

PURSUANT TO A.R.S. § 38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD A MEETING AT THE GILA COUNTY COURTHOUSE, BOARD OF SUPERVISORS' HEARING ROOM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL OR BY INTERACTIVE TELEVISION VIDEO (ITV). THE MEETING IS ALSO TELEVISED TO THE GILA COUNTY TOMMIE CLINE MARTIN COMPLEX, BOARD OF SUPERVISORS' CONFERENCE ROOM, 707 S. COLCORD ROAD, PAYSON, ARIZONA.

Citizens may watch the Board meeting live-streamed at:

<https://www.youtube.com/channel/UCkCHWVqrI5AmJKbvYbO-k2A/live>

Citizens may submit written comments related to the September 27th Special Meeting agenda by no later than 5 p.m. on Monday, September 26th, by emailing the Chief Deputy Clerk of the Board at [mhenderson@gilacountyaz.gov](mailto:mhenderson@gilacountyaz.gov) or calling 928-402-4390. Citizens may also submit written comments during the meeting through YouTube. Please include the meeting date, agenda item number, your name, and your residence address in the email.

---

## **SPECIAL MEETING - TUESDAY, SEPTEMBER 27, 2022 - 10:00 A.M.**

1. **CALL TO ORDER - PLEDGE OF ALLEGIANCE**
  
2. **REGULAR AGENDA ITEMS:**
  - A. **(Recess as the Gila County Board of Supervisors and convene as the Gila County Board of Equalization.)**  
Information/Discussion/Action to receive and accept the Gila County Board of Equalization Hearing Officer's recommendations regarding appeal hearings that were held on September 21, 2022, for the tax year 2023 property valuations. **(Melissa Henderson) (Adjourn as the Gila County Board of Equalization and reconvene as the Gila County Board of Supervisors.)**
  
  - B. Information/Discussion of draft Ordinance No. 2022-07 - *Engine Braking for Unincorporated Areas of Gila County.* **(Michael O'Driscoll)**

3. **CALL TO THE PUBLIC:** A 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 A.R.S. §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.
  
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.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. §38-431.03(A)(3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

**ARF-7594**

**Regular Agenda Item 2. A.**

**Special BOS Meeting**

Meeting Date: 09/27/2022

Submitted For: Melissa Henderson, Chief Deputy Clerk of the Board

Submitted By: Marian Sheppard, Clerk of the Board

Department: Clerk of the Board of Supervisors

---

Information

Request/Subject

Board of Equalization (BOE) Hearing Officer's recommendations regarding appeals of the Assessor's 2023 tax year property valuations.

Background Information

The Arizona Revised Statutes (A.R.S.) require that each year the Assessor issue Notice of Value cards to every property owner in Gila County. Property owners who disagree with the Assessor's valuation of their property can follow a process outlined in the A.R.S. to appeal the Assessor's valuation. The process starts with appealing directly to the Assessor. After meeting with the Assessor, if the property owner is still not satisfied, the property owner may appeal to the BOE.

The Gila County BOE appointed H. Charles "Chuck" Johnson as its BOE Hearing Officer to conduct the hearings and make recommendations to the BOE. All petitions that meet the A.R.S. requirements are scheduled for hearings. Hearings can be conducted in person or "on the record" if the property owner cannot be present. If the property owner cannot be present, Hearing Officer Johnson considers the written information submitted by the property owner and written information submitted by the Assessor's staff.

Prior to the start of the hearing, the property owner and Assessor's staff are sworn in by the Chief Deputy Clerk of the Board. Hearing Officer Johnson announces the parcel number for each hearing and explains the hearing process to the property owner. By Arizona law, the property owner has the burden of proof. Hearing Officer Johnson takes testimony from the property owner first. He may ask clarification questions and the Assessor's staff is able to ask questions of the property owner. The Assessor's staff presents testimony and evidence second. This information is provided in written form explaining the Assessor's position on the property's valuation. A copy of this information is given to the

property owner and Hearing Officer Johnson at the hearing. Hearing Officer Johnson may ask clarification questions and the property owner is given an opportunity to ask questions or rebut evidence from the Assessor's staff. There are times when a petitioner and the Assessor's Office have reached a stipulated agreement on a property value before the BOE hearing. In that case, the Assessor's Office will present the stipulated agreement to Hearing Officer Johnson at which time he may accept the agreed upon value or may change the value.

The A.R.S. allows the Assessor or property owners who are dissatisfied with the valuation or classification of the property as fixed by the County BOE to appeal directly to Tax Court.

