

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
June 18, 2013
St. Johns, Arizona**

Present were: Chairman Tom M. White, Vice Chairman Barry Weller and Supervisor Joe Shirley. Also present, County Manager/Clerk of the Board Delwin Wengert and County Attorney Michael Whiting.

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.

Delwin Wengert offered 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 Well Woman Health Check Program contract extension through December 31, 2013 in the amount of \$100,225. A discussion was held regarding the program funding. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

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

Chairman White called for the Library District item.

Judith Pepple, Library Director, possible approval to award the proposals for janitorial services for FY 2013-2014 for the Round Valley Public Library in the amount of \$14,100 and for the St. Johns Public Library in the amount of \$14,400 to Patricia Barnes. Mr. Weller moved approval, seconded by Mr. Shirley. 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.

Chuck Motor, Probation Services, recognized the retirement of Marlene Forester and Beverly Martin. Ms. Forster and Mrs. Martin thanked everyone for their support over the years. Mr. White and Mr. Weller thanked them for their service.

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

Kathy Hoogerwoof, a resident of Vernon, voiced her opposition to the approval of a contract with Howard Johnson as the Board of Equalization Hearing officer and requested that the Board of Supervisors sit as the Board of Equalization.

Lynda Tanner, a resident of Vernon, requested the Board sit as the Board of Equalization and not hire Chuck Johnson as the hearing officer.

Mr. Wengert presented the item for a public hearing for discussion and possible approval of the 2013-2014 Tentative Budget. Mr. Wengert stated that there was a recommendation that the Budget hearing be postponed until the first meeting in July. Chairman White asked the reason for the delay. Mr. Shirley stated that he put forward the recommendation to postpone since in times past, it was generally done the first meeting in July and he would like to stick with that and that will also give time to look at the budget moneys that are coming in as well as some additional recommendations from departments because once the tentative budget is approved you can't do much more with it. Mr. Weller stated that this is news to him and he was ready to address the issue today. A discussion was held regarding the time frame to advertise for the public hearing and the soonest it could be brought back before the public was July 9, 2013. Mr. Weller stated that he is wanting to reduce the budget and traveled back especially for this meeting to discuss it and was not given notice that it might be postponed but if all the legalities are worked out and it is postponed, he will work with that but his preference is to take action today.

Chairman White stated that he also did not know there was talk of postponing the item and he would also like to discuss the budget and possibly take action today. Mr. Wengert stated that he just received word that the legislature passed their budget and a couple items affect the County and one is that the lottery money that was taken from the County several years ago, has been reinstated and that is \$550,000 and he did not include in the revenue picture because he didn't know for sure if it would come at the time but would strengthen the budget and recommended that money be put in the savings to help the budget process next year. Mr. Wengert stated that the other item is the bill regarding flexibility language which has allowed the general fund to tap into the districts to help our revenue and did not anticipate that the legislature would pass and it did. Ryan Patterson, Finance Director provided a overview of the proposed budget. Mr. Weller stated that he is concerned with the budget and the proposed budget does not address jobs, it addresses raises for people who have jobs and the taxpayers in the county are living in poverty and dealing with inflationary issues that are going on in this country and are being impacted negatively and does not want to impact them more. Mr. Weller stated that last year there was money used to give a one-time relief to county employees and he would rather consider something like that then to go into a long term commitment in an area where we aren't sure of what is going to happen with the economy. Mr. Weller stated that he has nothing disparaging or negative to say about the dedicated employees in the county and hurts for them as he understands the wages are very low and that he would like more relief but we are depressed and need to focus on jobs and there is nothing in the budget that he has seen that is asking the Board to get together to talk about how we are going to bring jobs into the county so we can feel good about giving raises. Mr. Weller expressed his concern with the economic future of the county and that taxes may have to be raised to pay for employees raises and in his opinion, he would address helping the employees with the increase in health insurance costs but to do an across the board raise is not realistic in this economy.

Nancy Quinn, and employee of the County stated that the employees have not had a cost of living increase since 2007 and even though Mr. Weller says we are dedicated and appreciate our work, we have a hard time getting the gas to get to work. Ms. Quinn stated that employees are tax payers, constituents and voters and not just county workers, no less than anybody else and hurt as much as anyone else. Ms. Quinn stated that she has a job but it gets to the point where she can't afford her job and at the end of the pay period she has to decide if she is going to feed herself or buy gas. Ms. Quinn stated that the raise isn't something that is being given as a gift, employees have earned it for the last 6 years and have suffered along with the county.

Kim Benali, a resident of Apache County stated that she hasn't had a raise in 8 years but her property taxes have gone up and haven't seen any services in the county or any economic development or encouragement for the job industry. Ms. Benali stated that the focus should not be on raising taxes, it is bringing in economic development. Ms. Benali stated that she understands the need for raises but they hurt too, not just the employees, it's everyone; she has had to tighten her belt and so should the county.

