

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

January 7, 2014
St. Johns, Arizona

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

Chairman White called to order the Board of Supervisors meeting, the Public Health District, the Library District meeting and Jail District at 8:41 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Chief Deputy Sheriff Brannon Eagar gave the invocation.

Chuck Moter led the Pledge of Allegiance.

Chairman White called for the Health District items.

Keli Sine, Assistant Health Director, requested approval to renew the contracts with Jennifer Foote, RN, Marilyn Slaughter, RN, and Rebecca Rivera, RN to provide clinical services as subcontractors. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Keli Sine, Health Director, requested approval to move April Blair, Program Coordinator I, from a work schedule of 80 hours a pay period to 40 hours a pay period due to the change in grant funding. This will result in a cost savings of \$13,102.75. **Mr. Weller moved approval, seconded by Mr. Shirley.** Mrs. Sine stated that this is the result of the County not pursuing a grant and letting North Country take the grant and will subcontract with the County. Vote was unanimous.

Keli Sine, Health Director requested approval of \$3,500 Capacity Building Award for the Medical Reserve Corp from the National Association of County and City Health Officials. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Keli Sine, Assistant Health Director, requested approval of a new part-time, temporary Health Educator I position, 19 hours per week, no benefits paid from Health Start Grant, not to exceed 90 days at a rate of pay \$9.74 per hour. Mrs. Sine stated that this is due to an employee on medical leave. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Keli Sine, Health Director, requested approval to convert an existing vacant full-time Health Educator I position to two part-time (19 hour per week, no benefits) positions. A part-time Health Educator position is needed for the Teen Outreach Program in Ganado and Chinle utilizing grant funds from the Teen Outreach Program. Mrs. Sine stated that this change will result in a cost savings of \$1,013.00. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

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

Chairman White called for the Library District item.

Judith Pepple, Library Director, requested approval to maintain Melissa Thomas' current rate of pay when she moves from part-time to full-time Library Specialist I for the Sander's Public Library. Rate of pay is \$9.56 per hour. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

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

Chairman White called for the Jail District item.

Commander Mike Cirivello requested approval to convert the currently vacant full-time Jail Nurse, R.N. position to four (4) permanent part-time Nurse R.N. position with no benefits. All positions combined will not exceed 40 hours per week. This change will result in a savings of \$21,000. **Mr. Weller moved approval, seconded by Mr. Shirley.** Commander Cirivello explained that it has been difficult to obtain a full time nurse when the pay is so much better at the hospitals and by creating 4 part-time positions, nurses can each work an entire day by filling in on their day off from their regular job. Vote was unanimous.

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

Chairman White called for regular agenda items.

Ferrin Crosby, County Engineer requested approval to enter into Task Agreement #1 with BIA Division of Transportation, Chinle Agency and Districts I & II for the purpose of road maintenance on BIA routes. Mr. Crosby provided an overview of the BIA's responsibilities and that the only requirement was that an operator be provided by the districts. **Mr. Shirley moved approval, seconded by Mr. Weller.** Mr. Weller stated that he reviewed this issue with the County Engineer and he looks at it as a potential benefit to the citizens in the county where roads are not being maintained properly but is an added burden to the labor force and wanted to know the benefit to the districts. Mr. White asked about removing District II from the contract if he was not happy in the future. Mr. Whiting responded that the County could cancel the agreement with majority vote by the Board. Mr. White stated that his concern is the roads but he doesn't want to bite off more than he can chew. Chairman called for the vote. Mr. Shirley voted aye, Mr. Weller stated that he chooses to abstain since this is District I and II's issue and he does not intend to take action in those districts. Mr. White asked Mr. Whiting if this could only be approved for District I and not include District II. Mr. Whiting stated that the Board would need to amend the contract so that it is clear that the agreement is with District I, but it could be passed and approved today. Motion died for lack of a second. **Mr. White moved to approve the agreement to only include District I, seconded by Mr. Shirley.** Vote was unanimous with all three Supervisors voting aye.

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

George Walsh, a resident from Vernon, Arizona stated that he recently learned there was a plea agreement made with the employee that was charged with 64 counts of theft from the Treasurer's Office and he believes the Board and taxpayers were denied the rights under the Arizona Crime Victim's Bill of Rights because no plea can be accepted without coming before the Board.

Mr. Weller stated that he does not know if the County Attorney is ready to address this issue today but asked that this issue be placed on a future agenda for discussion. Mr. Whiting stated that the case is being handled by the Arizona Attorney General and the prosecutors are out of Phoenix.

