, Chairman Sanchez directed that tax parcel number 207-08-171-B be sold prior to an adjoining parcel number 207-08-171A.

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved the sale of tax parcel number 207-08-171-B to Charles Cindrich in the amount of \$1,800.00.

Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved the sale of tax parcel number 207-08-171-A to Juan Artiach in the amount of \$5,500.00. **(Note for the record: Mr. Artiach did not submit the money within the 48 hour required time frame; therefore, this sale is null and void.)**

Chairman Sanchez noted for the record that Supervisor Dawson returned to the Board meeting in person at 11:09 a.m.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the sale of tax parcel number 208-03-278 to Edwin Schuler in the amount of \$386.14.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved the sale of tax parcel number 304-02-054 to Robert Shannon in the amount of \$444.74. **(Note for the record: After the auction, Mr. Shannon advised that he was bidding on behalf of Ms. Kelly Thomas, however, Mr. Shannon nor Ms. Thomas submitted the money within the 48 hour required time frame; therefore, this sale is null and void.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the sale of tax parcel number 305-24-003-H to Walter Grantham in the amount of \$359.52. **(Note for the record: Mr. Grantham provided the Chief Deputy Clerk of the Board with written notification that he will not be remitting payment for his purchase of this tax parcel; therefore, the property is still available for purchase.)**

Item 4 - Information/Discussion/Action to approve a request to extend the boundaries and add the Globe Unified School District to the Cobre

Valley Institute of Technology (CVIT) District as approved by the voters of the Globe Unified School District on the November 4, 2008, General Election.

Linda O'Dell, School Superintendent, stated that voters of the Globe Unified School District by a vote of 2,715 to 763 approved the above entitled request and on November 17, 2008, the Board canvassed and approved the election results. The next step according to State statute is to ensure that the boundaries of CVIT are actually extended to include the boundaries of the existing Globe Unified School District, which is today's requested action of the Board. Steve Besich, County Manager/Clerk, inquired of Ms. O'Dell if someone has prepared the legal description. Ms. O'Dell replied that by statute the boundaries of each single member district shall follow the election precinct boundary lines as far as is practicable; however, the boundaries have not yet been drawn in a legal description and she was not sure who would do same. Mr. Besich stated that when Ms. O'Dell has the legal description completed by whomever, he wants to make sure it is reviewed and checked by the Gila County Public Works Division so that it will be as accurate as possible. Ms. O'Dell agreed to have it checked. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved a request to extend the boundaries and add the Globe Unified School District to the Cobre Valley Institute of Technology District as approved by the voters of the Globe Unified School District on the November 4, 2008, General Election. Ms. O'Dell stated that on behalf of the Globe Unified School District, the voters and students, as well as CVIT, she is very grateful for the Board's support.

Item 5 - Information/Discussion/Action to approve the Application for Transportation and Utility Systems and Facilities on Federal Lands that will be submitted to the U.S. Forest Service (USFS) for the future development of communications facilities on Aztec Peak.

Adam Shepherd, Undersheriff, began a PowerPoint presentation by stating that the Sheriff's Office has been working for several years on its existing communication facilities throughout the County. A fairly good system now exists on the western boundaries of the County working up the corridor toward Payson from Globe and out east of Payson there are several sites that are tied together. For several years the Sheriff's Office has been looking at use of the facilities on Aztec Peak, but it was cost prohibitive; however, now Homeland Security Funds may allow it to be accomplished without any burden on the County. The Sheriff's Office has chosen this time to explore whether or not it's feasible. To begin the process, the Application for Transportation and Utility Systems and Facilities on Federal Lands must be submitted to the USFS, which basically requests permission to co-exist on its site. He showed a series of photographs of the Aztec Peak communication facilities. Mr. Shepherd stated that the USFS has a current restriction that no antennas can be above the observation tower. Upon inquiry by Chairman Sanchez as to the location of Aztec Peak, Mr. Shepherd stated that it is located north of Globe and south of

Young about half-way toward the Sheriff's ranch, but on the other side of the road. Sheriff Armer added that it is on the west side of Cherry Creek. Mr. Shepherd stated that a lot of illegal drug growth occurs in this area and because of communication challenges, it is hoped that by possibly acquiring use of the Aztec Peak facilities it will alleviate some of the problems there. The only other option is to send out the very expensive mobile system. He showed other photos of inside the tower and stated that the Sheriff's Office would put in similar type equipment, pending approval of the use of the facilities from the USFS. There is no power on the mountain so everything would be operated by solar batteries. Specialized low-power equipment would have to be purchased and would be slightly more expensive; however, because a building would not have to be erected, the cost will be considerably less than it would be if it required building from the ground up. Photos were also shown of the radio equipment, the battery array located inside the building along with the flat solar panels on top of the building for charging the batteries and a propane tank for a heating fuel source. The interior of the tower consists of a bed, facilities for cooking, etc. He noted that the tower is used by the USFS for fire watch. Mr. Shepherd concluded his presentation by stating that once the Application is submitted and approval is received from the USFS, the Sheriff's Office will come back to the Board for approval to apply for funding from Homeland Security. Chairman Sanchez inquired about a time line. Mr. Shepherd stated that it would be approximately a year to a year and a half after receipt of funding from Homeland Security. Vice-Chairman Martin stated that she is delighted to be at this "stage of the game" as the Sheriff's Office has been trying to complete its web of communications across the County and this will make a huge difference in communications by having a site at that location. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the Application for Transportation and Utility Systems and Facilities on Federal Lands that will be submitted to the USFS for the future development of communications facilities on Aztec Peak.

