BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA

Date: November 24, 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 ITV); John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

There was no County attorney present.

Item 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. Eric Mariscal led the Pledge of Allegiance.

Item 2 – REGULAR AGENDA ITEMS:

A. Information/Discussion regarding establishing a partnership between the Industrial Development Authority of Gila County and Gila County government to make application and promote the designation of the Central Arizona Transformation Corridor Promise Zone.

Cliff Potts, President of the Industrial Development Authority of Gila County (IDA) Board of Directors, thanked the Board of Supervisors for the opportunity to present information on this topic and he acknowledged the following IDA Board members who were present in the audience: Stan Gibson and Tim Humphrey. He then asked Sandy Palmer, IDA Administrative Manager, to proceed with the presentation.

Ms. Palmer advised that in 2013, the federal government established an initiative to designate a number of high-poverty urban, rural and tribal communities as Promise Zones, where they would partner with and invest in communities to accomplish the following goals: create jobs, leverage private investment, increase economic activity, expand educational opportunities, and reduce violent crime. This year, the IDA announced its interest in pursuing the

application process to establish a Promise Zone designation for the Central Arizona Transformation Corridor which includes Superior, Globe, Miami, San Carlos and Canyon Day on the San Carlos Indian Reservation, Hayden, Winkelman, Young/Pleasant Valley, and Tonto Basin. This is the third and final year for Promise Zone designation. The Promise Zone designation partners the federal government with local leaders who are addressing multiple community revitalization challenges in a collaborative way and have demonstrated a commitment to results. Promise Zone designees will receive:

- Opportunity to engage Five AmeriCorps VISTA member in the Promise Zone
- A federal liaison assigned to assist with navigating federal programs
- Priority for certain competitive federal programs and technical assistance from participating agencies
- Promise Zone tax incentives, if enacted by Congress.

AmeriCorps VISTA
VISTA members will assist with coordinating efforts, overcoming obstacles, launching program/initiatives, and administrative duties throughout the Promise Zone region.
Bonus Points
Bonus points range from 5 to 50 points, each federal department determines their own point system.
Federal Liaisons
Each federal department will assign a point of contact to help the Promise Zone region identify and apply for grants and navigate federal hurdles.

Altogether, this package of assistance will help local leaders accelerate efforts to revitalize their communities. The Promise Zone designation is for a term of 10 years, and may be extended as necessary to capture the full term of tax incentives, if enacted by Congress. In 2016, 5 urban, 1 rural and 1 tribal designation will be awarded. To date, 9 urban, 2 rural and 2 tribal communities have received a Promise Zone designation. By the end of 2016, there will be a total of 20 Promise Zone designations across the United States. The Promise Zone must be comprised of a contiguous geographical region that meets the poverty threshold requirements set forth by the Promise Zone Initiative. The Central Arizona Transformation Corridor will apply for a rural designation. The Rim Country (northern Gila County) was not included in this application because the median household income is too high; however, if the Promise Zone is designated, the IDA has offered to revise the application to include as much of northern Gila County as possible. The San Carlos Apache Tribe will be a part of the rural designation, yet continue to function independently as a Sovereign Nation.

Ms. Palmer then reviewed the governing structure of the Promise Zone, and stated that regional transformation requires a team effort which will be

comprised of representatives from each partner to include key stakeholders in education, housing, economic development, health and human services, and drug and violent crime. Focus groups will meet with federal department liaisons monthly to devise and implement programs and initiatives. The IDA will apply for the Promise Zone designation as the lead applicant, which includes the duties of: writing the application, coordinating monthly meetings, keeping meeting minutes, communicating with liaisons and partners, and administrative and reporting duties as set forth by the Promise Zone. In order to demonstrate sustainability and financial feasibility, the application requires a narrative outlining the budget projection for funding project coordination for the first 5 years of designation. The IDA needs to show financial commitment from Promise Zone partners to sustain the Promise Zone Program for up to 5 years or until grant funds cover related costs. The federal departments reviewing applications must ensure the Promise Zone designation will be awarded to a region that will utilize the full potential of the Promise Zone Initiative for the entire 10 year term. The IDA has been receiving the mentorship and the technical assistance training from federal departments for several months; therefore, it would be a good steward of the Promise Zone funding.

