

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
June 16, 2015
St. Johns, Arizona**

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

Chairman Shirley called to order the Board of Supervisors 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.

Betty Smith led the Pledge of Allegiance.

Bonnie Weller gave the invocation.

Chairman Shirley called for the Health District item.

Chris Sexton, Health Director, requested approval to eliminate the currently vacant fulltime Health Educator I position and replace it with a Program Coordinator II position for the Injury Prevention and Community Health Grant. Mr. Sexton stated the starting salary of \$27,268 has been budgeted for and is a grant funded position. Mr. White moved approval, seconded by Mr. Weller. Mr. Weller stated he received an email relative to this as well as several other items regarding the fact that there was missing signatures on the agenda submission forms and after review, found more than 12 that were notated to the newspaper, and the person that submitted the email to the paper is concerned that the citizens are being treated a little bit more strictly than some of the employees. Mr. Weller asked to continue to improve in this area to try and improve the forms and all the details associated such as signatures, dates and appropriate authority approvals. Mr. White asked Mr. Sexton where the person will be stationed. Mr. Sexton responded the position was located in Springerville. Vote was unanimous.

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

Chairman Shirley called for the regular agenda items.

Doyel Shamley, Natural Resources Liaison, introduced Senator Carlyle Begay who discussed legislative issues including education issues facing the Navajo Nation, county and state. No action was needed or taken.

Barry Aarons, Government Relations Consultant, presented an update on higher education funding for out of county tuition. Mr. Aarons also provided an overview of the bid proposal process with the State of Arizona for housing inmates. Sheriff Dedman read a letter that was being sent to Governor Ducey from the Sheriff's Association regarding the inmate housing issues.

Mr. Wengert presented the **Consent items A-H** and recommended approval. Mr. Weller requested **Item H be pulled from the agenda** for discussion. Mr. White moved to approve **Consent Items A-G**, seconded by Mr. Shirley. Mr. Weller stated he would be abstaining from the vote because the consent agenda items that are about to vote on, there appears to be much activity

under departments within Judge Latham's purview without documentation of County Board oversight. Mr. Weller stated he has not received one piece of information that he requested through the County Manager with respect to what is happening and where the cost justifications are in Mr. Latham's areas. Mr. Weller stated there is a Navajo County Board approval of an item between our counties that we have not even seen with the County being a party to the agreement. Mr. Weller stated there are major layoffs within a department in in our County that affects the tax dollars significantly, with redistributions and he is concerned about the legality of those activities associated with the budget. Mr. Weller stated there has been no discussion or option to discuss it here before the Board and the Board has not been presented with one piece of information on these issues and has fiduciary responsibilities for the taxpayer dollars and oversight of these department budgets. Mr. Weller stated that Item E from Superior Court has no documented legal or Human Resource approval on the application for the agenda item as he believes it should be. Mr. Weller stated regarding Item F for Superior Court, there is no documented approval from County Attorney or Human Resources Department and has not been presented for discussion in light of all the previously mentioned issues. Mr. Weller stated he cannot place an approval on these items that in his opinion, show significant problem with respect for authority of the fiduciary responsibilities of the Board. Mr. Wengert stated Mr. Weller is talking about the Juvenile Detention Facility closure which is not on the agenda today but will be on the July 7th meeting and Judge Latham will be here to discuss the issues regarding the Juvenile Detention Center and as far as his hiring of people, and the Judge does not need Board approval to hire and the County Attorney can comment if he would like, but that is the reason the Judge placed the item on the agenda as notification only. Mr. Weller stated that it is the activities associated with the Juvenile Jail District that brings his concerns to light but it also significantly impacts the budget and the previous budgets for that department do not accommodate for the types of hiring taking place. Mr. Weller stated he agrees, Mr. Latham probably has the authority to hire and fire as he wishes, but when it potentially impacts the budget as significantly as it does, he needs to address it and clarify that he has not been informed about any of the issues associated with the Juvenile Jail District as he has requested and this is taxpayer money that we are dealing with.

