

**Joe Shirley, Jr.**  
**Member**  
**District I**

**Tom M. White, Jr.**  
**Chairman**  
**District II**

**Barry Weller**  
**Vice Chairman**  
**District III**

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**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
January 2, 2013  
St. Johns, Arizona**

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

Vice Chairman White called to order the Apache County Board of Supervisors meeting and the Public Health Services 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.

Invocation was given by Father Tim Conlan.

Chairman White asked Ferrin Crosby to lead the Pledge of Allegiance.

Chairman White opened the floor for the call to the public. George Walsh, a resident of Vernon, Arizona walked to the podium and said thank you and walked away.

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

Mr. Wengert presented the item of the selection of Chairman and Vice Chairman for 2013. Mr. Weller moved to nominate Mr. White as Chairman. Mr. White seconded the motion. Vote was unanimous. Mr. White nominated Mr. Weller as Vice Chairman, seconded by Mr. Weller. Vote was unanimous. Mr. White stated that the Board will not always agree but the people voted and that is democracy and he will do what he can to support the people in Apache County.

Mr. Wengert requested appointment of a County Supervisor to serve on the County Supervisors Association (CSA) Legislative Policy Committee for 2013. Mr. White stated that he is the only Member of the Board that was re-elected and he had initially volunteered for it but in talking with Mr. Weller, he had asked that he be considered for that position so he told the people at the County Supervisors Association that he was going to withdraw his name and that Mr. Weller would be the representative. Mr. White asked County Attorney Whiting if a vote was needed. Mr. Whiting responded that by agreement, that would be fine as long as all of the Board members agreed. Mr. White asked if there was any other board member who wanted to serve on the committee other than Mr. Weller. Mr. Shirley shook his head no. No formal action was taken. Mr. Weller thanked Mr. Shirley for agreeing to his appointment and that he takes this responsibility very seriously; that the legislative issues at the State Capital often affect us greatly and he will report back to the Board regularly and seek their input and advice before he votes.

Mr. Wengert requested recommendation approval of Liquor License Application P1068333 for Lisa Malcolm. Mr. Wengert stated that this is for a new restaurant in Alpine called Foxfire at Alpine located at 42661 Highway 180 in Alpine, Arizona. Mr. Wengert stated that Lisa Malcolm are present

if the Board had any questions. Mr. Wengert stated that no protests were received from the public on this license. Mr. Weller made the motion to approve. Mr. Shirley seconded the motion. Mr. Weller and Mrs. Malcolm held a discussion regarding some forms that were not part of the material. Mr. Weller asked Mrs. Malcolm, to stay after the Board meeting to discuss the application. Vote was unanimous.

Mr. Wengert presented the **Consent Items A-C** and requested **Item C**. be taken from the Consent Agenda for discussion. Mr. Weller requested that **Item B** also be taken from the Consent Agenda for discussion.

Chairman White stated that each item will be discussed separately.

Mr. Wengert requested approval of the minutes dated December 18, 2012. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented the item for approval of demands. Mr. Wengert stated that the demands are payments made by the County and for the past three years the list of demands had been sent out on a weekly basis to the Board members that need to be paid to vendors and if no feedback or comments are received back, the demands are paid and then formalized by the Board at meetings twice a month. Mr. Wengert stated that this process reduces late fees and also provides flexibility to get a check such as for senior centers that are in need, otherwise it could take up to three weeks to get a check. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that he was surprised at the process of the demands and he wanted to at least state to the other board members that he has been working with the finance department with some of his questions and Mr. Patterson and his staff have been very open to his questions and concerns and he is open to modifying this process to give it a little more up-front consideration. Mr. Weller stated that in the list of demands he was presented there were twelve questions and provided that list to the other supervisors and Mr. Wengert but was ready to approve the demands as is today. Mr. Wengert stated that one modification is that in the past the list has been sent out on a Thursday, but will be sent out on a Wednesday to give more time for review before they are processed. Mr. White stated that sometimes there is a need for a check to be written and asked if that will change. Mr. Wengert responded that until the Board changed the process it will continue as it is now. Mr. Weller stated that in regard to the ability to respond quickly with a check, he has no objection; that he does not want to slow down the process of how the county operates. Vote was unanimous.

