

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
January 3, 2017  
St. Johns, Arizona**

Present were: Chairman Joe Shirley Jr., Supervisor Alton Joe Shepherd and Supervisor Doyel Shamley. Also in attendance was County Manager/Clerk of the Board Delwin Wengert and County Attorney Michael Whiting.

Chairman Shirley called to order the Board of Supervisors meeting at 8:33 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.

Barry Williams led the Pledge of Allegiance.

Chairman Shirley called for the Public Health Services District item.

Chris Sexton, Health Director, requested approval of Intergovernmental Agreement #ADHS14-071557, Sexual Transmitted Disease Program, Amendment #2, which requires the Apache County Public Health Services District to submit Semi-Annual Activity Reports to the Arizona Department of Health Services. Mr. Shamley moved approval, seconded by Mr. Shepherd. Vote was unanimous.

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

Chairman Shirley called for the Library District meeting.

SueAn Collins-Stradling requested approval to enter into a one-year contract in the amount of six thousand, nine hundred seven dollars and 50 cents (\$6,907.50) with BiblioLabs, LLC to provide their digital content delivery system and the funds will come from State Grant-In-Aid. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

Mr. Shamley moved to adjourn the Library District meeting, seconded by Mr. Shepherd. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Mr. Wengert presented the item for possible selection of the Chairman and Vice Chairman of the Board of Supervisors for 2017. Mr. Shepherd nominated Dr. Joe Shirley Jr., as Chairman and Doyel Shamley, as Vice Chairman. Mr. Shamley seconded the motion. Motion carried. Chairman Shirley thanked the Board members for their vote of confidence and stated he will do his best on behalf of the County and the people.

Mr. Wengert presented the **Consent items A,B, & C.** and recommended approval. Mr. Shepherd moved approval, seconded Mr. Shamley. **County Manager/Clerk of the Board: A.** Request approval of demands as distributed to the Apache County Board of Supervisors between December