County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between June 2, 2015 to June 16, 2015. Payee Amount APACHE COUNTY HAS 2,760.84 APACHE COUNTY MEDICAL 138,286.45 APACHE COUNTY TAX WITHHOLDING 134,685.87 AZ STATE RETIREMENT SYSTEM 90,188.36 COLONIAL LIFE AND ACCIDENT INS 1,280.36 CORRECTIONS OFFICER RET PLAN 8,647.91 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,882.88 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 36,302.84 SECURITY BENEFIT GROUP 1,151.00 SUPPORT PAYMENT CLEARINGHOUSE 2,277.37 ALERTUS TECHNOLOGIES LLC 1,191.00 AMIGO CHEVROLET 1,467.27 AZLGEBT 297,340.61 BRADCO 58,916.34 BUNTON, KELLY L 1,020.00 CAPPs, MELODY 1,428.00 CDW GOVERNMENT LLC 1,198.40 COCONINO COUNTY 3,733.33 COMMUNITY COUNSELING CENTERS INC 4,800.00 CONFLICT DEFENSE SOLUTIONS 1,580.00 COURTESY CHEVROLET 43,091.07 EASTERN ARIZONA COUNTIES ORGANIZATION EAC 61,000.00 FRONTIER 1,746.33 GALL'S INC 2,355.80 GOLIGHTLY TIRE 15,622.48 HATCH CONSTRUCTION 9,285.79 HILLYARD INC 3,652.75 INGRAM LIBRARY SERVICES 3,110.86 NAVAJO TRIBAL UTILITY AUTHORITY 1,000.67 NOODLE SOUP 5,443.30 OVERDRIVE INC 2,004.04 PACIFIC PONDEROSA CO INC 4,850.08 PAGE STEEL 1,985.91 QUILL CORP 4,561.31 RACHER'S OFFICE EQUIPMENT 1,920.76 RUSH TRUCK CENTER 1,088.39 SECURUS TECHNOLOGIES INC 1,293.68 THE GUIDANCE CENTER 3,750.00 TJP COMMUNICATIONS 3,081.13 TOWN OF EAGAR 9,843.32 UNITED RENTALS 6,269.80 WELLS FARGO BANK 0609 1,250.51 YOUNGS FUTURE TIRE 4,778.80 MORALES AND MORALES CONCRETE AND MASONRY 3,500.00 VERITAS RESEARCH CONSULTING 3,360.00 INDUSTRIAL COMMISSION OF ARIZONA 4,050.00 APACHE COUNTY TAX WITHHOLDING 12,782.45 ASHTONS REPAIR INC 1,509.39 AZ ASSN OF COUNTIES 11,344.43 AZ COUNTIES INSURANCE POOL 2,821.12 AZ DEPT OF RISK MANAGEMENT 2,153.05 BAKER'S OFFICE CITY 1,357.42 BANK OF THE WEST - 4747 1,152.04 BANK OF THE WEST - 4762 2,805.52 BLUE HILLS ENVIRONMENTAL 1,624.56 CENGAGE LEARNING INC 3,150.00 DELL COMPUTER

CORPORATION 1,683.98 GALLUP INDEPENDENT 3,070.87 GMCO CORPORATION 19,149.67
GRAVES PROPANE CO INC 1,428.47 HATCH MOTOR COMPANY SNOWFLAKE 1,649.92
KATHLEEN M MCGUIRE PSY D LLC 2,672.50 NAVOPACHE ELECTRIC COOPERATIVE
9,120.54 NORCHEM DRUG TESTING LABORATORY 2,150.87 NORTHLAND PIONEER
COLLEGE 39,365.92 OVERDRIVE INC 1,207.04 PACIFIC PONDEROSA CO INC 21,162.30 PTS
OF AMERICA LLC 1,334.30 QUILL CORP 1,702.82 SCHIFF, LAURENCE 1,000.00 STAPLES
CREDIT PLAN 2,399.97 TEN COW COMPANY INC 1,040.18 THE AARONS COMPANY LLC
3,000.00 TYLER TECHNOLOGIES INC 6,283.99 WALETA LAKE HAVASU CITY 2,400.00 WELLS
FARGO BANK 0609 2,455.38 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,244.46
YELLOWHORSE, JAY 1,922.02 YOUNG, JOSEPH 7,800.00 YOUNGS FUTURE TIRE 1,569.83
BEGAYE, ASA 4,306.06 TOWNE PLACE SUITES BY MARRIOTT 3,248.64 SEARS 5,045.11
MACIVOR, JOHN 5,000.00 Demands are Payments made or to be made, by the County. Specific
details of the demands may be requested Through the County public record request
process. **B.** Request approval of minutes dated June 2, 2015. **C.** Request approval of a Liquor
License Recommendation #06010023 for Amy Nations, Greer Café, located at 60 Main Street in
Greer, Arizona. **Human Resources:** **D.** Assessor's Office: Notification of the retirement of Christine
Hext, Chief Deputy Assessor, effective June 30, 2015 and request authorization to pay out her
accumulated sick leave per Apache County Human Resources Policy 3.25. **E. Superior
Court:** Notification of appointment of Troy Czarnyszka to fill the recently vacated Chief Security
Officer position with a starting salary of \$37,416.11 (slightly above the mid-range of the job
description.) Mr. Czarnyszka has over 19 years of law enforcement experience, retiring as an
administrative Sergeant. **F. Superior Court:** Notification of the appointment of **C.** Allan Perkins as
Superior Court Judge Pro Tem for the period beginning July 1, 2015 and ending June
30, 2016. **Community Development:** **G.** Request approval to waive Temporary Use fees for two
non-profit community events: Greer Days held on June 12 & 13, 2015 and Alpine Country Blues
Festival held on June 26 & 27, 2015 in the amount of \$300 each. Motion passed 2-0 with Mr. Weller
abstaining from the vote.
Chairman Shirley took a break and turned the meeting over to Vice Chairman White.

