

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
July 15, 2014
St. Johns, Arizona**

Participating via the telephone was Vice Chairman Barry Weller and Supervisor Joe Shirley, Jr. and County Attorney Michael Whiting. Present was County Manager/Clerk of the Board, Delwin Wengert. Chairman Tom M. White, Jr. was unavailable due to travel. Vice Chairman Weller 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.

Delwin Wengert led the Pledge of Allegiance.

Vice Chairman Weller called for the Public Health Services District item.

Judith Pepple, Library Director, requested approval of a temporary lease agreement, July 1, 2014 through August 7, 2014 between the Apache County Library District and the Vernon Fire District. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked why the agreement was for such a short time. Ms. Pepple stated that the Vernon Fire District Board determined that it was not right for them to support a second office which houses the food bank however they currently have insurance until August 7, that would allow them to cover the food bank distribution so they asked if they could have a short lease so they would allow the food bank to make a July distribution. Motion passed.

Mr. Shirley moved to adjourn the Library District meeting, seconded by Mr. Weller. Motion passed.

Chairman Weller called for the regular agenda items.

Mr. Wengert presented the **Consent items A-C**. Mr. Shirley moved approval, seconded by Mr. Weller who stated that he still has not worked out the logistics of the demands with Finance Department but will vote to approve for the sake of keeping things moving forward today. Mr. Weller stated that there are two items that the County Attorney's Office was asked to do at the July 1, 2014 meeting, and he has not yet received the written opinion that was requested, nor the data he requested on the grant and asked that the County Attorney's Office review the minutes of that meeting and provide him with the information he requested. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated June 27, 2014 and July 1, 2014. **B.** Request approval of demands dated July 1, 2014 to July 15, 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 HAS 2,774.59 APACHE COUNTY MEDICAL 143,697.00 APACHE COUNTY TAX WITHHOLDING 137,674.61 AZ STATE RETIREMENT SYSTEM 87,370.77 COLONIAL LIFE AND ACCIDENT INS 1,275.04 CORRECTIONS OFFICER RET PLAN 8,178.00 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,981.70 MUTUAL OF OMAHA 1,269.52 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 40 13,825.82 PUBLIC SAFETY SHERIFF RET 41,255.65 SECURITY BENEFIT GROUP 1,321.00 SUPPORT PAYMENT CLEARINGHOUSE 2,589.68 4 RIVERS EQUIPMENT LLC 1,157.83 AVAYA COMMUNICATIONS 1,381.19 BILLS DISCOUNT AUTO PARTS (NAPA) 2,922.10 BRADCO 24,606.45 COMMUNITY COUNSELING CENTERS INC 11,200.00 DELL COMPUTER CORPORATION 2,433.41 DEWITT, COLLIN J 1,600.00 ELECTIONS SYSTEMS AND SOFTWARE 21,460.13 EMPIRE MACHINERY 1,132.08 HALL, CAROLYN S 1,099.94 HOME DEPOT 1,163.79 IT1 SOURCE LLC 26,202.14

