

Regular Session

September 2, 2015

A video recording of this meeting and presentations can be viewed at www.pinalcountyz.gov

The Pinal County Board of Supervisors convened at 9:36 A.M. this date in the Board of Supervisors Hearing Room, 135 N. Pinal Street, Florence, Arizona. The meeting was called to order by Chairwoman Chase followed by an Invocation by Chaplain Jim Stephens and the Pledge of Allegiance.

Present: Chairwoman Cheryl Chase; Vice-Chairman Pete Rios; Supervisor Stephen Q. Miller; Supervisor Anthony Smith; Supervisor Todd House; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Sheri Cluff, and Assistant to the Clerk of the Board, Diane Gardner.

Call to Public

Tom Bean, Casa Grande, appeared before the Board speaking of an article in the Arizona Republic regarding a traffic stop outside of Eloy, of an impaired driver. Mr. Bean expressed his dissatisfaction of the plea agreement and, in his opinion, lack of equal justice under the law.

Roberto Reveles, Gold Canyon, spoke to the Board about the same topic as Mr. Bean, Equal Justice under the Law vs. privileged application of the law.

Point of Personal Privilege

Supervisor Rios also spoke regarding the Arizona Republic article referred to by Mr. Tom Bean and Mr. Reveles. He stated that he was rather concerned, offended to some extent, as to how the case proceeded.

Supervisor Smith called for Point of Order stating that it was his impression that Supervisor Rios speech was not according to the rules of personal privilege.

Supervisor Rios stated that the point of personal privilege is up to the Chairperson whether to recognize somebody for that purpose.

Chairwoman Chase said she was pleased to announce that Pinal County has opened an office in San Tan Valley. This will allow the citizens in that area to have a place to meet with various County Departments.

County Manager's Report (Information Only)

Greg Stanley, County Manager, gave special recognition to the facilities staff for the amazing job they did during the recent storm. Mr. Stanley mentioned that next week's work session was being converted to a special session as there was an item that needed to be addressed. Mr. Stanley also stated that the review of compensation study is moving forward. He stated that the county does have the budget to cover those employees that are being brought up to the minimum and to making those increases retroactive back to July 1, 2015.

Purchasing Division Report – September 2, 2015

The purchasing report was presented by Randon Riffey

PUBLIC WORKS CONTRACT CHANGE ORDER:

1. Contract EC14-003 – Hunt Hwy Phase II Construction Thompson Rd to Gary Rd – Recommend approval of contract time extension as stated in change order request no. 1 for Combs Construction Company. New contract end date will be September 30, 2015.

Contracts signed by County Manager or Director of Finance:

The Board is notified of the following procurements under \$250,000 that were signed as authorized by Resolution 021506-CM. This resolution authorizes the Director of Finance and/or the County Manager to execute and sign contracts on behalf of the County without prior Board approval:

| PO # | AMOUNT | SUPPLIER | ITEM | DEPT. |
|--------|----------------|--------------------|-----------------|-----------------------------|
| 1. N/A | \$15,000.00/YR | Swagit Productions | Video streaming | News & Information services |

Emergency Procurement Over \$50,000 signed by County Manager:

| PO # | AMOUNT | SUPPLIER | ITEM | DEPT. |
|-----------|--|----------------------------|---|--------------|
| 1. 233551 | Modification \$42,503.00 Revised total \$258,901.90 | J. Banicki Construction | Repair flood damage to roads in San Manuel | Public Works |

Motion was made by Supervisor House and seconded by Supervisor Miller to approve the purchasing report as presented. Motion carried by unanimous vote.

CONSENT ITEMS (A-H)

Chairwoman Chase advised that all items indicated by an asterisk (*) would be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objected at the time the agenda item was called.

Chairwoman Chase asked if there were any requests from a Board member, staff or the audience to remove a consent agenda item for discussion.

Chairwoman Chase announced Item B would be removed from Consent.

Motion was made by Supervisor Rios and seconded by Supervisor House to approve consent agenda items A through H minus B.

- * A. Current billings before the Board.
- * C. Resolution No. 090215-PILT, a resolution of the Board of Supervisors of Pinal County respectfully requesting the Congress of the United States to immediately provide full funding for the Payment-In-Lieu-Of-Taxes program.
- * D. CSR-002-15: SaddleBrooke Development Company, applicant, The Martyn Group, agent, requesting approval of a comprehensive sign package for three oversized signs located in proximity to State Route 77, outside the right-of-way, for advertising/informational purposes.
- * E. Resolution 090215-FAWFC - a resolution to cancel the October 7, 2015 election for Florence Area Watershed Flood Control District because only one person filed nomination paperwork to fill the one open position. This resolution also asks the Board to nominate that one candidate, Dennis Bagnall, to fill the seat.
- * F. Resolution No. 090215-SCIDD, a resolution to cancel the November 10, 2015 special taxing district election to fill three open board positions for the San Carlos Irrigation and Drainage District. Three candidates submitted nomination paperwork and the District asks the Board to appoint these three candidates to fill the open board positions.
- * G. Discussion/approval/disapproval of the purchase of duty weapon Glock .40 Serial #WPK-374 to be sold below market value price of \$25.00 according to ARS 38-945H which provides in part "In addition to the amounts received under subsection A,B,C,D or E and subject to the approval of the employer, the person includes the ability of a member to purchase the handgun or shotgun issued by the employer to the member at less than fair market value" to retired Captain Doug Brown.
- * H. Victim's Rights Program Award Agreement AG #2016-012, between the Office of the Attorney General and Pinal County, through the Pinal County Attorney's

