

**OFFICIAL PROCEEDINGS OF THE
APACHE COUNTY BOARD OF SUPERVISORS MEETING
March 19, 2013
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting, the Public Health Services District meeting and the Library District meeting at 8:30 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Lenora Fulton gave the invocation.

Milton Ollerton led the Pledge of Allegiance.

Chairman White called for the Public Health Services items.

Chris Sexton, Health Director, requested approval to enter into a Professional Services Agreement and engage the services of NOMAD Consulting to research and develop a Hazard Risk Assessment for Southern Apache County and to also develop a Continuity of Operations Plan for the Public Health Services District. Mr. Sexton provided an overview of the assessment and cost of \$30,000. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chris Sexton, Health Director, requested approval of the Intergovernmental Agreement Contract#ADHA13-039571, Immunization Program to provide immunization related services, an ongoing program. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chris Sexton, Health Director, requested approval to enter into a 6 month Contractor Agreement with National Association of County and City Health Officials (NACCHO Contract #2013-030701) to provide goods and/or services to enhance the programmatic activities of the Chronic Disease Self-Management Program. 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 items.

Judith Pepple, Library Director, requested approval of the ratification of the purchase of 12 Dell computers in the amount of \$10,010.69 through Arizona State Contract #ADSP010-00000010. Mr. Weller and Mrs. Pepple held a discussion regarding what will be done with the old computers. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Judith Pepple, Library Director, requested approval of the updated agreement with Better World Books to participate in their library program which sell our discarded library materials and select gift materials which are out of scope for our collections. 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.

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

Mr. Wengert presented the **Consent Items A-F**. Mr. Shirley moved approval, seconded by Mr. Weller. County **Manager/Clerk of the Board**: **A.** Request approval of minutes dated March 5, 2013. **B.** Request approval of demands dated March 5, 2013 to March 19, 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 AZ COUNTIES INSURANCE POOL 1,500.00 BRADCO 39,637.79 CANTEEN CORRECTIONAL SERVICE TRINITY SERVICES 15,187.96 COMPLETE ELECTRICAL SERVICES & SUPPLIES 2,858.50 FRONTIER 1,675.95 GMCO CORPORATION 5,617.15 HILLYARD INC 2,077.62 JCG TECHNOLOGIES INC 1,584.82 LABORATORY CORP OF AMERICA 1,144.00 MERITAIN HEALTH FLEXIBLE SPENDING 5,250.00 MOUNTAIN PAINT CENTER 1,987.42 NAVOPACHE ELECTRIC COOPERATIVE 1,221.47 PLATT, MARCOR 2,600.00 QUILL CORP 2,700.16 RDO EQUIPMENT CO 1,401.94 REDWOOD TOXICOLOGY LABORATORY INC 1,184.81 RUSH TRUCK CENTER 1,731.02 SHAFFER TIRE INC 1,468.72 SMALLEY, DEBRA STUART 1,000.00 SUMMIT EQUIPMENT REPAIR 2,036.93 THE AARONS COMPANY LLC 3,000.00 VERIZON WIRELESS 1,016.23 YOUNG, JOSEPH 8,280.00 CRISS CANDELARIA LAW OFFICE 4,073.66 TJP COMMUNICATIONS 1,587.16 A & E REPROGRAPHICS 1,998.00 ASHTON'S REPAIR INC 1,236.41 AZ DEPT OF HEALTH SERVICES 1,275.00 AZLGEBT 271,264.04 BACK TO LIFE INC 4,140.00 BILLS DISCOUNT AUTO PARTS (NAPA) 1,214.45 BLACK DIAMOND AUTO GLASS II 1,418.30 BLUE HILLS ENVIRONMENTAL 1,761.10 BRADCO 45,065.67 DELL COMPUTER CORPORATION 1,286.21 DOYLE, WILLIAM E 2,131.89 EMPIRE MACHINERY 4,405.30 EMTAP ENTERPRISES 1,105.81 FERRELLGAS 2,086.60 FRONTIER 2,200.99 GOLIGHTLY TIRE 4,378.42 GRAVES PROPANE CO IN 5,699.89 ACCAFERRI INC 2,388.50 MERCK SHARP & DOHME CORP 1,327.59 NAVAJO TRIBAL UTILITY AUTHORITY 1,740.72 NAVOPACHE ELECTRIC COOPERATIVE 10,759.11 OWENS LIVINGSTON MORTUARY 1,737.30 PERFECT PRINTZ LLC 1,000.93 QUILL CORP 1,103.77 REED, ROBERTA E 1,017.72 SCHACHT, MICHAEL 1,015.35 SCHIFF, LAURENCE 1,200.00 SECURUS TECHNOLOGIES INC 1,090.82 SHOW LOW FORD INC 3,720.42 SOURCECORP 5,889.86 SUMMIT EQUIPMENT REPAIR 1,505.47 THE UNIVERSITY OF ARIZONA 6,250.00 TRACKER SOFTWARE CORP. 13,835.00 UNIVERSAL FLEET CARD 3,146.07 USI EDUCATION AND GOVERNMENT SALES 1,388.00 WAITE, MICHAEL CHAD 1,111.55 WILLIAMS LAW GROUP PLLC 6,650.00 YOUNGS FUTURE TIRE 1,168.53 APACHE COUNTY MEDICAL 142,808.00 APACHE COUNTY TAX WITHHOLDING 122,798.53 AZ STATE RETIREMENT SYSTEM 78,215.02 COLONIAL LIFE AND ACCIDENT INS 1,223.69 CORRECTIONS OFFICER RET PLAN 7,577.52 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,685.65 MERITAIN HEALTH FLEXIBLE SPENDING 1,304.20 MUTUAL OF OMAHA 1,166.03 NATIONWIDE 1,560.84 PUBLIC SAFETY PERSONNEL 40111,142.18 PUBLIC SAFETY SHERIFF RET 2,781.64 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,677.07 AZ DEPT OF RISK MANAGEMENT 1,854.51 BAUMAN HOME AND AUTO INC 1,617.92 FRONTIER 1,619.15 PERFECT PRINTZ LLC 3,325.31 BANK OF THE WEST 4,588.52 **Personnel Items**: **C.** Request authorization to transfer Dispatcher Stephanie Puzzi-Vallejos from her current position to ACCENT Coordinator with no change in salary effective March 11, 2012. ACCENT Coordinator is a grant funded position. **D. Superior Court**: Request approval of the re-appointment of Kay H. Wilkins and Michael Roca as Superior Court Judges Pro-Tem for the period beginning July 1, 2013 and ending June 30, 2014. **E. Treasurer's Office**: Request authorization to hire a temporary Administrative Assistant I position at \$10.50 per hour, for a period not to exceed 120 days. **F. Round Valley Justice Court**: Request authorization of the sick leave payout balance for Roberta Reed as Chief

