

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
February 17, 2015  
St. Johns, Arizona**

Present were: Chairman Joe Shirley, Jr., Supervisor Barry Weller and County Manager/Clerk of the Board, Delwin Wengert. Participating via the telephone were Vice Chairman Tom M. White, Jr and County Attorney Michael Whiting.

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.

Betty Smith led the Pledge of Allegiance.

Ryan Patterson gave the invocation.

Chairman Shirley called for the Health Services District item.

Chris Sexton, Health Director, requested rejection of the DRAFT Delegation Agreement Amendment to expand delegation with A.D.E.Q. of A.A.C. R18-9-A316 Notice of Transfer of on-site waste water systems between property owners and disbursement of revenue collected in the On-site Wastewater Notice of Transfer portal (OWN). Mr. Sexton stated he is recommending rejections of the agreement since he has no information on how much the County would receive in revenue so they may have to do all the work but receive very little in revenue if they take on the delegation. Mr. Weller stated he does not support unfunded mandates and moved to reject the Delegation Agreement Amendment, seconded by Mr. White. Vote was unanimous.

Chris Sexton, Health Director, requested approval of Modification No. 4 to the Arizona Nutrition Network Grant cost reimbursement subcontract in the amount of \$58,723 between Arizona Board of Regents, University of Arizona and the Apache County Public Health Services District. Mr. White moved approval seconded by Mr. Weller. Vote was unanimous.

Chris Sexton, Health Director, requested approval of the contract between Apache County Public Health Services District and Dr. Wade Kartchner, an independent contractor to provide alternative medical examiner services for the County. Mr. Weller moved approval seconded by Mr. White. Vote was unanimous.

Chris Sexton, Health Director, requested approval of the contract with Debra Smally, RHN, CN to provide the series of a contract nurse practitioner to provide family Planning Services and Well Woman Health. Mr. White moved approval, seconded by Mr. Shirley. Mr. Weller stated he will be voting nay due to Mrs. Smally's contract being tied to the Well Woman Health program since he can't support any family planning services since that part of the program is not the government's responsibility. Motion passed 2-1 with Mr. Weller voting nay. Mr. White moved to adjourn the Public Health Services meeting, seconded by Mr. Weller. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Probation Services Director, Paul Hancock provided notification on of the retirement of Tim Orona, Assistant Director of Probation Services, effective February 27, 2015 and request approval to payout his accumulated sick leave balance per Apache County Human Resources Policy 3.25. Mr. Weller

moved approval, seconded by Mr. White. Vote was unanimous. Mr. Orona thanked everyone at the County for the past 18 years since it afforded him and his family a living and was thankful for the friendships he has made over the years and he will miss everyone. Chairman Shirley and Mr. Weller thanked Mr. Orona on behalf of the entire County and wished him well.

Probation Services Director Paul Hancock, requested authorization to continue the IGA between the Arizona Supreme Court, Apache County School Superintendent's Office and the Apache County Superior Court for Detention Education funding in the amount of \$50,540.00 and is an ongoing Intergovernmental Agreement and source of funding. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Recorder Lenora Fulton recognized Mrs. Kristl Jones for 15 years dedication, leadership and expertise provided to staff and residents of Apache County. Recorder Fulton provided a plaque and other gifts to Mrs. Jones and her family. Mrs. Jones thanked everyone, especially Recorder Fulton for everything she had done for her and been a pleasure working for Apache County. Chairman Shirley thanked Mrs. Jones for all she has done for Apache County and wished her well in her next endeavor.

