

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

May 7, 2019
St. Johns, Arizona

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

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.

Preston Raban gave the invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman Shirley called for the Public Health Services District items.

Preston Raban, Health Director, presented the submission of Clinical Services Quarterly Update for January 2019 – March 2019. No action was needed or taken.

Preston Raban, Health Director, presented the item following a public hearing, discussion and possible approval of technical corrections to Ordinance No. 2018-11 for Procedures for Public Health Violation Hearings, adopted June 5, 2018. **Mr. Shepherd moved to go into a public hearing, seconded by Mr. Simshauser.** Vote was unanimous. 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. **Mr. Shepherd moved to approve the technical changes to Ordinance 2018-11, seconded by Mr. Simshauser.** Vote was unanimous.

Preston Raban, Discussion and possible approval of the Professional Services Agreement with Marsha Gregory as a hearing officer for the Apache County Public Health Services District Environmental Health Program effective May 7, 2019 through May 7, 2024. Mr. Raban stated the expense has been accounted for in the FY20 budget. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** 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 regular agenda items.

Mr. Patterson presented the item following a public hearing, discussion and possible approval of a Bingo License Application recommendation for the Concho Community Action Network (ConchoCAN) to hold bingo night every Monday at the Concho Community Center, 99 Apache County Road 5050, Concho, Arizona. Mr. Patterson stated no protests were filed. **Mr.**

Simshauser moved to open the public hearing, seconded by Mr. Shepherd. Vote was unanimous. Mr. Frank Wright, a resident of Concho stated he supports approval of the bingo license application. There was no one else wanting to address the Board during the public hearing. **Mr. Shepherd moved to close the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. **Mr. Simshauser moved approval of the bingo license application, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson requested the item for Emergency Management, following a public hearing, discussion and possible approval to repeal Outdoor Fire Ordinance No. 2018-03 and possible adoption of the new Outdoor Fire Ordinance be tabled until the next meeting. Chairman Shirley tabled the item.

Mr. Patterson presented the consent agenda items A-G 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 April 2, 2019 and May 7, 2019. Payee Amount APACHE COUNTY HSA 3,444.57 APACHE COUNTY MEDICAL 167,149.60 APACHE COUNTY TAX WITHHOLDING 139,806.76 ASRS LEGACY EORP 5,933.16 AZ STATE RETIREMENT SYSTEM 106,495.29 COLONIAL LIFE AND ACCIDENT INS 1,448.95 CORRECTIONS OFFICER RET PLAN 8,917.76 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,678.59 EORP LEGACY 2,723.78 NATIONWIDE 2,189.88 NATIONWIDE TRUST FSB 3,220.01 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET 38,184.25 SUPPORT PAYMENT CLEARINGHOUSE 1,549.64 AMAZON CAPITAL SERVICES INC (IT DEPT) 2,508.74 AMIGO CHEVROLET 1,441.15 AZLGEBT 332,322.93 CONTINUANT INC 1,015.20 COVEY, JOSHUA T 1,800.00 CRISS CANDELARIA LAW OFFICE 1,897.50 DAN BROOKS SURVEYING LLC 1,020.00 GARDNER, SAMUEL TODD 1,169.10 HEAP, KLINT 1,361.01 HIGH COUNTRY PROPANE 1,282.25 HOME DEPOT 1,080.28 IKARD & NEWSOM 1,482.80 INGRAM LIBRARY SERVICES 1,464.64 KB WELDING INC 7,806.31 MEAD PUBLISHING 2,575.00 NATIONAL BANK 3,417.24 NATIONAL BANK OF ARIZONA 1389 2,384.48 NATIONAL BANK OF ARIZONA 0085 2,379.64 NATIONAL BANK OF ARIZONA 0285 1,113.28 OFFICE FURNITURE COM LLC 5,283.91 OVERDRIVE INC 1,877.92 QUILL CORP 1,661.83 S R ROBERTS INC 1,704.12 VERIZON WIRELESS 1,646.86 WHITE MOUNTAIN COMMUNICATIONS 1,794.63 WRIGHT EXPRESS FSC 6,045.47 YAVAPAI COUNTY GOVERNMENT 17,600.00 VERITAS RESEARCH CONSULTING 3,300.00 QUEST ENTERPRISES INC 4,786.45 ALL AROUND CLEAN UP 2,500.00 ARIZONA BUILDING OFFICIALS 1,000.00 ASHTONS REPAIR INC 1,202.13 AZ COUNTIES WORKERS COMPENSATION PLAN 64,872.91 CONTINUANT INC 1,015.20 CREATIVE MULTIMEDIA INC (CMI) 19,611.25 EMPIRE MACHINERY 2,009.78 FLEET PRIDE 1,975.89 FRONTIER 1,819.01 FX TACTICAL LLC 2,495.49 GLAXO SMITHKLINE PHARMACY 1,386.00 HILLYARD/FLAGSTAFF 3,344.13 INGRAM LIBRARY SERVICES 1,521.73 J & B SALES 1,938.51 KATHLEEN M MCGUIRE PSY D LLC 1,955.00 KONICA MINOLTA 1,221.34 MOORE , ALANE M 2,100.00 NAVAJO TRIBAL UTILITY AUTHORITY 3,876.46 NAVOPACHE ELECTRIC COOPERATIVE 6,665.64 OVERDRIVE INC 2,685.87 PACIFIC PONDEROSA CO INC 4,109.44 PLATT DDS, RANDOLPH 1,000.00 QUILL CORP 3,705.69 RHINEHART OIL CO 26,071.04 RIGG LAW FIRM PLLC 1,295.50 RUSH TRUCK CENTER 1,151.09 SCHIFF,

