

Joe Shirley, Jr.
Member
District I

Tom M. White, Jr.
Chairman
District II

Barry Weller
Vice Chairman
District III

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
May 7, 2013**

St. Johns, Arizona

Present were: Chairman Tom M. White, Vice Chairman of the Board Barry Weller, County Manager/Clerk of the Board Delwin Wengert and County Attorney Devon Brown. Supervisor Joe Shirley, Jr. was unavailable due to an emergency.

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.

Sheriff Dedman gave the invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman White called for the Health District item.

Chris Sexton, Health Director requested approval to table the item for the creation of the Medico-Legal Death Investigator (Range 43) and related operating expenses. Chairman White tabled the item.

Mr. Weller moved to adjourn the Public Health Services District meeting, seconded by Mr. White. Motion passed.

Chairman White called for the Library District items.

Judith Pepple, Library Director, requested authorization to renew our electronic subscription to Ancestry Library Edition in the amount of \$7,830 to provide public access to their database at all of our libraries. Mr. Weller stated that he is concerned with the upcoming budget and asked where the funds come from to pay for this service. Ms. Pepple stated from library operating funds. Mr. Weller and Ms. Pepple held a discussion regarding the budget and the tracking of the use of the service. Mr. Weller made the motion to not approve the renewal until we get closer to dealing with budgetary issues so he could see the rest of the library district funding. Ms. Pepple stated that the renewal comes up next month and asked if she should contact the company and tell them they are not renewing since budgetary decisions won't be coming through until August. Mr. Weller responded that he is suggesting this not be approved at this time. Motion was tabled for lack of a second.

Judith Pepple, Library Director, requested approval to close District libraries on Saturday, May 25, 2013 and Saturday August 31, 2013 due to low demand for library services on these holiday weekends. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Judith Pepple, Library Director, requested approval of a lease agreement renewal between Sanders Unified School District and the Apache County Library District effective July 1, 2013 through June 30, 2014 and the monthly rental will remain at \$300.00 per month. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Judith Pepple, Library Director, approval to advertise Request for Proposals for janitorial services for seven facilities in the Apache County Library District. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Judith approval to advertise Request for Proposals for janitorial services for Greer Memorial Library. Ms. Pepple stated that this is a shortened contract due to the reduced schedule for the Greer Library. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Judith Pepple, requested approval for the Round Valley Public Library to participate in the Springerville-Eagar Fourth of July Parade. Mr. Weller asked where the funding came from. Ms. Pepple stated from donations. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Weller moved to adjourn the Library District meeting, seconded by Mr. White. Motion passed.

Chairman White called for the regular agenda items.

Mr. White opened the floor for the call the public. Individuals may address the Board on any relevant issue for an amount of time determined by the Chairman. At the close of the call to the public, Board members may not respond to any comments but may respond to criticism, ask staff to review a matter or ask that a matter be placed on a future agenda.

Doyel Shamley, Eagar, Arizona addressed the board and stated that the article in the paper last Friday regarding the road highway weight and length issues; the reality of the article was that the author seemed to have an inability to do research and report and it diminished the efforts of all the people that helped; Beth, Bonnie and Malena for taking care of the paperwork for meetings, Ferrin, Delwin and all three supervisors who had to come together to hold a meeting to pass the resolution, Sheriff Dedman and Chief Eagar for their work as well as the municipalities in the county who wrote letters to ADOT supporting the efforts of the County. Mr. Shamley stated that he believes the County should address this issue because that article is a fallacy of the events and diminishes all the work Apache County put into the road issue.

Mr. Wengert requested approval of a Series 6 and Series 11 Liquor License Application recommendation for Amy Nations, Greer Peaks, 1 Main Street in Greer, Arizona and no protests were received. Kay Zahn, President of the Greer Peaks stated that the Series 11 will go by the wayside since it was just a temporary and the Series 6 will be the permanent license. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Wengert requested approval of a Special Event Liquor License Application recommendation for Terry Fillipi, Alpine Music Festival on June 15, 2013 Located at 42661 Highway 180, in Alpine,

Arizona. Ms. Fillipi stated that this is an event to promote business and encourage an Economic Benefit and provided an overview of the festival and the security procedures. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Judge Jay Yellowhorse provided a presentation on the Community Cleanup Project that was created in April, 2011. Judge Yellowhorse stated that in the two year project, 28,000 pounds of trash have been collected. Chairman White commended Judge Yellowhorse for his work on this project. Mr. Weller asked Mr. Wengert to look into the possibility of waiving the fees for the trash disposal at Blue Hills. No action was needed or taken.