Per Mr. Weller's request to discuss the consent Item H, Mr. Wengert presented Consent Item H for
Probation Services requesting appointment of Ryan Patterson, Director of Finance, as the Chief
Fiscal Officer for both the Adult and Juvenile Divisions in accordance with A.R.S. 12-268A and the
AZ Code of Judicial Administration, Part 6, Sections 6-206 & 6-301. Mr. Weller asked if Mr.
Patterson would be compensated additionally for this responsibility. Mr. Wengert stated Mr.
Patterson would receive no additional compensation. Mr. Weller asked if this is an annual action. Mr.
Wengert stated yes. Mr. Weller moved approval, seconded by Mr. White. Motion passed. 102

David Romero, Chief Deputy Treasurer requested approval of resolutions for authorization, listing
Bank account signers and treasurer management service documents. These resolutions are to
initially add signers to the accounts that will be held with National Bank of Arizona and Investment
Custodian Fidelity, and authorizes individuals to work and sign for Treasury Management Services.
Mr. Weller and Attorney Joe Young held a discussion about a change of language to the resolution
for signers. Chairman Shirley returned to the meeting. Mr. Weller moved to approve the resolutions
pending modification for language associated with the broad statement on the signatories authority,
seconded by Mr. White. Mr. Romero asked if this approval included the treasury management
service request. Mr. Wengert stated the item is for the resolutions and the management service
request. Mr. Weller stated the agenda item does not mention the service management request and
Mr. Young clarified that it was not part of the agenda item. Mr. Weller asked if it was part of the
agenda item or not. Chairman Shirley responded that Mr. Wengert clarified it was part of the agenda
item. Mr. Weller stated the service agreement talks about a master service agreement that connects
to that he has not seen nor the addendum so he is concerned what this includes since the
documentation associated with it has not been provided. Mr. Weller withdrew his motion to approve.

Mr. White withdrew his second and made the motion to approve the resolutions and the management service request, seconded by Mr. Shirley. Motion passed 2-0 with Mr. Weller abstaining due to lack of information provided.

Mr. Wengert presented the request for appointment of John MacIvor as temporary administrator of the Nutrioso Fire district and approval of special administrator contract for same at a cost of \$500 per month. Mr. Weller asked Attorney Joe Young if the wording was appropriate for the agenda item. Mr. Young stated that the wording is appropriate since there is not a functioning Board for the Fire District so the authority automatically falls to the Board of Supervisors. Mr. Weller moved to approve John MacIvor as a temporary administrator to oversee the affairs of the Nutrioso Fire District Board until an election can be held. Mr. White seconded by the Motion.

Chairman Shirley stated there were several people wanting to address the item.

Dan Coleman, a property owner in Nutrioso, stated he was in favor of the appointment of Mr. MacIvor.

Paul Richardson, a resident of Nutrioso, expressed his concerns with the current fire chief in Nutrioso.

Karen Zalesky, a resident of Nutrioso, asked the County Attorney to answer questions regarding the Nutrioso Fire Chief violating the law. Mr. Zalesky stated Mr. Weller continues to tell her the County Attorney is not responding to him and she also has not received a response from the County Attorney regarding concerns the fire chief is breaking the law by signing contracts and preparing and posting the budget. Ms. Zalesky read from previous Board minutes and asked the Board to do what they said they would. Ms. Zalesky asked for an investigation into the wrongdoing of the fire chief.

