

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
June 21, 2016
St. Johns, Arizona**

Present were: Chairman Joe Shirley, Jr., Vice Chairman Tom M. White, Jr. Also present, Clerk of the Board Delwin Wengert and Chief Deputy County Attorney Joe Young. Supervisor Barry Weller and County Attorney Michael Whiting participated via the telephone.

Chairman Shirley called to order the Board of Supervisors meeting at 8:33 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

Diana Morgan led the Pledge of Allegiance.

Joe Young gave the invocation.

Chairman Shirley called for the Library District items.

Judith Pepple, Library Director, requested approval to award proposals for janitorial services for Fiscal Year 2016-2017 to Pimentel Contract Cleaning, in the total amount of \$54,180 for Alpine, Concho, Greer, Round Valley, Sanders, St. Johns, and Vernon public libraries, and to Brandy Reidhead in the total amount of \$6,600 for the Library Administration Building. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Judith Pepple, Library Director, requested approval of a lease agreement between the Alpine Area Library Friends and the Apache County Library District from July 1, 2016 through June 30, 2017 at the annual rate of \$50.00. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Judith Pepple, Library Director, requested approval of a lease agreement between the Greer Community Facilities Association and the Apache County Library District from July 1, 2016 through June 30, 2017 at the rate of \$788.68 per month. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated the agreement does not clarify when the payment is due and clarify the payment is monthly. Joe Young responded the contract can be clarified so the language more accurately reflects it as a monthly payment. Vote was unanimous.

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

Chairman Shirley called for the Public Health Services District item.

Chris Sexton, Health Director, requested approval of Intergovernmental Agreement #ADHS17-133163 Emergency Preparedness Program, effective July 1, 2016, in the amount of \$194,293.74. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Chairman Shirley called for the regular agenda items.

Doyel Shamley, Natural Resources Liaison, provided an update on the Apache County stewardship work on thinning and wildfire protection in Alpine. No action as needed or taken.

Kevin Grove, Army Corps of Engineers, provided a presentation on Clean Water Act authority, illegal discharge into waterways, illegal impediments into waterway and impacts to special aquatic sites. No action as needed or taken.

Jessica Beach, Navajo Nation Regional Partnership Council, provided a presentation on early childhood development and First Things First program. No action was needed or taken.

Mr. Wengert, on behalf of Community Development, requested approval of a Conditional Use Permit to allow Fred Gomez to add 29 cabins and a community building with laundry facilities on a 10 acre parcel. Property is located near Alpine, on parcel 101-18-0020. Planning and Zoning held three (3) public hearings on 3/3/2016, it was tabled for a site visit, on 4/7/2016 it was tabled for water drainage report and on 5/5/2016 approved by the P & Z Commission on a 5-1 vote, with conditions for the applicant to perform due diligence in locating another access to the West, to repair damage to the existing roads during construction, sign the road, ask the Board of Supervisors to lower the speed limit to 15 mph, match the existing road surface going into his property, and agree that the units will not be rented on a daily basis. Ferrin Crosby provided an overview of the road easement issues with the project. Mr. White moved to approve for discussion purposes, seconded by Mr. Weller subject to amending the motion. Chairman Shirley stated there were members of the public wanted to address the Board.

Ruben Aguillo, a resident of Alpine, expressed his concerns with the project.

Ed Hunter, owner of property in Alpine, stated his opposition to approving the permit

Kara Calloway, an owner of property in Alpine, stated she is opposed to the project.

Jim Hamilton, a property owner in Alpine, outlined his reasons for opposing the project.

Hector Ruedas, a property owner in Alpine, stated he opposed to approving the project.

Mr. Weller stated he is not opposed to the project; Mr. Gomez has the right to do what he wants with his property, his concern is with the fact that the applicant should be responsible for all cost impacts to the community. Mr. Weller asked if the community meeting was held as required. Mr. Wengert stated he does not believe the meeting on the property was held. Mr. Weller stated if that meeting had been held it may have diminished some of the issues that were presented today. A discussion was held regarding the possibility of widening the road and the current condition of the road. Mr. Weller stated there are many unclear issues with the development and expressed his desire to deny the motion and table the item until all the specific issues have been worked out like holding the required community public meeting. Mr. White stated there seems to be a lot of opposition to this project and wondered why the Planning and Zoning Commission hadn't made sure all the issues were worked out before it came before the Board of Supervisors. Mr. White stated he would like to visit the site to see what the people are talking about. Mr. White withdrew his motion to approve and moved to table the item to give time for Mr. Gomez to meet with the community members. Mr.

