

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
July 16, 2013
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting and the Library 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.

Commander Michael Cirivello gave the invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman White called for the Library District items.

Judith Pepple, Library Director, requested approval of Fiscal Year 2013-2014 to continue to dispose of books that have been donated to or withdrawn from library collections by offering them or sale at each of our library facilities. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Judith Pepple, Library Director, requested approval for Fiscal Year 2013-2014 to make available to other libraries, local schools, senior centers, Boys and Girls Clubs and prisons discarded library materials and gift materials which are out of scope for collections. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Shirley arrived at the meeting.

Judith Pepple, Library Director, requested approval for Fiscal Year 2013-2014 to dispose of books, magazines and newspapers that have been donated to or withdrawn from our collections, but which have not sold in the course of three months, by delivering them to Better World Books for sale. Ms. Pepple stated that all proceeds will benefit the children's summer reading program. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Judith Pepple, Library Director, requested approval to authorize Judith Pepple or other library district employees, blanket authority for Fiscal Year 2013-2014 to accept donations to our libraries in amounts up to \$1,000. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked how Ms. Pepple records or cross checks donations as different people receive the donations in the library. Ms. Pepple stated that as funds or donations come in they are recorded in the financial logs and also recorded in the New World Software data base. Ms. Pepple stated that there is an element of trust with her staff and she has established procedures and she trusts her employees to report correctly. Vote was unanimous.

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

Chairman White called for the regular agenda items.

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

Mr. Wengert presented the **Consent Items A-E County Manager/Clerk of the Board:**

A. Request approval of minutes dated July 2, 2013. **B.** Request approval of demands dated July 2, to July 16, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount LOWES HOME CENTERS INC 2,064.97 APACHE COUNTY MEDICAL 141,962.00 APACHE COUNTY TAX WITHHOLDING 128,816.24 AZ STATE RETIREMENT SYSTEM 79,250.17 COLONIAL LIFE AND ACCIDENT INS 1,314.78 CORRECTIONS OFFICER RET PLAN 7,974.15 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,721.23 MERITAIN HEALTH FLEXIBLE SPENDING 1,299.13 MUTUAL OF OMAHA 1,157.44 NATIONWIDE 1,515.00 PUBLIC SAFETY PERSONNEL 401 12,197.32 PUBLIC SAFETY SHERIFF RET 26,245.03 ECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,755.30 DELL COMPUTER CORPORATION 5,632.70 TRINITY SERVICES GROUP INC 14,851.46 ASHLEY, HERSCHEL E 1,500.00 BANNER GOOD SAMARITAN MEDICAL CENTER 6,741.25 BRADCO 25,925.64 CHEVRON USA INC 1,249.39 CONCO CONCRETE SPECIALISTS LLC 105,999.00 DICK, ERNEST W 3,855.00 EMPIRE MACHINERY 3,163.51 FRONTIER 2,695.65 FX TACTICAL LLC 1,707.98 GALLUP LUMBER & SUPPLY 3,076.07 LAWSON PRODUCTS INC 1,196.30 MERRILL BITS PLUS LLC 5,000.00 OFFICE DEPOT 1,962.46 QUILL CORP 5,364.90 SERENITY CEMETERIES VI LLC 5,595.00 STAPLES CREDIT PLAN 2,565.20 VALLEY AUTO PARTS 1,040.36 VEHICLE LIGHTING SOLUTIONS INC 2,047.77 WORLD OF TRAVEL 4,162.80 XEROX CORP 10,708.00 YOUNGS FUTURE TIRE 1,205.58 AZ ASSN OF COUNTIES 11,941.50 AZ COUNTIES INSURANCE POOL 458,696.00 BEGAY, MARLEITA 1,607.04 BROWN, DEVIN R 2,100.00 GOSERCO, INC. 3,505.28 OSBORN, JOSHUA DEON 1,374.45 MALE, JENNIFER TALLEY 1,360.16 WHITING, GARRET LEE 2,100.00 BILTMORE EVALUATION & TREATMENT SERVICES 2,100.00 BRADCO 22,788.83 EASTMAN, J DICK 2,592.00 FLYNN, LARRY A 20,400.00 FOSTER ELECTRIC MOTOR SERVICE INC 1,043.16 FRONTIER 1,162.05 GALLUP LUMBER & SUPPLY 2,732.30 GMCO CORPORATION 11,062.78 GOLIGHTLY TIRE 1,725.74 KUYUMJIAN, GREGORY A 9,000.00 LAW OFFICE OF MICHAEL S PENROD PLC 1,672.00 NAVOPACHE ELECTRIC COOPERATIVE 7,770.45 PATTERSON II, GL 1,056.00 QUILL CORP 3,359.40 ROTHKOPF, JAMES PAUL 3,375.00 SCHIFF, LAURENCE 1,100.00 SOURCECORP 1,240.36 ST JOHNS CITY 2,101.58 VERITAS RESEARCH CONSULTING 2,878.80 WOODLAND BUILDING CENTER 3,597.97 ARVISO, KIRK 1,061.99 AZ COUNTIES INSURANCE POOL 5,178.00 AZ NARCOTICS OFFICERS ASSN 2,100.00 COESTER, NEVA MARIE 1,710.00 HILLYARD INC 2,085.90 LATHAM, MICHAEL 1,800.00 NICHOLSON, JULIE ANN 1,517.60 ORONA, MONICA G 1,517.60 SLADE, EDWARD SETH 1,498.60 SUN RIDGE SYSTEMS, INC 17,677.00 SYSTEM EXCHANGE CORPORATION 4,625.00 THE AARONS COMPANY LLC 3,000.00 TJP COMMUNICATIONS 1,517.45 WELLS FARGO BANK 1,629.66 WENGERT, DELWIN 1,181.92 WHITE, TOM M Junior 2,026.02 APACHE COUNTY TAX WITHHOLDING 5,747.11 ALLEGRA 2,140.00 JENNINGS, RICHARD ALTHEUS 2,070.00 TRACKER SOFTWARE CORP. 2,838.00 OKLAHOMA STATE BANK 30,091.31

