

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
June 20, 2017  
St. Johns, Arizona**

Present were: Chairman Joe Shirley, Jr. and Vice Chairman Doyel Shamley. Also present were County Manager/Clerk of the Board Delwin Wengert and Chief Deputy County Attorney Joe Young. County Attorney Michael Whiting participated via the telephone. Supervisor Alton Joe Shepherd was in-route to the meeting.

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 and stated Supervisor Shepherd was on his way.

Diana Morgan led the Pledge of Allegiance.

Jeff Udall gave the invocation.

Chairman Shirley called for the Public Health Services District.

Chris Sexton, Health Director, requested approval of a contract with Dr. Scott Hamblin for Public Health Medical Consultation/Alternative Medical Examiner Services, effective April 1, 2017 and was budgeted for in FY17-18. Mr. Shamley moved approval, seconded by Mr. Shirley. Motion passed.

Chris Sexton, Health Director, requested approval of IGA#ADHS14-053047 Women, Infants & Children (WIC), Breastfeeding Peer Counseling (BFPC), and Farmers Market Nutrition Program (FMNP) services, Amendment #5 reducing the WIC Price Sheet from one hundred-two thousand, six dollars (\$102,006), to ninety-four thousand, four hundred thirteen dollars (\$94,413), due to a reduction in caseload. Mr. Shamley moved approval, seconded by Mr. Shirley. Motion passed.

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

Chairman Shirley called for the Library District items.

SueAn Collins-Stradling, Library Director, requested approval of a lease agreement between the Greer Community Facilities Association and the Apache County Library District from July 1, 2017 through June 30, 2018 at the rate of eight hundred fourteen dollars and thirty-four cents (\$814.34) per month. Mr. Shamley moved approval, seconded by Mr. Shirley. Motion passed.

Supervisor Shepherd arrived at the meeting.

SueAn Collins-Stradling requested approval of a lease agreement between the Apache County Library District and the Vernon Domestic Water Improvement District from July 1, 2017 to June 30, 2018 at the rate of twenty-five dollars (\$25.00) per month. Mr. Shamley moved approval, seconded by Mr. Shepherd. Vote was unanimous.

SuAnn Collins-Stradling, Library Director, approval of a lease agreement between the Apache County Library District and the Vernon Community Park Committee from July 1, 2017 to June 30,

2018 at the rate of twenty-five dollars (\$25.00) per month. Mr. Shamley moved approval, seconded by Mr. Shepherd. Motion passed.

Mr. Shamley moved to adjourn the Library District meeting, seconded by Mr. Shepherd. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Paul Greer with the Arizona Game and Fish Department introduced Jim Devoss, Chris Bagnoli, with the Game and Fish and John Oakleaf, U.S. Fish and Wildlife and Jim Zieler, Game and Fish Commissioner. Paul Greer provided a power point presentation and update on the Mexican Gray Wolf reintroduction. Mr. Shamley thanked Mr. Greer for his outreach in helping keep the community informed.

Mr. Wengert requested the Memorandum of Understanding with Apache County and the United States Game and Fish for the reintroduction of the Mexican Grey Wolf be removed from the agenda. Chairman Shirley removed the item.