One of the requirements in the application is to make sure a financial commitment from Promise Zone partners is received until grant funds are received. The application stated the financial commitment to be for 5 years; however, the IDA believes the grant funds will be received before that time. Ms. Palmer stated that it is hard to get a financial commitment from impoverished areas; however, those areas bring demographics and statistics to the table. Also, the Promise Zone designation is highly coveted; therefore, it will be fiercely competitive to receive the last rural designation. Consequently, the IDA and the County, which may have more cash flow to commit to the financial requirements, would be obliged to provide the financial commitment required for the Promise Zone application.

Vice-Chairman Martin asked the names of the rural designees. Ms. Palmer could not recall the exact designation, but she named the Choctaw Tribe in South Dakota and North Carolina as being recipients. She added that once the designation is given, the IDA would not be in competition with other rural and tribal designations. As for this particular application, the competition is with multiple submissions from around the country. Vice-Chairman Martin also asked for the number of applications that were submitted, to which Ms. Palmer stated that, to her knowledge, approximately 50 applications have been submitted. She added that last year, Phoenix, Tucson and Mesa applied for an urban designation and they were all turned down. Ms. Palmer advised that the reviewer is trying to “get the biggest bang for their buck,” so it was advised that the San Carlos Apache Tribe be included in the application as they are a small tribe. Vice-Chairman Martin asked Ms. Palmer to explain the difference between a small tribe and a large tribe because she believes the San Carlos Apache Tribe to be a larger tribe. She then asked if it would be more beneficial

to not only include the San Carlos Apache Tribe in the application, but to also include the Tonto Apache Tribe. Ms. Palmer liked Vice-Chairman Martin's suggestion and stated that she would ask if both Tribes could be included in the application. She commented that the San Carlos Apache Tribe's application was turned down last year, so that is the reason partnering with that Tribe was mentioned. Chairman Pastor stated that Canyon Day was included in the Central Arizona Transformation Corridor where members of the White Mountain Apache Tribe live, so he asked if they were contacted. Ms. Palmer affirmed that Tribe was contacted but because no one responded to her phone calls and emails, she had to move on without them to meet certain application deadlines. Vice-Chairman Martin inquired if Gisela could be included. Ms. Palmer replied that Gisela could possibly be included if/when the designation is received.

Vice-Chairman Martin asked for the dollar amount that Gila County is expected to commit. Ms. Palmer referred to another entity that was awarded a Promise Zone rural designation whereby their commitment was $110,000 per year for 5 years that was split between 3 entities. Her expectation is that the IDA and Gila County would each commit $25,000 per year for 5 years; however, she believes the commitment would be necessary for not more than 2 years because it is expected to receive grant funds sooner than 5 years. Ms. Palmer acknowledged that she may be questioned about a lower financial commitment, and she stated, "Really and truly, if you're applying for 10 grants in the first year and you have the bonus points, you're going to be awarded and there is a 12% administrative fee built into each grant." Vice-Chairman Martin expressed a concern that the lower amount may affect the application. Ms. Palmer feels that the amount of $110,000 was initially set to make sure that the entity applying for the designation is fully committed to "doing something and not putting that designation on the shelf," so she is not concerned with a lower amount. The Board agreed that the local tribes need to be included in the conversation, and that the Board would like to see a financial commitment from the local tribes to the Promise Zone Program.

Chairman Pastor stated that he appreciated the presentation and that he didn't have a problem with moving forward with the adoption of a resolution in support of this effort. Don McDaniel, County Manager, stated that staff would work with the IDA to get a Memorandum of Understanding or a Board resolution of support on a Board agenda, perhaps as soon as the Board's December 15th meeting.

Mr. Potts stated that with Board support it would be possible for the IDA to continue to garner support from other entities in the region. It would also be possible to reach both the north and south areas of Gila County with programs that target the specifics needs of each area. Chairman Pastor thanked Mr. Potts and Ms. Palmer for the presentation.