Recorder Lenora Johnson stated that the county offices have tightened their belts; that within the Recorder's office she has lost three positions and kept 2 permanent positions vacant and used the money for temporary employees. Ms. Johnson stated that her staff are dedicated and have provided services to the county. Ms. Johnson stated that Apache County is the longest county in the United States and that is a large amount of travel time for staff to cover to provide services. Recorder Johnson requested the Board create a position within her office with some of the lottery money for a street file project that her office is working on.

Mr. Wengert stated that over the past several years, Apache County has cut the taxes more than any other county he knows of in the State and when the levy limit override went away that cut 3 million dollars out of the general fund and that was very difficult to manage and many positions were eliminated and things were cut while still providing services. Mr. Wengert stated that he wanted to remind the board that as far as tightening belts go, he does not know of any other county that has tightened their belt more than Apache County. Mr. Wengert stated that he feels that the Board has a responsibility to the employees to do the best it can and the budget before the Board today does give a cost of living increase for the first time in 6 years and the employees have needs and families and the Board has the responsibility to pay them as best as possible given the circumstances. Mr. Wengert stated that this budget gives a cost of living increase and still reduces the tax rate by 1 cent. Mr. Wengert stated that Mr. Weller commented that the tax rate may go up but we don't know that; it may be because there are things in the budget that we had to do, like the \$500,000 for software, the new employees to replace positions that were cut that are now being filled. Mr. Wengert stated with all that, the tax rate still went down by 1 cent and he stands behind this budget and he can't predict what will happen in the future but we do have this \$550,000 we just found out about and recommended the Board save it for next year to give the County more security.

Mr. Weller stated that the County has done an excellent job of cutting with the reduction of the levy override and he recognizes that staff have done an excellent job over the years but now there is talk again of bringing before the taxpayers another tax levy override for more taxes and believes we are headed toward higher taxes very soon. Mr. Weller stated that on his opinion, if the budget is approved today, there is money to move into some economic development job discussions and away from some of the areas they are at right now. Mr. Weller stated that he does support the new positions that Mr. Wengert referred to, that the cuts have been so dramatic resources were cut in areas that serviced the citizens and he will support any funding toward resources that improve, or get us to the minimum requirements for services and he supports the positions in the Assessor, Treasurer and IT. Mr. Weller stated that those are not the positions that are pushing this towards a tax increase, the raise to all employees is one that is a permanent burden to the county that we cannot afford.

Mr. Shirley recommend that the budget approval be postponed because of the new money that has come in, that he would like to talk about that and see where it can be put other than savings since there are needs out there that need to be looked.

Mr. Weller stated that he is not willing to second a motion along that line but is willing to approve the total amount of the budget and would want to adjust where those funds go, that the budget can be adjusted by line item, it just can't go higher than the overall amount once it is approved.

Mr. Weller moved to approve the budget. Mr. Patterson explained that once the tentative budget was approved it could not go up. Mr. White stated that he would not second Mr. Weller's motion and it died for lack of a second.

Mr. Whiting provide the statutory requirements for the budget and that the tentative budget would have to be approved by the 3rd Monday in July so the Board can postpone the item up until that 3rd Monday July. A discussion was held regarding the meeting date. Mr. Shirley made the motion to table the tentative budget until July 9, 2012 at 8:30 MST, seconded by Mr. Weller. Motion passed 2-1 with Mr. Shirley and Mr. White voting aye and Mr. Weller voting nay. Mr. Patterson asked if there was any direction for him before the next meeting. Mr. Shirley stated that this is an ongoing discussion and Mr. Weller, Mr. White or himself can give direction.

Mr. Wengert presented the public hearing for possible approval of a fee schedule for the Round Valley Rodeo grounds. Mr. Weller moved approval, seconded by Mr. Shirley. Chairman White called for public comment. Hearing none, Vote was unanimous.

Fee Schedule for the Round Valley Rodeo Grounds.

There will be a \$200.00 deposit required for the use of the Blue Building and facilities, or the Arena and Facilities. The use of both will require a deposit of \$400.00

DAILY FEES:				
FACILITY	CLASS I	CLASS II	CLASS III	CLASS IV
Blue Building w/Restrooms	40.00	65.00	200.00	300.00
Kitchen	50.00	150.00	200.00	250.00
FACILITY	CLASS I	CLASS II	CLASS III	CLASS IV
Arena & Grandstands w/Restrooms	25.00	150.00	150.00	300.00
Arena Lights	15.00/hr.	15.00/hr	15.00/hr.	15.00/hr.
Tractor Available Per Day (Operator must be approved by Rodeo Manager)	50.00	50.00	50.00	50.00
Basic Portable Arena Panel Set Up	100.00	200.00	200.00	200.00
Concession Stand (each)	40.00	75.00	200.00	300.00

Mr. Wengert presented the request for possible approval of the Fiscal Year 2014 "Personnel Action Items" list including changes to the Human Resources Table #3 submitted with the 2014 budget. Mr. Weller requested that each department be taken one at a time.

