

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
November 5, 2013
St. Johns, Arizona**

All Board members attended telephonically due to the Arizona Rural & Tribal Economic and Infrastructure Summit on November 4 & 5, 2013 at the Twin Arrow Resort, 22181 Resort Blvd., Flagstaff, Arizona. Participating via the telephone were: Chairman Tom M. White, Jr., Vice Chairman Barry Weller, Supervisor Joe Shirley, Jr. and County Manager/Clerk of the Board Delwin Wengert. County Attorney Michael Whiting was present.

Chairman White called to order the Apache County Board of Supervisors meeting and Health District meeting at 8:31 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Supervisor Weller gave the invocation.

Mr. Wengert led the Pledge of Allegiance.

Chairman White called for the Public Health Services District item.

Chris Sexton, Health Director, requested approval of an Intergovernmental Agreement Tobacco Education and Prevention Services #HG060001 Amendment #4 that replaces Action Plan FY2012 with Action Plan FY2014 and replaces price sheet. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller stated that in his review of the Action Plan, he has concerns with the issue of recruiting and training youth on proper procedures to participate in compliance checks. Mr. Weller stated that he cannot support something that is training our children to be the compliance officers on other people and their parents and will be voting against the grant. Motion passed 2-1 with Mr. Weller voting nay.

Chris Sexton, Health Director, requested approval of the Governor's Office of Highway Safety Contract Occupant Protection Equipment #2014-OP-14 in the amount of \$7,454 which will support Capital Outlay of 99 convertible and 12 belt positioning child booster seats to enhance vehicle occupant protection throughout Apache County. Mr. Shirley moved approval, seconded by Mr. Weller who stated that he is concerned that there really isn't a means to get out of the contract and he does not think the government should be involved with trying to buy safety items for people no matter what their income level. Mr. Weller stated that people need to understand that their responsibilities are going to come back on them as the federal programs start to reduce the money available and he would be voting no. Mr. White asked if this program was countywide. Mr. Sexton stated yes. Motion passed 2-1 with Mr. Weller voting nay.

Chris Sexton, Health Director, requested approval of the Governor's Office of Highway Safety Contract Occupant Protection Training and Education #2014-OP-023 in the amount of \$4,402 which will support travel in state and materials/supplies safety belt USA educational brochures, safety belt USA education DVD's, LATCH manuals and LATCH instructor DVD to enhance vehicle occupant protection education throughout apache county. Mr. Shirley moved approval, seconded by Mr. Weller who stated that for the same reasons as stated in the previous item, he would be voting nay. Mr. White called for the vote and the motion passed 2-1 with Mr. Weller voting nay.

Mr. Shirley moved to adjourn the Health District agenda, 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, on behalf of the Industrial Development Authority (IDA), requested adoption of a resolution approving the proceedings of the Industrial Development Authority of the County of Apache for the issuance of not to exceed \$100,000,000. Mr. Wengert stated this is for the Industrial Development Authority of the County of Apache, Industrial Development Revenue Bonds, 2013 Series A (Tucson Electric Power Company-Springerville Project) pursuant to a plan of financing and approving the plan of financing. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that he appreciated the IDA attorney William Wilder answering his Questions. Vote was unanimous.

