

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
February 5, 2013  
St. Johns, Arizona**

Present were: Vice Chairman Barry Weller and Supervisor Joe Shirley, Jr. Also present, County Manager/Clerk of the Board Delwin Wengert and Attorney Joe Young. Chairman Tom M. White, Jr. was excused due to travel.

Vice Chairman Weller called to order the Apache County Board of Supervisors meeting, the Public Health Services District meeting and the Library District 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.

Ferrin Crosby gave the invocation.

Kristl Jones led the Pledge of Allegiance.

Vice Chairman Weller called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval of Contract #MRC132107 with the National Association of County and City Health Officials to build the capacity of local Medical Reserve Corps (MRC) units in the amount of \$4,000. Mr. Sexton stated that the Health District recruits volunteers to assist in times of emergency such as people who have medical experience and background so if there is a need, these people are ready to assist. Mr. Sexton stated that monthly meeting are held with the volunteers the grant money helps with outreach and supplies.

Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Chris Sexton, Health Director, requested approval of a Sub-Contractor Agreement with Jennifer Foote, RN to provide clinical services. Mr. Sexton stated that this will help take up some gaps that are due to short staffing and Ms. Foote will be working about one afternoon a week. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Mr. Shirley moved to adjourn the Health District meeting, seconded by Mr. Weller. Motion passed.

Vice Chairman Weller opened the Library District meeting.

Judith Pepple, Library Director, requested authorization to accept a donation in the amount of \$2,327.09 from the Salt River Project Boosters Association through the agency of The United Way of Northern Arizona. Mr. Shirley moved approval, seconded by Mr. Weller. Ms. Pepple stated that the funding will most likely be used to purchase computer servers. Motion passed.

Mr. Shirley moved to adjourn the Library District meeting, seconded by Mr. Weller. Motion passed.

Vice Chairman Weller called for the regular agenda items.

Mr. Weller 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.

George Walsh, Vernon, Arizona stated that he wanted to bring attention to a recent memorandum from the County Attorney's Office to the Planning and Zoning Commission that he does not believe is a legal opinion as was requested; that it is a memo and never states anywhere that it is a legal opinion. Mr. Walsh stated that it only cites two statutes and no case law and he does not believe this meets the definition of a legal opinion in which the Supervisors or Community Development can base their action on. Mr. Walsh requested that this item be placed on a future agenda for discussion among the Supervisors, the Attorney and the public so we can put an end to this question.

There was no other member of the public wanting to comment.

Vice Chairman Weller called for the Current Event Summaries. The Open Meeting Law allows the chief administrator, presiding officer or a member of the public body to present a brief summary of current events without listing in the agenda the specific matters to be summarized; however the public body will not propose, discuss, deliberate or take legal action on any matter presented as a current event summary. While a current event summary need not be noticed, the following are summaries for which the Board has advance notice.

Mr. Weller read from a letter from Representative Jamescita Peshlakai of her support of the people in Legislative District 7. Mr. Weller stated that Ms. Peshlakai was extremely cordial when he stopped by and visited with her, Mr. Hale, and Senator Jack Jackson. Mr. Weller encouraged the public to stop in and meet with their legislators.

Mr. Weller provided an update on some of the current legislative issues regarding the transactional privilege taxes, water rights and regulatory transparency legislation going through the legislature.

Mr. Weller stated that the Navajo Nation has declared a state of emergency regarding frozen water line issues and District III is doing their best in helping out with the emergency. Mr. Weller asked if Mr. Shirley or Mr. Wengert wanted to comment on this issue. Mr. Shirley stated that District I is on top of it and he is sharing equipment and manpower with the Navajo Nation and they are going to reimburse the County for our assistance. Mr. Wengert stated that District I and II are both involved; the Governor declared an emergency and according to the County Attorney, the Board does not need to declare an emergency in order to assist the Navajo Nation. Mr. Wengert stated that we will operate under the emergency declared by the State and will keep accurate records and be reimbursed for all costs associated with the emergency. Chief Deputy Sheriff Brandon Eagar provided an update on the activities related to the emergency on

the Navajo Nation due to main water lines freezing. Chief Eagar stated that this is a record event and they currently have 790 telephone call-ins that they have not yet addressed so the sheriff's office is trying to assist them in getting crews and support to get the water back to the communities. Mr. Weller thanked Chief Eagar for keeping him updated through this emergency.