### Evaluation

A summary of the hearing is as follows:

Petitions Appealed to the BOE Level:	3
Parcels Appealed to the BOE Level:	3
Parcels Denied a Hearing:	0
Parcels with No Change in Value:	2
Parcels with Decrease:	1

### Conclusion

The Gila County BOE needs to vote to receive and accept Hearing Officer Johnson's recommendations for valuation review for 2023 tax year hearings that were conducted on September 21, 2022.

The County BOE is required to decide all Petitions for Review of Valuation before October 15th of each year.

Per contractual agreement between Gila County BOE Hearing Officer Johnson and the BOE, the BOE's review of the Hearing Officer's decision is limited. The County receives the decision of Hearing Officer Johnson and shall uphold the decision of the Hearing Officer Johnson unless there is substantiated evidence presented to the BOE that the procedures for the hearing were not followed, state law was violated or there is no evidence from the record to substantiate the Hearing Officer's decision.

### Recommendation

The Gila County BOE is requested to receive and accept the BOE Hearing Officer's recommendation for 3 properties that were heard on September 21, 2022, per the attached spreadsheet.

### Suggested Motion

**(Recess as the Gila County Board of Supervisors and convene as the Gila County Board of Equalization.)**

Information/Discussion/Action to receive and accept the Gila County Board of Equalization Hearing Officer's recommendations regarding appeal hearings that were held on September 21, 2022, for the tax year 2023 property valuations. **(Melissa Henderson) (Adjourn as the Gila County Board of Equalization and reconvene as the Gila County Board of Supervisors.)**

---

Attachments

BOE - 2023 HO Decisions

---

**OCTOBER 9, 2020 BOARD OF EQUALIZATION HEARINGS**  
**Review of Property Valuations for Tax Year 2023**  
**Hearing Officer H. Charles Johnson's Recommendations**

<i>Petitioner</i>	<i>Parcel No.</i>	<i>Hearing Officer Decision</i>	<i>Full Cash Value</i>	<i>Limited Property Value</i>	<i>Class</i>	<i>Ratio</i>
<i>Dean &amp; Carolyn Weinland</i>	<i>302-23-135</i>	<i>1</i>	<i>\$540,380</i>	<i>\$440,238</i>	<i>3.1</i>	<i>10%</i>
<i>Gregory Brian Smith</i>	<i>301-33-076</i>	<i>2</i>	<i>\$155,575</i>	<i>\$155,575</i>	<i>4.1</i>	<i>10%</i>
<i>Brad Huza</i>	<i>201-08-049M</i>	<i>1</i>	<i>\$185,993</i>	<i>\$164,114</i>	<i>3.1</i>	<i>10%</i>

- Decisions:**
- 1) No Change**
  - 2) Upheld Assessor's Revised Opinion of Value**
  - 3) Decrease**

**ARF-7583**

**Regular Agenda Item 2. B.**

**Special BOS Meeting**

Meeting Date: 09/27/2022

Submitted For: Michael O'Driscoll, Director

Submitted By: Michael O'Driscoll, Director

Department: Assistant County Manager

---

Information

Request/Subject

Discussion of the creation of Ordinance No. 2022-07- *Engine Braking for Unincorporated Areas of Gila County*

Background Information

Residents of the Pine and Strawberry areas of unincorporated Gila County have concerns about the increased levels of noise being generated by the engine "air braking" of large vehicles traveling through Gila County.

Supervisor Christensen of District 1 has met with residents regarding this issue and has requested staff present to the Board of Supervisors during a work session a draft Engine Braking Ordinance for discussion.

Evaluation

Residents of the Pine and Strawberry areas of unincorporated Gila County have concerns about the increased levels of noise being generated by the engine "air braking" of large vehicles traveling through Gila County.

Gila County staff will present a draft Engine Braking Ordinance to the BOS during a work session for discussion.

Conclusion

Residents of the Pine and Strawberry areas of unincorporated Gila County have concerns about the increased levels of noise being generated by the engine "air braking" of large vehicles traveling through Gila County.

One solution may be the creation of an Engine Braking Ordinance.

Gila County staff will present a draft Engine Braking Ordinance to the Board of Supervisors during a work session for discussion.

