

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
February 19, 2013
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting, the Public Health Services District meeting and the Jail District meeting at 8:31 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Lenora Johnson gave the invocation.

Milton Ollerton led the Pledge of Allegiance.

Chairman White called for the Health District items.

Chris Sexton, Health Director, requested approval to continue the cost reimbursable sub-contract with Arizona Board of Regents, University of Arizona to provide Supplemental Nutrition Assistance Program-Education (SNAP-ED) responsibilities during the period of October 1, 2012 through September 30, 2013. Mr. Sexton stated that this is a reduction in grant funding due to cuts at the federal level. Mr. Weller moved approval, seconded Mr. Shirley. Vote was unanimous.

Chris Sexton, Health Director, requested approval to enter into an Agreement with the Round Valley Senior Center for transportation of Well Woman Health Check clients to and from Health District clinics. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller commended Mr. Sexton for his work on this agreement. Vote was unanimous.

Chris Sexton, Health Director, requested approval to create a new position of Division Manager of Environmental Health/Public Health Emergency Preparedness, (salary range 54) and advertise and fill the position. Mr. Sexton stated that $\frac{1}{2}$ the salary and ERE will be paid from grant funds and $\frac{1}{2}$ of the salary and ERE paid from Public Health Services District funds and a saving of \$34,316.50 in salary and ERE will result from the reorganization. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

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

Chairman White called for the Jail District item.

Chief Deputy Sheriff Brannan Eagar requested approval to remove Ashton Powers from probationary status with the 2.5% end of probation increase effective January 30, 2013. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

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

Chairman White called for the regular agenda items.

Mr. Wengert presented recognition of the retirement of Barbara Silversmith from the Clerk of the Court's Office. Mr. Weller thanked Ms. Silversmith on her years of service and presented her with a vase to commemorate her retirement. Sue Hall also commented on Mrs. Silversmith's 29 years in the Clerk of the Courts office. Mrs. Silversmith stated that she is taking the things she learned at the County on to her future endeavor as an interpreter for the Navajo People. No action was needed or taken.

Chairman White opened the floor for the Call to the Public: Individuals may address the Board on any relevant issue for an amount of time determined by the Chairman. At the close of the call to the public, Board members may not respond to any comments but may respond to criticism, ask staff to review a matter or ask that a matter be placed on a future agenda.

County Treasurer, Marleita Begay introduced her new Chief Deputy, Amanda McComb to the Board.

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

Mr. Wengert presented the item for the Round Valley Justice Court for the possible appointment of Roberta Reed to fill the vacant position of Justice of the Peace in the Round Valley Precinct. Mr. Weller provided an overview of the selection process that was held and thanked Dink Robart, from Alpine, and Steve Erhart from Eagar, for their contribution to the advisory Committee. Mr. Weller stated that there were 13 applicants and interviewed 5 individuals that met the selection criteria and he would have no uneasy feeling if any one of those were to become the J.P. Mr. Weller stated that after the selection process, he came to the conclusion that Roberta Reed is the best choice as the appointment to the Round Valley Justice for the Peace. Mr. Weller stated that Ms. Reed possesses ample experience in all of the areas needed for the position and made the motion to appoint Ms. Reed to the position, seconded by Mr. Shirley. Vote was unanimous.

Milton Ollerton, Community Development Director presented the item of a public hearing for consideration of a revision to acreage for Larry and Karen Matejka to combine two lots in Winsor Valley Ranch, Phase 1, Lots 125 and 133. Mr. Ollerton stated that the property is located in Concho, Arizona on parcels 201-79-125 and 201-79-133. Mr. White opened the hearing for comment. Mr. Weller stated that he received a phone call regarding the legality aspect of the advertisement notice of this hearing. There was no one wanting to address this item. Chairman White closed the public hearing.

Milton Ollerton, Community Development Director, requested possible approval of a revision to acreage for Larry and Karen Matejka to combine two lots in Winsor Valley Ranch, Phase 1, Lots 125 and 133, located in Concho, Arizona on parcels 201-79-125 and 201-79-133. Mr. Ollerton provided an overview of the item. Mr. Weller asked Mr. Chris Sexton, Health Director, about the septic system. Mr. Sexton stated that when a new septic is put in, it will require a sight evaluation to make sure it will accommodate a standard septic system; if not they will have to go to an alternate system which is more expensive. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that regarding a phone call he received about the advertising of the public hearing, there are state statutes relative to advertising that may or may not pertain to this issue that continue to be raised and from the previous written document from the County Attorney's Office he will follow through to approve this item but wants in the near future, some lengthy discussions whether we are following the statutes when it comes to advertising issues. Vote was unanimous.

