

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

December 18, 2012

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: Richard Lunt, Chairman; David Gomez, Member; and Ron Campbell, Member. Also present were Deborah K. Gale, County Administrator, and Yvonne Pearson, Clerk of the Board.

Chairman Lunt called the meeting to order at 10:00 a.m. and Supervisor Campbell led those present in the Pledge of Allegiance.

Supervisor Gomez responded to the Call to the Public asking for a moment of silence in honor of the 20 children and 6 adults who lost their lives in the in the tragic shooting at Sandy Hook School in Newtown, Connecticut.

Ms. Gale asked that everyone remember the troops in their prayers during the holidays.

Supervisor Gomez recognized and presented a plaque to Patricia Hernandez for her 13 years of dedicated service as County Treasurer. Ms. Hernandez took office in January 2000 and will retire effective December 31, 2012. Previous to taking elected office, Ms. Hernandez worked in the Treasurer's office for over 17 years.

Supervisor Campbell recognized and presented a plaque to Steve Tucker for his 8 years of dedicated service as County Sheriff. Sheriff Tucker took office in January 2005 and served two terms. Previous to taking elected office, Sheriff Tucker worked many years in the Sheriff's Department.

Supervisors Gomez and Campbell recognized and presented a plaque to Richard Lunt for his 8 years of dedicated service as District 3 Supervisor. Supervisor Gomez expressed his appreciation for the hard work, service and everything that Supervisor Lunt has done for the betterment of Greenlee County. He stated that it is hard losing a good colleague and mentor. Supervisor Campbell echoed the sentiments of Supervisor Gomez and added that Supervisor Lunt is a good friend and will be missed.

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

Ron Pearson, Public Works Manager, presented the bids received and requested award of bid for the purchase of one (1) Animal Control vehicle. The Board considered the three bids presented and upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, awarded the bid to Kempton Chevrolet for one (1) 2013 Chevrolet ½ ton heavy duty extended cab in the amount of \$30,065.00 to be purchased with Public Health Services funds.

ANIMAL CONTROL ½ TON HD 4x4 EXTENDED CAB TRUCK BID		
Date: 12/17/12 Time: 10:07 a.m. Present: Ron Pearson, Public Works Manager Evelyn Carbajal, Administrative Assistant		
VENDOR	VEHICLE MAKE /MODEL	BID PRICE
Kempton Chevrolet P.O. Box 716 Clifton, AZ 85533 Phone Number: (928)- 865-2366	2013 Chevy	\$ 27,565 + \$2,500 for accessories \$30,065.00 Total
Courtesty Chevrolet 1223 E. Camelback Road Phoenix, AZ 85014 Phone Number: (928)- 279-3232	2013 Chevrolet 1500 Silverado Ext Cab 4 X 4	\$29,411.08
Smith Ford, Inc 412 E. Motel Drive Lordsburg, NM 88045 Phone: (575) 542-3551	2013 Ford F-150 S/C 4 X 4	\$ 26,284.24 + \$1866.18 tax \$28,150.42 Total

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, 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 Payroll Change Notice - M. Fischler, part time Housekeeper
3. Health & County Services Director: Approval of the Delegation Agreement with the Arizona Department of Environmental Quality for local environmental agency duties

The Board reconvened into regular session.

In the absence of Deborah Macias, Jail Commander, Larry Avila, Undersheriff, requested approval to fill a budgeted vacant full time Detention Officer position in the Sheriff's Department. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented.

Ron Pearson, Public Works Manager, presented the bids received and requested award of bid for the purchase of one (1) general Fleet vehicle. The Board considered the four (4) bids submitted and upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board awarded the bid to Kempton Chevrolet for one (1) 2013 Chevrolet Malibu in the amount of \$21,791.00 to be purchased with general funds.

FLEET DEPARTMENT INTERMEDIATE MID SIZE CAR		
Date: 12/17/12 Time: 10:07 a.m. Present: Ron Pearson, Public Works Manager Evelyn Carbajal, Administrative Assistant		
VENDOR	VEHICLE MAKE /MODEL	BID PRICE
Kempton Chevrolet P.O. Box 716 Clifton, AZ 85533 Phone Number: (928)- 865-2366	2013 Chevy Malibu	\$21,791.00
Chapman Chevrolet 7100 E. McDowell Road Scottsdale, AZ 85257 Phone Number:	2013 Ford Fusion S	\$21,324.79
Courtesy Chevrolet		

1223 E. Camelback Road Phoenix, AZ 85014 Phone Number: (928)- 279-3232	2013 Malibu	\$22,909.29
Smith Ford, Inc 412 E. Motel Drive Lordsburg, NM 88045 Phone: (575) 542-3551	2013 Ford Fusion	\$20,287.12 + \$1440.38 \$21,727.50 Total

Mr. Pearson presented the bids received and requested award of bid to purchase three (3) patrol vehicles for the Sheriff's Department. The Board considered four (4) bids submitted for 4X4 Special Service SUV vehicles and four (4) bids submitted for 4X2 Police Package SUV vehicles. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board awarded the bid to Kempton Chevrolet for the purchase of one (1) 4X2 2013 Chevrolet Tahoe Police Package Vehicle in the amount of \$30,297.00 and to Kempton Chevrolet for the purchase of two (2) 4X4 2013 Chevrolet Tahoe Special Service Vehicles in the amount of \$34,205.00 each to be purchased with general funds.