County Engineer, Ferrin Crosby presented the item for District III Roads for a public hearing followed by discussion and possible action regarding approval of adding to the Apache County Road Maintenance System, Non-system Roads N3119, N3120 and N3114 and approval of a resolution. Mr. Crosby stated that the estimated cost would be \$115,173. Mr. Weller provided an overview of the process that led up to this being brought before the Board. **Mr. Weller stated that there are other roads in the County that are bad but this road has the least amount of size and because of the density would be less of a maintenance problem and would make a safe transverse for the people who live there and moved approval. Mr. White seconded the motion.** Chairman White opened the public hearing.

Sharon Clark, a resident living on Road 3120 stated she was in favor of approval of the item.

Linda Philbrook, a resident living off Road 3124 stated her vehicle is being damaged by driving on the road and was in favor of approval of the item.

Lynda Tanner, a resident living on Road 3114 stated that she is in favor of approval of adding the roads to the maintenance list due to medical and emergency personnel not being able to drive to homes on the road.

Ronald Thebeau, a resident living of Springerville, stated that he was in support of approval to add the roads to the maintenance list.

George Walsh, a resident of Vernon, Arizona stated that he has supports the Board taking the roads into the system.

Peter Vibert, a resident living on Road 3114, stated that driving the road is dangerous and he supports the County taking the road into the maintenance system.

Richard Miller, a resident living on Road 3114 stated that the roads where he lives are bad but 3114 is the worst.

Kathy Hoogerwerf, a resident who lives on the far end of Road 3114 stated that there are Times that medical personnel can't get to her and asked the Board to do something about the roads.

Public comment was concluded and Mr. Weller stated that he believes that little by little the County can pick up some of these tremendously bad roads that affect a significant portion of the population.

Mr. White stated that there are many bad roads in the county but unfortunately the money that is allocated by HURF is not enough to cover the maintenance costs for all the roads. Mr. Crosby provided an overview of what would be needed to fix the three roads such as culverts and limestone. Mr. White asked what the total mileage is for the 3 roads. Mr. Crosby stated it is about 6000 feet or 1.2 miles for all 3 roads. Mr. White expressed his concern with more requests down the road if this is approved because there is not the funding for them all and is afraid it will start taking money from the County's contingency fund. Mr. Weller stated that action on this item would probably bring more request and petitions to consider taking on more roads and just as in this case, the Board would take every request independently and look at it realistically, associated with the budget and desire to improve conditions for residents where possible. Mr. Weller stated that he is aware in the past that both District I and II have from time to time, adopted roads when possible. Mr. Weller stated that there is money in the budget that is available for maintenance and emergency conditions. Mr. Shirley stated that he hears the concerns from the public and in regard to Road 3114 being the worst road in the County he would have to disagree; there are roads in his District that are impassable so he does not think you can refer any one road as the worst. Mr. Shirley stated that he would love to add all of these roads to the system but there is just not the money available to fix them all; there is not enough money to fix the roads currently in the system. Mr. White stated that he would like to table this item until he has a chance to go look at the roads and bring this back at the next meeting. **Mr. Weller amended his motion to table the item, seconded by Mr. White.** Motion passed

Mr. Wengert presented the Consent Items A-I except to table Item G. County Manager/Clerk of the Board: A. Request approval of minutes dated December 17, 2013. B. Request approval of demands dated December 17, 2013 to January 7, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount AMERICAN FAMILY LIFE ASSURANCE 1,194.12 APACHE COUNTY MEDICAL 146,234.00 APACHE COUNTY TAX WITHHOLDING 127,968.40 AZ STATE RETIREMENT SYSTEM 85,797.94 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,787.39 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,201.29 MERITAIN HEALTH FLEXIBLE SPENDING 1,144.96 MUTUAL OF OMAHA 1,222.71 NATIONWIDE 1,355.00 PUBLIC SAFETY PERSONNEL 401 14,631.77 PUBLIC SAFETY SHERIFF RET 29,163.65 SECURITY BENEFIT GROUP 1,546.00 SUPPORT PAYMENT CLEARINGHOUSE 2,701.09 AIR-A-ZONA FLAG CO INC 2,626.14 ARIZONA STATE FORESTRY DIVISION 4,686.96 AZ DEPARTMENT OF ENVIRONMENTAL QUALITY 4,520.00 AZLGEBT 263,685.50 BARNES, PATRICIA M 3,935.00 BAUMAN HOME AND AUTO INC 1,730.65 BLUE HILLS ENVIRONMENTAL 1,891.69 BRADCO 24,295.86 COUNTRY MOUNTAIN AIRWAVES LLC 5,654.88 CULLEN, DENIS E 1,984.09 DELL COMPUTER CORPORATION 1,710.61 DIAMOND DRUGS INC 4,265.56 EMPIRE MACHINERY 50,256.54 FRONTIER 4,635.02 FRONTIER 1,453.88 GRAVES PROPANE CO INC 3,972.36 HAVERLAND, DEBORAH KAY 1,251.94 HEWLETT PACKARD COMPANY 4,342.31

