

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
August 6, 2012
St. Johns, Arizona**

Present were: Vice Chairman Tom M. White, and Supervisor R. John Lee. Also present, County Manager/Clerk of the Board Delwin Wengert and County Attorney Michael Whiting. Chairman Jim Claw participated via the telephone.

Chairman Claw called to order the Apache County Board of Supervisors meeting and the Public Health District meeting at 8:30 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance. Chairman Claw asked Vice Chairman Tom M. White, Jr. to facilitate the meeting since he was on the telephone.

Karen Houston led the Pledge of Allegiance.

Vice Chairman White called for the Public Health Services District items.

Chris Sexton, Health Director, requested authorization to create the position of Grant's Manager (Range 33) and fill the vacancy and funding for the position will come from grant administration funds. Mr. Sexton stated that this person would work on special grants and programs in the county. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Chris Sexton, Health Director, requested authorization to fill the currently vacant Registered Dietician/Nutritionist with either a Registered Dietician/Nutritionist (range 52) or a Community Dietician/Nutritionist (range 36). Mr. Sexton stated that this has been a difficult position to fill and have not found a registered Dietician, only Nutritionists so he would like that flexibility to fill the vacant position. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Chris Sexton, Health Director, requested authorization to reduce the position of Administrative Assistant I (vital records) from 32 hours per week to 24 hours per week. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Chris Sexton, Health Director, requested authorization to create the position of Part-time Administrative Assistant I for 16 hours per week (range 22) and fill the position. Mr. Sexton stated that the funding for the position will come from fees from vital records and from District funds. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Mr. Claw moved to adjourn the Health District meeting, seconded by Mr. Lee. Vote was unanimous.

Vice Chairman White called for the regular agenda items.

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

Mr. Wengert presented the public hearing for consideration and possible approval of the Final Budget for Fiscal Year 2012-2013. Mr. Wengert stated that there are not changes to the budget from the tentative budget approval and recommended approval. Mr. Claw moved to approve seconded by Mr. Lee. Vice Chairman White opened the floor to public comment. Karen Warnick, White Mountain Independent Newspaper, asked why the tax rate went down from the 2012 budget to the 2013

budget. Ryan Patterson, Finance director responded that the tax rate has gone down due to the override being decreased from .49 cents to zero and the flood control district tax rate went from .11 cents to zero. Mr. Wengert stated that the main drop was because the County no longer has the levy limit override and the Board chose not to levy the maximum on the primary property tax rate so with the combination of the two, that's why there is such a healthy decrease in taxes. Mr. Lee stated that constitutes about a 30% reduction in the tax rate and he is not aware of any other county in the state who has cut their tax rate in this budget year. Mr. Lee stated that the Board heard the voters and this is a real reduction in the tax rate and he is glad they were able to do it. Mr. Lee stated that the Board has been concerned that they would not be able to balance and juggle the services of the County and the costs of those services but they were able to and we all should be proud of living within our means and the voters should be proud of this Board for doing what the voters instructed us to do. Vote was unanimous

**APACHE COUNTY
RESOLUTION FOR THE ADOPTION OF THE BUDGET
FISCAL YEAR 2012-2013
RESOLUTION NO 2012-12**

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 June 19, 2012 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 6, 2012, 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 13, 2012, 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 2012-2013.

Passed and adopted by the Board of Supervisors of Apache County, this 6th day of August, 2012.

/s/ Jim Claw
Chairman, Board of Supervisors

ATTEST:
/s/ Delwin Wengert
Clerk, Board of Supervisors

Mr. Wengert requested approval of a Special Event Liquor License Application recommendation for the San Rafael Catholic Church to celebrate church history on September 22, 2012 located at the San Rafael Church, 35411 U.S. Highway 180A in Concho, Arizona. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Mr. Wengert requested approval of a Special Event Liquor License Application recommendation for the Corporal Joe McCarthy American Legion Auxiliary for a Community Octoberfest on October 13,

