

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

February 5, 2019
St. Johns, Arizona

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

Chairman Shirley called to order the Board of Supervisors meeting at 8:35 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

Kerry Pena led the Pledge of Allegiance.

Devin Brown gave the invocation.

Chairman Shirley called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval of the service agreement with Banner Health (DBA as ENTECH) effective January 1, 2019 through December 31, 2021 for maintenance and repair service for equipment used in the Health District, and was budgeted for in FY19. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Chris Sexton, Health Director, requested approval to eliminate a vacant Program Coordinator I position (range 29) and a vacant Secretary Receptionist position (range 24) and create a new full-time Administrative Coordinator position. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

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

Chairman Shirley called for the Flood Control District item.

Ferrin Crosby, County Engineer, requested approval of an agreement and resolution authorizing the construction of flood control measures in the Salado community (FEMA Grant PDMC-PJ-09-AZ-2016-007) and appointing designated Applicant Agent Ferrin Crosby and Designated Project Manager Rob Toy. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

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

Chairman Shirley called for the regular agenda items.

Ferrin Crosby, County Engineer, Presented a power point presentation and update on the status of the Stanford (CR 8235) Road project assessment. No action was taken.

Mr. Patterson presented the Consent Agenda items A-C and recommended approval. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between January 2, 2019 and February 5, 2019. Payee Amount AZ DEPT OF HEALTH SERVICES 1,195.00 AZLGEBT 335,713.64 COVEY, JOSHUA T 2,100.00 CRISS CANDELARIA LAW OFFICE 3,085.50 MOORE , ALANE M 2,100.00 QUILL CORP 1,201.30 RIGG LAW FIRM PLLC 1,848.00 VERIZON WIRELESS 1,651.45 AMERIGAS – GALLUP 4,357.04 RHINEHART OIL CO 4,246.78 JIM, CLINTON 1,210.16 APACHE COUNTY HSA 3,539.57 APACHE COUNTY MEDICAL 167,994.56 APACHE COUNTY TAX WITHHOLDING 143,589.76 ASRS LEGACY EORP5,933.16 AZ STATE RETIREMENT SYSTEM 106,953.76 COLONIAL LIFE AND ACCIDENT INS 1,569.03 CORRECTIONS OFFICER RET PLAN 9,528.00 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,475.13 EORP LEGACY 2,723.78 NATIONWIDE 1,985.92 NATIONWIDE TRUST FSB 3,314.54 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET 46,365.64 SUPPORT PAYMENT CLEARINGHOUSE 1,606.39 BAST, ELLEN RAE 1,367.14 BOWMAN, GLORIA 1,361.32 CASTILLO, FLORYBEL 1,120.80 HEAP, KLINT 1,275.00 NATIONAL BANK OF ARIZONA 0085 1,806.16 NATIONAL BANK OF ARIZONA 0186 1,671.69 AMAZON CAPITAL SERVICES INC (IT DEPT) 3,151.36 ARCHER MANUFACTURING 2,280.00 ARIZONA STATE FORESTRY DIVISION 4,330.32 AZ DEPARTMENT OF ENVIRONMENTAL QUALITY 4,520.00 BRADCO 19,489.23 CNS BUSINESS FORMS INC 1,207.44 CONTINUANT INC 1,015.20 CREATIVE MULTIMEDIA INC (CMI) 16,312.50 FERRELLGAS 2,389.84 FRONTIER 1,824.65 GALL'S INC 1,828.99 HILLYARD/FLAGSTAFF 1,633.84 HP2 INC 1,239.00 LESUEUR ADVANCE AUTOMOTIVE LLC 2,059.42 MASS TRANSCRIPTIONS 1,150.20 MOUNTAIN COMFORT HEATING AND COOLING 1,205.00 QUILL CORP 3,361.65 RHINEHART OIL CO 14,444.11 SECURUS TECHNOLOGIES INC 2,205.34 STAPLES CREDIT PLAN 1,935.63 SW ECOLOGY LLC 2,510.00 THE AARONS COMPANY LLC 3,000.00 TRINITY SERVICES GROUP INC 17,354.68 VALLEY AUTO PARTS 1,030.06 VERIZON WIRELESS 2,473.59 WAL-MART COMMUNITY 1,106.86 WRIGHT EXPRESS FSC 2,364.52 REDW LLC 4,162.50 ADHS AZ HEALTH CARE COST 22,400.00 AMERIGAS – GALLUP 3,181.61 ARIZONA STATE FORESTRY DIVISION 3,970.28 AZ COUNTIES WORKERS COMPENSATION PLAN 75,807.26 AZ SUPREME COURT 2,280.00 BLUE 360 MEDIA LLC 1,388.85 BLUE HILLS ENVIRONMENTAL 1,870.61 BREWER LAW OFFICE PLLC 8,500.00 COCONINO COUNTY 3,540.00 DIAMOND DRUGS INC 5,611.80 EMPIRE MACHINERY 10,339.84 GALLUP INDEPENDENT 3,109.04 GMCO CORPORATION 12,604.68 GOLIGHTLY TIRE 8,466.96 HAMBLIN & ASSOCIATES LLC 1,150.00 HAMBLIN LAW OFFICE PLC 8,500.00 HIGH COUNTRY PROPANE 1,583.02 HILLYARD/FLAGSTAFF 2,760.61 IKARD & NEWSOM 4,563.08 INGRAM LIBRARY SERVICES 1,819.83 KATHLEEN M MCGUIRE PSY D LLC 1,615.00 KB WELDING INC 1,543.20 LEADSONLINE LLC 2,238.00 LEGATE, PENROD & ASSOCIATES 8,500.00 MARATHON FITNESS 10,476.75 NAVAJO COUNTY FAMILY ADVOCACY CENTER