Treasurer Marleita Begay stated that she is working closely with Assessor's Office looking at the software and has been looking at the vendors CCI and Tyler and they reviewed their demonstrations and are currently looking at the pros and cons with each of the company. Treasurer Begay also

stated that the tax lien auction is on track. Mr. Weller stated that there is a lot of activity going on in the Assessor's Office and Treasurer's Office and they have been very active in reviewing the software and he appreciates the energy going into that because it can really improve the tools here in the County.

Superintendent Barry Williams stated that he wanted to update the Board on some of the issues that are going on in education and provided an overview on a symposium he attended that was sponsored by the Arizona Business & Education Coalition on the topic of how business and industry can be involved in education and provided a brief overview from that meeting.

Current event summary concluded.

Malena Bazarro, Grants Manager, requested approval to enter into a contract with Arizona State Forestry and accept terms of Wildland Hazardous Fuels Reduction Grant 2012 in the amount not to exceed \$200,000. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Wengert stated that these are competitive grants and Malena did a good job in writing this grant and were awarded it based on her submittal so he wanted to compliment her on the grant. Ms. Bazarro stated that this grant will provide for defensible space on private property that border National Forest Land so in the event of a wildfire there is a space that is mitigated against wildfires approaching the property and is specific to the communities of Alpine and Nutrioso in an amount of 170 acres. Mr. Weller stated that this is funding for the private sector who have property with forest impingement on them and pays 90% of what it cost to clear the trees to a point that is fire safe with a match cost of 10% by the property owner. Mr. Weller thanked Ms. Bazarro for the good work done in obtaining the grant. Motion passed.

Malena Bazarro, Grants Manager, requested approval of Community Development Block Grant (CDBG) contract funding in the amount of \$163,000 to improve accessibility at the Apache County Fairgrounds. Improvements will include a new ADA restroom facility, concrete and asphalt around the fairgrounds exhibits buildings, and permanent handicapped parking. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Wengert stated that this is a grant that comes around every four years and it is the County's turn so this is a good thing and the County work crews will do the work. Ms. Bazarro stated that there is compensation for the work crew as well. Mr. Weller stated that these will be nice facilities for \$163,000 and ADA requirements are very containing and that drives up the cost. Mr. Weller stated that he wanted to meeting with the County Attorney after the meeting for a legal opinion related to the grant. Motion passed.

Mr. Weller presented the Consent Agenda and requested that Item I be pulled off for discussion. Mr. Wengert also requested that **Item D be removed from the Consent Agenda for no action.** Mr. Shirley moved to approve the Consent Agenda with the exception of Item D and Item I, seconded by Mr. Weller. **County Manager/Clerk of the Board: A.** Request approval of minutes dated January 15, 2013. **B.** Request approval of demands dated January 15, 2013 to February 5, 2013.  
ADMINISTRATIVE ENTERPRISES INC 1,304.20 APACHE COUNTY MEDICAL 142,542.00  
APACHE COUNTY TAX WITHHOLDING 135,062.06 AZ STATE RETIREMENT SYSTEM 77,694.29  
COLONIAL LIFE AND ACCIDENT INS 1,223.69 CORRECTIONS OFFICER RET PLAN  
7,692.22 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,979.98 MUTUAL OF OMAHA  
1,102.80 NATIONWIDE 1,585.84 PUBLIC SAFETY PERSONNEL 401 11,467.56 PUBLIC SAFETY  
SHERIFF RET 24,656.14 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT  
CLEARINGHOUSE 2,533.93 AZ DEPT OF HEALTH SERVICES 1,292.47 AZ DEPT OF  
REVENUE 1,040.22 BANK OF THE WEST 2,710.71 BARNES, PARTICIA M 2,060.00  
BRADCO 25,641.23 COUNTRY INN AND SUITES 1,580.32 DIAMOND DRUGS INC 2,820.94  
FERRELLGAS 1,221.03 FRONTIER 6,638.02 GRAVES PROPANE CO INC 7,869.94 HAMBLIN,

