

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
July 2, 2013
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting, the Public Health Services District 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.

In lieu of the invocation, Chairman White called for a moment of silence for the 19 firefighters who lost their lives in the Yarnell Fire.

Mr. Wengert led the Pledge of Allegiance.

Chairman White called for the Health District items.

Keli Sine-Shields, Assistant Director, requested approval of the Governor's Office of Highway Safety Contract #2013-OP-31 renewal. A discussion was held regarding the requirements of the agreement. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Keli Sine-Shields, Assistant Director, requested approval to remove Crystal Bonertz from probationary status with the 2.5% end of probation increase, effective June 16, 2013. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Keli Sine-Shields, Assistant Director, requested approval of the Intergovernmental Agreement #4 to the Tobacco Education and Prevention Services replacing Attachment A-Action Plan FY 2012 with Attachment A- Action Plan FY 2014 and replacing the price sheet. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Weller moved to adjourn the Health District meeting, seconded by Mr. White. Motion passed.

Chairman White called for the Flood Control District item.

Mr. Wengert, on behalf of the Engineering Department, requested approval to continue the Intergovernmental Agreement with the Arizona Department of Water Resources (ADWR) for water gauges used in the flood warning system project. Mr. Wengert stated that this is a two year extension at a cost of \$12,000. A discussion was held regarding the early warning notification process that is done using the gauges. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Weller moved to adjourn the Flood Control District meetings, seconded by Mr. White. Motion passed.

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

Mr. Wengert presented the item for any possible direction regarding the 2013-2014 Tentative Budget and notification of the Tentative Budget Public Hearing to be held on July 9, 2013 at 8:30 a.m. Ryan Patterson, Finance Director, presented a change to the tentative budget of the junior college tuition charged to the County by the State and that the tax rate had been held constant at 2.2 million annually and we were notified by the state that it will increase to 2.6 million and has caused the tax rate to increase by 6½. A discussion was held on the increase to the tax rate. No action was needed or taken.

Supervisor Shirley arrived at the meeting.

Brannan Eagar, Chief Deputy Sheriff, presented the item for a public hearing for discussion and possible approval to repeal current Ordinance 2003-21 and establish an Ordinance for fire zones and restrictions on certain outdoor fires in the unincorporated areas of Apache County that will specify criminal and civil penalties for violations. Chief Eagar stated that there are still some concerns and hoped to work those out today. Doyel Shamley, Natural Resources Coordinator, addressed the Board with his concerns with the Stages listed in the Ordinance and outlined his issues with the firearms restrictions. A discussion was held regarding the restrictions. Mr. Weller stated that this is a complex document and he has some concerns with it and would like to address the issues outlined in the Ordinance and made the motion to postpone the ordinance until another time. Mr. Shirley commented that he would like to approve this; that given the dire concerns with the drought and dry timber, he would like to see this new Ordinance in place. Mr. Weller and Mr. Shirley held a conversation regarding the current ordinance. A discussion was held regarding the difference in the existing ordinance and the proposed new ordinance. Mr. Weller's motion died for lack of a second. Mr. Shirley stated that this was an improvement over the last ordinance and moved to approve the ordinance, seconded by Mr. White. Mr. Weller stated that he was opposed to burdening the citizens with undue regulation and moving too quickly Motion passed 2-1 with Mr. Weller voting nay.

Chief Eagar returned to the podium and stated that he just realized there was a major error in Stage 2 of the ordinance and asked that Stage 3 be removed from the recently approved ordinance. A discussion was held regarding the content of the Ordinance. Mr. Weller moved to make an exception to Roberts Rules of Order to reconsider the action of the Ordinance, seconded by Mr. Shirley. Vote was unanimous. Mr. Weller moved to reconsider the ordinance and to remove the item from the agenda for consideration at a later date. Mr. White seconded the motion. Motion passed 2-0 with Mr. Shirley abstaining.