ARCADIS US INC 22,471.91  
ASHTON'S REPAIR INC 1,282.11  
AZ SUPREME COURT 4,690.00  
AZLGEBT 16,058.47  
BARNES, PARTICIA M 2,060.00  
CDW GOVERNMENT LLC 1,572.04  
CONTINUOUS RAINGUTTER SYSTEMS 1,878.89  
COURTESY CHEVROLET 115,603.04  
DELL COMPUTER CORPORATION 3,906.37  
DEMERS GLASS INC 2,735.83  
DIAMOND C FEEDS 3,141.75  
DIAMOND DRUGS INC 1,741.53  
EMPIRE MACHINERY 1,054.64  
GOLIGHTLY TIRE 3,560.83  
HATCH CONSTRUCTION 1,895.07  
HILLYARD INC 1,391.97  
INGRAM LIBRARY SERVICES 1,589.21  
JUDICIAL DIALOG SYSTEMS 8,775.96  
KATHLEEN M MCGUIRE PSY D LLC 2,017.50  
NAVAJO TRIBAL UTILITY AUTHORITY 1,897.60  
NAVOPACHE ELECTRIC COOPERATIVE 18,856.51  
OFFICE DEPOT 2,209.86  
QUILL CORP 1,080.42  
RDO EQUIPMENT CO 17,071.50  
REED (REED LOGGING), GEORGE E 7,250.00  
ROGERS, STEPHEN K 1,198.00  
SCHNEIDER, TABECCA JANE 1,035.00  
ST JOHNS EMERGENCY SERVICES 2,113.18  
STATE BAR OF ARIZONA 3,530.00  
TJP COMMUNICATIONS 3,507.38  
VALLEY AUTO PARTS 2,019.79  
VERITAS RESEARCH CONSULTING 1,113.52  
WHITE MOUNTAIN REGIONAL MEDICAL CENTER 2,080.13  
WILLIAMS LAW GROUP PLLC 6,650.00  
WOODLAND BUILDING CENTER 1,073.33  
YOUNG, JOSEPH 6,840.00  
YOUNGS FUTURE TIRE 4,925.90  
ASSURED IMAGING WOMEN WELLNESS OF SOUTHERN AZ 1,099.20  
AVAYA COMMUNICATIONS 1,381.19  
AZ BOILER COMPANY INC 1,398.70  
BRADCO 10,687.68  
BURNHAM MORTUARY 1,162.45  
FRONTIER 5,506.97  
GEXPRO 1,748.60  
INLAND KENWORTH INC (PHX) 112,299.47  
LSH LIGHTS 4,119.01  
MOUNTAIN

COMFORT HEATING AND COOLING 1,074.79 NAVOPACHE ELECTRIC COOPERATIVE  
1,702.68 NORCHEM DRUG TESTING LABORATORY 2,020.54 NORTH COUNTRY INC  
224,798.44 PIMA COUNTY MEDICAL 4,400.00 PITNEY BOWES 3,841.87 QUILL CORP 1,503.24  
SIMPLEXGRINNELL LP 2,442.74 TASER INTERNATIONAL INC 6,348.62 VERIZON WIRELESS  
1,983.60 WATCH SYSTEMS LLC 7,500.00 WEST PAYMENT CTR 1,346.30 YOUNGS FUTURE  
TIRE 3,026.21 Vote was unanimous.