**FISCAL YEAR 2013-2014
PERSONNEL ACTION ITEMS
June 12, 2013
FINAL DRAFT (18)
District I**

Salary Change Norman Claw Fleet Manager Range 28 \$27,813.44

Request authorization to create new position of Fleet/Safety/Training Coordinator and to promote Norman Claw into this position with an increase in salary of \$3,000.00 to \$30,813.44. Funding will be paid through H.U.R.F.

Salary Change Gloria Bowman Administrative Coordinator Range 38 \$33,224.35
Request authorization to increase Gloria Bowman's salary by \$3,000.00 to \$36,224.35. Funding will be paid through H.U.R.F.

Salary Change Lena Clark Administrative Coordinator Range 38 \$37,746.74
Request authorization to increase Lena Clark salary by 1%. This would result in an increase of \$377.46 to \$38,124.20. Funding will be paid through H.U.R.F.

A discussion was held regarding the positions. Mr. Weller moved to approve as presented, seconded by Mr. Shirley. Vote was unanimous.

District II

Salary Change Christiane Tso Field Operations Manager Range 46 \$40,483.80
Request authorization to increase Christiane Tso's salary by \$3,000.00 to \$43,483.80. Funding will be paid through H.U.R.F.

Salary Change Kirk Arviso Administrative Coordinator Range 38 \$33,888.84
Request authorization to increase Kirk Arviso's salary by \$3,000.00 to \$36,888.84. Funding will be paid through H.U.R.F.

Mr. Weller moved to approve as presented, seconded by Mr. Shirley. Mr. Weller stated that these increases are unprecedented and he looks at them as merit increases and he thinks it would behoove the department heads to discuss why such a significant raise is being proposed and he is presently opposed to burdening the taxpayers with the overall increase to the employees but he does believe in merit increases and taking care of those who are performing well. Mr. White provided an overview of the reason for his increases for staff, that it was based on additional duties and job performance evaluations he conducts. Vote was unanimous.

District III

Position Creation New Position Roads Manager (Dist III) Range 59 \$54,441.00
Request authorization to create this position on table 3 and to hire at the beginning of the range. Funding will be paid through H.U.R.F.

Position Conversion Vacancy Road Worker III (St. Johns Yard) Range 34 \$29,365.00
Request authorization to convert the currently vacant Road Worker III to a Crusher Operator III (range 34). Funding will be paid through H.U.R.F.

Position Conversion Vacancy Equipment Mechanic II (R.V. Yard) Range 29 \$25,954.00
Request authorization to convert the currently vacant Equipment Mechanic II to a Road Worker III (range 34). This action will result in a cost of \$3,411.00. Funding will be paid through H.U.R.F.
Mr. Weller moved to approve as presented. Mr. Shirley asked what the Road Manager would be for. Mr. Wengert stated that this new position would be a planner working for District III for projects and the position required a graduate civil engineer and would be working on complex projects in District III like bridges and new asphalt. Human Resources Director Karen Houston stated that this position would work under County Engineer Ferrin Crosby but would have direct communication with Supervisor Weller. Mr. Weller stated that he has been in significant communication with Mr. Crosby about how we are going to improve the focus on quality and efficiency in District III with the 3 road yards and the significant amount of roads that are there and Mr. Crosby has done a very commendable job in communicating with him on concern he has had but that is pulling Mr. Crosby away from his primary duty of representing the entire county within Districts I and II as well. Mr. Weller stated that it was his and Mr. Crosby's combined opinion that to best be able to improve the efficiencies which definitely need to be improved in District III, and to manage the quality of work where we can, that we would need an oversight person. Mr. Weller stated that he compares this position to the District I position that was recently given a great increase in salary to deal with the overall aspects of the county road issues in that district. Mr. Shirley seconded the motion. Vote was unanimous.

Attorney

Salary Change Brian Hounshell Investigator Range 46 \$41,288.00

Request authorization to increase Brian Hounshell's salary by \$8,078.00 to \$49,366.00 per year. Funding will be paid through non-general fund monies.

County Attorney Whiting recommended approval as presented. Mr. Shirley moved approval. A discussion was held regarding an overview of the position. Mr. Whiting stated that Mr. Hounshell has taken on additional duties. Mr. Weller stated that this is not general fund money being used but is coming from the county attorney's budget and he has noticed that this is one budget that has gone over and we need to be concerned with the money we spend everywhere. Mr. Weller stated that he believes a 20% increase is out of the ordinary and cannot support such an increase but for a merit recognition, he would support a \$2,000 increase. Mr. Whiting responded that in regard to his budget, at the end of the year there are some other funds that can reimburse the general fund so he does not go over budget and this increase would be utilizing non-general fund money so it would not impact the general fund anyway. Mr. Weller commented that he believes he just heard the County Attorney say he would help alleviate the general fund burden by recognizing a \$10,000 payment to the general fund from this point forward if we give this raise. Mr. Whiting responded that as long as this individual is with his office, the increase in his actual salary would not come from the general fund; if Mr. Hounshell leaves, it would go back to general fund money. Mr. Weller stated that he believes this is an exorbitant amount of money for an increase and would not support an \$8,000 increase. Mr. White seconded the motion. Motion passed 2-1 with Mr. Weller voting nay.

