

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

Date: October 22, 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

---

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; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

**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. Michael O'Driscoll led the Pledge of Allegiance and Minister Bart Campbell of the Church of Christ in Globe delivered the invocation.

**Item 2 – PUBLIC HEARINGS:**

**A. Information/Discussion/Action to consider approval or denial of Planning and Zoning Case No. CUP-13-03, an application submitted by Hardscrabble LLC (Applicant is J Pak) for a Conditional Use Permit on Gila County Assessor's tax parcel number 301-21-046 located at 6261 Hardscrabble Road in Pine, Arizona and; further, if the Board of Supervisors denies this application, to authorize staff to refund the application fee.**

Robert Gould, Community Development Division Director, provided background information regarding the application described above. He stated that the current zoning on this property is transitional residential (TR) which was established approximately one year ago. At that time, the applicant was seeking C-2 commercial zoning, but after meetings with Gila County Planning and Zoning staff the request was changed to TR zoning because County staff wouldn't support the request for C-2 commercial zoning. TR zoning limits commercial development to 2,500 square feet and limits the hours of operation

from 6:00 a.m. to 11:00 p.m. Mr. Gould added that when this request came before the Planning and Zoning Commission, the motion to approve the application failed by a three to four vote.

The neighbors have expressed concerns regarding possible noise from delivery trucks, parking, obstruction of ingress and egress, and spill-over lighting that may occur from the proposed establishment. Mr. Gould is concerned about the tight easement that people would have to navigate to get to the business. Vice-Chairman Martin agreed that the easement is very tight and stated that it may not be the smallest piece of property in that area, but it is a fairly small piece. Mr. Gould also expressed concerns about the area being a very rural type of residential area and he didn't think there would be adequate parking on the lot to accommodate the residents and patrons. Vice-Chairman Martin stated that the outdoor music would be a problem and she inquired if the outside component to this Conditional Use Permit (CUP) application was the reason for the concerns from the neighbors and the Planning and Zoning Commission, to which Mr. Gould affirmed that she was correct. Supervisor Marcanti stated that he thought this area appeared to be very residential, and he expressed a concern about the two letters of opposition that were received; therefore, he was in agreement with the Planning and Zoning Commission's decision to oppose this CUP application. Chairman Pastor asked the Board members if they had any concerns with regard to refunding the CUP application fee to Hardscrabble, LLC (J Pak) to which the Board members stated respectively that there were no concerns at this time. Chairman Pastor also was unopposed to refunding the application fee and he stated, "It started out as a real estate office or a candle shop and now it's to a bar/restaurant situation in a residential area."

Chairman Pastor opened the public hearing at this time and asked for public comments of which there were none. He closed the public hearing and asked for a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board denied Planning and Zoning Case No. CUP-13-03, an application submitted by Hardscrabble LLC (Applicant is J Pak) for a Conditional Use Permit on Gila County Assessor's tax parcel number 301-21-046 located at 6261 Hardscrabble Road in Pine, Arizona and; further, authorized staff to refund the application fee.

**B. Information/Discussion/Action to adopt Resolution No. 13-10-02, which approves Gila County Planning and Zoning Case No. CUP-13-02, an application submitted by Pine Creek Cabins (Applicant/Owner is Barry Hoff) for a Conditional Use Permit on Gila County Assessor's tax parcel 301-20-015J located at 3885 N. Highway 87 in Pine, Arizona to allow for the sale of alcoholic beverages as part of the restaurant.**

