

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

Date: September 24, 2013

**MICHAEL A. PASTOR**

Chairman

**MARIAN E. SHEPPARD**

Clerk of the Board

**TOMMIE C. MARTIN**

Vice-Chairman

By: Laurie J. Kline  
Deputy Clerk

**JOHN D. MARCANTI**

Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Supervisor; Don E. McDaniel, Jr., County Manager; Bryan B. Chambers, Deputy Attorney Principal; Jacque Griffin, Assistant County Manager/Librarian; and Laurie J. Kline, Deputy Clerk

ABSENT: Marian E. Sheppard, Clerk of the Board

**Item 1 – CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors hearing room. Jacque Griffin led the Pledge of Allegiance.

**Item 2 – REGULAR AGENDA ITEMS:**

**A. Information/Discussion regarding Planning and Zoning Department Case Number ZOA-13-01, a proposal to amend the planning and zoning, wastewater and flood control fees.**

Robert Gould, Community Development Division Director, explained that the proposed fee schedule being presented to the Board is in accordance with Arizona Revised Statute, 11-251.08, which states in part that, “any fee or charge established pursuant to this section must be attributable to and defray or cover the expense of the product or service for which the fee or charge is assessed. A fee or charge shall not exceed the actual cost of the product or service.”

The proposed fee schedule is shown below and was reviewed and discussed by the Board as follows:

## PROPOSED FEES FOR GILA COUNTY FLOOD CONTROL DISTRICT

(Adopted pursuant to ARS 48-3603.E)

### INTERPRETIVE REPORT GENERATION FEES \*

Standard Flood Hazard Determination (SFHD)	<b>\$25</b>
Floodplain and Drainage Screening (FADS)	<b>\$10</b>

NOTE: No fees are charged for viewing flood maps or the ordinance, only when a report is requested.

### PERMIT/CLEARANCE APPLICATION REVIEW FEES \*\*

Floodplain Clearance Application Review	<b>\$30</b>
<b>Floodplain Use Permit Application Review</b>	
<b>1. Floodplain Use Permit Without Engineering Review</b>	
a. Incidental improvements (pole, propane or residential water tank, A/C, etc.)	<b>\$30</b>
b. Single family, RV/manufactured home, accessory or parking building, commercial or industrial with Single Building, or additions/remodel to such development	<b>\$90</b>
c. Residential subdivision, commercial/industrial Center, or additions/remodel to such development	<b>\$400</b>
<b>2. Floodplain Use Permit Including Engineering Review or CLOMR Review</b>	
a. Hydrology, scour depth and/or single-section hydraulic calculation review	<b>\$500</b>
b. Hydrology model, sediment transport model and/or hydraulic model review (including HEC-HMS, HEC-RAS, 2D Model, Engineered Flood Control Facilities Design Review)	<b>\$750</b>
<b>3. Permits or Engineering Review for Public Agency Projects</b>	<b>No Charge</b>
<b>VARIANCE APPLICATION REVIEW FEES ***</b>	
Variance Application Review Fee	<b>\$400</b>

\* Fees apply when report is requested independently, but not when generated by County staff in conjunction with information gathering for an ongoing permit application.

\*\* Fees are for review of the application, and are due regardless of whether the permit is issued, withdrawn, or denied. If engineering is determined to be needed after initial submittal, the difference in review fees is to be collected upon receipt of the engineering for review.

\*\*\* Fees are for the review of the application, and are not dependent on whether a variance is granted.

Mr. Gould further explained that the County has experienced a dramatic decrease in the collection of fees over the past few years for planning and zoning, wastewater and flood control services. In 1998, there was a fee modification; however, it is not clear which fees were amended. Additionally, there has been a 27% reduction in staff, and through attrition, these positions aren't being filled. He added that in 2006 the Minor Land Division fees were established and no changes to these fees are being requested at this time. Chairman Pastor asked for clarification on the meaning of a "Minor Land Division" to which Mr. Gould explained that a Minor Land Division is when an applicant creates five or less lots and it isn't considered a subdivision.