Marilyn Hart, a resident of Nutrioso, expressed her concerns regarding the current fire chief's activities and failure of the Board of Supervisors to appoint an administrator within the 30 days following the resignations of fire district board members.

Mr. Weller stated Mr. MacIvor was present today and is listening to comments and will be reporting to the Board of Supervisors results of investigations and allegations associated within the fire district. Mr. Weller stated he did ask for an agenda item on this agenda and was assured by the County Manager that anything that takes place in the minutes would be addressed at the next Board meeting but he didn't see it on the agenda. Mr. Weller asked Mr. Young to comment on the actions of the fire chief as Ms. Zalesky spoke of. Mr. Young stated there are allegations against the fire chief overreaching his authority and the fire chief and the fire board are in a unique situations where they have duties to people in their district so there have been some things that were asked of him to do because they need to balance the objectives that the law requires and there has to be compromise to some extent. Mr. Young stated obtaining an administrator is the most important thing to do to make sure the district remains in compliance. Mr. Young stated the allegations against the fire chief are being looked into and reviewed and some allegations are still under investigation so a temporary administrator will go a long way in helping put a stop gap in place. Motion passed unanimously.

Angela Romero, Election Director, requested approval to publish the Call and Notice of Election for the Nutrioso Fire District Board the Special "All Mail" Ballot Election is scheduled for November 3, 2015. Mr. Weller asked Attorney Joe Young about the wording used on the agenda item for the all mail in ballot which is a separate item than call for election. Mr. Young stated the open meeting law

requires sufficient notice to the public on what will be discussed and can be handled together so the agenda wording is appropriate. Mr. Weller stated he agrees the public was aware of what was going to be decided on but the all mail in ballot is made as a statement not as a question or something to be approved. Mr. White moved to approve the call for election and the all mail ballot, seconded by Mr. Weller. Marilyn Hart, a resident of Nutrioso, asked questions about the election process and Chairman Shirley told Mrs. Hart to get with Mrs. Romero after the meeting to get her specific election questions answered. Vote was unanimous.

Angela Romero, Election Department requested approval to publish the Call and Notice of Election for the Concho Fire District Recall. The Special "All Mail" Ballot Election is scheduled for November 3, 2015. Mr. Weller moved approval of the call for election and an all mail ballot election, seconded by Mr. White. Vote was unanimous.

Election Director Angela Romeo, requested appointment of all tally board workers, replacement centers and drop boxes for the upcoming November 3, 2015 Special "All Mail" Ballot Election. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar requested authorization to enter into an Intergovernmental Agreement regarding Northeastern Arizona Law Enforcement Training Academy (NALETA). Chief Eagar stated this agreement provides certified AZPOST training to students who meet AZPOST qualifications and are sponsored by a law enforcement agency. Chief Eagar stated this Agreement requires officers to train and help run the academy which allows the cadets to stay Local and not have to travel and stay in Phoenix, Tucson, Havasu or Prescott. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller and Chief Eagar held a discussion on costs associated with the agreement and the amount of time that would be donated by the officers. Mr. Weller and Chief Eagar also discussed the previous agreement with the Academy and Mr. Weller asked for previous agreements to be attached to the backup material in the future. Vote was unanimous.

Mr. Wengert presented the request for approval of a waiver to continue utilizing U.S. Bank for lockbox services on behalf of Northern Apache County Special Health Care District. Mr. Wengert stated this item was tabled from the previous Board meeting. Mr. White moved approval, seconded by Mr. Weller. A discussion was held between Mr. Weller and Attorney Joe Young regarding the legality of the health district utilizing the lockbox with a different bank other than the servicing bank for the County. Mr. Weller asked why the attached resolution from the District referenced Wells Fargo and not National Bank. Mr. Wengert stated when the resolution was approved, Wells Fargo was the County's servicing bank. Vote was unanimous.