Mr. Wengert presented the **Consent Agenda Items A & B**. Mr. Shamley moved approval, seconded by Mr. Shepherd. **County Manager/Clerk of the Board: A**. Request approval of demands as distributed to the Apache County Board of Supervisors between June 6, 2017 to June 20, 2017. Payee Amount ALLEGRA 3,095.01 AZ DEPT OF HEALTH SERVICES 1,510.00 AZ SECRETARY OF STATE 8,339.73 BRADCO 25,264.97 CRESCENT ELECTRIC SUPPLY CO 1,527.64 JENNINGS HAUG & CUNNINGHAM LLP 4,679.00 LATHAM, MICHAEL 8,735.60 MINGUS MOUNTAIN ACADEMY 10,050.00 NATIONAL BANK OF ARIZONA 0127 1,034.80 NATIONAL BANK OF ARIZONA 1389 3,189.10 NATIONAL BANK OF ARIZONA 0085 3,305.97 NATIONAL BANK OF ARIZONA 0186 5,644.35 NATIONAL BUSINESS FURNITURE 3,523.42 NATIONS GAS TECHNOLOGIES INC 1,394.36 PACIFIC PONDEROSA CO INC 4,858.35 QUILL CORP 7,471.71 RUSH TRUCK CENTER 3,342.53 SANDOVAL, PATRICK J 1,429.05 SECURUS TECHNOLOGIES INC 1,270.14 SHIRLEY, JOE Junior 3,027.06 SOURCEHOV 5,724.69 TEN COW COMPANY INC 1,016.48 THE BANCORP BANK 105,138.60 TRINITY SERVICES GROUP INC 13,999.60 PITNEY BOWES RESERVE ACCOUNT 2,500.00 Shirley, Joe Junior 2,079.38 Rogers, Kent 1,219.90 Stradling, Reed 1,445.22 Bay, Glenn 3,026.31 Faulkner, Emery 1,085.80 Irigoyen, Joshua 2,120.51 Chavez, Lillian C 1,000.24 King, Walter Scott 1,272.77 Burbank, Lorenzo 1,166.88 AMERICAN FAMILY LIFE ASSURANCE 1,158.77 APACHE COUNTY HSA 2,883.33 APACHE COUNTY MEDICAL 128,237.30 APACHE COUNTY TAX WITHHOLDING 139,890.53 ASRS LEGACY EORP 1,089.96 AZ STATE RETIREMENT SYSTEM 90,862.33 COLONIAL LIFE AND ACCIDENT INS 1,256.35 CORRECTIONS OFFICER RET PLAN 6,330.59 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,784.44 EORP LEGACY 1,288.26 NATIONWIDE 1,830.00 NATIONWIDE RETIREMENT SOL EODCRS 1,030.62 PUBLIC SAFETY PERSONNEL 401 7,744.21 PUBLIC SAFETY SHERIFF RET 42,903.98 SUPPORT PAYMENT CLEARINGHOUSE 2,428.40 ADHS AZ HEALTH CARE COST 22,400.00 AMERICAN BIO MEDICA CORPORATION 1,957.88 AZ COUNTIES INSURANCE POOL 1,744.38 AZ DEPT OF RISK MANAGEMENT 1,296.45 AZ STATE GOVERNMENT 75,886.69 AZLGEBT 305,374.04 BAUMAN HOME AND AUTO INC 1,451.28 BENDER, JUDITH A 2,075.00 BILLS DISCOUNT AUTO PARTS (NAPA) 2,678.54 BRADCO 32,103.10 BREWER LAW OFFICE PLLC 8,500.00 CDW GOVERNMENT LLC 3,719.99 COCONINO COUNTY 2,400.00 CONTROLLED FORCE INC 1,140.00 DANT CLAYTON CORPORATION 8,400.70 DIGITAL2YOU.CC 1,260.00 EMPIRE MACHINERY 10,539.33 FRONTIER 1,755.40 GALL'S INC 1,085.17 GALLUP BLUEPRINT 1,544.63 GOLIGHTLY TIRE 1,478.42 GUINN, RICHARD C 1,620.00 HAMBLIN LAW OFFICE PLC 8,500.00 HATCH CONSTRUCTION 4,125.10 HEINFELD MEECH AND CO PC 1,950.00 HILLYARD/FLAGSTAFF