SHERIFF DEPARTMENT 4 X 2 POLICE PACKAGE SUV		
Date: 12/17/12 Time: 10:07 a.m. Present: Ron Pearson, Public Works Manager Evelyn Carbajal, Administrative Assistant		
VENDOR	VEHICLE MAKE /MODEL	BID PRICE
Kempton Chevrolet P.O. Box 716 Clifton, AZ 85533 Phone Number: (928)- 865-2366	2013 Chevy Tahoe – P.P.V.	\$30,297.00
Chapman Chevrolet 7100 E. McDowell Road Scottsdale, AZ 85257 Phone Number:	2013 Ford Police Interceptor Utility	\$28,745.31
Courtesy Chevrolet 1223 E. Camelback Road Phoenix, AZ 85014 Phone Number: (928)-	2013 Chevrolet Tahoe P.P.V.	\$32,073.24

279-3232		
Smith Ford, Inc 412 E. Motel Drive Lordsburg, NM 88045 Phone: (575) 542-3551	2013 Ford Explorer Police Interceptor	\$25,939.09 + \$1841.68 \$27,780.77 Total

**SHERIFF DEPARTMENT
4X4 SPECIAL SERVICE SUV**

Date: 12/17/12
 Time: 10:07 a.m.
 Present: Ron Pearson, Public Works Manager
 Evelyn Carbajal, Administrative Assistant

VENDOR	VEHICLE MAKE /MODEL	BID PRICE
Kempton Chevrolet P.O. Box 716 Clifton, AZ 85533 Phone Number: (928)- 865-2366	2013 Chevy Tahoe SSV	\$34,205.00
Chapman Chevrolet 7100 E. McDowell Road Scottsdale, AZ 85257 Phone Number:	2013 Ford Expedition SSV 4 X 4	\$31,958.24
Courtesy Chevrolet 1223 E. Camelback Road Phoenix, AZ 85014 Phone Number: (928)- 279-3232	2013 Chevrolet Tahoe SSV.	\$35,802.28
Smith Ford, Inc 412 E. Motel Drive Lordsburg, NM 88045 Phone: (575) 542-3551	2013 Ford Expedition SSV	\$26,985.09 + \$1916.22 \$28,901.31

Ms. Gale presented a draft of emergency procurement provisions to be added to the Greenlee County Purchasing Policy. Derek Rapier, County Attorney, explained the need to add this provision to fill a gap in the current county procurement policy which has no emergency clause that would allow the purchase of material, items, etc. in the event of a threat to public safety, health and welfare. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board

adopted the Emergency Procurement policy to be added to the Greenlee County Purchasing Policy.

GREENLEE COUNTY

PURCHASING POLICY EMERGENCY PROCUREMENT

Adopted 12/18/12

Notwithstanding any other provisions of this Purchasing Policy, upon declaration of an emergency by the Board of Supervisors, the authorized purchasing authority as outlined in paragraphs A through C above, may make emergency purchases if there exists a threat to public health, welfare, property or safety or if a situation exists which makes compliance with other provisions of the Greenlee County Purchasing Policy impracticable, unnecessary or contrary to the public interest. Such emergency purchases shall be made with such competition that is practicable under the circumstances. A Written Determination of the basis for the emergency and for the selection of the particular Contractor shall be included in the Contract file.

Emergency conditions may arise from, but are not limited to, floods, epidemics, riots or equipment failures and other imminent threats to public health, safety or welfare. An emergency condition creates an immediate and serious need for Commodities, Services or Construction that cannot be met through normal purchasing methods and that seriously threatens the functioning of Greenlee County Government, any of its departments, the essential functions of the office of an elected county official, the preservation of property, or the public health or safety. Emergency purchases should be limited to those Commodities, Services or Construction necessary to satisfy the emergency need.

Steve Rutherford, Emergency Management Coordinator, requested approval of the Communication Use Lease for property on Guthrie Peak with the Bureau of Land Management. The Agreement will allow Greenlee County to go forward with placing a communications tower on Guthrie Peak. He stated that the communications equipment for the Sheriff's Department and other first responders is currently on a tower that is unsafe and could come down at any time which would disable first responder communication causing a public safety, health and welfare emergency. The new tower will also have room to add equipment to address road department personnel communication when they are out in the field which does not exist at this point in time. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board the Agreement with addition of "on or before" for the date to commence construction.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved a Letter of Recommendation to the Governor of the

State of Arizona recommending the appointment of William Cuthbertson to the State Transportation Board representing Greenlee, Santa Cruz and Cochise counties.

Ms. Gale requested approval to fill the Chief Finance Officer position in the Board of Supervisors Office. Hillary Badger has submitted her resignation with her last day being December 31st. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented. The Board expressed their appreciation to Hillary for work she has done and wished her well in her future.