Milton Ollerton, Community Development Director, presented a public hearing, discussion and possible action regarding amendment to Article 23 of the Apache County Zoning Ordinance – Medical Marijuana. Mr. Ollerton stated back in 2010 when the ordinance was first brought before the Board there were things that he hadn't contemplated that he is now requesting they be changed and the amendments include changing the zone for cultivation from commercial to agriculture, increasing the square foot of cultivation allowed and to change or correct other technical errors with the ordinance. Mr. Ollerton stated the amendments were approved by the Planning and Zoning Commission by a 5-2-1 vote. Chairman Shirley opened the public hearing for comment. There was no member of the public wanting to address the issue. Mr. Weller stated some of the Planning and Zoning Commission members were confused and asked Mr. Ollerton if he could explain what that confusion was about. Mr. Ollerton stated he didn't know what they were confused about; he would only be able to speculate. Mr. Weller stated he received some phone calls relative to the commission members confusion regarding the cultivation location for a registered qualified patient. Mr. Ollerton stated there was no confusion expressed about that issue. Mr. Weller asked if there was any confusion about the cultivation location for a registered designated care giver. Mr. Ollerton stated there was not confusion that he was aware of, only questions about that issue. Mr. Weller and Mr. Ollerton held a discussion regarding the ordinance and some areas Mr. Weller was not clear on. Mr. Weller stated as the ordinance is right now, it is confusing to people trying to pay the fees and Mr. Ollerton should review, correct and clarify the areas that are confusing and insert a home cultivation definition to help clarify the issue. Chairman Shirley closed the public comment portion of the public hearing. Mr. Weller stated he would motion to table this item until the next meeting so the language that is confusing can be clarified. Mr. White agreed to table the item. Mr. Ollerton asked if this item would just be continued at the next meeting with no need to re-advertise the public hearing since the public comment portion was completed. County Attorney Whiting stated there was no need to re-advertise since the public comment portion was conducted. Chairman Shirley tabled the item until the next meeting.

Mr. Wengert presented the Consent Items A-C County Manager/Clerk of the Board: Mr. White moved approval, seconded by Mr. Weller who thanked the Finance Department for all they did to communicate the demand process but he is concerned that some of the newly positioned people in the County are getting carried away with expenditures with purchasing new vehicles and the budget process is coming and he is concerned that some of the new people do not realize the constraints we are under in this county. A. Request approval of demands as distributed to the Apache County

Board of Supervisors from February 3, 2015 to February 17, 2015. 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. Payee Amount AMERICAN FENCE CO OF AZ 1,516.49 AZ DEPT OF RISK MANAGEMENT 3,780.20 AZ DRILLING AND BLASTING 292,940.31 BILLS DISCOUNT AUTO PARTS (NAPA) 2,469.37 BRADCO 3,948.29 CAPPs, MELODY 1,445.00 COURTESY CHEVROLET 41,217.48 EMPIRE MACHINERY 2,017.28 ENTENMANN ROVIN COMPANY 3,829.00 FERRELLGAS 1,344.20 GALL'S INC 1,125.65 GOLIGHTLY TIRE 1,286.25 HUBBELL, ROCHELLE 1,040.23 INGRAM LIBRARY SERVICES 1,116.84 IT1 SOURCE LLC 5,175.03 KARTCHNER, WADE EVAN 1,350.00 LAW OFFICE OF DIRK LEGATE PLLC 8,500.00 LOWES #24 1,092.04 NAVAJO TRIBAL UTILITY AUTHORITY 1,606.29 NORCHEM DRUG TESTING LABORATORY 4,026.73 PTS OF AMERICA LLC 1,270.50 QUALITY READY MIX INC 3,924.91 TRINITY SERVICES GROUP INC 16,133.81 VALLEY AUTO PARTS 1,316.38 VERIZON WIRELESS 1,019.97 WESTERN DETENTION PRODUCTS INC 2,432.30 APACHE COUNTY HAS 2,762.92 APACHE COUNTY MEDICAL 135,571.80 APACHE COUNTY TAX WITHHOLDING 129,265.31 AZ STATE RETIREMENT SYSTEM 87,561.03 COLONIAL LIFE AND ACCIDENT INS 1,338.23 CORRECTIONS OFFICER RET PLAN 8,420.11 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,595.10 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 32,246.45 SECURITY BENEFIT GROUP 1,101.00 SUPPORT PAYMENT LEARNINGHOUSE 2,270.62 ALLEGRA 1,439.86 AMIGO CHEVROLET 1,222.43 ANDERSON RESOURCE GROUP INC 2,185.54 APPLIED CONCEPTS INC 24,558.41 ASHTONS REPAIR INC 1,470.61 AZLGEBT 267,241.48 B & W FIRE SECURITY SYSTEMS LLC 2,407.30 BANK OF THE WEST – 6432 1,647.03 BARCODE PLANET 3,371.26 BRADCO 22,562.34 COCONINO COUNTY 3,733.33 DELL COMPUTER CORPORATION 1,504.49 EMBASSY SUITES 1,424.70 FRONTIER 1,746.19 GOLIGHTLY TIRE 2,187.37 GRAVES PROPANE CO INC 2,846.71 HILLYARD INC 3,273.41 JUDICIAL DIALOG SYSTEMS 4,031.45 KATHLEEN M MCGUIRE PSY D LLC 2,185.00 LAW OFFICE OF DEVIN BROWN 1,749.00 NAVOPACHE ELECTRIC COOPERATIVE 1,597.76 PACIFIC PONDEROSA CO INC 3,063.08 PERFECT PRINTZ LLC 5,368.79 QUILL CORP 2,076.08 SIERRA PROPANE 3,375.79 SOUTHWEST TRANSMISSION OF SHOW LOW 2,478.81 STAPLES CREDIT PLAN 1,397.26 THE AARONS COMPANY LLC 3,000.00 THE LIBRARY STORE INC 2,056.57 TIFCO INDUSTRIES 1,269.77 TRISTATE CAREFLIGHT LLC 3,575.13 VERITAS RESEARCH CONSULTING 7,004.63 WHITING, MICHAEL B 1,752.63 YELLOWHORSE, JAY 3,234.30 YOUNGS FUTURE TIRE 1,594.78 B. Approval of minutes dated February 3, 2015. Personnel Items: C. Puerco Justice Court: Request approval to change the employment status for Chyrelle Lee, Justice Court Clerk I from part-time (20 hours per week) to full-time (40 hours per week) effective February 2, 2015. Vote was unanimous.