Mr. Gould provided history on this item and he stated that in 2006, the Board of Supervisors approved a Conditional Use Permit (CUP) for Pine Creek Cabins

with the following two conditions: 1) Adequate parking shall be provided on site pursuant to Section 106.3 of the Gila County Zoning Ordinance, and 2) at any time the premises is the subject of a liquor or beer/wine license, this permit will immediately be referred to the Planning and Zoning Commission for appropriate action. He added that the Pine Community Center is directly across the street from this restaurant, and the Pine School and playing fields are directly behind it and it is owned by the Pine School District. He stated that it meets the 300 horizontal feet distance from a church or a public or private school with kindergarten programs or any of grades one through twelve as required by Arizona Revised Statute § 4-207. The Gila County Planning and Zoning Commission held a public hearing on September 19, 2013, and unanimously recommends the Board's approval of the Conditional Use Permit, with the following conditions: 1) All outdoor lighting shall be shielded from adjoining residential uses; 2) the primary use of this property will be a restaurant and not a place for bar patrons only; and 3) there will be no service of alcoholic beverages outside. Vice-Chairman Martin stated that she was in favor of approving this application and accepting the recommendation of the Planning and Zoning Commission.

Supervisor Marcanti expressed a concern about the opposition letter received from Mr. Cody Barlow, Superintendent of Pine Strawberry Elementary School District #12, as it related to the "300 foot rule," and he inquired as to whether or not Mr. Barlow was still in opposition. Mr. Gould explained that Mr. Barlow maintains his opposition to this CUP application. Supervisor Marcanti asked for clarification that the school building is not currently being used as a school classroom, but rather it is being used as a community center and not a full-time school. Mr. Gould affirmed that the building is not a full-time school. Mr. Barlow's letter states, "While we do not hold regular school business on this property, it is used often for school and community functions throughout the year."

Vice-Chairman Martin explained that she was unaware that the school used this property. She advised that this building is used by the Pine Senior Center, where the meals for the Meals on Wheels Program are prepared. She stated, "It's the community center where there are museums, and seniors go to take computer and adult education classes." She stated that it is a place where the older homes can be seen on both sides of Highway 87 and although there are restaurants, antique stores and shops, there are no residences between the highway and Pine Creek. Chairman Pastor posed the following question to Bryan Chambers, Deputy Attorney Principal. "If the fact that the School District owns the property, dictate that it meets the conditions of the Arizona Revised Statute that defines the 300 horizontal feet from schools and churches?" Mr. Chambers read aloud a portion of Arizona Revised Statute § 4-207, "A retailer's license shall not be issued for any premises which are, at the time the license application is received by the director, within three hundred horizontal feet of a church, within three hundred horizontal feet of a public or

private school building with kindergarten programs or any of grades one through twelve, or within three hundred horizontal feet of a fenced recreational area adjacent to such school building.” He then stated that if the school built a maintenance structure on the property, it wouldn’t necessarily invoke the 300 feet rule. Chairman Pastor reminded the Board that the Planning and Zoning Commission staff report states, “The issuance of this Conditional Use Permit is not a guarantee that the applicant will be able to obtain a liquor license.”

Chairman Pastor called for public comment; there being no requests to speak from the public, he then closed the public hearing.

Margarita Chapman, Community Development Division Code Enforcement Supervisor (via ITV in Payson), stated that two parcels across the street from the Pine Creek Cabins are owned by Pine Strawberry School District #12. Vice-Chairman Martin then asserted that these two parcels are not used for school functions. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 13-10-02, which approves Gila County Planning and Zoning Case No. CUP-13-02, an application submitted by Pine Creek Cabins (Applicant/Owner is Barry Hoff) for a Conditional Use Permit on Gila County Assessor's tax parcel 301-20-015J located at 3885 N. Highway 87 in Pine, Arizona to allow for the sale of alcoholic beverages as part of the restaurant. **(A copy of the Resolution is permanently on file in the Board of Supervisors’ Office.)**