KACHINA RENTALS 3,990.00 NATIONAL PEN CO LLC 1,055.90 OFFICE DEPOT 2,463.81 SANDOVAL, PATRICK J 1,097.53 SOUTHWEST AUTO AND TRUCK REPAIR 1,985.32 TYLER TECHNOLOGIES INC 5,984.75 GOSERCO, INC. 3,680.54 RESERVE ACCOUNT 12,000.00 SYSTEM EXCHANGE CORPORATION 4,625.00 THE AARONS COMPANY LLC 3,000.00 AMIGOS LIBRARY SERVICES 2,748.90 AZ COUNTIES INSURANCE POOL 467,870.00 BLUE HILLS ENVIRONMENTAL 1,329.20 CNS BUSINESS FORMS INC 5,839.83 FRONTIER 1,720.97 MOUNTAIN COMFORT HEATING AND COOLING 2,921.42 SPRINGVILLE-EAGAR CHAMBER OF COMMERCE 1,100.00 SUPERIOR EQUIPMENT 4,332.00 TRACKER SOFTWARE CORP 2,898.00 YOUNGS FUTURE TIRE 1,393.38 ARIZONA STATE FORESTRY DIVISION 5,787.54 AZ DEPT OF RISK MANAGEMENT 2,235.34 BRADCO 26,026.30 BREWER LAW OFFICE PLLC 1,006.50 CENGAGE LEARNING INC 3,000.00 COFFEEN, GEORGE 2,070.00 COOK'S CORRECTIONAL KITCHEN 1,410.00 CRESTLINE SPECIALTIES INC 3,604.73 DAVID J MARTIN PLLC 1,518.00 DELL COMPUTER CORPORATION 6,540.73 DRAKE EQUIPMENT OF ARIZONA INC 5,816.79 GALL'S INC 1,254.80 GIBBS, DAVID R 2,430.00 L R INVESTIGATIONS LLC 1,170.00 LATHAM, MICHAEL 1,800.00 LEE, BREANNA LYNNE 1,313.13 NAVOPACHE ELECTRIC COOPERATIVE 7,757.42 NORTHEASTERN ANESTHESIA PLLC 1,012.50 QUILL CORP 2,310.66 RIGG LAW FIRM PLLC 1,936.00 RUSH TRUCK CENTER 1,433.74 SHELL OIL 2,324.35 SIMARD, SYLVIA M 2,520.00 STALEY LAW FIRM PLLC 1,056.00 WHITING, GARRET LEE 1,800.00 C. Request approval of a Liquor License Extension of Premises/Patio Permit Application recommendation for Richard Bruneau, Snowy Mountain Inn, located at 38721 Route 373 in Greer, Arizona for a company party on August 9, 2014. Motion passed. Lenora Fulton, County Recorder requested approval to convert a currently full time (40 hour) position, to a part time (20 hour) position and to create a part time (19 hour) per week Clerk (range 12) at \$8.20 per hour as part of a reorganization plan. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Brannon Eagar, Chief Deputy Sheriff provided an update on the San Juan Fire. Chief Eagar stated that the fire is fully contained at 6,975 acres and provided handouts for the Board on the fire management briefing and burned area report. Mr. Weller asked what the dollar amount was requested for refurbishing. Chief Eagar stated \$228,300 for the recovery. Chief Eagar stated that there was some flooding from the burn areas that occurred yesterday and the County's road crew was there to take care of it. Chief Eagar reminded the public that during those flows do not try and cross the roads since you can't tell what is washed out beneath the water. Chief Eagar requested the fire restrictions be lifted needed to keep the state of emergency in place due to potential flooding. Chief Eagar stated that the energy release components were down below the 80th percentile on the 7th of July and the forest service and Navajo County lifted the fire restrictions and recommended lifting the fire restrictions officially for Apache County. Mr. Shirley moved to lift the fire restrictions, seconded by Mr. Weller. Motion passed. Chief Eagar stated that in regards to action related to the current state of emergency that was put into effect June 27, 2014, due to the potential flooding from the burned area, he requested the state of emergency remain in place until the next regular Board meeting in July.

RESOLUTION NUMBER:2014-10
A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY,
ARIZONA, LIFTING THE EMERGENCY FIRE RESTRICTIONS PREVIOUSLY
IMPOSED BY THE BOARD IN RESOLUTION #2014-07

WHEREAS, the Apache County Board of Supervisors previously imposed emergency fire restrictions by Resolution #2014-07 adopted April 22, 2014; and
WHEREAS, the conditions that warranted enactment of the emergency fire restrictions are no longer present and do not present the same severity of risk to Apache County natural resources, people, and economic activity; and

WHEREAS, the Board of Supervisors of Apache County now desire to lift the fire restrictions previously imposed upon all of the unincorporated areas of Apache County not under the jurisdiction of federally recognized Indian Tribes and other federal and state owned land;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Apache, Arizona as follows:

That the fire restrictions imposed by Resolution #2014-07 approved on April 22, 2014, and any Other restrictions are hereby lifted and such resolution and accompanying restrictions shall have no effect in Apache County.

PASSED AND ADOPTED by the Board of the County of Apache, Arizona, this 15th day of July, 2014.

ATTEST:

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

Angela Romero, Election Director, requested approval of the polling place designations to be used for the August 2014 Primary Election. Mr. Shirley moved approval, seconded by Mr. Weller. Motion passed.

