

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
July 1, 2014
St. Johns, Arizona**

Present were, Chairman Tom M. White, Jr. and Vice Chairman Barry Weller. Also present were 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 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.

Delwin Wengert gave the Invocation.

Milton Ollerton led the Pledge of Allegiance.

Chairman White called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval of the Memorandum of Understanding between the Apache County Public Health Services District and North Country Health Care to set forth the agreement under which the Health District will provide breast and cervical cancer screening services to clients covered by the Well Woman Healthcheck Program. Mr. Weller asked for a clarification on the patient eligibility and reimbursement under the contract with North Country. Mr. Weller and Mr. Sexton held a discussion on the standards and screening process. Mr. Weller stated that he is just concerned with the language of the contract and asked Mr. Sexton keeping him updated. Mr. White asked if the contract had been reviewed by the County Attorney. Mr. Sexton stated yes. Mr. Weller moved to approve, seconded by Mr. Shirley. Vote was unanimous.

Mr. Sexton, Health Director, requested approval of an Intergovernmental Agreement #ADHS14-072360 Tobacco Education Prevention Services to provide commercial tobacco education/prevention services and implement chronic disease prevention and control strategies to address the four leading causes of death (cancer, stroke, heart disease and pulmonary disease) specific to Arizona. Mr. Weller stated that he has concerns with this and will not be making a motion to approve. Mr. Shirley moved approval, seconded by Mr. White who asked if it has been reviewed by the County Attorney. Mr. Sexton stated yes, that all contracts are sent to the County Attorney prior to coming before the Board for consideration. Mr. Weller stated that this is identical to the contract last year in which he expressed concerns and voted against, and he just wanted to bring it to the light of the community why he is opposing the contract. Mr. Weller reminded Chairman White and Supervisor Shirley that the County Attorney's office does not review documents for appropriateness; they review it for legality and the appropriateness of the items in the document are up to the department head and the Board to review so he is not questioning if it is a legal document, his concern is, he does not believe it is the government's responsibility to recruit youth to spy on criminal activity and in some areas of the contract are great concern to him so he is opposed to it for that reason. Brad Grower, a resident of Apache County asked what the cost is to Apache County. Mr. Sexton stated that there is no cost to the County; it is a \$180,000 grant. Mr. Weller stated that he is concerned with the liability with this program. Mr. White stated that was why he made sure the County Attorney had reviewed the contract. Motion passed 2-1 with Mr. Weller voting nay.

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

Chairman White called for the regular agenda items.

