

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

Date: October 20, 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 (via telephone); John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Michael Scannell, Deputy County Manager; Jefferson R. Dalton, Deputy County Attorney and Civil Bureau Chief; 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. Jeff Hossenius led the Pledge of Allegiance and Pastor Jay Petty of the Living Waters Community Church in Globe delivered the invocation.

Item 2 – PRESENTATIONS:

A. Presentation of the Southern Gila County Dictionary Program by Kevin Kinney of the Pinal Mountain Elks Club.

Kevin Kinney, a member of the Pinal Mountain Elks Club #2809 and Coordinator of the Dictionary Project, provided an explanation and history of the Dictionary Project. It was initiated about five years ago by a group of civic-minded organizations with the purpose of providing free dictionaries to 3rd grade students attending public, charter, and private schools in Globe, Miami, San Carlos, and Superior. Dictionaries will also be available for home-schooled students through the Gila County School Superintendent's Office. The group of local community service organizations formed a 501 (C) tax-exempt corporation comprised of all volunteers. Approximately 520 dictionaries will be distributed to teachers and students. The Board members commented favorably regarding the Dictionary Program presentation.

Item 3 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to approve Intergovernmental Agreement No. 082015 to provide an Economic Development Grant in the amount of \$40,000 to the Town of Miami to assist the Town in meeting its 10% monetary contribution for a Federal Emergency Management Agency grant to build a new crossing at Mackey Camp and provide permanent access for residents in the area and emergency vehicles.

Steve Sanders, Public Works Division Director, provided information that the flooding in Arizona which occurred in 2010 severely impacted the Town of Miami and caused a complete collapse and disintegration of the Mackey Camp Bridge. According to the terms of the Federal Emergency Management Agency (FEMA) grant referenced above, FEMA will pay 75% and contract the execution of the project; the State of Arizona will pay 15%; and, the Town of Miami is required to pay the remaining 10% of the cost of the project. Staff recommends that the Board approve the Intergovernmental Agreement to assist the Town of Miami in providing the 10% (\$40,000) contribution required to complete the construction of a new crossing at Mackey Camp. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Intergovernmental Agreement No. 082015 to provide an Economic Development Grant in the amount of \$40,000 to the Town of Miami to assist the Town in meeting its 10% monetary contribution for a Federal Emergency Management Agency grant to build a new crossing at Mackey Camp and provide permanent access for residents in the area and emergency vehicles.

B. Information/Discussion/Action to approve a one-year extension on the existing contract with the Bose Public Affairs Group to provide consulting and lobbying services for Gila County at the federal government level; and increase the contract amount to \$75,000.

Don McDaniel, County Manager, provided a brief history of Gila County's association with Bose Public Affairs Group (BPAG). On May 12, 2009, the Board of Supervisors approved the initial contract with BPAG with subsequent extensions of the contract and increases in the contract amount being made since that time. On November 18, 2014, the Board approved Contract No. 103114 contract with BPAG. This agenda item is for the Board to approve Amendment No. 1 to Contract No. 103114 to extend the contract for one additional year, from November 18, 2015, to November 17, 2016; and to increase the contract amount from \$55,000 to \$75,000, to be expensed if needed and as requested. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Amendment No. 1 to Contract No. 103114 with Bose Public Affairs Group.

C. Information/Discussion/Action to accept a Citizens' Petition to begin the process to establish E. Eagles Bluff as a Primitive Road.

Mr. Sanders advised that recent field visits revealed information that needs to be followed up on prior to moving forward with establishing E. Eagles Bluff as a Primitive Road. Mr. Sanders asked that the Board table this item to a later meeting until additional information is obtained. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously tabled this item to a later meeting.

D. Information/Discussion/Action to review the bid received for Request for Proposals No. 080515-1 for the complete rebuild of an 816F CAT compactor utilized by the Recycling and Landfill Department; award to the lowest, most responsive and qualified bidder; and to authorize the Chairman's signature on the award contract for the winning bid.

Jeff Hessenius, Finance Division Director, stated that this agenda item is a request for the Board to award a contract so that work can be performed on the 816F CAT compactor as outlined in Request for Proposals (RFP) No. 080515-1. The compactor was purchased new on May 31, 2000, and since that time it has been in use for approximately 20 hours per week for a total of 12,400 hours of use (approximate). Staff reviewed the option of purchasing a new compactor versus rebuilding the existing compactor, and the Recycling and Landfill Manager has recommended rebuilding the compactor. Empire Southwest, LLC (Empire) was the only company that submitted a bid in response to the RFP. It was explained that until the engine is disassembled, Empire would not know the total amount of work to be completed, so that is the reason the bid contains different pricing scenarios. Staff recommended awarding a contract to Empire. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously awarded a contract to Empire Southwest, LLC for Request for Proposals No. 080515-1 and authorized the Chairman's signature on the contract.

E. Information/Discussion/Action to authorize the Chairman's signature on the comment letter to be submitted to the United States Forest Service supporting the National Environmental Act Policy Act (NEPA) proposals for the Fossil Creek Wild and Scenic River corridor.

Chairman Pastor wanted it noted in the record that the language on this agenda item was slightly changed to make it easier to understand; however, the content was not changed. He then proceeded to read aloud the corrected language as stated above.

