

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
February 18, 2014  
St. Johns, Arizona**

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

Chairman White called to order the Board of Supervisors meeting, the Library District meeting and the Jail District meeting at 8:34 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Lorraine Vaught gave the invocation.

Milton Ollerton led the Pledge of Allegiance.

Mr. Wengert read the Rules of Conduct for Board meetings.

Meetings of the Apache County Board of Supervisors are held for the purpose of conducting County business with staff. Members of the public are welcome and encouraged to attend Board meetings, however, public involvement on specific agenda items is not required and will be permitted only at the discretion of the Chairman of the Board. Unsolicited comments, raised voices, or any actions that detract from an orderly meeting may be disruptive of the operation of County business and will not be tolerated. Any person acting in such a manner will be asked to leave the meeting. During public hearings, members of the public may make comments or ask questions relative to the specific issue before the Board, as long as it is presented in a respectful manner. The Chairman may set a time limit on those wanting to address the Board.

Chairman White called for the Health District items.

Judith Pepple, Library Director, requested approval of the Strategic Plan for the Sanders Public Library. Mr. Weller asked if the plan would have any impact on employment such as a number of hours or cost the county or taxpayer impact. Ms. Pepple stated that there is no change, the staff and budget do not change but re-allocate how they are used. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

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

Chairman White called for the Jail District item.

Commander Mike Cirivello requested approval to increase the salaries of Jail LPN's Michelle Johnson and Kyler Merrill to \$20.00 per hour and the rate is a match to the contract jail nurses salaries, which they both previously held and both are fully trained and functioning jail nurses. Commander Cirivello stated that the increase will still allow for a \$7,977.00 annual savings per LPN. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Mr. Wengert presented a public hearing, discussion and possible approval of the formation of the Grover's Hill Irrigation District and appoint the following members to serve as the Board of Directors: Tim Raban, Norman Brown and Roger Heap. David Brown, the attorney for the proposed district provided an overview of the proposed formation and stated that the main reason for the formation was to be able to apply for the numerous grants that are available to district.

Mr. Weller asked if there was any opposition received related to the formation. Mr. Brown stated that there was none. Mr. Weller asked if the County Attorney has any issues with the district formation. County Attorney Whiting stated he had none. Mr. Weller moved approval, seconded by Mr. Shirley. Chairman White called for public comment. Hearing no reply, vote passed unanimously.