1,895.92 HOME DEPOT 12,229.19 HUMAN SERVICES CONSULTANTS 5,509.32 KATHLEEN M MCGUIRE PSY D LLC 2,220.00 LARRY H MILLER TOYOTA PEORIA 33,324.66 LATHAM, MICHAEL 2,463.13 LAW OFFICE OF DIRK LEGATE PLLC 8,500.00 MIGALI SCIENTIFIC 7,766.00 MOHAWK AUTOMOTIVE LIFTS SOUTHWEST 39,217.38 NAVOPACHE ELECTRIC COOPERATIVE 4,045.14 PACIFIC PONDEROSA CO INC 1,506.10 PERFORMANCE AUTO & 4X4 CENTER 1,482.95 PITNEY BOWES 3,657.51 QUILL CORP 5,834.53 SECURUS TECHNOLOGIES INC 1,084.62 SHERWIN-WILLIAMS 1,551.82 SWEETLANDS COMPLETE AUTO 5,175.85 THE AARONS COMPANY LLC 3,000.00 THE LIGHTHOUSE INC 4,492.19 THOMSON REUTERS WEST 1,087.23 TJP COMMUNICATIONS 1,139.71 TOWN OF EAGAR 1,070.63 TRUCK WORKS HOLDINGS LLC 12,503.86 VALLEY AUTO PARTS 1,334.62 WADDELL K9'S LLC 13,130.00 WAL-MART COMMUNITY 2,567.22 WOODLAND BUILDING CENTER 9,407.70 CORD KING OF CANADA 53,365.00 SCHIFF, LAURENCE 1,600.00

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 6, 2017. Vote was unanimous. District II Supervisor, Alton Shepherd presented the request for approval of salary adjustments for Gabriel A. Freeland, District Manager, to fifty-nine thousand dollars, and seventy cents (\$59,000.70); Bernice Y. Begay, Administrative Coordinator to forty-one thousand dollars, six hundred seventy seven dollars (\$41,677.00); Julius Elwood, Administrative Coordinator, to forty-three thousand, five hundred seventy one dollars (\$43,571.00); Flora A. Nez, Operations Manager to forty-five thousand, nine hundred thirty nine dollars (\$45,939.00); Patrick Martinez, Field Operations Manager, to fifty-three thousand forty three dollars (\$53,043.00); Gilbert Arviso, Senior Planner, to forty-seven thousand three hundred sixty dollars (\$47,360.00). Mr. Shepherd stated the backup material did not include the restructuring of his District and presented the Board with an updated packet. Mr. Shepherd stated he took office in January and since then he has had time to re-evaluate and restructure his District to meet the needs of the constituents of District II. Mr. Shepherd stated several months ago, he wanted to present this issue to the Board but was recommended to wait. Mr. Shepherd stated there may be questions on the salary jumps and provided a handout on the restructuring and job descriptions, which outline the recommended salaries for his staff. Mr. Shirley called for a motion. Mr. Shepherd made the motion to approve. Hearing no second, motion died. Mr. Shirley stated there is a salary study going on so we should wait for that to be completed; he would like to give raises to his staff as well but it was decided the county conduct a salary study to see what can be done to bring increases for staff in all the districts. Mr. Shirley stated the salary study needs to be done expeditiously to address these salary concerns. Mr. Shepherd stated the Board should respect one another as far as what is in their budgets and this is money that is formulated in his budget, and isn't taking anything away from District I or District III. Mr. Shepherd stated even with a salary study, he will be bringing his recommendation to the Board. Mr. Shepherd stated he was hoping for support, just as he has supported other Board members' recommendations since January, and appreciates Mr. Shirley's comments.

Jeff Udall, Chief Deputy School Superintendent Discussion and possible approval to accept Amendment #2, to Intergovernmental Agreement #GA-SABG-GR-16-040116-01. Mr. Udall this will provide additional support for the Apache County School Superintendent's role in development, coordination and implementation of Peer/Parent Substance abuse prevention programming. Mr. Shamley moved approval, seconded by Mr. Shirley. Mr. Shepherd asked why Ganado Unified School District was not included in the program. Mr. Udall and Mr. Shepherd held a discussion regarding the omission of Ganado's participation. Mr. Udall stated in the future, Ganado will not be left out of the program. Motion passed 2-1 with Mr. Shepherd voting nay.

Mr. Wengert presented the request for approval of a Liquor License application recommendation (Person Transfer – 06010030) for Brandon Mulloy, Mulloy's Public House, 41633 Highway 180, Nutrioso, Arizona. Mr. Wengert stated no protests were received. Mr. Shamley moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert requested approval of the amended Crooked Nail Trail, Intergovernmental Agreement between the Town of Eagar, Town of Springerville and Apache County for the construction of a public trail. The amendment reflects the removal of the City of St. Johns from the Agreement. Mr. Wengert stated the trail will not reach the City of St. Johns, though it may in the future. Mr. Shamley moved approval, seconded by Mr. Shirley. Vote was unanimous.