Assessor

Position Authorization New Position Appraiser Apprentice Range 22 \$21,835.00

Request authorization to hire an Appraiser Apprentice at the beginning of the range.

Mr. Wengert recommended approval as resented. Mr. Weller made the motion to approve, seconded by Mr. Shirley. Vote was unanimous.

Treasurer

Position Authorization New Position Senior Accountant Range 52 \$45,799.00

Request authorization to hire John Smith in this position at 32 hours per week at a salary of \$22.02 per hour.

Position Conversion New Funding Client Service Rep II Range 24 \$22,940.00

Request authorization to hire create and hire a Client Service Rep II at the beginning of the range. Funding available with Accountant position elimination.

Position Elimination Funding Use Elsewhere Accountant Range 49 \$42,529.00

Request authorization to eliminate the currently vacant Accountant position and use the funding for the two new positions. Mr. Wengert recommended approval as presented. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Human Resources

Salary Change Sandi Pigg P/T Administrative Assistant I Range 22 \$10,917.50

Request authorization to increase Sandi Pigg's salary by \$545.88 to \$11,463.37. Funding will be through general fund monies. Karen Houston, Human Resources Director requested approval as presented and outlined the reasons for the increase. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Information Technology

Position Authorization New Position Network Administrator I Range 50 \$43,593.00

Request authorization to hire a Network Administrator at the beginning of the range Vote was unanimous. Mr. Wengert presented the request as presented and this position will be shared between the Assessor's & Treasurer's Office to assist with the new software and the employee will be supervised by IT. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Building & Maintenance

Salary Change R.D. Stradling Director Range 50 \$48,550.89

Request authorization to increase R.D. Stradling's salary by \$2,427.55 to \$50,978.43. Funding will be through general fund monies. Mr. Wengert requested approval of the item as presented and outlined the reasons for this increase. Mr. Shirley moved approval seconded by Mr. Weller, Vote was unanimous.

Finance

Salary Change Ryan Patterson Director Range 68 \$76,284.78

Request authorization to increase Ryan Patterson's salary by \$3,814.23 to \$80,099.02. Funding will be through general fund monies. Mr. Wengert requested approval of the item as presented and outlined the reasons for this increase. Mr. Shirley moved approval seconded by Mr. Weller, Vote was unanimous.

Sheriff

Position Creation New Position Equipment Specialist Range 30 \$26,603.00

Request authorization to create this position on table 3 and to hire at the beginning of the range.

Salary Change Brannon Eagar Chief Deputy Range 63 \$67,137.73

Request authorization to increase Brannon Eagar's salary by \$4,000.00 to \$71,137.73. Funding will be through general fund monies.

Salary Change Webb Hogle Commander Range 56 \$51,059.54

Request authorization to increase Webb Hogle's salary by \$4,000.00 to \$55,059.54. Funding will be through general fund monies.

Salary Change Roscoe Herrera Commander Range 56 \$51,059.54

Request authorization to increase Roscoe Herrera's salary by \$4,000.00 to \$55,059.54. Funding will be through general fund monies.

Salary Change Lance Spivy Commander Range 56 \$50,554.00

Request authorization to increase Lance Spivey's salary by \$4,000.00 to \$54,554.00. Funding will be through JAG monies.

Sheriff/Jail District

Salary Change Michael Cirivello Commander Range 56 \$50,554.00

Request authorization to increase Michael Cirivello's salary by \$4,000.00 to \$54,554.00. Funding will be through Jail District monies.

Position Authorization Switch Positions Dispatch Supervisor Range 47 \$40,480.00

Request authorization to activate the Dispatch Supervisor position on table 3 and to hire at the beginning of the range. This action will eliminate an existing vacant Dispatcher position. This action will result in an additional cost of \$13,877.00.

Position Authorization Switch Positions Detention Sergeant (Admin) Range 39 \$33,224.00

Request authorization to create an Administrative Detention Sergeant position and to hire at the beginning of the range. This action will eliminate the existing vacant Detention Lt. position. The action will result in a savings of \$12,575.00.

Position Authorization Switch Positions Facilities & Const Worker I Range 20 \$20,782.00

Request authorization to create a Facilities & Construction Worker I position and to hire at the beginning of the range. This action will eliminate one existing vacant Detention Officer position. This action will result in a savings of \$5,821.00.