Weller seconded the motion to table this and send it back to the Planning and Zoning Commission to ensure a public meeting is held with all concerned parties and for documentation to be created to further specify and understand in written form, the issues associated with the road. Mr. White agreed with Mr. Weller's amendment to his motion. Mr. Shirley asked Mr. Gomez if he would like to address the Board. Mr. Gomez stated the reason a community meeting was not held was because the project started in January and no one was in Alpine at that time of year and he didn't feel that anyone would come to the property under winter weather conditions. Mr. Gomez stated it is not right to send him back to the Planning and Zoning Commission and start the process over again because the same concerns will be voiced again and again. Mr. Gomez stated the community has used his property as their own park for years. Mr. Ruedas again addressed the Board and stated if a meeting was held, people would have attended; he nor anyone of the other land owners were ever contacted to attend a meeting on the property. Vote was unanimous to table the item and send it back to the Planning and Zoning Commission for a public meeting and to give time for the Board members to visit the site.

Ferrin Crosby, County Engineer, stated since the previous item was tabled, he requested the resolution reducing the speed limit on County Road 2016 and 2041, from 25 miles per hour to 15 mile per hour be tabled. Chairman Shirley tabled the item.

Mr. Wengert presented the **Consent items A-C** Mr. White moved to approve **A-C**. Mr. Weller asked to hear each item separately due to having concerns with two of the Consent items. Mr. White agreed to hear the items separately. Mr. Weller stated he cannot vote to approve any items presented by the County Attorney's Office until all bank accounts previously requested by his office, have been provided. Mr. Weller stated he also is awaiting information on who made the decision to use significant amounts of juvenile jail districts money for the building in the Chinle area. Mr. Weller moved to approve the demands as presented except for any presented by the County Attorney's Office. County Attorney Whiting stated he checked with his staff and he has received nothing from Mr. Weller's office and this is just typical of Mr. Weller to air things in public. Mr. Whiting stated if there are issues between elected officials those should be discussed in private and not continually aired in public. Mr. Whiting stated he does not know what Mr. Weller is talking about but he is happy to sit down with Mr. Weller and discuss his concerns but Mr. Weller has not contacted him to meet with him on the issue and it is discouraging that Mr. Weller would do this in public. Mr. Weller stated he has contacted Mr. Whiting office regarding the concerns he has on six separate bank accounts that date all the way back to February, 2013 with many follow up emails to Mr. Whiting and his staff. Mr. Weller stated it has been a year and a half of attempting to take care of the issues privately. Chairman Shirley stated Mr. Weller's motion is not appropriate since Mr. White's motion to approve still stands. Mr. Shirley seconded Mr. White's Motion to approve. County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between June 7, 2016 to June 21, 2016. Payee Amount ADVERTISING IDEAS 1,014.00 ALLSOUND DJ SERVICE 1,328.92 AMERICAN BIO MEDICA CORPORATION 1,121.22 BENDER, JUDITH A 2,112.50 BRADCO 2,662.30 COMMUNITY COUNSELING CENTERS INC 3,600.00 COORDINATED CONSULTING SERVICES 14,962.00 DESERT MOUNTAIN CORPORATION 17,088.38 EARTH MOVER TIRE SALES INC 2,841.13 ELECTIONS SYSTEMS AND SOFTWARE 8,561.27 EMILY L DANIES ATTORNEY AT LAW 3,478.45 EMPIRE MACHINERY 4,611.08 GALL'S INC 1,443.53 GOLIGHTLY TIRE 2,853.73 GOODYEAR AUTO SERVICE 4,085.22 KAROLAK, DOUGLAS J 1,620.00 KATHLEEN M MCGUIRE PSY D LLC 2,640.00 LELY, PETER 1,485.00 NAVOPACHE ELECTRIC COOPERATIVE 7,239.01 NOR-KEM DISTRIBUTORS INC 1,692.07 QUILL CORP 4,739.77 REDW LLC 3,500.00 SAN DIEGO POLICE EQUIPMENT 6,167.70 SCHIFF, LAURENCE 1,000.00 STAPLES CREDIT PLAN 1,327.86 THE AARONS COMPANY LLC 3,000.00 VALLEY AUTO PARTS 3,053.00 VECTOR RESOURCES INC 15,889.85 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,861.16 AZ DEPT OF RISK MANAGEMENT 1,333.93 PALOMAR MODULAR BUILDINGS LLC 67,192.15 Houston, Karen Sue 2,000.80 Shirley,