Milton Ollerton, Community Development Director, presented a public hearing, discussion and possible approval of a reversion to Acreage for Clay Sample to combine 2 lots in Park Show Low, Unit One, Lots 97 & 98. Property is located near Vernon, Arizona on parcel 106-23-097 and 106-23-098. Mr. Ollerton stated that the Planning and Zoning Commission voted unanimously to approve the reversion. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert presented the consent items **A-E**. Mr. Weller requested items C & E be pulled for discussion. Mr. Weller moved to approve Items A, B & D, seconded by Mr. Shirley. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated February 4, 2014. **B.** Request approval of demands dated February 4, 2014 to February 18, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount TRINITY SERVICES GROUP INC 17,656.87 AMERICAN SECURITY CABINETS LLC 2,167.00 AMIGO CHEVROLET 1,119.81 AVAYA COMMUNICATIONS 1,381.19 AZ DEPARTMENT OF ENVIRONMENTAL QUALITY 4,520.00 AZ DEPT OF ECONOMIC SECURITY 6,058.19 AZ SUPREME COURT 13,875.00 AZ SUPREME COURT 1,500.00 BACKBONE COMMUNICATIONS 4,500.00 BRADCO 55,960.78 BUDGET BLINDS 2,645.75 CDW GOVERNMENT LLC 5,243.07 CHILD SAFETY SOLUTIONS INC 1,111.70 CREATIVE COMMUNICATIONS SALES & RENTALS 3,098.89 CRESCENT ELECTRIC SUPPLY CO 4,305.75 DELL COMPUTER CORPORATION 2,259.46 EMBASSY SUITES 1,424.70 EMPIRE MACHINERY 24,607.29 FRONTIER 1,453.98 FRONTIER 4,492.44 GALL'S INC 1,787.95 GOLIGHTLY TIRE 1,761.70 GRAVES PROPANE CO INC 1,735.52 HILLYARD INC 2,251.15 HOME DEPOT 1,425.63 HUNSAKER BROS INC 9,398.06 INLAND KENWORTH INC (FARMINGTON) 1,936.16 LITTLE COLORADO BEHAVIORAL HEALTH CENTERS INC 1,241.44 NAVAJO TRIBAL UTILITY AUTHORITY 1,198.05 OVERDRIVE INC 1,816.01 QUILL CORP 2,072.43 RDO EQUIPMENT CO 2,016.79 REED (REED LOGGING), GEORGE E 3,000.00 SALAM INTERNATIONAL INC 3,793.89 SHUMWAY, TRACY 1,118.60 SOK, JESSICA ANN 1,735.67 SOURCECORP 2,030.00 STANDARD ELECTRIC WHOLESALE LLC 1,136.90 THE AARONS COMPANY LL 3,000.00 TIFCO INDUSTRIES 1,987.44 TJP COMMUNICATIONS 2,117.61 ULTRAMAX AMMUNITION 1,792.00 VERITAS RESEARCH CONSULTING 2,295.00 VERIZON WIRELESS 1,703.89 WESTERN GRADE LLC 2,100.00 WHOLESALE FLOORS LLC 6,009.20 4 RIVERS EQUIPMENT LLC 1,553.41 BILLS DISCOUNT AUTO PARTS (NAPA) 2,710.64 BRADCO 24,607.62 QUILL CORP 2,323.51 WASHINGTON COURTYARD BY MARRIOTT 1,356.83 AMERICAN FAMILY LIFE ASSURANCE 1,013.28 APACHE COUNTY MEDICAL 145,012.00 APACHE COUNTY TAX WITHHOLDING 127,337.86 AZ STATE RETIREMENT SYSTEM 85,028.98 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,793.52 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,205.94 MUTUAL OF OMAHA 1,290.12 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,825.82 PUBLIC SAFETY SHERIFF RET 29,205.73 SECURITY BENEFIT GROUP 1,446.00 SUPPORT PAYMENT CLEARINGHOUSE 2,554.58 AMIGO CHEVROLET 1,358.81 ARIZONA CENTER FOR HAND SURGERY PC 1,425.00 ASHTONS REPAIR INC 1,079.83 AZ DEPT OF RISK MANAGEMENT 3,522.60 AZ SUPREME COURT 4,500.00 AZ SUPREME COURT 1,500.00 AZLGEBT 294,770.03 BANK OF THE WEST 1,220.73 BANNER GOOD SAMARITAN MEDICAL CENTER 1,960.00 BARNES, PATRICIA M 3,935.00

BLUE HILLS ENVIRONMENTAL 1,585.16 BRADCO 24,707.85 CENGAGE LEARNING INC 1,250.00 CONDITIONED RESPONSE TRAINING 1,121.00 CRESTLINE SPECIALTIES INC 3,689.62 DAVID J MARTIN PLLC 2,369.92 DELL COMPUTER CORPORATION 2,903.22 DUNLAP, DIANA 1,697.15 EMERY K LA BARGE ATTORNEY AT LAW 1,457.50 FERRELLGAS 1,260.10 FRONTIER 1,081.21 GRAVES PROPANE CO INC 3,062.53 GUARDIAN AIR 2,300.00 HOME DEPOT 2,154.65 HOPI TRIBE 21,420.00 KANUHO, LARIA 1,349.99 KATHLEEN M MCGUIRE PSY D LLC 2,210.00 LOEHRS AND ASSOCIATES LLC 1,537.13 MOUNTAIN COMFORT HEATING AND COOLING 4,545.61 NAVAJO TRIBAL UTILITY AUTHORITY 1,470.20 NAVOPACHE ELECTRIC COOPERATIVE 8,189.44 NORCHEM DRUG TESTING LABORATORY 1,511.05 PERFECT PRINTZ LLC 3,459.09 QUILL CORP 2,645.17 SAN DIEGO POLICE EQUIPMENT 2,059.40 SCHIFF, LAURENCE 1,200.00 SIERRA PROPANE 7,943.00 STALEY LAW FIRM PLLC 1,650.00 TYLER TECHNOLOGIES INC 11,060.00 UNIVERSAL FLEET CARD 2,668.93 VERIZON WIRELESS 1,182.91 WELLS FARGO BANK 1,068.82 WILLIAMS LAW GROUP PLLC 8,500.00 WOODLAND BUILDING CENTER 1,412.85 LOWE'S COMPANIES INC 2,523.51 US

POSTMASTER 3,866.30 **Personnel Items: D. Superior Court:** Request authorization to remove Stephanie Fink from probationary status with the 2.5% end of probation increase, effective March 3, 2014. Motion passed 2-0 with Mr. Weller abstaining from the vote.