Glenn Joy, on behalf of Human Resources, requested approval of modification of the Human Resources Policy Manual Section 3.2 (Sick Leave). Mr. Joy stated this is due to the passing of Proposition 206, which increased minimum wage to \$10.00 per hour as well as sick leave for all temporary and part time employees. Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shepherd asked if there was a cost impact. Mr. Joy stated there are approximately 34 employees that will be impacted this year but he did not have a cost estimate. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar on behalf of Emergency Management, requested ratification of a resolution entering into Stage I Fire Restrictions effective June 16, 2017. Chief Eagar stated the fire restriction is the result of the continued drying conditions, lack of moisture, energy release components of the fine grass, dead and down fuel load, and available resources to respond to a wildfire emergency. Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shamley stated he wanted to point out the danger to the forest with the influx of people coming into the area for the season. Mr. Shepherd thanked Chief Eagar for being prepared and asked how long the Stage I will be in effect. Chief Eagar stated the resolution covers all County land that is not covered under tribal jurisdiction. Chief stated the Stage one will remain until the monsoon moisture moves in and the energy release components (fuel) are reduced. Mr. Shepherd and Chief Eagar held a discussion regarding working with the Navajo Nation Emergency Management to coordinate all efforts. Mr. Shepherd and Chief Eagar held a discussion regarding the activities of the officers working on the reservation. Mr. Shepherd stated the only time he sees officers are at construction zones and that is not doing proper public safety. Mr. Shepherd stated he would like to sit down with the sheriff for a meeting on the visibility of officers. Mr. Shepherd stated every year, the sheriff's office goes over about \$400,000 so he would hope people would not say north or south; county/non-county and see an initiative be brought forth. Chief Eagar stated in regard to the officer's visibility, he will check on it, and as to the road construction issue, they are off duty deputies being paid by the construction company and the county is reimbursed for the use of their vehicle. Mr. Shirley stated when the county declares an emergency, everyone gets involved and he appreciates the work emergency management does. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar requested approval to enter into an Intergovernmental Agreement with Arizona Department of Public Safety regarding testing and implementation of a new criminal justice information system for the Apache County Regional Dispatch Center. Chief Eagar state this new agreement will result in a cost savings of about \$48,000 a year and improve the services for all the agencies the sheriff's office dispatches for. Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shamley stated it is helpful when he gets the agenda, to receive first input from the person doing the agenda item and asked to meet with Chief Eagar after to get some answers to his questions. Mr. Shamley stated he understands this will save money and is a better system but he had to obtain that information second hand. Mr. Shepherd stated his advocacy is for District II and asked how this benefits his area. Chief Eagar stated if any deputy, fire department or Emergency Medical Technician (EMT) requests information, this improves the flow and will allow for the ability to access information via a computer or mobile data terminal. Motion passed 2-1 with Mr. Shepherd voting nay.

Chief Deputy Sheriff Brannan Eagar requested approval of the Arizona Criminal Justice Agreement DC-18-001 in the amount of two hundred-twenty five thousand, two hundred seventy six dollars

(\$225,276.00), to fund the Apache County Special Crimes Enforcement Team for FY18. Chief Eagar stated the grant requires a fifty-six thousand, three hundred and nineteen dollars (\$56,319) match. Chief Eagar stated this funding has been beneficial to the county and recommended approval. Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shamley stated he would like the department's submitting the items, to discuss the item with him prior to posting, so he is educated on the issue and can answer the public's questions. Mr. Shepherd asked where the matching funds will come from. Chief Eagar stated the funding for the match comes from RICO funds. Mr. Shepherd requested the balance on the RICO accounts. Chief Eagar stated he would send that to Mr. Shepherd. Vote was unanimous.