Malena Bazurto, Grants Manager, on behalf of the County Engineer requested approval of a resolution to participate in a grant that the Alpine Alliance citizens have applied for through the Arizona Commerce Authority for a street lighting project. Apache County agrees to pay 10% match out of District III HURF at a not to exceed cost of \$7,400. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

**COMMITMENT OF LOCAL LEVERAGED FUNDS  
RESOLUTION NO. 2015-02  
A RESOLUTION OF THE OF APACHE COUNTY BOARD OF SUPERVISORS COMMITTING  
FY2015  
DISTRICT 3 HIGHWAY USER REVENUE FUNDS AS LEVERAGE FOR ARIZONA RURAL  
ECONOMIC DEVELOPMENT GRANT.**

**WHEREAS**, Apache County is acting as the sponsoring agency for Alpine Alliance to submit a street lighting project to Arizona Commerce Authority's Rural Economic Development Grant(REDG) program; and

**WHEREAS**, that application indicates that 10% or \$7,400 will be committed by Apache County as leveraged funds, in the form of a cash distribution from FY 2015 District 3 Highway User Revenue Funds; and

**WHEREAS**, the Arizona Commerce Authority Rural Economic Development Grant Program requires that all local leveraged funds be committed in the form of a resolution or letter of commitment by the governing body, and that such a commitment contain an opinion by the applicant's legal counsel that the leveraged funds represent a binding commitment,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby commit \$7,400 of FY 2015 District 3 Highway User Revenue Funds to the Arizona Commerce Authority's Rural Economic Development Grant Program, to be used to offset costs associated with the purchase and installation of street lights along Arizona State Highway 180 in Alpine, Arizona contingent upon the receipt of FY 2015 Arizona Rural Economic Development Grant assistance; and that the Board of Supervisors of Apache County hereby state that this commitment is legally binding based on the legal opinion of the County attorney, and that such funds will be available for an audit at the termination of the grant, if so required by Arizona Commerce Authority.

Passed and adopted by the Apache County Board of Supervisors this 17th day of February, 2015.

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

/s/ Delwin Wengert  
Clerk of the Board

APPROVED AS TO FORM:

Michael Whiting  
County Attorney

Commander Michael Cirivello, Sheriff's Office requested authorization to renew the Memorandum of Understanding between the Petrified National Park Service and the Apache County Sheriff's Office. Commander Cirivello stated the Agreement will result in both a reduction in response time and cost to the public and will promote the welfare and safety of Arizona residents, visitors and officers. Mr. White moved approval, seconded by Mr. Shirley. Mr. Weller stated on January 31st he expressed his concerns with this agreement before it was placed on the February 3, 2015 Board agenda and had sent an email to Chief Deputy Eagar and Mr. Wengert expressing concerns he felt with this agreement that provided policing powers to federal agencies in out county and many people in his district would be appalled by that activity. Mr. Weller stated we have DPS and other counties to back up the sheriff's department and he has seen federal agents throughout this country acting in a manner not supportive of local jurisdictions and asked the other two supervisors how they would like federal agencies coming on to the Navajo national policing their people. Motion passed 2-1 with Mr. Weller voting nay.