Justice Court Clerk in accordance with Human Resources Policy 3.25 – Retirees Accumulated Sick Leave. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval for District II to purchase a new service truck using Pima County Contract #B508299 and the amount is \$110,051.96 to be paid for with District II carryover funds. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Barry Williams, School Superintendent, requested approval to enter into an Intergovernmental Agreement with the Navajo County Educational Service Agency, the fiscal agent of Northeast Arizona Regional Center, to participate in a collaborative project with the Arizona Department of Education and the Governor's Office of Education Innovation to provide regionally-based service, support, and technical assistance to local education agencies in successfully implementing Arizona's education reform plans through Race to the Top. Mr. Williams provided the history and overview of the process of working through the issues within the agreement. Mr. Weller stated that he appreciates Mr. Williams evaluating some of the details of the project and they have met on more than one occasion to discuss this agreement and in one of those meetings he told Mr. Williams that he would support the agreement but he learned more about the agreement and decided it was a conflict between his word and his principles. Mr. Weller stated that he will stay with his word and will support this agreement even though he believes it is moving education away from local control to more federal control and made the motion to approve. Mr. Weller stated that he wasn't even sure if Mr. Williams needed to bring this before the Board but in an effort to be transparent, Mr. Williams wanted to bring it before the public but he may have the power to just sign the agreement and move forward without any discussion or action by the Board. Mr. Weller stated that it is unlikely that he will support any future agreement if it is within his jurisdiction and made the motion to approve the agreement. Mr. Shirley and Mr. Williams held a discussion on the program and the schools that are participating in the Common Core Standards. Mr. Williams stated that he spoke with Attorney Joe Young and he thought it best to bring the agreement before the Board of Supervisors. Mr. Shirley seconded the motion. Vote was unanimous