Mr. Weller stated that regarding **Item C. Superior Court:** Request approval of the appointment of Kay H. Wilkins and Michael P. Roca, as Superior Court Judges Pro Tem for the period beginning July 1, 2014 and ending June 30, 2015, he had questions and would like the item tabled until the next meeting since no one from the Superior Court was present. Mr. Weller stated that he would like to understand the process the Judge used in selecting these Pro Tems. Mr. Weller stated that if there is not urgency in getting this done, he moved to table the item until he could get the answers. Mr. Weller's motion died for lack of a second. Mr. Shirley moved to approve the item, seconded by Mr. White. Vote passed 2-1 with Mr. Weller voting nay.

David Romero, Chief Deputy Treasurer, presented item E, authorization to hire a temporary Accounting Specialist I at \$10.00 per hour for a period of 120 days. A discussion was held regarding the purpose of the action for the temporary employee. Mr. Romero stated that this request is due to him being promoted for the current temporary position to Chief Deputy and the need for the position. Mr. Shirley asked if there was funding for the position. Mr. Romeo stated there is \$11,000 in the budget from when the Chief Deputy position was vacant. Mr. White stated that the Treasurer needs to be spending more time in her office and asked Mr. Romeo to relay that to Ms. Begay. Mr. Weller also asked about the compliance with audit findings and wanted to know if the hiring of this temporary position would help find the time to answer the questions he had submitted to the treasurer and would like to see a compliance calendar to address the issues to the Board within the next couple months to see how the issues are going to be addressed. Mr. Romero stated he would take the Supervisor's requests to Treasurer Begay. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Supervisor Barry Weller presented the item for discussion and possible action related to the Call to the Public on Board of Supervisors' Agendas. Mr. Weller read the following statement: I have requested this item to be placed on the Agenda due to the fact that the Call to the public disappeared from the Agenda at our last meeting and I believe the issue deserves an open discussion before the public. I also connect this issue with the previous removal of the Current Event Summaries section of our Board meetings and the periodic actions by this Board to disallow members of the Public to speak on agenda items. All of these issues, for me, speak to the same concerns I draw attention to the Legislative intent of Arizona's Open Meetings Law and to the 1st Amendment to the United States Constitution for consideration. With respect to intent – Clearly in ARS 38-431 Section 7.2.2 it states that the Intent of the Legislature is to have "The Open Meeting Law be construed to maximize public access to the governmental process." — Furthermore with respect to ARS 38-431.09(A) In keeping with the expressed intent, any uncertainty under the Open Meeting law should be resolved in favor of Openness in Government" And – "Any question whether the Open Meeting Law (OML) applies to a certain public body likewise should be resolved in favor of

applying the law” Albeit it is “legal” to not have a call to the public, I ask all to consider if it is morally or ethically sound in practice to remove a call to the public or even close to meeting the intent of how our government was established and has been operating for centuries now?

The OML clearly describes in Section 7.7.7 how calls to the public can and should be done and actually calls it “Best Practices”.

The OML clearly describes in Section 7.7.8 a Current Events Summary to be allowed and how it should take place with, what certainly appears to be, further direction to help the Government and the people communicate issues and events openly. For comparison with other government entities and directions I offer the following: There are several statutes that actually require the allowance of public input which strongly suggests that the law believes that the public input is essential to proper Government activities. Our State legislators have an open call for input on every bill introduced in every hearing for said bills.

Our AZ. State departments such as DOT, ADEQ and Dept of Agriculture have open calls to the public at their board meetings to hear the public’s input Every Chapter meeting on the Navajo Nation, that I have attended, with Navajo Nation Delegates presiding and in attendance with the leadership of the Chapter, have provided extensive time clearly dedicated to the public for their input. I have attended city council meetings around the State and Board meetings for Supervisors of at least 5 other Counties and all provide a call to the public and input from the public on agenda items.

I also want to bring forth the fact that there was State legislation focused to require a call to the public in the process of being considered about two years ago. At that time there were a few pleas to not make it mandatory from offending jurisdictions. Legislators inform me that Apache Counties periodic elimination of the Call to the public was one of the prime movers to have that legislation considered. I was additionally informed that entities, most notably causing the need to consider such legislation, agreed to keep a call on the agenda and better utilize limitations on speaking time etc. if the legislature would stop the bill. Of all the entities around the state with Fire Boards, School Boards, Town and City Councils – Why is it that Apache County BOS wishes to have the appearance of disenfranchisement of the citizens of Southern Apache County with an elimination of the Call to the public.