Personnel Items:

C. District II: Request authorization to hire a temporary Road Maintenance Worker II, not to exceed 90 days. **D. Round Valley Justice Court:** Request authorization to remove Terry Busby from probation with a 2.5% end of probation increase, effective July 1, 2013. **E. District I:** Request authorization to remove Thomas C. Tso from probationary status effective July 22, 2013 with the 2.5% end of probation increase. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert presented the request for approval to hire a Board of Equalization Hearing Officer and approval of a two (2) year contract and requested Chuck Johnson be hired to fill the contract position. Mr. Wengert stated that the Board instructed him to go out and advertise for the position and that was done and only one applicant submitted his resume and that was Chuck Johnson and

recommended approval of Mr. Johnson. Mr. Shirley moved approval, seconded by Mr. White. Mr. Weller asked how broadly the advertisement was conducted. Mr. Wengert stated that it ran in the White Mountain Independent. Elaine Salmi, a resident of the county expressed her opposition to the hiring of Mr. Johnson based on the county purchasing policy and hiring a contracted hearing officer would be a conflict of interest for the County. Mr. Weller stated that he appreciates Ms. Salmi's comments and he will not be voting to approve because he believes a broader search for qualified applicants should be conducted and if approved today, it should only be for a short time while we search for other competition. Motion passed 2-1 with Mr. Weller voting nay.

Commander Michael Cirivello requested approval of a resolution lifting the State of Emergency and Emergency Fire restrictions previously imposed by the Board of Supervisors. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

RESOLUTION NUMBER: 2013-12
A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA,
LIFTING THE STATE OF EMERGENCY AND EMERGENCY FIRE RESTRICTIONS
PREVIOUSLY IMPOSED BY THE BOARD IN RESOLUTION #2013-08 & 2013-09

WHEREAS, the Apache County Board of Supervisors previously imposed emergency fire restrictions by Resolution #2013-09 adopted June 13, 2013; and
WHEREAS, the Apache County Board of Supervisors previously declared a State of Emergency for fire conditions by Resolution #2013-08 adopted June 13, 2013
WHEREAS, the conditions that warranted enactment of the emergency fire restrictions and the state of emergency 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 emergency fire restrictions enacted in Resolution #2013-09 can only be lifted by subsequent resolution of the Apache County Board of Supervisors; 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 managed lands;
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 #2013-09 approved on June 13, 2013 are hereby lifted and such resolution and accompanying restrictions shall have no effect in Apache County.