3,150.00 NAVAJO TRIBAL UTILITY AUTHORITY 1,106.93 NAVAJO TRIBAL UTILITY
AUTHORITY 2,303.02 NAVOPACHE ELECTRIC COOPERATIVE 19,862.54 PATTERSON,
DANA BRYCE 8,500.00 PEPPERBALL 2,020.00 PINAL COUNTY ARIZONA 4,900.00
PREMIUM PROPANE LLC 1,217.18 QUILL CORP 3,150.46 RHINEHART OIL CO
1,289.77 RIM COUNTRY MECHANICAL 1,263.16 SAFE RESTRAINTS INC 2,724.24
SCHIFF, LAURENCE 1,800.00 SECURUS TECHNOLOGIES INC 1,678.39 SIERRA
PROPANE 2,218.18 SPORTS WORLD INC 1,077.00 ST JOHNS CITY 1,783.62
TASER INTERNATIONAL INC 19,682.17 TASER INTERNATIONAL INC 5,072.30
TRAK ENGINEERING INC 1,123.00 VALLEY AUTO PARTS 1,915.14 VERIZON
WIRELESS 1,031.07 YAVAPAI COUNTY GOVERNMENT 7,500.00 YELTON AND
ASSOCIATES 6,794.00 VERITAS RESEARCH CONSULTING 2,300.00 AZ DEPT OF
REVENUE 2,130.71 APACHE COUNTY HAS 3,469.57 APACHE COUNTY MEDICAL
167,703.19 APACHE COUNTY TAX WITHHOLDING 136,518.29 ASRS LEGACY EORP
5,933.16 AZ STATE RETIREMENT SYSTEM 105,367.52 COLONIAL LIFE AND
ACCIDENT INS 1,560.30 CORRECTIONS OFFICER RET PLAN 9,541.78 CORRECTIONS
OFFICER RETIREMENT PLAN 520 4,636.71 EORP LEGACY 2,723.78 NATIONWIDE
1,759.64 NATIONWIDE TRUST FSB 3,329.02 PUBLIC SAFETY PERSONNEL 401
15,987.81 PUBLIC SAFETY SHERIFF RET 45,423.18 SUPPORT PAYMENT
CLEARINGHOUSE 1,606.39 AMAZON CAPITAL SERVICES INC (IT DEPT)1,937.35
AMERIGAS – GALLUP 1,922.77 APEX SOFTWARE 1,295.00 AZ DEPT OF ECONOMIC
SECURITY 4,852.02 BAUMAN HOME AND AUTO INC 2,706.52 BILLS DISCOUNT
AUTO PARTS (NAPA) 2,806.83 BOB BARKER COMPANY INC 2,825.84 BRADCO
15,178.13 CATERPILLAR FINANCIAL SERVICES CORPORATION 22,761.21 CIVIL &
ENVIRONMENTAL CONSULTANTS INC 45,954.50 EM HALE LAW 1,740.20 EM
WHITING HOMESTEAD INC 2,800.00 EMBASSY SUITES 1,548.96 EMPIRE
MACHINERY 2,638.87 FRONTIER 1,146.89 FRONTIER 4,523.39 HIGH COUNTRY
PROPANE 1,886.17 HILLYARD/FLAGSTAFF 1,338.39 HOME DEPOT 1,104.53
IKARD & NEWSOM 1,212.64 INGRAM LIBRARY SERVICES 1,659.03 KONICA
MINOLTA 1,494.51 MARSHALL AND SWIFT BOECKH LLC 1,014.15 NATIONAL
CRIMINAL ENFORCEMENT ASSOC 2,100.00 NAVOPACHE ELECTRIC COOPERATIVE
3,385.19 PIMA COUNTY MEDICAL 2,300.00 QUILL CORP 2,494.37 RDO EQUIPMENT
CO 1,163.83 RHINEHART OIL CO 25,003.96 SHELL OIL 1,432.17 SHI INTERNATIONAL
CORP 1,162.69 SIERRA PROPANE 2,121.72 SUMMIT HEALTHCARE ASSOCIATION INC
1,012.00 SW ECOLOGY LLC 2,150.00 THE GUIDANCE CENTER 4,550.00 THE
UNIVERSITY OF ARIZONA 6,250.00 THOMSON REUTERS WEST 1,969.41 TJP
COMMUNICATIONS 1,000.86 US CORRECTIONS LLC 1,053.00 VALLEY AUTO PARTS
1,383.68 WALGREEN CO 1,787.37 WESTERN CONSTRUCTION COMPONENTS INC
10,000.00 WORLD OF TRAVEL 2,337.65 WRIGHT EXPRESS FSC 1,605.43 ABEITA
GLASS CO 4,380.00 AMAZON CAPITAL SERVICES INC (IT DEPT)1,107.54 AMERIGAS –
GALLUP 2,460.39 ARIZONA MOTORS SNOWFLAKE 3,390.46 AZ SUPREME COURT
1,750.25 AZLGEBT 330,028.11 BLUE HILLS ENVIRONMENTAL 28,844.48 BOOT BARN
1,211.35 CDW GOVERNMENT LLC 2,978.84 COCONINO COUNTY 1,860.00
COURTYARD - PHOENIX/AVONDALE 2,323.44 ESRI INC 3,085.35 GOLIGHTLY TIRE
1,231.58 GOVERNMENT FORMS & SUPPLIES LLC 2,170.00 IKARD & NEWSOM 2,375.07
INGRAM LIBRARY SERVICES 1,782.47 NAVAJO TRIBAL UTILITY AUTHORITY
6,171.38 NORCHEM DRUG TESTING LABORATORY 1,566.40 OVERDRIVE INC 1,620.81