Joe Junior 2,086.33 Rogers, Kent 1,133.49 Stradling, Reed 1,437.22 Baloo, Eric 1,079.44 James, Crystal 1,062.52 King, Walter Scott 1,188.13 APACHE COUNTY HSA 2,002.50 APACHE COUNTY MEDICAL 150,257.92 APACHE COUNTY TAX WITHHOLDING 130,787.93 ASRS LEGACY EORP 1,009.62 AZ STATE RETIREMENT SYSTEM 88,357.63 COLONIAL LIFE AND ACCIDENT INS 1,285.17 CORRECTIONS OFFICER RET PLAN 5,473.62 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,764.20 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 11,393.58 PUBLIC SAFETY SHERIFF RET 43,919.11 SECURITY BENEFIT GROUP 1,111.00 SUPPORT PAYMENT CLEARINGHOUSE 2,126.35 4IMPRINT 3,555.97 AAA ARIZONA INC 2,507.40 ARCHER MANUFACTURING 2,280.00 AZ ASSN OF COUNTY SCHOOL SUPERINTENDENTS 3,230.00 AZ COUNTIES INSURANCE POOL 2,982.73 AZ DEPT OF HEALTH SERVICES 1,250.00 AZLGBT 292,017.88 BAUMAN HOME AND AUTO INC 1,120.74 BILLS DISCOUNT AUTO PARTS (NAPA) 1,264.07 BLUE HILLS ENVIRONMENTAL 1,186.72 BOB BARKER COMPANY INC 1,335.40 CDW GOVERNMENT LLC 2,260.61 COPPEDGES AUTO WRECKING 3,755.90 CORONADO LAW FIRM PLLC 1,996.50 COUNTRY MOUNTAIN AIRWAVES LLC 1,285.20 CREATIVE MULTIMEDIA INC (CMI) 20,481.25 DIAMOND DRUGS INC 4,146.48 EARTH MOVER TIRE SALES INC 1,408.98 ELECTIONS SYSTEMS AND SOFTWARE 24,874.80 EMPIRE MACHINERY 43,540.37 FRONTIER 1,757.26 HAMBLIN LAW OFFICE PLC 8,500.00 HATCH CONSTRUCTION 6,796.68 HILLYARD INC 3,236.43 HOME DEPOT 1,515.99 HUGHES SUPPLY INC (LAKESIDE) 2,522.57 LARRY H MILLER TOYOTA PEORIA 24,588.02 LAW OFFICE OF DIRK LEGATE PLLC 8,555.00 NAVOPACHE ELECTRIC COOPERATIVE 7,494.26

PATTERSON, DANA BRYCE 8,500.00 QUILL CORP 2,993.11 RIGG LAW FIRM PLLC 3,726.39 RUSH TRUCK CENTER 1,168.62 SECURUS TECHNOLOGIES INC 1,005.38 WILLIAMS LAW GROUP PLLC 8,500.00 YOUNGS FUTURE TIRE 9,163.97 AZ DEPT OF REVENUE 3,358.32 VERITAS RESEARCH CONSULTING 2,200.00 THE CONTAINER GUY 3,800.00 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. Mr. Weller stated in regard to Consent Item 6-B. Request approval of minutes dated June 7, 2016, he referenced ARS 38-431.01 Section B.4 within the Open Meeting Law, and expressed his concern with omitting legal decisions from the minutes. Mr. Weller stated the recent minutes have deficiencies and asked the other supervisors to be aware that this is a political silencing of a supervisor's concerns for legal activity in the County and asked for more significant documentation in the minutes. Mr. Weller stated he cannot approve the minutes. 6C. Request approval of a fireworks permit for Concho Fire Department for a fireworks display on July 4, 2016. The site of the display will be located on Cinder Mountain East of the Concho School. Motion passed to approve all three consent Items A-C with a 2-1 vote, with Mr. Weller voting nay. Barry Weller, District III Supervisor, presented the item for possible approval to appoint an administrator for the Nutrioso Fire District. Chief Deputy County Attorney Joe Young provided an overview of the options available to the Board since the Fire District is a Board of five with only two active Board members. Mr. Young stated the Board of Supervisors need to fill the vacancies by appointing an individual to fill the vacancy on the Board or appoint an administrator. Mr. Weller stated there is a recall ongoing for one of the District's Board members and three new members will be decided in November. Mr. Weller asked if an administrator could be appointed to only deal with financial issues associated with the district. Mr. Young stated the statute reads that the administrator would have full authority of the Fire District Board.

Karen Zalesky, a resident of Nutrioso asked the Board to appoint an administrator to the Fire District.

Leo Witkowski, a Board member on the Nutrioso Fire District stated the Fire District is doing good work and they are doing the best they can for the community.

Chester Voorhies, a resident of Nutrioso stated Mr. Hart and Mr. Witkowski should be commended for their good work serving on the Fire District Board.

Gary Hart, a member of the Fire District, asked the Board of Supervisors not appoint an administrator and appoint Chester Voorhies to the Nutrioso Fire Board

Angela Dewitt, a resident of Nutrioso, stated she supports appointing an administrator to the Fire District.