Steve Jenson, Chief Deputy Assessor, requested approval of the extension of the contract with Judy Bender, effective July 1, 2017 through June 30, 2018. Mr. Shamley moved approval, seconded by Mr. Shepherd. A discussion was held regarding the benefits to the assessor's office and the reasons needed to extend the contract. Mr. Shamley stated he would like to see the resident's issues regarding their property assessments be responded to in a timely manner. Supervisor Shepherd asked why the need for an extension; why the position isn't advertised, and paying a person at a rate of \$50.00 per hour, there isn't anything that shows the objectives of what is needing to be accomplished in the Assessor's Office. Mr. Jenson stated Ms. Bender has a knowledge base that is not anywhere in the State and that you don't advertise for a person like Ms. Bender, you recruit. Mr. Jenson provided an overview of Ms. Bender's credentials. Mr. Shepherd stated he is confused as to why you would not advertise the position, because we should be about equity and would hope the County is in compliance with obtaining Request for Proposals and following County policies. Mr. Jenson stated it is difficult to find positions with the property licenses and qualifications, and trying to find someone with the specific expertise to come work for the County is difficult. Mr. Shepherd stated he would like it documented that some departments are complying with policy and would appreciate it if everyone was in compliance with the policy requirements. Motion passed 2-1 with Mr. Shepherd voting nay.

Joe Young, Chief Deputy County Attorney requested approval of Arizona Criminal Justice Commission Victim Compensation, Grant Agreement No. VC-18-049, in the amount of eighty-two thousand five hundred dollars (\$82,500.00) with no match required and provides assistance to victims. No motion was made.

Joe Young, Chief Deputy County Attorney, requested approval of Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Program Grant agreement No. DC-18-020, in the amount of sixty-two thousand, two hundred ninety-eight dollars (\$62,298.00) for FY18 with a match amount of twenty thousand, seven hundred sixty-six dollars (\$20,766.00). Mr. Shamley moved approval, seconded by Mr. Shirley. Mr. Shamley asked for more information on how this benefits the County. Mr. Young stated the grant provides for salaries and overhead for violent crime prosecution, such as assaults and murders and the match amount is to assist with salaries. Mr. Shepherd stated he did not receive any data on the grant and asked how this benefits his District. Mr. Young stated with this and the previous grant, the grants are countywide grants and the Victims Compensation grant is used highly in the northern part of the county, including District II and the Violent Crime Control Program grant also affects the entire county, and is based on jurisdiction. Mr. Young stated the County Attorney's office does have jurisdiction in District I and II, though in some cases, the County Attorney recedes to the Navajo Department of Justice but also prosecutes crimes that occur in District II and this funding goes toward those prosecutors as well. Mr. Shepherd stated he still does not accept saying we are limited by jurisdiction; the Sheriff's Office has an MOU and IGA and we need to benefit all the constituents throughout the county; government is formed to serve its people, the Navajo people vote for elected officials to advocate for everyone to the state line. Mr. Shepherd stated he was hoping to hear what portion of the \$62,000 would be going towards that assistance for his vote to be for support because a lot of times these types of things are not

pursued and it is long overdue, and he would hope to change the culture moving forward. Mr. Shepherd stated he was hoping to see some numbers regarding this grant. Mr. Young stated 2/3rds of the grant amount goes to prosecutors assigned to the Chinle and Puerco Justice Courts so the majority of the grant actually does go to fund prosecution for those justice courts. Motion passed 2-1 with Mr. Shepherd voting nay.

Joe Young, Chief Deputy County Attorney presented the item, for a possible executive session for legal advice pursuant to A.R.S. 38-431.03A3, followed by discussion and possible approval to authorize the Arizona Attorney General's Office to make an Offer of Judgment to Transwestern Pipeline Co., LLC to settle tax cases TX2016-000931 and TX2016-000951. Mr. Young provided an overview of the claims. There was no need for an executive session. Mr. Shamley moved approval to authorize the Attorney General to make an offer of Judgment, seconded by Mr. Shepherd. Vote was unanimous.

Mr. Wengert stated the notification of a meeting with Craig Sullivan at the County Supervisors building, 1905 W. Washington Street, in Phoenix on June 22, 2017 at 3:00 p.m. to discuss County financial Issues has been changed to be held in his office here in St. Johns and the notice will be reposted with correct location.

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

Approved this 5th day of July, 2017.

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

/s/ Delwin Wengert  
Clerk of the Board