

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

Date: December 15, 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; Jefferson R. Dalton, Deputy County Attorney, 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. Sherry Grice led the Pledge of Allegiance and Minister Bart Campbell of the Church of Christ in Globe delivered the invocation.

Item 2 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action regarding endorsement of the Taliesin West, Frank Lloyd Wright School of Architecture revitalization project for the Globe/Miami area of Gila County.

Chairman Pastor stated that this item would be addressed when the presenter arrives at the meeting.

B. Information/Discussion/Action to consider approving a Memorandum of Understanding 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.

Don McDaniel, County Manager, stated that the Industrial Development Authority (IDA) presented information to the Board at a recent work session

(11-24-2015) regarding the nature of the Promise Zone and the need for the IDA to partner with a governmental agency; hence, the IDA has asked Gila County to be a partner. Since that time there have been discussions relating to this partnership and there are some legal issues that need to be resolved with regard to the Memorandum of Understanding and whether or not the Board should take action today or continue this item to a future Board meeting. Chairman Pastor asked Jeff Dalton, Deputy County Attorney, Civil Bureau Chief, to address this issue. Mr. Dalton stated that he prepared a memorandum regarding his concerns. He added that Mr. McDaniel forwarded a memo to him from the IDA's attorney, Kelly A. McGuirre of Kutak Rock, LLP; however, he hasn't had an opportunity to review it yet, so he recommended that the Board continue this item to a future meeting.

Chairman Pastor reiterated that the Gila County Attorney's Office has issued a legal opinion, which was provided to the IDA. Sandy Palmer, IDA Administrative Manager, was asked to provide the legal opinion to Ms. McGuirre, who then returned an explanation late last night; however, Mr. Dalton has not had the opportunity to review the information. Chairman Pastor requested a motion to continue this item to the January 5, 2016, Board meeting and instruct the County Attorney's Office to confer with Ms. McGuirre in order to come to an understanding. The Board can then re-visit this item at its January 5th meeting. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously continued this item to the Board's January 5, 2016, regular meeting to allow time for further review by the County Attorney's Office and, at that time, the Board will make a decision.

C. Information/Discussion/Action to authorize the advertisement of Request for Proposals Rebid No. 092815 - Document Scan Conversion for the Gila County Recorder's Office.

Jeff Hessenius, Finance Division Director, stated that the scope of work in the previously issued Request for Proposals (RFP) needed to be revised as evidenced by the number of questions posed by the bidders, and by the disparity in the bids received. Subsequently, a revised RFP has been prepared for this item which uses language that models an RFP and contract that is used by the State of Arizona for similar services. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously authorized the advertisement of Request for Proposals Rebid No. 092815.

D. Information/Discussion/Action to approve the Gila County Superior Court's submission of a "Fill the Gap" application in the amount of \$3,750 to the Court Services Division, Administrative Office of the Courts, which will facilitate the transition of the Limited Jurisdiction Courts to the new

document imaging case management system known as AJACS (Arizona Judicial Automated Case System).

Jonathan Bearup, Deputy Court Administrator, stated that this grant is for the continuation of a program implemented last year in order to allow the limited jurisdiction courts to participate in digital document imaging. This is a preparatory step for providing the imaging case management system throughout the courts.

Chairman Pastor advised that Jefferson Dalton, Deputy County Attorney, Civil Bureau Chief, has some concerns regarding this item and the two following agenda items (2E and 2F) which pertain to three separate “Fill the Gap” grant applications. He called upon Mr. Dalton to explain his concerns. Mr. Dalton referenced Arizona Revised Statute § 12-102.02 and he advised that each of the three grant applications do not contain a signature line for “*an elected justice of the peace of the county*” as prescribed by statute; therefore, Mr. Dalton is opposed to the Board of Supervisors approving the applications because they are not in proper legal form.

Mr. Bearup commented that the application and two subsequent applications were vetted through the Administrative Office of the Courts and they contain the same language as in last year’s applications. He expressed a concern that this project and others may be compromised by delaying the submission of the applications by the deadline of January 1, 2016.