LAURENCE 1,800.00 SECURUS TECHNOLOGIES INC 2,866.25 SIERRA PROPANE
1,200.17 ST JOHNS CITY 2,183.23 SW ECOLOGY LLC 2,322.45 TABLE TOP TELEPHONE
COMPANY INC 1,230.52 THE AARONS COMPANY LLC 3,000.00 THE WOOD LAW
OFFICE (RONALD WOOD) 1,188.00 TRINITY SERVICES GROUP INC 17,497.58
VERIZON WIRELESS 1,127.86 WHITE MOUNTAIN AMBULANCE SERVICE INC
1,321.89 YELTON AND ASSOCIATES 4,500.00 DAHOZY, RODGER 1,200.00 SAM'S
CLUB #6347 1,000.00 QUALITY 1ST ROOFING INC 61,611.90 ADHS AZ HEALTH CARE
COST 22,400.00 NAVAJO TIMES PUBLISHING COMPANY INC 1,264.05 SHOW LOW
FORD INC 10,577.59 APACHE COUNTY HSA 3,419.57 APACHE COUNTY MEDICAL
168,710.27 APACHE COUNTY TAX WITHHOLDING 150,659.14 ASRS LEGACY EORP
5,933.16 AZ STATE RETIREMENT SYSTEM 105,969.73 COLONIAL LIFE AND
ACCIDENT INS 1,464.84 CORRECTIONS OFFICER RET PLAN 8,931.30 CORRECTIONS
OFFICER RETIREMENT PLAN 520 4,741.26 EORP LEGACY 2,723.78 NATIONWIDE
2,327.53 NATIONWIDE TRUST FSB 28,188.40 PUBLIC SAFETY PERSONNEL 401
15,987.81 PUBLIC SAFETY SHERIFF RET 40,494.03 SUPPORT PAYMENT
CLEARINGHOUSE 1,549.64 ADHS AZ HEALTH CARE COST 22,400.00 ALL AROUND
CLEAN UP 1,250.00 AMAZON CAPITAL SERVICES INC (IT DEPT) 2,007.71 ARIZONA
STATE FORESTRY DIVISION 3,894.40 ASPHALT ZIPPER INC 1,551.85 AZ SUPREME
COURT 3,750.00 BAUMAN HOME AND AUTO INC 1,417.61 BLUE HILLS
ENVIRONMENTAL 28,520.02 BREWER LAW OFFICE PLLC 85,000.00 BYRUM, SUSAN
K 3,157.43 CIVIL & ENVIRONMENTAL CONSULTANTS INC 7,906.79 DIAMOND
DRUGS INC 10,068.33 EM HALE LAW 1,770.00 EMPIRE MACHINERY 6,985.63
FRONTIER 1,257.04 GOLIGHTLY TIRE 2,037.87 HAMBLIN & ASSOCIATES LLC
4,550.00 HAMBLIN LAW OFFICE PLC 8,500.00 HILLYARD/FLAGSTAFF 1,792.87
LEGATE, PENROD & ASSOCIATES 8,500.00 NAVAJO TRIBAL UTILITY AUTHORITY
2,296.28 NAVOPACHE ELECTRIC COOPERATIVE 11,101.61 PADILLA, DEBBIE L
1,857.91 PATTERSON, DANA BRYCE 8,500.00 PRO PETROLEUM 19,577.50 QUALITY
READY MIX INC 3,252.75 QUILL CORP 3,501.17 RHINEHART OIL CO 19,055.40 RIM
COUNTRY MECHANICAL 1,350.00 SIERRA PROPANE 1,619.77 SW ECOLOGY LLC
1,110.00 THE GUIDANCE CENTER 1,250.00 WAGNER EQUIPMENT CO 4,322.38
WHITING, GARRET LEE 1,978.16 YAZZIE'S AUTO PARTS INC 1,129.09 VERITAS
RESEARCH CONSULTING 2,100.00 AMAZON CAPITAL SERVICES INC (IT DEPT)
4,832.08 AZ DEPT OF ECONOMIC SECURITY 6,356.88 AZ DEPT OF HEALTH SERVICES
1,455.00 BENDER, JUDITH A 1,455.00 BEVINGTON, SHANE E 1,484.45 BILL LUKE
CHRYSLER JEEP DODGE INC 24,708.81 BILTMORE PRO PRINT 3,900.44 BREWER
LAW OFFICE PLLC 8,500.00 BROWN, BAUER K 1,484.45 CHANGEPOINT INTEGRATED
HEALTH 3,300.00 CLARK, ALBERT N 1,484.45 DAN BROOKS SURVEYING LLC
2,200.00 ELECTION SYSTEMS AND SOFTWARE 4,227.63 FRONTIER 4,583.92 HOME
DEPOT 1,074.16 INGRAM LIBRARY SERVICES 5,681.69 NAVAJO COUNTY FAMILY
ADVOCACY CENTER 3,600.00 NAVAJO TRIBAL UTILITY AUTHORITY
4,691.67 NAVOPACHE ELECTRIC COOPERATIVE 3,066.45 PEARCE, DOUGLAS
LANCE 1,678.09 PIMA COUNTY MEDICAL 6,900.00 PITNEY BOWES RESERVE
ACCOUNT 5,000.00 PRO PETROLEUM 20,218.07 PROFORCE LAW ENFORCEMENT
1,733.02 QUALITY READY MIX INC 5,899.04 QUILL CORP 4,301.11 RHINEHART OIL
CO 23,034.46 RUSH TRUCK CENTER 1,020.07 SANDSTONE PUBLIC RELATIONS
2,664.72 SHI INTERNATIONAL CORP 11,203.70 ST JOHNS EMERGENCY SERVICES