Mr. Wengert presented the **Consent items A- E County Manager/Clerk of the Board:** **A.** Request approval of minutes dated June 13, 2013 and June 18, 2013. **B.** Request approval of demands dated June 18, to July 2, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. APACHE COUNTY MEDICAL 143,477.00 APACHE COUNTY TAX WITHHOLDING 121,089.15 AZ STATE RETIREMENT SYSTEM 77,833.42 COLONIAL LIFE AND ACCIDENT INS 1,314.78 CORRECTIONS OFFICER RET PLAN 7,821.33 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,693.54 MERITAIN HEALTH FLEXIBLE SPENDING 1,299.13 MUTUAL OF OMAHA 1,157.44 NATIONWIDE 1,515.00 PUBLIC SAFETY PERSONNEL 401 12,135.07 PUBLIC SAFETY SHERIFF RET 24,197.70 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,960.27 ARIZONA YOUTH PARTNERSHIP 6,250.00 BARNES, PARTICIA M 2,060.00 BAUMAN HOME AND AUTO INC 1,032.50 BLUE HILLS ENVIRONMENTAL 1,555.57 BRADCO 61,299.95 CAC PROMOTIONAL ADVERTISING 1,460.75 CREATIVE PRODUCT SOURCE INC 7,387.54

CS&S COMPUTER SYSTEMS 3,497.60 DELLCOMPUTER CORPORATION 4,480.97 DINE PROTECTION AGENCY 1,218.00 DISH NETWORK 1,633.10 EMTAP ENTERPRISES 1,921.13 FOUR CORNERS WELDING & GAS SUPPLY 5,151.20 FRONTIER 6,328.65 FULL COMPASS SYSTEMS LTD3,442.22 GALLUP LUMBER & SUPPLY 1,386.38 GREENBERG CLARK INC 1,500.00 HUGHES SUPPLY INC (LAKESIDE) 1,036.02 INGRAM LIBRARY SERVICES 4,253.29 KTNN RADIO STATION 1,259.92 LEXIS-NEXIS 1,724.83 NAVAJO SANITATION INC2,602.95 NAVAJO TRIBAL UTILITY AUTHORITY 1,607.65 NAVAJOLAND INN AND SUITES 1,172.07 NAVOPACHE ELECTRIC COOPERATIVE 11,976.48 NORCHEM DRUG TESTING LABORATORY 1,882.15 OFFICE FURNITURE COM LLC 1,243.20 PATTERSON, DANA BRYCE 8,500.00 PERFECT PRINTZ LLC 1,950.75 PROFORCE LAW ENFORCEMENT 1,186.18 QUILL CORP 2,097.49 ROGERS, STEPHEN K 1,198.00 ROTHKOPF, JAMES PAUL 3,375.00 SMITH, JOHN R 2,970.00 SUN RIDGE SYSTEMS, INC 3,220.00 TJP COMMUNICATIONS 4,620.00 UNIVERSAL FLEET CARD 1,321.00 WELLS FARGO BANK 1,695.00 WILLIAMS LAW GROUP PLLC 8,500.00 YELLOWHORSE, JAY 1,480.16 YOUNGS FUTURE TIRE 4,580.64 BRUCKNER TRUCK SALES INC 1,270.50 FRANK'S SUPPLY CO INC 22,237.01 TOWNE PLACE SUITES TEMPE 2,758.79 XPRESS PROTECTION SECURITY SOLUTIONS INC 12,935.00 AMAZON COM INC 2,274.45 ARIZONA FURNISHINGS 9,095.04 COURTESY CHEVROLET 24,150.88 DELL COMPUTER CORPORATION 4,679.16 EMPIRE MACHINERY 2,692.27 FRONTIER 5,288.05GALLUP BLUEPRINT 3,953.23 GMCO CORPORATION 33,899.66 GOODYEAR AUTO SERVICE 6,452.86 HATCH CONSTRUCTION 4,390.07 HEXT, CHRISTINA T 1,719.52 HILLYARD INC1,836.56 KTNN RADIO STATION 2,992.50 LAW OFFICE OF MARSHA GREGORY 8,500.00 MCDANIEL, RONALD D 4,907.69 NAVAJO TRIBAL UTILITY AUTHORITY 1,116.39 NOMAD CONSULTING 15,000.00 PERFECT PRINTZ LLC 1,252.53 PIMA COUNTY MEDICAL 4,400.00 PITNEY BOWES 4,606.37 PLATT, MARCOR B 2,240.00 QUILL CORP 5,819.40 RAMIREZ, BENJAMIN M 1,080.00 SHELL OIL 1,285.38 TOWN OF EAGAR 5,243.27 UNIVERSAL FLEET CARD 1,042.34 VERITAS RESEARCH CONSULTING 1,620.00 VERIZON WIRELESS 1,037.78 AVAYA COMMUNICATIONS 1,381.19 AZ DEPT OF RISK MANAGEMENT 1,861.34 BANK OF THE WEST 1,026.23 BLUE HILLS ENVIRONMENTAL 26,979.49 COWBOY UP HAY AND RANCH SUPPLY 5,439.02 CRESTLINE SPECIALTIES INC 1,234.85 D & H PETROLEUM & ENVIRONMENTAL SERVICES 14,825.62 DESERT MOUNTAIN CORPORATION 8,112.24 FOUR CORNERS WELDING & GAS SUPPLY 12,976.48 FRONTIER 1,595.53 GALLUP LUMBER & SUPPLY 3,750.27 INCLUSIONS SOLUTIONS LLC 7,661.83 IT1 SOURCE LLC 2,673.18 KNOWLEDGENET ENTERPRISES LLC 2,990.00 MOUNTAIN PAINT CENTER 2,696.46 ORIENTAL TRADING COMPANY 1,073.67 OSAM DOCUMENT SOLUTIONS INC 1,901.75 SMITH, JOHN R 2,790.00 TJP COMMUNICATIONS 6,783.28 WHOLESALE FLOORS LLC 9,856.57 YOUNG, JOSEPH 6,920.00 ADHS AZ HEALTH CARE COST 22,400.00 **Personnel**

