

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
August 5, 2013  
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting, the Public Health Services District meeting and the Library District meeting at 8:32 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance. Chairman White stated that he was also conducting a meeting in Albuquerque and after the budget is considered he would need to excuse himself to go back to his other meeting.

Ryan Patterson gave the invocation.

Delwin Wengert led the Pledge of Allegiance.

Mr. Wengert presented the public hearing for discussion and possible approval of the 2013-2014 Final Budget and the notification of the Truth in Taxation increase. Ryan Patterson, Finance Director presented the final budget and notice of Truth in Taxation increase. Mr. Patterson stated that the primary property tax will go from \$43.28 to \$45.93, an increase of \$2.65 for every \$100,000 assessed, an increase of 6%. Chairman White opened the floor for public comment. Hearing none, Mr. Shirley moved to approve the budget, seconded by Mr. Weller who stated that he will be voting to not approve the budget because it has a tax increase and stated that he finds it interesting that no one from the public is here to discuss this. Mr. Weller stated that he does not feel as a county that we need to raise the taxes. Motion passed 2-1 with Mr. Weller voting nay.

**APACHE COUNTY RESOLUTION FOR THE ADOPTION  
OF THE BUDGET FISCAL YEAR 2013-2014  
RESOLUTION NO 2013-14**

**WHEREAS**, in accordance with the provisions of Title 42 Chapter 17, Articles 1-5, Arizona Revised Statutes (A.R.S.), the Board of Supervisors did, on July 9, 2013 make an estimate of the different amounts required to meet the public expenditures/expenses for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of Apache County, and

**WHEREAS**, in accordance with said sections of said title, and following due public notice, the Board met on August 5, 2013, at which meeting any taxpayer was privileged to appear and be heard in favor of or against any of the proposed expenditures/expenses or tax levies, and

**WHEREAS**, it appears that publication has been duly made as required by law, of said estimates together with a notice that the Board would meet on August 5, 2013, at the office of the Board for the purpose of hearing taxpayers and making tax levies as set forth in said estimates, and

**WHEREAS**, it appears that the sums to be raised by taxation, as specified therein, do not in the aggregate amount exceed that amount as computed in A.R.S. §42-17051(A),

**THEREFORE BE IT RESOLVED**, that said estimates of revenues and expenditures/expenses shown on the accompanying schedules as now increased, reduced or changed by and the same are hereby adopted as the budget of Apache County for the fiscal year 2013-2014.

Passed and adopted by the Board of Supervisors of Apache County, this 5th day of August, 2013.

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

ATTEST:

/s/ Delwin Wengert  
Clerk, Board of Supervisors

Chairman White excused himself from the meeting and asked Vice Chairman Weller to conduct the rest of the meeting.

Judge Donna Grimsley presented the recognition of the retirement of CASA Program Coordinator Diana Ryan and thanked her for her service. Judge Grimsley provided an overview of Ms. Ryan's history with the County and stated that she will be missed very much. Mr. Weller thanked Ms. Ryan for her service.

There was no one wanting to address the Board during call to the public.

Mr. Wengert presented a public hearing for consideration and possible approval of the formation of the Concho Wastewater Improvement District. Mr. Weller opened the floor for the public hearing.

Don Borg, a resident of Concho stated that he was in support of the creation of the district and asked to be involved in the formation.

Steve Wene, the attorney for the district addressed the Board and stated that he was available to answer any questions the Board may have and provided the background on the reason why the district was being formed. Mr. Weller stated that he is leaning toward tabling this issue until he has more time to review the issue but wanted to hold the hearing and get public input. A discussion was held with County Attorney Michael Whiting, Mr. Wene and Mr. Weller regarding the impact that tabling the issue would cause. Mr. Weller stated that he would schedule a meeting as soon as possible to review the information.

Max Baca, a resident of Concho, stated that he supports the formation of the wastewater district but thinks it needs to be a water district as well and to also include all of old Concho since the water lines there are inadequate.

Mr. Weller moved to continue the item until another meeting could be scheduled, seconded by Mr. Shirley. Motion passed.

