

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

Date: August 17, 2015

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; John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Michael Scannell, Deputy County Manager; Jacque Griffin, Assistant County Manager/Librarian; Bryan B. Chambers, Deputy County Attorney/Civil Bureau Chief; Jefferson R. Dalton; Deputy County Attorney Principal; 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. Bryan Chambers led the Pledge of Allegiance and Carl Peterson of the Payson United Methodist Church (via ITV) delivered the invocation.

At 10:04 a.m., Chairman Pastor recessed the meeting to recognize Bryan Chambers' appointment by Arizona Governor Douglas Ducey to serve as Gila County Division I Superior Court Judge.

At 10:19 a.m., Chairman Pastor reconvened the meeting.

Item 2 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to adopt Proclamation 2015-09 proclaiming September 2015 as Childhood Cancer Awareness Month in Gila County.

Michael Pastor, District II Supervisor, stated that the Board of Supervisors received a letter in July 2015, from Mr. Steven Firestein, M.A., Volunteer Director, American Cancer Fund for Children, Inc., asking the Board to consider adopting a proclamation recognizing September as Childhood Cancer Awareness Month in Gila County. He added that locally, the Dylan Earven Foundation provides services to families affected by childhood cancer in Gila

County. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Proclamation 2015-09 proclaiming September 2015 as Childhood Cancer Awareness Month in Gila County. Chairman Pastor added that September 5, 2015, is the 3rd Annual Dylan Earven Foundation Run 5K-1K Walk/Run and Trike/Bike Race at Miami High School. He has attended the event in past years, and stated that historically approximately 20-25 bikes were raffled off. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

B. Information/Discussion/Action to adopt Proclamation No. 2015-10 proclaiming August 2015 as Child Support Awareness Month in Gila County.

Jeff Dalton, Deputy County Attorney Principal, stated that since approximately 1995, the United States has been honoring Child Support Awareness Month during the month of August. He added that the Board of Supervisors has had a contract with the State of Arizona in excess of 20 years, which is administered by the Gila County Attorney's Office, Division of Child Support Services, to enforce child support locally. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Proclamation No. 2015-10 proclaiming August 2015 as Child Support Awareness Month in Gila County. **(A copy of the Proclamation is permanently on file in the Board of Supervisors' Office.)**

C. Information/Discussion/Action to approve the distribution of \$1,442,908.95 of Gila County's share of Federal FY2014 Secure Rural Schools Act funds, as authorized through section 24 of P.L. 114-10, for FY2014-15 as follows: \$49,000 to Roads and \$1,393,908.95 to Gila County School Districts.

Dr. Linda O'Dell, (via ITV) advised that Secure Rural Schools (SRS) and Communities funding is intended to provide assistance to rural counties negatively affected by unrealized revenues from publicly held lands. Funds generated by Title I of the SRS Acts have been used for schools and roads - to create employment opportunities, to maintain current infrastructure and to improve the health of watersheds and ecosystems. Twenty percent of Gila County's total allocation goes to a regional Resource Advisory Committee for distribution. The remaining 80% of the Title I funds is allocated to the Board of Supervisors for distribution and use by Roads and School Districts. Before the SRS Act was reauthorized in April 2015, the 1908 Act (16 U.S.C. 500) requiring 25-percent payments governed the distribution of payments to States for FY 2014 (FY 2015 payment year) The Forest Service made 25-percent payments to States under the 1908 Act in February of 2015. In each of the past five years (2010-2014), the Board of Supervisors has authorized the distribution of Title I SRS Act funds for Gila County Roads and Schools as follows, upon recommendation of the Gila County Superintendent of Schools and County Management: \$50,000 to Roads, and the remainder to School Districts by a

formula that provides a base amount for all districts and additional amounts based on forest acreage and student enrollment of each district.

Dr. O'Dell reviewed and further explained the attachment to this agenda item entitled: "Gila County Forest Fees Distribution FY15" which provides a detailed summary of the distributions to each school district in the County.

Supervisor Marcanti commented that the County has to fight for reauthorization of the SRS funds and that it's one of the main topics discussed at the County Supervisors Association meetings, and that it's unfortunate funds have been cut again this year. Vice-Chairman Martin agreed that each year it's a struggle to get permanent PILT (Payment in Lieu of Taxes) and SRS funding.

