

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

January 2, 2019
St. Johns, Arizona

Present were: Chairman Joe Shirley, Jr., County Manager/Clerk of the Board Ryan Patterson, County Attorney Michael Whiting and Chief Deputy County Attorney Joe Young. Participating via the telephone, Vice Chairman Travis Simshauser and Supervisor Alton Shepherd.

Chairman Shirley called to order the Board of Supervisors 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.

Brannon Eagar gave the invocation.

Barry Williams led the Pledge of Allegiance.

Chairman Shepherd called for the Health District Items.

Chris Sexton, Health Director, requested approval of STD Control Services IGA #CTR040478 beginning January 1, 2019 through December 31, 2023 in the amount of \$6,036.00. MR. Sexton stated this grant was budgeted for in FY19. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Chris Sexton, Health Director, requested approval of the Agreement for Clinical Practicum and/or Externship/Internship Education #4141 with Northern Arizona University. The purpose of the agreement is to establish a relationship between the university and the district to allow students from the university to participate in clinical practicum and/or externship programs approved by the university and conducted by the District. Mr. Sexton stated there is a county resident who is interested in doing an internship with the County. **Mr. Simshauser moved approval seconded by Mr. Shepherd.** Vote was unanimous.

Chris Sexton, Health Director, requested approval of IGA#16-097960 Healthy People Healthy Communities Amendment #4. Mr. Sexton stated this has been budgeted for in FY19. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Simshauser moved to adjourn the Health District meeting, seconded by Mr. Shepherd. Vote was unanimous.

Chairman Shirley called for the Library District items.

SueAn Stradling-Collins, Library Director, requested approval to accept State Grant-In-Aid in the amount of \$25,000 and this is an ongoing grant from the Arizona State Library. Ms. Stradling-Collins stated the matching funds are met through regular expenditures. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

SueAn Stradling- Collins, Library Director, requested approval of the completed Strategic Plan for the Concho Public Library. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Library District meeting, seconded by Mr. Simshauser. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Devin Brown, Community Development Director, presented the item, following a public hearing, discussion and possible approval of proposed amendments to the Apache County Building Safety Ordinance, along with the fee schedule and valuation data used for building permits. **Mr. Shepherd moved to open the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. Mr. Brown stated the Planning and Zoning Commission recommended approval of these changes on December 6, 2018 and the proposed changes are available in the backup material posted on the county website or in the Planning and Zoning Department. Mr. Brown stated the main change is to the building ordinance is adding rules for tiny houses, which relaxes some of the safety rules due to the size, they don't require the same safety needs as larger homes such as the ceiling height and exit doors in case of fire. Mr. Brown stated the other change is updating and clarifying the fee schedule; there were a couple areas that were confusing and the addition of a flat fee for the most common services such as for solar permits. There was no one wanting to address the board during the public hearing. **Mr. Shepherd moved to close the public hearing, seconded by Mr. Simshauser.** Vote was unanimous to close the public hearing. **Mr. Shepherd moved to approve the proposed amendments to the ordinance and the fee schedule, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson presented the Consent Items A-C and recommended approval. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between December 4, 2018 and January 2, 2019. Demands are payments made, or to be made, by the County. Payee Amount US POSTMASTER 1,000.00 VALLEY AUTO PARTS 1,013.19 CONTINUANT INC 1,015.20 CZARNYSZKA, TROY D 1,015.76 ST JOHNS EMERGENCY SERVICES 1,021.03 OVERDRIVE INC 1,034.37 ERNIES FIRE EXTINGUISHER 1,060.00 SW ECOLOGY LLC 1,070.00 SPEEDY SALES AND SERVICE 1,106.00 VERIZON WIRELESS 1,123.14 PUBLIC AGENCY TRAINING COUNCIL INC 1,125.00 BOWMAN, GLORIA 1,128.77 NAVAJO TRIBAL UTILITY AUTHORITY 1,153.84 NATIONS GAS TECHNOLOGIES INC 1,170.24 FRONTIER 1,195.52 THE EMBLEM AUTHORITY 1,231.01 WRIGHT EXPRESS FSC 1,234.25 ASHTONS REPAIR INC 1,268.43 HEAP, KLINT 1,280.00 ULINE INC 1,288.49 CDW GOVERNMENT LLC 1,291.85 WOODLAND BUILDING CENTER 1,298.98 SANDERS UNIFIED SCHOOL DISTRICT 1,300.00 YOUNG, JOSEPH 1,304.18 AMERIGAS – GALLUP 1,316.86 KTNN RADIO STATION 1,327.12 FERRELLGAS 1,347.35 WAGNER EQUIPMENT CO 1,367.80 THOMSON REUTERS WEST 1,369.31 KISAANI CATERING SERVICE 1,378.00 ST JOHNS CITY 1,384.90 HIGH COUNTRY PROPANE 1,391.53 NEWMAN SIGNS INC 1,396.26 GOLEMBIESKI, DANIEL R 1,406.25 US CORRECTIONS LLC 1,435.50 GALL'S INC 1,440.53 BEST WESTERN –

CANYON DECHELLY MOTEL INC 1,463.96 BAUMAN HOME AND AUTO INC
1,485.76 KATHLEEN M MCGUIRE PSY D LLC 1,525.00 HUGHES SUPPLY INC
(LAKESIDE) 1,530.06 EM HALE LAW 1,532.85 SW ECOLOGY LLC 1,550.00
COLONIAL LIFE AND ACCIDENT INS 1,569.03 COLONIAL LIFE AND ACCIDENT INS
1,569.03 BLUE HILLS ENVIRONMENTAL 1,573.74 SCHIFF, LAURENCE 1,600.00
SUPPORT PAYMENT CLEARINGHOUSE 1,606.39 SUPPORT PAYMENT
CLEARINGHOUSE 1,606.39 JOHNSTONE SUPPLY 1,637.35 HIGH COUNTRY PROPANE
1,688.87 THE GUIDANCE CENTER 1,750.00 YAZZIE, SHERYLENE 1,750.00
PREMIUM PROPANE LLC 1,783.65 AZLGEBT 1,800.00 EMPIRE MACHINERY
1,813.23 LOWES COMPANIES INC 1,813.55 HATCH CONSTRUCTION 1,818.35
NATIONWIDE 1,822.69 WOODLAND BUILDING CENTER 1,825.46 AMAZON CAPITAL
SERVICES INC (IT DEPT) 1,826.96 FRONTIER 1,827.20 REDW LLC 1,830.00
NATIONWIDE 1,843.28 BILLS DISCOUNT AUTO PARTS (NAPA) 1,863.92
SCHNEIDER, JOSEPH J 1,867.50 PITNEY BOWES 1,881.33 HATCH CONSTRUCTION
1,960.16 NATIONAL BANK OF ARIZONA 0186 1,968.29 DRONE NERDS INC
2,066.97 QUILL CORP 2,078.40 AMAZON CAPITAL SERVICES INC (IT DEPT)
2,118.63 ROAD MACHINERY LLC 2,124.07 NAVAJO TRIBAL UTILITY AUTHORITY
2,269.18 RUSH TRUCK CENTER 2,291.48 OMNISOURCE UNITED INC 2,327.46
UNITED STATES MARSHALS SERVICE JPATS 2,336.00 BILLS DISCOUNT AUTO
PARTS (NAPA) 2,397.44 HILLYARD/FLAGSTAFF 2,571.94 WHITE MOUNTAIN
REGIONAL MEDICAL CENTER 2,576.38 QUILL CORP 2,690.26 EORP LEGACY
2,723.78 EORP LEGACY 2,723.78 INGRAM LIBRARY SERVICES 2,782.89
DELL COMPUTER CORPORATION 2,804.28 NAVAJO TRIBAL UTILITY AUTHORITY
2,807.13 MCCOOK BOILER AND PUMP COMPANY 2,994.00 THE AARONS COMPANY
LLC 3,000.00 ARIZONA STATE FORESTRY DIVISION 3,146.48 NAVAJO TRIBAL
UTILITY AUTHORITY 3,185.18 QUILL CORP 3,230.01 NATIONWIDE TRUST FSB
3,260.51 CHANGEPOINT INTEGRATED HEALTH 3,300.00 NATIONWIDE TRUST FSB
3,332.79 APACHE COUNTY HSA 3,433.33 APACHE COUNTY HSA 3,433.33
RUSH TRUCK CENTER 3,462.17 ONEIL PRINTING INC 3,472.19 VALLEY AUTO PARTS
3,510.15 GALLUP INDEPENDENT 3,526.90 NAVOPACHE ELECTRIC COOPERATIVE
3,597.02 AMAZON CAPITAL SERVICES INC (IT DEPT) 3,623.00 COCONINO COUNTY
3,720.00 ELECTION SYSTEMS AND SOFTWARE 3,897.97 PITNEY BOWES 3,931.87
NATIONAL BANK OF ARIZONA 0085 4,014.02 NAVAJO TRIBAL UTILITY
AUTHORITY 4,423.25 FRONTIER 4,540.40 INGRAM LIBRARY SERVICES 4,543.39
QUILL CORP 4,565.89 TATUM MECHANICAL 4,603.58 WRIGHT EXPRESS FSC
4,610.46 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,691.88 DIAMOND
DRUGS INC 4,700.46 NATIONAL BANK OF ARIZONA 0085 4,708.57
CORRECTIONS OFFICER RETIREMENT PLAN 520 4,731.07 HIGH COUNTRY SIGNS
LLC 4,841.00 AZ DEPT OF REVENUE 4,967.29 YELTON AND ASSOCIATES 4,994.00
THOMSON REUTERS WEST 5,124.40 NAVAJO TIMES PUBLISHING COMPANY
INC 5,595.21 HAMBLIN & ASSOCIATES LLC 5,700.00 ASRS LEGACY EORP
5,741.39 ASRS LEGACY EORP 5,741.39 MERRILL, DAYSON 6,005.26 NAVOPACHE
ELECTRIC COOPERATIVE 6,389.39 DIAMONDBACK TRUCK COVERS 6,504.00 PINAL
COUNTY ARIZONA 6,650.00 IINA' BA' INC 6,860.96 YAVAPAI COUNTY
GOVERNMENT 7,750.00 SAUL'S CREEK ENGINEERING INC 7,920.00 BRADCO
8,127.86 GMCO CORPORATION 8,403.12 HAMBLIN LAW OFFICE PLC 8,500.00

LEGATE, PENROD & ASSOCIATES 8,500.00 BREWER LAW OFFICE PLLC 8,500.00 PATTERSON, DANA BRYCE 8,500.00 CORRECTIONS OFFICER RET PLAN 8,982.96 CORRECTIONS OFFICER RET PLAN 8,982.98 PIMA COUNTY MEDICAL 9,200.00 DATABANK IMX LLC 10,251.84 ALERTUS TECHNOLOGIES LLC 10,584.62 NAVOPACHE ELECTRIC COOPERATIVE 12,657.23 TRINITY SERVICES GROUP INC 13,574.83 SOUTHWEST BARRICADES 14,863.69 PUBLIC SAFETY PERSONNEL 401 16,184.62 PUBLIC SAFETY PERSONNEL 401 16,184.62 AZ STATE GOVERNMENT 16,310.40 TJP COMMUNICATIONS 18,005.59 PRO PETROLEUM 20,118.05 BRADCO 22,148.27 ADHS AZ HEALTH CARE COST 22,400.00 EVERBRIDGE INC 23,648.28 CS&S COMPUTER SYSTEMS 26,200.02 BRADCO 38,882.10 PUBLIC SAFETY SHERIFF RET 42,643.05 PUBLIC SAFETY SHERIFF RET 49,280.71 TYLER TECHNOLOGIES INC 86,535.02 AZ STATE RETIREMENT SYSTEM 105,808.32 AZ STATE RETIREMENT SYSTEM 106,916.47 APACHE COUNTY TAX WITHHOLDING 137,422.35 APACHE COUNTY TAX WITHHOLDING 141,187.37 CATERPILLAR FINANCIAL SERVICES CORPORATION 150,283.01 APACHE COUNTY MEDICAL 168,283.72 APACHE COUNTY MEDICAL 170,219.08 NORTHLAND PIONEER COLLEGE 300,000.00 AZLGEBT 338,400.78 Specific details of the demands may be requested through the County public record request process. B. Request approval of the minutes dated December 4, 2018. C. Request approval of the job description for the Public Fiduciary and instruct the County Manager and the County Attorney's Office to fill the position. Vote was unanimous.

Dawn Yarosh, on behalf of the Treasurer's Office, requested approval of a "Certificate of Removal and Abatement of Taxes" pursuant to ARS 42-18351(1). Total tax to be abated is \$967.71; total interest to be abated is \$756.68; total fees to be abated is \$35.00 for a total of \$1,759.41. Ms. Yarosh stated a list of parcels included in the abatement are available in the Treasurer's Office or in the agenda backup material on the County website. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Barry Williams, School Superintendent requested approval of an Intergovernmental Agreement with Pinal County Superintendent of Schools for educational services rendered to juveniles from Apache County that are being held in the Pinal County Detention Center. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Barry Williams, School Superintendent requested approval to enter into an Intergovernmental Agreement between the Governor's Office of Youth, Faith and Family and the Apache County School Superintendent. Mr. Williams stated this will provide full funding for a contracted project manager to coordinate, and implementation of the Peer/Parent Substance Use Prevention Programing. Mr. Williams stated the grant will fund continuing with the Chinle, Ganado and Sanders schools. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Brannon Eagar, Chief Deputy Sheriff, requested approval of an amendment to the Drug, Gang and Violent Crime Control Grant #DC-19-001 previously approved on August 6, 2018. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Brannon Eagar, Chief Deputy Sheriff, requested approval to award Bid #201902 for the purchase and installation of a new roof for the jail/sheriff's building to Quality 1st Roofing in the amount of \$205,373.00, the low bidder. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd asked Chief Eagar to provide a breakdown of the other bids received. Chief Eagar provided an overview of the other bids. Supervisor Shepherd asked about utilizing the jail for DUI inmates to help offset the cost of the new roof. Chief Eagar stated he is currently working to get DUI prisoners from the Department of Corrections into the jail so he is working to bring in that additional funding. Chief Eagar stated the problem with contracting out is the transportation issue, but he is working to find a solution. Mr. Shepherd stated the sheriff's budget continues to go over each year in the red and the roof repair is coming out of contingency funds and he is wanting to know if there is a plan to be more fiduciary and not continue to go over budget each year. Chief Eagar stated the sheriff's department has been over budget for several years and in the past they have not been able to budget for overtime and he is working with the county manager to implement some changes. Vote was unanimous.

Dale Hauser, on behalf of the Engineering Department, requested approval to lease/purchase one (1) Caterpillar 120M2 Motor grader for District III at a cost of \$21,452.60 per year, for seven (7) years using National Intergovernmental Purchasing Agreement (NIPA) – City of Tucson contract. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Mr. Shepherd expressed his concern with the lease purchase balloon payments. A discussion and held regarding the balloon payments. Mr. Patterson stated in regard to balloon payments, it normally depends on the county's financial situation at the time of the lease and when looking at budgets over the next 3-4 years those leases can be adjusted, based on the proposed revenue and the desire of the Board members. Mr. Shepherd stated we need to make sure there is enough set aside to cover these balloon payments at the end of the lease term and also to look at these leases as to not put the fiduciary burden seven years down the road. Vote was unanimous.

Patrick Sandoval, on behalf of District I, requested approval of a professional services agreement with Clinton Jim to facilitate BIA clearance process for the Carrizo Quarry pit lease and the contract is not to exceed \$6,000 per the contract budget. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd stated the BIA is quite simple and there are staff in District I & II that understands the BIA process instead of contracting out and if that was looked at in order to reserve some funding. Mr. Shirley stated there was a very difficult time getting this through the Nation's process, and now he is trying to get it expedited through the BIA and discovered there is a long list of issues to process the paperwork, sometimes taking between eight months to a year, so this is action to bring in an expert to try to get through the process as soon as possible. Vote was unanimous.

Malena Bazarro, on behalf of District III, requested approval to award Bid #201901 for the purchase of construction water in the Hunt Valley area. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Malena Bazarro, on behalf of District III, requested approval of a professional services agreement between District III and Veritas Research Consulting, LTD. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Mr. Shepherd stated the contract indicates this is for

District III but there are several chapters north of I-40 and asked how this correlates with Mr. Greco's contract regarding the environmental portion of the contract. Mr. Shepherd also asked how Mr. Shamley will be working with the newly elected state representatives and senator regarding state issues. Ms. Bazaruto stated this contract is specific to District III and the Mr. Shamley will be providing assistance and coordination in resource planning separate of what Mr. Greco is doing for the entire county. Ms. Bazaruto stated Mr. Shamley will do some of the work that she previously did; researching and facilitating grants as directed by her and Mr. Simshauser and will also include research on legislative actions that are coming from the federal government and the state, but any interaction between state and federal officials would come through her and Mr. Simshauser. Mr. Shepherd stated he was not happy with the dealings he had with Mr. Shamley last year and was not happy how he was thrown under the bus, but this is for District III, so he wanted to make sure the county is all working together moving forward without any hinderance with the current contract with Mr. Greco. Ms. Bazaruto stated she understood Mr. Shepherd's concerns and will make sure Mr. Shamley isn't interacting in certain roles with county departments. Vote was unanimous.

Malena Bazaruto, on behalf District III, requested approval of the reorganization of District III Supervisor's Office as follows: elimination of part-time Administrative Coordinator (range 38), Economic Development Director (range 60), Hazardous Fuels Mitigation Manager (range 58), and Field Operations Manager (range 50), and create the following positions: Division Manager of Health, Safety and Environmental (range 55), Division Manager of Special Projects (range 58), and Division Manager of Technical Services (range 55) and the restructure does not affect the current budget. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Mr. Shepherd commended Mr. Simshauser for his reorganization; that last year he wanted to restructure and was disappointed on what happened and was asked to wait for the salary study to be done. Mr. Shepherd stated these brand new titles and job descriptions are high in range and felt there are some duplications, as with the environmental services since we have risk management and planners since it seems it takes in some of those jobs, but he isn't going to stand in the way of a supervisor that has great ideas and who is trying to realign and restructure his district; though the positions don't fit within his district he commends Mr. Simshauser for moving forward. Vote was unanimous.

Malena Bazaruto, on behalf of District III, requested approval of grant contract #WFHF 18-202 (Wildland Fire Hazardous Fuels) between Arizona Department of Forestry & Fire Management and Apache County for hazardous fuels mitigation in the Vernon area. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Stephanie McCarthy, on behalf of Human Resources, requested approval to adjust the salaries of the Justices of the Peace in accordance with A.R.S. §22-125. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson requested the appointment of a member of the Board of Supervisors to serve on the County Supervisors Association Legislative Policy Committee for 2019. **Mr. Simshauser moved to appoint Mr. Shepherd, seconded by Mr. Shirley.** Mr. Shepherd thanked the Board for the appointment. Vote was unanimous.

Mr. Patterson requested approval to solicit bids for publication services. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson requested approval to create a Public Information Officer position. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

County Attorney Michael Whiting requested approval to appoint the Arizona Attorney General's Office to represent Apache County in case TX2018-000920, a tax case regarding centrally valued property of Transwestern Pipeline. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Joe Young, Chief Deputy County Attorney, presented the item following a possible executive session for legal advice pursuant to A.R.S. §38-431.03(3), discussion and possible action regarding payment of extra retirement benefits for FLSA exempt employees working overtime hours pursuant to third party agreements and consideration of potential litigation. Mr. Young stated the draft policy is based on input from Supervisor Simshauser that exemptions can be made by Board approval and given that modification, recommended approval. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson provided notice of the following meetings where two or more members of the Apache County Board of Supervisors may be in attendance.

- Eastern Arizona Counties Organization meeting on January 16, 2019 at 3:00 p.m. located at the County Supervisors Association building, 1905 W. Washington Street, Phoenix.
- The County Supervisors Association Legislative Reception on January 16, 2019 at 5:00 p.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The County Supervisors Association meeting on January 17, 2019 at 10:00 a.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix.

During call to the public, Arvin Mitchell, Tribal Partnership Specialist for the Bureau of Census Addressed the Board and encouraged the Board to partner with the Navajo Nation on the upcoming 2020 census. Mr. Mitchell stated he is hoping the county will be able to assist with meeting/training sites and use of the county website for job postings.

Mr. Simshauser moved to adjourn, seconded by Mr. Shepherd. Vote was unanimous.

Approved this 5th day of February 2019.

/s/ Dr. Joe Shirley, Jr.
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board