Ms. Gale reported the following:

- She presented the latest population estimates from the Arizona Department of Administration which shows an increase to Greenlee County population of 8599.
- She presented the final report of the Transaction Privilege Tax Simplification Task Force
- The Chamber of Commerce has requested that Greenlee County as an entity become an exofficio member. The Board directed that Supervisor Gomez be the exofficio member and directed Phil to be a member of the Chamber Board of Directors.

The Calendar of Events was reviewed.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board adopted the Declaration of Emergency for Greenlee County regarding the communications tower of Guthrie Peak. Derek Rapier, County Attorney, that the tower has become unstable and is an issue of public safety, health and welfare and that there is currently no communication for Public Works personnel who operate heavy equipment in remote locations.

DECLARATION OF EMERGENCY CONSTRUCTION OF COMMUNICATION TOWER ON GUTHRIE PEAK

WHEREAS, Greenlee County has for many years maintained its emergency services and public works/road department communications hub on Guthrie Peak in Greenlee County. Guthrie Peak is the only location in Greenlee County both in terms of geography and elevation that will physically meet the needs of the Greenlee County communications system. The equipment necessary to have such a communications system was located on a tower owned by a private individual. Over the last few years the safety of this tower has become increasingly precarious. Eventually, all available maintenance companies used to maintain Greenlee County's communications equipment refused to perform necessary maintenance services because they deemed the tower too dangerous to climb; and

WHEREAS, the Greenlee County Board of Supervisors authorized the county to attempt to acquire an alternative site on Guthrie Peak and to pursue the construction of a tower and attendant communication facilities. However, as the entirety of Guthrie Peak is owned by the Federal Government and managed by the Bureau of Land Management (BLM) an application was made to the BLM to acquire a site and permission to construct a tower and other necessary facilities. Protests against Greenlee County's application significantly delayed the approval process. Greenlee County's application was finally approved in November 2012; and

WHEREAS, during the pendency of its application, Greenlee County engaged a firm to conduct a study of the current site and the site proposed by the BLM, to determine why there have been intermittent failures of the emergency services communications system. It was determined that the current site is affected by radio frequency interference and that the current site is not compliant with current industry practices and accepted engineering standards. The proposed site addresses these deficiencies. As such, in addition to the imminent physical safety concerns outlined above, the current site suffers from significant communication failures as well. The proposed site and facility to be constructed on that site, will avoid both the physical safety and communications failures of the current site; and

WHEREAS, in addition to the intermittent emergency services communication failures, the public works/road department communication's system was reliant on a dry cell battery system which as of November 2012, is completely non-functional. As such, the Greenlee County public works/road department has NO radio communication whatsoever and only limited cell phone communication in the populated areas of the county. There is no communication functionality whatsoever in the unpopulated and less populated areas of the county where many miles of roads are maintained. In these areas, because of their remote location and less frequent maintenance, these roads and related project present inherent threats to the safety and welfare of public works/road department employees who are frequently required to work alone or in small groups of two or three employees; and

WHEREAS, in addition to the imminent public safety issues outlined above, the current emergency services communications facilities are dependent exclusively on power supplied by the Duncan Valley Electric Cooperative. There are no redundant or alternative power sources available whatsoever for the current site.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that because of the imminent concern for a physical failure of the current Guthrie Peak tower and the ongoing communications interference causing intermittent communication failures and because the imminent threat to the power supply that is ever present, the Greenlee County

Board of Supervisors hereby declares that an Emergency exists which presents a clear and present threat to public health, safety and welfare.

ADOPTED this 18th day of December 2012.

/s/ Richard G. Lunt, Chairman

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

Upon motion by Supervisor Gomez, 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 meetings: 10/15/12; 11/01/12; 11/20/12; 12/04/12
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 - Voucher 1038; 1039
- C. Clerk of the Board: Approval of General Fund loans in the amount of \$3,962.22 to be reimbursed upon receipt of funds: Fund 145 - \$444.51; Fund 255 - \$3,517.85
- D. Clerk of the Board: Approval of Payroll Change Notice - S. Ogas, Administrative Assistant
- E. Chief Probation Officer: Approval of Payroll Change Notice - C. Chacon, Deputy Probation Officer
- F. Superior Court Judge: Approval of Contract for Indigent Representation for Daisy Florez effective January 1, 2013 and ending June 30, 2013
- G. County School Superintendent: Approval of Amendment #1 of the Intergovernmental Agreement for Title 1 and other associated funds for Juvenile Detention Education Services

Supervisor Gomez reported the following:

- A. He attended the Arizona Small Counties Forum hosted by La Paz County where Graham County Supervisor Jim Palmer was elected to fill the seat vacated by Supervisor Lunt.

Supervisor Lunt reported the following:

- A. He attended the County Supervisors Association meeting where the Governor was guest speaker. He stated that the Governor has worked well with counties and has supported county issues. She thanked the counties for their support on previous issues. Navajo County Supervisor David Tenney was elected to the National Association of Counties Western Interstate Region Board. Supervisor Lunt asked that Greenlee County stay “in the fight” with the Legislature to keep Greenlee County whole.

There being no further business to come before the Board of Supervisors the meeting was adjourned at 11:34 a.m.

APPROVED: /s/ David Gomez, Vice Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board