

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

November 23, 2015

The Greenlee County Board of Supervisors met on this date in regular session in the Board Meeting Room, 2nd 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, Derek Rapiere, County Attorney, and Yvonne Pearson, Clerk of the Board.

Chairman Gomez called the meeting to order at 8:30 a.m. and Supervisor Campbell led those present in the Pledge of Allegiance.

Daniel Cervantez, Clifton resident responded to the Call to the Public and mentioned an article that was in the Eastern Arizona Courier regarding Duncan Mayor Billy Waters serving time in jail as a part of a fund raising event by the Community Block Watch organization. He also stated that Health Department and Freeport McMoRan employees helped serve Thanksgiving dinners to 30 home bound citizens.

Ms. Gale responded to the Call to the Public and asked to keep the military and their families in prayers during the Thanksgiving holiday.

The Board of Supervisors convened as the Board of Directors of the Greenlee County Public Health Services District and 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 Services District expense warrants in excess of \$1,000.00
2. Health & County Services Director: Approval of the Scope of Work Agreement with Willdan Homeland Solutions for Phase 2 of the Accreditation deliverables for Greenlee County
3. Health & County Services Director: Approval of Amendment #2 of the Healthy People Healthy Community Intergovernmental Agreement with the Arizona Department of Health Services amending the price sheet reflecting a total of \$198,382.00 for this grant

The Board of Supervisors convened as the Board of Directors of the Greenlee County Flood Control District and upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the Flood Control District Consent Agenda as follows:

1. Clerk of the Board: Approval of Greenlee County Flood Control District expense warrants in excess of \$1,000.00

The Board reconvened into regular session.

Ákos Kovach, Economic Development Coordinator, updated the Board on the Growing Greenlee plan and status. He reviewed the original Growing Greenlee goals stating that networking opportunities have been greatly expanded and referenced the success of recent Chamber of Commerce Mixers. He also stated that as a result of a completed Greenlee County Asset Inventory a Dollar General store is being built in Greenlee County. A World Class Customer Service series of classes were offered to assist local businesses train their frontline employees in customer service to help attract and improve business. The Tourism Council has presented several workshops that help to determine what Greenlee County has to offer locally and how to expand on those assets. He reported that 700 persons attended the Colors of Copper Art festival which was a great success.

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

- A. Clerk of the Board: Approval of minutes to previous meeting – 11/03/2015
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 – Voucher 1044; 1045; 1047
- C. Chief Finance Officer: Approval of General Fund loans in the amount of \$22,737.56 to be reimbursed upon receipt of funds: Fund 800 - \$22,737.56
- D. County Sheriff: Approval of Employee Transaction Forms: T. Reynolds, Deputy Sheriff; and Benjamin Ford, Deputy Sheriff
- E. Clerk of the Board: Appointment of Betty Freeman Swesey as a member of the Greenlee County Library System Board
- F. Clerk of the Board: Approval of a Letter of Support for the Javelina Chase Bicycle Event and use of County roads to the Arizona Department of Transportation and approval of a \$2,000 sponsorship for the event
- G. Superior Court Judge: Approval of the AZTEC Field Trainer Grant Application in the amount of \$25,000.00 for fiscal year 2015/2016
- H. County Sheriff: Approval to purchase 6 handheld radios to be used by Detention Officers at the Jail from Motorola Solutions in an amount not to exceed \$15,705.50 to be paid with budgeted general funds
- I. County Recorder: Approval of Employee Transaction Form – S. Cuthbertson, Part time Administrative Assistant
- J. Public Works Assistant Manager: Approval of the Empire Equipment Management Agreement for equipment maintenance for a two year term beginning November 1, 2015 through October 31, 2016
- K. Clerk of the Board: Approval of the Intergovernmental Agreement with Pima County for Restoration to Competency Services

John Lieberenz, Javelina Chase Coordinator, requested to speak to item F. of the Consent Agenda and thanked the Board for their support of the Javelina Chase and use of the Airport for the Criterion that will be held there in conjunction with the Javelina Chase. The Board thanked Mr. Lieberenz for all his efforts in making this event bigger and better every year.

The Board convened into Work Session regarding the Duncan Annex. Ms. Gale and Philip Ronnerud, County Engineer, explained the different options for constructing the replacement Annex. Frank Slingerland with BWS Architects attended the work session telephonically and also explained the different options of construction including Design Build, Force Account, Qualification Based Selections, and Construction Manager at Risk. Ms. Gale stated that at this point in time the Board needs to approve the development of a scope of work and negotiations, the County Attorney needs to review types of construction allowed by statutes, and the design needs to be revisited to ensure needs are still current. She stated that funding has been set aside and those funds are excludable from the expenditure limitations. The Board directed Ms. Gale to move forward and begin the process for replacing the Duncan as soon as possible.