Mr. Wengert presented the **Consent Items A-K** and recommended approval. Mr. Weller Requested that Item D and E be removed for discussion. Mr. Shirley moved to approve all but Items D and E, seconded by Mr. Weller. Vote was unanimous. **County Manager/Clerk of the Board: A.** Request approval of minutes dated October 15, 2013. **B.** Request approval of demands dated October 15, 2013 to November 5, 2013. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. AZ DEPT OF HEALTH SERVICES 1,140.00 BARNES, PATRICIA M 3,935.00 BLS COMMUNICATIONS SW INC 3,569.00 BRADCO 27,780.77 BREWER LAW OFFICE PLLC 1,782.00 BRIMHALL SAND & ROCK 4,392.77 CATERPILLAR FINANCIAL SERVICES CORPORATION 25,393.01 CRESTLINE SPECIALTIES INC 1,982.99 DELL COMPUTER CORPORATION 2,029.27 DIAMOND DRUGS INC 2,905.17 FERRELLGAS 1,039.54 FOREMOST PROMOTIONS 8,284.99 FRONTIER 3,812.49 GOLIGHTLY TIRE 7,310.18 HATCH MOTOR COMPANY SNOWFLAKE 30,169.31 HEWLETT PACKARD COMPANY 15,570.12 HILLYARD INC 2,288.58 INGRAM LIBRARY SERVICE 1,522.08 KATHLEEN M MCGUIRE PSY D LLC 2,197.50 LAWSON PRODUCTS INC 2,844.01 LEXIPOL LLC 7,300.00 LOWE'S COMPANIES INC 1,708.54 MAXIAN TECHNOLOGIES 3,027.23 MESA ENTERPRISES INC 2,489.00 MGM ASSOCIATES INC 5,790.74 MR BUBBLES 1,352.09 NAVAJO NATION WATER CODE ADMIN 1,075.00 NAVAJO TRIBAL UTILITY AUTHORITY 1,601.36 NAVAJO TRIBAL UTILITY AUTHORITY 1,197.74 NAVOPACHE ELECTRIC COOPERATIVE 14,634.80 NORTHERN TOOL & EQUIPMENT CO 1,371.59 OVERDRIVE INC 8,000.00 PATTERSON, DANA BRYCE 8,500.00 QUILL CORP 1,452.55 SCHIFF, LAURENCE 1,400.00 ST JOHNS CITY 1,168.98 ST JOHNS EMERGENCY SERVICES 2,160.84 THE GUIDANCE CENTER 1,350.00 TJP COMMUNICATIONS 9,159.28 TOWN OF EAGAR 6,657.21 TYLER TECHNOLOGIES INC 6,163.22 UNIVERSAL FLEET CARD 3,962.22 US POSTMASTER 1,000.00 VERITAS RESEARCH CONSULTING 5,973.75 YAVAPAI COUNTY GOVERNMENT 7,850.00 YOUNGS FUTURE TIRE 1,591.32 AZ COUNTIES WORKERS COMPENSATION PLAN 69,985.26 AZ DEPT OF REVENUE 2,093.20 APACHE COUNTY MEDICAL 142,759.50 APACHE COUNTY TAX WITHHOLDING 128,746.57 AZ STATE RETIREMENT SYSTEM 83,823.86 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 9,071.92 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,665.36 MERITAIN HEALTH FLEXIBLE SPENDING 1,249.13 MUTUAL OF OMAHA 1,176.51 NATIONWIDE 1,355.00 PUBLIC SAFETY PERSONNEL 401 14,631.77 PUBLIC SAFETY SHERIFF RET 30,330.21 SECURITY BENEFIT GROUP 1,546.00 SUPPORT PAYMENT CLEARINGHOUSE 2,701.09 ADHS AZ HEALTH CARE COST 22,400.00 AMAZON COM INC 2,927.90 AVAYA COMMUNICATIONS 1,381.19 BANNER GOOD SAMARITAN MEDICAL CENTER 9,054.23 BASHAS' CORPORATE OFFICE 1,398.74 BRADCO 30,052.84 CNS BUSINESS FORMS INC 5,315.27 CRESCENT ELECTRIC SUPPLY CO 1,535.42 CRISS CANDELARIA LAW OFFICE 2,392.50 EMPIRE MACHINERY 2,632.52 FERRELLGAS 1,134.07 FRONTIER 7,599.58 GUST ROSENFELD PLC 2,685.00 HAVERLAND, DEBORAH KAY 1,632.00 HILLYARD INC 1,155.28 INGRAM LIBRARY SERVICES 4,480.58 J MARBLES LAND SURVEYING LLC 1,200.00 NAVOPACHE ELECTRIC COOPERATIVE 1,103.08 PERFECT PRINTZ LLC