Vicki Aguilar, Chief Deputy Clerk of the Court, added that she asked the Administrative Office of the Courts (AOC) to provide direction regarding this concern; however, the question was deferred to their legal department and she has not received an answer yet regarding the interpretation of this aforementioned statute. Chairman Pastor inquired if there was an anticipated time frame to receive an answer from the AOC’s legal counsel to which Ms. Aguilar replied that a time frame was not provided.

Supervisor Marcanti stated that he doesn’t see the need to delay this application for interpretation since it has been approved in the past. Vice-Chairman Martin stated that if there is something wrong with the application, it can be returned to the County; however, she concurred that the application process should not be delayed. The Board members all agreed that it was important to move forward by submitting the application.

Mr. McDaniel advised that it would be the best course of action for the Board to authorize the submission of the application, given the fact that the State is providing the funding and the application has met the State’s standards. He appreciated Mr. Dalton’s comments regarding the statute and added that

statute may be poorly written; therefore, he agreed that the Board should move forward and approve the application. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved the Gila County Superior Court's submission of this "Fill the Gap" application in the amount of \$3,750 to the Court Services Division, Administrative Office of the Courts.

E. Information/Discussion/Action to approve the Globe Regional Justice Court's "Fill the Gap" application to the Court Services Division, Administrative Office of the Courts, in the amount of \$8,000 in order to enhance existing court facilities and expedite case processing.

Mr. Bearup stated that with County support and assistance, an additional courtroom/hearing room, and waiting room/jury assembly area have been established, which has enabled the Justice Court to conduct hearings in multiple locations. He added that the funds received from this grant as described above will be used to purchase additional chairs for the waiting room, digital recording equipment, an industrial capacity paper shredder and media equipment to improve facilities, and expedite the process of criminal cases without additional cost to the citizens of Gila County.

Chairman Pastor stated that, for the record, the County Attorney's Office has issued a memo regarding a concern that the application is missing a statutorily required signature line, which mirrors the explanation provided in the previous agenda item. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved the Globe Regional Justice Court's "Fill the Gap" application in the amount of \$8,000 to the Court Services Division, Administrative Office of the Courts.

F. Information/Discussion/Action to approve the Gila County Clerk of Superior Court's "Fill the Gap" application to the Court Services Division, Administrative Office of the Courts, in the amount of \$12,506.09 in order to purchase the ST ViewScan III Universal Base and complete workstation.

Ms. Aguilar advised that one of the responsibilities of the Clerk of the Superior Court is to be a "keeper of records." She explained that the scanning equipment currently in use for archival searching is at least 21 years old, antiquated, and doesn't work to full capacity. It is necessary to be able to provide the most efficient means of access to Superior Court criminal archival cases to all users of Gila County court records. The equipment that will be purchased if this "Fill the Gap" grant application is approved will provide quality reproduction, searchable text tools for identifying documents quickly,

and it will increase the camera magnification for better reproduction and end product.

Chairman Pastor stated that, for the record, the County Attorney's Office has issued a memo regarding a concern that the application is missing a statutorily required signature line, which mirrors the explanation provided in regular agenda item number 2D. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved the Gila County Clerk of Superior Court's "Fill the Gap" application in the amount of \$12,506.09 to the Court Services Division, Administrative Office of the Courts.

G. Information/Discussion/Action to prioritize the projects submitted by Public Works and direct staff to present the Board of Supervisors' recommendation to the Eastern Arizona Resource Advisory Council at its upcoming meeting.

Steve Sanders, Public Works Division Director, stated that it is time to submit proposed County road improvement projects to the Eastern Arizona Resource Advisory Council (RAC) for review and possible funding through the Secure Rural Schools Title II, United States Department of Agriculture Forest Service grant. Upon Board approval, the amount requested for each of the following three projects would be \$350,000. The three road projects for consideration at this time are: 1) resurfacing approximately four miles of Control Road; 2) mill and repave approximately one mile of the Gisela Road; and, 3) mill and replace approximately one mile of Baker Ranch Road. All three projects meet the requirements to receive the grant funding. He added that all three projects are important to the County and will be budgeted and completed at some point in the future. The Board held a discussion regarding each of the road projects to determine which road has the most urgent need for repairs, the amount of traffic upon each road, and which project would provide the most benefit for the residents of the area. Mr. Sanders stated that hauling of materials to be used on Control Road would be done "in-house" and that is the reason four miles of Control Road can be resurfaced for approximately the same amount of money it costs to resurface one mile of road for Baker Ranch Road or Gisela Road. He also made it clear that the order of priority determined by the Board today would certainly be conveyed to the RAC; however, the RAC could approve or deny the request altogether because the RAC is the ultimate decision maker with regard to the distribution of funds. He did say that the RAC would probably ask the County which road project would be its number one priority, which would be taken into consideration. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously supported and prioritized the projects submitted by Public Works as follows: Baker Ranch Road, Gisela Road and Control Road and directed staff to present the

