

PURSUANT TO A.R.S. SECTION 38-431 THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). **ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING VIA ITV WHICH IS HELD AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM, PAYSON, ARIZONA.** THE AGENDA IS AS FOLLOWS:

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**WORK SESSION - TUESDAY, DECEMBER 7, 2010 - 10 A.M.**

- 1 Call to Order - Pledge of Allegiance
- 2 Presentation/Discussion regarding Redistricting of Gila County and Proceeding with an Application to the Department of Justice to Bailout from Section 5 Obligations Pursuant to the Voting Rights Act of 1965.
- 3 Presentation/Discussion regarding a report of recently completed Secure Rural Schools Title II Grant, and an analysis and evaluation of potential projects for Secure Rural Schools Title II Special Projects application for 2011 Title II grant funds that will become available in 2011 in the estimated amount of \$432,000 for projects in Gila County. **(Jacque Griffin, Steve Stratton, Steve Sanders)**
- 4 Presentation/Discussion regarding the Boards, Commissions, and Committees Report and an analysis and evaluation of each BC&C's current status of compliance with applicable statutes, laws, policies and procedures.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. SECTION 38-431.03(A)(3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

**Work Session**

**Date: 12/07/2010**

Submitted For: Linda Eastlick, Elections Submitted By: Linda Eastlick, Elections  
Director  
Department: Elections  
Presenter's Name: Linda Eastlick

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Information

Request/Subject

Presentation/Discussion regarding redistricting of Gila County and proceeding with an application to the Department of Justice to bailout from Section 5 obligations pursuant to the Voting Rights Act of 1965.

Background Information

Redistricting: ARS 11-212 requires the Board of Supervisors to meet following the decennial census and divide the county into supervisorial districts. Thus, redistricting for Gila County will be done in 2011. The Board of Supervisors may appoint a citizens Redistricting Committee. The Redistricting Committee will work under the auspices of the Board of Supervisors, the Gila County Director of Elections, and consultants from Federal Compliance Consulting to obtain public input, hold public hearings, and review alternative redistricting plans.

Bailout: The State of Arizona entered into a Consent Decree with the United States Department of Justice (DOJ) on November 1, 1972 due to prior discriminatory voting practices. This original 25-year consent decree has been extended for another 25 years and requires every jurisdiction in the County which holds elections to pre-clear with the DOJ any change that impacts voters, including forms, polling sites, mail elections, etc. The County would like to "bailout" of this very expensive and time-consuming process for all affected jurisdictions.

Evaluation

In order to proceed with these two major projects, we have arranged for our consultants, Bruce Adelson, a former DOJ Civil Rights Division Senior Attorney, and Tony Sissons, a Census project management expert to meet with the Board of Supervisors. The consultants will provide the Board with background information and recommendations for progressing the redistricting and bailout processes and the Board can provide input and direction for the the consultants and County staff. In addition to presentations by the consultants, there will be open discussion about the information provided by the consultants and that the Board provide direction for proceeding with the projects.

A new resolution of the Board of Supervisors establishing guidelines for the selection of the Gila County Redistricting Committee will also be discussed. It is intended that content of the resolution be discussed and staff be directed to finalize the resolution for adoption at the December 14, 2010 meeting.

Conclusion

These presentations and the open discussion of Redistricting and Bailout with the Board of Supervisors will provide opportunity for the Board to provide important input and direction to these two projects. Both projects are complex and will be subject to much scrutiny on the part of the public, elected officials, County jurisdictions and the Department of Justice. A firm understanding of legal requirements and the Board of Supervisors desires is critical to ensuring the successful outcome of both projects.

### Recommendation

Arrange for Bruce Adelson and Tony Sissons to make presentations to the Board of Supervisors on the topics of Redistricting and Bailout. Conduct open discussion of both Redistricting and Bailout with the Board of Supervisors, consultants, and County staff. Receive direction from the Board of Supervisors.

### Suggested Motion

Presentation/Discussion regarding Redistricting of Gila County and Proceeding with an Application to the Department of Justice to Bailout from Section 5 Obligations Pursuant to the Voting Rights Act of 1965.

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### Attachments

Link: [Redistricting/Bailout Consultant Background and Experience](#)

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## **Federal Compliance Consulting LLC**

### **Our Redistricting Expertise**

CEO Bruce L. Adelson is a former U.S. Department of Justice, Civil Rights Division Senior Attorney. During his Department of Justice career, Bruce had national enforcement responsibility for all federal voting laws. Bruce is a nationally recognized expert concerning the U.S. Department of Justice, federal voting laws, Section 5 of the Voting Rights Act, redistricting, and federal mandates for non-English language assistance.

Bruce L. Adelson's U.S. Department of Justice career gives him unique experience and insight into the Section 5 preclearance process and its application to redistricting.