Mr. Gould then stated that the variance process is estimated to cost between \$4,000 and \$10,000 and the fee the County collects for this service is \$150. It is a similar structure with the re-zoning process which costs the County approximately \$575 and the fee for this service is only \$250. The County collects approximately 43% of the actual expenses incurred. He then introduced Jake Garrett, Environment Engineering Manager, to answer questions and discuss the wastewater fees. Mr. Garrett explained that the current fee schedule for septic system permits has been in place since 2001. He proposed reducing the fee for an aerobic (alternative) septic system to \$600 and increasing the fee to \$475 for a standard septic system; thereby increasing the cost recovery to the County up to 86% for both types of septic system installations.

Supervisor Marcanti inquired as to whether or not the cost for septic system permits in a subdivision are all in one fee or separate fees, to which Mr. Gould replied that if a home within a subdivision is on A public sewer system the fee would be the responsibility of the subdivision owner. If the home within a subdivision is on a septic system there would be various permits and fees associated with the septic system permitting that would be the responsibility of the each homeowner. He also stated that subdivision applicants work with the Arizona Department of Environmental Quality (ADEQ) directly and that the ADEQ governs and has authority regarding septic systems; the County only takes direction from and responds to ADEQ regarding on-site systems and code enforcement.

Chairman Pastor expressed a concern that he has received comments from Gila County citizens that the building permitting process takes an excessive amount of time to complete and there is confusion with regard to the requirements. Mr. Gould explained the process and stated that the Planning and Zoning Department makes every effort to simplify and expedite the process for the permitting; however, the circumstances surrounding the building dictate the number of requirements. Chairman Pastor commented that he hasn't heard any negative comments about the fees, but that if they are increased there may be an unfavorable response from Gila County citizens.

Vice-Chairman Martin commented that the Planning and Zoning (P&Z) Commission's vote to recommend approval to the Board of Supervisors for an increase in fees resulted in 3 members voting in favor of approval, 3 members voting in opposition, and 2 members abstaining from voting. Mr. Gould then stated that the votes were unanimous with regard to the floodplain and wastewater fee increases. He stated that the P&Z Commission discussed 4 issues of concern during their voting process: 1) The historical data that was collected for the fee study should have gone further back than 2007; 2) there should be different fees for residential and commercial applications; 3) the two P & Z Commission members that voted in opposition to the proposed fee schedule submitted proposals that if the percentage of the increase in fees was reduced by 50% their votes could be cast in favor of the proposed fee schedule; and 4) current economic times are a factor in determining whether or not to increase fees.

Vice-Chairman Martin expressed a concern that the increase was too substantial to take effect all at once, which may have been the reason the P&Z Commission's vote was not strong enough to be certain that the majority of the members, not just the majority of the quorum, are in favor of the increase. Chairman Pastor recommended that the first page of "Exhibit F" be sent back to the Commission for further consideration and that the Board take under advisement the floodplain and wastewater fees that were approved unanimously. The Board agreed to direct Mr. Gould to re-visit the first page of "Exhibit F" with the P&Z Commission. Supervisor Marcanti inquired as to whether or not any trade fees are included in this fee schedule, to which Mr. Gould answered that there are no building permit fees associated with this proposed fee schedule.

Chairman Pastor invited Darde de Roulhac, Chief Engineer of the Flood Control District, to add comments. Mr. de Roulhac stated that the floodplain fees are authorized by Arizona Revised Statute 48-3603 (E) and when the proposed fees are brought before the Board for adoption, the Board will need to sit as the Gila County Flood Control District Board of Directors. He then explained that the County's role in the National Flood Insurance Program is somewhat limited. The Board needs to ensure that when structures are built in a floodplain, they are built to minimize flood damage and protect the safety of the occupants. It is estimated that 1/3<sup>rd</sup> of an employee's time is spent in supplying information to real estate and insurance agents, and land surveyors. Mr. de Roulhac is hoping that by establishing a fee for a standard flood hazard determination for those individuals who are only seeking information, and by not charging a fee for individuals that see information and then apply for a building permit, it will divert some of the workload to the private sector and discourage "fishing for information." He outlined some of the proposed fees and the benefits to the County of having floodplain fees. He also discouraged imposing fees for engineering review services for public agencies, such as the Arizona

Department of Transportation (ADOT) and the U.S. Forest Service that are required to obtain review and comment from the County.