Sheriff Dedman presented the requests for the Sheriff's Office and Jail and outlined the reasons for the increases. A discussion was held regarding the cost of living and merit raises. Mr. Whiting stated that he concurs; this is a justified increase for the Commanders. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Health District

Promotion Diane Samarin Clinical Svc Div Mgr Range 56 \$50,554.00

Request authorization to promote Diane Samarin to Director of Nursing at a range 58 and increase salary by \$2,559.00 to \$53,113.00.

Chris Sexton, health Director, presented approval of the request as presented and outlined the reasons for the increase. Mr. Shirley made the motion to approve the Library, Probation, School

Consortium, Puerco and Round Valley Justice Courts as one item. Mr. Weller seconded the motion. A discussion was held regarding the position in the Round Valley Justice Court. School Superintendent Barry Williams addressed the School Consortium item and that he thought there was some confusion regarding the position. A discussion was held regarding the Schools Superintendent and the School Consortium positions. Mr. Williams stated that he is short staffed in his office and will be asking the Board for support in the future. Chuck Moter requested that his items for the Probation Department be removed from the agenda and brought back at a future time. Lenora Fulton, County Recorder, requested an additional position in her Departments and requested a Program Coordinator for the street file and asked that the position be added. Chairman White stated that that requested was not on the agenda for consideration today. It was determine that position for the School Consortium was incorrectly presented and was removed. Mr. Williams requested that the items for the School Consortium and the School Superintendent e brought back at another meeting and removed it as presented. Vote was unanimous to approve the Library, Puerco and Round Valley Justice Courts, and remove the Probation and School Consortium items.

Library District

Hours Change Concho Library PT Library Specialist I Range 16 \$ 5,648.39

Request authorization to increase the weekly hours worked from 12 to 19. This will result in an annual cost increase of \$3,294.20.

Hours Change Sanders Library PT Library Specialist I Range 16 \$ 7,531.19

Request authorization to increase the weekly hours worked from 16 to 19. This will result in an annual cost increase of \$1,412.10.

Probation Services

Salary Change Tim Orona Asst. Dir Juv. Probation Range 53 \$50,277.02

Request authorization to increase the salary of Tim Orona by 1% for a new salary of \$52,810.98. This will result in an increase of \$522.88.

Salary Change Seth Slade Field Supervisor Adult Prob Range 45 \$38,530.00

Request authorization to increase the salary of Seth Slade by 1% for a new salary of \$40,471.91. This will result in an increase of \$400.71.

Schools Consortium

Position Creation New Position F/T 40 Admin Asst I Range 22 \$21,835.00 Request authorization to hire a Part Time Admin Asst. I at the beginning of the range.

Puerco Valley Justice Court

Salary Change Charli Anderson Constable Range N/A \$10,000.00 Request authorization to increase the salary of Charli Anderson by 50% for a new salary of \$15,000.00.

Round Valley Justice Court

Working Hour Increase Terry Busby P/T 19 hr Justice Crt Clk III Range 22 \$10,371.62 Request authorization to return Terry Busby back to full time.

Mr. Wengert presented the item for possible approval of a resolution supporting the Transfer of Public Lands. Mr. Weller provided an overview of the Resolution and moved approval, seconded by Mr. Shirley. Vote was unanimous.

RESOLUTION 2013-10

SUPPORTING THE FULL AND PRESENT IMPLEMENTATION

OF THE TRANSFER OF PUBLIC LANDS ACT or,

SUPPORTING THE TIMELY TRANSFER OF PUBLIC LANDS TO STATE.

WHEREAS, at statehood, the federal government promised all states that it would transfer title to the public lands within the newly created states; and

WHEREAS, the U.S. Supreme Court has called these promises “solemn compacts,” “bilateral agreements,” and “trusts” that must be performed “in a timely fashion”; and

WHEREAS, Arizona and the other western states are still waiting for the federal government to honor to them the same promise it made and kept with all states east of Colorado; and

WHEREAS, states like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, Mississippi were once as much as 90% federally controlled for decades; and

WHEREAS, these "western states" (as they called themselves at the time) succeeded in compelling the federal government to transfer their public lands because they understood the historical duty of the federal government to dispose of the same, and they banded together and refused to be silent or take "No" for an answer because federally controlled public lands prevented them from (i) generating tax revenues to educate their children, (ii) growing their economies, (iii) caring for their lands, and (iv) responsibly utilizing their abundant natural resources. (See, www.AmericanLandsCouncil.org for more information); and

WHEREAS, despite the fact that the promise is the same to dispose of the public lands upon being admitted as states, states east of Colorado have less than 5% federally controlled lands, while the Western States (excluding Hawaii) have more than 50% federally controlled lands; and

WHEREAS, in the current western states, excluding Hawaii, the federal government controls nearly 75% of our lands and 86% of Apache County; and

WHEREAS, in 1976, Congress changed its "policy" regarding our public lands (Federal Lands Policy Management Act, or FLPMA) to retain public lands in federal ownership – ignoring the 200-year-old obligation of Congress to transfer title to our public lands; and