Board of Supervisors' recommendation to the Eastern Arizona Resource Advisory Council at its upcoming meeting.

H. Information/Discussion/Action for the public sale of a portion of S. Burnham Street as shown on Official Map No. 48 and to accept a bid in the amount of \$35.00 from Jarrett Amado for that portion of S. Burnham Street adjacent to parcel 207-06-106.

Mr. Sanders stated that on February 17th the Board approved staff beginning the process of abandoning a portion of S. Burnham Street, which was done in accordance with County policies. Mr. Jarrett Amado purchased a home with an addition that is situated on this piece of land and he has requested to purchase this portion of S. Burnham Street. Mr. Sanders added that the land has never been used as a road, nor will it ever be used as a road; it runs into a hill that is unbuildable. He added that no other bids have been received for this land. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously accepted a bid in the amount of \$35.00 from Jarrett Amado for the purchase of that portion of S. Burnham Street adjacent to parcel 207-06-106.

I. Information/Discussion/Action to accept a Citizens' Petition to begin the process to establish Gambel Drive located in Central Heights as a Country Dirt Road.

Mr. Sanders stated that a Citizens' Petition was submitted to establish Gambel Drive as a Country Dirt Road. The Board must accept the Citizens' Petition as the first step in the County's process to establish said road. The road is located off of Roberts Road in Central Heights; the road serves five to seven residents; and, the petition meets the County's requirements for a Country Dirt Road. If the residents sign the required easements, the item will be presented to the Board at a future meeting for approval to establish Gambel Drive as a Country Dirt Road. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously accepted a Citizens' Petition to begin the process to establish Gambel Drive located in Central Heights as a Country Dirt Road.

J. Information/Discussion/Action to adopt Resolution No. 15-12-02 for a roadway exchange (roadway is located north of Payson) between Pedro and Sandra K. Navarro and Gila County, and to authorize the Chairman's signature on a Quit Claim Deed for said roadway exchange.

Mr. Sanders stated that Pedro Navarro conducted a recent survey of his property which showed a portion of Houston Mesa Road on his property. Gila County had previously acquired a portion of the property now owned by the

Navarros for Houston Mesa Road; however, the County didn't acquire quite enough of the road. The roadway exchange will allow the County to acquire the additional right-of-way needed. It will also let the County return a platted roadway on the Navarro property that is of no benefit to the County. The County has previously abandoned this road on adjacent parcels. The exchange is equitable: 1,566 square feet will be deeded by Gila County to Pedro and Sandra K. Navarro, and 1,434 square feet will be deeded by Pedro and Sandra K. Navarro to Gila County. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 15-12-02, and authorized the Chairman's signature on a Quit Claim Deed for said roadway exchange. **(A copy of the resolution is permanently on file in the Board of Supervisors' Office.)**

K. Information/Discussion/Action to adopt Resolution No. 15-12-01 authorizing the disposal of an unnecessary public roadway being a portion of Canal Street located in Little Acres between Lot 12 and Lot 21, as shown on the map of Fairmont Acreage, Official Map No. 45, Gila County Records, Gila County, Arizona, and authorize the Chairman's signature on the Quit Claim Deed conveying the abandoned roadway to Clyde A. Elmer.

