

GREENLEE COUNTY BOARD OF SUPERVISORS  
CLIFTON, ARIZONA

May 6, 2013

The Greenlee County Board of Supervisors met on this date in regular session in the Board Meeting Room, 2<sup>nd</sup> floor Courthouse Annex, Clifton, Arizona, with the following members present: David Gomez, Chairman; Ron Campbell, Member; and Robert Corbell, Member. Also present were Deborah K. Gale, County Administrator, and Yvonne Pearson, Clerk of the Board.

Chairman Gomez called the meeting to order at 8:00 a.m. and Supervisor Campbell led those present in the Pledge of Allegiance.

Derek Rapier, County Attorney, responded to the Call to the Public and addressed letters that were presented to the Board at the April 16, 2013 meeting by Daniel Cervantez, one of which was a letter Mr. Rapier wrote to Mr. Cervantez. He stated that Mr. Cervantez recently raised concerns and threatened lawsuit against the County for not preserving evidence that was taken in his case. He stated that, at the best of his recollection from 15 years ago, the evidence involved pictures of young boys, a tube of Vaseline, and a newspaper clipping discussing how young boys find their sexuality at a boarding school in Europe somewhere. He also stated that it has never been the policy of his office to maintain evidence. If evidence is pulled for a trial, it gets returned to the agency from where it came if it is not used at trial. If it is used at trial it is given to the courts to become part of the permanent record. He added that claims against the County are handled through the Arizona Counties Insurance Pool and that he wanted to make the Board aware of the matter and that any claims will be handled through the County Administrator and Arizona Counties Insurance Pool and will go from there.

Secondly, Mr. Rapier stated that he came out early in favor of the Medicaid Expansion Plan. He stated that we are paying an increasingly large amount for treating mental health issues through the criminal justice system saying that many who are not treated due to the lack of being able to hold regular jobs and no insurance, wind up being arrested. He stated that Restoration to Competency, which is the process by which mental health individuals who are deemed not competent to stand trial are restored to competency to be able to stand trial, is extremely expensive with the rate for the state hospital being over \$600 per day for treatment. He added that throughout the state, the number of mentally ill people showing up in the criminal justice system is increasing.

Daniel Cervantez, resident, responded to the Call to the Public stating that as a result of his attendance at the Growing Greenlee Forum held a few months ago, he is trying to do his part in addressing the housing shortage in Clifton. He presented letters he has received from the Eastern Arizona College Small Business Development Center. He stated that he believes that he has a possible solution to the housing issue and will present it at a later date.

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The Board of Supervisors convened as the Board of Directors of the Greenlee County Public Health Services District.

Steve Rutherford, Health & County Services Director, requested approval to fill a vacant budgeted Clerk II position in the Health Department. Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the request as presented.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the Public Health Services District Consent Agenda as follows:

1. Clerk of the Board: Approval of Public Health District warrants in excess of \$1,000.00
2. Health & County Services Director: Approval of Payroll Change Notice - B. Morales, Health Policy Manager

The Board reconvened into regular session.

Lance Brown, Clifton District Ranger, Apache-Sitgreaves National Forest, updated the Board on the following:

- Block B of the Mesa re-entry burn has been completed and was successful
- Wild Bunch allotment is being assessed.
- 3rd graders will be at Black Jack on the 9<sup>th</sup> for educational sessions
- The district will host high school students for job shadowing on the 14<sup>th</sup>
- No fire restrictions are in place yet for the district.

Steve Rutherford, Emergency Management Coordinator, requested approval of the Guthrie Peak Communications Scope of Work Plan. He stated that the Guthrie Peak Tower has been in planning for several years and that this plan is a scope of what is take place. Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board approved the Guthrie Peak Communications Scope of Work Plan as presented.

Mr. Rutherford requested approval of the purchase of communication radios for the Public Works Department. He stated that this is phase two of the Guthrie Tower project which will provide the infrastructure that will allow the Public Works Department to communicate. Currently, the Public Works personnel have no means of communicating while out in the field, during construction projects and while operating heavy equipment which presents a liability and safety issue. The cost of the radio system and radios will be paid over a five year period. Upon motion by Supervisor Campbell, seconded by

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Supervisor Corbell, and carried unanimously, the Board approved the request as presented in the amount of \$274,185.02 to be paid over a 5 year time period.