2012 at the Concho Lions Club Park, Concho Arizona. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Milton Ollerton, Community Development Director presented the public hearing for consideration and possible approval of amending sub section 105.5 of Section A-International Building Code 2003 and sub section 15.5 of Section B-International Residential Code of the Apache County Building Ordinance to clarify the valid length of a building permit and extension process of said building permit. Mr. Ollerton stated that the reason this issue was brought before the board is to clarify the intent and it has to do with the length of a building permit. Mr. Ollerton explained the purpose and costs that will be involved. Mr. Ollerton stated that the Planning and Zoning Commission voted unanimously to approve this amendment. Mr. Lee moved approval, seconded by Mr. Claw. Mr. Lee asked if the Board had the authority to amend the International Building Code. Mr. Ollerton responded that the Board did, they adopted it and it is designed for all situations and the county takes it and amends it to fit this area. David Bennett, a resident of Greer, stated that he is unclear as to the actual changes and asked that the Board postpone this issue to allow time for additional review and explanation. Mr. Bennett stated That Mr. Ollerton set up a meeting with him today to help him understand the amendment but he was requesting a one month postponement before the Board took action. Mr. Lee asked if Mr. Bennett's fears were an open construction site in Greer. Mr. Bennett stated yes. Mr. Lee and Mr. Bennett held a discussion on how to best amend the section of the building code. Mr. Bennett responded that he has not had time to come up with a solution and it is reasonable to hold off one month before this is adopted. Mr. Ollerton stated that Mr. Bennett is asking for something completely different than what is before the Board today, what Mr. Bennett is referring to is in the CC&R's. Mr. Lee stated that the CC&R's are dictated by the landowners and not this Board and that is not a county issue. Mr. Bennett stated that this is not in a convenient CC&R area, it is in the downtown area, not a neighborhood association type of thing. Mr. Lee stated that Mr. Ollerton was willing to meet with Mr. Bennett regarding his concerns and if there is something that needs to be brought back to the Board Mr. Ollerton will do so. Vote was unanimous.

Mr. Wengert presented the **Consent Items A-G** recommended approval. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated July 17, 2012. **B.** Request approval of the demands. ADMINISTRATIVE ENTERPRISES INC \$1,554.81 APACHE COUNTY \$146,024.00 APACHE COUNTY TAX WITHHOLDING \$121,465.51 APACHE COUNTY TREASURER \$325,677.38 AZ STATE RETIREMENT SYSTEM \$79,180.02 Begay, Dr. Pauline M. \$1,675.89 Corrections Officer Ret. Plan \$7,897.66 Mutual of Omaha \$1,251.70 NATIONWIDE \$1,935.84 PUBLIC SAFETY CORR. RETIREMENT \$3,626.48 PUBLIC SAFETY PERSONNEL \$11,249.37 PUBLIC SAFETY SHERIFF RET. \$25,542.06 Security Benefit Group \$1,746.00 SUPPORT PAYMENT CLEARINGHOUSE \$2,064.38 AZ COUNTIES WORKERS \$58,149.20 AZ DEPT OF REVENUE \$1,492.46 BANNER GOOD SAM MEDICAL \$1,878.52 Begay, Ella M. \$1,903.95 CDW GOVERNMENT INC. \$1,528.50 Chester, Hosteen J. \$1,048.64 CNS BUSINESS FORMS, INC. \$1,358.04 CONCHO SUPPLY \$4,958.21 Court Services, Inc. \$1,341.79 CRESTLINE SPECIALTIES INC. \$1,252.34 Criss Candelaria Law Office \$1,027.02 DANIES ESQ, EMILY L. \$1,980.00 Diamond Drugs, Inc. \$1,999.91 EDAC CORPORATION \$51,907.24 FTINC \$1,870.03 FUELMAN OF LAFAYETTE \$1,055.05 GMCO CORPORATION \$14,565.07 GUIDANCE CENTER \$1,200.00 HATCH CONSTRUCTION \$4,320.52 JONES, SKELTON & HOCHULI \$2,130.00 Latham, Michael \$1,799.99 MICHAEL M. GOLIGHTLY & ASSC. \$6,885.35 NAVOPACHE ELECTRIC COOP \$8,928.10 New World Systems Corporation \$6,213.48 NOR-KEM DISTRIBUTOR \$1,497.60 OFFICE DEPOT \$2,039.31 ProForce Law Enforcement \$1,650.51 QUILL CORP. \$3,729.84 SAN DIEGO POLICE EQUIPMENT \$1,326.25 Silver Creek Mortuary NM \$3,096.05 Sourcecorp Inc \$4,403.55 ST. JOHNS CITY \$2,194.06 Summit Divers & Watersports LL \$2,107.15 UNIVERSAL RADIO, INC. \$1,813.70 AZ Humane Society \$43,055.64 BURNHAM MORTUARY \$1,361.45 Coconino Humane Assoc \$5,206.77 COURTESY CHEVROLET/Ally \$169,033.42 Creative