Mr. Wengert requested approval of the Workforce Investment Act Program Intergovernmental Agreement between Apache and Navajo Counties to include the merger with Gila County Workforce. Mr. Wengert stated Navajo County approved the Agreement back in April and this will allow Gila County to join the group which will bring additional resources and funding and will enhance the program. Mr. White moved approval, seconded by Mr. Weller. Mr. Weller requested regular or at least quarterly reports on the financial status of the program as well as the performance reports to be delivered to the Board as well. Susan Tagmeier, Executive Director of Northern Arizona Innovation Workforce Opportunities stated there is a member from Apache County that is on the Board and she is sent quarterly reports and will make sure the Board also receives them. Ms. Tagmeier stated the budget has increased from \$600,000 to \$1,000,056.00 so that is what will be brought to the program this year and 31% is from the Gila County addition and 10% from performance measures. Mrs. Tagmeier stated they have served over 150 citizens from Apache County spending over \$250,000 in tuition, wages and services. Vote was unanimous.

Mr. Wengert requested renewal of Contract #15-174-20 with Arizona Department of Corrections for inmate labor for the next five years. Mr. White moved approval, seconded by Mr. Weller. Mr. White asked how far north the inmates can go. Mr. Wengert stated the inmates can go as far as Sanders, Arizona. R.D. Stradling, Building Director, stated the inmates can go as far as Sanders with written approval from the prison. Mr. White asked why types of work do the inmates do. Mr. Stradling stated they weed community centers and County parks, demolition and remodels, assist road yards on the highway weeding around delineators, bridges and cattle guards as well as the janitorial services in County buildings. Vote was unanimous.

Mr. Wengert requested approval of a contract with Johnson Appraisal Group to conduct the Board of Equalization hearings, effective July 1, 2015 through June 30, 2017. Mr. Wengert stated Mr. Johnson has worked with the County over the past several years to take care of the property appeals and has does an excellent job and recommended approval. Mr. Weller asked the Board for consideration of denial of this contract since the County is in the midst of significant issues with the Assessor's Office and it behooves the Board to be very close to these issues. Mr. Weller stated Mr. Johnson has been part of the process for the past two years but has not picked up on the fact that we have had problems and having the knowledge he does, he could have helped see some of the issues a little earlier had he taken an unbiased position. Mr. Weller stated Mr. Johnson has stated (in hearings) that he assumes the County is right and it is up to the applicant to prove the County wrong and there may be a burden of proof but that particular statement comes across as very bias and the fact that we pay him for the service also adds to the potential that he would be bias to support the County's position in some areas. Mr. Weller asked to consider letting the Board be close to what is going on in the Assessor's office with these claims and concerns from the citizens by keeping this Board of Equalization before the Board of Supervisors. Mr. Weller moved to deny the contract. Mr. Wengert stated Mr. Johnson works with Coconino County and Navajo County and Judy Bender, the consultant who the Board is relying heavily on to work through the issues in the Assessor's Office approves of Mr. Johnson. Mr. Wengert stated Ms. Bender has worked with Mr. Johnson him quite a bit and believes his work is excellent and comes highly recommended from her. Hearing no second to Mr. Weller's motion, the motion died for lack of a second. Mr. White moved to approve the contract with Mr. Johnson, seconded by Mr. Weller, who commented that understanding Mrs. Bender's position on this, we need the process and if the Board is not going to take it back, Mr. Johnson would be the best choice at this time. Vote was unanimous.

Chairman Shirley opened the floor for call to the public.

George Walsh a resident of Vernon, expressed his concern with the County regarding a legally adopted zoning map. Mr. Walsh stated he submitted a record request for the official adopted zoning map and minutes where it was approved and seven days later he was told the County did not have the records. Mr. Walsh stated he and Mr. Weller have been asking since March 23rd to see a copy of the zoning map and that makes him wonder at what point do department heads, clerk of the board, county manager and county attorney have a fiduciary responsibility to make the Board aware; that there may be an issue to the validity of the ordinances that are in place, due to the fact of not following proper procedures of adopting a zoning maps when the zoning ordinance was adopted. Mr. Walsh stated that in his research none of the ordinances were published after approval as required by statute and asked that this issue be placed on an agenda for investigation and/or audit. Mr. Walsh stated there are errors that have been overlooked which have resulted in civil rights violation of property owners and taxpayers by the failure of the Supervisor's staff to fail to bring this before the Board as is their duty. Mr. Weller stated he has been part of discussions and trying to find the officially approved zoning map and have concerns with its connection with other ordinance issues and asked that this be on the next agenda to discuss the legality of the zoning map and the appropriateness to its important part in the approval of other ordinances that relate to it.

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

Approved this 7th day of July, 2015.

/s/ Joe Shirley, Jr.
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board