

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

December 3, 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 and County Attorney Michael Whiting.

Chairman Shirley 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.

Preston Raban led the Pledge of Allegiance.

Chairman Shirley called for the Health District item.

Preston Raban, Health Director, requested approval of subaward agreement ADHS 16-106455 Amendment #2 Arizona Nutrition Network Local Incentive Award – DES Food Stamp Nutrition Education Program (AZHZ SNAP-ED) effective October 1, 2019 through September 30, 2020 in the amount of \$70,000 and was budgeted for FY20. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

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

Chairman Shirley called for the Flood Control District item.

Ferrin Crosby, County Engineer, requested approval to enter into a Memorandum of Understanding (MOU) with Grover's Hill Irrigation District to reconstruct the Lyman Canal and accept payment in an amount not to exceed \$257,522. Mr. Crosby stated this is a revision of the previously approved MOU dated November 13, 2019 due to changes in the hydraulics for the project which required a change in the pipe size, resulting in a slight increase for the funding amount. **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.

Devin Brown, Community Development Director, presented the item following a public hearing, discussion and possible approval to remove the language from Article 8 Flood Plain Management from the Apache County Zoning Ordinance and reserve that Article for future use. Mr. Brown stated the County has a stand-alone Flood Plain Management Ordinance so the

language is no longer needed. **Mr. Shepherd 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 hearings, seconded by Mr. Shepherd.** Vote was unanimous. **Mr. Shepherd moved to approve the change to the zoning ordinance, seconded by Mr. Simshauser.** Vote was unanimous.

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE APACHE COUNTY BOARD OF SUPERVISORS AMENDING THE ZONING ORDINANCE BY REMOVING THE LANGUAGE OF ARTICLE 8 AND RESERVING THIS SECTION FOR FUTURE USE.

WHEREAS, A.R.S. §11-811 and §11-813 allows for adoption or amendment of a zoning ordinance; and

WHEREAS, the Board of Supervisors has adopted a stand-alone and comprehensive ordinance for regulating the flood plain, but the Zoning Ordinance has a small outdated section discussing flood plain management in Article 8; and

WHEREAS, this language is no longer needed in the Zoning Ordinance, and the Planning and Zoning Commission has recommended the language be removed; and

WHEREAS, per A.R.S. §11-251-05, the Board of Supervisors has advertised and conducted a public hearing, and finds that the amendment to the Zoning Ordinance is appropriate and should be approved,

NOW, THEREFORE, BE IT ORDAINED BY THE APACHE COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

Removing the language from Article 8 in the Apache County Zoning Ordinance as shown below, and reserving Article 8 for future use:

~~Article 8 FLOOD PLAIN MANAGEMENT~~

~~SECTION 801—PURPOSE AND APPLICATION~~

~~The purposes of Flood Plain Management are to:~~

- ~~1. Restrict or prohibit land used, including subdivisions, which are dangerous to health, safety, or property in times of flooding~~

2. — ~~Require that land uses vulnerable to flood waters, including public facilities, be reviewed to determine if any adverse effects would result, and~~
3. — ~~Protect individuals from buying lands which are unsuited for the intended use because of flood hazards.~~

~~Within flood plain areas, including Reserve Overlay Districts, this Ordinance shall take precedence over any conflicting laws, ordinances, or codes.~~

~~SECTION 802 — DELINEATION OF FLOOD PLAINS~~

~~The flood plain shall be those areas shown on maps approved by the Flood Plain Board (Board of Supervisors) which delineates areas susceptible to flooding.~~