1,721.91 QUILL CORP 3,264.22 SANOFI PASTEUR INC 5,705.54 SHELL OIL 1,563.81 TASER INTERNATIONAL INC 2,615.65 THE UNIVERSITY OF ARIZONA 6,250.00 UNIVERSAL FLEET CARD 1,476.86 VALLEY ANESTHESIOLOGY CONSULTANTS LTD 1,725.00 VERIZON WIRELESS 1,015.87 WHITE RAVEN OF ARIZONA LLC 3,436.65 YOUNG, JOSEPH 15,470.00 YOUNGS FUTURE TIRE 1,601.59 AMERICAN LANDS COUNCIL 5,000.00 ARIZONA STATE FORESTRY DIVISION 6,707.46 ASHTON'S REPAIR INC 1,883.59 AZ SUPREME COURT 4,310.00 BAUMAN HOME AND AUTO INC 1,325.12 BRADCO 52,985.00 BURNHAM MORTUARY 1,689.32 CHEVRON USA INC 1,810.46 CREATIVE MULTIMEDIA INC (CMI) 23,652.50 CRESCENT ELECTRIC SUPPLY CO 1,087.80 DELL COMPUTER CORPORATION 4,066.40 EASTERN ARIZONA COUNTIES ORGANIZATION EAC 6,000.00 FARR, DAMION 1,286.52 FRED M PALACIOS 2,166.25 FRONTIER 1,900.65 GOLIGHTLY TIRE 2,359.65 HILLYARD INC 2,561.12 JURY SYSTEMS INCORPORATED 1,034.00 MAXIAN TECHNOLOGIES 1,106.03 MCMILLAN, SCOTT R 2,250.00 NORCHEM DRUG TESTING LABORATORY 1,092.92 PATRIOT EXPRESS 2,996.00 PLATT, MARCOR B 6,040.00 QUILL CORP 3,031.35 SENTRY FIRE AND WELDING SUPPLY INC 1,086.24 SKYVIEW PROFESSIONAL SERVICES 7,500.00 STOKES, KAREN L 1,080.00 TJP COMMUNICATIONS 1,625.52 TYLER TECHNOLOGIES INC 10,045.00 VERIZON WIRELESS 2,320.81 PFIZER INC 1,281.62

C. District II: Request approval to purchase holiday food for three (3) senior centers located in District II, not to exceed \$2,000 total utilizing District II funds. **D. District II:** Request approval to assist the Ganado Senior Center with \$1,000 to purchase restroom safety equipment, furniture and repair flooring. **E. District II:** Request approval to donate 15 old District II conference chairs to the Ganado Senior Citizens Center. **Personnel Items:** **F. District II:** Request authorization to hire a temporary Equipment Mechanic III at \$13.10 per hour through December 31, 2013. **G. District II:** Request authorization to hire a temporary Road Worker II at \$11.58 per hour, through December 31, 2013. **H. Chinle Justice Court:** Request authorization to hire a temporary Justice Court Clerk at \$9.74 per hour, not to exceed 6 months. **I. Treasurer's Office:** Request authorization to remove Candice Davis from probationary status with the standard 2.5% end of probation increase. **J. District II:** Request authorization to remove Orlene Lincoln from probationary status with the 2.5% end of probation increase, effective September 30, 2103. **K. Probation Services:** Request authorization to remove Erica Jaramillo from probationary status with the 2.5% end of probation increase, effective October 23, 2013.