Mr. Sanders stated that on November 17, 2015, the Board accepted a bid in the amount of \$145.00 from Clyde A. Elmer for the purchase of a portion of Canal Street. Staff recommends adoption of the resolution and that the Chairman sign the Quit Claim Deed for the conveyance of land to Mr. Elmer. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Resolution No. 15-12-01, and authorized the Chairman's signature on the Quit Claim Deed conveying the abandoned roadway to Clyde A. Elmer. **(A copy of the resolution is permanently on file in the Board of Supervisors' Office.)**

L. Information/Discussion/Action to adopt Resolution No. 15-11-01 which authorizes the execution of an Intergovernmental Agreement (ADOT File No. IGA/JPA 15-0005498-I) between Gila County and the State of Arizona, Department of Transportation for the appropriation standards for railroad crossing appurtenances on Grover Canyon Road located in the Claypool area of Gila County.

Mr. Sanders stated that Public Works received notification from the Arizona Department of Transportation (ADOT) that Grover Canyon Road railroad crossing had been identified as the highest priority need on the railroad line; therefore, this project has been moved to the front of the project list of which the County is grateful. The County will be required to match funds in the amount of approximately \$6,500. There will be a signalized concrete crossing

and a gate at the Grover Canyon Road railroad crossing. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 15-11-01. **(A copy of the resolution is permanently on file in the Board of Supervisors' Office.)**

M. Information/Discussion/Action to authorize a waterline easement between Gila County and the Arizona Water Company whereby the County will grant a waterline easement to Arizona Water Company.

Mr. Sanders stated that in September 2015, Gila County granted a waterline easement to Arizona Water Company for the installation of a waterline needed to complete the loop of new waterlines that were installed for the Public Works Complex on Besich Boulevard and Rose Mofford Way. When the contractor began excavation for the waterline, the depth of the line and the type of soil encountered necessitated moving the line to the south in order to keep the work away from Besich Boulevard. The move required that an additional 20 feet needed to be granted by the County for the placement of the waterline so as not to impact Besich Boulevard. Mr. Sanders advised that authorization of the waterline easement would not impact any County roadway or otherwise negatively affect any other roadway. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously authorized a waterline easement between Gila County and the Arizona Water Company whereby the County will grant a waterline easement to Arizona Water Company.

N. Information/Discussion/Action to authorize the quarterly posting of a public notice of on-line auction of surplus materials in the Arizona Silver Belt newspaper per A.R.S. §11-251(9).

Mr. Hessenius stated that this item is a request to publish a public notice of on-line auction of County surplus materials on a quarterly basis (January, April, July, and October of 2016) in the Arizona Silver Belt newspaper. Vice-Chairman Martin acknowledged that the Arizona Silver Belt newspaper is the official County newspaper (for 2015); however, she wanted to know the reason the public notice would not also be published in the Payson Roundup newspaper. Mr. Hessenius replied that could be done, and he added that in addition to publishing the notice in the newspaper, it is also posted on the County's website and a press release is issued. Vice-Chairman Martin commented that it is important to also publish the notice in the Payson Roundup newspaper because she believes many people only receive news updates from the newspaper. Chairman Pastor inquired if the Finance Division creates a financial report of the auction results to which Mr. Hessenius replied that the Finance Division has all of the related figures, so a report could be easily generated. Chairman Pastor requested that each of the Supervisors be

sent a written summary of the results of each auction. Vice-Chairman Martin requested that Mr. Hessenius also email each Supervisor advance notice of each auction to which he replied that both requests could easily be fulfilled. Supervisor Marcanti made a motion to authorize the publication of a public notice on a quarterly basis regarding the County's on-line surplus auction in the Arizona Silver Belt newspaper. Vice-Chairman Martin amended the motion to include also publishing the public notice in the Payson Roundup newspaper. The Board voted unanimously to authorize the quarterly publication of a public notice for the County's on-line auction of surplus materials in the Arizona Silver Belt and Payson Roundup newspapers.

O. Information/Discussion/Action to review all bids submitted for Call for Bids No. 110615 to provide all advertising, publications and printing required to be done or made by all departments of Gila County for calendar year 2016; award to the lowest, responsible and qualified bidder; and authorize the Chairman's signature on the contract for the winning bidder.