Vice-Chairman Martin asked for affirmation of her understanding of the proposed fee schedule, specifically a floodplain use permit of \$575, and she suggested that the County should not charge that fee at this time. She also stated that if it's a "fishing expedition" there should be a fee for floodplain clearance review, but if the applicant takes the next step of applying for a building permit, then there shouldn't be a fee. She didn't want to "double dip" by charging twice. She was in favor of item number 1 and suggested that the County might want to take some further consideration with regard to item number 2; leaving this item to the discretion of Mr. de Roulhac as to whether or not a fee should be charged for these services based on the seriousness of the inquiries and requests for services.

Mr. de Roulhac affirmed that Supervisor Martin was correct in her understanding of the aforementioned explanation of the execution of the proposed fee schedule. He clarified that his recommendation would be to charge a floodplain use permit fee that would include the engineering review; and with regard to number 2, there would be a higher fee charged for a floodplain use permit including engineering review if there is a conditional letter of map revision (CLOMR) review required.

Supervisor Marcanti agreed with the wastewater and floodplain use permit fees, but was concerned with the building permit fees and suggested that it be presented to the P & Z Commission for further consideration. Chairman Pastor summarized the discussion by affirming that the Board agrees with the proposal submitted by Mr. de Roulhac for the Flood Control District fees with an addendum to number 2 of the proposed fee schedule. The Board also acknowledges the unanimous decision of the P&Z Commission to accept the proposed wastewater fees, which could be presented to the Board of Supervisors for approval at a future meeting. He referred to the proposed amendments to the Gila County Community Development fees on "Exhibit F", page 1. Since there wasn't a strong vote on the proposed amendments, Chairman Pastor suggested that the Board could recommend that the amendments are sent back to P&Z Commission to consider possible options of extending the review period farther back than 2007, or increasing the fee by 50%. He stated that the Board of Supervisors would probably look favorably on any of those decisions that may be made by the P&Z Commission. The Board thanked Mr. Gould, Mr. Garrett and Mr. de Roulhac for their hard work in preparing the information that was presented.

**B. Information/Discussion/Action to approve Gila County's list of issues/priorities to be supported at the annual County Supervisors Association's (CSA) Legislative Summit on October 14-16, 2013, in Payson to be considered by Arizona's county supervisors for inclusion in CSA's**

## **2014 Legislative Agenda.**

Don McDaniel, County Manager, provided a brief summary of the accomplishments of the County Supervisors Association (CSA) last year which included the following: 1) Expansion moves in Medicaid which enabled the County to receive some federal assistance; 2) the Governor's plan was approved; 3) the issuance of approximately \$120 million of the Highway User Revenue Fund (HURF) being given to the Department of Public Safety (DPS), which consequently reduces the amount of money the County receives; 4) the County received \$550,000 from the state lottery fund; 5) the percentage payments to sexually violent prisoners went from a 50/50 split to a 35/65 split, which increases the cost to the Arizona Department of Health Services and reduces the cost to the County; 6) the County has flexibility with regard to spending secondary tax revenue for general fund related expenditures; and 7) there has also been some Transaction Privilege Tax (TPT) reform to allow service contractors to pay tax at the point of sale rather than tax the work that's being performed.