During his DOJ career, Bruce was the team leader for the U.S. Attorney General's Section 5 review of many redistricting plans during the 2000 redistricting cycle, especially in Arizona. During the 2000 redistricting cycle, Bruce was the Department of Justice's team leader for the Section 5 review of the City of Phoenix's City Council redistricting plan and Arizona's Congressional and legislative redistricting plans. His team's analysis led to the Department of Justice's rejection of Arizona's 2002 legislative redistricting plan.

During his U.S. Department of Justice career, Bruce L. Adelson was the U.S. Attorney General's team leader for Section 5 review and analysis of many redistricting plans during the 2000 redistricting cycle, including but not limited to the following:

- State of Texas - several counties' redistricting plans for Commissioners, Justice of the Peace, and Constable precincts;
- Additional redistricting plans in Alabama, Mississippi, New York, and South Carolina

To the best of his knowledge, Bruce L. Adelson is the only private practice attorney in the United States with Department of Justice legal redistricting experience from the 2000 redistricting cycle who is now advising jurisdictions about the requirements of federal voting laws, especially Section 5 of the Voting Rights Act, and redistricting.

Bruce has provided technical assistance and/or given presentations about federal voting laws to many organizations, including: National Association of State Election Directors; National Association of County Recorders and Clerks; International Municipal Lawyers Association; Arizona Secretary of State's Election Officers Certification & Training Program; Arizona Attorney General; Arizona State Bar; Arizona League of Cities and Towns; New Mexico County Clerks Association; and Texas District and County Attorneys Association

For the 2010 redistricting cycle, Bruce L. Adelson is meeting with local officials to explain the Section 5 preclearance process, relying upon his inside knowledge of and expertise concerning the U.S. Department of Justice and the Obama administration's approach to Section 5 enforcement, including but not limited to a discussion of DOJ's new Section 5 regulations. These

meetings are a unique aspect of Bruce's practice and are unavailable elsewhere. Bruce also conducts a specialized pre-redistricting review to discover any unprecleared voting changes and other Section 5 issues that could adversely impact his clients' 2010 redistricting prospects.

### **Endorsements of Bruce L. Adelson**

I worked with Bruce Adelson on a regular basis handling state preclearance submissions when I served as the State Election Director (1997-2002) and as a Special Counsel at the Arizona Attorney General's Office (2003-2006). Bruce is extremely helpful in explaining the mysteries and practicalities of DOJ... Bruce is very creative in suggesting procedures that will avoid problems in the future and which might increase the credibility of the state when working with the Department of Justice. In short, Bruce is a gifted communicator, collaborator and negotiator. I believe anyone would be well-served in having Bruce Adelson on his or her team.

Jessica Gifford Funkhouser  
Attorney at Law  
Phoenix, Arizona  
Former Arizona State Election Director  
Former Special Counsel to the Arizona Attorney General

I am convinced that Bruce is one of the most knowledgeable individuals on the Voting Rights Act and in particular, Section 5 of the Act.

Joseph Kanefield  
Attorney at Law  
Phoenix, Arizona  
Former Arizona State Elections Director

I have known Bruce Adelson for many years. I worked with Bruce in different capacities while at the Secretary of State's Office and remained in contact with Mr. Adelson since I have been with the City of Peoria. I always found Bruce to be helpful. Contacting the Department of Justice can be a scary thing to do – at any level. Knowing that I would work with Bruce made the contact less frightening.

Mary Jo Waddell  
Former Arizona State Elections Director  
Former Peoria (AZ) City Clerk

## **R. Anthony Sissons**

Since 1987 Tony Sissons, who is president of Research Advisory Services, has provided a broad range of decision-support services to state and local governments, private companies, and non-profit organizations. He has a strong professional background in research methods, evaluation techniques, quantitative analysis, statistical inquiry, Census demographics, and project management. He is a member of the American Planning Association, Arizona Planning Association, Forensic Expert Witness Association, and Arizona Governor's Council on Workforce Policy. His services specialize in the analysis of data about geographic areas - Census blocks and tracts, Zip Codes, voting precincts, land parcels, and traffic analysis zones. To manage and analyze very large files of data about thousands of small areas, he relies on geographic information system (GIS) software and database management programs. Past clients include cities and towns, county government, economic development organizations, educational organizations, law firms, and social service organizations.

Mr. Sissons provides well-researched facts and substantiated conclusions which are key to gaining the credibility needed to achieve desired results. He is a respected statewide authority in helping decision-makers get the answers they need using reliable and defensible data. He works closely with his clients in helping them represent their interests to state and local policy makers with research findings that are compelling and factually sound. He has developed sophisticated techniques for simplifying voluminous databases by: examining and displaying statistical relationships between variables, using proprietary methods for identifying and extracting relevant data, and creating thematic maps to display the geographic distribution of demographic data. He has amassed a large holding of Arizona focused data files, computer models, GIS layers and analysis methods.