HILLYARD INC 1,384.20 IFURN.COM INC 3,611.42 INGRAM LIBRARY SERVICES 4,653.20 IT1 SOURCE LLC 2,312.95 KTNM RADIO STATION 1,811.25 MYTOPO 1,002.95 NAVAJO TRIBAL UTILITY AUTHORITY 2,190.43 NAVOPACHE ELECTRIC COOPERATIVE 15,794.95 NORCHEM DRUG TESTING LABORATORY 1,681.01 PATTERSON, DANA BRYCE 8,500.00 PIMA COUNTY MEDICAL 2,230.00 PITNEY BOWES 3,738.00 QUILL CORP 5,347.14 R AND B TREE REMOVAL 11,850.00 RACHER'S OFFICE EQUIPMENT 4,125.00 REAL AZ DEVELOPMENT COUNCIL 2,000.00 TAYLOR LAW OFFICE PC 1,000.00 TEDFORD, THOMAS F 6,901.20 TJP COMMUNICATIONS 3,234.53 TOWN OF EAGAR 9,753.79 TYLER TECHNOLOGIES INC 6,125.00 VERITAS RESEARCH CONSULTING 1,609.26 VERIZON WIRELESS 1,433.03 WILLIAMS LAW GROUP PLLC 8,500.00 AZ DEPT OF REVENUE 1,098.44 AAA ARIZONA INC 2,790.00 ADHS AZ HEALTH CARE COST 22,400.00 ARLYS'S COMPANY INC 1,624.74 AZ SUPREME COURT 4,310.00 BRADCO 25,530.44 EMPIRE MACHINERY 1,591.37 GOLIGHTLY TIRE 2,927.35 GRAVES PROPANE CO INC 2,710.76 HAMBLIN, BRYCE MARK 1,133.00 HILLYARD INC 1,667.21 OVERHEAD DOOR COMPANY OF CENTRAL ARIZONA 8,148.78 QUILL CORP 1,233.32 SECURUS TECHNOLOGIES INC 1,418.31 SIERRA PROPANE 2,065.60 THOMSON REUTERS WEST 3,609.96 UNIVERSAL FLEET CARD 1,297.03 VERIZON WIRELESS 1,199.08 WOODLAND BUILDING CENTER 1,905.98 YOUNG, JOSEPH 10,960.00 BRADCO 25,450.74 CRESCENT ELECTRIC SUPPLY CO 1,231.03 KB WELDING INC 2,038.77 LSH LIGHTS 1,056.45 NAVAJO TRIBAL UTILITY AUTHORITY 1,134.07 COURTESY CHEVROLET 32,768.73 CRESTLINE SPECIALTIES INC 4,901.84 DELL COMPUTER CORPORATION 4,392.81 FERRELLGAS 1,660.78 GALLUP BLUEPRINT 2,580.00 LATHAM, MICHAEL 1,903.46 LAW OFFICE OF MARSHA GREGORY 8,500.00 PARKS, BRUCE O 1,600.00 RIM COUNTRY MECHANICAL 4,270.00 JP COMMUNICATIONS 1,336.12 VERIZON WIRELESS 2,773.39 WHITING, GARRET LEE 1,800.00 WHITING, MICHAEL B 1,800.00 AMERICAN FAMILY LIFE ASSURANCE 1,194.12 APACHE COUNTY MEDICAL 147,383.00 APACHE COUNTY TAX WITHHOLDING 127,655.32 AZ STATE RETIREMENT SYSTEM 85,895.06 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,991.23 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,412.06 MUTUAL OF OMAHA 1,233.71 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 14,657.84 PUBLIC SAFETY SHERIFF RET 29,484.74 SECURITY BENEFIT GROUP 1,546.00 SUPPORT PAYMENT CLEARINGHOUSE 3,138.09

