

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
November 17, 2015
St. Johns, Arizona**

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

Chairman Shirley called to order the Board of Supervisors meeting at 8:34 a.m. of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

David Giddings led the Pledge of Allegiance.

Gary Davis gave the invocation.

Chairman Shirley called for the Library District items.

SuAnn Collins, on behalf of the Library District, requested Fiscal Year 2015-2016, to make available to nursing homes located in Apache County, discarded library materials and gift materials which are out of scope for their collections. Mr. Weller moved approval, seconded by Mr. Shirley. Motion passed.

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

Chairman Shirley called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval of the Memorandum of Understanding between the Health District and Concho Elementary School District to provide physical facilities to support personnel who are providing the Teens Do Care – Teen Pregnancy Prevention Services. Mr. Weller thanked Mr. Sexton for working out some minor modifications to the agreement and moved to approve, seconded by Mr. Shirley. Motion passed.

Chris Sexton, Health Director, requested approval to convert a vacant full time Program Coordinator III position to a full time Program Coordinator II position for the Teen Pregnancy Prevention Program. Mr. Sexton stated the change is necessary due to budget cuts. Mr. Weller moved approval, seconded by Mr. Shirley. Motion passed.

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

Chairman Shirley called for the regular agenda items.

Mr. Wengert presented the **Consent Items A-C**. Mr. Weller moved approval, seconded by Mr. Shirley. **County Manager/Clerk of the Board: A.** Request approval of demands as distributed to the Apache County Board of Supervisors between November 3, to November 17, 2015. Payee Amount APACHE COUNTY HSA 2,094.17 APACHE COUNTY MEDICAL 135,901.88 APACHE

COUNTY TAX WITHHOLDING 131,501.78 AZ STATE RETIREMENT SYSTEM 88,355.04
COLONIAL LIFE AND ACCIDENT INS 1,477.09 CORRECTIONS OFFICER RET PLAN 5,797.97
CORRECTIONS OFFICER RETIREMENT PLAN 520 5,598.07 NATIONWIDE 1,605.00 PUBLIC
SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 39,154.20 SECURITY
BENEFIT GROUP 1,141.00 SUPPORT PAYMENT CLEARINGHOUSE 2,272.27 4IMPRINT
2,518.74 ANDERSON RESOURCE GROUP INC 2,190.52 AZ DEPT OF ECONOMIC SECURITY
18,869.59 AZLGEBT 610,059.50 BANK OF THE WEST – 4762 2,863.45 BENDER, JUDITH A
5,575.00 BILLS DISCOUNT AUTO PARTS (NAPA) 1,242.55 BINGHAM EQUIPMENT COMPANY
1,690.60 BRADCO 14,194.03 COMMUNITY COUNSELING CENTERS INC 2,400.00 COUNTRY
HOME PRODUCTS 2,348.98 COURTESY CHEVROLET 21,597.18 DATABANK IMX LLC 8,837.28
DIGITAL2YOU.CC 1,334.95 EASTERN ARIZONA COUNTIES ORGANIZATION EAC 6,000.00
EIGHTYNINE A LLC 1,585.00 EMPIRE MACHINERY 1,269.08 FRONTIER 1,752.84 HILLYARD
INC 1,646.11 INGRAM LIBRARY SERVICES 1,274.74 JAMES D SEWARD PHD 9,685.00 JUSTICE
BENEFITS INC 1,069.42 NAVAJO TRIBAL UTILITY AUTHORITY 1,080.84 NAVAJO TRIBAL
UTILITY AUTHORITY 1,394.73 NAVOPACHE ELECTRIC COOPERATIVE 1,085.17 PROFORCE
LAW ENFORCEMENT 1,178.58 QUILL CORP 2,276.51 SAN JUAN MOBILE HOME SUPPLY INC
1,728.74 SECURUS TECHNOLOGIES INC 1,431.60 SHIRLEY, JOE Junior 1,469.58 TEN COW
COMPANY INC 2,635.71 TRINITY SERVICES GROUP INC 22,974.35 VERIZON WIRELESS
1,337.03 WELLS FARGO BANK 1914 1,365.07 WOODLAND BUILDING CENTER 1,546.10
YOUNGS FUTURE TIRE 2,652.03 A & E REPROGRAPHICS 1,080.00 AMIGO CHEVROLET
2,430.45 AZ DEPT OF HEALTH SERVICES 1,210.00 AZ DEPT OF RISK MANAGEMENT 1,289.59
AZ SUPREME COURT 3,250.00 BANK OF THE WEST – 4747 1,045.41 BILLS DISCOUNT AUTO
PARTS (NAPA) 1,068.71 BOB BARKER COMPANY INC 2,389.15 BRADCO 14,696.95
CONSOLIDATED ELECTRICAL DISTRIBUTORS 1,053.66 HAMBLIN LAW OFFICE PLC 8,500.00
HEWLETT PACKARD COMPANY 1,048.48 JCG TECHNOLOGIES INC 3,206.13 JURY SYSTEMS
INCORPORATED 1,034.00 KARTCHNER, WADE EVAN 1,900.00 KATHLEEN M MCGUIRE PSY D
LLC 2,110.00 LAW OFFICE OF DEVIN BROWN 2,128.50 MERCK SHARP & DOHME CORP
5,573.36 NAVAJO COUNTY 7,500.00 NAVOPACHE ELECTRIC COOPERATIVE 1,823.03
NORCHEM DRUG TESTING LABORATORY 2,052.65 PFIZER INC 1,520.12 QUILL CORP
3,903.63 SECURUS TECHNOLOGIES INC 1,622.27 SMALLEY, DEBRA STUART 1,100.00
STALEY LAW FIRM PLLC 1,875.50 THE AARONS COMPANY LLC 3,000.00 VERITAS
RESEARCH CONSULTING 1,840.00 YELLOWHORSE, JAY 1,237.40 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 November 3,
2015. **C. District II:** Request approval of the purchase of turkeys or hams to be given to the
following 3 senior citizen centers: Cottonwood/Tselani, Ganado and Tsaille in an amount not to
exceed \$2,000 total. Motion passed.