**Work Session**

**Date: 12/07/2010**

Submitted For: Jacque Griffin, BOS Liaison to Eastern AZ RAC  
Submitted By: Jacque Griffin, Library District  
Department: Public Works Division Division: Administration  
Presenter's Name: Jacque Griffin, Steve  
Stratton, Steve Sanders

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Information

Request/Subject

Potential projects for Secure Rural Schools Title II Special Projects application for 2011

Background Information

The State Secure Rural Schools (PL-110-343) Program 2008-2011 includes provisions for Title II Special Projects on Federal Lands. This Act authorizes the use of area Resource Advisory Committee (RACs) as a mechanism for local community collaboration with federal land managers in recommending Title II projects on federal lands, or that will benefit resources on federal lands. The timing of the process this year allows us to have a thorough discussion of the potential options for grant requests prior to the submission.

Evaluation

Secure Rural Schools Title II Special Projects are recommended by resource advisory committees and approved by the Secretary of Agriculture or designee, such as a Forest Supervisor or District Ranger. The five eastern counties in Arizona (Apache, Gila, Graham, Greenlee and Navajo) make up the geographical area for the Eastern Arizona RAC. Requests for proposals are handled by Apache-Sitgreaves Forest Service staff and presented to the Eastern Arizona RAC for its review and recommendations. Last year we were successful in obtaining an important and substantial Title II grant to assist with improving Forest Road 512. We will be making a brief report regarding this successful project.

In January 2011, the RFP process will begin for the next round of Title II Special Project grants. While the Forest Service Liaison does not have a firm date for beginning the RFP process at this time, she has estimated that the RFP will open sometime between the first and the middle of January 2011, and will close around the end of February 2011. We would like to take this time to discuss some of the potential projects that; (1) fit the criteria outlined in the rules for the program, (2) have been identified in the Gila County Small Area Transportation Study (SATS), and (3) provide a substantial benefit to the residents of Gila County. While exact dollar amounts have not been announced, we are estimating that \$432,000 will be available for projects in Gila County.

Title II funds may be used for projects that improve the maintenance of existing infrastructure, implementing stewardship objectives that enhance forest ecosystems and resourcing and improving land health and water quality.

Conclusion

Secure Rural Schools Title II Special Projects are on national forests, or directly benefit national forest lands. They need to have broad based support, help foster cooperative relationships, are reviewed and recommended by the area Resource Advisory Committee and are approved by the Forest Service. Since Forest Service land comprises such a substantial portion of Gila County, we need to ensure that our best projects are presented to the RAC for its review and recommendation.

### Recommendation

We are asking for a thorough review, discussion, and comments from the Board of Supervisors regarding the proposed projects for consideration for the next round of Secure Rural Schools Title II Special Projects application for 2011.

### Suggested Motion

Presentation/Discussion regarding a report of recently completed Secure Rural Schools Title II Grant, and an analysis and evaluation of potential projects for Secure Rural Schools Title II Special Projects application for 2011 Title II grant funds that will become available in 2011 in the estimated amount of \$432,000 for projects in Gila County. **(Jacque Griffin, Steve Stratton, Steve Sanders)**

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### Attachments

Link: [Title II Overview](#)

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## Secure Rural Schools Program, 2008-2011

### Title II – Special Projects on Federal Land

- Title II projects are recommended by resource advisory committees and approved by the Secretary or designee such as Forest Supervisor or District Ranger. Title II funds may be used for making additional investments in, and creating additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implementing stewardship objectives that enhance forest ecosystems, and restoring and improving land health and water quality. Projects shall enjoy broad based support with objectives that may include, but not limited to:
  - Road, trail, and infrastructure maintenance or obliteration;
  - Soil productivity improvement;
  - Improvements in forest ecosystem health;
  - Watershed restoration and maintenance;
  - Restoration, maintenance and improvement of wildlife and fish habitat;
  - Control of noxious and exotic weeds; and
  - Re-establishment of native species.
- At least 50 percent of all Title II funds must be used for projects that are primarily dedicated to:
  - Road maintenance, decommissioning, or obliteration; or
  - Restoration of streams and watersheds.
- Title II projects recommended by Resource Advisory Committees (RACs) must be within the RAC's geographical boundary.