Personnel Items: C. Probation Services: Request authorization to remove Paulette Davis from probationary status effective December 29, 2013 with the 2.5% end of probation increase. D. District II: Request authorization to remove Wilbur Smith from probationary status effective January 1, 2014 with the 2.5% end of probation increase. E. District II: Request authorization of the lateral transfer of Brian Owens from Facility/Construction Worker II, to the vacant Road Maintenance Worker II position with his current salary of \$26,861.15. F. District I: Request authorization to convert the vacant Secretary position back to a Custodian/Groundskeeper position and fill the vacancy. This position was converted to a Secretary position on July 9, 2013. This will result in a cost savings of \$1,001. Community Development: ~~G. Request approval to re-appoint Tom Tilford and Patsy Plant as Planning and Zoning Commission members for a four (4) year term.~~ H. Request approval of a reversion to acreage for Jorjanna VanSteenberg to combine two lots in Hacienda San Juan, Lots 281 and 282. Property is located near St. Johns, AZ parcel 203- 50-281 & 203-

50-282. This was unanimously approved by the Planning and Zoning Commission. I. Request approval of a reversion to acreage for Helen Mae Coombs to combine 4 lots in The Wilderness lots 5, 6, 7, & 8. Property is located near Vernon, AZ. Parcels 106-70-005, 106-70-006, 106-70-007 and 106-70-008. This was unanimously approved by the Planning and Zoning Commission. **Mr. Weller moved approval with the exception of Item G, seconded by Mr. Shirley.** Vote was unanimous.

Recorder Lenora Johnson, requested approval to move the Election Department under the Recorder's Office to become effective upon Board approval. This administrative merge is to enable the offices to streamline logistics and programmable services, to assure additional safeguards to the election process, to address recent changes to election laws, the bifurcation of the election rules in a more efficient and uniform manner, and to maximize services within the budgetary constraints. Recorder Johnson briefed the Board on the upcoming elections that will be held and how having both the election and recorder services will help facilitate the voting process that would bring a tremendous improvement to the County. **Mr. Shirley moved approval, seconded by Mr. Weller.** Mr. Wengert stated that he has met with Recorder Johnson several times on this issue and she runs a very good department and Angela and Nancy have done a great job over the years and after every election there is an audit and the past audits have been almost perfect and he wanted the Board and the public to know that this merge is not due to any kind of problem with the Election Department; it is to strengthen both departments.

Edison Wauneka, Executive Director of the Navajo Nation Election Administration voiced his support for the merge.

Mr. Weller stated that he has been exceptionally pleased with both the Recorder and Election Offices and when this idea was presented he asked for clarification or justification and he has not received that justification or detail on any factual data as to the need for the merge. Mr. Weller stated that each time he has asked the reason for the merge he has not been given a specific answer to help him see the benefit associated with the merge. Mr. Weller stated that usually when departments merge it is because of a problem but that is not the case here and with no benefit financially or otherwise, he does not see a reason for the merge and hesitates to impact the departments by this merge. Mr. Weller stated that things change and department heads and people leave and he hesitates to support the merge without more factual data and when all the people associated with this proposed merge are doing exceptional jobs and sees no reason to change something that works. Mr. White agreed that both offices are doing a good job and he supports the merge. Motion passed 2-1 with Mr. Weller voting nay.

Chuck Moter, Probation Director, requested approval to continue the Intergovernmental Agreement between the Arizona Supreme Court, Apache County School Superintendent's Office and the Apache County Superior Court for Detention Education funding in the amount of \$45,506.00. Mr. Moter stated that this is an ongoing IGA and source of funding and requires no matching funds. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Angela Romeo, Election Director, requested approval of the cancellation of the Call of Election for the Vernon Fire District Board previously approved on September 17, 2013.

Kathy Hoogerwerf, a resident of Vernon stated that she is a candidate for the fire district board stated that she is unclear with all the issues related to the reason for the cancellation of the election and if cancelled, would she have to again collect signatures on the petitions. Mr. Weller provided a history of the issue related to the resignation of the Vernon Fire District Board which resulted in an administrator being appointed until a new Board could be elected. Mr. Weller stated that in the process of many discussions with citizens in the fire district, it was felt that there was a need to change that Board to from a 3 member to a 5 member Board so there was an item put before the Board of Supervisors to change the number of members and that was approved but then the County Administration discovered that problematically it did not meet statutory requirements and this vote today is not to correct that; it is to cancel the election. Angela Romero, Election Director stated that if the election was cancelled, the petitions would have to be gathered related to that new time frame.