Most significantly, to this discussion, I bring forth the 1st Amendment to our United States Constitution:

”Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech**, or of the press; or of the right of the people peaceably to assemble, **and to petition the Government for redress of grievances**. I submit, for your consideration, that this fundamental right was not ratified overwhelmingly throughout this great country without great discussion about opinions that may not agree with those in power, or without discussion about attacks on individuals in seats of power. I firmly believe, we as representatives of the people of our districts, should fight to preserve these freedoms knowing that attacks will come our way and that many times the public input may be uncomfortable for us to hear or even an times inaccurate or misleading. But, we should realize that it is crucial to the preservation of our own liberties that we allow our citizens to speak out and that that freedom is the very essence of our success as a country.

With that Mr. Chairman I make a motion to maintain a call to the Public on the Apache County Board of Supervisors Agenda at all bi-monthly Board meetings. Statement ended.

Mr. Weller stated that this also relates to the rules that were read at the beginning of the meeting and stated that he had not seen the rules proper to today's meeting and didn't know how the board could present such an item without some discussion before the Board. Mr. Weller also stated that the current event summery was removed from the agenda and the periodic actions by the Board to disallow members of the public to speak on agenda items also speak to his same concerns.

Mr. White responded by saying that the statement that was read by Mr. Wengert at the beginning of the meeting was done at his direction; that as chairman he believes that is his right. Mr. White stated that the public has the right to address the Board but when they start attacking the Board and making accusations, he has a problem with that.

Michael Whiting, County Attorney stated that the statute states a public body in Arizona is not required to hold a call to the public, it is up to the Board, or more specifically, the chairman, to determine if call to the public is appropriate and it can be put back on the agenda at any time; it is something that is up to the chairman to determine, so there is no legal requirement for call to the public in Arizona. Mr. Weller stated that he agrees it is up to the chairman to control the meeting and the Board should not be allowing disruptive behavior; his issue is whether we want the call to the public and the input on agenda items which he believes is as different issue than addressing people who are out of hand. Mr. Shirley stated that no one is saying the public should not have input; the public has input all the time, not only at meetings but he, as a member of the Board goes among people all the time. Mr. Shirley stated that there are ways to communicate with the Board such as phone calls, emails, and face to face so to say the public does not have access to County leadership, he disagrees. Mr. Shirley stated if someone wants to address fairness, how about moving the county seat up north, then some of the people in the north would have input, but while it is down south, he does not see the people in his district coming around. Mr. Shirley stated that he agrees with the statement that was read and the removal of the call to the public; that the Board has business to conduct and he tries to get all the information he can before the meeting to make his decisions and when he comes to the meeting, people come criticize the Board and staff. Mr. Shirley stated that he believes he is a man of integrity and he has served the public for 44 years he tries to meet the needs of the people, the county, and the state and he is doing everything he can to work with other elected officials and staff and then to come to meetings and hear them be criticized, and he appreciates the work they do and he will stick up for staff and elected officials. Mr. White echoed Mr. Shirley's comments and that he also attends meetings with community members at chapter houses and he has much access to the public and when people start saying negative things about the Board and staff, enough is enough. Mr. Weller stated that he agrees with Mr. Shirley and Mr. White; he does not controversy and he doesn't like staff being attacked, or issues that make him feel uncomfortable but that is part of the process at times because the public has a right to speak. Mr. Weller stated that the public should be respectful and orderly but this is their chance to speak to all the Board and not just a board member for their area. Mr. Weller stated that in regard to moving the county seat, he is the one that requested meetings be held up north periodically and was pushed back because staff said it was too costly. Mr. White stated that there have been meetings up north and his recollection was that it was the public who said it was too far for them to drive but as the chairman, he is going to ask that some be scheduled up north so constituents in Districts I and II can more easily attend. Mr. Weller again made the motion and asked the Board to take action and not punish the entire public for the actions of a few and again moved to maintain a call to the Public on the Apache County Board of Supervisors Agenda at all bi-monthly Board meetings. Chairman White called for a second. Hearing no second, Mr. Weller's motion died for the lack of a second.

Mr. Wengert presented the item for discussion and possible approval of a change to section 7.11 of the Human Resources Policy Manual related to submission of agenda items. Mr. Wengert provided an overview of the changes. Mr. Shirley moved approval, seconded by Mr. Weller.