1,021.03 SUMMIT HEALTHCARE ASSOCIATION INC 1,191.50 SW ECOLOGY LLC
1,290.00 THE UNIVERSITY OF ARIZONA 6,250.00 THOMSON REUTERS WEST 4,373.71
TRICKEY, TRAVIS M 1,484.45 ULINE INC 1,349.91 WESTERN CONSTRUCTION
COMPONENTS INC 19,600.00 WHITE MOUNTAIN COMMUNICATIONS 1,381.92
WRIGHT EXPRESS FSC 2,128.04 LARRY H MILLER FORD MESA 43,897.67 AXON
ENTERPRISE INC/TASER INTERNATIONAL INC 56,285.13 APACHE COUNTY HAS
3,419.57 APACHE COUNTY MEDICAL 169,392.98 APACHE COUNTY TAX
WITHHOLDING 136,879.61 ASRS LEGACY EORP 5,933.16 AZ STATE RETIREMENT
SYSTEM 106,848.87 COLONIAL LIFE AND ACCIDENT INS 1,414.31 CORRECTIONS
OFFICER RET PLAN 8,934.15 CORRECTIONS OFFICER RETIREMENT PLAN 520
4,739.27 EORP LEGACY 2,723.78 NATIONWIDE 2,331.84 NATIONWIDE TRUST FSB
3,166.20 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET
40,108.21 SUPPORT PAYMENT CLEARINGHOUSE 1,549.64 DUGDALE, BEN
1,063.82 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 April 2, 2019 and April 10, 2019. C. Request approval to
appropriate \$30,000 to the University of Arizona Cooperative Extension Agency for Apache
County, for Fiscal Year 2019-2020. The funds are used for operating expenses, programs,
staffing and travel. Human Resources: D. District I: Request approval to eliminate a Facilities
and Construction Worker II Position (Range 32) and create a Facilities and Construction Worker
III position (Range 38). E. District I: Request approval to convert an Operations Manager
position (Range 44) to an Administrative Coordinator position (Range 42). The position will be
filled by the current employee at their current salary. F. Request approval of Arizona Local
Government Employee Benefit Trust (AZLGEBT) FY2020 changes. Community Development:
G. Request re-appointment of John Freeman, a resident of Greer, Arizona to the
Planning & Zoning Commission. Vote was unanimous.