The Board convened into Public Hearing- Planning and Zoning District Change for Assessor Parcel 300-92-015 located at 594 Bobcat Drive in Verde Lee Subdivision. Philip Ronnerud, Planning Director, stated that this involves 1.4 acres that was split to install a manufactured home. The request has a position recommendation from the Planning and Zoning Commission with no stipulations. He stated that he received comments from surrounding residents with some concerns and that the action from the Board will require a unanimous vote.

Mr. Ronnerud spoke to the Zoning District Change for Assessor Parcel 300-36-018A located at Sheldon Loop stating that the property involves 5 acres that was split and that the new parcel does not meet zoning requirements. The request has a positive recommendation from the Planning and Zoning Commission with a stipulation that the access is onto Sheldon Loop and not to State Route 75.

The Board reconvened into regular session.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the Zoning District Change for Assessor Parcel 300-92-015 located at 594 Bobcat Drive in Verde Lee Subdivision as presented.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the Zoning District Change for Assessor Parcel 300-36-018A located at Sheldon Loop with the stipulation as presented.

Philip Ronnerud, County Engineer, presented a list of new street names for the Morenci area and requested that the Board table the request to name Cliffrose Court and Primrose Place and recommended approval of Highland Height and Mulligan Vista. Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board tabled the street names of Cliffrose Court and Primrose Place and approved street names of Highland Height and Mulligan Vista as presented.

Mr. Ronnerud requested approval to apply for the Arizona Department of Transportation Local Highway Safety Improvement Program (HISP) grant funds for Skyline View Road improvements. He stated that the funding requires no matching funds and will address safety issues of the road. Supervisor Campbell moved to approve the request and Chairman Gomez seconded the motion. Supervisor Corbell voted no.

Mr. Ronnerud requested approval to apply for the Arizona Department of Transportation Planning Assistance for Rural Areas grant funds for a trails study in Greenlee County.

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He stated that the funding would be used for a needs study for mapping trails to promote outdoor recreation in Greenlee County. Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the request as presented.

Ron Pearson, Public Works Manager, requested approval to fill a vacant budgeted Public Works Operations Tech I position in the Public Works Department. Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the request as presented.

Mr. Pearson requested approval to purchase replacement playground equipment for the Duncan Park in an amount not to exceed \$40,000.00 to be paid with budgeted General Funds. He stated that the 20 year old existing equipment is becoming old and damaged, parts have been discontinued and is becoming a safety issue. Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Mr. Pearson requested approval to purchase sun shades for the playground equipment at Loma Linda Park and Duncan Park in an amount not to exceed \$40,000.00 to be paid with budgeted General Funds. He stated that the shades would be installed using Public Works personnel and that the shades will help the equipment last longer. Supervisor Campbell stated that the shades help address safety from the heat, encourages physical activity for children, and will help the equipment last longer. Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Karla Ellis, Fair/Racing Director, updated the Board on the Spring Rampage Event. She stated that there were 63 mud boggy entries including some as far away as Farmington, New Mexico; 12 non-profit booths; 71 Jr. Rodeo participants; and 25 bull riding participants. She added that the gate brought in \$500 less than the Fair and that she did not have the expense report prepared as all invoices are not yet received. She expressed appreciation for the help of the Public Works Department and Board of Supervisors office staff. Chairman Gomez stated that he was impressed with the turnout and expressed his appreciation for all the hard work put into the event.

Linda Mahan, resident, requested to speak her opposition to Resolution 13-05-01 for support of the Governor's Medicaid Plan. She provided information from a healthcare analyst of the Goldwater Institute and from fellow members of the Southern Coalition of Tea Parties in comparison with the Resolution.

Frank Fowler, resident, requested to speak his opposition to Resolution 13-05-01 for support of the Governor's Medicaid Plan. He talked about his history regarding

personal health insurance and business operations and expressed his concerns that illegal immigrants can go through emergency rooms to have babies and have the babies be covered when he, a citizen cannot afford health insurance. He stated that the federal government cannot continue to dole out money this way.

Ms. Gale stated that counties were approached by the Governor's office to consider supporting the Medicaid Expansion Plan. 9 of 15 counties have taken action. She stated that there is no requirement to take action or that support can be done individually. She stated that there is a lot of information being circulated regarding this issue to consider and all of it is a matter of different opinions. She also stated that she appreciated the comments made today but that there have been other citizens who have expressed support of the issue.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board tabled the adoption of Resolution 13-05-01 in support of the Governor's Medicaid Plan to the next meeting pending further information.

Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board adopted Resolution 13-05-02 in support of economic development expansion of state land trust property commencing at the Greenlee County Airport on both sides of State Route 78 in a south-southwesterly direction to include all four corners of land surrounding the 3-Way intersection of State Route 191, State Route 75 and State Route 78.

#### **RESOLUTION 13-05-02**

**A RESOLUTION OF THE GREENLEE COUNTY BOARD OF SUPERVISORS IN SUPPORT OF ECONOMIC DEVELOPMENT EXPANSION OF STATE LAND TRUST PROPERTY COMMENCING AT THE GREENLEE COUNTY AIRPORT ON BOTH SIDES OF STATE ROUTE 78 IN A SOUTH-SOUTHWESTERLY DIRECTION TO INCLUDE ALL FOUR CORNERS OF LAND SURROUNDING THE 3-WAY INTERSECTION OF STATE ROUTE 191, STATE ROUTE 75 AND STATE ROUTE 78**

**WHEREAS**, one of the core purposes of the Greenlee County Board of Supervisors is to facilitate the growth of Greenlee County in a positive and sustainable manner while insuring public safety; and

**WHEREAS**, the Greenlee County area has suffered severe swings of employment and unemployment resulting in economic distress that has negatively impacted our population base; and

**WHEREAS**, the highest and best use of Greenlee County resources and property owned by the State Land Department is to develop commercial, retail and residential development; and

**WHEREAS**, Greenlee County has identified a critical shortage of available residential housing for rent, lease or for sale; and

**WHEREAS**, the largest employer in Greenlee county is currently undergoing a \$1.4 billion infrastructure expansion and improvement upgrade; and this expansion is creating hundreds of new permanent and thousands of sub-contractor positions, and this expansion is placing pressure on the limited hotel and motel space available in Greenlee County, and considering that truck traffic has increased exponentially and will continue to grow as mining output increases, and that an industrial park complete with warehouses, industrial tenants, manufacturers, suppliers an other companies that not only support the existing mine operations but also future expansion and development throughout the County in the areas of intermodal freight, warehousing, and manufacturing; and

**WHEREAS**, the Greenlee County Board of Supervisors has outlined an economic development strategy that includes a new industrial park, residential housing, a commercial center which includes a hotel, conference facilities, much needed retail operations and a major truck stop to serve the demand and further advance public safety.

**NOW, THEREFORE, BE IT RESOLVED** that the Greenlee County Board of Supervisors hereby establishes a public record that demonstrates our determination and support for such development and expansion, including portions of State Land Department property in order to increase services, grow the population and thus increase all levels of taxable income streams to further enhance quality of life, public safety and a firm foundation of job diversity and job growth for our children and grandchildren.

**PASSED AND ADOPTED** by the Greenlee County Board of Supervisors on the 6<sup>th</sup> day of May 2013.

/s/ David Gomez, Chairman

ATTEST: /s/ Yvonne Pearson, Clerk of the Board of Supervisors

Ms. Gale presented comments for consideration of the Board as follows:

1. USDA Forest Service Land Management Planning Rule – comments were drafted by the Eastern Counties Organization (ECO) & Environmental

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- Economic Communities Organization (EECO). Changes can be made as needed.
2. USDA Forest Service Plan Revision – comments were drafted by the Eastern Counties Organization (ECO) & Environmental Economic Communities Organization. The deadline for submission is May 17<sup>th</sup>.
  3. Arizona Department of Transportation 5 year plan – comments are needed and for someone to attend the hearing if possible to present the comments.

Ms. Gale reported the following:

- The state budget is at a stalemate while negotiations take place.
- Transaction Privilege Tax proposals are still being debated

The Calendar of Events was reviewed.

Daniel Cervantez, resident, requested to speak to item F of the Consent Agenda stating that the previous comments made about him by County Attorney Derek Rapier would be addressed at a future civil proceeding. He stated that all Greenlee County residents should be concerned with how the County handles liability situations with regard to loss of property and illegal searches and seizures by local law enforcement. He also stated that he would like to schedule a meeting with Ms. Gale to discuss the amounts of liability coverage the County has with the Arizona Counties Insurance Pool in the near future.

Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board approved the Consent Agenda as follows:

- A. Clerk of the Board: Approval of minutes to previous meeting - 04/16/13
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 - Voucher 1067
- C. Clerk of the Board: Approval of General Fund loans in the amount of \$74,040.88 to be reimbursed upon receipt of funds: Fund 222 - \$58,910.51; Fund 243 - \$15,130.37
- D. Public Works Manager: Approval of Payroll Change Notice - J. Breshears, full time Landfill Attendant; V. George, part time Landfill Attendant
- E. County Sheriff: Approval of Payroll Change Notice - A. Hardin, part time Detention Officer
- F. Clerk of the Board: Appointment of Deborah K. Gale, County Administrator, as the authorized representative for Greenlee County to the Arizona Counties Insurance Pool
- G. Superior Court Judge: Approval of Contract for Indigent Representation for attorney, Stephen Lundell

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- H. IS/IT Manager: Approval of the fiscal year 2012/2013 Intergovernmental Agreement with Graham County for Internet DS3 and Equipment Co-Location in an amount not to exceed \$20,400.00 to be paid with budgeted General funds
- I. County Engineer: Approval of the extension of the Airport Consultant Services Contract with C&S Engineering, Inc. to end June 11, 2014
- J. IS/IT Manager: Approval of the purchase of a replacement server for the Spillman Computer Aided Dispatching, Law and Jail software program in an amount of \$38,267.00 to be paid with budgeted General funds
- K. IS/IT Manager: Approval of Spillman Technologies professional services to migrate the Spillman Computer Aided Dispatching, Law and Jail software program and information to a new server in an amount of \$10,000.00 to be paid with budgeted General funds

Supervisor Corbell reported the following:

- A. He attended the Arizona Small Counties Forum meeting where several state legislative representatives were in attendance. Discussion took place regarding Proposition 120, Land Use Plan updates, Transaction Privilege Tax, Energy, Water Issues, and Obama Care.
- B. He attended the County Supervisors Association meeting where a representative from the Arizona Department of Transportation was present regarding the 5 year plan. John Driggs with the Arizona Centennial Committee was present at the meeting and is interested in pursuing the historical designation of the Lazy B Ranch.

Chairman Gomez reported the following:

- A. He attended the Eastern Counties Organization (ECO) & Environmental Economic Communities Organization (EECO) meeting and stated that the group worked on comments as Ms. Gale discussed earlier.
- B. He attended the Arizona Department of Transportation consultation with rural elected officials where discussion of the 5 year plan took place.
- C. He attended the Easter Arizona College Advisory meeting where a quorum was not in attendance so no business was conducted.
- D. He attended the Nogales International Trade Summit which was similar to the Growing Greenlee Forum held last February. He stated that he made connections with some persons with business interest in Greenlee County.

The Board convened into Work Session - Fiscal Year 2013-14 Greenlee County Budget.

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Ms. Gale reviewed budget documents as follows:

1. Overview of budget schedules
2. Revenues –
  - Property Taxes – levy limitation – she explained the process of calculating taxes and levy limitations.
  - Assessed Valuation – she presented and reviewed the tax roll abstract and assessed valuation for Greenlee County
  - She reviewed Federal, State and Local revenues
3. Expenditure Limitation – she reviewed and explained the expenditure limitation.
4. She reviewed State Shared and Local Sales Tax revenue, State Education rate set by the Joint Legislative Budget Committee and Payment in Lieu of Taxes which is waiting for re-authorization.
5. Salaries –
  - She presented an across the board salary increase estimate for the Board to review stating that this is just an estimate and can be adjusted up or down as the Board determines.
  - The Sheriff has requested new positions and will make a presentation at the next budget work session
  - She requested direction to move forward on the healthcare premiums for employees for the new fiscal year which are needed for Open Enrollment next week. The Board directed Ms. Gale to use Option #2 which maintains the current percentages and both the employees and county seeing the increase in cost.
  - There is no change in Worker Compensation cost
  - There has been a request by the Constable, District 1, to consider an increase the personal vehicle travel reimbursement and a request to consider travel reimbursement to members of Boards and Commissions of the Board of Supervisors.
  - The Sheriff wants to change the dynamics of Uniform Allowance for his staff and will present that at the next meeting.
  - The Jr. Rodeo Association has requested funding for events. Ms. Gale stated that the county already provides the facilities and insurance at no cost for the program. The cost is primarily for providing livestock for which there are other vendors interested. Ms. Ellis will provide quotes from other vendors to be presented at the next meeting.
  - Ms. Gale stated that there is a need of an economic development strategy for Greenlee County and that a proposal for funding to SEAGO to take the lead to handle the strategy will be presented at the next meeting.

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There being no further business to come before the Board of Supervisors, the meeting was adjourned at 12:35 p.m.

APPROVED: /s/ David Gomez, Chairman

ATTEST: /s/ Yvonne Pearson  
Clerk of the Board