PERFECT PRINTZ LLC 1,865.24 QUILL CORP 3,132.84 RHINEHART OIL CO 22,410.52
RIGG LAW FIRM PLLC 1,851.10 RUSH TRUCK CENTER 1,861.34 SECURUS
TECHNOLOGIES INC 1,113.87 SOUTHERN COUNTIES OIL COMPANY 17,546.16 ST
JOHNS EMERGENCY SERVICES 1,989.54 THOMSON REUTERS WEST 1,904.94 TOWN
OF SPRINGVILLE 1,082.92 US CORRECTIONS LLC 1,702.50 VERITAS RESEARCH
CONSULTING 3,400.00 VERIZON WIRELESS 2,511.78 YELLOWHORSE, JAY 1,013.25

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 the minutes dated January 2, 2019 and January 15, 2019. Superior Court: C. Per ARS §12-121 & §12-144, the Superior Court requests the re-appointment of Judge Steve Williams, as part-time Superior Court Judge Pro Tempore – salary is paid from state grant funds; Judge C. Allan Perkins as a full-time Superior Court Judge Pro Tempore – salary is paid from county funds. The appointment shall begin July 1, 2019 and end June 30, 2020. Vote was unanimous.

Rodger Dahozy, County Assessor, requested approval of a contract to secure consulting services with Judy Bender effective February 25, 2019 through June 30, 2019. Mr. Dahozy stated the contract to be paid using existing assessor funds and will not exceed \$15,000 and the consultant will provide training/coaching to ensure a smooth transition and assimilation of new chief deputy in the Assessor's Office. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** David Peelman, a resident of Vernon, expressed his opposition to the approval of the contract. Mr. Shirley and Mr. Peelman held a discussion regarding the assessor's office. Marleita Begay, County Treasurer, stated she supports the contract with Ms. Bender. Vote was unanimous.

Malena Bazarro, on behalf of District III, requested approval to submit a proposal to Arizona Commerce Authority's "FY19 Economic Strength Projects Grant" for repairs for Highway 191. Ms. Bazarro stated the grant cannot exceed \$500,000 with a 10% match requirement and submission deadline is March 6, 2019. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to lease/purchase two (2) semi-truck tractors from Rush Peterbilt for District III. Mr. Crosby stated the cost is \$30,800 per year per unit (total Cost \$61,601 per year) for five (5) years under HGACBuy Contract #HT06-18. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Mr. Paul Kovacic, a resident of Vernon, asked if this was a lease or a purchase and who would be doing the maintenance on the trucks. Mr. Crosby stated it is a lease for five years and then the trucks will belong to the county, and the trucks come with a major warranty, and the minor maintenance and tire replacement will be done by the county. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to extend the limestone contract with Salt River Project through April 30, 2019. Mr. Crosby stated the current contract will expire the end of February. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** George Walsh, a resident of Vernon, expressed concerns he has with the county approving the contract extension. Mr. Crosby responded to Mr. Walsh's concerns. County Attorney Whiting stated the contract extension is legal if the Board chooses to approve. Vote was unanimous.

