

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
April 2, 2013**

Ft. Defiance, Arizona

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

Chairman White called to order the Apache County Board of Supervisors meeting at 8:34 a.m. in the Ft. Defiance Chapter House, 112 & Indian Route, 110 Junction SW in Ft. Defiance, Arizona and welcomed everyone in attendance.

Ryan Patterson led the Pledge of Allegiance.

Kirk Arviso gave the invocation.

Chairman White opened the floor for the Call to the Public: Individuals may address the Board on any relevant issue for an amount of time determined by the Chairman. At the close of the call to the public, Board members may not respond to any comments but may respond to criticism, ask staff to review a matter or ask that a matter be placed on a future agenda. Commander Webb Hogle briefed the Board on the Resolute Angel, a catastrophic incident search and rescue exercise that will be held in the Springerville area on Saturday, April 13th. Mr. Weller asked if there would be hostage extraction exercises. Mr. Weller and Commander Hogle held a discussion regarding the event. Mr. White stated that this was not on the agenda for discussion.

There was no one else wanting to address the Board.

Mr. Wengert presented notification of the Proclamation by Governor Janice Brewer recognizing the month of April as County Government Month. No action was needed or taken.

Mr. Wengert presented the **Consent items A-E County Manager/Clerk of the Board:** **A.** Request approval of minutes dated March 19, 2013. Mr. Shirley moved approval, seconded by Mr. Weller. **B.** Request approval of demands dated March 19, 2013 to April 2, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount AZ DEPT OF REVENUE 1,032.40 ANTONINI, DAVID 1,429.29 BARNES, PARTICIA M 2,060.00 DELL COMPUTER CORPORATION 12,101.76 FRONTIER 4,969.15 GOODYEAR AUTO SERVICE 6,108.29 HILLYARD INC 3,200.84 INGRAM LIBRARY SERVICES 5,446.61 KATHLEEN M MCGUIRE PSY D LLC 1,977.50 LAW OFFICE OF MARSHA GREGORY 6,655.50 MOVIE LICENSING USA 1,465.00 NAVAJO TRIBAL UTILITY AUTHORITY 3,878.22 NAVOPACHE ELECTRIC COOPERATIVE 20,071.13 NORCHEM DRUG TESTING LABORATORY 1,847.42 PATTERSON, DANA BRYCE 6,650.00 PLATT DDS, RANDOLPH 1,018.00 QUILL CORP 1,651.81 ROGERS, STEPHEN K 1,198.00 SIERRA PROPANE 4,137.10 TRAK ENGINEERING INC 13,835.00 VERITAS RESEARCH CONSULTING 1,540.30 WOODLAND BUILDING CENTER 6,350.05 YOUNGS FUTURE TIRE 1,765.89 BANK OF THE WEST 2,135.67 CANTEEN CORRECTIONAL SERVICE TRINITY SERVICES 4,197.07 APACHE COUNTY MEDICAL 142,492.00 APACHE COUNTY TAX WITHHOLDING 123,054.31 AZ STATE RETIREMENT SYSTEM 77,673.76 COLONIAL LIFE AND ACCIDENT INS 1,145.97 CORRECTIONS OFFICER RET PLAN 7,676.43 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,868.68 MERITAIN HEALTH FLEXIBLE SPENDING 1,304.20 MUTUAL OF OMAHA 1,126.78 NATIONWIDE 1,560.84 PUBLIC SAFETY PERSONNEL 401 11,142.18 PUBLIC SAFETY SHERIFF

RET 22,782.38 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,677.07 4IMPRINT 3,519.87 ADHS AZ HEALTH CARE COST 22,400.00 AMAZON COM INC 1,180.11 ARIZONA YOUTH PARTNERSHIP 6,250.00 AVAYA COMMUNICATIONS 1,381.19 BACK TO LIFE INC 5,040.00 BAUMAN HOME AND AUTO INC 1,562.10 DLT SOLUTIONS 6,303.49 ERRELLGAS 2,811.91 FRONTIER 9,932.13 GRAVES PROPANE CO INC 1,161.36 GREEN AND BAKER 16,476.92 HATCH CONSTRUCTION 4,544.02 HIGHWAY TECHNOLOGIES INC 3,577.62 J P SALES & SERVICE INC 3,668.34 LITTLE COLORADO BEHAVIORAL HEALTH CENTERS INC 1,869.00 NAVAJO COUNTY 3,372.50 NAVOPACHE ELECTRIC COOPERATIVE 2,172.68 PIMA COUNTY MEDICAL 4,400.00 PITNEY BOWES 3,738.00 QUILL CORP 1,117.21 RESERVE ACCOUNT 5,000.00 SMITH, JOHN R 2,385.00 UNIVERSAL FLEET CARD 1,044.15 VERIZON WIRELESS 2,058.91 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,653.75

Personnel Items: **C. Community Development Department:** Request approval to remove Andrew Jones, Building Inspector III, from his probationary status effective March 24, 2013 with the 2.5% end of probation increase. **D. School Superintendent's Office:** Request authorization to hire a temporary Accounting Specialist I for a period not to exceed 60 days at a salary of \$10.24 per hour. **E. District I:** Request authorization to remove Calvin Jones from probation status effective January 30, 2013 with the 2.5% end of probation increase. Vote was unanimous.