Mr. Wengert, on behalf of District I Roads, requested authorization to hire Patrick Sandoval as the District I Manager at a salary of \$77,727, range 57. Mr. Wengert stated that Mr. Sandoval has worked for the County before and has been the Chief of Staff for the Navajo Nation so he has a lot of ability and experience. Mr. Shirley moved to approve and also go into executive session to discuss the issue. Mr. Weller seconded the motion to go into executive session if appropriate. Deputy County Attorney Joe Young stated that the Board could not go into executive session since going into executive session is required to be noticed on the agenda and it is not so the item can either be tabled for another meeting or discussed in open session. Mr. Shirley then modified his motion to approve the item of hiring Mr. Sandoval at the stated amount. Mr. Weller stated that he was seconding the motion with significant reservation and he has concerns and some questions that he wanted to discuss before any approval. Mr. White called for comments. Mr. Weller stated that he believes that Mr. Shirley wants the best for the County and after reviewing some of Mr. Sandoval's qualities and capabilities, he understands that he could be potentially beneficial to District I and the County but he has two issues that significantly bother him about the request; the person would be paid from HURF funds and the salary range and job description is very much targeted at the HURF operation from an engineering standpoint. Mr. Weller stated that Mr. Sandoval does not target the educational background specific to the position and he may very well have an engineering or civil degree but he is concerned, due to the fact that the funds are being reduced and we need to be cautious that those monies are being utilized to serve the people of the County. Mr. Weller stated that another concern he has is that we would hire any individual at the top of a salary range and that precedent is a concern to him and he cannot easily accept that. Mr. Weller stated that every funding and revenue source we have is shrinking and he does not see any sign of that turning around and he is someone that believes we need to stick with the policies and procedures of Human Resources as much as possible so that we don't send a signal to other departments that we don't respect these policies and procedures. Mr. Weller stated that the fact that this salary range was chosen and this person is to be hired at the top of the range concerns him greatly. Mr. White asked Human Resource Director, Karen Houston what the ranges are for the position. Ms. Houston stated the beginning of the range is \$51,818, midpoint is \$64,772 and the maximum of the range is \$77,727. Mr. White asked if there was any recommendation from Ms. Houston or the County Manager. Mr. Wengert responded that he had nothing to add except Mr. Sandoval is a very qualified individual and has served in this same capacity years ago, but the decision is up to the Board what the salary is to be. Mr. Shirley stated that he wanted to pay Mr. Sandoval out of HURF but District I has the funding to pay him out of the general fund if necessary. Mr. Shirley addressed Mr. Weller and stated that in regard to paying the top salary, he does not believe he is going outside policy, that it is within the established County policy to do that; he isn't sure if it has been done before with any other position prior, but policy states that a person can be brought in at the entry, midpoint or high end depending on qualifications and having researched this he recommended the top end because of the caliber of employee Mr. Sandoval is. Mr. Shirley stated that likewise, if Mr. Weller wanted to hire his staff he would not have any problem and requested support on his item and if not at the top end, at least at midpoint of the range. Mr. Shirley stated that Mr. Sandoval has the knowledge to help obtain more funding since he knows state government, he knows the Navajo Nation inside out and he knows how to obtain federal money. Mr. Shirley stated that he knows where the economy is statewide and nationally and he knows where Apache County is within that and he has plans to go after the funding and Mr. Sandoval can help us to do that. Mr. Weller responded that he would approve of the relocation of the funding source outside of the HURF funds and he appreciated the gesture to move

