

BOARD OF SUPERVISORS MEETING
January 15, 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 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.

Mr. Weller gave the invocation.

Mr. White asked George Walsh to lead the Pledge of Allegiance.

Chairman White called for the Library District item.

Judith Pepple, Library Director requested authorization to enter into an agreement with Better World Books to participate in their library program which sells discarded library materials and gift materials which are out of scope for our collections. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous. Mr. Weller stating that there is no necessity for Ms. Pepple to do something like this and it could end up saving money in her operation.

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

Chairman White called for the Public Health Services District item.

Chris Sexton, Health Director, requested approval of the Service Agreement between Banner Health Corporation, d/b/a ENTECH and the Apache County Public Health Services District to provide maintenance and calibration of medical equipment used in Apache County Public Health Clinics. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

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

Chairman White called for the regular agenda items.

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.

Elaine Salmi addressed the Board and expressed her frustration with her property taxes she has been struggling with for the past two years through property valuation appeals and provided an overview of the appeal process. Mrs. Salmi asked the Board to consider placing her issue on a

future agenda so she could give specifics or whatever the Board deems appropriate in this situation so she can receive a fair appeal hearing.

George Walsh, a resident of Vernon, Arizona addressed the Board and stated that he wanted to once again bring to the attention the failure of the Board, the Clerk of the Board and the Planning and Zoning Department that the notices do not meet the statutory requirements and he has done research and he read from the Arizona Attorney General's Handbook, chapter 2. Mr. Walsh stated that the notices for the County have been invalid because they do not meet the statutory requirements. Mr. Walsh requested this item be placed on an agenda for discussion and for the supervisors to obtain a legal opinion in writing as to if the legal requirements of the notices are being met for every public hearing in this county. Mr. Wengert asked County Attorney Whiting if he could respond to the criticism from Mr. Walsh. Mr. Whiting stated that generally it refers to a personal criticism, not regarding a legal issue or policy.

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

Mr. Weller stated that 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 stated that the Board members have asked that this item be placed on the agenda in a manner that would help facilitate department heads and other elected public officials in informing the public of what activities are going on in their area. Mr. Weller stated that he wanted to report on activities from yesterday regarding the State of the State presentation by Governor Brewer. Mr. Weller stated that St. Johns was represented at the event by Mr. Delbert Lambson who offered the Pledge of Allegiance there. Mr. Weller stated Senator Kyl was honored and spoke and updated the Board on the key points and issues Senator Kyl addressed which were immigration and land issues. Mr. Weller stated that Cindy McCain was recognized by the Governor for her efforts against human trafficking. Mr. Weller updated the Board on Governor Brewer address and the main focus in the area of child protective services and the need for more personnel in that area to make sure the children are cared for. Mr. Weller stated that Governor Brewer also spoke on the same land use subject that was the topic of the American Lands Council meeting that was held January 5, 2013 in Sandy, Utah. Mr. Weller stated that he attended to learn more about Utah's HB148 which is a bill that requires the federal government to dispose of all federal lands back to the state of Utah by the end of 2014 and provided an update on that process. Mr. Weller stated that the property in the western part of the country are primarily federal lands and the people don't seem to know that their rights are being violated. Mr. Weller stated that the Enabling Act is exactly the same for the central parts of the country and Hawaii and if they stand up and ask the federal government, as Utah has done to dispose of those lands it should go through the courts as it has in the past and the lands will be turned back where we could manage the lands. Mr. Weller stated that this matters because it

affects our education, the tax base, our freedoms and liberties in this State and in our community. Mr. Weller stated that if you look at the Wallow Fire and the inadequate management of the lands by the federal government it matters to every part of our lives. Mr. Weller stated that he intends to be a part of any organization that looks into this for our State and to try and implement the legislation that was passed by the house and senate (but not signed by the Governor last year) which will be re-looked at last year. Mr. Weller stated that we are not a state legislature but we are the people of this State and we are a County and we are the ones who are, through our knowledge, can help our legislators at the State to do the right thing. Mr. Weller stated that everyone can go to the American

Lands Council website and learn more about this and take one side or the other but be involved. Mr. Weller stated that our county is

burning up and we need to start taking control of these issues and part of it starts by talking with state legislators.