Doyel Shamley, Apache County Natural Resource Representative presented an update on the Southfork and Alpine Wildland Fire Hazardous Fuels Reduction treatments. Mr. Shamley stated Alpine and Nutrioso meetings will be held on March 1, 2013 for those residents to obtain fire wise literature and information on the fuel reduction issue. Mr. Shamley provided an overview of the tentative results from the Alpine Community Meeting that was held February 15, 2013 regarding predator animals. Mr. Shamley stated that the web page on predators has already received comments from people who attended the meeting and since the meeting, 72 more people have requested that the county do something. Mr. Shamley thanked R.D. Stradling and his crew; thanked Justin Lee and Robert Mackenzie for the sound and recording system, Beth Bond, Bonnie Stallings and Malena Bazurto for the administrative efforts in putting this meeting together and thanked Chief Eagar and the deputies that provided security. Mr. Shamley stated that he recommended the County do a freedom of information request with federal and state agencies to obtain deprecation kill reports in the Management Plan for the Southwestern Grey Wolf. Mr. Shamley stated that Forest Plan was also published Friday in the federal register and that is the land management plan that will guide all of the U.S. Forest Service managed lands and what is put down in that book, we could be stuck with for two or three decades. Mr. Shamley stated that there are major flaws in that plan that we could be stuck with for a long time even though it was not done on purpose. Mr. Shamley stated the deadline for comment is May 17th. Mr. Shamley also stated that in the federal register, there is a tribal lands issue that the forest service and interior department discovered tribal remains on the forest here and all the publication says is that you have until March as a tribal representative to step forward and make known you want the remains back. Mr. Weller asked that Mr. Wengert notify the Navajo Nation regarding the tribal remains found. Mr. Weller stated that he read through the preliminary environmental assessment report for the Southwest wolf and it is interesting that everything there matched the testimony from Fridays predator meeting but the options available are not any assistance to the health and safety of the community members. Mr. Weller stated that he will be working to present some items to the Board for consideration and possible action regarding the predator issue.

Mr. Wengert presented the **consent items A-I**. Mr. Weller moved approval, seconded by Mr. Shirley. **County Manager/Clerk of the Board:** Request approval of minutes dated February 5, 2013. **B.** Request approval of demands dated February 5, 2013 to February 19, 2013. Demands are payments made by the County. AMIGO CHEVROLET 2,122.82 ASSURED IMAGING WOMEN WELLNESS OF SOUTHERN AZ 1,099.20 AZ DEPT OF ECONOMIC SECURITY 4,569.02 BANNER GOOD SAMARITAN MEDICAL CENTER 3,020.25 BLUE HILLS ENVIRONMENTAL 58,709.80 BRADCO 17,036.48 BRUCKNER TRUCK SALES INC 1,043.90 BURNHAM MORTUARY 2,091.75 CANTEEN CORRECTIONAL SERVICE TRINITY SERVICES 16,950.19 CDW GOVERNMENT LLC 6,745.80 EMPIRE MACHINERY 1,208.54 FLAGSTAFF SURGICAL ASSOCIATES 4,500.00 FLEET PRIDE 1,146.87 FRONTIER 5,064.12 FRONTIER 7,615.32 GRAVES PROPANE CO INC 5,826.59 GREEN AND BAKER 6,898.30 HILLYARD INC 3,033.59 MARTIN, FRED C 3,120.00 NAVOPACHE ELECTRIC COOPERATIVE 1,051.00 OFFICE DEPOT 1,090.81 PERFECT PRINTZ LLC 2,706.40 QUILL CORP 1,461.75 REED, ROBERTA E 1,110.24 RUSH TRUCK CENTER 2,563.24 TASER INTERNATIONAL INC 11,615.44 THE AARONS COMPANY LLC 3,000.00 TJP COMMUNICATIONS 4,555.81 TOM GROWNEY EQUIPMENT 2,445.81 VALLEY AUTO PARTS 1,131.70 Shirley, Joe Junior 1,999.95 Rogers, Kent 1,063.14 Stradling, Reed 1,228.76 Orona, Monica 1,014.34 Watkins, Robert 1,108.84 King, Walter Scott 1,119.67 ADMINISTRATIVE ENTERPRISES INC 1,304.20 APACHE COUNTY MEDICAL 141,682.00 APACHE COUNTY TAX WITHHOLDING 120,144.44 AZ STATE RETIREMENT SYSTEM 78,030.67 COLONIAL LIFE AND ACCIDENT INS 1,223.69 CORRECTIONS OFFICER RET PLAN 7,555.18 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,394.19 MUTUAL OF OMAHA 1,178.28 NATIONWIDE 1,560.84 PUBLIC SAFETY PERSONNEL 401 11,142.18 PUBLIC SAFETY SHERIFF RET 23,812.51 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,774.73 AZ SUPREME COURT 6,000.00 BANNER GOOD SAMARITAN MEDICAL CENTER 6,742.00 BARNES, PARTICIA M 2,060.00 BRADCO 8,814.50 CDW