~~SECTION 803 — FLOOD PLAIN BOARD~~

1. — ~~The Board of Supervisors of Apache County shall act as the Flood Plain Board.~~
2. — ~~Any new structure, substantial improvement or new use proposed in a flood plain other than open land use, shall require written permission from the Flood Plain Board, except as authorized by ARS 45-2353.~~
3. — ~~The Flood Plain Board shall take into account the flood plain management programs of the neighboring areas.~~
4. — ~~The Flood Plain Board shall insure that proposed new construction or substantial improvements involving flood plain areas are : 1) protected against flood damage both above and below stream of the subject construction; 2) designed (or modified) and anchored to prevent uncontrolled flotation, collapse or lateral movement of the structure or improvement;~~
~~3) using construction materials and utility equipment that are resistant to flood damage;~~
~~4) using construction methods and practices that will minimize flood damage; and, 5) that the water surface elevation will not be increased.~~
5. — ~~The Flood Plain Board shall review subdivision proposals and other new developments to assure that: 1) All such proposals are consistent with the need to minimize flood damages both above and down stream of the development; 2) all public utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, and constructed to minimize or eliminate flood damage and infiltration; 3) adequate drainage is provided so as to reduce exposure to flood hazards; and, 4) the new development will result in no increase in the water surface elevation.~~
6. — ~~The Flood Plain Board shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment or contamination~~

~~during flooding.~~

- ~~7. All requests for building permits shall be reviewed by the Building Inspector to determine the flood plain status of the request. Any additional determinations of flood hazard areas during this permit application will be performed by the Floodplain Administrator or his alternate.~~

~~SECTION 804 - RESTRICTIONS~~

- ~~A. When areas within flood plains have been identified, or when surface elevations for the flood plain have been established:~~

~~a. any new construction, alteration, or addition is prohibited. If, by issuance of a Conditional Use Permit and Flood Hazard Development Permit construction is granted, then the lowest floor elevation of the structure shall be one (1) foot above the level of the flood or, together with attendant utility and sanitary facilities, be flood proofed one (1) foot above the level of the flood.~~

~~b. no use, including land fill, may be permitted within the flood plain area unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the flood plain area.~~

- ~~B. When the Federal Insurance Administration has identified the floodway:~~

~~a. existing non conforming uses within the floodway shall not be expanded but may be modified, altered, or repaired to incorporate flood proofing measures, provided such measures do not raise the level of the flood elevation.~~

~~b. fill or encroachments within the floodway that impair its ability to carry and discharge waters of a flood area are prohibited except where the effect of flood heights is fully offset by stream improvements.~~

PASSED AND ADOPTED by the Apache County Board of Supervisors at a meeting held this 3rd day of December, 2019.

/s/ Joe Shirley, Jr.

Chairman, Apache County Board of Supervisors

ATTEST: Ryan N. Patterson, Clerk of the Board

APPROVED AS TO FORM: /s/ Michael Whiting, Apache County Attorney

DATE December 3, 2019

Mr. Patterson presented the Consent items A-F 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 November 5, 2019 to December 3, 2019. TOBIE KLIESSEN OVERSON 1,348.20