Mr. Wengert presented the **Consent Items A-F** and recommended approval. Mr. Weller moved approval, seconded by Mr. White. **County Manager/Clerk of the Board: A.** Request approval of minutes dated April 16, 2013 and April 17, 2013. B. Request approval of demands dated April 16, 2013 to May 7, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. US POSTMASTER 1,000.00 PATTERSON II, GL 1,001.00 JORDAN, SHARMEL L 1,012.60 O'REILLY AUTO PARTS 1,013.80 ST JOHNS EMERGENCY SERVICES 1,058.17 RUSH TRUCK CENTER 1,078.67 EMERGENCY PROFESSIONAL SERVICES PC 1,080.00 SCHIFF, LAURENCE 1,100.00 COLONIAL LIFE AND ACCIDENT IN 1,100.36 ASHTON'S REPAIR INC 1,105.05 SIERRA PROPANE 1,117.35 AZ SECRETARY OF STATE 1,148.00 MCT INDUSTRIES INC 1,152.65 CONDITIONED RESPONSE TRAINING 1,180.00 TJP COMMUNICATIONS 1,188.69 ROGERS, STEPHEN K 1,198.00 KWKM POWER 95.7 1,199.52 WAITE, MICHAEL CHAD 1,201.11 MUTUAL OF OMAHA 1,202.28 BURNHAM MORTUARY 1,211.95 OVERDRIVE INC 1,255.49 CDW GOVERNMENT LLC 1,291.08 CHEVRON USA INC 1,301.37 MERITAIN HEALTH FLEXIBLE SPENDING 1,304.20 INGRAM LIBRARY SERVICES 1,346.71 PIMA UNIFORMS 1,370.66 BAUMAN HOME AND AUTO INC 1,372.51 AVAYA COMMUNICATIONS 1,381.19 WEST PAYMENT CTR 1,403.30 NORCHEM DRUG TESTING LABORATORY 1,439.54 VERITAS RESEARCH CONSULTING 1,440.00 PERFECT PRINTZ LLC 1,485.45 EMILY L DANIES ATTORNEY AT LAW 1,512.50 NATIONWIDE 1,515.00 UNIVERSAL FLEET CARD 1,561.77 WHITE MOUNTAIN PUBLISHING CO 1,602.08 MERCK SHARP & DOHME CORP 1,622.14 EMPOWERMENT SYSTEMS INC 1,655.00 VERIZON WIRELESS 1,663.22 HILLYARD INC 1,681.58 VERITAS RESEARCH CONSULTING 1,705.06 VERITAS RESEARCH CONSULTING 1,725.79 QUILL CORP 1,735.75 SECURITY BENEFIT GROUP 1,796.00 KTNN RADIO STATION 1,839.68 OFFICE DEPOT 1,852.74 GALLUP LUMBER & SUPPLY 1,930.21 VOTES UNLIMITED 2,007.78 VERIZON WIRELESS 2,033.79 BARNES, PARTICIA M 2,060.00 KATHLEEN M MCGUIRE PSY D LLC 2,070.00 EMILY L DANIES ATTORNEY AT LAW 2,090.00 DOYLES AUTO BODY INC 2,091.45 HILLYARD INC 2,112.06 TJP COMMUNICATIONS 2,128.19 NAVOPACHE ELECTRIC COOPERATIVE 2,152.72 SLADE RANCH LLC 2,160.00 AMAZON COM INC 2,180.92 PIMA COUNTY MEDICAL 2,200.00 SHELL OIL 2,292.78 NAVAJO NATION WATER CODE ADMIN 2,296.40 FROG WINDOW CLEANERS 2,320.00 BILLS DISCOUNT AUTO PARTS (NAPA) 2,352.24 SUPPORT PAYMENT CLEARINGHOUSE 2,368.44 NORTHLAND PIONEER COLLEGE 2,711.94 NAVAJO TRIBAL UTILITY AUTHORITY 2,724.81 QUILL CORP 2,746.57 SUMMIT EQUIPMENT REPAIR 2,756.91 YOUNGS FUTURE TIRE 2,763.87 WEST PAYMENT CTR 2,795.20 EMPIRE MACHINERY 2,890.96 INGRAM LIBRARY SERVICES 2,967.72 SLADE RANCH LLC 2,970.00 COUNTY MOUNTAIN AIRWAVES LLC 3,051.84 BRADCO 3,081.01 SMITH, JOHN R 3,150.00 PTS OF AMERICA LLC 3,182.00 WOODLAND BUILDING CENTER 3,216.12 NAVAPACHE CHEM DRY 3,244.00 AGUERO, ROBIN R 3,369.00 UNIVERSAI FLEET CARD 3,591.06 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,868.68 FRONTIER 3,911.70 GRAVES PROPANE CO INC 3,974.78 QUILL CORP 4,105.26 DELL COMPUTER CORPORATION 4,251.64 INGRAM LIBRARY SERVICES 4,502.46 SILVER WING CONSTRUCTION 4,700.00 PILKINGTON ADVERTISING DESIGN LLC 4,800.00 DIX, JOHN RICHARD 4,950.00 FRONTIER 5,043.76 FRONTIER 5,549.07 AZ BOILER COMPANY INC 5,589.58 ROCKY MOUNTAIN HEATING & COOLING 5,700.00