Multimedia Inc. \$3,920.00 DELL COMPUTER CORPORATION \$11,115.27 EAGAR, TOWN OF \$76,871.97 HOME DEPOT \$1,260.16 MOHAVE COUNTY \$85,376.19 NAVOPACHE ELECTRIC COOP \$11,417.01 Rigg Law Firm PLLC \$1,137.10 S. Uram Consulting PLLC \$2,901.50 ST. JOHNS CITY \$1,965.60 Technical Resource Mgmt. Inc \$2,249.60 TUCSON, CITY OF \$12,780.84 Universal Fleet Card \$1,056.09 VERIZON WIRELESS, BELLEVUE \$2,179.55 WHITE MOUNTAIN AMBULANCE \$6,691.00 WHITE MOUNTAIN REGIONAL \$10,833.20 Yavapai County Sheriffs Office \$39,874.71 Young`s Future Tire \$2,807.85 ADMINISTRATIVE ENTERPRISES INC \$1,454.81 APACHE COUNTY \$145,148.00 APACHE COUNTY TAX WITHHOLDING \$116,032.28 APACHE COUNTY TREASURER \$311,269.02 AZ STATE RETIREMENT SYSTEM \$77,800.74 Corrections Officer Ret. Plan \$8,003.46 Mutual of Omaha \$1,241.35 NATIONWIDE \$1,935.84 PUBLIC SAFETY CORR. RETIREMENT \$4,216.14 PUBLIC SAFETY PERSONNEL \$13,023.70 PUBLIC SAFETY SHERIFF RET. \$23,425.26 Security Benefit Group \$1,746.00 SUPPORT PAYMENT CLEARINGHOUSE \$2,035.88 **Human Resources: C. District II:** Request approval to hire a temporary Facilities and Maintenance Worker I, not to exceed 30 days. **D. Round Valley Justice Court:** Request authorization to convert a full-time Justice Court Clerk III position to a part time position with benefits. **E. Assessor's Office:** Request authorization to convert the vacant Drafting Specialist I (range 30) position to an Evaluation Coordinator III (range 26) and fill the vacancy. **F. District I:** Request authorization to extend the temporary employment of Randy Bia, Road Worker II, for an additional 90 days. **Engineering Department: G.** Request authorization to solicit bids for reinforcement steel for the bridge project on County Road 5020. Mr. Wengert, on behalf of the Engineering Department, requested authorization to add County Road #N3125 and Southern section of N3119 to the Apache County Road Inventory List of maintained roads. Mr. Wengert stated that this is a short section of road in Vernon and is needed by the Vernon School District for a place to turn their school bus around. Mr. Wengert stated that the County Attorney has reviewed this and is an appropriate need and it will do a lot of good for the students in the Vernon area. Mr. Lee moved approval, seconded by Mr. Claw. Mr. Lee stated that he went and looked at this section of road and that turnaround was awful and he and the County Engineer's office staff has been working to get all the approvals needed for the past year and this is a great thing and now all the materials can be put down and can get the road up and running. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested approval of abandonment of a portion of Roundup Trail County Road 8648, in Winsor Valley subdivision. Mr. Wengert stated that this was reviewed by the county attorney and is warranted and allowed by statute. Mr. Claw moved approval. Mr. Lee stated that he needed to declare a conflict of interest since he represented Woodland Valley who is a private client of his. Mr. White seconded by motion. Vote passed 2-0 with Mr. Lee abstaining.

Mr. Wengert, on behalf of the Engineering Department, requested authorization to award Bid #201301 for the yearly culvert bid, countywide. Mr. Wengert recommended that both Pacific Ponderosa and Arizona Culvert Company be awarded the bids based on location, price and availability. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested authorization to award Bid #201302 for the well at the limestone pit east of St. Johns to Nielsen Well Drilling, the only bidder, in the amount of \$43,373.00. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Mr. Wengert on behalf of the Engineering Department, requested the item to award Bid #201303 for the purchase of a 9 wheel roller for District III be removed from the agenda. Vice Chairman White removed the item.

Mr. Wengert, on behalf of the Engineering Department, requested authorization to purchase a new John Deere engine for a John Deere Motor Grader from RDO Equipment as a sole source vendor, utilizing District I carry over funds at a cost of \$21,101.36. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested authorization to purchase a forklift from Chevron Mining Inc., in the amount of \$7,000 utilizing District II carryover funds. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

School Superintendent Pauline Begay, requested approval of an independent Contract Agreement between Barry Williams and the County School Superintendent's Office for a website maintenance contract not to exceed five (5) months at \$30.00 per hour and all payments will be drawn from Indirect Cost funds. Ms. Begay stated that the county attorney's office reviewed and approved the contract. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Brannon Eagar, Chief Deputy Sheriff requested approval of the COPS Hiring Grant Program 2012 in the amount of \$359,812 in federal funds over a three year grant period with a cash match of \$25,000. Chief Eagar stated that this is a police officer hiring program funded by the federal government and will pay the salaries for 2 certified officers for three years and after the three years the county will maintain the positions for 2 years. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Lenora Fulton, County Recorder, requested authorization to extend the temporary, part-time employment for Betty Coplan, Recording Clerk, for an additional 60 days utilizing the Recorder's Surcharge fund. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Milton Ollerton, Community Development, requested authorization to assign Building Inspector III, Nephi Hightower to the position of acting Building Official for a period of 120 days. Mr. Hightower will conduct the duties of the position at the minimum of the salary and also request authorization to hire a temporary Building Inspector III not to exceed 120 days. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Ryan Patterson, Treasurer's Office, presented the public hearing for consideration and possible approval of the Treasurer's Office Fee Schedule effective August 6, 2012. Mr. Patterson stated that these fees have existed in the Treasurer's Office but he felt there was a need to approve them even though some are set by statute. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Ryan Patterson, Treasurer's Office, requested approval of the revolving credit agreement with Wells Fargo Bank for the Window Rock Unified School District, the Ganado School District and the Concho Unified School District. Mr. Patterson stated that this has been reviewed by the County Attorney's Office. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Ryan Patterson, Treasurer's Office, requested the item regarding authorization to hire John Smith as a part time Internal Auditor, not to exceed 19 hours per week at his previous rate of pay and ERE's be removed from the agenda. No action was taken.

Ryan Patterson, Finance Director, requested authorization to transfer Tanya Pea, Administrative Assistant III (range 30) to Accounting Specialist III (range 28) at her current salary. Mr. Lee moved approval, seconded by Mr. Claw. Vote was unanimous.

Mr. Wengert requested approval of a Proclamation designating August as Child Support Awareness Month. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Vice Chairman White stated that there were two items added to the agenda.

Mr. Wengert presented the request for approval of a resolution declaring a State of Emergency regarding the summer rain accumulation and ensuing mud, and approval of a resolution that directs the administration to work with other state and federal agencies to assist Apache County citizens due to damaged or impassable roads throughout the entire county, and authorizes the Chairman of the Board to issue any proclamations concerning the current emergency as provided in A.R.S. 26-311. Mr. Wengert stated that if approved, this Declaration would be in effect for the duration of the monsoon rainstorms and residual mud issues through September 18, 2012. Mr. Lee moved approval seconded by Mr. Claw. A discussion was held regarding the storms damage throughout the County. Mr. Wengert stated that this approval will allow road crews to get compensation for their overtime. Chief Deputy Brannan Eagar stated that Emergency Management has responded all over the county with issues of flooding which closed roads for periods of time and had to direct traffic on state highways. Chief Eagar stated that they also assisted the Navajo Nation with sandbags since they had run out. Chief Eagar stated that as the Director of Emergency Management he supports approving this declaration of emergency. School Superintendent Pauline Begay asked the Board to pay special attention to the bus routes since schools will be starting and buses will be running. Mr. Lee stated that the County road works have been and will be taking care of those bus routes and this declaration will assist even more. Vote was unanimous.

**RESOLUTION 2012 -10
DECLARATION OF A STATE OF EMERGENCY**

WHEREAS, it is the desire and duty of the Apache County Board of Supervisors to protect the health, safety and welfare of the citizens of Apache County;

WHEREAS, that due to the current rain accumulations, many citizens of Apache County are stranded in their homes denying them access to food and medical assistance, endangering their lives and well being, threatening to damage their homes and property and endangering their livestock;

WHEREAS, many current roadways in Apache County are impassable due to the mud and water runoff and otherwise damaging the roadways that will strand many citizens of Apache County in their homes denying them access to food and medical assistance, endangering lives and wellbeing;

WHEREAS, the Apache County Board of Supervisors, pursuant to Arizona Revised Statutes Section 26-301 et seq. declares a State of Emergency to exist on private, state, federal and tribal lands;

BE IT FURTHER RESOLVED, that Apache County will provide mutual aid to the affected areas in Apache County pursuant to its ordinances, emergency plans and intergovernmental agreements which shall include personnel, equipment and other available resources;

BE IT FURTHER RESOLVED, pursuant to Arizona Revised Statutes Section 26-311, the chairman of the Apache County Board of Supervisors is authorized to issue any proclamation necessary and permissible concerning the current snow and mud emergency declared by the resolution;

Approved this 6th day of August, 2012.

ATTEST:

/s/ Jim Claw /s/ Delwin Wengert
Chairman of the Board Clerk of the Board

District II: Request approval to purchase food for the Cottonwood Senior Citizen's Center not to exceed \$700.00. Mr. Claw moved approval, seconded by Mr. Lee. Vote was unanimous.

Mr. Lee moved to adjourn, seconded by Mr. Claw. Vote was unanimous.

Approved this 4th day of September, 2012.

/s/ Jim Claw
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board