WHEREAS, this "policy" change by Congress has failed western communities and schools, forest health, wildlife preservation, watershed management, and jobs and the economy, both locally and nationally; and

WHEREAS, withdrawals of public lands from use and economic activity, through such federal action as monuments and wilderness designations, constricts the value of School Trust Lands and reduces the funds available for educating our children; and

WHEREAS, state and local government officials have a crucial responsibility derived from the 10th Amendment to the U.S. Constitution, to manage our abundant lands and resources strategically and prudently for the health, safety and welfare of our citizens; and

WHEREAS, in the 2012 session, the Utah House and Senate passed by supermajorities the Transfer of Public Lands Act and Joint Resolution on Federal Transfer of Public to establish the framework and a deadline for the orderly transfer of federal public lands to the State of Utah; and

WHEREAS, under the Transfer of Public Lands, federal public lands will become state public lands to be managed through local planning for the multiple-use (including traditional uses like hunting, fishing, recreation, grazing, open space, economic activity, etc.) and the sustained yield of our abundant natural resources on state public lands; and

WHEREAS, the Transfer of Public Lands would not be used in any way that would change or effect preexisting water rights, grazing allotments, National Parks, Tribal Lands, Tribal Reserved Lands, and adjudicated water rights.

WHEREAS, the Transfer of Public Lands Act has received broad support from the governors, state attorneys general, state legislators, members of many Western congressional delegations, multiple counties, and other public officials, and private individuals and organizations throughout the western states and beyond (even the South Carolina House of Representatives passed a resolution in support of the transfer of public lands to willing western states); and

WHEREAS, the implementation of the Transfer of Public Lands Act will require the persistent and relentless efforts of counties and their citizens, giving guidance, encouragement and support to governor, attorneys general, legislatures along with the unwavering support of local governments and public and private individuals and organizations.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF APACHE

COUNTY wholeheartedly supports the passage of the Transfer of Public Lands Act in all states of the union, in order to hold the federal government to its long-overdue promise to transfer title to public lands to the State, to protect the State's public education system and economic vitality, and to preserve the important historical and cultural contribution that our public lands provide to the State and the nation.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of Apache County calls upon its fellow towns, cities, and counties to do all in their power and influence to support western states elected officials, including particularly the governor, attorney general, legislature, congressional delegation and county commissioners to exert their utmost abilities, influence and authority to fully

implement the Transfer of Public Lands Act and secure the transfer of our public lands to the State, with time being of the essence.

PASSED, APPROVED AND ADOPTED this 18th day of June, 2013.

/s/ Tom M. White, Jr.
Chairman
ATTEST:

