

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
September 16, 2014
St. Johns, Arizona**

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

Chairman White called to order the Board of Supervisors, Library District and Health District meetings 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.

Bonnie Weller gave the Invocation.

Barry Williams led the Pledge of Allegiance.

Chairman White called for the Library District items.

Judith Pepple, Library Director introduced Tamera Applegate, the Vernon Public Library Manager, and requested approval of community representatives, proposed budget, and Strategic Planning Process for the Vernon Public Library. Mr. Weller moved approval seconded by Mr. Shirley. Mr. Weller commended Ms. Applegate for the work within the community. Vote was unanimous.

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

Chairman White called for the Health District items.

Chris Sexton, Health Director, requested approval of revised Sexually Transmitted Disease IGA #ADHS14-071557 which reflect a pricing sheet update to include temporary staff funding. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated that he would like to see more trend data for the past few years relative to the diseases, as well as expenses incurred and what the goals are as well as the needs to address the issue. Vote was unanimous.

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

Chairman White called for the regular agenda items.

Mr. Wengert presented the Consent items A. B. & C. Mr. Weller requested each item be addressed separately.

Mr. Wengert presented Item A. Request approval of minutes dated September 2, 2014. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated he again wanted to point out the August 19th Minutes reflect the August 4th minutes, relative to the County Attorney assuring the Board they would bring forth the written Attorney General's opinion on the special taxing district issues relative to the Board's approval of the budget, and he has not yet received it. Mr. Weller stated we are now to September 16th without that information from the Attorney General's Office and he feels uncomfortable about approving any expenses in the budget since they may not be appropriately

approved; even though he continues to do it with a flag of concern. Mr. Weller asked the County Attorney if he could get a copy of the letter sent to the County from the Attorney General. Attorney Joseph Mr. Young responded that he spoke with the Attorney's Generals' Office about this issue, and he was verbally informed their office is alright with it, and they would send a letter but they have not yet sent the letter to the County indicating they were closing the complaint; that is why it has not been shared with the Board. Mr. Young stated he will follow up with their office to obtain the letter. Mr. Weller asked Mr. Young to send him the initial written complaint. Mr. Young stated he would provide a copy of the initial complaint to Mr. Weller. Vote was unanimous.