Mr. Wengert presented the **Consent items A-G**. Mr. Shirley moved approval, seconded by Mr. Weller. County **Manager/Clerk of the Board: A.** Request approval of minutes dated July 9, 2013 and August 16, 2013. **B.** Request approval of demands dated July 16, to August 5, 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 VERITAS RESEARCH CONSULTING 5,197.50 APACHE COUNTY MEDICAL 144,954.00 APACHE COUNTY TAX WITHHOLDING 123,494.33 AZ STATE RETIREMENT SYSTEM 81,721.00 COLONIAL LIFE AND ACCIDENT INS 1,314.78 CORRECTIONS OFFICER RET PLAN 8,892.35 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,097.39 MERITAIN HEALTH FLEXIBLE SPENDING 1,299.13 MUTUAL

OF OMAHA 1,148.83 NATIONWIDE 1,515.00 PUBLIC SAFETY PERSONNEL 401 14,631.77  
PUBLIC SAFETY SHERIFF RET 28,051.25 SECURITY BENEFIT GROUP 1,796.00 SUPPORT  
PAYMENT CLEARINGHOUSE 2,671.68 AMIGO CHEVROLET 2,355.48 ARIZONA YOUTH  
PARTNERSHIP 6,250.00 AZ DEPT OF REVENUE 2,193.01 BANK OF THE WEST 1,759.99  
BAUMAN HOME AND AUTO INC 1,115.15 CABINETS SOUTHWEST INC 1,385.56 CRISS  
CANDELARIA LAW OFFICE 3,092.91 D & H PETROLEUM & ENVIRONMENTAL SERVICES  
28,303.73 DIAMOND DRUGS INC 1,768.49 GOODYEAR AUTO SERVICE 4,932.96 HATCH  
CONSTRUCTION 4,713.12 NAVOPACHE ELECTRIC COOPERATIVE 2,943.06  
NEUROPSYCHOLOGY CLINIC PC 1,575.00 NEWMAN SIGNS INC 2,037.06 OFFICE DEPOT  
1,078.08 PROFESSIONAL DISPATCH MANAGEMENT 1,000.00 QUILL CORP 1,041.28 SUMMIT  
HEALTHCARE ASSOCIATION INC 2,146.07 TOWN OF EAGAR 6,703.61 UNIVERSAL FLEET  
CARD 2,077.70 US GEOLOGICAL SURVEY 7,500.00 VERITAS RESEARCH CONSULTING  
1,189.41 VERIZON WIRELESS 1,160.26 YOUNGS FUTURE TIRE 1,892.94 AMIGOS LIBRARY  
SERVICES 1,500.00 AZ STATE GOVERNMENT 5,000.00 AZLGEBT 287,334.89 BARNES,  
PATRICIA M 3,745.00 BINGHAM EQUIPMENT COMPANY 31,868.74 BLUE HILLS  
ENVIRONMENTAL 1,444.07 BRADCO 41,640.87 CDW GOVERNMENT LLC 1,809.93 COLORADO  
CUSTOMWARE INC 69,654.00 CORE ADVANCED TECHNOLOGIES 1,600.00 FRONTIER  
3,447.42 INGRAM LIBRARY SERVICES 2,310.42 KEN'S UPHOLSTERY 1,780.16 NAVOPACHE  
ELECTRIC COOPERATIVE 10,994.85 WELLS FARGO BANK 1,086.96 WILLIAMS LAW GROUP  
PLLC 8,500.00 YOUNGS FUTURE TIRE 1,661.67 COMMUNITY COUNSELING CENTERS INC  
7,680.00 CREATIVE PRODUCT SOURCE INC 2,786.07 PATTERSON, RYAN N 1,428.43 PUBLIC  