his salary to midlevel which reduces the impact to precedent. Mr. Weller stated that he may have used the policy wording incorrectly but the precedent this would set is a bit dangerous. Mr. Weller stated that he trusts that Mr. Sandoval may have the talent to bring in new funding and if he comes in at midrange and proves to bring in funding he would very much support an increase in merit raise. Ms. Houston, Human Resources Director, stated that as a recommendation, the job description should be revised to accurately reflect the duties of the position so if the focus is not heavily on the engineering part, it should be changed to reflect the new focus so that we are sure whatever we are asking the employee to do is in writing. Mr. Wengert stated that years ago the Navajo Nation provided the Roads departments with half a million dollars and that revenue has gone away so if Mr. Sandoval can help us to reinstitute that money for the road program on the Navajo Nation that would be great. Mr. White stated that starting someone at \$77,000 is a little too high and the previous Board expressed concern because of the financial difficulties the County was going through and he has individuals that have been securing grants and he does not pay them that much and he has concerns with hiring someone at that level but he would support the midpoint range of 64,772. Mr. Weller stated that there were members of the public wanting to comment. Mr. White asked County Attorney Whiting if public comment was allowed on this issue. Mr. Whiting responded that it is at the pleasure of the Chairman if he wants the public to comment. Chairman White opened the floor for public comment. George Walsh, a resident of Vernon, Arizona stated that it is his understanding that Human Resources suggested the job description be changed so technically the Board is not approving the job description that was on the agenda so until that has been changed he does not believe the Board can approve hiring the person. Mr. White responded that the final say is up to the board and it can be put into the motion that the job description would be revised. Mr. Weller asked Mr. Wengert if it was a doable situation to shift the funding from HURF to the general fund. Mr. Wengert responded that yes, each district has a general fund budget and there is room in the District I budget for that funding shift. Mr. Weller revised his motion to approve the hiring of Mr. Sandoval at the midpoint of salary range with the caveat that the language of the job description be changed and approved by the Board at the next Board meeting and also with the funding to come from the general fund. Karen Houston, Human Resources Director stated that it is not a normal process to approve job descriptions at the Board level; that change comes from the elected official working with Human Resources and job descriptions are changed frequently so if we start down that route it will be cumbersome and she does not know if the Board really wants to do that. Mr. White asked Mr. Shirley if he would work with Ms. Houston on revising the job description. Mr. Shirley stated yes. Mr. White stated that Mr. Weller made the motion to approve the position with the change from HURF to general fund at midrange, seconded by Mr. Shirley. Vote was unanimous.

Angela Romero, Election Director, requested approval of the Facility Use Agreements to be used in the 2013 Election Year Cycle. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Angela Romero, Election Director, requested appointment of all tally board workers, replacement centers and drop boxes for the upcoming March 12, 2013 Special Election. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that the elections department is an outstanding group of individuals and they are extremely cooperative with any questions that he has ever had. Mr. Weller had some questions with the item and he called Mrs. Romero and she responded and answered very promptly so he just wanted to recognize her and her department as very forthright and one that needs to be recognized by the County. Mr. White concurred with Mr. Weller's comments and thanked Mrs. Romero. Vote was unanimous.

Barry Williams, School Superintendent stated that at the request of Mr. Weller, who has some additional questions he is requesting that the item for authorization to accept Race to the Top grant

monies from the Governor's Office in the amount of \$26,087.50 be withdrawn from the agenda. Chairman White removed the item.

Mr. White presented notification of the Opening Day of the Fifty First Legislature, First Regular Session and the State of the State Address by Governor Jan Brewer. The ceremonies will be held on Monday, January 14, 2013 at 12:00 p.m. State Capital, 1700 West Washington Street, in Phoenix, Arizona. No action was needed or taken.

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

Chairman White called to order the Apache County Public Health Services District meeting.

Chris Sexton, Health Director, requested approval to enter into Agreement #AGR2013-083 with the Arizona Department of Health Services and the Maricopa County Health Care for the Homeless for Deputizing and Oversight of Apache County Public Health Care District to provide vaccines for children (VFC) Purchased Vaccine to Entitled Underinsured Children. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked what the deputizing language was for. Mr. Sexton explained that in regard to vaccine for children, the federal government purchases and distributes to the State who distributes to counties and federally qualified health centers so there is no cost to use for the vaccine but under their rules, the State in conjunction with the CDC and Maricopa County are the agents through whom the deputizing will be done so for the health department to receive vaccine for children at no cost, we have to be deputized by a federally qualified health center. A discussion was held regarding the vaccination process and the waivers that allow parents to opt out of receiving vaccinations if the parents so choose. Vote was unanimous.

Mr. Shirley moved to adjourn, seconded by Mr. Weller. Vote was unanimous.  
The following reports were received:

**Clerk of the Court**

September, 2012      \$25,938.38

October, 2012      \$29,848.10

November, 2012      \$19,698.19

**Recorder**

August, 2012      \$8268.50

September, 2012      \$6000.75

October, 2012      \$7361.00

November, 2012      \$4481.80

**St. Johns Justice of the Peace**

September, 2012      \$6793.05

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October, 2012      \$8831.44

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November, 2012      \$6793.05

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Approved this 15th day of January, 2013.  
/s/Tom M. White, Jr. Delwin Wengert  
Chairman of the Board Clerk of the Board

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