Vice Chairman Tom M. White. Jr. arrived at the meeting.

Angela Romero, Election Director, requested approval of the Canvass of the November 3, 2015
Special Election. Mr. Weller moved to approve, seconded by Mr. White. Vote was unanimous.

Mr. Wengert requested renewal of the contract for Natural Resources Liaison, Doyel Shamley. Mr.
White stated he is happy with the good work Mr. Shamley does and moved approval of the contract.
Mr. Weller seconded the motion and stated Mr. Shamley does a wonderful job and appreciates the
good work he does with County, State and Federal issues. Vote was unanimous.

Grant Manager Malena Bazarro, requested approval of Agreement WFHF 12-205 between Apache
County and Arizona State Forestry in the amount of \$36,000 for wildfire fuels reductions in Alpine.
Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Jail Commander Michael Cirivello, requested approval of Amendment #1 to Arizona Department of Corrections Contract #16-008-16 which extends the Agreement for an additional period effective January 5, 2016 through March 31, 2016. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

David Gidding, Chief Deputy School Superintendent, requested approval of a salary increase for the following individuals: Olivia Aranda, Payroll/Accounts Payable Specialist III, 13.5 years of service, current salary \$31,995.07 – mid range \$33,254, proposed salary increase \$2,500; and Charlene Madrid, Accounting Specialist III, 2.5 years of service, current salary \$26,732.65–mid range \$31,652, proposed increase of \$2,500. Mr. White moved approval. Mr. Weller seconded the motion for discussion purposes. Mr. Weller stated these raises, as well as others on the agenda brings the total in raises to \$95,000 for 27 employees and impacts the budget that was not previously approved. Mr. Weller stated this will be a significant tax impact to the community and though these individuals deserve recognition, he cannot support a budget impact such as this. Motion passed 2-1 with Mr. Weller voting nay.