Mr. Wengert presented the **Consent Items. A-C** and recommended approval. Mr. Shirley moved approval. Mr. Weller stated that he would be abstaining from the vote because the logistics of the demands issues have not been worked out with Finance. Mr. White seconded the motion. **County Manager/Clerk of the Board: A.** Request approval of minutes dated June 17, 2014. **B.** Request approval of demands dated June 17, 2014 to July 1, 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 APACHE COUNTY MEDICAL 145,762.00 APACHE COUNTY TAX WITHHOLDING 130,673.35 AZ STATE RETIREMENT SYSTEM 85,260.53 COLONIAL LIFE AND ACCIDENT INS 1,275.04 CORRECTIONS OFFICER RET PLAN 8,380.83 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,986.64 MUTUAL OF OMAHA 1,269.52 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,825.82 PUBLIC SAFETY SHERIFF RET 28,542.80 SECURITY BENEFIT GROUP 1,321.00 SUPPORT PAYMENT CLEARINGHOUSE 2,359.58 ADHS AZ HEALTH CARE COST 22,400.00 AMIGO CHEVROLET 1,882.78 BALLARD TRUSS LLC 1,184.00 BANK OF THE WEST – 6432 1,210.13 BARNES, PATRICIA M 4,145.00 BATTERIES PLUS 1,038.83 BILLS DISCOUNT AUTO PARTS (NAPA) 1,037.37 BRADCO 4,906.87 BREWER LAW OFFICE PLLC 1,331.00 CITY ELECTRIC SHOE SHOP 2,632.34 CRISS CANDELARIA LAW OFFICE 1,777.42 D AND A BODY SHOP 1,565.59 DESERT MOUNTAIN CORPORATION 13,725.10 EMPIRE MACHINERY 84,617.59 FREELAND, VICTORIA 1,500.00 FRONTIER 1,015.51 FRONTIER 4,458.39 GALLUP BLUEPRINT 1,936.00 GALLUP INDEPENDENT 1,676.61 GMCO CORPORATION 22,525.96 GOLIGHTLY TIRE 1,792.57 GRAVES PROPANE CO INC 1,154.79 HILLYARD INC 4,286.18 JANEZIC, JOHN J 1,147.50 LAW OFFICE OF MARSHA GREGORY 8,500.00 MCCOOK BOILER AND PUMP COMPANY 2,894.00 MOYERS, DENNIS V 2,160.00 MUGGENBURG, BRUCE A 1,305.00 NAVAJO TIMES PUBLISHING COMPANY INC 1,904.70 NAVAJO TRIBAL UTILITY AUTHORITY 1,150.67 NAVAJO TRIBAL UTILITY AUTHORITY 1,128.98 NAVOPACHE ELECTRIC COOPERATIVE 11,251.08 PACIFIC PONDEROSA CO INC 1,540.08 PATTERSON, DANA BRYCE 8,500.00 PERFECT PRINTZ LLC 1,146.39 QUILL CORP 5,666.15 RACHER'S OFFICE EQUIPMENT 1,525.74 RDO EQUIPMENT CO 2,509.59 REDW LLC 3,426.25 REED, SHAWN R 1,721.40 ST JOHNS CITY 3,268.79 ST JOHNS EMERGENCY SERVICES 1,103.03 VERIZON WIRELESS 1,082.39 WHITE MOUNTAIN PUBLISHING CO 2,266.10 WILLIAMS LAW GROUP PLLC 8,500.00 WOODLAND BUILDING CENTER 5,539.94 YOUNGS FUTURE TIRE 3,705.37 SHELL OIL 2,844.83 ALLIED FIRE PROTECTION INC 3,150.00 AMAZON COM INC 7,724.50 AZ STATE GOVERNMENT 1,383.57 BACK TO LIFE INC 9,720.00 CDW GOVERNMENT LLC 1,082.13 CITY ELECTRIC SHOE SHOP 1,086.06 COFFEEN, GEORGE 4,500.00 COURTYARD BY MARRIOTT NEW ORLEANS 1,834.50 DELL COMPUTER CORPORATION 4,123.42 GRADY, DONALD R 2,430.00 HATCH ELECTRIC 2,584.49 INGRAM LIBRARY SERVICES 2,250.51 IT1 SOURCE LLC 1,785.90 JACKSON, ARLESS MICHAEL 6,268.59 KATHLEEN M MCGUIRE PSY D LLC 3,450.00 KULBACKI, SUSAN 2,700.00 MCT INDUSTRIES INC 9,120.00 MOUNTAIN COMFORT HEATING AND COOLING 2,921.42 NAVAJO NATION WATER CODE ADMIN 3,150.00 NAVAJO TRIBAL UTILITY AUTHORITY 1,781.84 NAVOPACHE ELECTRIC COOPERATIVE 2,072.67 NEWMAN SIGNS INC 1,878.56 NOMAD CONSULTING 15,000.00 NORCHEM DRUG TESTING LABORATORY 1,532.28 NORTHERN TOOL & EQUIPMENT CO 2,487.31 ORIENTAL TRADING COMPANY 2,185.83 PITNEY BOWES 4,159.79 QUILL CORP 3,908.92 ROMERO, DAVID JULIAN 1,816.84 RUSH TRUCK CENTER 1,987.61 SANDOVAL, PATRICK J 3,106.43 SIGN VISION 2,058.00 ST JOHNS CITY 16,720.72 SUMMIT HEALTHCARE ASSOCIATION INC 7,402.39 TJP COMMUNICATIONS 1,177.89 TOWN OF EAGAR 10,597.37 UNIVERSAL FLEET CARD 1,212.55 VALLEY AUTO PARTS 1,204.89 VERITAS RESEARCH CONSULTING 4,030.94 VERIZON WIRELESS 1,991.26 WHITING, MICHAEL B 1,800.00 SHELL OIL 1,964.32 AAA ARIZONA INC 2,417.40 AGUERO, ROBIN R 1,274.74 AMAZON COM INC 1,403.51 ASR PIMA UNIFORMS 2,805.04 AZ BRAKE & CLUTCH SUPPLY 2,620.62 BRADCO 3,296.77 BRIMHALL SAND & ROCK 9,233.64 CDW GOVERNMENT LLC 2,518.87 CHEVRON USA INC 1,539.62 CONTAINERS ON