Mr. Wengert presented the **Consent Items A-E** and recommended approval. Mr. Weller moved to approve, seconded by Mr. Shirley. **County Manager/Clerk of the Board: A** Request approval of minutes dated January 2, 2013. **B.** request approval of demands dated January 2, 2013 to January 15, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. AMAZON COM INC 2,940.35 BRADCO 49,559.84 COURTESY CHEVROLET 38,981.38 ELLIS MANUFACTURING COMPANY INC 3,510.00 EMTAP ENTERPRISES 2,804.08 FRONTIER ,501.26 INGRAM LIBRARY SERVICES 3,574.91 NAVAJO TRIBAL UTILITY AUTHORITY 1,734.92 O'REILLY AUTO PARTS 1,515.52 PATTERSON II, GL 1,006.50 RIGG LAW FIRM PLLC 1,394.80 THE LIBRARY STORE INC 1,100.25 THE WOOD LAW OFFICE (RONALD WOOD) 6,650.00 TIFCO INDUSTRIES 1,219.77 VERIZON WIRELESS 1,512.41 WEST PAYMENT CTR 1,513.23 Shirley, Joe Junior 1,897.08 Berry, Curtis 1,140.32 Weller, Barry G 1,728.83 Rogers, Kent 1,091.41 Stradling, Reed 1,260.91 Begay, Marleita 1,872.50 Madrid, Estevau N 1,015.69 Briscoe George, Valerie 1,036.78 Lesueur, Ashton 3,189.53 Gray, Becky 1,166.58 Watkins, Robert 1,021.47 King, Walter Scott 1,168.52 Jim, Jack W 1,012.92 Williams, Robert Barry 1,572.26 ADMINISTRATIVE ENTERPRISES INC 1,282.46 APACHE COUNTY MEDICAL 142,125.00 APACHE COUNTY TAX WITHHOLDING 113,513.79 AZ STATE RETIREMENT SYSTEM 78,289.58 COLONIAL LIFE AND ACCIDENT INS 1,252.37 CORRECTIONS OFFICER RET PLAN 7,978.70 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,019.44 MUTUAL OF OMAHA 1,072.30 NATIONWIDE 1,585.84 PUBLIC SAFETY PERSONNEL 401 4,274.14 PUBLIC SAFETY SHERIFF RET 23,963.90 SECURITY BENEFIT GROUP 1,796.00 SUPPORT AYMENT CLEARINGHOUSE 2,439.50 FORSTER, MARLENE 1,009.61 PUBLIC SAFETY PERSONNEL 401 6,962.36 AAA ARIZONA INC 2,580.00 ARIZONA YOUTH PARTNERSHIP 6,250.00 BANK OF THE WEST 1,834.44 BRAD PETERSON B & B FABRICATIONS 4,016.25 BRADCO 25,024.42 BROWN'S PARTMASTER INC 1,016.20 CANTEEN CORRECTIONAL SERVICE 17,334.62 CHEVRON USA INC 1,069.19 COMPLETE ELECTRICAL SERVICES & SUPPLIES 3,100.00 CS&S COMPUTER SYSTEMS 1,629.06 DELL COMPUTER CORPORATION 1,814.08 FERRELLGAS 1,119.66 GALL'S INC 2,872.95 GALLUP LUMBER & SUPPLY 1,570.45 GRAVES PROPANE CO INC 1,160.13 GREEN AND BAKER 2,579.15 HILLYARD INC 5,290.12 INLAND KENWORTH INC (FARMINGTON) 1,267.93 JOHN V SCIALLI MD 2,160.00 JUSTICE BENEFITS INC 1,074.26 LATHAM, MICHAEL 1,800.00 LAWSON RODUCTS INC 1,960.45 LITTLE COLORADO BEHAVIORAL HEALTH CENTERS INC 1,015.50 NIELSEN WELL DRILLING 7,448.92 OSBORN, JOSHUA DEON 1,627.55 OVERDRIVE INC 2,251.31 QUILL CORP 1,837.58 SECURUS TECHNOLOGIES INC 2,294.71 STAPLES CREDIT PLAN 1,032.77 THE AARONS COMPANY LLC 3,000.00 TJP COMMUNICATIONS 1,293.90 VERITAS RESEARCH CONSULTING 1,620.00 VERIZON WIRELESS 1,130.91 WEST PAYMENT CTR 2,713.34 WHITING, GARRET LEE 1,800.00 WHITING, MICHAEL B 2,003.59 YOUNGS FUTURE TIRE 1,959.91 AZ DEPT OF RISK MANAGEMENT 1,860.12 ADHS AZ HEALTH CARE COST 22,400.00 THE UNIVERSITY OF ARIZONA 6,250.00 Colwell, Michael 3,819.17 Thornhill, James 5,542.14 Martin, Fred 5,697.88 **Personnel Items: C. District I:** Request authorization to extend the temporary employment of Randy Bia until February 8, 2013. **D. Probation Services:** Request authorization to reduce the vacant full-time benefits eligible Secretary position to part-time (less than 19 hours per week non-benefits eligible). **E. Human Resources:** Notification of the increase of the Arizona State Minimum from \$7.65 to \$7.80 per hour effective January 1, 2013 and request approval to adjust Custodian Joseph Skelly and temporary Intern Brianna Hannah who are both currently at a wage lower than the new minimum to \$7.80 per hour. This adjustment will increase Joseph Skelly by .0328 cents per hour and Brianna Hannah by .15 cents per hour. Mr.