Dave Giddings, Chief Deputy School Superintendent, requested authorization to change the currently vacant Accounting Specialist I position (range 20) to an Accounting Specialist III (range 28) and fill the vacancy. Mr. Weller moved approval. Mr. Shirley asked where the funding was coming from. Mr. Giddings stated that they have a vacancy that they are not going to fill. Mr. Wengert stated that the School office also has some reimbursement that they are expecting that will assist with the position funding. Mr. Shirley seconded the motion. Vote was unanimous.

Angela Romero, Election Director requested the appointment of all tally board workers, replacement centers and drop boxes for the upcoming May 21, 2013 Special Election. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller and Ms. Romero held a discussion of the possibility of bringing in new workers. Ms. Romero stated that her current board is working at 100% accuracy and have for the several elections which has never happened in the past but will look into utilizing additional workers during large elections. Mr. Wengert stated that the County is always open to change but the existing board is working at 100% and you can't get any better than that and there is presentation from both the Democratic and Republican Party members. Mr. Weller stated he was impressed with the accuracy and transparency during the general election but he thinks it's appropriate that faces change periodically for the perspective of the public who have raised this concern but he does not want to raise the concern, the process work very well but if it is closed to new faces he thinks it runs into a perspective that is not appropriate so he wants to continue to have that as a point of discussion in the future. Vote was unanimous.

Chuck Moter, Probation Director, requested approval to temper the following grant funded personnel's salaries by 2.5%: Probation Officers Brittney Rushing & Tom Ross, Detention Officer Luis Morales and Administrative Assistant Corina Gutierrez. This action will prevent these individual's salaries from being surpassed by new employees who receive a 2.5% end of probation increase. Mr. Weller made the motion to approve, seconded by Mr. Shirley. Mr. Weller stated that since he opposed it last time there have been a couple meetings held and he is satisfied that there is a procedure in place that will prevent this from happening in the future. Vote was unanimous.

Mr. Weller stated that this item was inadvertently miss posted and the material that was posted on the website was not the correct material and because of that he is asking to table the Apache County Volunteer program and application which shall allow Department Heads and Elected Officials to periodically utilize citizens, at minimal cost to the County, for work load support as may be needed. Department Heads and Elected Officials shall be responsible for any expenses associated

with Workers Compensation and travel as may be approved per job assignment for each of their respective volunteers. This item was tabled from a previous Board meeting. Mr. White tabled the item.

A presentation by Real Time Solutions was held regarding a public interactive map of the county road system for the Apache County website. No action was needed or taken.

A work session was held regarding the following items:

A discussion was held on the 2013-2014 Budget process review. Mr. Patterson handed out the budget calendar and presented the budget process and that the budget packet would be handed out after the April 16th Board meeting. Mr. Patterson provided an overview of where the budget projections are right now. Mr. Wengert stated that the projections will be prepared and ready for the board to review at the next board meeting.

A discussion was held regarding suggested changes in the demand approval process. Mr. Weller was wanting a cleaner printout to make it easier to review the demands to be approved. Mr. Patterson stated that he would make any changes the Board wanted and reviewed and will work with Mr. Weller to make the spreadsheet more user friendly.

A discussion was held regarding returning the Current Event Summary to the agenda. Mr. Wengert stated that the Open Meeting Law allows for a current event summary and was on the agenda a couple time and then removed. Mr. Weller stated that he liked the idea of providing an opportunity for staff to be able to provide updates on current events for the Board and the public and was asking for it to be put back on the agenda. Mr. Shirley stated that he would prefer to keep the meetings short. Mr. White stated that he also preferred short meetings. Mr. Weller stated that we are public servants and his positions is to be open to the public and help the public understand what is going on in the county.

A discussion was held regarding the sequence on motion versus discussion on agenda items. Mr. Wengert stated that normally the procedure is to allow for the discussion to be heard before a motion and second is required. Mr. White thanked Mr. Wengert for that clarification.