GOVERNMENT LLC 1,806.81 COPQUEST INCORPORATED 2,755.15 DELL COMPUTER CORPORATION 1,919.31 FERRELLGAS 1,038.70 FRONTIER 1,066.06 GEXPRO 3,324.59 GRAVES PROPANE CO INC 4,336.97 HOGLE, WEBB 2,031.00 L R INVESTIGATIONS LLC 1,180.00 NEW WORLD SYSTEMS CORPORATION 21,365.92 PLATT, MARCOR B 2,000.00 ROGERS, STEPHEN K 1,198.00 SANOFI PASTEUR INC 1,144.93 SHUPE, ARTHUR H 1,602.75 ST JOHNS CITY 1,437.04 THE WOOD LAW OFFICE (RONALD WOOD) 6,856.25 UNIVERSAL FLEET CARD 1,966.27 VOTES UNLIMITED 1,771.25 WHITE MOUNTAIN PUBLISHING CO 7,958.03 AZ COUNTIES INSURANCE POOL 2,542.55 AZ DEPT OF RISK MANAGEMENT 2,870.17 FORENSIC DATA SOLUTIONS (SHANTZ ENTERPR) 1,000.00 MACCAFERRI INC 2,968.79 NAVOPACHE ELECTRIC COOPERATIVE 1,705.00 NIELSEN WELL DRILLING 1,663.78 SIERRA PROPANE 3,028.53 Specific details of the demands may be requested through the County public record request process. **Personnel Items:** **C. Treasurer's Office:** Request authorization to create a temporary, full time Clerk position at \$8.20 per hour, not to exceed 120 days. **D. County Manager:** Request approval to convert the vacant full time Administrative III position (range 30) to a part time (19 hours per week) Administrative I (range 22) and fill the vacancy. **E. Human Resources:** Request authorization to convert the currently vacant full time Human Resources Technician (range 32) to a part time (19 hours per week) Administrative Assistant I (range 22) and fill the vacancy. **F. Recorder's Office:** Request approval to extend the employment of Betty Coplan through June 30, 2013 utilizing the Recorder's Surcharge Fund. **G. Recorder's Office:** Request authorization reclassify Annabelle Castillo from an Administrative Assistant II (range 26) position to an Administrative Assistant III (range 30). Additional funding for this action will come from the Recorder's Surcharge Fund. **H. District I:** Request authorization to remove Gloria Bowman from probationary status effective February 13, 2013 with the 2.5% end of probation increase. **Engineering Department:** **I.** Request approval to solicit bids for labor, equipment and installation to bring above ground fuel storage tanks into Navajo Nation EPA Compliance at Ganado and Chinle. Mr. Weller stated that departments come forth to manage their departments, there is lots of legislative activity at the state and federal level that could very well reduce money for the budget and any activity that a department takes might not need to be reversed if the budget gets cut too drastically. Mr. Crosby provided an overview of Item I. Vote was unanimous. Lenora Johnson, County Recorder, requested approval to renew the Recorder's Software Computerized System Maintenance Agreement for another 5 years beginning on May 1, 2013 through April 30, 2018, at the annual cost of \$12,600. Ms. Johnson stated that there is no increase in cost for this renewal and will be paid utilizing the Recorder's Fee charges. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar, requested approval to accept the 2012 Homeland Security Multi-Jurisdictional Communications Upgrade Grant in the amount of \$59,800. Chief Eagar provided a brief overview of the grant. Chief Eagar stated that they are waiting on the 133 audit for the County but he wanted to get Board approval so when the funding is released there is still time to get the equipment ordered within the specified timeframe. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that he supports this need but is concerned with auditing issues. Mr. Patterson stated that the County is currently undergoing the audit and there have been challenges in the Treasurer's Office that are being resolved. Mr. Patterson provided an overview of the audit process. Mr. Weller and Mr. Patterson held a discussion regarding the Sheriff's portion of the audit. Vote was unanimous.