SAFETY PERSONNEL 401 1,450.00 AZ COUNTIES WORKERS COMPENSATION PLAN  
59,462.71 AMAZON COM INC 3,731.10 DAVID J MARTIN PLLC 1,384.00 HATCH MOTOR  
COMPANY SNOWFLAKE 39,692.53 KATHLEEN M MCGUIRE PSY D LLC 1,955.00 NAVOPACHE  
ELECTRIC COOPERATIVE 4,013.18 QUILL CORP 1,281.49 RESERVE ACCOUNT 5,000.00  
RYAN, DIANA 1,136.33 SHELL OIL 1,971.67 THOMSON REUTERS WEST 1,780.44 VERIZON  
WIRELESS 1,101.67 WHITE MOUNTAIN PUBLISHING CO 1,136.81 WOODLAND BUILDING  
CENTER 1,011.61 ADHS AZ HEALTH CARE COST 22,400.00 AGUERO, ROBIN R  
1,215.40 AVAYA COMMUNICATIONS 1,381.19 AZ DEPT OF ECONOMIC SECURITY 13,984.16  
EMPIRE MACHINERY 2,540.13 FRONTIER 7,135.37 INGRAM LIBRARY SERVICES 4,772.33  
MERCK SHARP & DOHME CORP 1,274.79 NOBLE, DAVID 9,000.00 PATTERSON, DANA BRYCE  
8,500.00 QUILL CORP 1,722.63 YOUNGS FUTURE TIRE 4,105.94 LAW OFFICE OF MARSHA  
GREGORY 8,500.00 APACHE COUNTY MEDICAL 144,118.00 APACHE COUNTY TAX  
WITHHOLDING 130,287.94 AZ STATE RETIREMENT SYSTEM 83,868.09 COLONIAL LIFE AND  
ACCIDENT INS 1,314.78 CORRECTIONS OFFICER RET PLAN 8,877.47 CORRECTIONS  
OFFICER RETIREMENT PLAN 520 3,889.92 MERITAIN HEALTH FLEXIBLE SPENDING 1,299.13  
MUTUAL OF OMAHA 1,148.83 NATIONWIDE 1,490.00 PUBLIC SAFETY PERSONNEL 401  
14,631.77 PUBLIC SAFETY SHERIFF RET 29,448.30 SECURITY BENEFIT GROUP 1,796.00  
SUPPORT PAYMENT CLEARINGHOUSE 2,671.68 ENVIROSYSTEMS MANAGEMENT INC  
3,700.75 GMCO CORPORATION 24,791.76 HILLYARD INC 2,769.57 LOCK, ROBERT E 4,772.76  
ST JOHNS CITY 5,035.25 THE GUIDANCE CENTER 1,350.00 TWIN CITY HARDWARE – TCH  
SOUTHWEST 3,466.43 US DEPARTMENT OF AGRICULTURE 3,876.07 YAVAPAI COUNTY  
GOVERNMENT 8,500.00 TRINITY SERVICES GROUP INC 14,800.41 AMIGO CHEVROLET  
1,991.22 EMPIRE MACHINERY 63,045.00 FRONTIER 2,676.80 HANSEN, DAVID 2,250.00  
HILLYARD INC 1,751.46 NAVOPACHE ELECTRIC COOPERATIVE 1,384.17 PERFECT PRINTZ  
LLC 1,150.65 QUILL CORP 1,778.83 SAN DIEGO POLICE EQUIPMENT 4,370.15 SECURUS  
TECHNOLOGIES INC 1,264.01 ST JOHNS EMERGENCY SERVICE 2,437.12 THE PC PLACE II  
INC 1,260.00 VERITAS RESEARCH CONSULTING 4,014.24 VERIZON WIRELESS 1,774.75  
WESTERN DETENTION PRODUCTS INC 1,626.41 WHITE MOUNTAIN REGIONAL MEDICAL  
CENTER 1,438.97 BANK OF THE WEST 4,109.80 **Personnel Items: C. Probation**