DEMAND LLC 5,143.40 COPPERSTATE BOLT & NUT CO 1,280.44 COX, MICHAEL 1,350.00
DESERT MOUNTAIN CORPORATION 11,881.71 GALLUP LUMBER & SUPPLY 3,904.42
GASTELUM , ALFONSO Junior 8,051.40 GOLIGHTLY TIRE 3,377.10 HILLYARD INC
1,519.84 HINES, THOMAS E 3,600.00 IT1 SOURCE LLC 4,187.48 JONES, SKELTON AND
HOCHULI 1,723.90 MERITAIN HEALTH INC. 1,500.00 MITCHELL, DONALD M 2,880.00
MOUNTAIN COMFORT HEATING AND COOLING 2,203.53 NAVAJO NATION 9,188.52
NAVOPACHE ELECTRIC COOPERATIVE 2,999.77 NOBLE RANCH LLC 24,040.00 NORTHERN
SAFETY COMPANY INC 3,397.99 QUILL CORP 4,077.45 RDO EQUIPMENT CO 13,128.87
RIGGS ELLSWORTH & PORTER PLC 1,384.50 RUSH TRUCK CENTER 1,349.00 ST JOHNS
EMERGENCY SERVICES 1,117.35 TRINITY SERVICES GROUP INC 14,462.89 WADDLE, ELNA
R 1,144.80 WEATHERWAX, MICHAEL J Senior 2,250.00 WELLS FARGO BANK 1,278.17
WOODLAND BUILDING CENTER 1,222.08 YOUNG, JOSEPH 8,970.00 **Engineering**

Department: C. District I: Request authorization to solicit bids for a new fuel system for the Chinle Road Yard. Motion passed 2-0 with Mr. Weller abstaining.

Karen Houston, Human Resources Director, on behalf of District II, requested approval to hire Paula Claw as District Manager at an annual salary of \$55,000. Ms. Houston stated that Ms. Claw would come to the County with 2 master's degrees and previous experience in District I Roads. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that in discussion of this with constituents in District III, and because of the appearance of inappropriateness that exists, we have a state law that clearly states that elected officials will resign to run for federal, state, or local positions other than the one they hold. Mr. Weller stated that he realizes that the Navajo Nation paid positions that are within the County are not federal state of local positions but we have three elected officials in the County that are running for positions on the Navajo Nation and those are cross jurisdictional issues and concern him that we have officials elected by the people making decisions with county funds, running for other elected offices that have cross jurisdictions. Mr. Weller stated that he will support this item because he wants people served but asked those elected officials who are running for other offices at this time to think about the appearance of impropriety and what it means to the tax payer and that we could be expending additional funds to deal with issues in departments. Supervisor Shirley interrupted Mr. Weller and stated that Mr. Weller's comments are inappropriate and have nothing to do with the agenda item before the Board for consideration. Mr. Weller stated that he disagrees, that this agenda item has to do with dealing with the decisions and the appropriate behavior of the funds in a District in the County and whenever we make a decision to hire or increase costs to the County it is appropriate to talk about these issues. Chairman White stated that the item is to approve the District Manager and feels that Mr. Weller's comments have nothing to do with the item before the Board. Mr. Weller interrupted Chairman White and stated that he wanted an opinion by the County Attorney as to whether his opinion on how County funds are being utilized is appropriate to be discussed when we are talking about increasing the County costs. Chairman White called for a point of order, that the item is to approve the District Manager and the other comments are not going to be heard and called for the vote. Vote was unanimous.