Angela Romero, Election Director, requested appointment of precinct and tally board workers for the upcoming August 2014 Primary Election. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that he had previously talked about advertising and expanding the base of tally workers and asked if Mrs. Romero had made any progress on that. Mrs. Romero stated that she has incorporated her same tally board that she has used in the past and she does have names that have been submitted and took that into consideration for the upcoming election. Mr. Weller asked if the new people are being put through the training. Mrs. Romero stated only those who have been selected to work are trained. Mr. Weller asked if there were any new workers. Mrs. Romero stated no, she is utilizing the same individuals that have accomplished her previous elections; that this is a very large election and the board she uses has proven to be 100% accurate in the past and with everything she needs done, she feels comfortable with the tally board she has selected. Mr. Weller stated that because it is a large election, it is a great opportunity to train new people and asked if people were willing to through the training process would Mrs. Romero train them. Mrs. Romero stated that if they are not to be paid, absolutely. Motion passed.

Mr. Wengert presented notification of a Special Board of Supervisors meeting to be held on July 22, 2014 at 8:30 a.m. MST, (9:30 a.m. MDST) at the Nahata Dziil Chapter House, #1 Red Sands View Road in Sanders, Arizona for the purpose of considering the liquor license application recommendation for Lee's Liquors and the Red Barn Trading Post. Mr. asked if this issue is considered a public hearing. Mr. Wengert stated no. Mr. Weller asked if the public would be allowed to speak. Mr. Wengert stated that be believed so, but it was up to the chairman of the Board. A discussion was held regarding the liquor license process. Mr. Weller asked about any plans for overflow since he is hearing there may be a large crown in attendance. Mr. Wengert stated that the county will set up a sound system and as far as overflow, the fire marshal determined how many people are allowed in the building and will accommodate as many people as possible. Mr. Wengert stated he will get a legal opinion from the County Attorney regarding the process of an overflow.

Lenora Fulton, County Recorder, stated that there is a multi-purpose building near the chapter house as well as the high school if needed. Mr. Weller asked Mrs. Fulton for a translator be in attendance so the language could be translated if needed.

Brad Grower, a resident of Apache County, stated that even though it is not required by law, he would like this meeting to be a public hearing since there is no reason not for it to be so that testimony can be put on record. Mr. Weller stated that he is not sure that this can be converted to a public hearing since we would not meet the time restraints, and agrees that the public input is critical and is similar to a public hearing and would delay the recommendation to the liquor board. Mr. Grower stated that he spoke with a representative at the liquor board yesterday and they said they are extremely flexible on the 60 day limitation so there is no need for this to be rushed.

Chief Deputy Brannon Eagar, stated that in regard to the San Juan Fire, he just received an email from the U.S. Forest Service-Washington Office, just approved the emergency stabilization funds requested for the San Juan Fire so those funds are now available and will be beginning their work right away.

Vice Chairman Weller opened the floor for the call to the public.

Lorraine Vaught, a resident of Apache County, thanked the Road Crew for their good work with the San Juan Fire flooding that happened.

Brad Grower, a resident of Apache County, stated that Apache County has multiple employees who work in the IT field who have adequate experience and the resources are available within the budget to amend the deplorable sound system that is 30 years behind the technology in these chambers and anyone present has to listen to the echo. Mr. Grower requested the meetings have video teleconference capabilities and be videotaped and with the recent prohibiting of streaming the meetings, there seems to be an attempt by the County to prevent the transparency and openness that the internet could provide. Mr. Grower stated that he hopes Mr. Shirley and Mr. White will be open to discussing the upgrades in the near future. Mr. Wengert responded that he wanted the public to understand that the Board instructed him, as manager over the past several months, to come up with a system to provide video conferencing and they have been waiting for Frontier Telephone to upgrade the infrastructure in Chinle and Ft. Defiance and that occurred in the last month and have purchased the equipment to accomplish video conferencing and should be in place in the next few weeks. Mr. Wengert stated that the chairman is also looking into video streaming the Board meetings. Mr. Weller stated that the Board direction was not recent, it was well over a year ago Mr. Wengert was instructed to look into the cost to put video equipment in the other areas (of the county) but he appreciated the update.

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

Mr. Shirley moved to adjourn, seconded by Mr. Weller. Motion passed.

Approved this 4th day of August, 2014.

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

/s/ Delwin Wengert
Clerk of the Board