Supervisor Shirley was excused from the remainder of the meeting.

Michael Whiting, County Attorney, presented the item for possible legal advice pursuant to A.R.S. §38-431-03(A)(3), followed by discussion and possible approval of a resolution appointing the Arizona Attorney General's Office as legal counsel representing Apache County in regard to Tax Case TX2013-00241, a lawsuit in which Apache County is one of many defendants in a dispute on

valuation of Transwestern Pipeline. Mr. Whiting stated that he did not believe an executive session was required and recommended approval. Mr. Weller stated that he did not see a need for executive session and moved to approve the resolution, seconded by Mr. White. Motion passed.

Resolution # 2013-01

APPROVING AND REQUESTING THE ARIZONA ATTORNEY GENERAL'S OFFICE TO REPRESENT APACHE COUNTY IN RELATION TO PROPERTY TAX VALUATION LAWSUIT TRANSWESTERN PIPELINE V. A.D.O.R. ET AL. FILED AND RELATING TO 2013 FULL CASH VALUE PROPERTY APPRAISAL

WHEREAS, Transwestern Pipeline Company owns a pipeline traversing through several Arizona counties, including Apache County; and

WHEREAS, the value of such pipeline is valued and assessed centrally by the Arizona Department of Revenue and not by the Apache County Assessor; and

WHEREAS, Transwestern has disputed the full cash value appraisal and has sued the Arizona Department of Revenue and each of the affected counties in which Transwestern's pipeline is located; and

WHEREAS, the Arizona Attorney General's Office has the expertise and availability to represent the Arizona Department of Revenue and each of the affected counties and has expressed the willingness to represent Apache County in the lawsuit filed by Transwestern Pipeline Company;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Apache County as follows:

That after due deliberation, the Apache County Board of Supervisors has determined that the Arizona Attorney General's Office is qualified to represent the County in Case No. TX2013-00241 where Transwestern Pipeline Company is the Plaintiff and Apache County is one of the Defendants. The Arizona Attorney General is hereby authorized and appointed as legal counsel to represent Apache County in all respects in relation to Case No. TX2013-00241 where Transwestern Pipeline Company is the Plaintiff and Apache County is one of the Defendants.

PASSED, ADOPTED AND APPROVED at St. Johns, Arizona on February 19, 2013.

APACHE COUNTY BOARD OF SUPERIVOSRS

By: /s/ Tom White

Chairman of the Board

ATTEST:

/s/ Delwin Wengert, Clerk of the Board

Mr. Wengert requested the item for the Apache County volunteer program along with related intake documentation on volunteer service with the County, be removed from the agenda. Chairman White removed the item.

Ferrin Crosby, County Engineer requested approval of a resolution in support of Forest Road 249 Project. Mr. Crosby provided an overview of this issue and stated that this is a good project for the forest visitors and there are many good things that can come from this. Mr. Crosby stated this resolution supports the forest service in this endeavor but also recognizes that the County's financial support has to be limited . Mr. Weller moved to approve, seconded by Mr. White. Mr. Weller stated that he agreed that this is potentially a benefit for the County and commended Mr. Crosby for his diligence in making sure the County is not over reaching in our commitment to this project and getting into any financial stresses. Mr. Weller stated that he also appreciated the County Attorney for the assistance with the language in the resolution. Motion passed.