B. Information/Discussion regarding converting six (6) Rules currently contained in the Merit System Rules and Policies (Probationary Employment Period; Standards of Conduct; Personnel Commission; Performance Appraisals; Disciplinary Actions; and, Grievance Process) to policies for inclusion in the Countywide Policy Manual.

Mr. McDaniel stated that the Countywide Policy Review Committee is comprised Michael Scannell, Deputy County Manager; Shelley McPherson, Human Resources & Risk Management Director; Jeff Hessenius, Finance Director; Marian Sheppard, Clerk of the Board; and himself. The Committee has been working on the Countywide policy manual for approximately 4 years. Chairman Pastor inquired if there had been any employee input in the policy discussions. Mr. McDaniel stated that previously when staff was asked to include employees in the discussions with regard to revising policies, it was a different process whereby the goal was to revise the County's Merit System Rules and Policies; however, the present goal is to convert the Merit System Rules and Policies into policies.

Ms. McPherson stated that the content of the Merit System Rules and Policies have not been completely changed in this process, but rather they have been brought up to Human Resources' (H.R.) best practices. Changes have also been made to antiquated terms in order to bring the policies up to date with changes in federals laws with regard to the Department of Labor and the Equal Employment Opportunity Commission.

Supervisor Marcanti inquired as to references in the policies to "Appointing Authority" as he did not see any definition for that term. Ms. McPherson replied that Merit System Rule No. 1 contains the definitions which are used throughout the Merit System Rules and Policies, and they remain unchanged at this point. The definition of Appointing Authority is as follows: The "Appointing Authority" is the single administrative or executive head of a County department, office, authority, or governmental budget unit operated within the governmental structure of Gila County, or designee of same. She also clarified that the "Director" in the Merit System Rules definitions is the H.R. Director.

Policy No. BOS-HRS-215 - Probationary Employment Period
Chairman Pastor expressed concern regarding extending the probationary period if an employee is absent for more than two weeks during the probationary period. Ms. McPherson stated that if there has been an absence for more than two weeks at a time and should a serious event occur; every opportunity is provided to the employee to be judged on their entire probationary period. She added that the absence should not take away from the employee's training period.

Vice-Chairman Martin added that it may be helpful for employees to provide feedback regarding policies through the County's Intranet. She added that it's

good for the County departments to be able to determine if the employee is a good fit as well, and that the County shouldn't change a job to fit the employee and that it is important to foster communication. Ms. McPherson stated that she has made an effort and will continue to go to the different departments on a regular basis to ensure employees understand the policies and she thinks there has been a lot more participation with regard to feedback given by employees. She added that H.R. is working on implementing monthly training for supervisors and appointing authorities which will be beneficial to communication as well.

Supervisor Marcanti stated that some departments have a lot of employee turnover. Ms. McPherson advised that she is very involved in visiting elected offices and County departments so that employees know that she and her staff are accessible and ready to help. As an example, she recently assisted the Assessor's Office with some personnel issues as that office had a high employee turnover rate. Since that time, the Assessor and her employees are much happier. She added that one of the reasons that the County experiences a higher employee turnover rate is because it's a rural community. She also stated that, nationally, the average length of time employees stay at one job has shortened to only 1½ years. H.R. is working to make Gila County a more attractive employer.

Chairman Pastor inquired if there may be a conflict in Policy No. BOS-HRS-610, Section IV (B) (4) (d) which states, "Except as otherwise provided in these policies, a demoted employee shall not be required to serve a probationary period in the position to which demoted." Ms. McPherson stated that H.R. would take another look at that statement.