Malena Bazaruto, Grant Manager requested the adoption of the annual Fair Housing Proclamation and observe April as Fair Housing Month. Ms. Bazaruto stated that this is one of the requirements for the Community Development Block Grant funding. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Angela Romero, Election Director requested approval of the Canvass of the March 12, 2013 Special Election. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous. Treasurer Marleita Begay and Assessor Rodger Dahozy requested approval of a software contract with Tyler Technologies Inc. and stated that a lease purchase agreement will be brought before the Board of Supervisors at a later date. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that he was part of the selection process for the software and commended those involved for their tenacity and patience through this process. Mr. Weller stated that the County is in dire need of improving the software and he has great hopes that this purchase will tremendously boost the capabilities for the County to communicate with the citizens and will make extremely transparent, all processes within the treasurer and assessor offices. A discussion as held regarding the software and the cost. Mr. Shirley asked where the funding was coming from. Mr. Wengert stated that the funding will come from the general fund, that the treasurer nor the assessor have the funding available for the purchase and that action will be taken at the next board meeting but will be paid for over a 5 year period and will use the County savings to pay for the lease. Mr. Shirley asked what the cost was for the software. Ryan Patterson, Finance Director stated that the actual cost is \$504,128.00 and does not include taxes or the maintenance cost of approximately \$64,000 a year. Mr. Weller stated that this is a lot of money and he initially had concerns if the county was doing the right thing and he spent lots of time looking into viable alternatives and this contract is the most competitive and is highly recognized around the state as a suitable and beneficial software system.

Mr. White stated that he had been in conversations with both the assessor and the treasurer over the past two years and this is something the County really needs. Lenora Fulton, County Recorder stated that she coordinates with both the Treasurer and Assessor and this system will help the citizens and will be beneficial to the County. Marleita Begay, County Treasurer, stated that this software will help to correct some of the corrective action requirements from the Attorney General's Office such as the Treasurer's Report. Mrs. Begay stated that she visited other counties that already has this software in place and will further assist the citizens of the County. Assessor Dahozy stated that he has been working toward this since 2010 and he this will be a benefit and will assist four departments in the County, instead of all being on a different software program. Vote was unanimous.

Supervisor Barry Weller on behalf of Human Resources requested approval of an Apache County Volunteer program and application which shall allow Department Heads and Elected Officials to periodically utilize citizens, at minimal cost to the County, for work load support as may be needed. Department Heads and Elected Officials shall be responsible for any expenses associated with Workers Compensation and travel as may be approved per job assignment for each of their respective volunteers. Mr. Weller stated that the County Attorney's Office has asked that this item be tabled and he asked for reconsideration of that since the Attorney's request is associated with attempting to broaden the perspective of asking for background checks and investigations for personnel that are applying for the volunteer program and to further apply that request to the regular application process for the County. Mr. Weller stated that he has concerns with broadening that perspective since in his opinion, that presents an untrustworthy presentation from the County towards the citizens but he does not want to address that issue today. Mr. Weller stated that he wants to have that issue as a separate discussion by the board because it may or may not have merits that are suitable and cost effective for the County but he does not want that tied to this program. Mr. Weller stated that he has tried to get this program on the agenda since January and it continued to have obstacles come up that prevented it from getting to the board for a vote. Mr. Weller stated that this is a beneficial program and he is operating with zero people in his department because he refuses to use HURF funds to pay for employees to answer phones for him and address letters. Mr. Weller stated that he is trying to use volunteers to save the county money and is trying to get this program implemented as soon as possible so he can continue the communications that he assured the people who elected him could have. Mr. Weller stated that on the present (county job) application there is a line that asks whether the person applying for a job has had a felony conviction or a problem of being under the influence and at the end of the application it states that we can investigate who ever we wish regarding any answers provided so to him, it gives complete capability when we have the desire to do an investigation. Mr. Weller stated that there is no need to expand that language on the volunteer program and he wanted to adopt this program and add the language exactly as it is in the application for employees to the volunteer program as a change to the documentation presented today and asked the County Attorney to consider that request. Mr. Whiting asked for a motion and a second before he responded. Mr. Weller moved to approve the volunteer program as presented with one addendum which is the exact language regarding the felony conviction and under the influence language from the regular employment application and the investigative language that is at the end of the regular employment application. Mr. White seconded the motion. Mr. Whiting stated that the supervisors are clients of the County Attorney's Office and he supports a volunteer program and he actually uses volunteers in his office so he supports this 100% but the concern is that right now we don't have the approval of Arizona Counties Insurance Pool (ACIP), our liability provider. Mr. Whiting stated that he sent an email to ACIP regarding this issue and he has not heard back yet but he should hear back by the next Board meeting. Mr. Whiting stated he cannot advise the Board to undertake a program that may subject the County to liability without ACIP's approval because without their approval, the Supervisors could be personally liable for any damages and/or suits that would arise from that. Mr. Whiting stated that as far as the language goes, that is completely up to the Board but we need approval from ACIP and a special board meeting could be scheduled as soon as he hears back from ACIP to get approval if that is