BRYCE MARK 1,523.50 HIGH 5 DESIGN 1,348.40 INGRAM LIBRARY SERVICES 1,807.46  
 KATHLEEN M MCGUIRE PSY D LLC 1,827.50 LAW OFFICE OF MARSHA GREGORY 6,666.50  
 LEXIS-NEXIS 1,079.09 MCCALL, LISA RENAE 1,100.00 MERCK SHARP & DOHME CORP  
 1,110.82 NAVOPACHE ELECTRIC COOPERATIVE 24,699.16 NEW WORLD SYSTEMS  
 CORPORATION 65,719.72 NOVARTIS VACCINES AND DIAGNOSTICS INC 1,560.28 OSAM  
 DOCUMENT SOLUTIONS INC 7,843.37 PTS OF AMERICA LLC 1,603.80 QUILL CORP 3,360.79  
 ROGERS, STEPHEN K 1,198.00 SCHINDLER ELEVATOR CORPORATION 1,942.00  
 SOURCECORP 16,840.97 ST JOHNS CITY 1,291.82 SUMMIT HEALTHCARE ASSOCIATION INC  
 1,666.87 TAPAHE INVENTIVE DESIGN LLC 1,990.00 TJP COMMUNICATIONS 4,273.29  
 UNIVERSAL FLEET CARD 1,228.20 VANDEMARK, RACHEL 3,067.50 VERITAS RESEARCH  
 CONSULTING 1,040.00 WILLIAMS LAW GROUP PLLC 6,650.00 SANOFI PASTEUR INC 1,840.12  
 AZ COUNTIES WORKERS COMPENSATION PLAN 64,295.46 MERICAN PROBATION & PAROLE  
 ASSOCIATION 2,004.00 APACHE COUNTY 1,321.70 APACHE COUNTY PROBATION  
 DEPARTMENT 5,000.00 AZLGEBT 275,890.72 BLUE HILLS ENVIRONMENTAL 1,857.82 BRADCO  
 96,447.53 BROWN, DEVIN R 1,506.85 CDW GOVERNMENT LLC 1,504.13 CREATIVE  
 MULTIMEDIA INC (CMI) 15,805.00 DELL COMPUTER CORPORATION 4,475.60 EMPIRE  
 MACHINERY 8,864.21 FRONTIER 7,661.41 GEXPRO 1,633.97 GRAHAM COUNTY 1,000.00  
 GRAVES PROPANE CO INC 5,423.61 HARRINGTON HOMES 7,362.64 INGRAM LIBRARY  
 SERVICES 4,919.50 LOWES #24 2,052.77 NAVAJO COUNTY 73,927.00 NAVAJO TRIBAL  
 UTILITY AUTHORITY 2,516.85 NAVAJO TRIBAL UTILITY AUTHORITY 4,217.62 NAVOPACHE  
 ELECTRIC COOPERATIVE 5,168.04 NORCHEM DRUG TESTING LABORATORY 1,185.05  
 PATTERSON, DANA BRYCE 6,650.00 PIMA COUNTY MEDICAL 4,400.00 RDO EQUIPMENT CO  
 1,419.27 ROUND VALLEY UNIFIED SCHOOLS 5,285.00 SATCOM GLOBAL INC 1,819.65 SIERRA  
 PROPANE 1,385.09 ST JOHNS UNIFIED SCHOOL DIST 1,476.30 TOWN SQUARE PLAZA LLC  
 1,200.00 VERIZON WIRELESS 1,693.45 ADHS AZ HEALTH CARE COST 22,400.00 EASTERN  
 ARIZONA COUNTIES ORGANIZATION EAC 15,000.00 APACHE COUNTY TAX WITHHOLDING  
 137,891.64 AZ STATE RETIREMENT SYSTEM 78,008.85 CORRECTIONS OFFICER RET PLAN  
 7,806.42 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,247.94 PUBLIC SAFETY  