Ferrin Crosby, County Engineer requested approval to purchase 3 new vehicles for District III through State Contract, not to exceed a total of \$123,860.37, utilizing District III budgeted HURF money. Mr. Crosby stated these three new vehicles will be replacing three vehicles that are currently in use and will be sold at public auction. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller and Mr. Crosby held a discussion regarding the list of vehicles in the department. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval of an application for Resources Advisory Committee (RAC) grants to improve County Road 1325 & 3123. Mr. Crosby stated improvements will include placement of limestone, aggregate base and Magnesium Chloride. Mr. Weller moved approval, seconded by Mr. White. A discussion was held between Mr. Crosby and Mr. Weller regarding other roads that were considered for the application. Mr. Crosby provided an overview of the RAC Grant guidelines and requirements. Mr. Crosby stated the routes Mr. Weller wanted to use in the application were County Route 1121 and 1122 in Greer, and 2311 in Alpine. Mr. Crosby stated 2311 is a paved route and in order to treat that road, it would require a chip seal or overlay and there is not sufficient funds in the grant to do that, and suggested instead to tackle that road through the county project list. Mr. Crosby stated 1121 is the Eastfork Road in Greer and is a dead end road and services some homes and the traffic count is about 75 daily recorded in August. Mr. Crosby stated 1122 is a much more traveled road and the County currently maintains two miles of that road which is not on the forest. Mr. Crosby stated the County currently applies magnesium chlorides to that road so his recommendation is to continue to blade and mag that road under the current maintenance operation. Mr. Crosby stated the two routes he is suggesting for the grant have not been treated with Magnesium Chloride and lead to two county sub-divisions; Hidden Meadows and Greenspeak Hideaways so he believes they are servicing two bodies of population and is a more appropriate use of the grant funding. Mr. Crosby stated Apache County could get about \$158,000 of the RAC money in this round and that money is a pot of money that is decided on by the RAC committee and are competing with other non-profit organizations. Mr. Weller stated he had asked Mr. Crosby to look at those roads because he was asked to by community members and will get involved earlier next time. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to reorganize the St. Johns Road Yard using a twostep process as follows: 1.) St. Johns Road Yard re-organization will consist of the re-classification of all Road Maintenance Worker I positions to Road Maintenance Worker II's (3 positions – 2 vacant – 1 filled), the conversion of the currently vacant Crusher Operator II position to a Road Maintenance Worker II. Mr. Crosby stated also, the conversion of the currently filled Crusher

Operator II position to Road Maintenance Worker II with the retention of the current salary of the current holder (current salary over minimum with this action will be \$2,631.62 over the minimum). 2.) Formation of a new department to be called the Limestone Quarry Department. Mr. Crosby stated this action will include the creation to a new position titled Quarry Supervisor (Range 36) and the authorization of the provision of a Crusher Operator III (range 34) position and two new Crusher Operator II (range 29) positions. Mr. Crosby stated the reorganization will result in the creation of its own department for the limestone pit and the estimated cost of the salaries and ERE's will be about \$153,000 annually. Mr. Crosby stated the limestone quarry is heavily used by the County and also sells material to Salt River Project and local contractors and the annual revenue is about \$223,000 a year. Mr. Crosby stated he believes that revenue will easily pay for the salaries and will be able to save revenue for extenuating expenses that may come along such as blasting and equipment repairs. Mr. Weller stated he has many questions and concerns regarding the project and made the motion to postpone the item until the next meeting since he sees no urgency to make the decision. Hearing no second, motion died for lack of a second. Mr. White stated he has spoken with Mr. Crosby about this issue and feels the justification is there and because of the pit, that was how they were able to gravel 200 miles within District II and feels it is a good idea to separate the pit from the road yard. Mr. White moved to approve, seconded by Mr. Weller. Mr. Weller and Mr. Crosby held a discussion regarding the revenues that are generated by the pit and Mr. Weller expressed his concern with the private sector jobs this project would impact. Mr. Weller stated along with the raises that have been on the past three agendas, this will be a \$250,000 impact to the budget so he will not be supporting the reorganization. Mr. Weller outlined his concerns with the reorganization. Mr. Shirley asked if the pit would be self-sufficient and if the revenues are not there in the future, it could be reorganized if the revenues are not there. Mr. Crosby responded to Mr. Shirley, that the information he has obtained through the Finance Department. Mr. Crosby responded to Mr. Weller's concerns and stated in speaking with other counties throughout the State who have a gravel operation, the positions align with those salaries in other counties and the proposal he has submitted of the \$153,000 for salaries are based on the revenues he obtained from our Finance Department. Mr. Crosby stated in regard to County versus private, when the pit was initially opened the county hired a private company and opened the pit and the cost per ton for material from that contract was 70% higher than what the County produces it for, not including salaries. Mr. Crosby stated by the county running the pit, it is less expensive than hiring a contractor to come crush the material. Mr. Crosby stated there are rare times when the pit isn't busy and those employees can be doing something else in the County and also close the pit during emergency situations so the workers and help but most times the pit is busy. Mr. Crosby stated there are currently contracts with Salt River Project for a minimum purchase amount of 1100 tons per month and is \$132,000 per year whether they take any gravel or not. Mr. Crosby stated he does not see Salt River Project downsizing the need for the gravel but if the sales went down, the pit could be reorganized. Mr. Weller stated the expenses he reviewed came from our Finance Department software and showed, included the blasting costs at nearly \$200,000 a year to operate the facility which does not include labor costs, just ancillary maintenance expenses. Mr. Weller stated those are the reasons he is wanting sit down and look at this project in a deeper manner and explore all of the options.