Recommendation

Discussion of the adoption of Ordinance No. 2022-07 - *Engine Braking for Unincorporated Areas of Gila County*

Suggested Motion

Information/Discussion of draft Ordinance No. 2022-07 - *Engine Braking for Unincorporated Areas of Gila County*. **(Michael O'Driscoll)**

---

Attachments

Ordinance No. 2022-07 - Engine Braking for Unincorporated Gila County - DRAFT

---





**ENGINE BRAKING ORDINANCE FOR AREAS OF  
GILA COUNTY ARIZONA  
ORDINANCE NO. 2022-07**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, PROHIBITING ENGINE BRAKING ON CERTAIN SEGMENTS OF CERTAIN COUNTY AND STATE HIGHWAYS AND PROVIDING FOR CIVIL PENALTIES.**

**WHEREAS**, the Board of Supervisors is authorized by Arizona Revised Statute (A.R.S.) § 11-251(31) to make and enforce all local, police, sanitary, and other regulations not in conflict with general law; and

**WHEREAS**, the Arizona Traffic Code, Title 28 of the Arizona Revised Statutes (A.R.S.), in Sections § 28-626 and § 28-627 authorizes the Board of Supervisors to adopt traffic regulations, not in conflict with the general traffic laws of the state for highways within the jurisdiction of the Board; and

**WHEREAS**, the Arizona Traffic Code in Section 28-642 requires the Board of Supervisors to obtain the permission of the Director of the Arizona Department of Transportation (ADOT) in order to place traffic control devices on highways under the jurisdiction of the Director; and

**WHEREAS**, the Board of Supervisors has received citizen complaints about the disturbance of the peace and quiet of residential neighborhoods along certain county and state highways due to the practice of engine braking (also known as "jake braking") by passing vehicles; and

**WHEREAS**, the Board of Supervisors finds that the practice of engine braking on highways in populated areas should be regulated pursuant to the Board of Supervisors' police power,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Gila County, Arizona, as follows:

**SECTION 1: SHORT TITLE.**

This ordinance may be cited as the "Gila County Engine Braking Ordinance."

## **SECTION 2: AREA OF APPLICABILITY.**

This ordinance shall apply in a portion of the unincorporated area of Gila County.

## **SECTION 3: DEFINITION OF ENGINE BRAKING.**

As used herein, "engine braking" means the use or operation of any mechanical exhaust device designed to aid in the braking, decompression, or deceleration of any motor vehicle which results in excessive, loud, unusual, or explosive noise from such vehicle, or any method of slowing a motor vehicle in a manner that produces excessive, loud, unusual or explosive noise.

## **SECTION 4: PROHIBITION AGAINST ENGINE BRAKING.**

Engine braking is prohibited as follows:

1. Engine braking is prohibited only between specific milepost markers on specific county and state highways. Such highways and milepost markers are set forth on Exhibit 1 hereto. This prohibition shall be in effect for any particular highway segment from and after such time as appropriate signage has been erected at the beginning and ending milepost markers. If the highway is a state highway, this prohibition shall be in effect from and after such time as the permission of ADOT has been granted and appropriate signage has been erected.
2. This ordinance and Exhibit 1 hereto may be amended from time to time to add one or more additional highway segments where engine braking is prohibited only upon (1) receipt of a written citizen request by the Public Works Department Director, and (2) a determination and recommendation to the Board of Supervisors by the Public Works Department Director that the addition of the highway segment(s) is appropriate and in the public interest.
3. The prohibition against engine braking shall not apply to emergency vehicles in connection with their official use or where the use of engine braking is necessary to avoid injury to persons or property that could not otherwise be avoided by the application of an alternative method of braking.

## **SECTION 5: PENALTY AND ENFORCEMENT.**

1. It is unlawful for any person to engage in engine braking on any segment of the county or state highway where engine braking is prohibited by this ordinance.
2. A violation of this ordinance shall be a civil traffic violation as defined in Title 28, Arizona Revised Statutes (A.R.S.), enforceable by any peace officer as provided in said Title 28, Chapter 5, Article 4. The maximum civil penalty shall be two hundred and fifty dollars (\$250). In addition, the court shall levy penalty assessments pursuant to A.R.S. §§ 12-116.01 and 12-116.02.

**SECTION 6: EFFECTIVE DATE.**

This ordinance shall be effective 30 days after adoption by the Board of Supervisors.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of October 2022.

**Attest:**

**GILA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
James Menlove, Clerk of the Board

\_\_\_\_\_  
Woody Cline, Chairman

**Approved as to form:**

\_\_\_\_\_  
The Gila County Attorney's Office

DRAFT



# **Gila County Public Works Department**

## **ENGINE BRAKING ORDINANCE**

### **EXHIBIT-1**

Areas in Gila County where Engine Braking is prohibited;

1. On SR 87 as it passes thru Pine-Strawberry

*Sign No. 1* – Sign placement on North Bound lane of Hwy 87 at ADOT mile marker 266

*Sign No 2* - Sign placement on South Bound lane of Hwy 87 at ADOT mile marker 271