ARIZONA YOUTH PARTNERSHIP 6,250.00 PATTERSON, DANA BRYCE 6,650.00 WILLIAMS LAW GROUP PLLC 6,650.00 LAW OFFICE OF MARSHA GREGORY 6,650.00 THE WOOD LAW OFFICE (RONALD WOOD) 6,650.00 BANNER GOOD SAMARITAN MEDICAL CENTER 6,741.50 HATCH CONSTRUCTION 7,065.42 CORRECTIONS OFFICER RET PLAN 7,813.91 LITTLE COLORADO RIVER PLATEAU 10,000.00 AZ DEPT OF ECONOMIC SECURITY 11,332.54 PUBLIC SAFETY PERSONNEL 401 12,135.07 NAVOPACHE ELECTRIC COOPERATIVE 15,411.84 ADHS AZ HEALTH CARE COST 22,400.00 EMPIRE MACHINERY 24,274.18 BRADCO 24,984.63 PUBLIC SAFETY SHERIFF RET 25,229.99 BLUE HILLS ENVIRONMENTAL 29,012.05 CANTEEN CORRECTIONAL SERVICE TRINITY SERVICES 29,461.97 BRADCO 33,543.07 AZ COUNTIES WORKERS COMPENSATION PLAN 69,567.22 AZ STATE RETIREMENT SYSTEM 78,422.13 APACHE COUNTY TAX WITHHOLDING

123,984.56 APACHE COUNTY MEDICAL 144,771.00 AZLGEBT 272,676.58 **C. District III:** Request authorization to provide \$1,500 in food items to the St. Johns Senior Citizens Center utilizing District III funds. **Personnel Items:** **D. Community Development:** Request authorization to remove Cindy Lee, permanent, part time Administrative Assistant I (range 22), effective April 30, 2013 and Shanna Pearce, permanent, part time Administrative Assistant I (range 22) from probationary status effective May 1, 2013 with the 2.5% end of probation increase. **E. Probation Services:** Request authorization to remove Brianna Hannah, Secretary, (range 20) from probationary status using temporary time, effective May 5, 2013 with the 2.5% end of probation increase. **F. District II:** Request authorization to hire a temporary Facilities & Maintenance Worker II (range 27) for 60 days not to exceed amount of \$3800.61. Vote was unanimous. Chuck Motor, Probation Director, requested approval to transfer Luis Morales to the Probation Specialist (range 25) position at \$24,100.83 due to his experience with the department. Mr. Weller asked what salary range is. Mr. Moter stated that this is a reduction in salary. Karen Houston, Human Resources Director stated that Mr. Morales is going from \$27, 248 to \$24,100.83. Mr. Moter stated that Mr. Morales understood that this would be a reduction in salary. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Ryan Patterson, Finance Director, requested approval of the Lease/Purchase Agreement with Wells Fargo Bank in the amount of \$508,000.00 for the purchase of the Tyler Software. The Tyler Technologies contract was approved by the Board of Supervisors on March 19, 2013 so this is for the financing of a five year lease at \$101,600 a year. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Ryan Patterson, Finance Director requested approval to amend the purchasing policy to increase the bidding threshold in accordance with the Auditor General's threshold guidelines as permitted in A.R.S. 11-254.01, 41-2535 and 41-2501(C). Mr. Patterson stated that there was a slight adjustment to what was in the Board's packet and requested approval of the updated policy. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Ryan Patterson, Finance Director, requested approval to become a member of the Intergovernmental Cooperative Purchasing Agreement, National Purchasing Partners. Mr. Weller moved approval, seconded by Mr. White. Mr. White asked if there was a fee to join. Mr. Patterson stated no. Motion passed.