George Walsh, a resident of Vernon, stated because of some statements made today by Mr. Crosby and Mr. White, has raised some concerns with him and he wanted to know when the Board approved selling any material from the limestone pit. Mr. Walsh stated he wanted to know when the Board set the rates and fees which is required by law. Mr. Walsh stated he wanted to know why Mr. White thinks it is appropriate under the current Memorandum of Understanding for school bus routes, for any improvements and adding 200 miles of cinders is improving roads that are not certified by HURF. Mr. Walsh stated there should be answers to those questions before this is approved. Mr. White responded there is an agreement with BIA, the Navajo Nation and the County and whether Mr. Walsh agrees or not, there is a signed agreement and he will continue to improve roads. Mr. White stated if the time comes the pit is not making money, it can be reorganized back to road workers.

Tom Samoff, a resident of the Hunt area, stated the EPA is trying to close the power plants and the plants are in danger of closing and he is opposed to the approval of the reorganization.

Chairman Shirley called for the vote on the reorganization and creation of the Limestone Pit. Motion passed 2-1 with Mr. Weller voting nay.

Ferrin Crosby, County Engineer, requested approval of salary increases for District III Road Yards: Wilbert Tom, 9 years of service, current salary \$30,388.80 – mid range \$32,443.00, proposed salary increase \$2,054.20. Bertrum Billy, 9 years of service, current salary \$33,696.00, mid range \$36,706, proposed increase \$2,000. Susan Koch, 9 years of service, current salary \$26,333.33 – mid range \$30,127.00, proposed increase \$1,560.00, Lance Pearce, 5 years of service, current salary \$30,287.50, proposed increase \$1,000. Monica Chavez, 12 years of service, current salary \$28,954.54 – mid range \$30,127, proposed increase \$1,172.46. John Harris, 23 years of service current salary \$41,469.28, proposed increase \$1,500. Increases will come from the HURF budget. Mr. White moved approval. Mr. Weller seconded the motion for discussion and stated he will be opposing this for the same reasons he stated earlier. Mr. Weller stated we are now up to a quarter of a million dollars now in a matter of three meetings and impacting the budget. Mr. Wengert stated it has been twelve years since a salary study was conducted for the entire County and there hasn't been money in the budget to revisit that and as a result a lot of employees are making less than what they should be given the time they have worked here. Mr. Wengert stated there have been some cost of living increases and a merit pay increase over that time. Mr. Wengert stated no budgets have been increased to provide the raises; the elected official or department head have reprioritized the money within their existing budget to come up with the money to give the raises. And it would be nice if we had more funds available but we don't and it a difficult thing for the elected officials and department heads to make the sacrifices necessary in their budget to reprioritize the funds to help their employees that have fallen the most behind and is hoping to possibly come up with the money to do a cost of living increase. Mr. Weller stated there has been a 6-7% increase for every employee in the County over the last two years that the Board provided, so we have taken steps through discussions during the budget time of year. Mr. Weller stated that we need to be careful that money is in the budget; the County always budgets about ten million dollars more than we actually spend so budgets are always nicely inflated so people and do what they want with those budgets but it ultimately impacts us when we have to pay for it which will mean layoffs or tax increases if we continue on this path. Mr. Wengert stated he needed to respond to the comment Mr. Weller made about the inflated