A discussion was held on the Sustainable Communities Board and Grant continuation. Mr. Wengert provided an overview on the grant. Mr. Weller expressed his concerns with the grant and does not want to be attached to the future plan. Mr. White stated that Ganado, Ft. Defiance and Chinle are also included in this and he will have to check with local leaders there to see how they are affected but shares his concerns with Mr. Weller and would like to see reports and where the money is going. Mr. Weller stated that he had received a call from the Ganado Chapter President and in speaking with him about his concerns, he did not think the money has been utilized appropriately. The discussion also included the impact on unincorporated Apache County release from land plan and regional plan. Mr. Weller asked to work towards a resolution for presentation for the Board's consideration for withdrawal from any possible regional plan that comes from this operation. Mr. Wengert stated that staff should work with the County Attorney's Office and then the Board could change it if needed. Mr. White agreed that staff should work on the resolution and then have it brought before the Board for discussion for acceptance or denial.

A discussion was held regarding alternatives to a medical examiner and possible investigator position. Chris Sexton, Health Directed stated that the current medical examiner submitted his

resignation and there are no other physicians in the area that are interested in being the alternate medical examiner and they are finding that using physicians sometimes cause the investigation to be delayed because they can't respond quickly. Mr. Sexton stated that statute requires the county have a medical examiner. A discussion was held regarding the costs associated with establishing a County medical investigator to assist the medical examiner. Sexton stated that the total start of cost of \$143,000 for a vehicle, mobile morgue, training and supplies and after that it would be budgeted at about \$57,000. The medical examiner has agreed to stay on if the County hires a medical investigator who can go out and perform the investigation and look at the body. Mr. Sexton stated that there are around 90 deaths per years that need to be investigated. Mr. Weller stated that this is a difficult issue and it is something that needs to be addressed and presented his opinion that he would like to see 2 current officers be trained and give them an increase in salary and then there are two people to assist the medical examiner. Commander Webb Hogle provided an overview of the stated that right now there is about a two hour wait for someone to arrive to investigate a death and he provided the problems associated with having short staff and costs involved but this may be a long term cost savings. Mr. Shirley stated the he sees this as an unfunded mandate and should be funded by the state and would like to see a resolution drafted to be send to the governor because this is the State's law and they need to fund it because this is a lot of money. County employees have not had raises in 6 years and \$80,000 would provide 1% increase so he would rather see that money go toward staff raises and we should be taking care of the living, not the dead. Mr. Shirley stated that Navajo County and Coconino County also need to go to the State and put it before the County Supervisors Association to see if we can obtain support. Commander Hogle stated that something needed to be figured out. Mr. Shirley stated that it sounds like it has been going along hap-hazard anyway and the State needs to be told it is not getting done correctly because of their un-funded mandate. Mr. Weller stated that he also detests unfunded mandates and that is why he was suggesting an increase to some officers to pick up those duties instead of taking money away from the county and would also go with Mr. Shirley to the State to talk about this issue and will stand with him on any unfunded mandate discussion. Mr. White stated that he agreed this issue needs to be taken to the State.

Mr. Weller provided an overview on the load limit changes for Routes 261 and 273 (transportation issues). Mr. Weller stated that ADOT came up with a chart that said route 261 and 273 changed their load limits and that affected the logging going on in that area and he has been working with ADOT to find out why their administrative order is limiting the use of those roads for logging. Mr. Weller stated that the roads show no deterioration from the load limits, only weather deterioration but that is a different issue so he is working with ADOT to get the trucks back to hauling logs that have been burned up in the last fire and are trying to get the road back open and wanted the Board to be aware of this issue.

Mr. White stated that staff should handle the re-establishment of the Wildlife Services Contract.

Ferrin Crosby, County Engineer provided an overview on the adoption of N9402 and BIA Involvement. Mr. Crosby stated that this is a road from Sanders to Lupton and is in both District II and District III and had been maintained by the County since the 1980s. Mr. Crosby provided the history of the road and that the County has asked the BIA to relinquish the route to the County actively maintain it and they declined and there are concerns voiced by the chapters that the road need to be upgraded and the County. Mr. Crosby stated that in 2007 a cease and desist order was received from the BIA so no maintenance has been done since. Mr. Crosby stated that he wanted to brief the Board on this issue and a discussion was held regarding the road. Mr. White thought that the cease and desist had been lifted. Mr. Weller stated that he would do what was needed to help the people in that area and will do what is needed to get the road back to being maintained. Mr. Crosby asked if it would be appropriate to draft a resolution for the Board and he would look into the current status of the road and see if the ban had been lifted. Mr. Shirley stated that the BIA should

compensate or reimburse the County for the maintenance of the Road. Mr. Crosby stated that he will do more research and report back to the Board and in the research he has done he came across a letter from a prior County Engineer granting the BIA permission to enter that road to do a survey so that tells him the BIA hasn't always acknowledged that road as their road even though the BIA claim they have had it since 1959 so this isn't a clear cut case.

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

Approved this 16th day of April, 2013.

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