Malena Bazarro, Grants Manager: requested approval to hire Woodson Engineering to complete an environmental assessment at the Apache County Fair Grounds for the 2012 Community Development Block Grant Project at a cost not to exceed \$12,820. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Wengert on behalf of the County Manager's Office and Community Development: requested approval to modify Administrative Assistant I (range 22) Shanna Pearce's position from part time (19hours) to full time (40 hours) and assign her the additional duties of the switchboard & mailroom.

Mr. Wengert stated that Ms. Peirce is currently working part time for Community Development and would work for both departments and would be eligible for benefits and split the salary. A discussion was held regarding switchboard coverage. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. White stated that regarding the cancelation of the lease contract with the Town of Eagar for the use of the Apache County rodeo ground facility, Mr. White stated that since Mr. Shirley was not available he want to table the item until all three Supervisors were present. The item was tabled.

Chief Deputy Brannan Eagar, requested approval of the High Intensity Drug Trafficking Area (HIDTA) grant in the amount up to \$4,000 to be used for domestic highway enforcement activities. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Wengert requested approval of a press release urging action by the Governor and the legislature regarding County funding priorities. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

County officials urge action on county priorities

St. Johns, Arizona May 7, 2013 – Elected officials from Arizona's fifteen counties are urging Governor Jan Brewer, Senate President Andy Biggs, House Speaker Andy Tobin and the legislature, to return millions of dollars in county funds the state diverted during the recent economic crisis. Referring to the request made to the governor and all 90 lawmakers, County Supervisors Association President and Yuma County Supervisor Lenore Stuart said, "Though the state and municipalities are seeing an uptick in revenues, county revenues continue to be suppressed by falling property tax collections and federal cuts to local resources. Given the financial situation of counties across the state, lawmakers should return county tax dollars so they can support local services, such as public safety and road maintenance." Tom White, Apache County Chairman of the Board added: "In Apache County, we are working on our FY 2014 budget and resources are extremely limited. We urge the Governor and the legislature to restore the \$550,000 lottery money that was taken from the counties, and to stop the diversion of Highway User Revenue Funds to DPS. These funds are critical for operations, and must be restored for local use."

The letter, signed by the chairperson of each county board of supervisors, stated it was critical the state restore those funds to the individual counties for local county services and constituent needs. Specifically, the county leaders asked state officials to:

- Eliminate county payments to the Arizona State Hospital (ASH). Beginning in FY2010, the state required counties to fund treatment of sexually violent persons incarcerated at ASH. Since then, counties have paid \$10.9 million to the state agency for services previously provided by and funded through the state.
- Restore local government Highway User Revenue Funds (HURF). For most counties, HURF is the only revenue source available to maintain, repair and build roads. Since FY09, more than \$100 million of county HURF resources have been diverted to backfill general fund losses to state agencies. Restoration of HURF dollars will provide approximately \$20.9 million annually so counties can perform critical road maintenance.
- Re-establish the counties' share of Lottery revenues. In FY 2011, the state budget eliminated the allocation of \$7.65 million of lottery revenues. Lottery revenues provide partial compensation to counties for performing state-mandated functions.

Mr. Wengert presented the request that following a possible executive session pursuant to ARS 38-431.03 A)(3) for legal advice regarding the possible implementation of future predatory animal regulations, discussion and possible approval of a resolution regarding predatory animals and the increasing threat to the safety, health and welfare of people. Mr. White stated that he felt that Supervisors Shirley should be present for the executive session. A discussion was held regarding

approving the resolution on the predatory issues. Mr. Weller moved to approve the resolution, seconded by Mr. White. Motion passed.