Bowen Udall, Chief Deputy Recorder, requested approval of the annual maintenance fee and
agreement with the Arizona Secretary of State for our voter registration system. **Mr. Shepherd
moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Bowen Udall, Chief Deputy Recorder, requested approval of the annual maintenance fee and
agreement with the Arizona Secretary of State for our membership in Electronic Registration
Information Center (ERIC). Mr. Udall stated the system allows Apache County to ensure voters
are not registered multiple places. **Mr. Shepherd moved approval, seconded by Mr.
Simshauser.** Vote was unanimous.

Angela Romero, Election Director, presented the item for possible approval to conduct a “Ballot
by Mail” Maintenance and Operation Budget Override election for the St. Johns Unified School
District on November 5, 2019. County Attorney Whiting stated items 6, 7 & 8 are essentially the
same thing; they involve the same questions. Mr. Whiting stated if the Board feels it appropriate,
he would like to table items 6, 7 & 8. Mr. Whiting stated the county is going to get sued either
way, so he wanted to get the question right. Mr. Whiting stated he is still waiting for counsel
from one of the districts to get back with his office and would like to work with all three districts
at the same time and make sure everyone is on the same page before we move forward.

Mr. Romero requested the election items be tabled and stated if the Board decides to move forward with the items, the call for election deadline for publication can still be met (from the next Board meeting on June 4th) to submit to the paper and posted. Chairman Shirley stated the request is to table items 6, 7, and 8 and take care of the action for all three election items with one motion. Mr. Whiting stated if all questions are resolved, these items may be brought back to the Board for consideration before the next meeting if the Board has time for a special board meeting. **Mr. Shepherd moved to table all three election items until Mr. Whiting has the legal question worked out, and then hold a special board meeting since these items are time sensitive, seconded by Mr. Simshauser.** Vote was unanimous to table all three election items.

Election Department: Discussion and possible approval to conduct a “Ballot by Mail” Board Member election for the Concho Wastewater Improvement District on November 5, 2019. Item was tabled.

Election Department: Discussion and possible approval to conduct a “Ballot by Mail” election for White Mountain Communities Special Health Care District on November 5, 2019 to levy a secondary property tax. Item was tabled.

Chairman Shirley stated he failed to call forward the two individuals who wanted to speak on the White Mountain Communities Health Care District election item. Chairman Shirley apologized for the oversight and even though action has been taken, he wanted to afford the opportunity for those to speak on the item.

