

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING**

**April 1, 2014
Ganado, Arizona**

Present were, Chairman Tom M. White, Jr. Supervisor Joe Shirley, County Manager/Clerk of the Board, Delwin Wengert and County Attorney Michael Whiting. Vice Chairman Barry Weller participated via the telephone.

Chairman White called to order the Apache County Board of Supervisors' meeting and the Public Health Services District meeting at 8:34 a.m. in the Ganado Road Yard Conference Room Highway 264 mile marker 446.8 in Ganado, Arizona and welcomed all in attendance.

Recorder Lenora Fulton gave the invocation.

Milton Ollerton led the Pledge of Allegiance.

Chairman White called for the Public Health Services District item.

Chris Sexton, Health Director, requested approval to increase the work hours for April Blair, Program Coordinator I from 40 hours per pay period to 48 hours per pay period, effective April 6, 2014 and will be paid using budgeted funding. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Shirley moved to adjourn the Public Health Services District meeting, seconded by Mr. Weller. Vote was unanimous.

Chairman White called for the regular agenda items.

District III Supervisor Barry Weller, stated that due to the unexpected wording change of his agenda items and the relocation of the Board meeting which prevents a face to face discussion he is removing the items for a future agenda. 1. Discussion and possible action regarding the return of the call to the public to the beginning of the agenda of Board of Supervisor's meetings and item 2. District III Supervisor Barry Weller: Discussion and possible action regarding the process of changing the location or time of Board Meetings that have already been approved at the beginning of each calendar year. Chairman White removed the items.

Mr. Wengert presented the consent items **A-F** and recommended approval. Mr. Shirley moved approval. **Mr. Weller requested to pull Item D and E for discussion prior to approval. Mr. Shirley modified his motion to approve A, B, C & F.** seconded by Mr. Weller. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated March 18, 2014. **B.** Request approval of demands dated March 18, 2014 to April 1, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount AGUERO, ROBIN R 4,000.00 AMIGO CHEVROLET 1,510.20 ASHTONS REPAIR INC 1,216.34 AZ DEPT OF HEALTH SERVICES 1,260.00 BAKER'S OFFICE CITY 2,484.57 BARNES, PATRICIA M 3,935.00 BOB BARKER COMPANY INC 1,821.16 BRADCO 5/3,860.50 COURTESY CHEVROLET 75,019.26 CREATIVE MULTIMEDIA INC (CMI) 30,165.00 CRISS CANDELARIA LAW OFFICE 1,746.75 DEMCO 1,416.81 DEWITT, COLLIN J 3,000.00 DIAMOND DRUGS INC 3,179.52 DOYLE, WILLIAM 4,381.84 EMPIRE MACHINERY 2,510.50 FERRELLGAS 2,267.57 FLEET PRIDE 2,743.59 FRONTIER 1,453.88 GALLUP INDEPENDENT 3,087.12 GRAVES PROPANE CO INC 2,053.13 HORNE AUTO CENTER INC 1,385.29

INTERNATIONAL LACTATION CONSULTANT ASSOC 4,430.00 KATHLEEN M MCGUIRE PSY D
LLC 3,535.00 MYRON CORP 4,688.15 NAVAJO TIMES PUBLISHING COMPANY INC 4,988.88
NAVAJO TRIBAL UTILITY AUTHORITY 1,170.19 NAVOPACHE ELECTRIC COOPERATIVE
13,114.66 NORCHEM DRUG TESTING LABORATORY 1,512.23 OFFICE OF THE AUDITOR
GENERAL 6,500.00 PATTERSON, DANA BRYCE 8,500.00 PERFECT PRINTZ LLC 2,250.53
QUILL CORP 2,532.72 RECON OIL INC 3,000.00 REPACORP 1,506.80 SECURUS
TECHNOLOGIES INC 1,431.89 SIERRA PROPANE 1,090.19 SPRINGVILLE AUTOMOTIVE
SERVICE 2,538.69 THORNHILL, JAMES DEWEY 2,720.00 TJP COMMUNICATIONS 1,254.58
TYLER TECHNOLOGIES INC 40,813.09 VERIZON WIRELESS 1,483.00 WELLS FARGO BANK
1,768.74 WESTERN DETENTION PRODUCTS INC 1,092.02 WOODLAND BUILDING CENTER
1,866.01 YOUNG, JOSEPH 6,110.00 APACHE COUNTY MEDICAL 147,634.00 APACHE COUNTY
TAX WITHHOLDING 127,921.82 AZ STATE RETIREMENT SYSTEM 85,020.76 COLONIAL LIFE
AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,793.52 CORRECTIONS
OFFICER RETIREMENT PLAN 520 4,205.94 MUTUAL OF OMAHA 1,304.12
NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,825.82 PUBLIC SAFETY SHERIFF
RET 30,135.42 SECURITY BENEFIT GROUP 1,371.00 SUPPORT PAYMENT CLEARINGHOUSE
2,554.58 A & E REPROGRAPHICS 1,998.00 AMAZON COM INC 3,236.65 ASHTONS REPAIR INC
1,107.41 AVAYA COMMUNICATIONS 1,381.19 BAKER'S OFFICE CITY 1,143.35 BANK OF THE
WEST 1,499.51 BANK OF THE WEST – 6432 1,594.26 BAUMAN HOME AND AUTO INC 1,403.27
BRADCO 10,797.13 BRAUN NORTHWEST INC 94,178.00 DEAN, WILLIAM F 4,050.00 DLT
SOLUTIONS 2,370.35 EVENFLO COMPANY INC 2,657.91 FRONTIER 1,003.02 GRAVES
PROPANE CO INC 1,146.23 HATCH MOTOR COMPANY SNOWFLAKE 1,668.94 HAVERLAND,
FOREST V 1,420.27 HESCO BASTION INC 24,150.00 HEXT, CHRISTINA T 1,870.75 HOLMAN'S
USA LLC 8,829.93 INGRAM LIBRARY SERVICES 5,015.30 MR BUBBLES 4,731.91 NAVAJO
TRIBAL UTILITY AUTHORITY 3,377.23 NAVOPACHE ELECTRIC COOPERATIVE 3,129.21
OFFICE DEPOT 1,649.50 OVERDRIVE INC 3,274.38 PERFECT PRINTZ LLC 1,389.28
PILKINGTON ADVERTISING DESIGN LLC 3,625.00 PITNEY BOWES 4,159.79 PRODUCTIVE
CORPORATION 49,887.74 QUILL CORP 1,978.41 SALINE PEST MANAGEMENT INC 1,005.00
TEDFORD, THOMAS F 8,166.42 TJP COMMUNICATIONS 1,667.47 UNIVERSAL FLEET CARD
1,656.29 US DEPARTMENT OF AGRICULTURE 10,038.54 US POSTMASTER 3,393.76 VALLEY
AUTO PARTS 1,577.59 VERIZON WIRELESS 1,379.03 WELLS FARGO BANK 2,372.96 WHITE
MOUNTAIN PUBLISHING CO 2,050.79 YOUNGS FUTURE TIRE 3,486.10 SOUTHERN