 PERSONNEL 401 10,673.25 PUBLIC SAFETY SHERIFF RET 23,147.65 APACHE COUNTY TAX  
 WITHHOLDING 138,291.65 PUBLIC SAFETY SHERIFF RET 23,720.94 A & E REPROGRAPHICS  
 1,080.00 AMAZON COM INC 2,688.34 ARCADIS US INC 11,825.66 ARIZONA YOUTH  
 PARTNERSHIP 6,250.00 AVAYA COMMUNICATIONS 1,381.19 AZ SUPREME COURT 18,149.99  
 BANK OF THE WEST 1,151.70 BANK OF THE WEST 1,223.01 BOB BARKER COMPANY INC  
 1,637.54 BUTLER'S OFFICE EQUIPMENT & SUPPLY INC 1,458.26 CDW GOVERNMENT LLC  
 2,846.81 CELLEBRITE USA INC 9,584.00 COMMUNITY COUNSELING CENTERS INC 1,600.00  
 EMTAP ENTERPRISES 1,925.70 FRONTIER 1,596.10 GIS INFORMATION SYSTEMS IN 6,397.93  
 GOODYEAR AUTO SERVICE 2,790.38 GRAVES PROPANE CO INC 3,125.13 H-11 DIGITAL  
 FORENSICS COMPANY LLC 1,836.00 HARVEY, SAVANNAH L 1,139.58 HILLYARD INC 3,492.38  
 IMS ALLIANCE 1,326.60 INGRAM LIBRARY SERVICES 16,602.04 LAW OFFICE OF TERRI A  
 ROBERTS 3,979.00 OFFICE DEPOT 1,357.49 VERDRIVE INC 1,320.77 PTS OF AMERICA LLC  
 1,131.90 QUILL CORP 6,951.50 RESERVE ACCOUNT 8,000.00 SANOFI PASTEUR INC 1,003.94  
 SECURUS TECHNOLOGIES INC 1,619.00 STANLEY SECURITY SOLUTIONS INC 1,042.38  
 STAPLES CREDIT PLAN 1,048.23 TASER INTERNATIONAL INC 11,615.44 VERIZON WIRELESS  
 1,664.93 WELLS FARGO BANK 3,796.44 WESTERN DRUG COMPANY 1,856.13 WHITE  
 MOUNTAIN REGIONAL MEDICAL CENTER 1,364.38 YAZZIE, ROLINDA 1,214.44 YOUNG,  
 JOSEPH 6,920.00 YOUNGS FUTURE TIRE 3,168.44 VERITAS RESEARCH CONSULTING  
 1,302.73 Demands are payments made by the County. Specific details of the demands may be  
 requested through the County public record request process. **C. District I:** Request approval to ratify  
 the storm assistance to the senior Citizen's centers in District I at a not to exceed cost of  
 \$5,000. **REMOVED Personnel Items:** **D. Human Resources:** Request authorization to hire a  
 temporary, full time Clerk at \$8.20 per hour through June 30, 2013. **E. Recorder's Office:** Request  
 authorization to hire a part time temporary Administrative Assistant I utilizing the Recorder's  
 Surcharge, at \$10.50 per hour, not to exceed 120 days. **F. Recorder's Office:** Request