/s/ Delwin Wengert
Clerk of the Board

Mr. Wengert presented the **consent items A-J**. Mr. Shirley moved approval, seconded by Mr. Weller. **County Manager/Clerk of the Board: A.** Request approval of minutes dated June 4, 2013. B. Request approval of demands dated June 4, to June 18, 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 APACHE COUNTY MEDICAL 141,956.00 APACHE COUNTY TAX WITHHOLDING 128,416.80 AZ STATE RETIREMENT SYSTEM 78,081.73 COLONIAL LIFE AND ACCIDENT INS 1,074.63 CORRECTIONS OFFICER RET PLAN 7,888.07 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,944.42 MERITAIN HEALTH FLEXIBLE SPENDING 1,212.57 MUTUAL OF OMAHA 1,164.33NATIONWIDE 1,515.00 PUBLIC SAFETY PERSONNEL 401 12,135.07 PUBLIC SAFETY SHERIFF RET 25,192.86 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,276.71 TRINITY SERVICES GROUP INC 18,537.27 BANK OF THE WEST 2,189.06 CCS PRESENTATION SYSTEMS 12,901.80 CEDAR GROVE WATER CO 1,448.92 DEBY FOUT 1,125.00 DELL COMPUTER CORPORATION 3,159.02 EMTAP ENTERPRISES 1,921.13 FRONTIER 8,965.69 GMCO CORPORATION 5,788.98 GREEN AND BAKER 10,436.41 HILLYARD INC 2,686.49 HUGHES SUPPLY INC (LAKESIDE) 1,721.31 LOWES HOME CENTERS INC 5,098.30 MOORE MEDICAL LLC 1,888.06 MOUNTAIN COMFORT HEATING AND COOLING 1,027.32 NAVAJO TRIBAL UTILITY AUTHORITY 1,128.63 NAVOPACHE ELECTRIC COOPERATIVE 1,635.99 PITNEY BOWES 2,860.01 PLATT, MARCOR B 5,000.00 PROQUEST LLC 7,375.00 SHOW LOW FORD INC 5,291.80 SMITH, JOHN R 2,835.00 SUMMIT HEALTHCARE ASSOCIATION INC 2,618.62 TASER INTERNATIONAL INC 1,227.75 VERITAS RESEARCH CONSULTING 1,260.00 VERIZON WIRELESS 1,484.31 WESTERN DRUG COMPANY 4,184.80 YOUNGS FUTURE TIRE 5,722.71 AZ DEPT OF REVENUE 1,250.63 AZLGEBT 274,891.62 ARIZONA YOUTH PARTNERSHIP 6,250.00 ASSURED IMAGING WOMEN WELLNESS OF SOUTHERN AZ 1,256.90 AZ DEPT OF RISK MANAGEMENT 1,908.72 BEGAYE, ASA 3,156.06 BIG MIKES RENTAL SALES AND SERVICE 3,607.44 BILLS DISCOUNT AUTO PARTS (NAPA) 1,656.84BRADCO 39,744.78 BUTLER'S OFFICE EQUIPMENT & SUPPLY INC 1,792.41 CDW GOVERNMENT LLC 2,397.73 COUNTRY MOUNTAIN AIRWAVES LLC2,199.12 CREATIVE MULTIMEDIA INC (CMI) 11,455.00 DELL COMPUTER CORPORATION 2,011.96 DIAMOND DRUGS INC 5,359.05 EMPIRE MACHINERY 2,195.62 FLYNN, LARRY A 9,300.00 FRANK'S SUPPLY CO INC 1,108.35 GALLUP TRUCK SERVICE 1,074.04 GOLIGHTLY TIRE 5,223.25 HI TECH WINDSHIELD & GLASS CO 1,107.78 HILLYARD INC 3,103.79 HORNE AUTO CENTER INC 24,500.00 HUBBELL, ROCHELLE 1,500.00 INLAND KENWORTH INC (PHX) 2,028.05 KATHLEEN M MCGUIRE PSY D LLC 2,017.50 KWKM POWER 95.7 1,170.96 LAW OFFICES OF MATTHEW L RIGG 1,314.50 LIBERTY FENCE AND SUPPLY 3,594.65 MERITAIN HEALTH FLEXIBLE SPENDING 5,000.00 NACOG 10,525.00 NAVOPACHE ELECTRIC COOPERATIVE 8,558.63 OFFICE FURNITURE COM LLC 1,486.08 PROFORCE LAW ENFORCEMENT 4,522.89 QUILL CORP 3,503.85 RDO EQUIPMENT CO 1,093.22 SCHIFF, LAURENCE 1,300.00 SIERRA PROPANE 1,393.04 SPRINGERVILLE-EAGAR CHAMBER OF COMMERCE 4,125.00 THE AARONS COMPANY LLC 3,000.00 TOM GROWNEY EQUIPMENT 1,519.81 WHITE MOUNTAIN PUBLISHING CO 1,046.46 WHITING, MICHAEL B 1,928.72 WOODLAND BUILDING CENTER 1,171.88 DALEY, STEVE 3,150.00 FRONTIER 1,439.02

FRONTIER 1,070.50 NAVOPACHE ELECTRIC COOPERATIVE 2,740.74 OFFICE OF THE AUDITOR GENERAL 6,500.00 RESERVE ACCOUNT 5,000.00 RIBOTTA, JOHN J 2,520.00 ST JOHNS CITY 1,780.13 US POSTMASTER 2,165.00 WOODLAND BUILDING CENTER 1,848.99

C. District III: Request approval to provide \$784.66 to the Nahata Dziel Senior Center for food related items, utilizing District III funds. **Personnel Items:** **D. Recorder's Office:** Request authorization to extend three part time (19 hour) temporary employees: Tracy Candelaria, Administrative Assistant II Mae Clark, Administrative Assistant II, and Betty Coplan, Clerk, all for an additional 180 days, utilizing the Recorder's Surcharge fund. **E. District I:** Request authorization to remove Patrick Sandoval from probationary status effective July 2, 2013 with the 2.5% end of probation increase. **F. District I:** Request authorization to convert the Civil Engineering Technician II (range 42) to a Civil Engineering Aide II (range 29). This action will result in a cost savings of \$9,824. **G. District II:** Request authorization to hire a temporary Operations Manager (Range 42) at \$17.20 per hour for a period not to exceed 90 days. **H. District II:** Request authorization to hire a temporary Road Worker II (range 26) \$11.58 per hour for a period not to exceed 90 days, utilizing HURF monies. **Community Development:** **I.** Request approval of a request to waive the permit fee for a temporary Use Permit for Greer Civic Association, a non-profit organization to hold Greer Days, an annual community event in Greer, June 14-16, 2013. **Probation Services:** **J.** Request approval of appointment of Ryan Patterson, Director of Finance as the chief Fiscal Officer for both the Adult and Juvenile Divisions in accordance with the AZ Code of Judicial Administration, Part 6 Probation, Sections 6-206 & 6 301. Vote was unanimous.