### **Item 3 – REGULAR AGENDA ITEMS:**

**A. Information/Discussion/Action to authorize the submission of a State Grants-In-Aid Application by the Gila County Library District to the Arizona State Library, Archives and Public Records, Library Development Division, for the 2013-2014 fiscal year in the amount of \$23,000 designated to Gila County for the period July 1, 2013, through June 30, 2014.**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board adjourned as the Gila County Board of Supervisors and convened as the Gila County Library District Board of Directors. Jacque Griffin, Assistant County Manager/Librarian, stated that this is an annual submission by the Gila County Library District for State Grants-In Aid funding in the amount of \$23,000. Ms. Griffin explained that this is a non-competitive grant in which the State of Arizona allocates \$23,000 for library services to each of the Arizona counties; however, the Library District is required to **apply** for the grant. Once received, a percentage of the funds are divided into the eight Gila County libraries and a portion of the money is kept at the Library District level for use to purchase databases and electronic accesses that benefit the Library District as a whole. Upon motion by Vice-Chairman Martin, seconded by Supervisor

Marcanti, the Board unanimously authorized the submission of a State Grants-In-Aid Application by the Gila County Library District to the Arizona State Library, Archives and Public Records, Library Development Division, for the 2013-2014 fiscal year in the amount of \$23,000 designated to Gila County for the period July 1, 2013, through June 30, 2014. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board adjourned as the Gila County Library District Board of Directors and reconvened as the Gila County Board of Supervisors.

**B. Information/Discussion/Action to submit comments regarding two proposed actions by the U.S. Fish and Wildlife Service regarding delisting the grey wolf and identifying the Mexican wolf as a protected subspecies and revising the Mexican wolf's 10(j) nonessential experimental population rule.**

Ms. Griffin explained that the two draft comment letters before the Board today will be substantively the same as the final comment letters to be submitted to the U.S. Fish and Wildlife Service by the deadline of October 28, 2013. She also stated that the two separate comments for consideration are the delisting of the grey wolf from an endangered species population, which would then identify the Mexican wolf as an open subspecies of the grey wolf subject to the proposed revisions to the 10(j) nonessential experimental population rule. The forty-seven page letter is from concerned stakeholders from Arizona and New Mexico, which include the Arizona Alliance of Responsible Land Users, Bow Hunters Association, Arizona Cattle Growers' Association, National Wildlife Turkey Federation, a number of hunting groups, New Mexico Cattle Growers' Association; New Mexico Conservation District, etc. She further explained that this is a letter from all of these organizations containing information regarding concerns regarding the manner in which this issue should be managed. If the Board approves to take this action the final letters should be received by Friday, October 25, 2013. Ms. Griffin added that the County has received notification that there will be a public hearing held in Arizona by the U.S. Fish and Wildlife on these aforementioned issues; the location and date is to be determined.

Vice-Chairman expressed that she is in favor of submitting the comment letters and that the letters don't change the County's position on these matters. Supervisor Marcanti appreciated the clarification of the grey wolf and the Mexican wolf and supports submitting comments as proposed. Chairman Pastor stated the importance of submitting comments in order to have a voice with regard to these issues and he stated that constituents from all three Supervisorial Districts have expressed concerns regarding these issues. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved to submit comments regarding two proposed actions by the U.S. Fish and Wildlife Service regarding delisting the grey wolf and

identifying the Mexican wolf as a protected subspecies and revising the Mexican wolf's 10(j) nonessential experimental population rule.

**C. Information/Discussion/Action to approve on behalf of Gila County the "Memorandum of Understanding between the U.S. Fish and Wildlife Service, and the Arizona Counties of Apache, Cochise, Coconino, Gila, Mohave, and Santa Cruz and the New Mexico Counties of Catron, Cibola, Grant, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Mora, San Juan, San Miguel, Santa Fe, Sierra, and Valencia," to establish a cooperating agency relationship and a coordinating process in preparing an Environmental Impact Statement to revise the 1998 Mexican wolf nonessential experimental population rule (68FR 1752), and authorize the Chairman to sign the Memorandum of Understanding.**