Office, to commence on July 1, 2015, and terminate June 30, 2016, in the amount of \$68,995 to support the direct costs of implementing statutorily mandated victims' rights laws. The budget for this award was included in the FY 15/16 budget. There is no General Fund impact.

Motion carried by unanimous vote.

Chris Keller, Chief Civil Deputy County Attorney, stated in reference to Consent Item B, it is requested that the item be addressed after the Executive Session because there is a related Executive Session on that topic.

Motion was made by Supervisor House and seconded by Supervisor Miller to recess into the following executive sessions. Motion carried by unanimous vote.

Executive Sessions:

9:56 A.M. - Executive session pursuant to ARS 38-431.03(A)(3)(4) for legal advice and contemplated litigation concerning tax appeal regarding Odyssey Preparatory Academy.

Present: Chairwoman Cheryl Chase; Vice-Chairman Pete Rios; Supervisor Stephen Q. Miller; Supervisor Anthony Smith; Supervisor Todd House; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Deputy County Attorney, Cedric Hayes; Clerk of the Board, Sheri Cluff, and Assistant to the Clerk of the Board, Diane Gardner.

This executive session ended at 10:20 A.M.

10:20 A.M. - Executive session pursuant to ARS section 38-431.03(A)(3) for legal advice concern Board's role in power line siting process related to SunZia proposal.

Present: Chairwoman Cheryl Chase; Vice-Chairman Pete Rios; Supervisor Stephen Q. Miller; Supervisor Anthony Smith; Supervisor Todd House; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Deputy County Attorney, Cedric Hayes; Clerk of the Board, Sheri Cluff, and Assistant to the Clerk of the Board, Diane Gardner.

This executive session ended at 10:30 A.M.

10:43 A.M. - Executive session pursuant to ARS 38-431.03(A)(3)(4) for legal advice and pending litigation update regarding Pinal County matters currently being defended by ACIP.

Present: Chairwoman Cheryl Chase; Vice-Chairman Pete Rios; Supervisor Stephen Q. Miller; Supervisor Anthony Smith; Supervisor Todd House; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Executive Director of Arizona County Insurance Pool (ACIP), Bill Hardy; Cynthia Maaloub, ACIP; Kathy Wieneke, Attorney at Law; Clerk of the Board, Sheri Cluff, and Assistant to the Clerk of the Board, Diane Gardner.

11:45 A.M. – Supervisor Anthony Smith left the meeting.

12:26 P.M. – Motion was made by Supervisor House and seconded by Supervisor Miller to adjourn from executive session and reconvene into regular session. Motion carried by unanimous vote.

Supervisor Smith was not present as he had left the meeting during the last Executive Session.

Consent agenda item removed for discussion:

* **B. Request for The Odyssey Preparatory Academy, Inc.; Pascuel Vasquez; Melvin J. Ellsworth; Christina Barks; and Sandra Barnette to be allowed to file for widow/widowers and/or disabled persons or non-profit organization tax exemption.**

Supervisor Rios announced that there would be two motions regarding this item. The first motion will be called agenda item 4B-1 and the second motion would be 4B-2.

4B-1

Motion was made by Supervisor Rios and seconded by Supervisor House to allow Pascuel Vasquez, Melvin J. Ellsworth, Christina Barks, and Sandra Barnette to file for widow/widowers and/or disabled persons. Motion carried by unanimous vote.

4B-2

Motion was made by Supervisor Rios and seconded by Supervisor Miller to allow The Odyssey Preparatory Academy, Inc. to file for Class 9 status for the 2015 Tax

Year. The application must be filed with the Pinal County Assessor no later than 10 business days from today's date. Supervisor Miller and Supervisor Rios voted Aye and Chairwoman Chase and Supervisor House voted Nay. Motion failed on a 2-2 vote.

Chairwoman Chase adjourned the meeting at 12:27 P.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, September 23, 2015 at 9:30 A.M. with a Special Session to be held Wednesday, September 9, 2015 at 9:30 A.M.

PINAL COUNTY BOARD OF SUPERVISORS

Diane Gardner

Diane Gardner, Assistant to the Clerk of the Board