Mr. Wengert on behalf of the Engineering Department requested the item to continue Intergovernmental Agreement with the Arizona Department of Water Resources (ADWR) for water gauges used in the flood warning system project, a two year extension at a cost of \$12,000 be removed from the agenda. Chairman White removed the item.

Mr. Wengert, on behalf of the Engineering Department, requested approval of a contract addendum and change order with Creative Multimedia Inc., for the parcel map project in the amount of \$80,000 through June 30, 2014. Mr. Shirley moved approval. A discussion was held regarding the percentage of work still needed and how close was the end of the project. Mr. Weller seconded the motion. Vote was unanimous.

Amanda McComb, Chief Deputy Treasurer, requested approval of addendum to the Point and Pay E-Payment Services Agreement that was signed on December, 2011, at no cost to the County. Ms. McComb stated that this will assist the taxpayers and allow them to make payment over the counter in the office. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Chuck Moter, Probation Director, requested approval to provide \$3,157 in matching funds for an ongoing Family Counseling Grant and the State of Arizona will disburse \$12,629 in monies for a total of \$15,786. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Lenora Johnson, County Recorder requested approval to adjust the salary of Voter Outreach Project Coordinator Oliver Arviso from \$14.47 to \$15.86 per hour, retroactive to his hire date of June 4, 2013. Ms. Johnson stated that this request is made as a consequence of his past supervisory and managerial experience while in the military. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented the request for approval of a contract and appointment of Howard "Chuck" Johnson as the Board of Equalization Hearing Officer effective July 1, 2013 to June 30, 2015.

Ernie Tomlinson, a resident of Vernon, expressed his opposition to using Mr. Johnson, Mr. Tomlinson stated that Mr. Johnson does not provide a fair and impartial environment for Taxpayers and would like to see the Board of Supervisors sit as the Board of Equalization.

Kim Beneli, a resident of Concho, stated that Mr. Johnson is less than respectful and was not consistent on what he required from the taxpayers. Ms. Beneli asked if the county advertised for this position and if so were there other applicants. Ms. Beneli stated that this Board of Supervisors is an improvement from the last Board and thanked Mr. Weller for the changes that she is seeing.

Donald Maxwell, a resident of Vernon, expressed his displeasure with Mr. Johnson and that Mr. Johnson was no more fair than the Assessor's office and they are making it impossible for the taxpayer to get a fair hearing. Mr. Maxwell stated that Mr. Johnson's rulings were inconsistent and bias against the property owners and asked that the Board not hire Mr. Johnson.

Susan Maxwell, a resident of Vernon, asked that the Board not hire Mr. Johnson again and the Board sit as the Board of Equalization. Ms. Maxwell stated that a Mr. Luna, a Hispanic man and When Mr. Luna spoke, Mr. Johnson talked down to him and would not listen to him and Mr. Luna lost the appeal. Ms. Maxwell stated that Mr. Johnson is impatient with taxpayers and does not take time to listen and shuts them down from speaking and generally rules for the Assessor's Office.

Elaine Salmi, a resident of Vernon, stated that Mr. Johnson is not keeping up with the Department of Revenue regulation and guidelines and using a hearing officer is a conflict of interest since the person is paid by the County.

Nicholas Scienski, a resident of Vernon, Arizona encouraged the Board to use a local individual to sit as the hearing officer so that they are more familiar with this area.

Mr. Weller asked if Mr. Johnson was present or anyone in support of Mr. Johnson. Mr. Wengert responded that Mr. Johnson was attending the mandatory training in Tucson this week. Mr. Weller made the motion to disapprove the contract and take this on as a Board to stay closer to the issue and to learn what is going on and will be dedicated to attending the hearings. Hearing no second, the motion died. A discussion was held regarding the issues raised by the taxpayers. Mr. Shirley stated that this issue could be postponed to a later meeting and he would like to see the resume of Mr. Johnson and if he has time to come before the Board to ask him some questions. Mr. Shirley stated that he does not want the Board to sit as the Board of Equalization and that using professional services does not have to go out to bid but that does not preclude advertising so he would like to see the position advertised in the local paper to see if there are any other qualified applicants in the area. Chairman White agreed with Mr. Shirley that the Board not hear the appeals and use a hearing officer. Mr. White stated that since the item died for lack of a second, it would be addressed at a later time and that it did need to be advertised and see if we get someone else who is local so that per diem could be saved. Mr. Weller stated that he hoped Mr. Johnson came and addressed the Board and gave some feedback on the issues raised and requested to also to look at resumes and reference of the potential hearing officer.

Mr. White provided notification of a Special Seminar and Symposium on predatory animals on June 28, 2013 at 6:00 p.m. at the American Legion Hall, 825 East Main Street, Springerville, Arizona. No action was needed or taken.

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

Approved this 2nd day of July, 2013.
/s/ Tom M. White, Jr. /s/ Delwin Wengert
Chairman of the Board Clerk of the Board