Steven Coombs, a candidate for the Vernon Fire District Board, stated that the election should go forward with the 3 member board and if the people want to change the board to a five member board the petitions can be gathered and submitted to the Board of Supervisors. Mr. Coombs stated that he supports going forward with the election so that the fire district is again under local control even as a 3 member Board. Mr. Coombs referenced a letter that was sent out to the public by the Administrator of the fire district that said that the plan was to cancel the election, have the citizens get together and gather signatures of 25% of the people so that the Board of Supervisors can consider expanding the Board from a 3 member to a 5 member fire district board. Mr. Coombs stated that has not happened and it is not right that the Board of Supervisors cancel an election when they have a fiduciary duty to fill the fire board as soon as possible. Mr. Coombs stated and if the election is cancelled and rescheduled for the next opportunity, that takes it to August and that is wrong; everything is in place for an election in March with 9 candidates. Mr. Coombs stated that as a candidate, he supports a 5 member board; that it would serve him better to have this election as a 5 member board because he has a better chance of being elected but he thinks moving forward with a 3 member Board is the right thing to do for the District and the Board of Supervisors has an obligation to return the fire district back to a board.

Lorraine Vaught, a resident of Vernon, stated that as a taxpayer she is being left out of the loop and not kept informed of issues, and certain things are not being done correctly within the County in regard to the recent road issue and now the Vernon Fire Board election, she does not feel the process is being done correctly due to lack of organization and communication within the County.

George Walsh, a resident of Vernon, Arizona stated that both the call for election and changing the Vernon Fire District from 3 to 5 members was done illegally by the Board of Supervisors and should be ratified since the Board did not have the statutory backing to do what they did.

Noreen Keeler, a resident of Vernon, Arizona stated that if in fact the Supervisors had given out to the public that there would be a 5 person board, that means their petitions may have been signed by more than what should be allowed so that would mean someone is going to have to review those signatures to verify that someone didn't sign all 5 petitions when only three should have been.

Mr. Shirley asked Mr. Whiting if this election can move forward. Mr. Whiting stated that three things could be considered by the Board 1.) Proceed with the election for a 3 member board, 2.) Cancel the election and continue with the paid administrator, 3.) Proceed with the election for the 3 member board, and then the citizens of the fire district can collect signatures and request the Board of Supervisors increase the fire district board members to 5.

Mr. Shirley stated that he feels there is a need to proceed with the election, that he isn't even sure the petitions will be collected for a 5 member board and in the meantime there is a need to get the community their fire board.

Mr. Weller asked Election Director Angela Romero to comment and clarify the issue on the number of petitions a person is allowed to sign. Ms. Romeo stated that the only time the signatures are reviewed is if there is a challenge filed, that without a challenge it is assumed that every signature is valid. Mr. Weller stated that based on what he heard today, he does not disagree with Mr. Shirley, that we should move forward with the election but he needs to know that we are doing this appropriately. Mr. Whiting responded that it is appropriate to move forward with the election, that the call to election was for the current board as it exists so the 3 member board was in existence when the call for election was called for by the Supervisors last year so it would be for the same number of members. Mr. White also agreed the election should be held. No action was needed or taken.

Ferrin Crosby, County Engineer, requested approval of a Safety Boot Program Policy for County employees. A discussion was held regarding the policy. Mr. Shirley stated that he thought this was a good idea and thought it should be increased to \$200 for 2 years but also asked what would happen if an employee left right after they receive their reimbursement. Mr. Crosby stated that was a good point and stated that he would take direction on what the Board wanted to do. A discussion was held on the possibility of prorating the amount. Mr. Weller stated that this should be tabled until it could be worked out.

George Walsh, a resident of Vernon, stated that a policy of this nature that is outside the Engineering Department should go through Human Resources as a county wide policy and there is nothing in the policy that requires a person to wear the shoes and shows no repercussions to not abiding by the policy. Mr. Crosby responded that the policy does require the employee wear the boots, that this is not a choice it is a policy that will be adhered to with prescribed disciplinary action for failure to do so. Mr. Wengert stated that this policy is a proactive attempt to try and cut down on workman's compensation claims so this is fully justified and would pay for itself over the long run.

Lorraine Vaught, a resident of the County asked why the Board would consider voting on something when the Board does not have all the information.

Steven Coombs, a resident of the County stated that he believes the policy is a good idea but the employee should be responsible for buying their own boots.

Mr. White tabled the item.

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

Approved this 21st day of January, 2014.

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

/s/ Delwin Wengert
Clerk of the Board