Weller and Ms. Bond, Assistant Clerk of the Board, held a discussion regarding the minutes and why there were reports reflected and notated in the minutes but not included in the Board's packet. Mr. Weller stated that he would approve the minutes but wanted to continue the discussion with Ms. Bond at a later time. George Walsh, a resident of Vernon, Arizona stated that in the minutes, contract attorney Joe Young is referred to as Deputy County Attorney and since he is a contract employee it should not be approved. Mr. Whiting stated that it can be put on a future agenda item if the Board feels it is necessary and then he would comment but Mr. Young is not here today and it is not listed on the agenda and he is an employee in regards to the county whether he is an independent contractor or not. Mr. Weller moved to modify the minute approval to reflect that Mr. Young's title is going to be discussed at a future Board meeting. Mr. White stated that the Board can discuss Mr. Young at a future meeting. Mr. Wengert stated that if Mr. Whiting would like to put on the agenda to clarify Mr. Walsh's comment that is up to him. Mr. Whiting responded that if somebody wants to place it on the agenda that is fine. Mr. White stated that as Chairman, we can discuss this at a later time. Vote was unanimous for approval of the Consent Items.

Karen Houston, Human Resources Director, requested appointment of a new Chairman for the Public Safety and Correction Officer Retirement Programs and the new appointee will replace retired Supervisor, Jim Claw. Mr. Weller stated that they don't have a candidate at this point and he wanted to discuss the candidate position and moved to consider Treasurer Marleita Begay as the new member of the Board. Mr. Shirley asked to hear from Mrs. Begay before he would second the motion. Mr. White seconded the motion. Mrs. Begay stated that she is here to assist the County and she would accept the appointment. Mr. Weller stated that he spent some time with Mrs. Begay and he is extremely impressed with her background and her mindset to do the right thing for the County and in speaking with Human Resources about this position Mrs. Begay's name came to mind because of her financial background and she has a conscience conservative minded attitude towards the use of public funds and he thought she would be a good recommendation for the position. Mr. Whiting stated that before the appointment of a named person is approved, it needs to be noticed on an agenda and then if there is anyone else the Board wants to consider that name can be added for consideration and approval. Mr. Weller modified his motion to have Mrs. Marleita Begay be placed on the next Board meeting for approval to the position of Chairman of Public Safety and Correction Officer Retirement Programs. Mr. White stated that since he seconded the motion he will go along with that and won't take any action at this time and set it for the next meeting. No action was taken.