Mr. Weller stated the concerns expressed over the past two years speak very loudly of the issues going in Nutrioso which have brought us to this point today. Mr. Weller stated due to the fact there is an active recall on the chairman of the Fire District Board, makes him lean toward appointment of an administrator to get Nutrioso through the fire season and budget. Mr. Weller asked Mr. Young if it was legal to recommend the appointment of himself (Mr. Weller) as administrator of the Nutrioso Fire District Board to only handle the financial issues until the election. Mr. Young stated given the Board of Supervisors still maintains some authority over the fire district, if the administrator is not performing adequately, they could be removed so with that residual power, it makes it a legal conflict. Mr. Weller asked if the Board of Supervisors could act as the administrator. Mr. Young stated that was possible.

Mr. White stated he supports the fact that the people on the Board were elected into office in Nutrioso and he will not support appointing an administrator. Mr. Shirley asked if the remaining fire district board members have the authority to appoint or recommend an appointment. Mr. Young stated the two remaining Board members can only recommend someone to appoint as individuals; they cannot make the appointment, the Board of Supervisors only has that authority. Mr. Shirley stated he has the highest regard for elected people and he would like to hear from those two individuals on their recommendations for an appointment at the next Board meeting.

Mr. Witkowski again addressed the board and stated the budget is due for the Fire District so if the Board waits until July 5, 2016 the budget will be on hold. Mr. Weller stated there are several people who are interested in servicing as administrator for the Fire District Board. Chairman Shirley instructed Mr. Wengert to set a meeting for Tuesday, June 28, 2016 to have the Board of Supervisors appoint an individual to the Fire District. Chairman Shirley tabled the item.

Mr. Wengert requested approval of a Series 13 Liquor License Application recommendation for Michael Teeple, Red Rock Ranch Vineyards, LLC located at House 38, County Road 5309, Concho, Arizona. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert requested approval to convert the currently vacant Community Development/County Manager shared Administrative Assistant I (range 22) to a Administrative Assistant II (range 26) and laterally transfer Tanya Pea to the position. The duties of the position will be increased to include working in the County Manager's Office, the Election's Office as well as continuing with regular switchboard/mailroom duties, pool car custodian duties, and Community Development Assignments. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Chief Deputy Sheriff Brannon Eagar Emergency Management, requested ratification of a resolution entering into Stage I Fire Restrictions effective June 15, 2016. 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. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Chief Deputy Sheriff Brannon Eagar requested approval to enter into an Agreement with Northland Pioneer College to allow nursing students to receive training in correctional medicine at the Apache County Jail. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Chief Deputy Sheriff Brannon Eagar, and possible approval of Agreement #DC-17-001 between Arizona Criminal Justice Commission and the Apache County Sheriff's Office for the Drug, Gang and Violent Crime Control Agreement in the amount to \$225,276.00. Chief Eagar stated the grant requires a 25% match that will be paid utilizing RICO funds. Mr. Weller moved approval, seconded by Mr. White. Vote as unanimous.

Chief Deputy Sheriff Brannon Eagar Sheriff's Office: Discussion and possible authorization to enter into a five year contract with Taser International to purchase body worn cameras for a total of \$274,551 with the first year payment of \$65,595 and a payment of \$52,140 each year thereafter. This agreement will include full warranty on all 55 body worn cameras, along with 55 user licenses for unlimited data/video storage on Taser servers, which are owned and maintained by Taser International, alleviating costly server procurement and maintenance costs. Chief Eagar provided an overview of the three years of researching use the body cameras and Taser International. Mr. White moved approval of the five year agreement, seconded by Mr. Shirley. Mr. Weller stated Chief Eagar may have spent the past three years researching this product but he has only been given three days to review the body camera information, though supportive of the idea, he has concerns how this will impact the budget and he needs more time to research all the issues pertaining to the proposal. Motion passed 2-1 with Mr. Weller voting nay.

Mr. Wengert presented notification of Arizona Association of Counties 2016 Leadership Summit, June 21-24, 2016 at the Sheraton Crescent Hotel, 2620 West Dunlap Avenue, in Phoenix, the Northern Arizona Council of Governments (NACOG) on June 23, 2016 at 9:00 a.m., at the High Country Conference Center, 201 West Butler Avenue in Flagstaff, also, the Eastern Arizona Counties (ECO) annual planning meeting at the Nutrioso Community Center, #3 County Road 2016 on July 1, 2016 at 10:00 a.m. No action was needed or taken.

Chairman Shirley opened the floor for call to the public.

Chief Deputy Brannon Eagar provided an update on the ongoing Cedar Creek Fire.

Mr. White moved to adjourn the meeting, seconded by Mr. Weller. Vote was unanimous.
Approved this 5th day of July, 2016

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

/s/ Delwin Wengert
Clerk of the Board