

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

Date: December 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; Shirley L. Dawson, Vice-Chairman; 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. Shirley Dawson led the Pledge of Allegiance and Reverend Bill Norton of the First Presbyterian Church in Globe delivered the invocation.

Item 2 – PRESENTATIONS:

2A. Public recognition of Supervisor Shirley Dawson, Sheriff John Armer, Assessor Dale Hom, and County Attorney Daisy Flores.

Chairman Martin requested that the Board join her in presenting plaques of appreciation to the outgoing elected officials. The outgoing officials recognized were Sheriff John Armer, Assessor Dale Hom, County Attorney Daisy Flores and Supervisor Shirley Dawson. Each of the officials gave departing comments and thanked their staffs and thanked the Board of Supervisors for its cooperation throughout their years of service to the County.

Item 3 – REGULAR AGENDA ITEMS:

3A. Information/Discussion/Action for Gila County to agree to serve as the applicant for the U.S. Forest Service to designate and sell Roosevelt Lakeview Park as a Townsite under the Townsite Act, subject to the development and submittal of a financial plan by Mr. Buckmaster to Gila County, for approval by the Board of Supervisors prior to the

preparation and submission of the application to the Forest Service by the County. Further, that prior to December 31, 2012, staff will send a copy of this Board of Supervisors' action, with a cover letter acknowledging Gila County's intention to file, to the U.S. Forest Service.

Don McDaniel, County Manager, provided some background information on the Roosevelt Lakeview Park stating that it was developed in the early 1970s through a special use permit with the U.S. Forest Service-Tonto National Forest, which expires on January 1, 2013. At that time, the current residents will be required to relocate all residences and improvements that are on the property including any manufactured or mobile units. He stated that there is a solution for this problem through the U.S. Forest Service Townsite Act, which allows the designation and sale of Forest Service lands by the U.S. Forest Service to governmental entities. He noted that this Act just exists in the 12 western states and is only useful to cities, towns or county governments. Mr. McDaniel explained that the Act allows for Forest Service lands that are needed by a community or the county, in this case, to be sold for fair market value if those lands would serve indigenous community objectives, meaning that Gila County's objectives outweigh the public objectives and values of retaining the lands in federal ownership. He stated, "We believe in this case that they clearly do." He stated that staff has indicated to David Buckmaster, permit holder and developer of the park, that the County is obviously unable to purchase the actual property in the park as a private business with taxpayers dollars and, furthermore, the County is not in the mobile home park business and wouldn't want to be seen as competing with other similar businesses in the County. However, Mr. McDaniel stated that he and the Board of Supervisors have indicated strong support and a willingness to serve as the applicant in this Townsite Act process. The important part of the process is going to be to obtain from Mr. Buckmaster a fairly complete financial plan that will indicate his intentions on providing the funds so that the County can make the application, purchase the property and then turn it over to Mr. Buckmaster to run the approximate 24-acre mobile home park. Mr. McDaniel stated that County staff is recommending that the Board agree to serve as the applicant to the U.S. Forest Service to designate the Roosevelt Lakeview Park as a Townsite under the Act; that the approval would be subject to development and submittal of a financial plan by Mr. Buckmaster of the Roosevelt Lakeview Park; and, that plan would come back to the Board for its review and approval prior to the actual submission of the application. He stated that because there is a concern about the fast-approaching deadline, it was further recommended that that the Board send to the U.S. Forest Service a letter and a notarized copy of the Board's action today indicating its intent to make the application subject to the financial plan as a way to have that on their records indicating that is the County's intent as that other information comes forward. Vice-Chairman Dawson stated that because the U.S. Forest Service is slow to act and if the County and Mr. Buckmaster move quickly, "maybe something really good can come from this." She also appreciated the fact that this was a