Mr. Hessenius introduced this item and stated that a call for bids is issued annually for a qualified newspaper to become the official newspaper of record for the County for a period of one year. He advised that there was only one bidder, which was the Arizona Silver Belt newspaper. He added that the Payson Roundup newspaper, the only other qualified newspaper in Gila County, did not submit a bid. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously awarded a contract in response to Call for Bids No. 110615 to the Arizona Silver Belt newspaper at a price of \$4.40 per column inch to provide all advertising, publications and printing required to be done or made by all departments of Gila County for calendar year 2016.

P. Information/Discussion/Action to approve performance pay increases ranging from 3.0% to 1.0% for qualified employees at a cost of approximately \$499,000.

Mr. McDaniel stated that this is staff's proposal to increase employee salaries based on the recently completed performance appraisal. Staff is proposing to recognize the hard work of employees and management by providing performance pay increases for all qualified employees. This would be the third year employees could receive a pay increase based on their performance. The prior two years were lump-sum payments rather than an increase to the rate of pay. The fiscal year 2010-2011 adopted budget authorized 699.88 full time equivalent (FTE) employees; whereas, the fiscal year 2015-2016 adopted budget authorizes 620.39 FTE employees. Part of the reduction in employees was due to attrition and the elected officials and department heads voluntarily reduced

their departmental budgets while working to stay within their budget. The current budget provides for pay increases for employees to be funded out of the “CPI/Performance Pay Increases” line item. The average pay increase for each employee is 2.0% at a cost of approximately \$499,000, and the goal is to keep a balanced budget while paying employees accordingly.

Each Board member provided comments in support of paying employees accordingly and getting quality performance. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved performance pay increases ranging from 3.0% to 1.0% for qualified employees at a cost of approximately \$499,000.

Q. Information/Discussion/Action to approve Amendment Nos. 2 and 3 to an Intergovernmental Agreement (Contract No. ADES15-089113) between the Arizona Department of Economic Security and Gila County Division of Community Services, Community Action Program, revising the Itemized Service Budget for Case Management and Community Services whereby the cumulative reimbursement ceiling has been increased from \$451,731 to \$477,916, and to make some other minor contract changes for the period July 1, 2015, through June 30, 2016.

Malissa Buzan, Community Services Division Director, stated that this item is to approve two amendments. Amendment No. 2 contains an adjustment to the Community Action Program budget, which has a carry-over balance of approximately \$26,000 and some other minor contract changes. She deferred to Mr. Dalton as he has some concerns with Amendment No. 2. Mr. Dalton advised that the Arizona Department of Economic Security’s (ADES) proposed Amendment No. 2, Section 32.7, adds a new concept; that services may be provided *outside* of Gila County. He stated that A.R.S. § 11-254.04 allows for economic development activities outside of the county; however, the assistance must still be found and determined to benefit the inhabitants of the county. Mr. Dalton requested that DES add the following language to the Amendment: *Contractor will not make a request to the Department, unless Contractor, pursuant to A.R.S. § 11-254.04, has found and determined that the assistance will assist in the creation of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of Gila County.* Mr. Dalton stated that adding that sentence would bring the Amendment into compliance with the statute, and without it, DES leaves him in a situation of not being able to approve Amendment No. 2 as to form. He clarified that the Board may still choose to approve the Amendment even though he cannot approve it as to form. Ms. Buzan stated that she asked DES to add the language and DES replied that the added language could be considered for future contracts. DES added that in any case, the Amendment would have to be sent to the Attorney General’s Office and it could take several weeks to receive a response. She

clarified that this money is from the federal government and it must be added to the contract before December 31st or else Gila County loses the money.

Mr. McDaniel stated that the Board could impose upon itself the restriction so that the Amendment could be approved subject to the understanding that the County would not make application for funds or would not spend the funds, and then add the paragraph provided by the County Attorney's Office, which would indicate that it is not the Board's intention to go outside of that, and that wouldn't have anything to do with the contract, but it would be part of the Board's action. Mr. Dalton stated that he thought this was an excellent idea because the County would have to ask DES for funds before it could spend any funds out of County, which is built into the contract. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously approved Amendment Nos. 2 and 3 to an Intergovernmental Agreement (Contract No. ADES15-089113) between the Arizona Department of Economic Security and Gila County Division of Community Services, Community Action Program for the period of July 1, 2015, through June 30, 2016, subject to the Community Services Division making a determination on each project that the assistance will assist in the creation of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of Gila County.