Mr. McDaniel stated that the United States Forest Service (USFS) is seeking comments on its intention to initiate the NEPA for two Fossil Creek Wild and Scenic River (FC-WSR) proposals. He advised that in recent times the Sheriff's Posse and Sheriff's deputies in Payson have responded to calls in that area because hikers have gotten stranded and for other reasons such as visitors parking their vehicles and blocking residential driveways, roads, etc. The

USFS describes its purpose in initiating NEPA for FC-WSR is to address public safety issues and to protect water resources. It is the intent of the USFS to:

- Implement managed day use, and reduce overnight camping;
- Establish an online reservation system, vehicle access, and deploy entry booths to manage traffic according to the reservation system; and,
- Conduct a geotechnical soil survey with sample drilling and material excavation in preparation for replacement of Fossil Creek Bridge.

Mr. McDaniel added that the comments must be submitted to the USFS by October 22, 2015, and staff has recommended that the Board submit the letter in support of managing this site better than it has been managed in the past. Vice-Chairman Martin stated that this proposed action by the USFS is a short-term solution, but she believes that it is a necessary action. Supervisor Marcanti agreed with her and stated that by providing better management of the area it would improve the safety for the citizens. The Board held a brief discussion regarding the safety issues relating to citizens who visit the Fossil Creek area. Upon motion by Supervisor Marcanti, seconded by Chairman Pastor, (Vice-Chairman Martin's phone call disconnected during the motion; however, contact was made before the vote was taken.) the Board unanimously authorized the Chairman's signature on the comment letter to be submitted to the USFS supporting the NEPA proposals for the FC-WSR corridor.

F. Property Tax Sale/Auction for the sale of Assessor's parcel number 206-21-201, a vacant parcel of land located in Miami, Arizona that was deeded to the State of Arizona by Treasurer's Deed in the year 1936.

Chairman Pastor read aloud the agenda item and asked if anyone was present in Globe or Payson to bid on the parcel. There was no response. (Note: On October 6, 2015, the Board of Supervisors held a live auction to sell this parcel of land at the request of an interested citizen; however, no one submitted a bid at that time so the Board continued this item to today's agenda.)

Jon Cornell, KQSS Radio reporter, inquired if an individual could offer a bid which is less than the lien amount to which Chairman Pastor replied that the minimum acceptable bid is the lien amount. Chairman Pastor asked a second time if anyone was present in the audience in Globe or Payson to bid on this parcel. No one placed a bid on the parcel; therefore, Chairman Pastor asked for a motion to place parcel number 206-21-201 on the "not for sale" parcel list held by the Clerk of the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously voted to place this parcel on the "not for sale" list.

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 to allow the County Manager to sign Amendment No. 1 to Contract No. 010314 with Wright Asphalt Products Company for the purchase of CRS-TR tire rubber modified asphalt emulsion for a period from July 18, 2015 to July 17, 2016.

B. Approval of the Gila County Rodeo Committee's request to use the Gila County Fairgrounds rodeo arena for a barrel race on October 24, 2015, with all associated Fairgrounds' use fees waived due to the Committee's 501(c) (3) status.

C. Approval of a fee-waiver request submitted by the Cobre Valley Regional Medical Center Foundation for use of the Fairgrounds Exhibit Hall from November 1, 2015, through November 7, 2015, for the November 6th Art and Wine Auction, as all stipulations regarding the event insurance and 501 (c) (3) status verification have been met.

D. Acknowledgment of Michael Clark's resignation from the Pine-Strawberry Fire District Board of Directors and the appointment of Charles Ackerman to fulfill Mr. Clark's unexpired term which ends on December 31, 2018.

E. Acknowledgment of the September 2015 monthly activity report submitted by the Globe Regional Justice of the Peace's Office.

F. Approval of the September 29, 2015, and October 6, 2015, Board of Supervisors' meeting minutes, and the October 5, 2015, Board of Equalization meeting minutes.

G. Acknowledgment of contracts under \$50,000 which have been approved by the County Manager for the weeks of September 21, 2015, through September 25, 2015; September 28, 2015, through October 02, 2015; and, October 05, 2015, through October 09, 2015.

H. Approval of finance reports/demands/transfers for the weeks of October 13, 2015, and October 20, 2015.

October 13, 2015

\$1,707,343.76 was disbursed for County expenses by check numbers 272941 through 273090.

October 20, 2015

\$261,958.19 was disbursed for County expenses by check numbers 273091 through 273176. **(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 4A – 4H.

At 10:32 a.m. Vice-Chairman Martin left the meeting (via telephone).

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 (excluding Vice-Chairman Martin) and the County Manager presented information on current events.

Item 7 – EXECUTIVE SESSION ITEMS: (Should the Board of Supervisors vote to go into executive session on any of the items listed below, no action will be taken by the Board while in executive session.)

Upon motion by Supervisor Marcanti, seconded by Chairman Pastor, the Board convened into Executive Session at 10:37 a.m.

A. Information/Discussion/Action to vote to go into executive session to receive legal advice from its attorney regarding CV201400260 the Town of Miami, Arizona v. Sho Me Copper Company and consider its position in the lawsuit; and instruct its attorney how to proceed pursuant to A.R.S. § 38-431.03(A)(3)-(4). If the Board does go into executive session, the County Attorney's Office suggests that after adjourning from executive

session, the Board vote to instruct the County Attorney's Office to proceed as directed in executive session.

At 10:51 a.m. Chairman Pastor reconvened the meeting. Upon motion by Supervisor Marcanti, seconded by Chairman Pastor, the Board instructed the County Attorney's Office to proceed with a disclaimer of any interest in the lawsuit regarding CV201400260, the Town of Miami, Arizona v. Sho Me Copper Company.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 10:52 a.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board