That the state of emergency imposed by Resolution #2013-08 approved on June 13, 2013 is hereby terminated.

PASSED AND ADOPTED by the Board of the County of Apache, Arizona, this 16th day of July, 2013.

/s/ Tom M. White, Jr.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

/s/ Delwin Wengert

CLERK OF THE BOARD

Mr. Wengert, on behalf of District III, requested approval of Amendment #1 to the 2013 Work and Financial Plan between Apache County and the USDA Animal and Plant Health Inspection Service Wildlife Services in the amount of \$39,976. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval of the Ganado Sublease for the Ganado Road Yard. Mr. White stated that this is an agreement to rent an old unused building to the Navajo Nation Police for a substation. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Chuck Moter, Probation Services Director, requested approval to provide \$3,503.00 in matching funds for an ongoing Drug, Gang and Violent Crime Control Program (DEA) Grant. The State of Arizona will disburse \$4,011.00 in monies for a total of \$17,514.00. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Malena Bazarro, Grant Manager, requested approval of Environmental Review Record for the Apache County Fairgrounds CDBG Project, Arizona Department of Housing Contract 130-13. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazarro, Grants Manager, requested approval of Environmental Review Record for the Saint John's Senior Center CDBG Project, AZ Department of Housing Contract 113-13. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Marleita Begay, County Treasurer requested approval to modify the job description of the Chief Deputy County Treasurer. Mr. Weller moved not to approve the item. Hearing no second, the motion failed for lack of a second. Mr. Shirley moved to approve, seconded by Mr. White. Mr. Weller expressed his concern with the requested change of the educational requirement of an accounting degree for the chief deputy and to approve that change would be irresponsible on his part. A discussion was held between Treasurer Begay and the Board regarding the position. Mr. White expressed his concern with the position needing someone with a degree. Lenora Fulton, County Recorder stated that as elected officials they are elected to use their best judgment and feels that the elected officials should have a chief deputy that is their right hand and asked the Board to support the treasurer's request. Mr. Shirley asked for Mr. White's reconsideration on this issue, that this is a political position and at-will and is the right hand to the elected official. Mr. Weller expressed his concern with needing someone in that office that can be beneficial to the financial issues that are needed and paired with the recent problems that the County has had in that office, requested that an accounting degree be required for that position. Ms. Begay stated that in her opinion, to require an accounting degree is kind of discriminating against the position and there are people in other departments who she has worked with who have the experience but don't have the degree and she wants people who live in Apache County to be able to work here. Ms. Begay stated that it is costly to get a degree and there are people who want to advance themselves but because of the economy they are not able to acquire their degree. Mr. White asked Ms. Begay how much time she is spending in the Treasurer's Office. Ms. Begay responded 3-4 times a week. Mr. White stated that he is nervous based on the issues that happened in the Treasurer's Office with the prior treasurer and he believes the treasurer needs to spend time in their office to oversee the finances but will reconsider his opposition to the job description change. Mr. White confirmed his second to Mr. Shirley's motion. Motion passed 2-1 with Mr. Weller voting nay.

Treasurer Marleita Begay requested authorization to enter into an Independent Contract with Marc Platt to perform various duties including: investment management, banking activities, cash management and audit compliance. Mr. Weller and County Attorney Michael Whiting held a discussion regarding the travel portion of the contract. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Weller moved to adjourn, seconded by Mr. Shirley. Vote was unanimous.
Approved this 5th day of August, 2013.

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

/s/ Delwin Wengert
Clerk of the Board