RHINEHART OIL CO 23,122.46 AMAZON CAPITAL SERVICES INC (IT DEPT) 1,646.61 AUTOMATED ELECTION SERVICES 12,731.04 AZ DEPT OF RISK MANAGEMENT 1,615.23 AZLGEBT 345,332.51 CDW GOVERNMENT LLC 1,596.00 CHANGEPOINT INTEGRATED HEALTH 22,220.00 CONSOLIDATED ELECTRICAL DISTRIBUTORS 3,372.13 COWBOY UP HAY AND RANCH SUPPLY 1,418.25 DATABANK IMX LLC 5,125.92 DELL COMPUTER CORPORATION 10,067.34 DESERT MOUNTAIN CORPORATION 27,487.36 EMPIRE MACHINERY 4,503.43 FLEET PRIDE 1,794.54 GOLIGHTLY TIRE 3,680.02 KLINT HEAP 1,260.00 JCG TECHNOLOGIES INC 2,836.32 JURY SYSTEMS INCORPORATED 1,034.00 MAXIAN ENTERPRISES 1,435.89 NATIONAL BANK 5,102.05 NATIONAL BANK OF ARIZONA 1389 1,030.94 NATIONAL BANK OF ARIZONA 0085 3,806.91 NATIONAL BANK OF ARIZONA 0186 2,716.02 NATIONAL BANK OF ARIZONA 0285 1,066.18 NAVAJO TRIBAL UTILITY AUTHORITY 2,296.02 NAVAJO WESTERNERS 1,407.14 QUILL CORP 4,273.21 SECURUS TECHNOLOGIES INC 1,929.97 SEQIRUS USA INC 2,152.58 THE AARONS COMPANY LLC 3,000.00 TRINITY SERVICES GROUP INC 19,843.82 US CORRECTIONS LLC 2,972.50 VALLEY AUTO PARTS 3,477.15 WRIGHT EXPRESS FSC 4,336.70 YAZZIE'S AUTO PARTS INC 1,746.27 JAY YELLOWHORSE 1,002.13 YELTON AND ASSOCIATES 4,916.67 YOUNGS FUTURE TIRE 3,107.49 APACHE COUNTY HSA 4,017.99 APACHE COUNTY MEDICAL 175,211.73 APACHE COUNTY TAX WITHHOLDING 135,603.03 ASRS LEGACY EORP 5,889.13 AZ STATE RETIREMENT SYSTEM 110,452.67 COLONIAL LIFE AND ACCIDENT INS 1,486.57 CORRECTIONS OFFICER RET PLAN 9,962.45 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,569.24 EORP LEGACY 2,720.34 NATIONWIDE 2,290.37 NATIONWIDE TRUST FSB 3,157.51 PUBLIC SAFETY PERSONNEL 401 16,207.12 PUBLIC SAFETY SHERIFF RET 39,992.41 SUPPORT PAYMENT CLEARINGHOUSE 1,588.64 B & H PHOTO VIDEO PRO AUDIO 1,829.04 BREWER LAW OFFICE PLLC 8,500.00 CDW GOVERNMENT LLC 2,805.49 CEIA USA LTD 4,153.45 COURTESY CHEVROLET 37,174.15 DC CONSTRUCTION LLC 1,293.26 DELL COMPUTER CORPORATION 2,237.89 EMPIRE MACHINERY 13,745.89 FRONTIER 4,553.69 FRONTIER 1,843.39 GOLIGHTLY TIRE 2,505.33 HAMBLIN LAW OFFICE PLC 8,500.00 HOME DEPOT 1,659.48 HUGHES SUPPLY INC (LAKESIDE) 1,378.78 KB WELDING INC 1,873.50 LAURENCE SCHIFF 2,300.00 TOWN OF EAGAR 22,935.21 VERITAS RESEARCH CONSULTING 2,800.00 AMAZON CAPITAL SERVICES INC (IT DEPT) 1,576.23 APACHE COUNTY SCHOOLS CONSORTIUM 2,700.00 BLUE HILLS ENVIRONMENTAL 1,462.18 BOB BARKER COMPANY INC 1,819.73 DOYLES AUTO BODY INC 6,870.44 HAWKER AND EVANS ASPHALT CO 93,530.18 HILLYARD/FLAGSTAFF 1,950.10 KATHLEEN M MCGUIRE PSY D LLC 1,921.00 LOWES COMPANIES INC 1,200.05 NAVOPACHE ELECTRIC COOPERATIVE 12,093.22 TOBIE KLIESSEN OVERSON 1,217.90 OWL LABS INC 1,698.00 PACIFIC PONDEROSA CO INC 1,988.22 DANA BRYCE PATTERSON 8,500.00 PFIZER INC 3,704.95 QUILL CORP 4,597.80 RHINEHART OIL CO 23,272.12 SECURUS TECHNOLOGIES INC 2,426.15 ST JOHNS CITY 2,783.80 TEN COW COMPANY INC 3,439.13 VALLEY AUTO PARTS 1,005.51 WAGNER EQUIPMENT CO 1,403.22 AZ DEPT OF REVENUE 1,194.22 HAMBLIN LAW OFFICE PLC 8,500.00 BASHAS' CORPORATE OFFICE 24,980.18 4IMPRINT 2,800.43 AMAZON CAPITAL SERVICES INC (IT DEPT) 7,629.55 APACHE COUNTY SCHOOLS CONSORTIUM 60,109.00 AZ COUNTIES INSURANCE POOL 5,000.00 AZ DEPT OF HEALTH SERVICES