The Board reconvened into regular session.

Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board approved moving forward with the replacement of the Duncan Annex.

The Board convened into Work Session regarding the Greenlee County Floodplain Ordinance. In response to questions raised at a previous Work Session regarding the Floodplain Ordinance, Mr. Rapier stated that there is no authority for the County to assist with elevation delineations and that fees can be charged for administrative purposes only. He also stated that there is no authority to allow the County to contract with a surveyor to do surveys on private property. This could put the County in a third party participant liability and the potential for becoming a mediator. The County can provide a list of area surveyors to property owners without any recommendations. It is the property owner's responsibility to hire whomever they choose to do the surveying and pay for it. Mr. Ronnerud will revise the Ordinance and bring back to the Board for approval.

The Board reconvened into regular session.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board tabled the request to approve a revised Floodplain Ordinance to a future meeting.

The Board convened into Work Session regarding the Equal Footing Class Action. Representative Mark Finchem and George Wentz, Attorney, Davalin Law Firm, were in attendance telephonically. Mr. Rapier opened discussion reviewing the history of the class action in question. He expressed concerns that if this lawsuit is filed Greenlee County could stand to lose \$750,000 in PILT (Payment in Lieu of Taxes) revenue, which is already a struggle to keep appropriated by the federal government, and that under the current constitutional and Enabling Act scheme and if the state was successful as a result of the lawsuit, the County would no longer receive PILT funding. He also has questions about how land would be sold. He expressed that he is hesitant to recommend Greenlee County become a part of the lawsuit and that it is premature to draft a letter of support for funding the lawsuit.

Mr. Wentz, explained his reasons for drafting the lawsuit stating that western states are not being treated equal to eastern states concerning land issues. He explained sovereignty and reviewed the history of ordinances and amendments to the US Constitution dating from the 1700's as well as the Enabling Act.

The Board reconvened into regular session.

The Board discussed approving a Letter of Support to the Board of Commissioners of Idaho County, Idaho, for the filing of a lawsuit against the United States Department of Agriculture (United States Forest Service) and United States Department of the Interior (BLM) on behalf of counties throughout the West and funding support in the amount of \$5,000 not to be paid out until a minimum of 100 additional Letters of Support have been obtained by Idaho County. Only seven letters of support have been provided as of this date from other counties across the west. Supervisor Corbell stated that the split estate for ranchers issue needs to be addressed and that he is in favor of supporting the letter of support. Supervisors Gomez and Campbell stated that they will wait until more information comes out in the brief regarding this issue that will be filed on December 9th. Upon motion by Supervisor Corbell, seconded by Supervisor Campbell, and carried unanimously, the Board tabled the request to a future date in January.

Ms. Gale reported the following:

- At a special session, the legislature approved \$9.3 million appropriation for the special election in May regarding the state education payment.
- The County Supervisors Association legislative proposals have been assigned a folder at the legislature
- The Arizona Association of Counties board has approved a platform for elected officials salary increase in incremental amounts of 2.5%

The Calendar of Events was reviewed.

Supervisor Campbell reported that he attended the Mexican Gray Wolf Management Team meeting where discussion took place regarding the Forest Service intent to have a recovery plan by the end of 2017. A wolf count will be distributed the first week of February and 50% of wolves are collared. There will be a focus on public education on wolf management with information regularly provided to elected officials.

Supervisor Gomez reported the following:

- He attended the Eastern Arizona Counties Organization meeting where a presentation and information about Arizona Waters was provided by Dave Brown. Funding for a public lands study by Doyle Shamley was approved in the amount of \$20,000 to be transferred to Apache County for this project.
- He attended the Small Counties Forum meeting that was hosted by Apache County. He stated that the meeting was not very well attended and those counties present reviewed current events and issues in their county.
- He attended the County Supervisors Association (CSA) meeting where Senate President Andy Biggs spoke about the upcoming legislative session; Senator Debbie Lesko talked about Public Safety Personnel Retirement System reform; and the term of Maricopa County Supervisor Clint Hickman, current CSA President, will end December 31st with new the President Coconino County Supervisor Mandy Metzger beginning January 1, 2016.
- He attended the SouthEastern Arizona Governments Organization (SEAGO) Executive Board meeting where Resolution 2015-06 regarding Interstate 17 was approved unanimously. He stated that the SEAGO housing program has had funding swept and cutting staff hours is being considered.

Chairman Gomez extended Thanksgiving holiday wishes to everyone stating that we are blessed to be in this county, this state, and this country and prayers to our military and to never forget to tell our families how much we love them.

There being no further business to come before the Board of Supervisors, the meeting was adjourned at 11:57 a.m.

APPROVED: /s/ David Gomez, Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board