

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
January 21, 2014  
St. Johns, Arizona**

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

Chairman White called to order the Board of Supervisors meeting, the Public Health District and the Jail District at 8:38 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Ryan Patterson gave the invocation.

Mr. Wengert led the Pledge of Allegiance.

Chairman White called for the Health District items.

Chris Sexton, Health Director, requested approval of the Memorandum of Understanding between Maricopa County Health Care for the Homeless and Arizona Department of Health Services for deputizing and oversight of Apache County Public Health Services District to provide vaccine for underinsured children, at no cost to the County. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Chairman White called for the Jail District item.

Chief Deputy Sheriff Brannan Eagar, requested approval to remove Dyllin Ellington from probationary status effective January 7, 2014 with the 2.5% end of probation increase. 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.

Chairman White called for the regular agenda items.

Chairman White opened the floor for the call to the public.

George Walsh, a resident of Vernon, Arizona stated that he would like to again bring to the Board's attention the failures of the Board, the County Attorney and the Clerk of the Board to follow the required statutory requirements of law when dealing with the issues that come before them; that not only have they violated the fiduciary responsibilities to the tax payers and property owners in their actions, but also failing in the Oath of Office. Mr. Walsh stated that the Community Development Department has been a long ongoing issue in the county and has been a waste of the taxpayer's dollars and that a legal ordinance has ever been adopted or anything for enforcement. Mr. Walsh stated that the County Attorney's Office has provided advice to the Board that is insufficient to protect the people's rights and that all three supervisors, the county attorney and the Clerk of the

Board are guilty of nonfeasance in their duties. Mr. Walsh stated that the County Attorney cannot handle this issue because they are charged, and is a conflict of interest so it needs to be turned over to another county to investigate the actions of the Board, the Clerk of the Board and the County Attorney's Office. Mr. Walsh stated that (the Board) have allowed too many contracts in this county to go unchecked; that is has been since 2006 that the newspaper contract, which is required by law to be annually renewed, is a misappropriation of funds without a valid contract. Mr. Walsh asked to take action and bring to the Board the issues with Community Development and the newspaper contract so the Board could have more oversight into the types of notices that are being placed that do not meet the legal requirements of the law. Mr. Walsh stated that the other two board members may not vote on what we need to be done but you cannot say it is not on the record if you don't allow it. Mr. Walsh stated that "you guys" have had too many secrets for too long and it is time to put an end to it.

Lorraine Vaught, a resident of Vernon, Arizona, stated that in regard to the boot safety program agenda item, her concern is with where the funding would come from to cover the costs and stated that the Board is not getting the entire equation and by voting to approve this without the total breakdown in numbers and costs it is an open ended check that the Board is writing and a budget cannot be manageable without knowing the total costs.

There were no other members of the public wanting to address the Board in call to the public.

Chairman White called for the road item that was tabled at the last meeting when the public hearing was held. Mr. Weller moved approval of adding to the Apache County Road Maintenance System, Non-system Roads N3119, N3120 and N3114 and approval of a resolution and the estimated cost is \$115,173. Chairman White called for a second, hearing none, item died for lack of a second.

Mr. Wengert presented **Consent items A-E** and recommended approval. Mr. Shirley moved approval, seconded by Mr. Weller. County Manager/Clerk of the Board: A. Request approval of minutes dated January 7, 2014. **B.** Request approval of demands dated January 7, 2014 to January 21, 2014. Demands are payments made by the County. Specific details of the Demands may be requested through the County public record request process. PayeeAmount AMERICAN FAMILY LIFE ASSURANCE 1,194.12 APACHE COUNTY MEDICAL 148,209.00 APACHE COUNTY TAX WITHHOLDING 130,119.00 AZ STATE RETIREMENT SYSTEM 86,011.41 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,982.27 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,431.23 MUTUAL OF OMAHA 1,322.74 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,772.09 PUBLIC SAFETY SHERIFF RET 32,042.40 SECURITY BENEFIT GROUP 1,546.00 SUPPORT PAYMENT CLEARINGHOUSE 2,743.12 AMIGO CHEVROLET 1,006.70 ANDERSON, CHARLI A 1,043.95 ARIZONA STATE FORESTRY DIVISION 9,322.69 AVAYA COMMUNICATIONS 1,381.19 AZ DEPT OF REVENUE 2,181.25 AZLGEBT 291,862.00 BANK OF THE WEST – 4762 1,028.65 BARNES, PATRICIA M 3,935.00 BAUMAN HOME AND AUTO INC 5,200.12 BILLS DISCOUNT AUTO PARTS (NAPA) 3,110.33 BRADCO 41,255.60 BROWN, DEVIN R 2,100.00 COMMUNITY COUNSELING CENTERS INC 4,800.00 CREATIVE MULTIMEDIA INC (CMI) 24,127.50 CRISS CANDELARIA LAW OFFICE 2,212.08 DELL COMPUTER CORPORATION 1,780.98 DIAMOND DRUGS INC 3,292.90 EMERY K LA BARGE ATTORNEY AT LAW 2,953.50 EMILY L DANIES ATTORNEY AT LAW 1,017.50 FERRELLGAS 3,813.75 FLEET PRIDE 1,918.34 FRONTIER 1,003.02 FRONTIER 1,081.21 FRONTIER 1,453.88 GIS INFORMATION SYSTEMS INC 6,717.77 GOODYEAR AUTO SERVICE 1,712.95 GRAVES PROPANE CO INC 2,278.63 HAMBLIN, BRYCE MARK 1,659.50 INGRAM LIBRARY SERVICES 1,019.78 KATHLEEN M MCGUIRE PSY D LLC 2,302.50 LEXIS-NEXIS 1,228.34 LITTLE COLORADO BEHAVIORAL HEALTH CENTERS INC 1,752.24 LOWES #24 1,991.78 NAVOPACHE ELECTRIC COOPERATIVE 7,499.09 NORTHLAND INVESTIGATIONS