Items: C. District II: Request authorization to hire a temporary Facilities and Construction Worker III at \$14.11 per hour, not to exceed 30 days. **D. District II:** Request authorization to remove Mary J. Wilson from probationary status effective May 6, 2013 with the 2.5% end of probation increase. **E. District II:** Request authorization to hire a temporary Equipment Mechanic II at \$12.47 an hour, not to exceed 60 days. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Angela Romero, Elections Director, requested authorization to cancel the Special District Election for the Ganado Fire District and appoint the following persons to fill the Positions: Four Year Term: Deborah Lynn Cayedito, LaVerne Joe and Charlie Taliman Two Year Term: Stenson D. Wauneka and Lela Sangster. Mr. Weller moved to approve, seconded by Mr. Shirley. Vote was unanimous.

Ryan Patterson, Finance Director, requested approval of the Arizona Openbooks Interagency Service Agreement which will allow a data search for online expenditure and follows recently adopted statutory requirements and will cost \$3,000 up front and \$2,000 annually and is a huge cost savings over other possible options. Mr. Weller moved to approve the contract and asked that Mr. Patterson follow up with the Attorney's Office to eke sure we are following all of the new statutory requirements. Mr. Shirley seconded the Motion Vote was unanimous.

Milton Ollerton, Community Development Director, requested approval to move Linda Prentice from Permit Technician to an Administrative Coordinator with the regular 5% promotion increase, an increase of \$1,644 (\$32,887 to \$34,531). Mr. Ollerton also requested approval to increase Nephi Hightower, Building Official with a 5% increase of \$1,880 (\$37,590 to \$39,470). Mr. Ollerton provided an overview of the justification for the increases and stated that his staff has gone from 12 people down to 5 ½ people and there is money in the budget for the increases. Mr. Shirley moved approval. Mr. Weller stated that at the last meeting he voiced his concerns on taxing the citizens and now the burden that is being put on them and with the recent news of the junior college tuition that is being increased, taxes are going to be raised. Mr. Weller stated that with the economic outlook he sees, these small increases don't impact the taxpayers but the across the board increases for all employees will have an impact and that needs to be taken into consideration and seconded the motion. Vote was unanimous.

Dale Hauser, Engineering Department, requested approval to award Bid # 201310 for a water truck for District II, using District II carryover funds. Mr. Hauser stated that they received 5 bids from three vendors

International \$122,795.99 new
Superior Equipment Co. #1 \$83,282.70 used
#2 \$49,709.70 used high mileage
#3 \$43,211.70 used high mileage
Empire Machinery \$64,698.00 used

