

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

Date: June 18, 2013

MICHAEL A. PASTOR
Chairman

MARIAN E. SHEPPARD
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marian Sheppard
Clerk of the Board

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 McDaniel, Jr., County Manager and Marian E. Sheppard, Clerk.

ABSENT: Bryan Chambers, Deputy Attorney Principal

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. Marilyn Brewer led the Pledge of Allegiance.

2. REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to consider the following reappointments to the Industrial Development Authority Board of Directors for an additional six years, as follows: Fred Barcon (05/08/13-05/07/19), William A. Byrne (05/15/13-05/14/19), Gerald Kohlbeck (05/14/13-05/13/19) and Mickie Nye (05/15/13-05/14/19); and to acknowledge the resignation of Mark Marcanti from said Board; and further, that the discussion of the direction, purpose and membership of the IDA be continued until staff has researched and is prepared to lead a discussion on the matter at a future Work Session.

Don McDaniel, County Manager, advised that this item was continued from a previous Board meeting. He stated that staff is not fully prepared to discuss some matters with regard to the purpose of the IDA, etc.; however, he did state that the reappointments of IDA Board members could be considered today by the Board.

Vice-Chairman Martin questioned the process for placing items on a Board meeting agenda. She stated, "My main question on this whole thing is how we get these names on this agenda as recommendations for this whole Board to take action on? Who makes the recommendation? Is this a self-appointing Board? Does the IDA make the recommendations? How did they get on this particular agenda? I didn't make these recommendations. Did you all make these recommendations? Did the Manager make the recommendations? Did the Clerk make the recommendations? Did the IDA make the recommendations?...I realize from a legal standpoint, the Board takes actions on recommendations made. Where I don't know any more is where the recommendations come from." She further stated that she feels that the Board should discuss the process for making recommendations to boards, commissions and committees of the Board of Supervisors as she feels this is one of the more important duties of this Board. She advised that in the past, each Supervisor made recommendations for the appointment/reappointment of IDA members to make sure the representation was equal throughout the County.

Mr. McDaniel replied that the law is open with regard to the process for making recommendations for appointment/reappointment to the IDA Board; however, the law is clear on the process for the Board of Supervisors to appoint IDA Board members. He stated, "Once the IDA is up and running, basically it's its own separate entity, but the law still requires the Board of Supervisors to appoint/reappoint its members." He then referenced the staff report for this agenda item and reviewed the letters attached to the agenda item, as follows: 1) April 22, 2013, letter submitted by Fred Barcon, IDA President, to Supervisor Pastor notifying him that IDA Board Member Mark Marcanti had submitted a letter of resignation and he requested the Board of Supervisors to seek a replacement to fill this vacancy; 2) April 24, 2013, letter submitted by William Long, IDA Vice President, to Supervisor Pastor requesting the Board of Supervisors' reappointment of IDA Board Members Fred Barcon and Gerald Kohlbeck; and 3) April 25, 2013, email submitted by Sandy Palmer, IDA Administrative Manager, to Marian Sheppard, Clerk of the Board, verifying that William Byrne and Mickie Nye are seeking reappointment to the IDA Board as their terms of office have expired. Mr. McDaniel stated, "That is how these got here (to the agenda.) It is still the Board's decision. That is the significant matter in all of this...In the past, it is my understanding that because the maximum number of IDA Board members is 9, that it's been the unwritten policy of this Board of Supervisors that each Board member would appoint 3 members and, again, not necessarily by (Supervisory) district because there is no requirement by law that they represent the district. They can be from any place in the County. An example of that would be, I believe, District 1 had appointed Fred Barcon as the member on the Board and he doesn't live in that district..."

For the record, Vice-Chairman Martin clarified that the Supervisors “recommended” the IDA Board appointments in the past and the Board would take action to appoint them. She went on to state “The way that this looks, it is evolved much like our Fair Board, and is a self-appointing board with the way this is right now. Are we going to allow it to evolve in that direction or do we go back and reserve the right to make recommendations?”

Chairman Pastor suggested that a discussion should take place at this meeting, so there is an official record of the direction the Board wants to take with regard to future appointments/reappointments to the IDA Board. As clarification, he repeated that Vice-Chairman Martin was recommending that from this point forward each Board member would recommend 3 members for the Board of Supervisors’ appointment/reappointment to the IDA Board and those 3 members would represent that Supervisor’s district, but would not be required to reside in that district. All Board members agreed to that process of recommending 3 members to represent their district and further agreed that the members do not need to reside in a supervisorial district in order to represent that district. He further stated that in recent discussions he had with the Clerk of the Board, there are certain appointments that could be made in this way; however, other boards, commissions and committees under the purview of the Board of Supervisors may have statutory requirements for appointment.

Supervisor Marcanti and Chairman Pastor agreed with Vice-Chairman Martin’s recommendation.

Chairman Pastor reviewed the vacancies on the IDA Board. Mr. McDaniel clarified that the Board has the authority to make the reappointments today as listed on the agenda item, but the vacancies could not be filled today as they were not listed on the agenda for Board action. Vice-Chairman Martin requested that no Board action be taken at this time with regard to the reappointments.

Chairman Pastor suggested that Mr. McDaniel place this item on the Board’s July 16th agenda and he made a request to the public that anyone interested in serving on this Board, please submit their interest in writing to the Board by no later than July 4th, so that the Board could make appointments on July 16th.

The Board agreed that due to recent resignations from Mark Marcanti and Ray Pugel, and one other vacancy, there are a total of 3 vacancies on this Board. On July 16th, the Board will consider filling those vacancies and also consider the reappointments of William Byrne, Mickie Nye, Gerald Kohlbeck and Fred Barcon.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board tabled taking action on the reappointments as stated on the agenda item, agreed that from this point forward the 9-member Board would be represented by each supervisorial district and that member would not be required to live within the supervisorial district he/she represents, and that the appointments/reappointments to the IDA Board be placed on the Board's July 16th meeting agenda.

3. 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(H), action taken as a result of public comment will be limited to responding to criticism made by those who have addressed the Board of Supervisors, may ask staff to review the 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 10:24 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board

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.