Policy No. BOS-HRS-120 - Standards of Conduct

Chairman Pastor inquired if this policy supersedes the Code of Conduct for the judicial employees. Mr. McDaniel replied that, to his knowledge, no County policy shall supersede the Code of Conduct for the courts. It is his understanding that, for the most part, court employees adhere to the County's Merit Rules and Policies, so he doesn't perceive there will be any issues with these proposed changes. Chairman Pastor stated that there may be a conflict and it would be wise to exchange ideas regarding policies to ensure that there are no conflicts or areas which need clarification. Ms. McPherson commented that H.R. has a good working relationship with the courts and that communication is very open with regard to policies and any other issues. H.R. has received requests from the courts for professional opinions with regard to discipline and she stated that policy issues are taken on a case by case basis. She added that monthly meetings have been held with court personnel, and to date all issues that have surfaced have been resolved. Chairman Pastor inquired if these policies will supersede any departmental policies. Ms. McPherson believes that the Merit System Rules and Policies and those that have been converted into policies will supersede departmental policies, with the possible exception of the courts.

Chairman Pastor referred to Section IV (A) which states, "Employees shall be courteous, considerate and prompt in dealing with and serving the public and other Gila County employees." He hopes that this message will be conveyed to all employees throughout the County. Ms. McPherson stated that this is an area that will be addressed next year as customer service training will be provided to employees. Chairman Pastor then referred to Section IV (B) which states, "Employees shall not conduct themselves in a manner that will bring discredit or embarrassment to the County, both on and off the job." He added that this rule applies to statements posted by employees on social media, to which Ms. McPherson agreed. He wanted this message to especially be conveyed during new employee orientations to which Vice-Chairman Martin agreed.

The Board held additional discussion regarding employees doing side-jobs outside of work. Any employee doing work outside of their job at the County must fill out a form and file it with the H.R. Department. It was also mentioned that any literature which does not pertain to work is not allowed to be distributed at the work place; this also includes printed information that someone from the public may ask to be posted.

Policy No. BOS-HRS-625 - Personnel Commission
Chairman Pastor mentioned that under Section II. - Applicability, the policy states, "The policy applies to all classified Gila County employees." He questioned whether that meant all employees. Ms. McPherson replied that she would take another look at that statement to determine those employees that would be included in this policy. He then inquired as to the process to appoint members to the Personnel Commission. Marian Sheppard, Clerk of the Board, explained that all department heads have been designated as staff liaisons for the boards, commissions and committees that fall under the responsibilities of their department. Ms. McPherson is the staff liaison for the Personnel Commission. The staff liaison has the responsibility to notify Ms. Sheppard whenever someone's term of office is about to expire or if a vacancy occurs. Ms. Sheppard would then notify the Board members to consider reappointing an individual or to appoint someone new. The name of the candidate would then be placed on an upcoming Board agenda for the Board to vote on the appointment. Vice-Chairman Martin inquired if there is a process for the Board to critique the individuals to be considered for appointment as she feels it is important to ensure that the person being appointed has the knowledge and expertise, and has the best interests of the County in mind.
Supervisor Marcanti inquired as to the term of office for the Personnel Commission and Ms. McPherson replied that each member shall hold office for a term of 4 years or until his successor is appointed and qualified. The terms of office are also staggered terms. Vice-Chairman Martin further clarified that most times an appointed board, commission or committee member serves more than one term of office. She likes the idea of having two or three people to choose from and to have H.R. and Administration "weigh in" on the selection process.

Chairman Pastor stated that he has not received an annual report from the Personnel Commission. Ms. McPherson stated that she has asked that question in the H.R. Department and an annual report was not received there either. Should the Board of Supervisors decide to adopt this policy, Ms. McPherson advised that it will be disseminated to County employees and the Personnel Commission. Chairman Pastor commented that the policy requires that at least 1 member of the Commission shall have prior work experience in the law enforcement or probation field. Ms. McPherson added that the policy also requires that the Commission shall elect 1 of its members as the Chairperson on an annual basis, changing who serves as Chairperson each year.

Policy No. BOS-HRS-405 - Performance Appraisals
Supervisor Marcanti inquired as to the person(s) who conducts the County Manager's performance appraisal. Ms. McPherson replied that the Board of Supervisors would conduct Mr. McDaniel's performance appraisal.

Chairman Pastor asked for clarification regarding the applicability to which Ms. McPherson stated that this policy applies to all Gila County employees except temporary employees. Chairman Pastor expressed his appreciation that an employee has the option to have their performance appraisal reviewed at a higher level.