## 7.1 BOARD OF SUPERVISORS POLICY – MEETING AGENDAS

### 7.11 Policy:

The County Board of Supervisors' meeting is the occasion upon which the Board of Supervisors conducts county business or authorizes others to conduct business with the County. It is the responsibility of the Board of Supervisors to see that meetings of the Board are conducted in a reasonable, and orderly manner. To that end, the Board of Supervisors has adopted the following procedures for establishing meeting agendas. Any member of the Board ~~or a member of the public~~ may place an item on the Board's agenda. ~~by following these procedures.~~

### 7.12 Delivery of Agenda Items to Clerk of Board:

Agenda items, complete with backup information, will be delivered to the Clerk of the Board/~~County Manager~~ ~~at least seven~~ ~~six~~ days prior to the scheduled Board meeting. ~~Except for emergency items as determined by mutual agreement between the County manager and at least one member of the board,~~ items that are received after that time will be held over until the next regular meeting of the Board, unless the proposed agenda item is approved by both the Clerk of the Board and the Chairman of the Board of Supervisors.

~~Agenda items may be submitted to the Clerk of the Board by any Elected Official or Department Head.~~ All items presented must include an "Agenda Item Review Form" ~~Proposed Agenda Item~~ form which can be obtained from the Clerk of the Board. All applicable directions/~~approvals~~ on the ~~proposed agenda item form~~ ~~Agenda Item Review Form~~ must be completed or the item will not be placed on the agenda and will be returned to the submitting department.

### 7.13 Responsibilities of Clerk of Board/County Manager/~~Chairman of the Board:~~

The Clerk of the Board/~~County Manager~~ shall draft the Board's agenda. The Clerk of the Board/~~County Manager~~ shall also review each proposed agenda item and will contact any individuals necessary to clear up questions, etc. This can include the Chairman or other Board Members as well as Elected Officials or Department Heads. ~~The County Manager may include, if necessary, on each agenda item request form, his comments for the review of Board members.~~ ~~The Clerk of the Board/County Manager shall also review the items for the agenda to determine if the item can be handled administratively.~~ ~~The Clerk of the Board/County Manager shall also review the items on the agenda to determine, prior to placement on the agenda, whether the matter needs administrative action or referral for legal or other review prior to the Board of Supervisors' considering the matter.~~ A copy of the agenda along with any comments by of the County Manager shall be delivered to the Chairman of the Board of Supervisors. The Chairman may ~~After the Chairman's review, the Clerk of the Board will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting, with the intent to post at least 5 days prior to a regular meeting.~~

### 7.14 Responsibilities of Chairman:

The Chairman of the Board of Supervisors will review the proposed agenda and respond to the Clerk regarding the items that should appear on the agenda. ~~The Chairman may change and/or remove any agenda item except those items submitted by another member of the Board of Supervisors.~~ ~~If the Chairman determines that an item should not appear on the agenda, either of the other two Board members may inform the County administrator that the item should appear on the agenda. In that event, the item shall be added or included in a future agenda.~~

### 7.15 Finalization of Agenda:

~~After the Chairman's review, the Clerk will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting (mailing and placement on the Internet) three business days prior to the meeting. Board packets containing the final agenda and backup materials will be compiled for delivery to Board members.~~

### 7.16 Work Sessions:

~~Work sessions will be scheduled on Board days whenever possible, even if it means prolonging the session into the afternoon.~~

**7.15 7.16 Open Meetings Law:**

Agendas for Board meetings shall comply with the requirements of the Arizona Open Meeting Law at A.R.S. § 38-431 et al. All reasonable and practicable notice be given of Board meetings, and in no event, except an actual emergency, shall a Board meeting be held with less than 24 hours' notice, and unless a copy of the Board's agenda has been available for at least 24 hours preceding the meeting. All notices of meetings of the Board shall be posted, along with a copy of the agenda, or alternatively, with information as to how a copy of the agenda may be obtained by members of the public.

Vote was unanimous to approve the policy change.

Malena Bazarto requested approval of Contract #ADEQ14-064788 between Arizona Department of Environmental Quality and Apache County. Ms. Bazarto stated that is a Brownfields grant award to be administered by the County for Asbestos Survey at the South Fork Cabin Site. Ms. Bazarto stated this has been an ongoing project for the past year and they did some wild land fire training at the site and removed some debris at no cost to the county and the Brownfield is to do the asbestos survey to the cabins so they can ultimately be removed without any risk of contamination to the water there. Ms. Bazarto stated that the forest service supervisor told her that if the cabin site was remedied, the camp ground could be reopened. Mr. Weller asked if there was a cost to the county. Ms. Bazarto stated no. Mr. Weller asked if the Health District was involved with the project and if we are good to move forward. Ms. Bazarto sated yes, that she was working through the Dilapidated Buildings Ordinance the County that is enforced by the Health District and Health Director Chris Sexton has been helping with the process. Mr. Weller stated this was a great benefit to the area and moved approval, seconded by Mr. Shirley. Vote was unanimous.