Milton Ollerton, Community Development Director, requested approval to hire Robert Crum as a Building Official at \$43,000.00 due to experience and certifications. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that this is an appropriate rate and is convinced that we will be getting good service for the rate. Vote was unanimous.

Mr. Wengert presented the request for approval to increase the annual salary for Puerco Constable Charli Anderson to \$36,100 as required by statute. Mr. Wengert stated that every four years the constables can come before the Board to request a change in salary and this is the time that is appropriate and this has been researched by Attorney Joe Young as well as the Superior Court and the statutes say that if a constable is averaging over 100 services per year and have less than 16,000 registered voter population in their district, the beginning of the range for that constable should be \$36,100 so we are following statute. Mr. Weller moved approval, second by Mr. Shirley.

Mr. Weller stated that this came as a statutory review and asked if the other constables have been looked at to make sure this is not impacting them. Mr. Wengert stated that the other constables have been researched and Ms. Anderson is the only one that qualifies for a change. Brad Grower, a resident of Apache County asked if the agenda item as written, is the payment of \$36,100 for the position required by statute or just the hearing for the request required by statute. Mr. Wengert stated that it is basically both; that the Board sets salary and position in the County and he read the portion in the statute that applied to the issue before the Board. Vote was unanimous.

Angela Romero, Election Director, requested authorization to cancel the election for the Republican Precinct Committeemen and appoint the persons who filed the nominating petition to fill the positions: Concho – Ann Avenenti, Susan Roberts, Thomas Samoff, Jim Staffnik, Barry Weller & Bonnie Weller. Eagar – Laverl Ashcroft & Myrna Udall. Round Valley – Marcelle Donaldson & Brett Elmer. St. Johns – Delos Bond & Ray Trail. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chris Hext, Chief Deputy Assessor, requested approval of an Intergovernmental Agreement between Apache County Assessor's Office and Coconino County Assessor's Office for data processing consulting and assistance with their Tyler Software program for a period of two (2) years at a cost of \$44,800 per year. Mr. Shirley moved approval. Mr. Weller stated that he will be opposing the item so he will not be seconding the motion. Mr. White seconded the motion. Mr. Weller stated that there has been progress made in the Assessor's office with the purchases and implementation of the new software and he realizes this item has to do with a successful turnover but he wanted the public know that he has concerns with accountability and deliverables in the contract and he does not believe it addresses expedient implementation of the software and in training the employees who should have received ample training through the \$500,000 purchase of the software that we did get so for those reasons, he will be opposing it. Mr. Wengert stated that this contract is basically the same as the one Coconino County has with La Paz County and they also have Tyler software and they felt they needed something more to help the implementation of the software in La Paz. Mr. Wengert stated that in approving this contract, it will help the Assessor's Office to deliver a better product and help them make the transition into the new software. Mr. Wengert stated that there are many, many years of data and will be difficult to integrate into the new system. Mr. Wengert stated that the contract can be canceled at any time and suggested that after one year, look at it and see what has been done. Mr. Wengert stated that the Assessor also has four vacancies that they have not requested be filled even though they have a lot of work and need the help but are willing to forgo that in lieu of having this professional help provided by Coconino County. Mr. Wengert stated that in his opinion, it will help the Assessor in providing services to the public. Motion passed 2-1 with Mr. Weller voting nay.

Treasurer Marleita Begay requested approval of renewal of three lines of revolving credit for Ganado Unified School District in the amount of \$1,300,000.00, Concho Elementary School District in the amount of \$300,000.00, and Window Rock Unified School District in the amount of \$3,000,000.00. Also request approval of a new line of revolving credit for Red Mesa Unified School District in an amount less than \$1,000,000.00, not the original request on the agenda of \$10,000,000.00. Mr. Shirley moved approval, seconded by Mr. Weller. Treasurer Begay stated that Ganado, Concho and Window Rock did not use their line of credit last year so this is just a renewal. Mr. Weller asked if the delay in allocation in funding to the schools causing these cash flow issues. Treasurer Begay stated yes, and there may be more coming in due to the Transwestern pipeline issue so she is meeting with all of the districts to determine their status. Vote was unanimous.