Policy No. BOS-HRS-610 - Disciplinary Actions
Chairman Pastor was pleased that progressive discipline has been defined and developed into a policy. Ms. McPherson stated that while it is good to have a progressive policy in place, there may be times, based on the severity of the action, that it may not be possible to follow the policy, normally because of incidence of violence or something of that nature. Ms. McPherson stated that the County policies will not supersede the courts' policies. She believes that H.R. has a good working relationship with court staff in resolving disciplinary actions. Chairman Pastor inquired as to the general procedures regarding discrimination and he inquired as to veterans not being discriminated against in the application process. Ms. McPherson stated that veterans are given a small preference and definitely are not discriminated against. There was also discussion about medical marijuana and Ms. McPherson stated that according to the national H.R. best practices theory, medical marijuana will become no different than when alcohol was legalized. She added that an employee cannot be under the influence of medical marijuana, prescription drugs, or alcohol while on the job whereby such use would impair the employee's ability to work effectively. Each incident will have to be addressed on a case by case basis.

Vice-Chairman Martin stated that if an employee is authorized to use a medically prescribed drug and it negatively impacts their job, she believes that something may have to be done to correct that issue or maybe alter their job while they are under medical authorization to be using drugs. Ms. McPherson replied that the law would determine whether or not an accommodation could

be made. She added that according to privacy laws, the County cannot require employees to provide a list of their medication; however, if there is an incident that occurs, information may be required to be disclosed and it will be addressed on a case by case basis.

Chairman Pastor inquired if grieving and depression are taken into consideration with regard to an employee's inefficiency or incompetency. Ms. McPherson stated that tragic events which occur in employees' lives are taken into consideration. She added that the County now has a contract with a doctor of psychology to offer counseling to employees, and that H.R. will let the department heads and elected officials and their employees know that this service is available to employees.

Chairman Pastor questioned the various types of disciplinary action, specifically verbal warnings. He wanted to know if the employee is provided a copy of the documentation that is sent to H.R. regarding notification of the verbal warning. Ms. McPherson stated that documentation of a verbal warning can be provided in an email, and it is simply to aid the department head in keeping documentation in one place. Vice-Chairman Martin asked if the employee has the ability to also send documentation to H.R. to which Ms. McPherson replied that the employee can send email documentation to H.R. as well.

Chairman Pastor stated that if a suspension letter is served on an employee, a witness needs to be present which was not previously required. He also had Ms. McPherson explain the reason an employee would be placed on administrative leave and the timeframe.

Policy No. BOS-HRS-615 - Grievance Process

Chairman Pastor wanted assurance that all employees are provided a thorough explanation of this policy and related procedures as he believes there are employees that don't understand the process. Ms. McPherson commented that the policy has changed very little. Many of the Merit System Rules and Policies have already been converted into policies; therefore, the references have been changed to correspond to the policy instead of a rule accordingly. He also stated that in reference to, "All time frames specified on the form shall be met. If the immediate supervisor or department head fail to meet the time frame requirements, the employee has the right to take the grievance to the next step. If the employee fails to meet the time requirements, the grievance shall be deemed abandoned." He feels that if the supervisor forgets to proceed to the next step, it should fall back on the supervisor more so than the employee within reason. Ms. McPherson stated that there is a time frame that H.R. follows and that multiple reminders are sent out to the supervisor and employee. Vice-Chairman Martin asked if there was a way to confirm receipt of the reminder. Ms. McPherson stated that reminder emails are sent with a "read receipt." If an employee doesn't have an email address, one of the H.R. employees would be sent to deliver the message personally. She added that

there hasn't been a problem getting information to and from employees thus far.

Vice-Chairman Martin stated that she wanted staff to make the changes as discussed so they can be presented to the Board for adoption in the near future. Chairman Pastor was hopeful that the final policies will be placed on a Board meeting in January 2016.

Item 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.

There were no comments from the public.

Item 4 – 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 information presented.

Each Board member and the County Manager presented information on current events.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 12:08 p.m.

APPROVED:

_____

Michael A. Pastor, Chairman

ATTEST:

_____

Marian Sheppard, Clerk of the Board