Mr. McDaniel then stated that the overall goal of CSA regarding the budget is to protect and enhance county fiscal situations by continuing opposition to state cost/programmatic shifts and diversion of revenues and advocating for restoration where feasible and he provided these examples:

- Statutorily re-establish counties' share of the state lottery revenues
- Fully eliminate county payment for housing and treatment of sexually violent persons at the Arizona State Hospital (ASH)
- Fully fund the HURF and consider revenue enhancement option for transportation purposes.

Mr. McDaniel then outlined 15 legislative proposals submitted to CSA by various Arizona counties which are as follows:

1. Special District Fees submitted by Yavapai County: Expand fee authority to include both capacity and use fees for domestic water and domestic wastewater improvement districts. The Board was in agreement on this item.

2. Fire Districts Elections submitted by Yavapai County: Conform fire district reorganization statute to other special district election statutes. Vice-Chairman Martin clarified that this would have come into effect during the last election of the Christopher-Kohl Fire District, when it was on the ballot to change from a 3 to 5 person board, in addition to candidates running for a 3 person board *and* running for a 5 person board; it was confusing to the voter. The Board was in agreement on this item.

3. Court Ordered Evaluation: Federal Payments submitted by Yavapai County: Adjust state statute to reflect the state's ability to seek federal payment for court ordered evaluation, shifting the county from payer of first resort to payer of the last resort. The Board was neither for nor against this item and wanted to wait for further information to come forth regarding the financial impact to the County.

4. Permanent Early Voter List and Mail Ballot Elections submitted by Yavapai County: Permit a county to switch to a mailed-in ballot election if 50 percent or more of their registered voters are on the County's permanent early voter list. Vice-Chairman Martin was in favor of early voting by mail-in ballots in order to save the County money, but still wants polling places available to citizens who prefer voting in person.

Supervisor Marcanti agreed that this change to a mail-in ballot election would save the County money, but added that in San Carlos approximately 75 percent of the population go to polling places, and even if 50 percent returned the mail-in ballot, there still may be a large voting mass that turns out at the polling places. He stated that he didn't want the County to get sued as a result of this change; therefore, he was undecided.

Chairman Pastor stated that he was in favor of the convenience and efficiency of the early voting process, but was undecided about making a complete switch to a mail-in ballot election. He further stated that according to a recent City of Globe election. There were 3,700 ballots sent out regarding "home rule" and there were only 1,300 ballots returned which is only 1/3<sup>rd</sup> of the registered voters returning a ballot via mail. He added that the votes for the 2012 presidential election were as follows: There were 32,000 registered voters and the Elections Department received 21,000 ballots, which was 67%. Of the 21,000 ballots, 14,000 ballots were mailed in and 6,000 votes were cast at polling places. Therefore, he advised that this item needs to be discussed further at the CSA Legislative Summit and that he wanted more information regarding this topic before he makes a decision.

Vice-Chairman Martin invited Eric Mariscal, Elections Director, to add comments to this discussion to which Mr. Mariscal offered additional information and stated that Gila County has a voter population that would prefer traditional Election Day polling sites; however, in the General Election of 2012 the majority of voters in Gila County voted by mail or early. He advised that at some point the County will need to procure new electronic voting equipment in order to continue to provide polling places and that voting by mail is imminent.

5. Armed Forces; Adoption Relief submitted by Cochise County: Eliminate the requirement that the child be physically present at the time the petition is filed if the petitioner or spouse is a member of the military serving abroad so long as

they lived in Arizona for at least six months before being stationed abroad. The Board had no objections or comments regarding this item.

6. Primitive Roads submitted by Cochise County: Permit counties to designate substandard roads as "Primitive Roads" if they were opened prior to June 13, 1990. (Referred to the County Engineers for consideration and possible administrative options.) The Board didn't comment on this item.

7. Fireworks submitted by Coconino County: Permit counties to regulate the sale and use of fireworks in unincorporated areas of the county when Stage 1 fire restrictions are put in place by a federal or state agency. The Board didn't have any issues with this item.