Grants Manager, Malena Bazarto, requested approval of Agreement #WFHF 13S-353 between Arizona State Forestry and Apache County for continued hazardous fuels treatment in Alpine, Nutrioso, and Eagar, in the amount of \$174,000. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Commander Cirivello, on behalf of the Sheriff's Office, requested approval to accept a Memorandum of Understandings – Department of Public Safety Contract #2013-202 regarding fiscal year 2014 subaccount funding. A discussion was held between Mr. Weller and Commander Cirivello regarding the grant reporting requirement Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested approval to ratify work done by D&H Petroleum at the Chinle Road Yard for a fuel leak and requested approval to use D&H Petroleum for services at same location to continue mitigation of the fuel leak. Mr. Wengert stated D&H drilled around the spill site to determine the extent of spill and will come back with a mitigation plan and have submitted invoices for \$32,688 for work that has been done and is anticipating another \$11,840 in further work before they get the leakage information they need to put together the mitigation plan. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested approval of Three Forks Road Project Agreement between Apache Sitgreaves National Forest and the Federal Highway Administration Central Federal Lands Highway Division and Apache County to ensure roadway maintenance. Mr. Wengert stated that this is a project to pave Forest Road 249 from Big Lake to Alpine. Mr. Wengert stated that this is a 17 mile stretch and will use federal money at a cost of 17 million dollars and this agreement makes it possible to be part of the process to be at the table to

work the all the entities to get this project done and the future road maintenance cost will be shared with the forest service but that will be a separate agreement. Mr. Weller moved approval seconded by Mr. Shirley. Mr. Weller commended Mr. Crosby and the Engineering Department for their diligence in moving this project forward and it will be a benefit to southern Apache County and the tourist industry. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested authorization into enter into a Professional Service Contract with Jim Thornhill at the rate of \$40.00 per hour. Mr. Wengert stated that Mr. Thornhill will be providing services related to land surveying and related services up to and including drafting, research, etc. A discussion was held regarding the time frame of the contract and Dale Hauser with the Engineering Department stated that this a short term project lasting a few weeks and then on occasion here and there. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert provided notification that the Small Counties Forum will be held on February 19, 2014 at the County Supervisors Association (CSA) building, 1905 W. Washington Street in Phoenix at 5:30 p.m. and the County Supervisors Association (CSA) meeting on February 20, 2014 at 10:00 a.m. at the CSA building, 1905 W. Washington Street and the Northern Arizona Council of Governments (NACOG) Regional Council meeting on February 27, 2014 at 9:00 a.m. located at the High Country Conference Center, 201 W. Butler Avenue in Flagstaff where two or more members of the Board of Supervisors may be in attendance. No action was needed or taken.

Mr. Wengert presented the item following a possible executive session pursuant to A.R.S. 38-431 for legal advice, discussion and possible approval of the appointment of Collin Dewitt as an administrator pursuant to A.R.S. 48-803, at a salary not to exceed \$1,600 per month, to assume the duties of the governing board of the Nutrioso Fire District as outlined in A.R.S. 48-805, subsequent to the resignation of the majority of the governing board. Mr. Weller moved approval , seconded by Mr. Shirley. Vote was unanimous.

County Attorney Whiting presented the item following a possible executive session pursuant to A.R.S. 38.431 for legal advice, discussion and possible approval of the appointment of the Arizona Attorney General's Office, and assistant A.G. Kenneth Love, to represent Apache County in Case No. TX2014-000121 involving a valuation dispute between Transwestern Pipeline Company and Apache County along with co-defendants, the Arizona Department of Revenue and several other counties in regards to certain centrally valued property. This is the most recent tax year's lawsuit, the Attorney General already represents the County in cases for several other tax years between the same parties. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Shirley moved to adjourn, seconded by Mr. Weller. Vote was unanimous.  
Approved this 6th day of March, 2014.

/s/ Tom M. White, Jr.  
Chairman of the Board

/s/ Delwin Wengert  
Clerk of the Board