Ms. Griffin stated that this request is for the Board to sign a Memorandum of Understanding (MOU) and officially become a part of a cooperating agency with the Arizona and New Mexico Counties listed above. The MOU formalizes and provides the framework for moving forward with preparing the Environmental Impact Statement and remaining in the process regarding the management of the Mexican wolf. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved on behalf of Gila County the "Memorandum of Understanding between the U.S. Fish and Wildlife Service, and the Arizona Counties of Apache, Cochise, Coconino, Gila, Mohave, and Santa Cruz and the New Mexico Counties of Catron, Cibola, Grant, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Mora, San Juan, San Miguel, Santa Fe, Sierra, and Valencia," to establish a cooperating agency relationship and a coordinating process in preparing an Environmental Impact Statement to revise the 1998 Mexican wolf nonessential experimental population rule (68FR 1752), and authorize the Chairman to sign the Memorandum of Understanding.

Chairman Pastor informed the Board that Bryan Chambers, Deputy Attorney Principal had to leave the meeting at 11:00 to be in Court. The Chairman stated that he may call a recess until Mr. Chambers returns from Court in order to address Regular Agenda item 3-F.

**D. Information/Discussion/Action to approve or reject moving forward with the final phase of the Arizona Public Service Energy Services Company, Inc.'s (APSES) Energy Audit Report, which is the design and installation of energy conservation measures as described and recommended by APSES in the Energy Audit Report. If the motion is to reject, the County shall pay APSES \$17,690 for the energy audit.**

Robert Hickman, Gila County Facilities Division Manager, presented this item for Steve Stratton, Public Works Division Director, and provided the recommendation of Mr. Stratton and the Public Works Division. He stated that

the Energy Audit Report prepared by AMERESCO was very comprehensive and well written. [Note: In 2011, AMERESCO, Inc. acquired APS Energy Services Company, Inc. (APSES).] He advised that as a result of the Energy Audit Report, the County may choose to implement some of the suggestions and ideas contained in the report for improvement to County facilities and for current strategic planning. He also stated that due to the remodeling of County facilities, it is **not** the recommendation of the Public Works Division to continue and implement this plan at this time; however, it is recommended that the County pay the fee of \$17,690 to AMERESCO for their preparation of the Energy Audit Report.

Vice-Chairman Martin and Supervisor Marcanti were in agreement with the recommendation not to implement the next and final phase of implementing the energy conservation measures contained in the Energy Audit Report.

Chairman Pastor asked if the representative from AMERESCO would like to address the Board. Leonard Byrd, AMERESCO Senior Account Representative, stated that he was not prepared to address this issue; however, he commented that he has been working with the County for two and a half years. Mr. Byrd understands the changes that have occurred in counties and renovation challenges. He commented that this is the first time a county has paid for an energy audit and has not proceeded with some level of the project. Mr. Byrd then asked for some consideration and discussion with regard to payment. He stated that the amount of \$17,690 was based on approximately 179,000 square feet at 10 cents per square foot, which the information was provided by the County. The actual audit encompasses approximately 300,000 square feet. Bryan Chambers, Deputy Attorney Principal, advised that he didn't have any comments at this time, but the Board may want to go into Executive Session at a future time to further discuss this matter. Mr. Byrd replied that he would rather converse with County Manager Don McDaniel and Gila County Staff to work out a possible implementation of a portion of the project. Chairman Pastor stated that the energy audit was very thorough and that he heard good things from a Gila County resident about AMERESCO, so the decision not to proceed with this project was not a bad reflection on the company. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously rejected moving forward with the final phase of the Arizona Public Service Energy Services Company, Inc.'s (APSES) which is the design and installation of energy conservation measures as described and recommended by APSES in the Energy Audit Report; and further to direct staff to pay AMERESCO \$17,690 for the energy audit.

Mr. Chambers left the meeting at 10:56 a.m.