8. Motor Vehicle Fuel Tax submitted by Coconino County: Raise the state motor vehicle fuel tax for transportation. It was the consensus of the Board that the County needs to increase the revenue that is decreasing because of newer cars on the road and less money received from the Highway User Revenue Fund.

9. Administrator; Indigent Legal Services submitted by Coconino County: Codify the county's practices of collaborating with courts to appoint an administrator to oversee the contracting and costs of indigent legal services. Mr. McDaniel stated that Tiffany Poarch, Gila County Public Fiduciary, was agreeable to this change. The Board had no issue and concurred in favor of this item.

10. Group Home Disbursement Rate submitted by Coconino County: Restore the amount paid to the state for residents of group homes from 88 percent to 70 percent. The Board agreed with moving forward with this item.

11. The Arizona State Lake Improvement Fund submitted by Mohave County: Require the state parks to distribute 50 percent of the Arizona State Lake Improvement Fund to local government to fund projects on waters where gasoline powered boats are permitted. Mr. McDaniel stated that J. Adam Shepherd, Gila County Sheriff, is in support of this legislation moving forward and coming into effect. The Board was in favor of this item.

12. County Attorney; Civil Actions submitted by La Paz County: Permit the Board of Supervisors to hire outside counsel to represent the Board and county administrative offices in civil legal matters. Vice-Chairman Martin expressed a concern about the Board not having a choice to hire civil counsel and was in favor of this item. Supervisor Marcanti was not all in agreement with this item. Chairman Pastor stated that he agrees with Supervisor Marcanti and commented that although the Board is not all in agreement; it is close to being in unanimous agreement regarding this item. He added that he wanted to list this item as a questionable item.

13. County Seals submitted by Gila County: Amend state statute to protect the integrity of county seals and preventing unauthorized use. Mr. McDaniel added that the difficulty with this issue is enforcing perpetrators of misuse of the County seal. Jacque Griffin, Assistant County Manager/Librarian, added that it would be good for the County to have this legislation in place in order to be able to take action if misuse of the County seal is discovered. The Board was in agreement with this item.

14. Flexibility Language submitted by Navajo County: Extend the budgetary "Flexibility Language" to use any source of county revenue to meet a county fiscal obligation for FY 2015. The Board was not in favor of using secondary taxes discretionarily for general fund expenditures.

15. County abatements; property liens submitted by Mohave County: Preserve nuisance abatement liens and dangerous property abatement liens from extinguishing on foreclosure of property taxes by investors. Mr. McDaniel added that Robert Gould, Community Development Division Director, and Michael O'Driscoll, Health and Emergency Services Division Director, are in strong support of this item. Vice-Chairman Martin stated that she feels that liens should stay with the property. Supervisor Marcanti is in favor of this item stating that it's particularly important when there is a dangerous building. Chairman Pastor stated that he conferred with Debora Savage, Gila County Treasurer, regarding this item and she was in support of this measure. Mr. McDaniel added some summary comments of items that may come up at the CSA Legislative Summit, and he stated that CSA was seeking history and information regarding the fluctuation of revenue with regard to housing federal prisoners. He deferred to Sheriff Shepherd, who informed Mr. McDaniel that this had very little impact on the County as the County house very few federal prisoners.

Vice-Chairman Martin stated that she is pleased with the first issue of the Gila County newsletter and thanked Janice Cook, Administrative Services Manager, and Ms. Griffin for their hard work in producing the first issue of the Gila County Newsletter. The newsletter has been released internally and Chairman Pastor stated that the media has also received the newsletter. He added that this was National Voter Registration Day. Between 8:00 a.m. and 5:00 p.m. people may register vote at the Gila County Recorder's Office, City of Globe, Town of Payson, and Town of Star Valley, and that interested persons may contact the Recorder's Office for information regarding registering to vote.

**Item 3 – 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 requests to speak from public.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:52 a.m.

APPROVED:

  
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Michael A. Pastor, Chairman

ATTEST:

  
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Marian Sheppard, Clerk of the Board