Mr. Weller stated that regarding Items D and E, he wanted clarification from the County Attorney's Office regarding an opinion on how spending could be used because he had a written opinion from the County Attorney's Office about aid to other entities and the opinion indicated that it had to be for food related items only and now he is told the County Attorney's office has approved the purchase of these items. County Attorney Whiting responded that he is not aware of the legal opinion Mr. Weller is referring to but there is a very specific clause in the Arizona Constitution that addresses aid to seniors and it is not limited to just food items it could be transportation, and anything that does not violate the gift clause. Mr. White stated that he was told anything that pertains to the health, safety, and welfare of the elders was ok. Mr. Weller stated that he does not disagree with the benefit of the funds, he is just going off of a written opinion that is conflicting with the verbal approval that took place so he will be voting against those items. Mr. Weller moved to approve items D and E, seconded by Mr. Shirley. Motion passed 2-1 with Mr. Weller voting nay on D. District II: Request approval to assist the Ganado Senior Center with \$1,000 to purchase restroom safety equipment, furniture and repair flooring and E. District II: Request approval to donate 15 old District II conference chairs to the Ganado Senior Citizens Center.

Mr. Wengert on behalf of District I, requested that the item to hire Curtis Berry in the vacant Secretary position at \$13.00 per hour effective October 29, 2013, be removed from the agenda. Mr. White removed the item.

County Attorney Michael Whiting requested approval to hire Christopher Misbach to fill the vacant Deputy Attorney I position at \$56,874. Mr. Shirley moved approval, seconded by Mr. Weller. Mr.

Weller stated that he is in support of this because Mr. Whiting needs the assistance. Vote was unanimous.

Mr. Wengert, on behalf of District II, requested approval to hire Leandra Thomas to fill the vacant Operations Manager position at a salary of \$38,000 as a result of her education. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert requested approval of a resolution and letter of support requesting the Arizona Legislature restore Local Highway User Revenue Funds (HURF) and work with transportation stakeholders to identify and enact revenue enhancements for the existing HURF distribution system and to pursue policies that improve efficient utilization of transportation resources. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

RESOLUTION 2013-18

A RESOLUTION OF

THE BOARD OF SUPERVISORS OF APACHE COUNTY RESPECTFULLY REQUESTING THE ARIZONA LEGISLATURE RESTORE LOCAL HIGHWAY USER REVENUE FUNDS AND WORK WITH TRANSPORTATION STAKEHOLDERS TO IDENTIFY AND ENACT REVENUE ENHANCEMENTS FOR THE EXISTING HURF DISTRIBUTION SYSTEM AND TO PURSUE POLICIES THAT IMPROVE EFFICIENT UTILIZATION OF TRANSPORTATION RESOURCES

WHEREAS, the road building and maintenance responsibilities of Arizona's counties are critical to public safety, economic development and quality of life in Arizona, and

WHEREAS, the Highway User Revenue Fund, known as HURF, is the primary resource dedicated to state, county and municipal highway and road construction, and

WHEREAS, HURF relies heavily on a 18 cent per gallon fuel tax that has not been raised since 1990 and is not indexed for inflation, leading to a substantial degradation in HURF purchasing power as the price of asphalt, rock products and heavy equipment has increased dramatically, and

WHEREAS, since FY09, the situation has been made worse by state legislative action diverting over \$634 million of HURF revenue to fund state agencies, costing the counties over \$115 million, and

WHEREAS, the FY14 state budget shifts \$120 million from road activities to fund obligations of the state's general fund, impacting county transportation programs by nearly \$21 million, and

WHEREAS, the reduced allocations from HURF to counties has resulted in counties suspending new construction, substantially decreasing road maintenance activities, and increasing designation of "primitive" roads, and

WHEREAS, these reduced allocations from HURF have caused similar infrastructure deficits in state and municipal transportation departments, making it evident that the road system in Arizona has been substantially compromised and is inadequate for future needs:

THEREFORE be it resolved by the Board of Supervisors of Apache County to respectfully request that the Arizona State Legislature:

- Discontinue the use of HURF resources for purposes other than road activities and restore those funds to state and local government transportation departments.
- Work with stakeholders to identify and enact revenue enhancements for the existing HURF distribution system.

Identify and enact policies that improve efficient utilization of transportation resources.

Dated this 5th day of November, 2013.