contemptuous situation and difficult to figure out how to solve and “this seems like a good way to go about resolving something that we didn’t want to see go away.” Supervisor Pastor thanked the Mr. McDaniel and staff for working on this issue. Supervisor Pastor advised that he was first contacted 2 years ago regarding this issue and, at that time, it didn’t look very promising. Over the last 2 years various meetings have been held with U.S. Representative Gosar’s Office, letters have been sent to the U.S. Forest Service, and Kelly Jardine, District Ranger of the Tonto Forest Service at Roosevelt, has been very positive and helpful to the County. Mr. Buckmaster has also been negotiating with the U.S. Forest Service officials and is working hard to put a financial package together. Supervisor Pastor stated, “I think this is something that we as a Board need to look at as a positive added value process to what we do as County Supervisors.” Chairman Martin added that anytime the opportunity arises where public land can be turned into private land in this County of 1.5% private land, she was all for it. She stated that the financial package is needed in hand from Mr. Buckmaster before the County can go very much further in putting too many County resources to the task. Chairman Martin then called on David Buckmaster, also a resident of Roosevelt. Mr. Buckmaster stated that in discussions with Mr. Jardine he needs to find out exactly how much land the Forest Service is willing to sell because the number of acres varies depending on “which permit you read or what letter you get” so all he knows is it’s between 25 to 30 acres. He stated that the U.S. Forest Service wants to square off the boundaries so it’s easier for them to survey on an annual basis. Mr. Buckmaster believes the first step is for the U.S. Forest Service to decide how much land is going to be involved and square their boundaries because he is uncertain as to the boundaries. The next step would be to get a good-faith estimate from the U.S. Forest Service on the value per acre of the land, so Mr. Buckmaster has a starting point to try to figure out how much funding will be needed because at this point the cost is unknown. Mr. Buckmaster advised that a land survey needs to be done by the U.S. Forest Service. He stated that the way the whole Townsite Act works is that the appraisal or evaluation of the land is approximately step number 10 out of 50 steps; however, he stated that Mr. Jardine believes this process can be done in a fairly short time. Chairman Martin stated to Mr. Buckmaster that for the sake of discussion and in reference to Vice-Chairman Dawson’s comment about the U.S. Forest Service moving slow, “the time may come when you may want to say what would be the low figure and the low acreage and the high acreage and get an appraisal on your own and have an offer. That might stand you in pretty good stead to take that initiative.” She stated that this has been going on for years and something the County doesn’t have is years of staff time to continue to put into this endeavor; however, the County does have staff time to put in to an honest proposal. Chairman Martin recommended that if Mr. Buckmaster had anything he can do to push this on down the road, she would tell him to “push it on down the road.” Vice-Chairman Dawson added, “If I were in this position of moving this forward, I would make the proposal to them...You make an offer on what you’re at based like Tommie said, on an appraisal, and they are going

to want more, but at least you're on the table. You're not there right now and if you wait for them, they will be talking about how to remove you." Supervisor Pastor stated that he believes with the relationship that the County had been able to develop with the U.S. Forest Service and the new Forest Service supervisor that's in the area, Neal Bosworth, the U.S. Forest Service seems to want to get this done, so hopefully the County can get it on fast track. Mr. Buckmaster replied that he's heard it will take anywhere from 18 months to 3 years to get this finalized. Chairman Martin's final recommendation to Mr. Buckmaster was, "Get the ball in your court and keep it there." Mr. Buckmaster thanked the Board for its support and advice. Chairman Martin called on Jerry Ellison, reporter for KQSS Radio. Mr. Ellison inquired if there has ever been a successful sale under this Act in Arizona? Supervisor Pastor stated there have been several across the country and one in Arizona, either in Camp Verde or the Verde Valley. Mr. Buckmaster added that there have been more sales under the Bureau of Land Management, the Park Service and the Department of Interior then there have been through this Act; however, there have been quite a few.