Malena Bazarro, Grants Manager: Discussion and possible approval to review and adopt "Commitment of Local Leveraged Funds Resources" resolution to be included in the FY2014 Community Development Block Grant (CDBG) State Special Projects (SSP) application. Ms. Bazarro stated the resolution commits a minimum of \$45,000 in matching funds by the County to the proposed project. Mr. Weller moved approval, seconded by Mr. White. Mr. Wengert stated that the \$45,000 is going to be in-kind services with labor so there is no cash out of pocket for work at the Round Valley Rodeo Grounds that the County owns. Vote was unanimous.

**COMMITMENT OF LOCAL LEVERAGED FUNDS/RESOURCES  
RESOLUTION NO. 2015-01**

**A RESOLUTION OF THE OF APACHE COUNTY BOARD OF SUPERVISORS COMMITTING  
LOCAL FUNDS  
AS LEVERAGE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION(S).**

**WHEREAS**, Apache County has adopted Resolution Number 2013-17 which authorizes submission of an application(s) to the State of Arizona, Department of Housing for Community Development Block Grant (CDBG) funds for FY 2014; and

**WHEREAS**, that application indicates that \$45,000 will be committed by Apache County as leveraged funds, in the form of cash or resources to be used to implement Activity #2, Round Valley Rodeo Grounds ADA Improvements; and

**WHEREAS**, the CDBG Program requires that all local leveraged funds/resources be committed in the form of a resolution by the governing body, and that such a commitment contain an opinion by the applicant's legal counsel that the leveraged funds represent a binding commitment, legally enforceable under State laws,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby commit \$45,000 of funds and/or resource to the CDBG Program, to be used for the following: Round Valley Rodeo Grounds for in-kind labor, sewer line hook-up fees, and environmental review costs, contingent upon the receipt of the FY 2014 CDBG assistance; and that the Board of Supervisors of Apache County hereby state that this commitment is legally binding based on the legal opinion of the County attorney, and that such funds will be available for an audit at the termination of the grant, if so required by ADOH.

Passed and adopted by the Apache County Board of Supervisors this 17th day of February, 2015.

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

ATTEST:	APPROVED AS TO FORM
/s/ Delwin Wengert	/s/ Michael Whiting
Clerk of the Board	County Attorney

Mr. Wengert requested approval to renew membership of the Real Arizona Development Corridor and pay \$5,000 for annual membership dues, utilizing the Board of Supervisor's General Fund. Mr. White moved to renew the membership and pay the \$5,000. Mr. Weller stated he cannot second the motion and asked for consideration on paying the \$2,000 membership fee; that he has been monitoring this group for the past two years and the County should be a part of the regional issues as much as possible and sees no problem with the membership but the bylaws have no provision for the executive directorship and he would like to communicate with the businesses in the county that are members of this organization before they commit to the \$5,000 and asked to modify the motion to approve membership and pay \$2,000 at this time. Mr. White modified his motion to reflect the \$2,000 membership, seconded by Mr. Weller. Vote was unanimous.

Finance Director Ryan Patterson provided an update on the State budget. No action as need or taken.

County Manager Delwin Wengert, requested the item following an Executive Session for personnel matters pursuant to A.R.S. 38-431.03(A)(1) discussion and possible action regarding the employment contract for the County Manager/Clerk of the Board be removed from the agenda. Chairman Shirley removed the item until the next meeting.

Vice Chairman White was excused from the remainder of the meeting.

Brad Traver, Forest Superintendent, presented an update on the Petrified Forest National Park including visitor facility improvements and the proposed fee increases. There was no action needed or taken.

Mr. Shirley presented notification of the Small Counties Forum meeting on February 18, 2015 at 6:30 p.m. at the Radisson Hotel-Phoenix Airport, 427 N. 44th Street in Phoenix and the County Supervisor Association (CSA) meeting on February 19, 2015 at the CSA building, 1905 W. Washington Street, Phoenix at 10:00 a.m. No action was needed or taken.

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

Recorder Fulton introduced the Americorp Group that has been working with her office doing rural addressing in Ft. Defiance, Window Rock and St. Michaels.

Mr. Weller moved to adjourn the Board meeting, seconded by Mr. Weller. Motion passed.

Approved this 3rd day of March, 2015.

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

/s/ Delwin Wengert  
Clerk of the Board