**E. Information/Discussion/Action to authorize the Clerk of the Board to remove Assessor's tax parcel number 207-08-202 from the December 3, 2013, Board of Supervisors' Property Tax Sale/Auction advertisement;**

**proceed with the administrative process of selling the parcel to Gila County for \$1; and issue a quit claim deed for said sale.**

Marian Sheppard, Clerk of the Board, stated that each year the County Treasurer issues Treasurer's Deeds (TDs) deeding properties to the state of Arizona for those properties of which the property taxes have not been paid for seven (7) consecutive years. After the TDs have been recorded, they are presented to the Clerk of the Board of Supervisors Department along with related photos, maps and other pertinent information. The next step in the process is for the Clerk and the Engineering Department to review the information in order to determine if any of the properties can be utilized by the County, cities, towns or special taxing districts for a public purpose for transportation or flood control. If any such property is identified to be used for a public purpose for transportation or flood control, the Arizona Revised Statutes allow that property to be sold **before** the Board of Supervisors' annual property tax sale/auction. Steve Sanders, Public Works Division Deputy Director, identified one property of which Gila County could utilize it for a public purpose for transportation. Ms. Sheppard advised that property is identified as a part of Inspiration Drive in Central Heights; it is located behind some water tanks, and it is known as Assessor's tax parcel number 207-08-202. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board authorized the Clerk of the Board to remove Assessor's tax parcel number 207-08-202 from the December 3, 2013, Board of Supervisors' Property Tax Sale/Auction advertisement; proceed with the administrative process of selling the parcel to Gila County for \$1; and issue a quit claim deed for said sale. (Note: The Board of Supervisors' Property Tax Sale/Auction has since been scheduled for November 19, 2013.)

Chairman Pastor stated that the Board would address agenda item 3F when Mr. Chambers returned from court and he proceeded to address the remaining agenda items.

**F. Information/Discussion/Action to consider a request by an attorney, who is representing Globe Pacific Associates, for the Board of Supervisors to waive service of a summons and complaint filed in Arizona Tax Court (Globe Pacific Associates v. Gila County, TX2013-000423), and to instruct its attorney as to whether or how to defend against this action. The Board may vote to go into executive session pursuant to A.R.S. § 38-431.03(A)(3) to receive legal advice on this item and pursuant to A.R.S. § 38-431.03(A)(4) to instruct its attorney regarding whether or how to defend against the action.**

(Note: The narrative regarding this agenda item is listed after agenda item 6.)

**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 Amendment Nos. 5, 6, 7, and 8 to Contract No. A11PC00100 between the Bureau of Indian Affairs and Gila County, on behalf of the Gila County Juvenile Detention Center, of which the substantive changes include increasing the contract amount by \$30,000 for payment purposes; extending the term of the contract from March 31, 2013, to March 31, 2014, for detention and medical services; and increasing the contract amount by .01 for a total contract amount of \$113,400.01.**

**B. Approval of Amendment No. 4 to an Intergovernmental Agreement (Contract No. ADHS12-007886) between Gila County and the Arizona Department of Health Services in the amount of \$175,140.66 to continue to provide public health emergency preparedness services for the period of July 1, 2013, to June 30, 2014.**

**C. Approval of Amendment No. 2 to an Intergovernmental Agreement (Contract No. ADHS12-010890) between the Gila County Division of Health and Emergency Services and the Arizona Department of Health Services in the amount of \$5,488 for the continuation of the Commodities Supplemental Food Program (CSFP) and Senior Farmer's Market Nutrition Program (SFMNP) for the period October 1, 2013, to September 30, 2014.**

**D. Approval of a Memorandum of Understanding (MOU) between the County of Gila and the Town of Hayden, which is written in compliance with the Intergovernmental Agreement (IGA) approved by the Board of Supervisors on July 16, 2013. The Town of Hayden has applied for Community Development Block Grant Funds (CDBG) to provide housing rehabilitation within the Town of Hayden, and it is requesting that the Gila County Community Services Division provide technical support.**