### Submitting Title II Project Proposals

- The Act requires RACs to submit Title II project proposals to the Secretary by September 30 of each year. Most RACs review and recommend projects throughout the year.
- Each proposed project description should include the following:
  - The purpose of the project and a description of how the project will meet the purposes of the Act;
  - The anticipated duration of the project;
  - The anticipated cost of the project;
  - The proposed source of funding for the project, whether project funds or other funds;
  - Expected outcomes;
  - A detailed monitoring plan; and
  - An assessment that the project is to be in the public interest

### Evaluation and Approval of Title II Projects

- The Secretary, or designee such as Forest Supervisor or District Ranger, may approve a project submitted by a RAC only if the proposed project satisfies each of the following conditions:
  - The project complies with all applicable Federal laws and regulations;

- The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary of Agriculture;
  - The project has been recommended by the RAC in accordance with the Act;
  - A project description has been submitted by the RAC to the Secretary in accordance with the Act;
- The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.
  - The Secretary may request that a RAC agree to use project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with a proposed project. If the RAC does not agree to the expenditure of funds then the Secretary shall consider the project withdrawn from further consideration.
  - A decision by the Secretary to reject a proposed project shall be at the Secretary's sole discretion. A decision by the Secretary to reject a proposed project shall not be subject to administrative appeal or judicial review.
  - Within 30 days after the Secretary's decision to reject a proposed project, the Secretary shall notify the RAC in writing of the rejection and the reasons for rejection.
  - The Secretary shall publish in the Federal Register a notice of each project approved if such notice would be required had the project originated with the Secretary.
  - Contracts, grants, and cooperative agreements with states, local governments, private and nonprofit entities, landowners and other persons may be used to assist the Secretary in carrying out an approved project.

## **Use of Title II Project Funds**

- After the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary and the RAC shall enter into an agreement addressing, at a minimum, the following:
  - The schedule for completing the project;
  - The total cost of the project, including the level of agency overhead to be assessed against the project;
  - For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out; and
  - The remedies for failure of the Secretary to comply with the terms of the agreement.
- The Secretary may decide to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.
- As soon as the Secretary and the RAC have reached agreement with regard to a project to be funded, the Secretary shall transfer the proper funds to the Forest Service. The Forest Service shall not begin a project until the project funds are available.

## **Availability of Title II Project Funds**

- Counties shall notify the Secretary of Agriculture of its allocation of funds to Title II no later than September 30 of each fiscal year. By September 30 of each fiscal, a RAC shall submit to the Secretary a sufficient number of project proposals that if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.
- Unobligated project funds shall be available for use as part of a RAC project submission in the next fiscal year. Any project funds not obligated by September 30, 2012, will be returned to the U.S. Treasury.

**Work Session**

**Date: 12/07/2010**

Submitted For: Don McDaniel, County Manager      Submitted By: Marian Sheppard, Clerk of the Board of Supervisors

Department: County Manager

Presenter's Name: Don McDaniel

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Information

Request/Subject

Gila County Boards, Commissions and Committees (BC&C) Review

Background Information

The Board of Supervisors appoints and/or is responsible for several BC&Cs in Gila County. Some of the BC&Cs are created by the Board, some are created by Statute and some by outside agencies but all must conform to various sections of Arizona State Statutes. Ultimately the Board is responsible for the lawful conduct and operation of each of the BC&Cs. To assist in this effort it was necessary to research and report on all known BC&Cs and prepare a compilation of the findings in one comprehensive report. The BC&C Report was presented to and approved by the Board of Supervisors at its October 26, 2010, Regular Meeting.

Evaluation

The Board approved the BC&C Report subject to the following conditions: 1) that future Work Sessions will be held to further review specific BC&Cs, 2) that the BC&C Report be completed, 3) that a BC&C coordinator be named by the County Manager, 4) that the coordinator name a staff liaison to each BC&C, 5) that each BC&C be informed and trained as to Arizona Open Meeting Laws as amended, 6) that the Report be maintained as up to date, and 7) that each BC&C report to the Board on a regular basis.

At this Work Session staff will discuss with the Board of Supervisors, each Board, Commission or Committee in the order they are listed in the Report. Items to be reviewed will be as follows: date of creation, legal basis for the group, bylaws, charter, legally and officially assigned areas of responsibility, assigned, appointed and retained legal counsel, operation procedures, Corporation Commission status, membership, terms of office, appointing authority, County staff or department liaison, meeting schedule and location, record keeping authority and location, last two years of expenditure amounts and for what, funding sources and amounts, and historical and recent significant actions and accomplishments.

Conclusion

Staff estimates that in this Work Session all of the Board of Supervisors' boards and districts as well as the Industrial Development Authority (IDA) will be covered. Depending upon the findings during the review, it may be appropriate to have a further discussion and invite the IDA Board to a future Work Session.

Recommendation

Staff is proposing to have a complete review and discussion of each BC&C in the BC&C Report previously provided to the Board of Supervisors. Please bring your copy of the Report for reference. Any items discovered that need Board action will be placed on a future Regular Meeting agenda for action.

Suggested Motion

Presentation/Discussion regarding the Boards, Commissions, and Committees Report and an analysis and evaluation of each BC&C's current status of compliance with applicable statutes, laws, policies and procedures.

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