6, 2016 and January 3, 2017. Payee Amount ADHS AZ HEALTH CARE COST 22,400.00 ALLREDS WESTERN WEAR 1,437.85 ASHTONS REPAIR INC 1,537.33 ATLANTA MARRIOTT MARQUIS 1,911.36 AVAYA COMMUNICATIONS 1,603.62 BILTMORE PSYCHIATRIC GROUP 6,600.00 BRADCO 12,961.60 CMS COMMUNICATIONS INC 1,063.64 CORONADO LAW FIRM PLLC 2,708.50 COUNTY SUPERVISORS ASSOCIATION OF ARIZONA 7,438.00 CRESCENT ELECTRIC SUPPLY CO 3,739.97 ERNIES FIRE EXTINGUISHER 7,598.00 FRONTIER 4,412.18 GMCO CORPORATION 10,388.43 HIGH COUNTRY PROPANE 1,122.09 INGRAM LIBRARY SERVICES 4,226.81 JAMES D SEWARD PHD 12,440.00 MCCOOK BOILER AND PUMP COMPANY 7,726.01 MERCK SHARP & DOHME CORP 1,822.12 NAVAJO COUNTY 7,500.00 NAVOPACHE ELECTRIC COOPERATIVE 9,668.29 O'REILLY AUTO PARTS 1,645.59 OFFICE DEPOT 1,054.27 PAGE STEEL 1,466.15 PATTERSON, DANA BRYCE 8,500.00 PFIZER INC 1,595.75 QUILL CORP 3,985.54 REDW LLC 5,588.25 SECURUS TECHNOLOGIES INC 1,118.59 SHI INTERNATIONAL CORP 2,229.71 SOUTHERN COUNTIES OIL COMPANY 15,377.05 ST JOHNS CITY 1,230.38 THOMSON REUTERS WEST 1,727.76 TSO, EVELYN 1,290.00 VALLEY AUTO PARTS 2,773.51 VERITAS RESEARCH CONSULTING 1,840.00 VERIZON WIRELESS 1,456.36 WOODLAND BUILDING CENTER 1,334.32 YAZZIE, ERIC N 13,422.76 YOUNGS FUTURE TIRE 2,023.34 BOWMAN, GLORIA 1,254.84 BRADCO 15,584.98 COURTESY CHEVROLET 25,304.10 ELECTIONS SYSTEMS AND SOFTWARE 12,968.97 EVERBRIDGE INC 23,648.28 FRONTIER 1,616.66 NAVAJO TRIBAL UTILITY AUTHORITY 2,090.31 NAVOPACHE ELECTRIC COOPERATIVE 15,005.00 NICHOLSON, JULIE ANN 2,257.50 QUILL CORP 3,608.22 SECURUS TECHNOLOGIES INC 1,420.32 SWEETLANDS COMPLETE AUTO 3,194.30 TYCO INTEGRATED SECURITY LLC 9,291.00 Jones, Dennise 1,436.31 Shirley, Joe Junior 2,092.44 Rogers, Kent 1,219.14 Stradling, Reed 1,464.00 King, Walter Scott 1,280.55 Begay, Timothy 1,033.39 Burbank, Lorenzo 1,166.50 Bia, Johnnie Senior 1,036.46 APACHE COUNTY TAX WITHHOLDING 137,613.73 ASRS LEGACY EORP 1,010.45 AZ STATE RETIREMENT SYSTEM 88,952.95 CORRECTIONS OFFICER RET PLAN 6,013.82 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,658.58 PUBLIC SAFETY PERSONNEL 401 11,253.19 PUBLIC SAFETY SHERIFF RET 41,402.58 A & E REPROGRAPHICS 1,080.00 ALAN DANA LEWIS PLLC 2,000.00 AMAZON COM INC 2,769.52 ASHTONS REPAIR INC 1,216.46 DOYLES AUTO BODY INC 1,917.24 HATCH CONSTRUCTION 4,703.65 NAVAJO TRIBAL UTILITY AUTHORITY 1,912.13 OVERDRIVE INC 1,056.97 PIMENTEL CONTRACT CLEANING 4,990.00 QUILL CORP 1,528.86 STATE BAR OF ARIZONA 1,050.00 THOMSON REUTERS WEST 1,300.45 VERITAS RESEARCH CONSULTING 1,520.00 YOUNGS FUTURE TIRE 1,016.35 APACHE COUNTY SHERIFF'S POSSE 1,500.00 Demands are payments made or to be made, by the County. Specific details of the demands may be requested through the County public record request process. **B.** Request approval of minutes dated December 20, 2016. **Engineering Department:** **C.** Request approval to solicit bids to perform blasting services at the Apache County Limestone Quarry. Vote was unanimous. Mr. Wengert requested approval to extend the Independent Contractor Agreement for Judy Bender, to continue her work for the Assessor's Office, through June 30, 2017. Mr. Shamley moved approval, seconded by Mr. Shepherd. Vote was unanimous.

Mr. Wengert requested approval to transfer the remainder of the 2016-2017 St. Johns Constable budget, to Round Valley Constable, Roger Curtis. Mr. Wengert stated Breanna Lee, the elected St. Johns Constable resigned on October 29, 2016 and Constable Curtis has been doing her duties. Mr. Wengert stated this would be until the next election in two years and the remaining budget is \$6,539.42 in salary and \$2,500 for expenses. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

Mr. Wengert requested approval of a resolution regarding County Supervisors Association 2017 Legislative Priorities. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

**RESOLUTION NO. 2017-01**  
**A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY**  
**REGARDING 2017 LEGISLATIVE PRIORITIES**

**WHEREAS**, actions by State Government during the “Great Recession” impacted Apache County by more than \$6.3 million since 2009, and

**WHEREAS**, these actions have resulted in over \$3.7 million in diverted road maintenance funds, \$1.7 million in lost revenue, and \$859,114 in program shifts including increasing the county share of Justices of the Peace salaries, and requiring counties to fund various state agencies, and