LLC 1,000.00 NORTHLAND PIONEER COLLEGE 300,000.00 PATTERSON, DANA BRYCE 8,500.00 QUILL CORP 1,888.47 RESERVE ACCOUNT 5,000.00 RUSH TRUCK CENTER 1,487.35 SECURUS TECHNOLOGIES INC 1,382.62 SIERRA PROPANE 1,300.71 ST JOHNS CITY 1,181.99 STALEY LAW FIRM PLLC 1,584.00 STAPLES CREDIT PLAN 1,588.99 THOMSON REUTERS WEST 2,658.28 UNIVERSAL FLEET CARD 1,239.88 VERITAS RESEARCH CONSULTING 1,035.00 WALKER, VERLYN DEAN 1,128.28 WILLIAMS LAW GROUP PLLC 8,500.00 YAVAPAI COUNTY GOVERNMENT 15,000.00 AZ COUNTIES WORKERS COMPENSATION PLAN 509,475.32 **Personnel Items:** **C. District II:** Request approval to transfer temporary employee, Ralph Chee into the vacant Equipment Mechanic III position with the salary of \$32,619.60 effective January 6, 2014. **D. District II:** Request approval to convert the currently vacant Facilities and Construction Worker II position to a Facilities and Construction Worker III and fill the vacancy. **E. Treasurer's Office:** Request approval to extend the temporary employment of Christy Rushing for a period not to exceed 120 days, effective January 13, 2014. Vote was unanimous.

Mr. Wengert presented the request on behalf of Apache County Industrial Development authority: Discussion and possible approval to re-elect Eric Broadbent for a 6 year term as a Director of the Apache County Industrial Development Authority for a term to expire March 5, 2020. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held regarding the use of the word re-elect versus re-appoint. County Attorney Whiting stated that either word is appropriate. Vote was unanimous.

Ben Dugdale, IT Director, requested approval of a contract with Lyle Lefevre for the transition period from legacy software to assist the Treasurer's Office, Assessor's Office and other Departments within Apache County. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Treasurer Marleita Begay requested approval to enter into a 5 year Agreement with Loomis Courier for safe handling of County funds, weekly cash orders for the Treasurer's Office and deposits to Wells Fargo Bank. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller asked if there was the ability to terminate if a bank moved back I to St. Johns and want to change. Ms. Begay responded yes. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval of a Safety Boot Program for County employees. Mr. Crosby stated that this item was tabled from the January 7th meeting and the changes were made based on comments from the last meeting and recommended approval. A discussion was held regarding the program. Mr. Weller asked if the funds for the boots would come from each department's budget, not specifically HURF funding. Mr. Whiting stated that each department would need to fund it if they choose to implement it. Mr. Weller stated that he has provided estimates on what the total costs are associate with the other departments so he has seen the numbers impacting each department. Mr. Weller moved to approve the safety boot program as presented with the addition of Item I. that states reimbursement payment shall be made through a deduction of funds from the employees final paycheck. Mr. Shirley seconded the motion. Vote was unanimous.

Brannan Eagar Chief Deputy Sheriff requested acceptance of Homeland Security Grant Program award #999100-01 and #130100-01 Multi-Jurisdictional Communications Upgrade in the following amounts, #999100-01 in the amount of \$59,800.00 and #130100-01 in the amount of \$46,600.00. Chief Eagar stated this award is for new radios for the three police departments and the sheriff's office to replace outdated portables and mobiles and has been reviewed by the County Attorney's Office. Mr. Shirley moved approval, seconded by Mr. Weller who also requested that the agenda form reflect that the appropriate departments have reviewed and signed off on so that it is evident in the Board's packets so the Board is aware that each department has reviewed and

approved it. Mr. Wengert stated that he has made that requirement to all departments and elected officials, that when they submit an item to the board it should go through the different departments so the item can be signed off on before it comes to the Clerk's office to put it on the agenda. Mr. Wengert stated that he is aware of the problem and has made that request to the departments to comply. Vote was unanimous.

Brannan Eagar Chief Deputy Sheriff requested acceptance of Governor's Office of Highway Safety Grant #2014-164-019, in the amount of \$47,000 for the purchase of one fully equipped D.U.I./Alcohol Enforcement patrol vehicle. Chief Eagar stated that the program will provide for the purchase of the vehicle and all related public safety equipment—lights, sirens, partitions, etc. and is 100% funded by the State with no cost to the County. Mr. Shirley moved approval, seconded by Mr. Weller. A discussion was held between Mr. Weller and Chief Eagar regarding the personnel that would be used for this DUI program. Vote was unanimous.

Brannan Eagar Chief Deputy Sheriff requested acceptance of Governor's Office of Highway Safety Grant #2014-PT-077, of \$47,000 with a change order that was received this morning of an additional \$3,500 for the purchase of one fully equipped Selective Traffic Enforcement Program (STEP) patrol vehicle. Chief Eagar stated that the STEP program will provide for the purchase of the vehicle and related public safety equipment—lights, sirens, partitions, etc. This is 100% funded by the State with no cost to the County. Chief Eagar stated that he reviewed the change order with County Attorney Whiting who stated that the grant was good to go. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. White provide notice of a Legislative Reception on January 22, 2014 at 5:30 p.m. at the County Supervisors Association (CSA) building, 1905 W. Washington Street in Phoenix and the County Supervisor Association meeting on January 23, 2014 at 10:00 a.m. 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. Shirley moved to adjourn, seconded by Mr. Weller. Vote was unanimous.

Approved this 4th day of February, 2014.

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