Mr. Patterson requested approval to renew the ongoing Intergovernmental Agreement with Northland Pioneer College to provide educational programs and services in Apache County. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Patterson presented the item following a possible executive session for legal advice pursuant to A.R.S. §38-431.03 (A)(3), discussion and possible approval to move Emergency Management under the direction of the Board of Supervisors. **Mr. Simshauser moved to go into executive session, seconded by Mr. Shepherd.** Vote was unanimous.

Executive session was held at 9:03 a.m.

At 9:10 a.m., **Mr. Shepherd made the motion to reconvene from executive session to regular session, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Simshauser made the motion to table the item until next month's meeting, seconded by Mr. Shepherd. Vote was unanimous.

Mr. Whiting presented the item following a possible executive session for legal advice pursuant to A.R.S. 38-431.03(A)(3) and to discuss settlement negotiations for pending or contemplated litigation pursuant to A.R.S. 38-431.03(A)(4), discussion and possible action related to the Notice of Claim received from Brannon Eagar related to PSPRS Retirement benefits. **Mr. Shepherd moved to go into executive session, seconded by Mr. Simshauser.** Vote was unanimous.

Executive session was held at 9:14 a.m.

At 9:59 a.m., **Mr. Shepherd made the motion to reconvene from executive session into regular session, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Simshauser made the motion to authorize the County Attorney's Office to settle the Notice of Claim received from Brannon Eagar related to PSPRS Retirement benefits and bring back to the Board of Supervisors for final approval. Mr. Shepherd seconded the motion. Chief Deputy Brannon Eagar addressed the Board and stated it was a difficult decision to bring the claim against the county, but had no choice because his retirement was affected without his knowledge and after continued attempts to meet with the county attorney, he did meet with Chief Deputy Young one time; the county attorney refused to meet and the response he was told was to write a letter to the attorney general's office. Vote was unanimous.

Mr. Whiting presented the item pursuant to the "Notice of Claim" received from Jocelyn Baca and her Minor Child, E.B.; against Apache County Sheriff, Joseph Dedman, Jr.; and Destiny Kirk, RN, Apache County Jail Nurse; an executive session is requested for legal advice pursuant to A.R.S. 38-431.03(A)(3) and to discuss settlement matters and legal options, including the county and jail district's financial status, for pending litigation pursuant to A.R.S. 38-431.03(A)(4). **Mr. Simshauser moved to go into executive session, seconded by Mr. Shepherd.** Vote was unanimous.

Sheriff Dedman addressed the Board and requested Chief Deputy Eagar, Commander Cirivello and he be included in executive session. Chairman Shirley stated the sheriff can join the executive session after the attorney has provided some legal advice. Sheriff Dedman stated he was putting the Board of Supervisors on notice that if he does not get legal representation for the sheriff's office, he wants to go outside the county and retain a law firm that can represent his office in the litigation.

Executive session was held at 10:04 a.m.

At 11:28 a.m., **Mr. Shepherd made the motion to reconvene from executive session into regular session, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Simshauser moved to authorize the county attorney's office to discuss settlement negotiations and fact findings concerning the Notice of Claim received from Jocelyn Baca and her Minor Child, E.B.; against Apache County, seconded by Mr. Shepherd. 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 20, 2019 at 3:00 p.m. located at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The Small Counties Forum meeting on February 20, 2019 at 5:00 p.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.
- The County Supervisors Association meeting on February 21, 2019 at 10:00 a.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.

Chairman Shirley opened the floor for the call to the public.

Raymond Smith Jr., Delegate for the Navajo Nation, invited the Board to a Navajo transportation meeting on February 12th. Chairman Shirley requested Mr. Patterson post of the meeting.

David Peelman, a resident of Vernon, voiced his opinion regarding the possible transfer of emergency management, the use of county resources crossing state lines, and his belief there is misuse of county funds.

George Walsh, a resident of Vernon, expressed his concern with the need for the County Attorney to adopt the diversion fees. Mr. Walsh stated a facility fee schedule for the use of buildings in District I and District II has not been adopted. Mr. Walsh stated a fee schedule for the sale of limestone to private contractors, fees for the installation of culverts and the sale of map books that have never been adopted.

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

Approved this 12th day of March 2019.

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

/s/ Ryan Patterson
Clerk of the Board