Mr. Hauser recommended Empire to be the better value for the cost and recommended approval. Mr. White thanked Mr. Shirley and Mr. Weller for the use of their equipment while waiting for the bids to come in. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Karen Houston, Human Resources Director, on behalf of Engineering, requested approval of a 5% salary increase for John Harris, \$1843.47, \$36,869.45 to \$38,712.92, Earl Lund \$1497.62, \$29,952.30 to 31,449.92 and Bertrum Billy, \$1,496.79, \$29,935.78 to \$31,472.51 for their work as lead men in the St. Johns, Round Valley and Chambers Road Yards and Rafael Lynch, Foreman for the Chambers Road Yard, \$1919.58, \$38,391.73 to \$40,311.31. Ms. Houston stated that Human Resources finds Mr. Crosby's requests to be reasonable. Mr. Weller stated that with the same reservations regarding the future of the economy, he moved approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazaruto, Grant Manager, requested approval of a revised Scope and Budget for the Benny Creek Project in Greer, utilizing current Forest Service Grant #12-PA-11030121-025. Mr. Weller moved approval and thanked Ms. Bazaruto for her work on the grant, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazaruto, Grants Manager: provided a presentation to highlight fire prevention treatments in Southfork, Alpine, and Nutrioso. Ms. Bazuro stated that the treatments were funded using Wildland Fire Hazardous Fuels funds from the Arizona State Forestry projects grant. Mr. Weller commended everyone for their work on this program and that it was a great benefit to the community. No action was needed or taken.

Ada Guinn, Probation Services, requested approval to accept \$26,392 in Title I, Part D funding from the Arizona Department of Education for salaries and ERE's to be spent from July 1, 2013 through September 30, 2013. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Treasurer Marleita Begay, requested approval of an Amendment to renew the lines of credit for Ganado Unified Schools District, Concho Elementary School District, and Window Rock Unified School District. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

School Superintendent Barry Williams, requested approval to create a full time Administrative Assistant I, (range 22) and fill the vacancy at the beginning of the salary range. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous,

Recorder Lenora Johnson, requested approval to hire a GIS Program Technician (range 34), not a temporary Project Coordinator (salary range 35) as was posted, and fill the vacancy, not to exceed 6 months or until funding is no longer available. Mr. White stated that the information before the Board is incorrect. A discussion was held regarding the change in title and Attorney Joe Young indicated that since the job title was not noticed properly, it would need to be removed and reposted with the correct job title. Mr. Weller made the motion to postpone the item until the correct job title was properly noticed on the next agenda, seconded by Mr. Shirley. Vote was unanimous.

Mr. Weller requested approval of joint funding Agreement between Apache County and Little Colorado Predator Control Association to provide funding to the United States Department of Agriculture, Animal and Plant Health Inspection Service Wildlife Services for predator removal, in the combined amount of \$39, 976. Mr. Weller provided an overview of the duties performed under this contract. A discussion was held regarding the cost differences of the \$33,000 to the \$39,976 which is a result of a cost sharing Little Colorado Predator Control Association. Mr. Weller moved approval. Mr. Shirley expressed his concern with the money being spent on predators that should be taken care of by the federal government. Mr. Weller concurred with Mr. Shirley that the federal government is not doing enough for our citizens on this issue. Mr. Shirley seconded the motion. Vote was unanimous.

Mr. Weller requested approval to budget \$7,500.00 in FY 2014 for a contract position titled "Wolf Interaction Investigator" for Apache County and the details of contract language and specific duties and responsibilities to be approved by the Board at a later date. Mr. Weller stated that generally the person in this position would serve the residents of the entire County for investigative work, confirmation work and interagency work associated with wolf reports or depredations in our County. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Joe Young, on behalf of the County Attorney's Office, requested approval of Arizona Criminal Justice Commission Victims Assistance Grant #VA-14-017 in the amount of \$23,339, awarded for FY14. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Joe Young, on behalf of the County Attorney's Office, requested approval of Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant #DC-14-017 in the amount of \$73,479. With an \$18,370 match award for FY14. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Joe Young, on behalf of the County Attorney's Office, requested that following a possible executive session for legal advice pursuant to ARS 38-431.03(A)(3), discussion and possible approval of a Settlement Agreement with Wenima Development, LLC relating to litigation for previous overpayment of taxes. Mr. Young stated that this was based on an error in classification and should have had agricultural status and were not and the agreement is in the best interest of the County. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous. Mr. Shirley moved to adjourn, seconded by Mr. Weller. Vote was unanimous.

Approved this 16th day of July, 2013.
/s/ Tom M. White, Jr. /s/ Delwin Wengert
Chairman of the Board Clerk of the Board