Resolution # 2013-06

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA,
DECLARING THE NEED TO ADDRESS**

**HUMAN-PREDATOR DANGERS IN APACHE COUNTY AND DEMANDING FURTHER
ORDINANCES AND GOVERNMENTAL COOPERATION TO ADDRESS SUCH ISSUES**

WHEREAS, the Apache County Board of Supervisors finds and determines that the increase of dangerous predators, including introduced, experimental and managed species, will result in an increase in human-predator encounters that can result in threats, attacks, injuries and death to humans, especially vulnerable, handicapped, elderly and children throughout the county; and,

WHEREAS, the Apache County Board of Supervisors finds and determines that predatory animals, including introduced, experimental and managed species, and predator-human encounters pose serious threats to human settlements, family households, expose children to health and safety risks, and threaten the economic well-being of families and businesses within the County; and,

WHEREAS, disease and spread of disease by predators including introduced, experimental and managed species and rodents is not being addressed sufficiently/effectively by the agencies at hand; and,

WHEREAS, increasing pressure on livestock from predatory animals, including introduced, experimental and managed species, has shown to impact and have detrimental effects to yearling operations; and,

WHEREAS, increased pressure from predatory animals, including introduced, experimental and managed species, has led to drastic and negative impacts on big game animals throughout the western U.S.; and,

WHEREAS, psychological impacts and damages have been proven and testified to, by licensed mental health professionals, concerning the impacts of predators, including introduced, experimental and managed species such as the wolf, with no relief forthcoming; and,

WHEREAS, many experts on predators, including introduced, experimental and managed species to include wolves, demonstrate that habituated predators may cause danger to the citizens of Apache County because these predators may have lost their fear of humans; and,

WHEREAS, the Board desires to increase its ability to protect humans, the general well-being of humans, livestock and domesticated animals from predatory animals, including introduced, experimental and managed species; and,

WHEREAS, the Board has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents; and, the County reserves the right to take whatever actions necessary to do so; and,

WHEREAS, on January 2, 2013, Arizona Game & Fish along with the U.S. Fish and Wildlife Service announced another Mexican Gray Wolf would be released into Apache County; and,

WHEREAS, previous documents prepared by U.S. Fish and Wildlife and Arizona Game and Fish Department show the intent to introduce more wolves into Apache County and surrounding areas, including the proposal of a "Southwestern Gray Wolf" management plan announced on December 18, 2012; and,

WHEREAS, the Apache County Board of Supervisors finds and determines that the USFWS actions to address Mexican Gray Wolf threats to human settlement's, households and residents of the County are not sufficient to reduce and eliminate these threats to human populations,

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors of Apache County declares that predator-human interactions are presenting a clear and substantial danger to County residents and economic interests.

BE IT FURTHER RESOLVED, that the Board of Supervisors directs its staff to prepare an Ordinance Setting Forth Emergency Predator-Human Incident Protective Measures.

BE IT FURTHER RESOLVED, that the purpose of the proposed ordinance be to:

1. Prevent human death and injury;

2. Assist County residents who encounter predators and fear for their lives;
3. Provide rapid response to residents who cannot safely protect themselves from predator encounters that present a threat, as described above;
4. Prevent loss of livestock and any other property that may be damaged or destroyed by predators;
5. Reduce predator-human interactions; and,
6. Reduce habituated predators from human encounters.

BE IT FURTHER RESOLVED, that this Resolution and the proposed ordinance be called immediately to the attention of Governor Jan Brewer, Arizona Game and Fish Department, United States Fish and Wildlife Service, Arizona Congressional Delegation and the Arizona Legislature, and that meetings, as needed, be coordinated as soon as possible.

PASSED, ADOPTED AND APPROVED at St. Johns, Arizona on May 7, 2013.

APACHE COUNTY BOARD OF SUPERVISORS

By: /s/ Tom M. White, Jr.

Chairman of the Board

ATTEST:

/s/ Delwin Wengert

Clerk of the Board

Mr. Weller moved to adjourn the meeting, seconded by Mr. White. Motion passed.

Approved this 21st day of May, 2013.

/s/ Tom M. White, Jr. /s/ Delwin Wengert

Chairman of the Board Clerk of the Board