COUNTIES OIL COMPANY 22,137.72 **C.** Request approval of a Special Event Liquor License for Corporal Joe McCarthy American Legion Auxiliary for a Memorial Day parade and luncheon on May 26, 2014 at the Concho Lions Club Park in Concho, Arizona. **F.** Request approval to re-appoint Tom Tilford and Patsy Plant as Planning and Zoning Commission members for another 4 year term. Vote was unanimous.

Mr. Weller stated that the reason he requested **Consent Item D.** be pulled from the Consent Agenda was because there was no letter attached in the backup material. (D. Request approval of a letter to the Arizona Liquor Board opposing the renewal of liquor licenses for Red Barn, Lee's Liquor and High Country located in the Sanders and Chamber, Arizona areas). Mr. Weller stated that he had personally sent in a letter to the Liquor Control Board to support the chapter house and encouraging the liquor board to deny the renewal. Mr. White stated that once the Board approves, a letter can be generated by the County Managers Office. County Attorney Whiting stated that he could draft the letter. A discussion was held regarding the need to get the letter to the Liquor Board as soon as possible.

Char James, with the Renewal of Hope Task Force encouraged the Board to send a letter to the Liquor Board to deny the renewal of the liquor licenses for Lee's Liquor, Red Barn and High Country Liquors.

Mr. Shirley moved to instruct County Attorney to draft a letter and hold a special meeting before the week is out to consider approval. Mr. Weller seconded the motion. Mr. Weller also asked the Board to show the same respect for the citizens of District III as is being done in District II, by allowing

citizens to speak on issues when the meeting is again held in St. Johns. Mr. White and Mr. Weller held a discussion related to sending in individual letters to the Liquor Board.

Lauren Bernally, with Navajo Nation Human Rights Office and requested the letter of support from the Board to be sent to the Liquor Board in opposition to the renewal of the Liquor Licenses. Maureen Woodman, Legislative District Assistant to Lorenzo Curley, also requested a letter of support be submitted by the Board in opposition to the liquor license renewal.

Brad Grower stated that there is a fine line that government fulfils between individual responsibility and property rights and he cautioned that any letter that is written, to refrain from any suggestion that would adversely affect the property value of the liquor license because that could create some standing for legal action. Vote was unanimous for the County Attorney to write a letter in opposition to the liquor license.

Mr. Weller asked if there was anyone present to answer questions related to the Community Development's Consent Item E. for approval of a Conditional Use Permit to allow Verizon to construct a 155' communications tower. Property is located near Concho on parcel 204-41-001, section 25, township 14N Range 26E. The Planning and Zoning Commission voted unanimously to approve. Reg Destree, an employee with Verizon was present. Mr. Shirley stated that this has been unanimously approved by the Planning and Zoning Commission and moved approval, seconded by Mr. White. Mr. Weller and Mr. Destree held a lengthy discussion regarding the proposed cell tower in Concho. Motion passed 2-0 with Mr. Weller abstaining from the vote.