Item 6 - CONSENT AGENDA ACTION ITEMS:

- A. Approval of an application submitted by Conscience Thompson to use the rodeo arena at the Gila County Fairgrounds for the Gila County Safe Home Gymkhana on January 10, 2009, with a waiver of fees.**

- B. Approval of Amendment No. 2 to a State Housing Funding Agreement (Contract No. 550-08) between the Gila County Community Action Program (CAP) and the Arizona Department of Housing to increase the contract amount from \$126,704 to \$216,704 and to extend the contract from June 30, 2009, to June 30, 2010, which will allow CAP to continue assisting County residents with rent and mortgage eviction prevention services. Said additional funding of \$90,095 cannot be expended until July 1, 2009.**

C. Approval to ratify the Chairman's signature on a letter accepting changes to Contract No. SS00-04-E1256 between the Gila County Health and Community Services Division, Gila Employment and Special Training (GEST) Employment Network, and the Social Security Administration Employment Network Contract Team which relates to the provision of services to Social Security Ticket to Work Program consumers.

D. Approval of the November 17, 2008, BOS meeting minutes.

E. Approval of personnel reports/actions for the week of December 2, 2008.

Departure from County Service:

1. Ruben Avalos – Constituent Services II – Laborer – 12-12-08 – General Fund – DOH - 01-22-07 – Temporary position
2. Angel Gonzales – Constituent Services II – Laborer – 12-12-08 – General Fund – DOH 02-12-07 – Temporary position
3. Carl Russell – Constituent Services II – Laborer – 12-12-08 – General Fund – DOH 01-14-08 – Temporary position
4. Dawn Van Hassel – Constable Office – Constable Clerk part time – 11-05-08 – General Fund – DOH 07-21-08 – Resignation

Hire to County Service:

5. Joel McDaniel – Public Works/Consolidated Roads – Road Maintenance Worker – 12-08-08 – Public Works Fund - Replacing John Garcia – Position vacant as of 08-21-08

End Probationary Period:

6. William McDaniel – Public Works/Facilities Management – Building Maintenance Technician – 12-08-08 – Facilities Management Fund

SHERIFF'S PERSONNEL ACTION ITEMS

Position Review:

7. Emmett Dickison – Sheriff's Office/Globe – Deputy Sheriff – 11-24-08 – General Fund – On Call/Overtime charged to Marijuana Eradication Fund
8. Virgilio Dodd – Sheriff's Office/Globe – Deputy Sheriff – 11-24-08 – General Fund – On Call/Overtime charged to Marijuana Eradication Fund
9. Ray Van Buskirk – Sheriff's Office/Globe – Task Force Agent – 11-24-08 – Narcotics Task Force Fund – On Call/Overtime charged to Marijuana Eradication Fund

F. Approval of the finance reports/demands/transfers for the week of December 2, 2008. (separate handout)

\$1,262,980.03 was disbursed for County expenses by check numbers 213829 through 213859 and 213861 through 214000. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda action items 6A-6F.

Chairman Sanchez stated that the Board would skip Agenda Item 7 and move to Agenda Item 8 and then return back to Agenda Item 7 for an executive session.

Item 8 - At any time during this meeting pursuant to A.R.S. §38-31.02(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 Mr. Besich presented information on current events.

Item 7 - Information/Discussion/Action to consider acceptance of service in Pine-Strawberry Water Improvement District v. Pine Water Co. et. al. CV2008-375 and to receive legal advice from its attorney and provide instruction to its attorney in order to resolve the litigation pursuant to A.R.S. §38-431.03(A)(3)-(4).

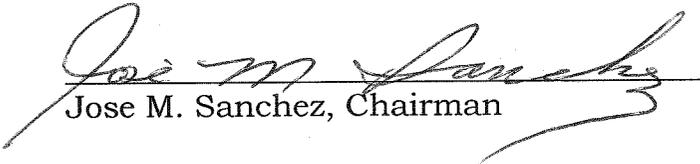
Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened into executive session at 11:38 a.m.

Upon motion by Supervisor Dawson, seconded by Chairman Sanchez, the Board reconvened into regular session at 12:09 p.m.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously directed the County Attorney to accept service of the complaint in the Pine-Strawberry Water Improvement District v. Pine Water Company, et. al., CV2008-375 and to direct the County Attorney to take no position on the merits of the lawsuit other than to take action to ensure that if the water companies are transferred to the Pine-Strawberry Water Improvement District that all outstanding property taxes be paid out of the proceeds of the transfer. The motion was seconded by Vice-Chairman Martin and passed unanimously.

There being no further business to come before the Board of Supervisors,
Chairman Sanchez adjourned the meeting at 12:13 p.m.

APPROVED:



Jose M. Sanchez, Chairman

ATTEST:



Steven L. Besich, County Manager/Clerk