Dr. O'Dell's added three closing comments: 1) The School Districts are very grateful for the funds, which are put to good use; 2) the School Districts are in agreement with the distribution schedule; and 3) she thanked the Board of Supervisors for its ongoing support and continued efforts in this regard. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the distribution of \$1,442,908.95 of Gila County's share of Federal FY2014 Secure Rural Schools Act funds, as authorized through section 24 of P.L. 114-10, for FY2014-15 as follows: \$49,000 to Roads and \$1,393,908.95 to Gila County School Districts.

Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adjourned as the Gila County Board of Supervisors and convened as the Gila County Flood Control District Board of Directors.

D. Information/Discussion/Action to authorize the publication of a notice of the proposed amendment to the Gila County Floodplain Management Ordinance, and to set a public hearing date for October 6, 2015.

Darde deRoulhac, Chief Engineer of the Gila County Flood Control District, explained the purpose of the amendment to the Ordinance is to correct erroneous internal references to clarify some requirements for different residential building types, create better ease of understanding of the document, and to promote compliance. A proposed amendment to the Ordinance was presented to the Board on April 7, 2015, and a public hearing was held as advertised in the newspaper. No public comments were received at the public hearing. At that time Mr. deRoulhac requested that the Board not take an action on the proposed amendment to the Ordinance because he needed to incorporate additional revisions as recommended by the Arizona Department of Water Resources (ADWR), which he believed had merit. The changes as recommended by ADWR have been incorporated into the proposed amendment attached to this agenda item; however, another public hearing date needs to be set by the Board and thereafter advertised in the newspaper. Vice-Chairman

Martin read aloud the changes to the Ordinance from the evaluation section of the agenda item as follows and asked that it be included in the record of the minutes: "The amendment adds provisions to allow permitting of wet-flood proofed large parking buildings without a variance from the Board, if certain criteria are followed. The minimum elevation requirement for manufactured homes is also being modified to provide a comparable degree of flood protection to that required for site-built homes, while still exceeding minimum standards for flood protection." Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously authorized the publication of a notice of the proposed amendment to the Gila County Floodplain Management Ordinance, and set a public hearing date for October 6, 2015.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adjourned as the Gila County Flood Control District Board of Directors and reconvened as the Gila County Board of Supervisors.

E. Information/Discussion/Action to approve the Health and Emergency Services Division's electronic submission of a 2015 Multi-Jurisdiction Hazard Mitigation Plan Application in the amount of \$40,000 (a 75%-25% match) which, if approved, will enable the Health and Emergency Services Division to contract services for the review and update of the 2015 Gila County Multi-Jurisdictional Hazard Mitigation Plan.

Michael O'Driscoll, Health & Emergency Services Division Director, stated that this application is being submitted to obtain funds to contract services for the review and update of the 2015 Multi-jurisdictional Hazard Mitigation Plan. If approved, the County would be required to provide a 25% cash match of which County general funds would be used. The program provides funding for eligible mitigation activities which reduce disaster losses and protect life and property from future loss or damages. The program is administered by the Federal Emergency Management Agency (FEMA) in consort with local agencies and is reviewed by the State and FEMA every 5 years. One of the requirements to receive these funds is to participate in a multi-jurisdictional hazard mitigation plan; therefore, Mr. O'Driscoll requested approval of the application as described above. Chairman Pastor stated that he has received concerns from residents in Tonto Basin, Roosevelt, and Gisela regarding possible flooding and requested that Mr. O'Driscoll provide him with germane information to share with the residents in those areas, to which Mr. O'Driscoll agreed. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the Health and Emergency Services Division's electronic submission of a 2015 Multi-Jurisdiction Hazard Mitigation Plan application in the amount of \$40,000 (a 75%-25% match) which, if approved, will enable the Health and Emergency Services Division to contract services for the review and update of the 2015 Gila County Multi-Jurisdictional Hazard Mitigation Plan.

F. Information/Discussion/Action to authorize the Gila County Animal Control Department to submit a grant application to the Arizona Companion Animal Spay and Neuter Committee to receive \$10,000 in order to provide spay/neuter services in Gila County for a period of one year.

Mr. O'Driscoll advised that Gila County does not have a spay/neuter program. If this grant application is approved, the funds will be used to implement a new program in the Globe/Miami area to ensure that all animals leaving the County animal shelter will be surgically altered by offering a spay/neuter procedure for free to the residents of Gila County. He also stated that John Castaneda, Animal Regulation Enforcement Manager, is one of the top Regulation Enforcement Managers in the state and he helps with training others around the state. Chairman Pastor added that he has received positive feedback regarding the professional services provided by Mr. Castaneda.