**Services:** Request authorization to remove the following from probationary status: Valerie Briscoe-George effective July 18, 2013, Barbara Vasquez effective June 19, 2013, Dr. Scott Hamblin effective May 5, 2013 and Efren Solis, effective July 8, 2013 all with the 2.5% end of probation

increase. **D. Superior Court:** Request authorization to pay the accumulated sick leave balance for Diana Ryan as outlined in Human Resources Policy, Section 3.25. **Community Development Department:** **E.** Request approval of a Conditional Use Permit for Diana Turner to place a 2nd residence on Cedar Ridge Unit 1 lot 4, property located north of St. Johns on parcel 204-52-004. **F.** Request approval of a Conditional Use Permit for CellularOne Communications to build a 180' self-supporting telecommunications tower near Lyman Lake. Property is located near St. Johns on parcel 108-37-027. **G.** Request approval of a Conditional Use Permit for CellularOne Communications to build a 180' self-supporting telecommunications tower in Witch Wells Ranches, located near St. Johns on parcel 205-13-064. Motion passed.

Judge Donna Grimsley, Superior Court, requested approval to eliminate the Juvenile Probation Department CASA Coordinator position, range 45 and hire a CASA Program Manager to fill the staff vacancy created by the retirement of Diana Ryan and the position is 100% state funded. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Judge Roberta Reed, Round Valley Justice Court, requested approval of a 3% salary increase totaling \$950 for Patricia Reza due to longevity and her increased leadership role with the court. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held regarding the availability of the funding for the increase. Motion passed.

Judge Roberta Reed, Round Valley Justice Court, requested approval to convert the vacant full time Clerk III position to part time (20 hours per week) and fill the vacancy. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Lyle Lefevre, Information Technology Director, requested approval to hire Kent Eagar for the vacant position of Network Administrator at a salary of \$46,593.00 based on his experience and will be working exclusively with the Assessor and Treasurer offices to ensure the success of the Tyler software project. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held regarding the budgeting for the position. Motion passed.

Michael Whiting County Attorney, requested approval of Arizona Criminal Justice Commission Victims Compensations Grant, #CV-14-049 in the amount of \$59,366, awarded for FY14. Mr. Weller moved to table the item until he has time to review the grant in detail and stated that he will be requiring grants and large issues with lots of reading and studying involved, be submitted to him 2 weeks prior to the Board meeting. Mr. Shirley seconded the motion. Motion passed.

Ferrin Crosby, County Engineer requested approval to enter into an Intergovernmental Agreement with the Forest Service on Forest Road 249 to pave the road from Alpine to Big Lake and provided an overview of the agreement. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Ferrin Crosby, County Engineer approval of Resource Advisory Committee (RAC) Grants from USDA for road material to be applied to County Road 4140 in the amount of \$61,750 and County Road 3140 in the amount of \$96,996.90 within USFS road easements. A discussion was held regarding the road projects. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held regarding the County's financial responsibility in the projects. Motion passed.

Mr. Wengert presented the notification of the Governor's Proclamation designating August as Child Support Awareness Month. Mr. Shirley moved approval seconded by Mr. Weller. Motion passed.

Mr. Weller presented the item for a possible executive session for legal advice pursuant to A.R.S. 38-431.03(A)(3) consider and possibly vacate the appointment of Carlyle W. Begay as State Senator given recently discovered information that such appointment may have been void as not complying with applicable constitutional provisions. Mr. Shirley stated that he did not see a need for an executive session and it is appropriate to vacate what the Board put in place regarding Carlyle W. Begay and made the motion to not go into executive session and vacate Mr. Begay from the recently appointed position. Hearing no second, the item died for lack of a second.

Mr. Weller stated that since there was no action taken regarding the nomination of Carlyle Begay, there is no need to re-appoint the Citizens Panel previously established pursuant to A.R.S. 41-1202, the purpose of which is to propose the names of three qualified electors of Apache County from which the Board of Supervisors will select an appointee to fill the State Senator position recently vacated by the resignation of Senator Jack Jackson. Mr. Weller stated that there is a legal opinion coming from the State that indicates the appointment would stand. No action was taken.

Mr. Shirley moved to adjourn the regular meeting, seconded by Mr. Weller. Motion passed.

Vice Chairman Weller called to order the Health District items.

Chris Sexton, Health Director, requested approval of an Intergovernmental Agreement Tuberculosis Control Program, Contract #ADHS13-048905. Mr. Sexton stated that the purpose of this funding is to supplement Apache County Health Department activities to prevent and control tuberculosis in order to achieve the National and State TB program objectives as specified in the Centers for Disease Control and Prevention TB Cooperative Agreement. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held regarding tuberculosis within the county. Motion passed.

Chris Sexton, Health Director presented the public hearing for discussion and possible adoption of the Apache County Public Health Services District Clinical Services Fee Schedule. Mr. Weller opened the floor for public comment. Hearing none, Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Mr. Shirley moved to adjourn the Public health Services District meeting, seconded by Mr. Weller. Motion passed.

Vice Chairman Weller called to order the Library District meeting.

Judith Pepple, Library Director, requested approval to convert the vacant Librarian III at the Round Valley Library to a Library Manager. A discussion was held regarding the reason for the change which resulted in a \$9,879 savings. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Mr. Shirley moved to adjourn the Library District meeting, seconded by Mr. Weller. Motion passed.

Approved this 3rd day of September, 2013.

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

/s/ Delwin Wengert  
Clerk of the Board