**E. Approval of Amendment No. 9 to an Intergovernmental Agreement (Contract No. DE111073001) between the Arizona Department of Economic Security (DES) and the Gila County Division of Community Services, Community Action/Housing Services, changing the reimbursement ceiling for the service Case Management from \$328,344 to \$341,542 and the reimbursement ceiling for Community Services from \$150,000 to \$151,400. The Background Checks for Employment through the Central Registry section located in the DES Special Terms and Conditions is replaced in its entirety. Changes will be effective on the date of the last signature through June 30, 2014.**

**F. Approval of Amendment No. 11 to an Intergovernmental Agreement (Contract DE111006001) between the Arizona Department of Economic Security and Gila County Board of Supervisors decreasing the reimbursement ceiling from \$8,577,410 to 8,427,410. The decrease of \$150,000 is movement of Dislocated Worker funds to the Nineteen Tribal Nations Workforce Investment Area in order that they may continue to serve the dislocated workers previously reported under Gila County.**

**G. Approval to reappoint Clint Miller and Perry Schaal to serve a 4-year term of office on the Gila County Building Safety Advisory and Appeals Board, from January 1, 2014, to December 31, 2017.**

**H. Authorization of the Chairman's signature on Amendment No. 1 to Contract No. 062512-1 between Gila County and WCD Enterprises, LLC to extend the contract per Exhibit "C"-Term and Renewal, for the period of September 18, 2013, to September 17, 2014; and to provide for janitorial services for southern Gila County.**

**I. Acknowledgment of the August 2013 monthly activity report submitted by the Recorder's Office.**

**J. Acknowledgment of the September 2013 monthly activity report submitted by the Clerk of the Superior Court's Office.**

**K. Acknowledgment of the September 2013 monthly activity report submitted by Payson Regional Constable's Office.**

**L. Acknowledgment of the September 2013 monthly activity report submitted by the Payson Regional Justice of the Peace's Office.**

**M. Acknowledgment of the September 2013 monthly activity report submitted by the Globe Regional Justice of the Peace's Office.**

**N. Approval of the September 17, 2013, September 24, 2013, September 27, 2013, October 1, 2013, and October 8, 2013, Board of Supervisors meeting minutes; and October 1, 2013, and October 8, 2013, Board of Equalization meeting minutes.**

**O. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of September 16, 2013, to September 20, 2013; September 23, 2013, to September 27, 2013; and September 30, 2013, to October 4, 2013.**

**P. Approval of finance reports/demands/transfers for the weeks of October 8, 2013, October 15, 2013, and October 22, 2013.**

**October 8, 2013**

\$429,427.41 was disbursed for County expenses by check numbers 257071 through 257213.

**October 15, 2013**

\$1,451,541.41 was disbursed for County expenses by check numbers 257214 through 257358.

**October 22, 2013**

\$701,217.51 was disbursed for County expenses by check numbers 257359 through 257508. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda action items 4-A through 4-P.

**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 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.

**3F. Information/Discussion/Action to consider a request by an attorney, who is representing Globe Pacific Associates, for the Board of Supervisors to waive service of a summons and complaint filed in Arizona Tax Court (Globe Pacific Associates v. Gila County, TX2013-000423), and to instruct its attorney as to whether or how to defend against this action. The Board may vote to go into executive session pursuant to A.R.S. § 38-**

**431.03(A)(3) to receive legal advice on this item and pursuant to A.R.S. § 38-431.03(A)(4) to instruct its attorney regarding whether or how to defend against the action.**

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously voted to go into executive session at 11:15 a.m. pursuant to A.R.S. § 38-431.03(A)(3) to receive legal advice on this item and pursuant to A.R.S. § 38-431.03(A)(4) to instruct its attorney regarding whether or how to defend against the action.

Chairman Pastor reconvened the meeting at 11:39 a.m. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved to take the advice of its attorney and waive the service of a summons complaint and instruct its attorney to defend the County as discussed in the Executive Session.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:42 a.m.

APPROVED:

  
\_\_\_\_\_  
Michael A. Pastor, Chairman

ATTEST:

  
\_\_\_\_\_  
Marian Sheppard, Clerk of the Board