1,485.00 BROWN'S PARTSMaster INC 1,701.45 CANNON CONSULTANTS LLC
 3,300.00 CATERPILLAR FINANCIAL SERVICES CORPORATION 78,622.52
 CONTINUANT INC 2,356.40 CRESCENT ELECTRIC SUPPLY CO 1,081.62 DIAMOND
 DRUGS INC 5,815.60 EATON SALES & SERVICE 15,292.52 EBSCO SUBSCRIPTION
 SERVICES 2,718.62 EMPIRE MACHINERY 8,535.56 FLUID SECURE 4,553.04 FRONTIER
 1,252.26 FX TACTICAL LLC 1,184.65 GMCO CORPORATION 10,603.73 KIMBALL
 EQUIPMENT COMPANY 1,101.87 LINCOLN STRATEGY GROUP 4,500.00 MOUNTAIN
 COMFORT HEATING AND COOLING 1,127.50 NAVAJO TRIBAL UTILITY AUTHORITY
 5,120.74 NAVOPACHEELECTRIC COOPERATIVE 9,441.38 NICOLL CONSTRUCTION
 LLC 89,075.21 PAVEMENT MARKING INC 2 0,140.34 PIMA COUNTY MEDICAL 2,300.00
 QUILL CORP 2,202.39 RHINEHART OIL CO 24,121.55 RUSH TRUCK CENTER 1,459.42
 SANDERSON FORD INC 61,192.49 SECURUS TECHNOLOGIES INC 1,840.86
 SOUTHWEST ROCK PRODUCTS LLC 5,124.35 THOMSON REUTERS WEST 5,551.83
 WHITE MOUNTAIN COMMUNICATIONS 1,585.44 WHITE MOUNTAIN PUBLISHING
 CO 1,463.93 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 7,715.85 APACHE
 COUNTY HSA 3,967.99 APACHE COUNTY MEDICAL 173,886.23 APACHE COUNTY
 TAX WITHHOLDING 138,557.50 ASRS LEGACY EORP 5,889.13 AZ STATE
 RETIREMENT SYSTEM 112,243.48 COLONIAL LIFE AND ACCIDENT INS
 1,567.19 CORRECTIONS OFFICER RET PLAN 10,053.33 CORRECTIONS OFFICER
 RETIREMENT PLAN 520 4,782.38 EORP LEGACY 2,720.34 NATIONWIDE 2,217.41
 NATIONWIDE TRUST FSB 3,178.81 PUBLIC SAFETY PERSONNEL 401 16,207.12
 PUBLIC SAFETY SHERIFF RET 43,525.86 SUPPORT PAYMENT CLEARINGHOUSE
 1,588.64 TOBIE KLIessen OVERSON 1,252.61 4IMPRINT 4,434.51 AMAZON CAPITAL
 SERVICES INC (IT DEPT) 2,090.62 AMIGO CHEVROLET 1,281.57 AZLGEBT
 343,383.92 CDW GOVERNMENT LLC 1,450.64 CEIA USA LTD 8,269.80 CREATIVE
 MULTIMEDIA INC (CMI) 16,566.25 CREATIVE MULTIMEDIA INC (CMI) 10,911.25
 EMPIRE MACHINERY 1,718.23 GLAXO SMITHKLINE PHARMACY 2,281.20
 HILLYARD/FLAGSTAFF 1,421.30 NAVAJO TRIBAL UTILITY AUTHORITY 2,059.24
 NORTHEAST ARIZONA TRAINING CENTER INC 6,250.00 REED'S TREE SERVICE
 1,500.00 RHINEHART OIL CO 52,419.17 RIGG LAW FIRM PLLC 1,732.50 JO
 RITTENHOUSE 1,000.00 SECURUS TECHNOLOGIES INC 1,959.78 THOMSON REUTERS
 WEST 1,874.80 TOWN OF EAGAR 3,991.13 UNITED RENTALS 14,353.58 US
 CORRECTIONS LLC 1,131.25 VALLEY AUTO PARTS 3,926.41 VERIZON WIRELESS
 2,566.57 WESTERN DRUG COMPANY 7,625.66 WRIGHT EXPRESS FSC 2,781.36

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 October 28, 2019, November 5, 2019 and November 13, 2019. C. Request approval of the Board of Supervisors meeting schedule for 2020. Election Department: D. Election Department: Request approval, based on the recommendation of the Democratic Party County Chairman, Steven C. Begay, determine vacancies exist in the office of precinct committeeman and appoint Dinah D. Wauneka for the Ft. Defiance Precinct. Human Resources: E. Building & Maintenance: Request approval to convert a 20-hour Custodian position (.5 FTE) to a 10-hour Custodian position (.25 FTE). F. Request authorization to adjust current and new hire salaries to comply with the minimum wage increase, effective January 1, 2020. Vote was unanimous.