Michel Whiting, County Attorney, requested approval of Arizona Criminal Justice Commission Drug, Gang, and Violent Crime Control Grant Agreement #DC-5-020 in the amount of \$67,852 with a \$22,617 match award for FY15. Mr. Shirley moved approval, Mr. Weller stated that he has concerns and may not vote to approve, but will second the motion. Mr. Weller asked Mr. Whiting about the specifics of the contract and asked Mr. Whiting to speak to the goals of the contract. Mr. Whiting stated that as to the specific guidelines, those are administered by the Arizona Criminal Justice Commission and the Arizona Criminal Justice Commission is who monitors the grant agreement and who he would report to. Mr. Weller asked what the goals are. Mr. Whiting stated to reduce the amount of drug, gang and violent crime in our county. Mr. Weller asked if there are statistics as to the level we have and what we will be measured to, and if there is a number that we are shooting for and asked how that is measured and monitored. Mr. Whiting stated that is tracked and keep track every year and report on a quarterly basis. Mr. Weller asked Mr. Whiting to provide all of the previous statistics, performance and goal numbers so he can review those in his office. Mr. Whiting told Mr. Weller to send him an email he will send him the reports. Mr. Weller said he will not send an email, he is requesting Mr. Whiting send him that information, Mr. Whiting he would send the information. Vote was unanimous.

Karen Houston, Human Resources Director stated that there has been a recent conversion process for Health insurance for the employees and have successfully enrolled 385 employees and the enrollment process. Ms. Houston stated that Traci Lund was part of the committee to select the new insurance company which is Gilsbar. Traci Lund provided a brief overview of the new health insurance. Mr. Wengert stated that the County has been in the health insurance pool for 18 years and this was a big undertaking and thanked Traci and Human Resources for the good work they did in getting the employees signed up before the deadline. Mr. White thanked Traci for coming to Ganado and Ft. Defiance and was very helpful in working with staff. Mr. Weller stated that this was a monumental task and involved every employee in the County and congratulated Traci and Human Resources for the good work. No action was needed or taken.

Mr. Wengert presented notification of a Special Board of Supervisors meeting to be held on July 7, 2014 at 8:30 a.m. MST in the Board of Supervisors meeting room, 75 W. Cleveland Street for a public hearing followed by discussion and possible approval of FY2014-2015 Tentative Budget. Mr. White encouraged all elected officials and department heads to attend. No action was needed or taken.

Mr. Wengert presented notification of the National Organization of Counties Annual Conference July 11-15, 2014 at the Ernest N. Morial Convention Center, 900 Convention Center Blvd., New Orleans, LA, where two or more members of the Apache County Board of Supervisors will be in attendance. No action was needed or taken.

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

Brad Grower, a resident of Eagar, congratulated the Board on being awarded the Brick Wall award for 2013 by the Arizona Press Club.

Brannon Eagar, Chief Deputy Sheriff provided updates on the Assayii Lake Fire on the San Juan Fire. Chief Eagar stated that the Assayii Fire going on in New Mexico but impacted Apache County because the Incident Management Team was set up in Ft. Defiance. Chief Eagar provided an overview and stated that the Assayii Fire is looking good at being completely out very soon and will be transferring it over to the local firefighting group until the monsoons come which will extinguish it completely. Chief Eagar stated the San Juan Fire is 5% contained and there are 25 residents are

evacuated early on and did not require shelter as they were placed in secondary residences and all are going fine. Chief stated that there are 96 structures in the area that are currently evacuated. Chief Eagar stated that those areas should be opened back up as soon as possible after he sees how the burnout operations go today. Chief Eagar stated that there are currently 683 firefighting personnel on the fire and the maps are updated regularly and are on the 311info.net website. Chief Eagar stated that they are looking at some dry lightning coming in so they are watching that very carefully and the monsoons will bring flooding so that is the next concern. Mr. Weller thanked Chief Eagar for the hard work that was done. Mr. White also thanked Chief Eagar for keeping him updated. Mr. Weller also thanked the citizens of Vernon and Springerville-Eagar who came out and provided their time and energy to save the animals and support the people and activities to help make sure things went well.

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

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

Approved this 15th day of July, 2014.

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