what the Board wants to do. Mr. Weller stated that putting together special Board meetings is not an easy thing to do and ACIP has approved the language on the volunteer program and he sees the only concern is on the background check and doesn't know why the Board cannot go with what ACIP has already approved and he was told by the County Attorney's Office that whatever the Board decided, the County Attorney's Office shall defend and it is our Board that makes these decisions and if approved, we can modify our present application for the volunteer process. Mr. Weller asked to approve this process now so he can get on with business to serve the citizens of the county and move forward. Mr. Shirley stated that he agreed that this would be a good program and he could benefit by using volunteers in District I but the question of liability is a serious issue and he does not want to be personally liable for any damages and if the insurance pool is not ready he isn't sure we should be moving forward with this issue and he would like to see a letter from ACIP that they would cover any damages and recommended tabling the item until a letter was received before we move forward with the issue. Mr. White stated that on occasion he has used Navajo Nation Workforce volunteers and he has had a concern with using them and doesn't let them drive county vehicles and shares the same liability concerns as Mr. Shirley does. Mr. White stated that he and Mr. Wengert are headed to Phoenix and will meet with Mr. Hardy with ACIP to see what can be done and he would feel more comfortable to table the item until the Board gets a response. Mr. Weller stated that Mr. White and Mr. Whiting already utilize volunteers and at that point they did not consider the liability issues and now they are bringing that up as a major issue in waiting for approval from ACIP and he is just trying to formulize this program and make sure people know it is available to benefit the County and if he had just hired a volunteer and not told anybody like some of the other departments did, that is not how he chooses to do business; he wants to make sure everything is out in the open. Mr. Weller stated that there is an item coming up later on the agenda that he does not think is ready for Board discussion because he didn't think it met all of the standards that he wished to have but when another supervisor desired to have it on the agenda he did his best to motivate himself to get his concerns taken care of in a timely manner so that it did not have to be taken off the agenda. Mr. Weller stated that he is asking for cooperation to try and get this approved and if there are problems that arise, they can be adjusted in the future. Mr. Shirley stated that he didn't want to be in the way of other supervisors trying to do their job on behalf of the people and he wants to lend support to proposals, and resolutions, and programs and asked if it was possible to approve the program contingent on obtaining the written approval from ACIP. Mr. Whiting stated that he has seen nothing in writing from ACIP and he has asked Human Resources to disclose what they have but he has never seen anything so to his understanding there is nothing from ACIP addressing the liability of the volunteer program. Mr. Whiting outlined some of the issues that were needed to be resolved and stated that in all the years he has represented clients, sometimes they doesn't always agree with you or like the answers you provide but with the three supervisors who he represents, he wants to make it clear and on the record that if we don't have any agreement from the insurance carrier regarding liability and there is an accident, the supervisors could be personally liable. Mr. Whiting stated that the Board could approve anything they want; he just wanted them to understand the liability issues associated with that and the Board should wait until the ACIP approval is obtained and then a meeting could be held 24 hours later for the board to take any possible action. Mr. Weller expressed his concern with holding an all telephonic meeting. Mr. Whiting stated a telephonic meeting was acceptable as long as the meeting was properly noticed for the public. Mr. Weller moved to table the item until the soonest possible meeting could be held for discussion and possible approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert requested approval of procedures and establishing online auction with PublicSurplus.gov and approval of a list of County owned property to offer for sale through the auction process. Mr. Wengert provided an overview of the internet auction process and would be a pilot program for 6 months and he and County Engineer Ferrin Crosby would manage the process and come back in 6 months with a more finalized procedure with a monthly report on what was sold. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller and Mr. Wengert held a discussion regarding the procedure process that was omitted from the back up material on the website. Mr.

Weller amended his motion to include that the procedures be a part of the process and attached to the program, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented the item for possible approval to hold the April 2, 2013 Board of Supervisors meeting at the Ft. Defiance Chapter House located at 112 & Indian Route, 110 Junction SW, in Ft. Defiance, Arizona at 9:30 a.m. Mountain Daylight Time (MDT), 8:30 a.m. Mountain Standard Time (MST). Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented notification of the Small Counties Forum meeting on Wednesday, March 20, 2013 at 6:30 at the County Supervisors Association (CSA) building, 1905 W. Washington Street in Phoenix, followed by the County Supervisors Association meeting on March 21, 2013 at 10:00 a.m. at the CSA building, 1905 W. Washington Street, in Phoenix. No action was needed or taken.

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

Approved this 2nd day of April, 2013.

/s/ Tom M. White Jr.	/s/ Delwin Wengert
Chairman of the Board	Clerk of the Board