budgets; they are not inflated by ten million is not true, they do put extra money in the budget for grants that may come in during the year but to say the budgets are inflated is not true. Mr. Wengert stated they go through the budget process every year and the departments are pretty lean and not inflated and have to struggle to give raises. Mr. Weller responded he didn't give a reason the budgets are inflated but it is over ten million dollars; in 2012, they County expended 38 million versus a 51 million dollar budget so it is over ten million and that gives people the feeling that there is more money than we really have. Mr. Weller stated there is good reason to protect ourselves and be prepared for taking on grants we may not have known about but it is still a concern. Chairman Shirley stated the County does very well living within its means. Motion passed 2-1 with Mr. Weller voting nay.

Mr. Wengert presented notification of the Eastern Arizona Counties Organization meeting on November 18, 2015 at 3:00 p.m. at the County Supervisors Association (CSA) Building, 1905 W. Washington Street in Phoenix, Small Counties Forum meeting on Wednesday, November 18, 2015 at 6:00 p.m. at the CSA Building, 1905 W. Washington Street in Phoenix, and the County Supervisors Association meeting held on November 19, 2015 at 10:00 a.m. at the CSA building, 1905 W. Washington Street in Phoenix. No action was needed or taken.

Chairman Shirley opened the floor for call to the public.

George Walsh, a resident of Vernon, stated the Medical Marijuana Ordinance has still not come before the Board of Supervisors for consideration and requested it be placed on the next agenda. Mr. Weller responded he would like this issue on the agenda in the future, hopefully the next Meeting.

Loralee Yazzie, a resident from the Sanders area, stated she had submitted an item to be on the agenda for senior citizens funding but was told there is no money. Mrs. Yazzie stated the costs of propane, transport van and food are on the rise and there are funding shortfalls happening and needed assistance and asked the item be placed on the agenda for the next meeting. Mrs. Yazzie stated election time is coming and the only time they see their elected officials is during elections and that should not be the case. Mr. Weller thanked Mr. and Mrs. Yazzie for coming to the meeting and appreciated their work in helping the seniors in their community. Mr. Weller stated he will continue to work with them as the budget allows. Mr. White thanked Mrs. Yazzie for her presentation and stated there are senior centers in each of the districts and he does everything he can for his District to help the elders when they ask for assistance and does not know why other supervisors are not doing the same. Mr. Weller stated there were inferences in Mr. White's comments that he needed to respond to. Mr. Weller stated he has a budget for aid to other entities and just delivered turkeys and other meal supplies to the senior citizens at the Lupton chapter house that Mrs. Yazzie failed to mention, as well as every other senior center in his District. Mr. Weller stated he also helped with the food sealing machine in at the St. Michaels Chapter House last year as well as lighting, washer and dryer repairs, and the heating system at another chapter house. Mr. Weller stated the requests have to be within his budget and the request from Mrs. Yazzie far exceeded any budget capability that he has. Mr. Weller stated he has helped and will continue to help within the budget he has and to please not infer he has not helped the seniors in his District. Chairman Shirley stated since the Lupton Chapter is in District III, Mrs. Yazzie should sit down with Mr. Weller and see what can be worked out.

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

Approved this 1st day of December, 2015.

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

/s/ Delwin Wengert
Clerk of the Board