Chairman Martin then called on Don Ascoli, a resident of Payson. Mr. Ascoli stated that he first became aware of this issue in January based on an article in the local Payson Roundup newspaper, so he visited this park and found it to be a very nice, well-run community of "families, folks, retirees, people who enjoy the outdoors." He stated that as Chairman of the Gila County Planning & Zoning Commission, he invited particular parties--Mr. Buckmaster, the U.S. Forest Service personnel, and especially Supervisor Pastor, since it's in his supervisorial district, to attend a couple of hearings in Globe to "up the awareness" of this issue. He stated that it's been a long haul and Supervisor Pastor has been involved in this effort for a long time. He mentioned that U.S. Forest Service Supervisor Neal Bosworth has stated more than once that the U.S. Forest Service doesn't want this land. Mr. Ascoli stated, "They want to find a way to give it back to the folks so they can have it in private hands." Mr. Ascoli agreed that the avenue being pursued "will be a most successful process" and he believes it fits the need of the community at Lakeview Park. He thanked the Board of Supervisors for taking this major step forward and thanked Don McDaniel and his staff for putting together an official letter. Mr. Ascoli also agreed with the advice provided by the Board members that Mr. Buckmaster should take the initiative, make the proposal first and then let the U.S. Forest Service respond. Chairman Martin called on Linda Acres, a resident of Lakeview Park in Roosevelt. Ms. Acres stated that as a member of the Lakeview Community Association of 160 homeowners, she wanted to thank everyone in the County for all their assistance and support, and they would greatly appreciate the Board's consideration in this matter. Chairman Martin then called on Taylor McArthur, a representative from U.S. Congressman Paul Gosar's Office. Mr. McArthur advised that Congressman Gosar supports this endeavor of which has been involved from the beginning. Congressman Gosar will continue to support it even though his congressional district has changed.

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously agreed to have Gila County serve as the applicant for the U.S. Forest Service to designate and sell Roosevelt Lakeview Park as a Townsite under the Townsite Act, subject to the development and submittal of a financial plan by Mr. Buckmaster to Gila County, for approval by the Board of Supervisors prior to the preparation and submission of the application to the Forest Service by the County. Further, that prior to December 31, 2012, staff will send a copy of this Board of Supervisors' action, with a cover letter acknowledging Gila County's intention to file, to the U.S. Forest Service.

3B. Information/Discussion/Action to ratify approval for the Sheriff's Office to submit a Grant Application entitled "Critical Incident Responder Safety and Health Project" to the Arizona Department of Homeland Security and to accept the grant award in the amount of \$49,700 for this project by approving Subgrantee Agreement No. 12-AZDOHS-HSGP-999303-01, to be used during the period of October 1, 2012, through September 30, 2013.

John France, Deputy Sheriff Sergeant, stated that he also serves as the dive team leader and instructor for the Gila County Sheriff's Office Dive Team. Approximately 2 years ago, the Sheriff's Office obtained some grant funding which enabled the Dive Team to grow, both in size and professionally. By applying for these grant funds, the Dive Team will be able to replace its outdated diving equipment to include dry suits, and full face masks that enable communications with divers underwater and with a backup air supply. Sergeant France advised that the Dive Team is on its way toward meeting national certification standards, and this type of equipment is a requirement of the certification. There aren't any County cash matching requirements associated with this grant, which will be used to purchase equipment for 10 divers. Sergeant France answered questions of the Board regarding the individuals that serve on the Dive Team. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously ratified its approval for the Sheriff's Office submission of the Grant Application entitled "Critical Incident Responder Safety and Health Project" to the Arizona Department of Homeland Security and accepted the grant award in the amount of \$49,700 for this project by approving Subgrantee Agreement No. 12-AZDOHS-HSGP-999303-01.

3C. Information/Discussion/Action to authorize the advertisement of Invitation for Bids No. 110812 for the purchase of chips, ABC, asphalt and cold mix for the Copper Region and the Timber Region of Gila County, Arizona.