Ferrin Crosby, County Engineer requested approval to purchase a new 2013 140M2 motor grader from Empire Machinery, with trade in of the 140H motor grader using the National Intergovernmental Purchasing Alliance's contract with City of Tucson. Purchase amount is \$303,552 and trade in amount is \$51,000, for a total of \$252,552 and funding will come from District II carryover and District II HURF. Mr. Shirley move approval, seconded by Mr. Weller. Vote was unanimous.

Ferrin Crosby County Engineer, requested approval to enter into a utilities right of way Easement Agreement with the Navajo Tribal Utility Authority to place a new power pole and equipment at the Sanders Interchange located north of I-40 Interstate. Mr. Crosby provided an overview of the need for the 20 year agreement. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Commander Lance Spivey presented the item for acceptance of a change of capital outlay for the Governor's Office of Highway Safety Grant #2014-PT-087. Commander Spivey stated that due to receiving a lower price on the vehicles listed on the previous grants, the Sheriff's Office will be able to utilize the remaining funds to purchase more equipment. Commander Spivey stated that the total grant funding amount remains the same, this is simply a capital outlay change and the cost to the County for an additional vehicle and equipment will be \$7,122. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Malena Bazaruto, Grant Manager: presented the item for approval and adoption of the Fair Housing Proclamation and Resolution as required by Department of Housing for CDBG projects affirmatively furthering fair housing activity. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that he wanted to make sure that it was on the record for Ms. Bazaruto and Mr. Wengert to be well aware of the potentials associated with the proclamation which opens up the door to many grants that may add expenses to the County on low income housing and the need to be careful on what is approved because this can open up a can of worms with other grants. Ms. Bazaruto stated

that if there in any issue related to fair housing, people can come to the county but are referred to a fair housing association that mitigates issues so the County does not get involved in an actual fair housing complaint. Mr. Wengert stated that any department that applies and receives grants, the County is aware of the costs and issues that come with the grants and are reviewed carefully by the finance department and the county attorney's Office and the County is aware of the possible baggage that comes with these grants and watch them carefully. Vote was unanimous.

FAIR HOUSING PROCLAMATION

WHEREAS, The National Fair Housing Law of 1986, as amended by the Fair Housing Amendments Act of 1988 prohibits discrimination in housing and declares it a national policy to provide within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy but a fundamental human concept and entitlement for all Americans; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States;

NOW, THEREFORE, I Tom M. White, Jr., Chairman of the Board, do proclaim April as Fair Housing Month in Apache County and do hereby urge all citizens of this community to comply with the letter and spirit of the Fair Housing Law.

/s/ Tom M. White, Jr. Chairman of the Board

Signature Title

Signed this 1st day of April, 2014.

FAIR HOUSING RESOLUTION No.2014-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY ADOPTING A FAIR HOUSING POLICY, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.

WHEREAS, the Housing and Community Development Act of 1974 as amended requires that all applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) and the Fair Housing Amendments Act of 1988 declare a national policy to prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services, on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS, fairness is the foundation of the American system and reflects traditional American values; and

WHEREAS, discriminatory housing practices undermine the strength and vitality of America and its people;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Apache County hereby wish all persons living, working, doing business in or traveling through this County to know that: discrimination in the sale, rental, leasing and financing of housing or land to be used for construction of housing, or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin is prohibited by Title VIII of the Fair Housing Act Amendments of 1988; and that it is the policy of the Apache County to implement programs, within the constraints of its resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap, familial status or national origin; and within available resources Apache County will assist all persons who feel they have been discriminated against in housing issues on the basis of race, color, religion, sex, handicap familial status or national origin to seek equity under existing federal and state laws to file a compliant with the Arizona Attorney General's

Office or the U.S. Department of Housing and Urban Development; and that Apache County shall publicize this Resolution and thereby encourage owners of rental properties, developers, builders and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances; and that the County shall undertake the following actions to additionally "affirmatively further fair housing:"

PASSED AND ADOPTED BY THE APACHE COUNTY BOARD OF SUPERVISORS ON THIS 1st DAY OF APRIL, 2014

/s/ Tom M. White, Jr.

Chair of the Board of Supervisors

ATTEST: APPROVED AS TO FORM:

/s/ Delwin Wengert /s/ Michael Whiting
County Clerk County Attorney

Ben Dugdale, IT Director, requested approval of an addendum to the Tyler Contract that would result in a onetime installation savings of \$6,160 which can be applied to other Tyler services and an annual maintenance savings of \$2,436. Mr. Dugdale stated that this is due to the Treasurer wanting Visions IVEE interface instead of eCommerce. Mr. Shirley moved approval seconded by Mr. Weller. A discussion was held with Treasurer Begay and Mr. Weller regarding credit card and electronic payments in her office and how this will enhance services in her office. Vote was unanimous.

Ryan Patterson, Finance Director, provided an update on revenues and expenditures related to the PILT and HURF and how it affects the budget. Mr. Wengert encouraged departments to be conservative as possible and not spend any more than required for the remainder of the fiscal year to help with the opening balance. No action was needed or taken.

Mr. Shirley moved to adjourn the Board meeting, seconded by Mr. Weller. Vote was unanimous.

Approved this 15th day of April, 2014

/s/ Tom M. White, Jr.
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board