authorization to hire a temporary Administrative Assistant II at \$11.58 per hour, not to exceed 120 days. **G. District II:** Request authorization to hire a temporary Administrative Coordinator at \$15.58 per hour and hire a temporary Administrative Assistant I at \$10.50 per hour, not to exceed 60 days. Also request authorization to extend the temporary employment of Wilbur Smith for an additional 90 days. **H. Probation Services:** Request authorization to remove Claire Hayes from probationary status effective November 14, 2012 with the 2.5% end of probation increase and Pamela Tenny from probationary status effective January 2, 2013 with the 2.5% end of probation increase. Item I was removed for discussion.

Milton Ollerton, Community Development Director, requested approval of Consent Item I for a Conditional Use Permit for Sharon Hudson to place a 2nd residence on Red Sky Ranch, Phase II, Lot #89. The property is located north of St. Johns, Arizona and the Planning and Zoning Commission recommended approval by a 4-1 vote. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that it was previously brought to the attention of the Board that there was concern about the legal positing of the Planning and Zoning's discussion of this and he received a memorandum which he presently considers a legal opinion from the County Attorney's Office about this issue and the explanation makes sense to him and the County Attorney staff takes the position that this notice was legally sufficient and met the requirement by statutes that they could carry on with the process. George Walsh, a resident of

Vernon, voiced his concerns with the notices the county is publishing and read from the memorandum that was given to Planning and Zoning Commission and stated that the memorandum is not a legal opinion and does not meet the requirements of any legal opinion he has seen in the State of Arizona and he has read every legal opinion from the inception of the office and it cites no statutes or case law and he does not believe moving forward based on this document is right or legal. Mr. Shirley asked if there was a law or policy that says a legal opinion has to take on a certain form; that if he received a letter from the County Attorney he considers that a legal opinion and the Courts are the ones that determine what a legal opinion is. Mr. Weller stated that he presently concurs with Supervisor Shirley and he will continue to review the issue with the County Attorney's Office. Mr. Weller stated that he considers this a written opinion from County Attorney Staff and it is a document that they can take to court with any challenge that might come about. Mr. Weller amended his motion to approve the conditional use permit with the understanding that the approval is not for the Health Department's septic system, only that the property owner can move forward with the second residence and long as they meet all public health issues and building permits. The amended motion was seconded by Mr. Shirley. Motion passed.

Ferrin Crosby, County Engineer requested approval of a Contract Addendum and Change Order with Creative Multimedia Inc. for the parcel map project, in an amount not to exceed \$48,140 for this fiscal year for software tools for support of such things as parcel maps, signs and rural addressing applications, updating County transportation layers, documenting all the policies and procedures recommended for future updates and consultation and copulation of existing data sets and the development of a plan of work and onsite training. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Wengert stated that once this project is complete and they go book by book through the parcels it will be completely modernized and computerized and the public will then have access to it. Mr. Weller stated that this project is good for the County and this one, as well as other departments are working hard to make information available to the public. Mr. Weller stated that this is not a wealthy County and the departments are struggling to serve the County residents and to work so that the accuracy is there and these are really good projects but they are expensive and long going because of the limited budget. A discussion was held regarding the project's future costs. Motion passed.

Mr. Wengert, on behalf of the Human Resources Department requested approval of the appointment of Apache County Treasurer Marleita Begay to serve in the position of Chairman of the Public Safety

and Corrections Officer Retirement Programs. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller thanked Ms. Begay for her willingness to serve. Motion passed.

Mr. Wengert presented the item for a possible executive session for personnel matters related to job duties and performance, pursuant to A.R.S. 38-431.03(A)(1) request approval to ratify the job description and salary for the recently hired District I Manager, Patrick Sandoval. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Executive session was held at 9:19 a.m.

Vice Chairman Weller called the Board of Supervisors meeting back to order at 9:44 a.m.

Mr. Shirley made the motion to ratify the job description and salary for the recently hired District I Manager, Patrick Sandoval, seconded by Mr. Weller. Motion passed.

Mr. Weller stated that the item for possible executive session and possible approval of the continuation of the Economic Development of Apache County (EDAC) Housing Grant be removed from the agenda. Vice Chairman Weller removed the item. No action was taken.

Mr. Weller presented notification of a meeting regarding predatory animal issues to be held at the Alpine Community Center, 42627 U.S. Highway 180 in Alpine, Arizona at 6:00 p.m. on February 15, 2013. Mr. Weller stated that this is due to the recent announcement of a release of Mexican Wolf #M1133 into the general vicinity and then two weeks later, the capture of that predator near community housing is one of the concerning issues that will be discussed but the meeting will be focused on any predatory species. Mr. Weller stated that he expects this to be extremely informative with presentations and public input by residents who may or may not have been affected by this issue.

Mr. Shirley moved to adjourn, seconded by Mr. Weller. Motion passed.

Approved this 19th day of February, 2013.

/s/ Tom M. White, Jr. /s/ Delwin Wengert

Chairman of the Board Clerk of the Board