Joseph Heatherly, Finance Director, advised that the contract to purchase chips, ABC, asphalt and cold mix expired a few days ago. Supervisor Pastor inquired whether there is a sufficient supply of material on hand until a new

contract is awarded. Steve Stratton, Public Works Division Director, replied that it depends on the amount of work to be done. If an emergency arose and there wasn't enough material on hand, Mr. Stratton assured the Board that the County has a means to obtain additional material. Mr. Heatherly then reviewed the bid process and associated timelines for newspaper publications. Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously authorized the advertisement of Invitation for Bids No. 110812 for the purchase of chips, ABC, asphalt and cold mix for the Copper Region and the Timber Region of Gila County, Arizona.

3D. Information/Discussion/Action to review all bids submitted for Call for Bids No. 112012 to provide all advertising, publications and printing required to be done or made by all departments of Gila County for calendar year 2013; award to the lowest, responsible and qualified bidder; and authorize the Chairman's signature on the contract for the winning bidder.

Mr. Heatherly advised that only one bidder responded to this Call for Bids, of which the Board of Supervisors is statutorily required to go out for bid and award a contract each year. The bid was reviewed by the Chief Deputy Clerk and the Contract Specialist, and Mr. Heatherly stated that the bidder successfully met all of the bid requirements. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board awarded a contract to the Arizona Silver Belt newspaper in the amount of \$3.20 per column inch to provide all advertising, publications and printing required to be done or made by all departments of Gila County for calendar year 2013.

3E. Information/Discussion/Action to approve Public Works Division Policy No. DPW 12-01 - Storm/Fire/Flood Event Stipend.

Steve Stratton, Public Works Division Director, advised that this policy was drafted approximately 1½ years ago. He has been working with the County Manager, Human Resources Director and the County Attorney to finalize the draft that is being presented to the Board of Supervisors. He advised that many times during an emergency, such as a fire, snow storm or rain storm, the Public Works Division staff is often times the first responders and it is becoming a problem in having enough people available to work during an emergency, especially during weekends and holidays. This stipend was developed to be in line with other competitors' wage scales, in particular, the Arizona Department of Transportation (ADOT). Mr. Stratton advised that at present this proposed policy will only apply to Public Works employees; however, in discussions with the County Manager, it is hoped that eventually this policy will apply countywide. He emphasized that it is difficult to have employees on standby, especially during weekends, in the anticipation of a bad storm that would cause substantial damage without providing a pay incentive. Danny Savage of the Public Works Division advised that he, too, has been

working on this proposed policy for quite some time. He added that it is becoming more difficult to have staff available to work nights and weekends during a storm incident. He also stated that 4 employees of the Public Works Division recently accepted jobs with ADOT because the pay is higher. Supervisor Pastor advised that when he was first presented with this proposed policy, he wasn't very pleased. He met with the County Manager and discussed his concerns and that is when he learned that this policy is based on a policy ADOT has in place. After requesting a copy of ADOT's policy from the Public Works Division and not receiving one, he requested that his secretary submit a request directly to ADOT. It was at that time Supervisor Pastor learned that the ADOT policy was implemented in 2005, which was used by Public Works; however, a revised policy went into effect on November 29, 2012. He then reviewed some sections of the proposed policy. He stated that if he understands the policy correctly and in talking with Finance Department staff, employees working under this policy could potentially make \$35 per hour during a storm incident. He also reviewed other Arizona county policies. Supervisor Pastor advised that he cannot support this policy as presented. He then offered to meet with Mr. Stratton and others to work on revising the proposed policy.