R. Information/Discussion/Action to adopt Resolution No. 15-12-03 accepting the resignations of two (2) governing Board Members of the Solitude Trails Domestic Water Improvement District (STDWID); revoking the authority of the STDWID; naming the Gila County Board of Supervisors as the Board of Directors for the STDWID; and reserving the authority to call for new election of the STDWID.

Eric Mariscal, Elections Director, stated that on November 14, 2015, the STDWID held a Board meeting at which time Mark Fumusa and Mark Peschman tendered their resignations as members of the STDWID Board of Directors (BOD). STDWID had a three member board so it left the STDWID without a quorum and unable to conduct business. It has been 31 days since this has occurred and according to Arizona Revised Statute (A.R.S.) § 48-1016, *"the board of supervisors of the county in which a domestic water improvement district or domestic wastewater improvement district is located may at any time revoke the authority of an elected board of directors in order to protect the residents of the district. Any district in which the authority of an elected board of directors is revoked pursuant to this section shall be governed by the board of supervisors as provided by section 48-908 and the board of supervisors shall have the option of calling for new elections for the district board of directors."* Mr. Mariscal recommended that the Board move forward with this action as stated in the agenda item.

Vice-Chairman Martin inquired as to the status of the third member of the BOD. Mr. Mariscal explained that if the Board of Supervisors takes action to revoke the authority of the STDWID BOD, the remaining Board member's authority would be revoked and that member would have to be elected at the time the other two members would be elected.

Chairman Pastor asked if any member of the public wished to speak to this issue. Stephen Wetherell, residing at 5448 Foxtail View within the STDWID, stated that he was addressing the Board as a STDWID member and as a newly appointed member of the STDWID BOD. He requested that the Board of Supervisors not adopt a resolution to revoke the authority of the STDWID BOD, and that the Board of Supervisors not adopt an Order to call for a special election in the spring to elect new STDWID BOD members. He advised that after the 2 STDWID BOD members resigned, the remaining STDWID Board member was authorized, per A.R.S. § 48-1012 (C), to appoint new BOD members. The existing BOD member requested letters of interest and resumes from those residing within the STDWID who were interested in serving on the STDWID BOD. Mr. Wetherell advised that he and one other person were appointed to the STDWID BOD by the one remaining Board member on approximately December 2nd or 3rd of this year. Mr. Wetherell advised that on December 5th, within 30 days from the date the prior resignations were submitted and after a notice of the STDWID BOD's meeting was posted, a meeting of the STDWID BOD was held at which time he and another newly appointed member were sworn into office and seated as members of the BOD.

Mr. Dalton reviewed the A.R.S. and he stated, "If the district board lacks a quorum for any reason for more than 30 days, the county board of supervisors may revoke the authority of the appointed or elected board of directors pursuant to Section 48-1016...It would appear that is what has occurred here; once those two members resigned, the Board lacked a quorum. As soon as 30 days lapsed from that date, the Board of Supervisors then has the authority to revoke the authority of the Board." Mr. McDaniel further clarified that once the two Board members resigned, the STDWID BOD no longer existed. Mr. Dalton proceeded to read further portions of A.R.S. § 48-1016. Vice-Chairman Martin exclaimed that if only one BOD member chose to resign, then the other two remaining BOD members could have appointed a third member. The other member could have resigned and then the newly appointed member and the existing member could have appointed a new BOD member. She pointed out that it was the choice of the two BOD members to resign at the same time, which resulted in a lack of a quorum on said Board.

Chairman Pastor called on Roger Miotto to address the Board. Mr. Miotto stated, "I've been on this board for years and I haven't had any problems supplying water to the district. We are very capable of doing just that. I have

obligated to the residents of the Solitude Trails Domestic Water Improvement District and I have lived in the district for the past 20 years.” He then stated that the new BOD members that he recently appointed and he are very capable of continuing to handle the business of the STDWID.