Troy Czarnyszka, on behalf of Superior Court, requested pursuant to A.R.S. § 12-121 & 12-144, discussion and possible approval of the appointment of Judge Shawn Taylor as a part-time Superior Court Judge Pro Tempore with the annual salary of \$25,000, effective December 16, 2019. The appointment is due to Honorable Judge Williams being appointed to the Arizona Supreme Court – Court of Appeals. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Troy Czarnyszka, on behalf of Superior Court, requested pursuant to A.R.S. §§12-121 & 12-144, the Superior Court requests approval of the appointment of Judge Roberta Reed, as a part-time Justice Court Judge Pro Tempore and the appointment shall begin December 4, 2019. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Gabriel Freeman, District II Manager, requested approval of a resolution authorizing the request of the Arizona Legislature in its 2020 regular session, appropriates the sum of \$908,273.00 for the construction repairs and upgrades of County Road C-420, Ganado School Loop Road previously constructed as RS-656 (1)0656 AP in Apache County District II. Mr. Shepherd provided an overview of the needed project. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

A RESOLUTION AUTHORIZING THE REQUEST OF THE ARIZONA LEGISLATURE IN ITS 2020 REGULAR SESSION APPROPRIATES THE SUM OF \$908,273.00 FOR THE CONSTRUCTION REPAIRS AND UPGRADES OF COUNTY ROAD C-420 GANADO SCHOOL LOOP ROAD PREVIOUSLY CONSTRUCTED AS RS-656 (1)P 0656 AP IN APACHE COUNTY DISTRICT 2. 2019-22

Whereas, the Apache County Board of Supervisors, acting under its authority to authorize the purchase of real property for benefit and use of the County; and

Whereas, the Ganado Unified School District manages 3 state public schools serving 1,388 students and 93 teachers. The District takes pride in the programs and services offered to their students. Ganado USD provides the latest technology, resources and instructional aids to ensure students are ready for post-secondary education and beyond; and

Whereas, Apache County District 2 and Ganado Unified School District are dedicated to the safety and well-being of our school aged children. The objectives are to provide a safe, reliable and efficient unified system or transportation services responsive to the needs of the children and their families; and

Whereas, the Ganado School Loop (C-420) is utilized by the School District housing their transportation department, bus yard, facility management department and their academic classrooms for meeting the educational needs of Districts' children; and

IT IS THEREFORE RESOLVED that Apache County authorizes the request of the Arizona Legislature in its 2020 Regular Session appropriates the sum of \$908,273.00 for the construction repairs and upgrades of County Road C-420 Ganado School Loop

Road previously constructed as RS-656 (I)P 0656 AP in Apache County District 2.

IT IS FURTHER RESOLVED that the Clerk of the Board forward this resolution to the President of the Arizona State Senate, Honorable Karen Fann, Speaker of the Arizona House of Representatives, Honorable Rusty Bowers, the Chair of the State Appropriations Committee, Honorable David Gowan, the Chair of the House Appropriations Committee, Honorable Regina Cobb, the Chair of the Senate Transportation Committee, Honorable David Livingston, the Chair of House Transportation Committee, Honorable Noel Campbell and District 7 members Senator Jamescita Peshlakai, Representative Arlando Teller and Representative Myron Tsosie.

Approved this 3rd day of December, 2019.

/s/ Joe Shirley, Jr., Chairman of the Board Attest: /s/ Ryan N. Patterson.

Gabriel Freeman, District II Manager, requested approval to enter into an Intergovernmental Agreement (IGA) between the Nazlini Chapter (Navajo Nation) and Apache County District II for Nazlini Cemetery road project, a partnership with Nazlini Chapter and Apache County for improvements. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

A RESOLUTION AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT
BETWEEN NAZLINI CHAPTER (NAVAJO NATION) & APACHE COUNTY
(DISTRICT 2) FOR NAZLINI CEMETERY ROAD PROJECT A PARTNERSHIP
WITH NAZLINI CHAPTER AND APACHE COUNTY FOR IMPROVEMENTS
2019-25