Resolution # 2013-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, IN SUPPORT OF THE FOREST HIGHWAY 249 PROJECT AND COMMITMENT TO ENTER INTO A

SHARED MAINTENANCE AGREEMENT WITH THE APACHE-SITGREAVES NATIONAL FOREST

WHEREAS, the United States Forest Service through the Apache-Sitgreaves National Forest has programmed and begun development plans to widen and pave Forest Road 249, also known as the Alpine-Big Lake Road Project, which is situated in southern Apache County, and

WHEREAS, the improvement of Forest Road 249 will enhance and promote access to the national forest for all forest visitors in Apache County; and

WHEREAS, paving Forest Road 249 will complete a continuous paved route from State Route 260 to US 191 near Alpine, AZ; and

WHEREAS, new federal transportation statutes, collectively named MAP-21, requires that no funding of Federal Lands Highways Division projects be granted without local participation and/or cost sharing; and

WHEREAS, the Apache County Board of Service determines that the paving project described herein is in the best interest of the County and will serve to promote tourism and economic growth through greater access for recreationists, hunters and scenic route enthusiasts; and

WHEREAS, the Forest Road 249 improvement project will not move forward without local participation and Apache County's participation will be minimal relative to the benefit to the County that completion of the project will confer; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Apache County as follows: That the Board of Supervisors of Apache County, Arizona, finds that it is in the best interest of the County to participate in a limited capacity to ensure the completion of the Alpine-Big Lake Road Project by accepting certain responsibilities as a local match participant.

That Apache County commits to enter into a shared maintenance agreement with the Apache-Sitgreaves National Forest on the paving of Forest Road 249; provided, however, that Apache County will not obligate itself to participate in any regional plan, or to any other obligation other than the specific requirements of the contemplated shared maintenance agreement in providing certain physical improvements to Forest Road 249.

That pursuant to MAP-21, Apache County is not a "provider of public transportation" in a "transportation management area" and not subject to any requirement to become a member of any Metropolitan Planning Organization.

PASSED, ADOPTED AND APPROVED at St. Johns, Arizona on February 19, 2013.

APACHE COUNTY BOARD OF SUPERIVOSRS

By: /s/ Tom White

Chairman of the Board

ATTEST:

/s/ Delwin Wengert, Clerk of the Board

Ferrin Crosby, County Engineer, requested approval to reject Bid #201307 for an Incline Screen and re-solicit for bids. Mr. Crosby stated that one bid was received and it was shockingly high. Mr. Weller made the motion to rejection and to re-solicit bids for the Incline Screen, seconded by Mr. White. Motion passed.

Mr. Wengert requested approval of an Intergovernmental Agreement with the Arizona Forestry Division regarding the disbursement of the FY2013 funding for Eastern Arizona Counties Organization (EACO) for environmental program assistance. Mr. Wengert stated that amount is \$15,000 that comes through the County for EACO. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Shirley Pulsipher, Apache County School Business Consortium, requested approval to enter into a Memorandum of Understanding with Northland Pioneer College to co-locate NPC microwave

equipment to provide services to the Round Valley Primary School. Mr. Pulsipher Provided an overview of the project. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Shirley Pulsipher, Apache County School Business Consortium, requested approval to advertise and solicit sealed bids for Request for Proposals (R.F.P.) to upgrade the broadband microwave system from St. Johns to Round Valley and from St. Johns to Sanders. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated that this was a very well done R.F.P. and thanked Mr. Pulsipher for the work he did on it. Motion passed.

Mr. Wengert requested approval of an Intergovernmental Agreement Extension with Yavapai County for Restoration of Competency Contract. Mr. Wengert provided a brief overview of the agreement that will be in effect until June 30, 2014. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated that there had been previous discussions held that indicated the Yavapai contract is less costly than the State contract and asked Mr. Wengert to provide a breakdown of the numbers the State charges, versus what the Yavapai contract is. Mr. Wengert stated that he would provide those numbers to Mr. Weller. Motion passed.

Mr. Wengert requested approval of a letter to Sheryl Barrett, Wolf Recovery Coordinator, regarding wolf reintroduction. Mr. Wengert provided a brief overview regarding the need for the letter. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Wengert presented the request for approval of the appointment of Supervisor Barry Weller to serve as an Apache County representative on the Northern Arizona Council of Governments (NACOG) Board. County Attorney Whiting stated that if Mr. White and Mr. Weller will be serving on the NACOG Board, notification of attendance will need to be posted for the NACOG meetings. Mr. Weller moved to approve, seconded by Mr. White. Motion passed.

Mr. White presented notice of Small Counties Forum meeting on February 20, 2013 at 6:30 p.m. located at the Hilton Garden Inn 3838 E. Van Buren Street in Phoenix and the County Supervisor Association (CSA) Meeting on February 21, 2013 at 10:00 a.m. located at the CSA building 1905 W. Washington Street in Phoenix where two or more members of the Apache County Board of Supervisors may be in attendance. No action was needed or taken.

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

Approved this 5th day of March, 2013.

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