**WHEREAS**, these cost shifts caused significant financial distress for Apache County, which is already reeling from the negative financial impacts of the recession and slow recovery, and

**WHEREAS**, Apache County also faces significant risk from the uncertain funding status of federal programs, including the Payment in Lieu of Taxes and Secure Rural Schools programs, and

**WHEREAS**, the shifting of state agency costs to counties is both an inappropriate use of county taxpayer dollars and an ineffective governance model, forcing county taxpayers to subsidize state run agencies with no county managerial oversight, and

**WHEREAS**, Apache County has neither the financial capacity to pay for additional state costs, nor the statutory ability to control the cost of state administered programs the county is required to fund, and

**WHEREAS**, recognizing that while the state fiscal situation may not allow for relieving all the county financial impacts enacted in the recent years, it is critical to Apache County that the state works to eliminate key cost shifts and revenue reductions in the FY 2018 budget, with the goal of reestablishing a sustainable financial model for the county.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Apache County that the Arizona State Legislature is hereby implored to:

- Eliminate county payments to the Arizona Department of Juvenile Corrections;
- Restore local government Highway User Revenue Funds;
- Continue to include authority for counties to access restricted funds through flexibility language to allow counties to most efficiently manage taxpayer funds.
- Restore, in statute, the county share of lottery funds to provide a stable source of revenue for county operations;

Thereby providing Arizona counties with the financial stability necessary to continue providing mandated state services to local residents.

APPROVED AND ADOPTED this 3rd day of January, 2017.

ATTEST:

/s/ Joe Shirley, Jr.  
Chairman of the Board

/s/ Delwin Wengert  
Clerk of the Board

Mr. Wengert requested approval of Apache County Legislative Issues for the 2017 Regular Session of the Arizona Legislature. Mr. Wengert stated there are three issues: Prescribed burns on private land, the second issue is capital formation manufacturing establishment and job creation and the third is the three time DUI incarceration within county facilities. Mr. Wengert and Mr. Shamley provided an overview of each of the issues.

Prescribed burns on private land: Prescribed burns have proven to be an effective tool for fire fuels management, habitat improvement and watershed protection. Existing liability requirements in Arizona, in addition to insurance mechanisms and liability provisions need to be addressed to adopt the most effective strategy to implement prescribed burns on private land. It is recommended that the Apache County Board of Supervisors determine whether to support legislation in the 2017

session to pursue the statutory changes necessary to allow prescribed burns to occur on private lands.

Capital Formation, Manufacturing Establishment and Jobs Creation: One of the primary outcomes to getting new plants into Apache County (including on tribal lands); to create jobs in all areas; and, supply the woody-biomass needs of the power plants is to make State Trust Lands finalize the methodology for company's/people/contractors to extract woody-biomass from State School Trust Lands in an equitable fashion within Constitutional guidelines of the fiduciary responsibilities of their agency in order to benefit our public schools. This could be done in a very simple fashion, with a one dollar per ton fee utilizing portable scales or by utilizing through an MOU the scales at the various Blue Hills and the Sanders Sand Plant operations. This would benefit seed-stores and native forage for livestock (cattle and sheep), increase watershed recharge rates and subsurface absorption rates, mitigate flooding issues, reduce wildfire and insect infestations, increase native ungulate populations (deer, elk, antelope, etc.) and make Apache County a model for these new industries that want to build in the I-40 corridor, south of the corridor, and north of the corridor in the Navajo Forest. It is recommended that the Apache County Board of Supervisors authorize the County staff to work with the Director of the Arizona Land Department, Lisa Atkins, along with the Arizona Game and Fish Commission, the Arizona Department of Agriculture, the Arizona Department of Water Resources and the Arizona State Forester Director on this initiative.