Whereas, the Apache County Board of Supervisors, acting under its authority to authorize the purchase of real property for benefit and use of the County; and

Whereas, the Nazlini Chapter is a certified local chapter of the Navajo Nation Government and authorized governance at the local level. The Navajo Nation Council delegated the Chapters governmental authority with respect to local matters consistent with Navajo law; and

Whereas, Apache County (District 2) and Nazlini Chapter (Navajo Nation) intent to cooperate in transportation- related projects for their mutual benefit. The improvement project is for the proposed installation of a new culvert, extension of existing culverts and improvement to the access road to the community cemetery; and

Whereas, the Nazlini Chapter is allocating funds to Apache County (District 2) for temporary services and other assistance pursuant to the IGA within Apache County. There is an exchange of funds in the amount of \$10,000.00 between both Nazlini and the County; and

Whereas, the Nazlini Chapter has expressed the desire to make improvements to this road for the benefit of the community members.

IT IS THEREFORE RESOLVED that Apache County authorizes the Intergovernmental Agreement between Nazlini Chapter (Navajo Nation) & Apache County (District 2) for Nazlini Cemetery Road project a partnership with Nazlini Chapter and Apache County for improvements. Approved this 3rd day of December, 2019

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

Attest: /s/ Ryan N. Patterson, Clerk of the Board

Gabriel Freeman, District II Manager, requested approval of a resolution authorizing the request of Apache County District II, for a grant in the amount of \$133,000.00 to USDA-Community Facilities Direct Loan & Grant Program for radio tower enhancement and fleet radios. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

A RESOLUTION AUTHORIZING THE REQUEST OF APACHE COUNTY (DISTRICT 2) FOR A GRANT IN THE AMOUNT OF \$133,000 to USDA-COMMUNITY FACILITIES DIRECT LOAN & GRANT PROGRAM FOR RADIO TOWER ENHANCEMENT AND FLEET RADIOS.

2019-23

Whereas, the Apache County Board of Supervisors, acting under its authority to authorize the purchase of real property for benefit and use of the County; and

Whereas, Apache County (District 2) has a communication systems of four (4) radio towers and utilizes this system to communicate with field operations and crew movement within the District. This system plays a critical role in District operations for crew safety and emergency situations for such as inclement weather; and

Whereas, Apache County (District 2) has expressed the need to replace and enhance its radio coverage from the towers integrated into its systems. These improvements will allow better coverage and move the District in a direction which provide technology crucial to ensure their safety in the field and communities; and

Whereas, USDA requires a 5.7% cash match which Apache County (District 2) is capable of matching within their annual budget. For this grant Apache County (District 2) is requesting for \$133,000 and match would be \$7,581.00 for total project cost is \$140,581.00; and

IT IS THEREFORE RESOLVED that that Apache County authorizes the request of Apache County District 2 to apply for a grant from the USDA -Community Facilities Direct Loan & Grant program, in the sum of \$133,000 for Radio Tower enhancement & for Fleet Radios.

Approved this 3rd day of December, 2019
/s/ Joe Shirley, Jr. Chairman of the Board

Attest:
/s/ Ryan Patterson
Clerk of the Board

Gabriel Freeman, District II Manager, requested approval of a resolution authorizing the request of Apache County District II, for a grant in the amount of \$122,319.76 to USDA-Community Facilities Direct Loan & Grant Program for a backhoe loader. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

A RESOLUTION AUTHORIZING THE REQUEST OF APACHE COUNTY DISTRICT 2 FOR A GRANT IN THE AMOUNT OF \$122,319.76 to USDA-COMMUNITY FACILITIES DIRECT LOAN & GRANT PROGRAM FOR A

BACKHOE LOADER. RESOLUTION 2019-24

Whereas, the Apache County Board of Supervisors, acting under its authority to authorize the purchase of real property for benefit and use of the County; and

Whereas, Apache County (District 2) has two (2) backhoes with a combined age of 29 years, both have gone through several repairs and manages to assist in District operations for maintenance. The District utilizes these equipment for culvert cleaning and installations, road prep and other maintenance for County roads and school bus routes; and

Whereas, Apache County (District 2) has the opportunity to submit a grant application with the USDA – Community facilities direct loan and grant program for potential funds for heavy equipment replacement. This grant will assist on improved services and operations within District; and

Whereas, USDA requires a 5.7% cash match which Apache County District 2 is capable of matching within their annual budget. For this grant Apache County (District 2) is requesting for \$122,319.76 and match would be \$6,972.23 for total project cost is \$129,291.99; and

IT IS THEREFORE RESOLVED that Apache County authorizes the request of Apache County District 2 to apply for a grant from the USDA -Community Facilities Direct Loan & Grant program, in the sum of \$122,319.76 for a Backhoe Loader.