There being no more public comment, Chairman Pastor asked for a motion from the Board. Vice-Chairman Martin made a motion to adopt Resolution No. 15-02-03 to accept the resignations of 2 governing Board members of the STDWID; revoke the authority of the STDWID; name the Gila County Board of Supervisors as the Board of Directors for the STDWID; and reserve the authority to call for special election of the STDWID. The motion was seconded by Supervisor Marcanti and passed with a unanimous vote of the Board. **(A copy of the resolution is permanently on file in the Board of Supervisors’ Office.)**

S. Information/Discussion/Action to consider adopting an Order to call for a Special Election to be held May 17, 2016, to elect a new Board of Directors for the Solitude Trails Domestic Water Improvement District.

Mr. Mariscal stated that this item is on the agenda today should the Board decide to call for the special election at this time. The deadline to call for the special election is January 18, 2016, and the special election would be held on May 17, 2016. It is up to the Board to call for the special election now, review it, and/or have a meeting with the population of the area, etc.

Chairman Pastor stated that he didn’t feel that the Board was ready to call for the special election at this time. The Board will take authority over the STDWID today; the Board will give direction as to the upcoming events with respect to the residents of the STDWID; and, the Board will call for a public meeting in Pine at the Pine Community Center. The Board will start working on the logistics and direct staff to move forward with administration, and the audit of the STDWID.

Mr. McDaniel stated that all of the aforementioned proposed actions will take place based on the action taken in the previous agenda item. He recommended continuing this item to the Board’s January 5, 2016, meeting. Chairman Pastor agreed with the recommendation and asked for a motion from the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously continued regular item number 2S to the January 5, 2016, Regular Meeting of the Board of Supervisors.

T. Information/Discussion/Action to approve Professional Service Agreement No. 101415 with Jean Turney-Shaw, FNP to provide medical services on an "as needed" basis to the Gila County Sheriff's Office Jail

Facility and Juvenile Detention Facility for a period of November 1, 2015, through October 31, 2016, with the option to renew the contract term for two one-year periods, at an hourly rate of \$50.00, with a not to exceed amount of \$63,000 for the term of the contract.

Sheriff J. Adam Shepherd thanked and acknowledged the participants who made it possible for this item to be on the agenda today. He stated that the Gila County Sheriff's Office (GCSO) is required by law to provide medical services to detainees in the GCSO Jail Facility and Juvenile Detention Facility. Through various recruiting campaigns and salary issues, the GCSO has been unable to fill the vacant registered nurse position in Detention Health Services; therefore, it has been difficult to solve a long existing problem of attracting health care professional to provide services at the jail facility. The option of hiring a locally established, family nurse practitioner, on an as-needed basis is a viable option when staffing issues may arise. He added that at least half of the detainees need medical attention multiple times during the day; therefore, this is critical and a much needed addition to the operations of the GCSO. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved Professional Service Agreement No. 101415.

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. Acknowledgment of the certified copy of the Official Canvass of the Tri-City Regional Sanitary District's election that was held on November 3, 2015.

B. Approval of Amendment No. 12 to an Agreement for Energy Wise Low-Income Weatherization Program Implementation (Contract No. 700518523) between Arizona Public Service (APS) and the Gila County Division of Community Services, Weatherization Program, whereby APS will provide funding in an amount not to exceed \$106,429 to be used to provide weatherization services to eligible low-income citizens residing in Gila County for the period from January 1, 2016, through December 31, 2016.

C. Approval to appoint Justices of the Peace Pro Tempore for the period January 1, 2016, through December 31, 2016, as follows: Payson Regional Justice Court - John Perlman, Don Calendar, Paul Larkin, Ronnie McDaniel, Paul Julien, Rebecca Baeza, Gary Scales; and Globe Regional Justice Court - John Perlman, Don Calendar, Paul Larkin, Ronnie McDaniel, Paul Julien, Rebecca Baeza, Gary Scales.

D. Acknowledgment of the October 2015 monthly activity report submitted by the Globe Regional Constable's Office.

E. Approval of finance reports/demands/transfers for the weeks of December 8, 2015, and December 15, 2015.

December 8, 2015

\$2,356,989.08 was disbursed for County expenses by check numbers 273849 through 274017.

December 15, 2015

\$361,564.77 was disbursed for County expenses by check numbers 274018 through 274121. **(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 3A – 3E.

Item 4 – 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 5 – 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 12:16 p.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

Marian Sheppard, Clerk of the Board