Three-time DUI incarceration in County facilities: An idea emerged during the 2016 session of the Arizona Legislature to fill the chronically unfilled beds in the Apache County jail. That concept is that people convicted of aggravated driving under the influence should be placed by the Department of Corrections in a County Jail that is equipped for medium security inmates and that in the county in which or next to the county in which the individual lives or was convicted. Further, the proposal said that the Department of Corrections would contract with the County to cover at least the per diem for the inmate. The change could be accomplished by amending: ARS 28-1383 Aggravated driving or actual physical control while under the influence; violation; classification; modifying ARS 28-1443 Minimum security facility; and, perhaps making clarifications in ARS 31-234 Agreements with cities and counties; costs; transfer; participation in programs; custody of director. Senator Steve Smith and Representative T. J. Shope have opened folders towards introduction of this legislation. It is recommended that the Apache County Board of Supervisors determine whether to support legislation in the 2017 session to allow the Department of Corrections to incarcerate those convicted of three-time aggravated DUI in County facilities with appropriate reimbursement. Mr. Shepherd moved approval of the three legislative issues, seconded by Mr. Shamley. Vote was unanimous.

Mr. Wengert presented the item for the selection of the County Supervisors Association 2017 Legislative Policy Committee Representative. Mr. Shamley moved to select Chairman Joe Shirley, Jr., LPC Representative, seconded by Mr. Shepherd. Vote was unanimous.

Recorder Edison Wauneka requested approval to authorize the conversion of a currently vacant Administrative Assistant III (range 30) to an Executive Assistant (range 33) and fill the position. Funding for the position will come from the Surcharge Fund. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

Recorder Edison Wauneka requested approval to extend the temporary employment of Jason Romero and Sonia Griego, for an additional 60 days each. Mr. Wauneka stated Jason Romero will be a 20 hour per week temporary, and Sonia Griego will be 40 hour per week temporary employee. Mr. Wengert stated the total cost for Mr. Romero is \$1,600 and for Ms. Griego, the total cost will be \$3,360. Mr. Shepherd moved approval, seconded by Mr. Shamley. Mr. Shamley asked where the

funding will come from Mr. Wengert stated the funds would come from the Recorder's General Fund Budget. Vote was unanimous.

County Attorney Whiting requested the item to continue the Professional Services Contracts with the law firms of: Jennings, Haug & Cunningham; Jones Skelton & Hochuli; and Green & Baker be tabled due to the backup material not being submitted with the agenda item. Mr. Shepherd moved to table the item, seconded by Mr. Shamley. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar, on behalf of the Sheriff's Office, requested approval to enter into a Master Services Agreement with BOLDplanning Inc., to update the Apache County Emergency Operations Plan in the amount of forty-two thousand dollars (\$42,000.00). Funding will be from the Emergency Management Performance Grant (EMPG). Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shamley asked if the renewal fee would be taken from the grant every year. Chief Eagar stated yes and the funding will cover the cost to keep the Emergency Operations Plan continually updated as needed. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar, on behalf of the Sheriff's Office, requested approval to enter into a Consulting Services Agreement with AECOM Technical Services, Inc., to update the Apache County Hazardous Mitigation Plan for a total cost of thirty thousand dollars (\$30,000), but the funding will not be from the Emergency Management Performance Grant (EMPG) as notated on the agenda item, it will be from Grant #PDNCPL09AZ2015010, which was previously approved by the Board on March 15, 2016. Mr. Shamley moved approval with the funding change, seconded by Mr. Shepherd. Vote was unanimous.

Angela Romero, Election Director, requested the item based on the recommendation of the Republican Party County Chairman, Thomas Samoff, determined a vacancy exists in the office of precinct committeeman and appoint Barry Weller, for the Concho Precinct. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

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

Mr. Shepherd moved to adjourn the meeting, seconded by Mr. Shamley. Vote was unanimous.

Approved this 17th day of January, 2017.

/s/ Joe Shirley, Jr.  
Chairman of the Board

/s/ Delwin Wengert  
Clerk of the Board