Approved this 3rd day of December, 2019.

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

Attest:

/s/ Ryan Patterson

Clerk of the Board

Mr. Patterson presented the item for possible selection of the Board of Supervisors Chairman and Vice Chairman for 2020. **Mr. Simshauser moved to have Alton Joe Shepherd serve as chairman and Dr. Joe Shirley serve as vice chairman for 2020, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson presented the item for possible appointment of a member of the Board of Supervisors to serve on the County Supervisors Association Legislative Policy Committee for 2020. **Mr. Simshauser moved to re-appoint Alton Joe Shepherd to continue to serve on the committee for 2020, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson requested approval of Utility Right-of-Way Agreements with the Navajo Tribal Utility Authority for sewer, water, electric and gas hookups for a new modular owned by the Arizona Department of Transportation and utilized by their motor vehicle division located at the District I Road Yard. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested possible approval to assign the GIS Manager to represent the County in accepting the Google Terms of Service related to sharing GIS/mapping data with Google. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Devin Brown, representing Apache County Complete Count Committee, provided an update on

the status and upcoming activities to share information about the 2020 Census and encourage participation. Mr. Brown provided a brief overview of the activities planned to assist with census awareness to motivate citizens to complete their census questionnaires. Mr. Shepherd stated the outreach is very important and the county needs to work with the Navajo Nation to reach everyone including non-natives on the reservation and utilize social media outlets to try and reach as many people as possible. Mr. Shepherd stated he is willing to assist in any way and thanked Mr. Brown for his efforts so far. No action was needed or taken.

Michael Whiting, County Attorney, requested approval to alter salary of attorneys Alane Moore, Garrett Whiting, and Joseph Young to more accurately reflect state-wide attorney trends by 8.35% and the change is covered under the current budget. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Mr. Simshauser asked if the increases were within the salary ranges. Mr. Whiting stated yes. Vote was unanimous.

Michael Whiting, County Attorney, requested approval to convert the Legal Coordinator position to an Office Administrator at Range 43, and promote Cecilia Diaz to the position at the midpoint of the range and the change is covered under the current budget. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Michael Whiting, County Attorney, 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 authorize the Arizona Attorney General's Office to continue representing Apache County in tax litigation (TX2019-001725) involving Transwestern Pipeline and the 2020 valuation done by the Arizona Department of Revenue. Mr. Whiting stated he did not think an executive session was needed unless any board member needed any legal advice, **Mr. Shepherd moved to allow the Attorney General's Office to continue the litigation, seconded by Mr. Simshauser.** Vote was unanimous.

Michael Whiting, County Attorney, 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 authorize the Arizona Attorney General's Office to represent Apache County in tax litigation (TX2019-001726) involving centrally valued property owned by CenturyLink Corporation and the 2020 valuation done by the Arizona Department of Revenue. **Mr. Simshauser moved to continue to allow the Attorney General's Office to continue to represent 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 and stated the dates have changed for some meetings and has been re-posted for notification for next week. No action was needed or taken. NACOG Technical Subcommittee (TSC) meeting on December 11, 2019 at 10:00 a.m. located at the NACOG Area Agency on Aging Conference Room, 323 N. San Francisco Street, Flagstaff, Arizona. Eastern Arizona Counties Organization meeting on December 18, 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 December 18, 2019 at 5:30 p.m. at the County Supervisors Association building, 1905 W. Washington Street, Phoenix, AZ. The County Supervisors Association meeting on December 19, 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.

Lydia Hill, representing the Sanders Unified School District, thanked Mr. Shepherd for his assistance with fixing the school bus roads and requested a county map of the school bus routes within her school district.

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

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

Approved this 7th day of January 2020.

/s/ Alton Joe Shepherd
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board