Mr. Castaneda stated that he is pleased to be moving forward in this effort and he advised that he is working with other agencies to receive other funding to provide additional spay/neuter services in the County. He is currently working with the Payson Human Society which will be offering a mobile spay/neuter clinic to southern Gila County. He clarified for the Board that this particular funding will be used in southern Gila County as there are few veterinarians. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously authorized the Gila County Animal Control Department to submit a grant application to the Arizona Companion Animal Spay and Neuter Committee which, if approved, will provide \$10,000 to implement a spay/neuter services program in Gila County for a period of one year.

G. Information/Discussion/Action dictions within Gila County and convey tax rates to set primary and secondary property tax rates for 2015 for all taxing juris for all jurisdictions to the County Treasurer, and adopt Resolution No. 15-08-02 providing for the collection of taxes for all jurisdictions by the County Treasurer for fiscal year 2015-2016.

Don McDaniel, County Manager, read aloud Resolution No. 15-08-02 and stated that the Arizona Revised Statutes require that the Board adopt a resolution for the collection of taxes by the Gila County Treasurer from the persons who are listed in the roll. The Board is also required to fix, levy and assess the amount to be raised from primary property taxation and secondary property taxation. Vice-Chairman Martin commented that she hopes all of the numbers are correct. Chairman Pastor replied that he thinks the numbers have been reviewed carefully and are correct. Supervisor Marcanti inquired if the merger of the Canyon Fire District into the Tri-City Fire District should be listed as one taxing authority with one tax rate instead of two separate fire districts with two different tax rates. Mr. McDaniel clarified that because of the timing to merge the two fire districts, the resolution must be presented in this

fashion. He stated that he was confident that in the future it will be designated as one taxing district with one tax rate.

Chairman Pastor called upon Nick Renon, Fire Chief of the Tri-City Fire District, to further clarify the issue. Mr. Renon stated that when the process began to merge the two fire districts, it was believed that Canyon Fire District would be taxed at \$3.25 and Tri-City Fire District would be taxed at \$2.40; however, when the levies were received from the State, the tax rate was \$2.40 across the board; therefore, next year they will both be \$2.40.

Chairman Pastor inquired as to the reason the Apache Hills Street Lighting District went from a tax rate of less than \$1.00 to \$4.4480. Jeff Hassenius, Finance Division Director, advised that the budget received from the Apache Hills Street Lighting District was absent some expenses; therefore, those expenses needed to be captured and will be a one-time aberration.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously set primary and secondary property tax rates for 2015 for all taxing jurisdictions within Gila County and conveyed tax rates for all jurisdictions to the County Treasurer, and adopted Resolution No. 15-08-02 providing for the collection of taxes for all jurisdictions by the County Treasurer for fiscal year 2015-2016. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

H. Information/Discussion/Action to consider authorizing Bose Public Affairs Group to exceed the \$50,000 contract amount by \$29,645 to allow the continuation of lobbying services through November 2015.

Mr. McDaniel advised that on November 18, 2014, the Board approved a new contract with Bose Public Affairs Group (Bose) on a retainer basis, with a not to exceed amount of \$50,000 for the contract term of November 2014 to November 2015. The contract indicates that the not to exceed amount may only be exceeded with prior written approval by the County. Bose estimates that the cost of their projected services for the remainder of the contract will be \$29,645 excluding expenses. This request is for the Board to authorize Bose to exceed the \$50,000 amount of the contract.

Vice-Chairman Martin advised that when the contract is up for renewal, the Board needs to discuss ways to receive a better “bang for the buck.” Supervisor Marcanti commented that these services are needed; however, the County needs to work out a better way to structure the billing process. Chairman Pastor added that there have been some changes made to this contract from prior year’s contracts with Bose. The not to exceed amount of \$50,000 for this contract was established with the belief that amount would be sufficient for Bose to effectively lobby for the County for one more year. He commented that the County has received sufficient services and he feels the services have improved since the contract amount was reduced from the

previous contract. He then asked if there are sufficient funds in the budget to cover this expense. Mr. McDaniel replied that the funds are available in the Natural Resources Fund and may be used for this purpose. Chairman Pastor stated that there are some important issues in the works at the legislature, and it would be helpful to have assistance from Bose. He recommended that staff review the contract before its renewal date in order to determine the best way to manage the contract. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously authorized Bose Public Affairs Group to exceed the \$50,000 contract amount by \$29,645 to allow the continuation of lobbying services through November 2015.