Jerry Campeau, Chairman of the White Mountain Communities Special Health Care District, addressed the Board and stated he came here today to request approval of the all mail ballot election. Mr. Campeau stated he was not notified by the county that there was a legal issue with the election. Mr. Campeau stated the health care district board has been through the statutes multiple times and found no reference made that the county is going to be sued either way. Mr. Campeau stated no one notified any member of the health care district or their counsel of any issue. Mr. Campeau stated action has been taken today to table the election, but he would like someone from the county to tell him what is going on because right now, he has no knowledge regarding what the issue is with the statutes. Mr. Campeau stated they would be happy to meet with the county attorney’s office but no one has invited them to do so.

Kristin Mackin, the legal counsel White Mountain Communities Special Health Care District stated she drove up from Phoenix to address this issue and would appreciate it if someone could tell her if the action to table the item has anything to do with the special health care district and what legal issues there are, because she has been through the statutes and there is no reason to deny the all mail ballot election on November 5th.

Malena Bazarro, on behalf of District III, requested approval to act as the fiscal agent for Concho Fire Department upon award of a grant through Gila River Indian Community. Ms. Bazarro stated the county will only be a pass through for the funding. **Mr. Shepherd moved approval seconded by Mr. Simshauser.** Vote was unanimous.

Malena Bazarro, on behalf of District III, requested approval of a letter of support to Town of Eagar on behalf of ATNI for their USDA Broadband grant submission. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Paul Greer of Arizona Game and Fish provided a brief update on the Mexican Grey Wolf. No action was needed or taken.

Travis Thompson with the United States Forest Service - Springerville Ranger District provided an update on the fire season. No action was needed or taken.

Ferrin Crosby, County Engineer, on behalf of Superior Court, requested approval to enter into an agreement between Apache County Engineering and HistoricStreetscapes Architecture PLLC for services at a cost of \$103,275.00 for the Lodge-Legacy Teen Center in Eagar, Arizona. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineer, on behalf of Superior Court, requested approval of an agreement between Apache County Engineering and Torrison Consulting LLC at a cost of \$88,281.00 to represent the interests of Apache County from conception to completion of the Lodge-Legacy Teen Center in Eagar, Arizona. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Judge Latham addressed the Board and explained the need for the consultant for the LOFT Lodge Center and the success of the LOFT program. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to extend the limestone contract with Salt River Project through June 4, 2019. Mr. Crosby stated the bid process was underway and should be complete by the June 4th Board meeting but this extension will cover the time until the bids can be brought before the Board in June. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineering, requested approval to award Bid #201905 for contract trucking. Mr. Crosby stated two bids were received; Perkins Cinders who only bid for District III and China Springs who bid for all three districts in the county. Mr. Crosby stated he would recommend approval of both bidders based on price and location. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

County Attorney Whiting requested approval of an Engagement to Represent agreement between Apache County and Fennemore Craig, P.C., Theodora Oringher, P.C., and Andrews & Thornton to represent Apache County in the civil suit against those legally responsible for the wrongful manufacture and distribution of prescribed opiates and damages caused. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson, on behalf of Emergency Management, requested the State of Emergency declared on February 21, 2019 be ended. **Mr. Shepherd moved to not extend the state of emergency declared on February 21, 2019, seconded by Mr. Simshauser.** 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. No action was needed or taken.

Eastern Arizona Counties Organization meeting on May 22, 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 May 22, 2019 at 5:30 p.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ.

The County Supervisors Association meeting on May 23, 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.

David Peelman, a resident of Vernon, addressed the Board with his concern that the county is no longer videoing the board meetings for online public viewing.

Yvonne Murphy, Lupton Chapter President, requested support in finding funding for construction/replacement of Bridge N656 that crosses the Puerco River.

Vera Cassel, a resident of Alpine, Arizona stated she has not seen Supervisor Simshauser in Alpine and he needs to come introduce himself to the community members. Mrs. Cassel stated she needs a ramada built at the community center for all of the vendors that come to Alpine over the summer months.

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

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

Approved this 4th day of June 2019.

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

/s/ Ryan N. Patterson
Clerk of the Board