

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

Date: January 17, 2014

**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; 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 special session at 4:00 p.m. this date in the Board of Supervisors' hearing room. Eric Mariscal led the Pledge of Allegiance.

**Item 2 – REGULAR AGENDA ITEMS:**

**A. Information/Discussion/Action to consider an Order to call a Special Election of the Pine-Strawberry Water Improvement District Board of Directors for May 20, 2014; or, to place the election of the Pine-Strawberry Water Improvement District Board of Directors on the November 4, 2014 consolidated ballot.**

Eric Mariscal, Elections Department Director, stated that upon further consultation with Bryan Chambers, Deputy Attorney Principal, an addendum to the information provided in this agenda item needed to be included with regard to the number of candidates required to run again for office in the November 4, 2014, election. He stated that the entire Board of Directors for the Pine-Strawberry Water Improvement District (PSWID) would not have to run again for office in November; rather, the Board would need to split up into two classes. One class would serve a four-year term of office and the other class would serve a two-year term of office. The class that serves a two-year

term would be required to run for election of office again on November 4, 2014, in order to comply with the statutory requirement of staggered election terms.

Chairman Pastor clarified with Mr. Mariscal that if an election is called for seven board members in May, four of the board members would have a four-year term and three board members would have a two-year term. Vice-Chairman Martin asked for clarification and Chairman Pastor inquired of Mr. Mariscal what would happen if the Board chose to have the election in November. Mr. Mariscal explained that if the PSWID Board of Directors is elected on November 4, 2014, at that time the two classes would be identified and one class would serve for four years and one class would serve for two years. At the end of two years that class would then, if re-elected, serve for four years. Supervisor Marcanti inquired as to the class that serves the two-year term. In the event that there aren't any other candidates running against those Board members, he asked if the election could be cancelled. Mr. Mariscal replied that according to statute, the election could be cancelled and the Board of Directors could appoint the members to remain on the Board with the same authority as when they were elected.

Mr. Chambers read aloud Arizona Revised Statute §48-1012 (B) and advised that this statute is the "pattern" that needs to be used once the PSWID Board of Directors is elected. At the first meeting of the newly elected PSWID Board of Directors, the Board would divide its members into two classes as equal in number as possible; in this case three and four. The Board of Directors would then determine whether four members will serve four years and three members will serve two years or vice versa. He added that the Board of Supervisors does not need to determine this once the seven member Board of Directors is elected and the protocol would be the same whether there is an election in May or November.

Chairman Pastor stated that during the PSWID meeting that was held on January 16<sup>th</sup>, it was mentioned several times that there were people that signed the recall election petition who are not full-time residents of Pine or Strawberry and he inquired of Mr. Mariscal if that was legal. Mr. Mariscal explained that those who sign a petition or cast a ballot are required to be a resident or own property in the PSWID.

Vice-Chairman Martin acknowledged that the selection of a Board of Directors for the PSWID is a very contentious issue among the residents of Pine and Strawberry. It was initially her preference to wait until November to have an election "in order to not make any decisions in the heat of battle"; however, after attending last night's meeting of the PSWID, Vice-Chairman Martin believes the tensions among the residents won't diminish in the near future, so she recommended that the Board of Supervisors call for an election in May in order to "let the citizenry deal with their local issue."

Supervisor Marcanti publicly acknowledged and thanked the residents from Pine and Strawberry who attended the Board of Directors' meeting on January 16<sup>th</sup> and for sending letters and emails regarding the pros and cons of this issue. He added that the PSWID residents should be able to make their own decisions regarding budgets and financial statements because the residents are the ones affected by those decisions.

Chairman Pastor advised that throughout his tenure in office over the past five year, he has received emails from concerned citizens regarding issues of the PSWID. In the past 2½ to 3 months he has received emails, letters and has had personal contact with many residents, not to mention reading various news articles that have been written about the PSWID. He stated, "I think it is a more serious issue than just passing it (authority over the PSWID) along to residents of the community without (providing) some direction for them to follow." He stated that there was approximately a "50/50 split" of the community during the January 16<sup>th</sup> meeting on whether or not an election should be held on May 20<sup>th</sup>. Chairman Pastor advised that he would prefer to have the election conducted in November; however, he would consider voting for a May election if that is the choice of the other Board members. If the Board votes to call for a May election, Chairman Pastor wants County staff to place an item on a future PSWID meeting agenda for the Board of Directors to consider ordering a financial and managerial audit of the PSWID by an outside firm. He also wants a meeting of the PSWID Board of Directors to be scheduled *before* the May election in order to present the results of the audit to all concerned citizens.

Vice-Chairman Martin made a motion to adopt the Order to call a Special Election of the Pine-Strawberry Water Improvement District Board of Directors for May 20, 2014, which was seconded by Supervisor Marcanti. Chairman Pastor voted in opposition to adopting the Order; therefore, the vote passed by a 2 to 1 vote.

At Vice-Chairman Martin's request, Chairman Pastor asked Mr. Mariscal to advise the Board and the public as to the next steps in this process. Mr. Mariscal stated that beginning January 21<sup>st</sup>, the packets for candidate filing will be available at the Elections Department in Globe; the Payson County office, which is Vice-Chairman Martin's office; as well as the PSWID office. The candidate filing period is from January 21, 2014, to February 9, 2014, at 5:00 p.m. and the packets will contain all of the pertinent information and instructions necessary to prepare for the May 20, 2014, Special Election. Chairman Pastor advised the public that Mr. Mariscal would deliver the packets by approximately 9:00 a.m. and packets could be obtained at that time from the locations as stated above.

Mr. McDaniel confirmed for the record that the action of the Board was to sign the Order to call for the Special Election on May 20, 2014. Chairman Pastor

advised that Mr. McDaniel was correct and he then directed Mr. Mariscal to include the Order to Call a Special Election in the candidacy packets. Mr. Mariscal stated that he would comply with the directive to add the Order to Call a Special Election to the candidacy packets.

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.

Fred Krafczyk of Tempe, Arizona stated that he and his wife own property in Strawberry, Arizona and that he had a concern that holding an election in May is not sufficient time to obtain and prepare the candidates. He proposed that in addition to the May election that a committee be formed from community citizens, not PSWID Board members, to provide equal representation from both points of view.

Richard James, of Strawberry, Arizona requested that the Board of Supervisors answer the list of questions that were sent in an email as well as brought up at the January 16<sup>th</sup> PSWID meeting and he thanked the Board for calling for the May 20, 2014 Special Election.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 4:25 p.m.

APPROVED:

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Michael A. Pastor, Chairman

ATTEST:

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Marian Sheppard, Clerk of the Board