Item 3 – 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 to accept Arizona Criminal Justice Commission FY 2016 Crime Victim Assistance Program Grant No. VA-16-020 in the amount of \$17,600 for the period of July 1, 2015, to June 30, 2016.

B. Approval to accept Arizona Criminal Justice Commission FY 2016 Drug, Gang, and Violent Crime Control Grant Agreement No. DC-16-023 in the amount of \$63,656 for the period of July 1, 2015, to June 30, 2016.

C. Approval to accept Arizona Criminal Justice Commission FY 2016 Crime Victim Compensation Grant No. VC-16-052 in the amount of \$67,419 for the period of July 1, 2015, to June 30, 2016.

D. Approval of Amendments 1 through 4 to the Arizona Nutrition Network SNAP-Ed Request for Grant Application (RFGA No. ADHS15-00004836) submitted by the Gila County Health and Emergency Services Division to the Arizona Department of Health Services in the amount of \$201,572 per year for a 3-year period to be used for population health initiatives in the areas of food systems, active living, school health, and early childhood education.

E. Approval of Intergovernmental Agreement No. 061715 between Gila County and the Town of Hayden whereby, upon request from the Town of Hayden, the County will provide various types of equipment and/or services on occasion and when available for safety needs and/or various activities and events by the Town of Hayden beginning July 1, 2015, through June 30, 2016.

F. Approval of the following precinct committeeman appointment as submitted by the Gila County Republican Committee Chairman: James M. Feezor - Payson #3.

G. Approval of a Special Event Liquor License Application submitted by Pine Strawberry Fuel Reduction, Inc. to serve liquor at an event to be held at the Mary Ellen Randall Horse Arena located in Pine on September 11-13, 2015.

H. Approval of a Special Event Liquor License Application submitted by the Gila County Cattle Growers to serve liquor at an event to be held at the Gila County Fairgrounds located in Globe on December 5, 2015.

I. Approval of an Application for Extension of Premises/Patio Permit submitted by Tamara Morken to temporarily extend the premises where liquor is permitted to be served at THAT Brewery Rimside Grill located in Pine for an Oktoberfest event to be held on September 26-27, 2015, and a Halloween event to be held on October 31, 2015.

J. Approval of an Application for Extension of Premises/Patio Permit submitted by Thomas Coons to permanently extend the premises where liquor is permitted to be served at the Maverick Restaurant Smoked BBQ - Steaks & Seafood located in Pine.

K. Approval of the July 28, 2015, and August 4, 2015, Board of Supervisors' meeting minutes.

L. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of July 20, 2015 through July 24, 2015, and July 27, 2015 through July 31, 2015.

M. Approval of finance reports/demands/transfers for the weeks of August 11, 2015, and August 18, 2015.

August 11, 2015

\$628,948.70 was disbursed for County expenses by check numbers 271837 through 271936.

August 18, 2015

\$1,740,221.58 was disbursed for County expenses by check numbers 271937 through 272061. **(An itemized list of disbursements is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Consent Agenda action items 3-A through 3-M. Chairman Pastor advised that he would address Agenda Items 5 and 6 prior to addressing Agenda Item 4.

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 comments 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 County Manager 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.

Item 4 – EXECUTIVE SESSION ITEMS: (The Board of Supervisors may vote to go into executive session on one or all of the items listed in this section. No action will be taken by the Board while in executive session.)

A. Information/Discussion/Action to consider a proposed settlement regarding Globe Pacific Associates v. Gila County, TX 2013-000423, a tax appeal filed in Arizona Tax Court. The Board may vote to go into executive session in order to receive legal advice from its attorney regarding this case pursuant to A.R.S. § 38-431.03(A)(3) and to instruct its attorney regarding settlement negotiations in order to resolve the appeal pursuant to A.R.S. § 38-431.03(A)(4).

Chairman Pastor read aloud this agenda item and asked whether the Board members wanted to vote to go into executive session regarding this agenda item. Supervisor Marcanti made a motion to go into executive session pursuant to the paragraphs as listed on this agenda item, which was seconded by Vice-Chairman Martin and unanimously approved by the Board. Chairman Pastor recessed the regular meeting at 11:18 a.m.

Chairman Pastor reconvened the regular meeting at 11:45 a.m. and he requested a motion from the Board on this agenda item. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin the Board unanimously voted to accept the proposed settlement regarding Globe Pacific Associates v. Gila County, TX 2013-000423, a tax appeal filed in Arizona Tax Court.

There being no further business to come before the Board of Supervisors,
Chairman Pastor adjourned the meeting at 11:46 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board