Karen Houston, Human Resources Director, stated that she was requested by Mr. Weller to place the item on the agenda to ratify the job description and salary for the recently hired District I Manager, Patrick Sandoval. Mr. Weller moved to table the item until an executive session can be scheduled along with the item for discussion of issues associated with it. Mr. Weller stated that he intends to move forward with what was talked about in the previous Board meeting but there is multiple issues related to this that he would like to speak in executive session with Mr. Shirley and Mr. White about. Mr. White asked if Mr. Weller was making a motion to go into executive session at this time. Mr. Weller stated no, it is his understanding that the Board can't go into executive session without notice on the agenda but he would like to table this until next time and post in the agenda that the Board has the potential to go into executive session so that the Board can discuss this issue. Mr. White stated that the Board will discuss this issue at the next Board meeting in executive session. Chairman White tabled the item.

Ada Guinn, Probation Services, requested authorization to temper the following grant funded personnel's salaries by 2.5%. Probation Officer Brittney Rushing, Probation Officer Tom Ross, Detention Officer Luis Morales and Administrative Assist II Corina Gutierrez. Ms. Guinn stated that this action will prevent these individual's salaries from being surpassed by new employees who receive a 2.5% end of probation increase. Mr. Weller moved to deny the request, seconded by Mr. White. Mr. Weller stated that after great consideration he does not mean to disparage the employees

involved in this, the Human Resource Director Karen Houston or the department head involved but he cannot look at this in any other way other than to say that it seems we have a shallow policy in this respect and in discussing it with Ms. Guinn and Ms. Houston, he was informed that this happens periodically and it appears to be an operation within our salary determination that is out of the budgetary process and is being forced upon the Board in order to make it fair to the employees who been surpassed. Mr. Weller stated that he looks at that for department manager and supervisors to do their best not to allow this to happen within their department or to explain it to the employee when it happens. Mr. Weller stated that he believes that when the employees were hired at this salary they understood the ramifications of that decision and that they would receive their end of probation increase and they would not get increases due to the fact that somebody else was hired into the department. Mr. Weller stated that it is a shallow place in our policies. Mr. Weller stated that life is not fair and he has to look at the fairness to the taxpayer and the taxpayer is expecting us to do due diligence to manage our departments and to make sure we are not putting the taxpayer at risk for further funding requirement in a manner such as this. Mr. Weller stated that the other supervisors may agree or disagree but to him it is not a good practice that we should have in the county. Ms. Guinn stated that all that is being asked for is that the employees be brought to the same post probationary wage that other employees are. Mr. Weller stated that he appreciates that but it is a principle issue and a policy issue that he is concerned about so he cannot support it. Mr. White stated that he wanted to hear from Ms. Houston regarding the item. Ms. Houston stated that with the salary structure and the ranges it is not a policy issue, it is the salary structure and every so often we do have new employees that end up surpassing employees that came from other departments who had already received their end of probation increase. Ms. Houston stated that rarely happens and this is the way the Board has chosen in the past to rectify the situation. Ms. Houston stated that they can certainly look at other options but at the time this was the Board's best choice based on H.R. and the salary study's recommendation. Mr. Weller stated that he appreciates that it is not a policy issue but at this point all department heads need to consider this when they are making decisions to bring people into their employment, that if we did not push back on it, it would just continue to go on and he believe the taxpayers, and he as a taxpayer believes this is not as well managed as it could be in the county and so he is asking to look at that and to see if there is a better way to go about maneuvering this and may or may not become policy but it is an issue and will get all of the department heads and elected officials thinking about if an increase is justified just because of a transfer. Mr. Wengert stated that he agrees with Mr. Weller in that when employees are transferred from one department to another that the supervisor needs to make sure that when they bring them in at a certain salary, it needed to be explained and the problem could have been fixed at that point. Mr. Wengert stated that going forward when this comes up again in different departments, that supervisor should look at that with this issue in mind. Motion passed to deny the request 2 -0 with Mr. Shirley abstaining.

Mr. Wengert presented notification of the County Supervisors Association New Supervisor Orientation on January 23, 2013 from 8:30 a.m. to 3:30 p.m. followed by the Fifth Annual County Supervisors Legislative Reception at 5:30 p.m., the County Supervisors Association (CSA) meeting on January 24, 2013 at 10:00 a.m. All meetings and events will be held at the CSA building, 1905 W. Washington Street, in Phoenix. No action was needed or taken.

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

Approved this 5th day of February, 2013.

s/s Barry Weller s/s Delwin Wengert

Vice Chairman of the Board Clerk of the Board