APACHE COUNTY BOARD OF SUPERVISORS

/s/ Tom M. White, Jr.
Chairman of the Board

/s/ Delwin Wengert

Malena Bazarro, Grants Manager, presented the second public hearing for use of State Special Project, CDBG Funds to be used at the Rounds Valley Rodeo Grounds (Eagar Rodeo Grounds). Chairman White opened the floor for public comments. Hearing none, Ms. Bazarro provided an overview of the criteria required to apply. Ms. Bazarro also provided the repairs that would be included at the rodeo grounds. Chairman White closed the public hearing. No action was needed.

Malena Bazarro, Grants Manager, requested approval of a resolution to Submit Application for Community Development Block Grant (CDBG) 2013 or State Special Projects 2014 funding for the Round Valley Rodeo Grounds (Eagar Rodeo Grounds) as required by Arizona Department of Housing. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazarro, Grants Manager, requested approval of Amendment 2 to the Wildland Hazardous Fuels Reduction Grant 09-006, applying an additional \$53,000 for treatments in Greer along Wiltbank Avenue and Crosby Acres (50 Acres). Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazarro, Grants Manager: requested approval of a Crew-Use Agreement between Arizona State Forestry and Apache County for the State Department of Corrections Conservation Crew to treat approximately 30 acres in Greer at Crosby Acres using a portion of the Wildfire Hazardous Fuels 09-006 funds. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Ferrin Crosby, County Engineer requested authorization to solicit bids for lease/purchase agreement for two (2) pickup trucks for District I and two (2) pickup trucks for District II. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked if HURF was being used to purchase the vehicles. Mr. Crosby stated yes. A discussion was held between Mr. Crosby and Mr. Weller regarding the HURF available. Vote was unanimous.

Sheriff Dedman requested approval to solicit bids for lease/purchase agreement on 12 fully equipped patrol vehicles. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller and Sheriff Dedman held a discussion regarding the funding source for the vehicles and Mr. Weller asked about the impact to the general fund due to the loss of federal prisoners in the jail and asked about the impact that would have to the general fund. Sheriff Dedman stated that jail funds would be used. Mr. Weller asked Finance Director Ryan Patterson if this would impact the general fund. Mr. Patterson stated that it would affect the general fund to the point that the jail could not cover their budget to handle the shortfall. A discussion was held regarding the shortfall to the jail district the lack of prisoners would have. Mr. Patterson stated that he believes that the prisoners would be back in the jail within a couple weeks but there would be a shortfall for the three months there were no prisoners in the jail but would be on a month by month basis. Mr. Weller asked about getting a policy for replacing vehicles. County Attorney Whiting stated that the issues under discussion are not noticed on the agenda for discussion and is inappropriate for discussion. Mr. Weller disagreed but would leave it to the chairman for determination. Mr. Weller asked if the old vehicles would be disposed of. Sheriff Dedman stated yes. A discussion was held regarding the cost and replacement of leased vehicles. Vote was unanimous.

Sheriff Dedman requested authorization to accept the Governor's Office of Highway Safety Grant (GOHS) Selective Traffic Enforcement Equipment (2014-PT-073), in the amount of \$34,919. This funding will support the purchase of one (1) fully Marked Police Package motorcycle and two (2) Radar(s) to support and enhance Selective Traffic Enforcement throughout Apache County. Sheriff Dedman stated that there is currently one motorcycle in his department and this would provide

another which will help with officer safety. Mr. Shirley moved approval, seconded by Mr. White. Motion passed 2-1 with Mr. Weller voting nay.

Chairman White presented notification of their attendance at the Arizona Rural & Tribal Economic and Infrastructure Summit on November 4 & 5, 2013 at the Twin Arrow Resort, 22181 Resort Blvd., Flagstaff, Arizona at 8:00 a.m. both days where all three members of the Apache County Board of Supervisors are in attendance.

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

Approved this 19th day of November, 2013.

/s/ Tom M. White, Jr.
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board