Vice-Chairman Dawson also commented that the policy needs to be revised. She suggested that the Board not take any action today on this agenda item, and that after the policy has been revised it should be placed on a future Board meeting agenda. Chairman Martin also agreed that additional work needs to be done on this policy. Mr. Stratton thanked the Board members for their comments and he stated that he doesn't have a problem revising the policy as it is important to have a policy that is both fair to the employees and the County. He provided further information as clarification to some comments that were made by the Supervisors. He stated that his employees have never refused to work overtime. The problem is when an employee's shift has ended, it is difficult at times to call an employee back to work, especially if a storm incident occurs during the weekend as that employee may be out of town, has consumed alcohol, etc. He stated that there is a Public Works employee on-call each weekend, and there is a rotating system in place. Supervisor Pastor requested a copy of the on-call list. Mr. Stratton replied that the names of the employees on call are given to the Sheriff's Office dispatcher each week. Supervisor Pastor commented that is good; however, most times it is a constituent that calls the Supervisor during an emergency so it's important for the Supervisor to have the name and contact number of the person who is on call at that time. Mr. Stratton agreed to provide each Board member with the on-call list each Friday. Upon motion by Vice-Chairman Dawson, seconded by Supervisor Pastor, the Board unanimously tabled Public Works Division Policy No. DPW 12-01 - Storm/Fire/Flood Event Stipend for the Board's further consideration of this proposed policy at its first meeting in February 2013.

ITEM 4 – CONSENT AGENDA ACTION ITEMS:

4A. Approval of the appointment of Judith A. Joseph as Judge Pro Tempore for the Superior Court in Gila County for the period of January 1, 2013, through June 30, 2013.

4B. Approval of the reappointments of the following as Justices of the Peace Pro Tempore for both the Payson and Globe Regional Justice Courts: Charles Adornetto, Rebecca Baeza, Don Calendar, William Flower, John Huffman, Paul Julien, Paul Larkin, and Gary Scales; the reappointment of John Perlman as Justice of the Peace Pro Tempore for the Payson Regional Justice Court; and the reappointments of Patricia Arnold and J. Dee Flake, as Justices of the Peace Pro Tempore for the Globe Regional Justice Court, all for the term of one (1) year (January 1, 2013, through December 31, 2013).

4C. Approval of Amendment No. 1 to Professional Services Contract No. 1005.103/1-2011 between Gila County and Elections Operations Services in an amount not to exceed \$200,000 to extend the Contract for consulting services for one additional two-year period beginning January 1, 2013, through January 1, 2015.

4D. Authorization of the Chairman's signature on Amendment No. 2 to Contract No. 040910-1 between Gila County and Wright Asphalt Products Company LLC to extend the term of the Contract for an additional year, from October 8, 2012, to October 7, 2013; and to provide for the purchase of TRMSS fog seal for County roads.

4E. Approval to reappoint Clark Richins and Kenny Evans to the Gila County Cooperative Extension Advisory Board for an additional term of two years, from January 1, 2013, through December 31, 2014.

4F. Approval of Modification No. 2 to a Cooperative Law Enforcement Agreement between the Gila County Sheriff's Office and the USDA, Forest Service increasing the reimbursable funding amount from \$83,000 to \$87,498 for the period October 1, 2012, through September 30, 2013, and incorporating some other minor changes to the Agreement.

4G. Approval of an Intergovernmental Agreement (Contract No. ADHS13-034536) between Gila County and the Arizona Department of Health Services in the amount of \$16,800 per year for the continued provision of Reproductive Health/Family Planning Services for the period January 1, 2013, through December 31, 2017.

4H. Approval of the November 2012 monthly departmental activity report submitted by the Globe Regional Justice Court.

4I. Approval of the November 13, 2012, and November 20, 2012, BOS Minutes.

4J. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of November 19, 2012, to November 23, 2012; and November 26, 2012, to November 30, 2012.

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

4K. Approval of finance reports/demands/transfers for the weeks of December 11, 2012, and December 18, 2012.

December 11, 2012

\$2,068,208.37 was disbursed for County expenses by check numbers 250922 through 251085.

December 18, 2012

\$471,872.65 was disbursed for County expenses by check numbers 251086 through 251206. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Pastor, seconded by Vice-Chairman Dawson, the Board unanimously approved Consent Agenda action items 4A through 4K.

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(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 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 Martin adjourned the meeting at 11:40 a.m.

APPROVED:



Tommie C. Martin, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk