

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

February 4, 2020
St. Johns, Arizona

Present were: Chairman Alton Joe Shepherd, Vice Chairman Joe Shirley, Jr. and Supervisor Travis Simshauser. Also present, County Manager/Clerk of the Board Ryan Patterson and County Attorney Michael Whiting.

Chairman Shepherd called to order the Board of Supervisors 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.

Ferrin Crosby gave the invocation.

Bowen Udall led the Pledge of Allegiance.

Chairman Shepherd called for the Public Health Services District item.

Preston Raban, Health Director, presented the Clinical Services Quarterly updates for July 2019 – September 2019 and for October 2019 – December 2019. No action was needed or taken.

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

Chairman Shepherd called for the Library District item.

SueAn Stradling-Collins, Library Director, approval to enter into a Memorandum of Understanding for the Arizona Health Zone University of Arizona Supplemental Nutrition Assistance Program –Education (UA- SNAP-ED) Cooperative Extension Apache County and Apache County Library District, effective October 1, 2020 through September 30, 2025 and there is no cost to Apache County. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

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

Chairman Shepherd called for the Jail District item.

Chief Deputy Brannon Eagar, Discussion and possible approval to eliminate a Detention Finance Clerk position (Range 28) and a Facilities and Construction Worker I position (Range 26) and create a Detention Administrative Assistant (Range 33). Chief Eagar stated this will result in a savings of \$21,600. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Simshauser moved to adjourn the Jail District meeting, seconded by Mr. Shirley. Vote was unanimous.

Chairman Shepherd called for the regular agenda items.

Mike Hauser, Apache County 4-H, presented an update on University of Arizona-Apache County Cooperative Extension activities and accomplishments. County Attorney, Margine Bawden, Community Outreach Manager for the SNAP-ED program, provided an overview of the supplemental nutrition assistance program throughout the county. Michael Whiting was recognized by Olivia Wiltbank and Kaylei Lucero for his anti-bullying program and support with the 4-H summer camp program. Chairman Shepherd thanked Mr. Hauser for the programs provided to the communities within Apache County.

Ferrin Crosby, County Engineer, presented the item following a public hearing, discussion and possible approval of an “N” road adoption policy. **Mr. Shirley moved to open the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. There was no one wanting to address the board during the public hearing. **Mr. Simshauser moved to close the public hearing, seconded by Mr. Shirley.** Vote was unanimous. **Mr. Simshauser made the motion to approve the “N” road adoption policy seconded by Mr. Shirley.** Vote was unanimous.

Mr. Patterson presented the Consent Agenda items A-H and recommended approval. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** County Manager/Clerk of the Board:

A. Request approval of demands as distributed to the Apache County Board of Supervisors between January 7, 2020 to February 4, 2020. PayeeAmount APACHE COUNTY MEDICAL 178,311.98 APACHE COUNTY TAX WITHHOLDING 141,824.96 ASRS LEGACY EORP 5,889.13 AZ STATE RETIREMENT SYSTEM 112,852.93 COLONIAL LIFE AND ACCIDENT INS 1,808.22 CORRECTIONS OFFICER RET PLAN 10,009.65 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,312.46 EORP LEGACY 2,720.34 NATIONWIDE 2,291.70 NATIONWIDE TRUST FSB 3,186.48 PUBLIC SAFETY PERSONNEL 40116,207.12 PUBLIC SAFETY SHERIFF RET43,946.80 SUPPORT PAYMENT CLEARINGHOUSE1,696.66 APACHE COUNTY HSA4,430.97 AMAZON CAPITAL SERVICES INC (IT DEPT)1,200.86 AMERIGAS - GALLUP 1,425.58 AZ DEPT OF RISK MANAGEMENT1,087.41 BOB BARKER COMPANY INC1,288.41 BUNGER STEEL INC 13,000.00 CDW GOVERNMENT LLC 11,261.00 CONTRACT PHARMACY SERVICES INC 9,536.37 EMPIRE MACHINERY 33,528.15 FRONTIER 4,581.29 KLINT HEAP1,287.91 HIGHWAY PRODUCTS INC8,944.12 TRENT ADAM JENSEN 1,268.95 KATHLEEN M MCGUIRE PSY D LLC 1,628.00 STEPHANIE MCCARTHY 6,034.79 ATIONAL BANK 4,067.67 NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE 1,726.00 PERSONNEL SAFETY ENTERPRISES 1,953.00 PITNEY BOWES RESERVE ACCOUNT 5,000.00 PREMIUM PROPANE LLC 1,145.55 QUILL CORP 1,444.16 REDW LLC 3,616.50 RHINEHART OIL CO 11,720.56 SECURUS TECHNOLOGIES INC 5,386.43 THE AARONS COMPANY LLC 3,000.00 TRINITY SERVICES GROUP INC 15,043.39 VERIZON WIRELESS 2,292.80 WALMART COMMUNITY 1,067.41 WRIGHT EXPRESS FSC 1,258.84 YAZZIE'S AUTO PARTS INC3,141.24 YELTON AND ASSOCIATES 4,916.67 US POSTMASTER 5,200.00 ADHS AZ HEALTH CARE COST 22,400.00 AMAZON CAPITAL SERVICES INC (IT DEPT) 2,098.05 AMERICAN FIRE EQUIPMENT SALES & SERVICE 3,946.31 AMERIGAS – GALLUP 2,429.18 CHARLI A ANDERSO1,043.60 APEX SOFTWARE

1,480.00 ARIZONA SHERIFF'S ASSOCIATION 2,629.00 AZ COUNTIES WORKERS
COMPENSATION PLAN 70,712.85 BAUMAN HOME AND AUTO INC 1,165.78 BLUE
HILLS ENVIRONMENTAL 1,490.03 BREWER LAW OFFICE PLLC 8,500.00 BUBANY
LUMBER AND HARDWARE 1,501.83 CONTINUANT INC 1,178.20 EMPIRE
MACHINERY 1,855.68 FERRELLGAS 2,777.56 FLEET PRIDE 1,042.55 GALLUP
INDEPENDEN 1,299.84 GOLIGHTLY TIRE 2,293.26 HAMBLIN LAW OFFICE PLC
8,500.00 HIGH COUNTRY PROPANE 2,843.97 HILLYARD/FLAGST 1,768.88 INGRAM
LIBRARY SERVICES 1,922.49 INLAND KENWORTH INC (FARMINGTON) 2,547.17
LEGATE, PENROD & ASSOCIATES 1,336.50 LINCOLN STRATEGY GROUP 4,500.00
NAVOPACHE ELECTRIC COOPERATIVE 7,690.67 NEUROPSYCHOLOGY ASSOCIATES
PC 1,800.00 NICOLL CONSTRUCTION LLC 9,787.68 DANA BRYCE PATTERSON
8,500.00 PITNEY BOWES RESERVE ACCOUNT 5,000.00 RANDOLPH PLATT DDS
1,416.00 PREMIUM PROPANE LLC 4,623.84 QUILL CORP 5,528.82 RHINEHART OIL
CO 68,205.56 LAURENCE SCHIFF 1,200.00 SECURUS TECHNOLOGIES INC 1,481.82
SIERRA PROPANE 1,371.06 STUBLER FIDUCIARY SERVICES LLC 2,049.55 THE
UNIVERSITY OF ARIZONA 7,500.00 JOANNE TODECHEENE 1,620.56 UNITED TRUCK
AND EQUIPMENT INC 1,492.50 VALLEY AUTO PARTS 4,175.08 WW CATTLE
GUARDS LLC 47,520.92 APACHE COUNTY HAS 5,022.63 APACHE COUNTY MEDICAL
175,961.83 APACHE COUNTY TAX WITHHOLDING 141,838.57 ASRS LEGACY EORP
5,889.13 AZ STATE RETIREMENT SYSTEM 110,206.67 COLONIAL LIFE AND
ACCIDENT INS 1,808.22 CORRECTIONS OFFICER RET PLAN 9,962.47 CORRECTIONS
OFFICER RETIREMENT PLAN 520 4,743.27 EORP LEGACY 2,720.34 NATIONWIDE
2,168.44 NATIONWIDE TRUST FSB 3,122.44 PUBLIC SAFETY PERSONNEL 401
6,207.12 PUBLIC SAFETY SHERIFF RET39,144.95 SUPPORT PAYMENT
CLEARINGHOUSE 1,696.66 EATON SALES & SERVICE 15,292.52 AMAZON CAPITAL
SERVICES INC (IT DEPT) 1,468.73 AMIGOS LIBRARY SERVICES 7,828.50
ARIZONA STATE FORESTRY DIVISION 6,871.68 ASHTONS REPAIR INC 1,360.49
AZ BOILER COMPANY INC 3,158.07 AZ COUNTIES INSURANCE POOL 1,441.80
AZ DEPT OF HEALTH SERVICES 1,295.00 CATERPILLAR FINANCIAL SERVICES
CORPORATION 23,297.53 CDW GOVERNMENT LLC 3,672.78 COPE MEMORIAL
CHAPEL 1,000.00 CREATIVE MULTIMEDIA INC (CMI) 18,125.00 CREATIVE
MULTIMEDIA INC (CMI) 7,395.00 DELL COMPUTER CORPORATION 1,232.78
ELECTION SYSTEMS AND SOFTWARE 2,586.83 EMPIRE MACHINERY 1,754.48
FRONTIER 1,845.43 FRONTIER 1,166.69 HAMBLIN & ASSOCIATES LLC 4,950.00
HATCH CONSTRUCTION 2,393.92 RACHAEL D KUHL 3,120.00 MOHAWK
AUTOMOTIVE LIFTS SOUTHWEST 1,426.00 NAVAJO TRIBAL UTILITY
AUTHORITY 1,719.25 NAVOPACHE ELECTRIC COOPERATIVE 28,047.88
NORCHEM DRUG TESTING LAB (CORDANT) 1,154.90 NORTHLAND PIONEER
COLLEGE 43,783.47 OFFICE DEPOT 2,066.47 OVERDRIVE INC 1,749.27 PERKINS
PRECAST 2,306.86 PIMA COUNTY MEDICAL 4,600.00 PREMIUM PROPANE
LLC 1,763.57 QUILL CORP 3,971.23 RDO EQUIPMENT CO 1,155.08 RHINEHART OIL
CO 8,656.88 SAFARILAND LLC 1,790.00 SCHINDLER ELEVATOR CORPORATION
1,042.52 SECURUS TECHNOLOGIES INC 1,651.18 SIERRA PROPANE 1,445.06
SOUTHWEST AG INC 15,081.74 SPEEDY SALES AND SERVICE 1,066.90
THOMSON REUTERS WEST 5,055.66 VALLEY AUTO PARTS 1,010.55 VERIZON
WIRELESS 3,623.97 WILLIAMS SCOTSMAN INC (WILLSCOT) 6,099.10 WRIGHT

EXPRESS FSC 3,549.65 JOSEPH YOUNG 1,600.52 NAVAJO TRIBAL UTILITY
AUTHORITY 11,613.14 B&C GARAGE & TOWING 1,060.00 ANDREW DENNISON
1,738.00 ADVERTISING IDEAS 1,531.69 AMAZON CAPITAL SERVICES INC (IT
DEPT) 3,301.29 AMERIGAS – GALLUP 1,884.69 AZLGEBT 352,895.95
BILTMORE PRO PRINT 1,265.20 BLUE HILLS ENVIRONMENTAL 29,861.49
BOB BARKER COMPANY INC 1,115.92 BURNHAM MORTUARY 1,000.00
DELL COMPUTER CORPORATION 1,211.12 BEN DUGDALE 1,765.19 ELECTION
SYSTEMS AND SOFTWARE 2,569.92 EMBASSY SUITES 1,249.52 EMPIRE
MACHINERY 1,982.58 ESRI INC 6,581.27 FERRELLGAS 2,555.71 HOLLAND SALINE &
LEWIS 20,291.00 HOME DEPOT 1,150.09 ORACLE ENGINEERING GROUP INC
7,920.00 QUILL CORP 2,703.34 RHINEHART OIL CO 38,687.48 SECURUS
TECHNOLOGIES INC 1,982.76 SIERRA PROPANE 2,538.21 SPEEDY SALES AND
SERVICE 1,197.75 THE LIBRARY STORE INC 1,790.35 VERITAS RESEARCH
CONSULTING 5,050.00 VERITAS RESEARCH CONSULTING 1,800.00 VERIZON
WIRELESS 4,794.32 WILLIAM WADE WILTBANK 1,275.10 ONEIL PRINTING INC
15,300.00 Demands are payments made, or to be made, by the County. Specific details of the
demands may be requested through the County public record request process. B. Request
approval of minutes dated January 7, 2020. C. Request approval of a resolution declaring
Apache County as a Second Amendment Sanctuary County.

A RESOLUTION OF THE APACHE COUNTY BOARD OF SUPERVISORS
SUPPORTING THE SECOND AMENDMENT OF THE UNITED STATES
CONSTITUTION AND DECLARING APACHE COUNTY A
"SECOND AMENDMENT SANCTUARY COUNTY"
RESOLUTION 2020-03

WHEREAS, the Second Amendment to the U. S. Constitution adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the District of Columbia v. Heller, 554 U. S. 570 (2008) decision, affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U. S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court, in United States v. Miller, 307 U. S. 174 (1939), opined that firearms that are part of ordinary military equipment, or whose use could contribute to the common defense, are protected by the Second Amendment; and

WHEREAS, Article 2, Section 26 of the Arizona State Constitution provides that the right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men,"; and

WHEREAS, the members of this Board took an oath to support the United States Constitution, the Constitution of Arizona and the laws of the State of Arizona and today reaffirm our

commitment, the Apache County Board of Supervisors does support the United States Constitution, the Constitution of Arizona and the laws of the State of Arizona;

NOW, THEREFORE, BE IT RESOLVED that the Apache County Board of Supervisors, by the authority granted by the laws of the State of Arizona and the people of Apache County, Arizona, do hereby commit to stand and defend their rights and liberties as guaranteed by the U. S. and Arizona Constitution; and

BE IT FURTHER RESOLVED that the meaning of Second Amendment Sanctuary County is that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing laws that unconstitutionally infringe on the people' s right to keep and bear arms.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing laws that unconstitutionally infringe on the people' s right to keep and bear arms.

PASSED, APPROVED and ADOPTED this 4th day of February, 2020 BY THE APACHE COUNTY BOARD OF SUPERVISORS.

/s/ Alton Joe Shepherd
Chairman of the Board

ATTEST:
/s/ Ryan N. Patterson
Clerk of the Board

D. Request approval of a resolution per A.R.S. §14-5601 establishing the Office of Public Fiduciary and to appoint Devin Brown to serve as the Apache County Public Fiduciary at his current salary.

RESOLUTION NUMBER: 2020-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA,
APPOINTING THE APACHE COUNTY FIDUCIARY

WHEREAS, pursuant to A.R.S. 14-5601, the Board of Supervisors for each county must, by resolution, appoint a public fiduciary; and

WHEREAS, Devin Brown has been acting in the capacity of Apache County Public Fiduciary in an interim basis; and

WHEREAS, the County, by and through its Board of Supervisors which to permanently appoint Mr. Brown as the Apache County Public Fiduciary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Apache, Arizona as follows:

That Devin Brown is hereby designated as the Apache County Public Fiduciary.

PASSED AND ADOPTED by the Board of the County of Apache, Arizona, this 4th day of February, 2020.

/s/ Alton Joe Shepherd
CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

/s/ Ryan N. Patterson
CLERK OF THE BOARD

E. Request approval to re-appoint Eric Broadbent to a six-year term to serve on the Apache County Industrial Development Authority, with a term to expire March 5,2026.

F. Request approval of a resolution supporting HB2204 in support of grant funding to assist with training and equipment for the Vernon Fire District.

A RESOLUTION OF THE APACHE COUNTY BOARD OF SUPERVISORS
SUPPORTING ARIZONA HOUSE BILL 2204
RESOLUTION 2020-04

WHEREAS, House Bill 2204 has been introduced by Representative Teller, Representative Cano, Representative Chávez, Representative Fernandez, Representative A. Hernandez, Representative Jermaine, Representative Longdon, Representative Rodriguez, Representative Salman, Representative Sierra, and Representative Tsosie; and

WHEREAS this bill to be enacted by the Legislature of the State of Arizona is an appropriation; from the Arizona Department of Forestry and Fire Management for equipment and training; and

WHEREAS the sum of \$100,000 is appropriated from the state general fund in fiscal year 2020-2021 to the Arizona department of forestry and fire management to distribute to the Vernon fire district for equipment and training; and

WHEREAS this bill would provide a grant of \$100,000.00 to be used for training and equipment which will enhance firefighter safety; and

WHEREAS Vernon Fire District provides services within its 54 square miles, as well as responding to calls within the 250 square miles that surround the District not covered by District tax revenues; an area that accounts for over 30% of calls for service.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Apache County hereby supports the passage of Arizona House Bill 2204.

PASSED, ADOPTED AND APPROVED by the Apache County Board of Supervisors on the 4th day of February 2020.

/s/ Alton Joe Shepherd
Chairman of the Board

ATTEST:
/s/ Ryan N. Patterson
Clerk of the Board

Community Development: G. Request approval to appoint Traegen Knight from Concho to serve as a Planning & Zoning Commissioner; and to re-appoint Michael Bragiel from Greer as an alternate on the Planning & Zoning Commission.

Recorder's Office: H. Request approval to change the rehire eligibility status for previous employee Matt Morales to eligible for rehire. Vote was unanimous to approve consent agenda items A-H.

Daryl Craig, on behalf of District III – Forestry and Special Projects, requested approval of a Crew Use Agreement between Arizona Department of Forestry & Fire Management (DFFM) and Apache County for work performed under Grant Agreement WFHF 18-202. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Ben Dugdale, IT Director, requested approval to renew the Microsoft Enterprise Agreement. Mr. Dugdale stated this agreement provides licensing for much of the software used in Apache County. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Angela Romero, Election Director, requested approval of the designated polling places for the upcoming March 17, 2020 Presidential Preference Election. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Angela Romero, Election Director, requested approval of the 2020 Polling Place Agreements to be used for the March 17, 2020 Presidential Preference Election, May 19, 2020 Special Election, August 04, 2020 Primary Election and the November 3, 2020 General Election. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Angela Romero, Election Director, requested approval of all Election Board Workers, Poll Workers, Equipment Management and Election Day Technicians for the upcoming March 17, 2020 Presidential Preference Election. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson, on behalf of Emergency Management, requested approval to accept the Emergency Management Performance Grant (EMF-2019-EP-00010) in the amount of \$168,371.40. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineer requested possible approval to abandon easements in the following locations: Ranch of the White Mountains #17 in parcels 212-42-621 & 212-42-622, TN 13N, RG 24E, Section 19 West Concho Area and Holiday Park #2 parcels 104-04-001 through 018 TN 8N, RG 29 E, Section 02 East Springerville, within Apache County, Arizona. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Patterson, on behalf of Probation Services, requested approval to create a Lead Investigator position (Range 37) effective January 26, 2020 and this position will be paid using state funds and will not impact the General Fund. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Chief Deputy Sheriff Brannon Eagar, on behalf of the Sheriff's Office, requested approval to update the job descriptions of Dispatcher and Lead Dispatcher. **Mr. Shirley moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson requested approval of a Liquor License application recommendation for Raymond & Marie Rhodes, Ray's BBQ Shack, located at Highway 61, Concho, Arizona. Mr. Patterson stated no protests were received. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Patterson requested possible approval of an Intergovernmental Agreement between Apache County and the Town of Springerville to provide clerical assistance for the Magistrate Court and will result in no cost to Apache County. **Mr. Simshauser moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Patterson presented notification 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 February 19, 2020 at 3:00 p.m. located at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- Small Counties Forum meeting on February 19, 2020 at 5:30 p.m. located at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The County Supervisors Association meeting on February 20, 2020 at 10:00 a.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The National Organization of Counties (NACo) Conference February 29, 2020 - March 4, 2020 held at the Washington Hilton, 1919 Connecticut Avenue N.W., Washington DC.

Chairman Shepherd opened the floor for call to the public.

Art Modica addressed the board regarding the water adjudication issue that affects Apache County. Mr. Modica stated the county hasn't taken enough interest in the issue and encouraged the supervisors to get involved to protect citizens water wells.

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

Approved this 10th day of March 2020.

/s/Alton Joe Shepherd
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board