Mr. Wengert presented Item B. Request approval of demands dated September 2, 2014 – September 16, 2014 (September 3rd; September 4th; September 9th and September 10th). Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Mr. Weller moved approval but stated he will be opposing, seconded by Mr. Shirley. Payee Amount NEW WORLD SYSTEMS CORPORATION 1,895.00 ADAPTIVE DIGITAL SYSTEMS INC 8,300.00 APACHE COUNTY 29,700.00 APACHE COUNTY SHERIFF'S POSSE 1,500.00 ARIZONA STATE FORESTRY DIVISION 10,656.56 ASR PIMA UNIFORMS 1,140.36 AZ BRAKE & CLUTCH SUPPLY 4,092.14 AZLGEBT 306,238.40 BANK OF THE WEST – 4747 1,869.75 BLUE HILLS ENVIRONMENTAL 28,512.17 BRADCO 74,104.91 DELL COMPUTER CORPORATION 1,841.11 DOYLE, WILLIAM E 49,958.80 EMPIRE MACHINERY 1,920.21 FRONTIER 1,738.26 GABBY, BRUCE T 1,162.66 GALL'S INC 1,719.02 INGRAM LIBRARY SERVICES 1,006.89 MO MONEY ASSOCIATES LLC 1,745.24 NEW WORLD SYSTEMS CORPORATION 2,590.00 NEXTRAQ 17,089.20 NORCHEM DRUG TESTING LABORATORY 3,390.31 PARIZEK, ARTHUR K 1,980.00 PERFECT PRINTZ LLC 1,239.63 QUILL CORP 1,896.59 S R ROBERTS INC 1,208.00 SHELL OIL 3,021.57 ST JOHNS EMERGENCY SERVICES 1,104.14 STAPLES CREDIT PLAN 1,702.50 SUN DEVIL FIRE EQUIPMENT INC 1,995.88 TAYLOR, B BROOKS 2,700.00 VERITAS RESEARCH CONSULTING 1,680.00 VERIZON WIRELESS 2,670.83 WAGNER & ASSOCIATES 1,000.00 ZADDACK, TERESA 1,312.20 EW PARKER ENTERPRISES 80,029.94 APACHE COUNTY HAS 2,654.59 APACHE COUNTY MEDICAL 140,383.52 APACHE COUNTY TAX WITHHOLDING 141,045.86 AZ STATE RETIREMENT SYSTEM 91,001.33 COLONIAL LIFE AND ACCIDENT INS 1,431.81 CORRECTIONS OFFICER RET PLAN 9,049.83 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,146.13 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 14,122.03 PUBLIC SAFETY SHERIFF RET 32,858.22 SECURITY BENEFIT GROUP 1,321.00 SUPPORT PAYMENT CLEARINGHOUSE 2,136.68 ARIZONA STATE FORESTRY DIVISION 4,860.94 AZ DEPT OF HEALTH SERVICES 1,210.00 AZ DEPT OF RISK MANAGEMENT 2,210.65 AZ SUPREME COURT 1,500.00 AZ SUPREME COURT 1,500.00 AZ SUPREME COURT 13,875.00 AZ SUPREME COURT 2,250.00 AZ SUPREME COURT 4,500.00 BEGODY, CANDACE 1,250.00 CDW GOVERNMENT LLC 1,585.61 CLABORNE, GLENDORA 4,050.00 COCONINO COUNTY 3,733.33 CONTINUOUS RAINGUTTER SYSTEMS 2,859.71 CRISS CANDELARIA LAW OFFICE 1,208.00 DEWITT, COLLIN J 1,600.00 EMPIRE MACHINERY 1,162.85 FOREMOST PROMOTIONS 5,352.19 HILLYARD INC 1,433.56 L R INVESTIGATIONS LLC 1,150.00 LAW OFFICE OF MARSHA GREGORY 8,681.50 LAWSON PRODUCTS INC 1,264.18 MCKESSON MEDICAL SURGICAL 1,286.92 MERRILL, KYLER GRANT 2,385.00 MOYERS, DENNIS V 2,880.00 NAVAJO TRIBAL UTILITY AUTHORITY 1,026.40 NAVOPACHE ELECTRIC COOPERATIVE 11,250.53 PTS OF AMERICA LLC 1,634.60 QUILL CORP 4,197.80 REDW LLC 1,175.00 RUSH TRUCK CENTER 1,206.79 SCHIFF, LAURENCE 1,300.00 SHELL OIL 1,755.82 STALEY LAW FIRM PLLC 1,083.50 THE AARONS COMPANY LLC 3,000.00 TOWN OF EAGAR 7,626.29 TRINITY SERVICES GROUP INC 14,183.78 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,092.25 WILLIAMS LAW GROUP PLLC 8,500.00 YOUNGS FUTURE TIRE 2,862.49 Mr. Weller stated he will be voting to oppose this under the grounds previously stated, due to the unsureness of an appropriate budget being adopted. Mr. Weller stated that it has been a couple months without receiving the Attorney General's opinion and there has been spending on special event issues that

he feels does not meet his principle concerns, so he will vote no on the demands today. Motion passed 2-1 with Mr. Weller voting nay.

Mr. Wengert presented Consent Item C. under the County Manager's Office, request for approval of the modification of the current Executive Assistant/Record Manager position to an Administrative Coordinator. Mr. Wengert stated the current range is a 33 and the proposed range is 38. Mr. Wengert stated this is being requested because of a vacancy due to Bonnie Stallings moving into the Public Fiduciary position. Mr. Wengert stated the position requires greater duties and responsibilities and it is time to upgrade the position. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Commander Lance Spivey, on behalf of the Sheriff's Office, requested approval to accept the Emergency Management Performance Grant (EMPG) in the amount of \$127,263.00. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked what compliance with PL93-348 is, relative to protection of human subjects. Commander Spivey stated he would have to research it. Mr. Weller stated that it was a lot of money and appreciated the work done to obtain the grant. Vote was unanimous.

Commander Lance Spivey, on behalf of the Sheriff's Office, requested approval to accept the Governor's Office of Highway Safety Grant (GOHS) Selective Traffic Enforcement; 2015-PT-001, in the amount of \$44,668.00. Commander Spivey stated the funding will support the purchase of ten (10) radars and overtime with ERE's to enhance speed enforcement throughout Apache County and there are no matching funds required. Mr. Shirley moved approval. Mr. Weller seconded but stated he will probably be voting against the item. Mr. Weller asked if the deputies have jurisdiction and authority to do radar on the Navajo Nation. Commander Spivey stated through the Intergovernmental Agreement with the Navajo Nation, they can enforce tribal speeding laws on tribal routes but this grant does not cover those roads, only state highways and county roads. Mr. Weller asked Commander Spivey if he considers the roads the Board of Supervisors adopts on the Navajo Nation as county roads. Commander Spivey stated he considers them that, but can't use this funding on those roads. Mr. Weller stated he will be voting no because of the time constraints on the deputies since this is a humongous county and haven't filled vacant positions due to budget restraints and using deputies on the roads trying to enforce speed is an added issue and with this grant, it is required to be done. Mr. Weller stated there is also costs associated with calibration of equipment and he has seen no data that there is a humongous speed issue in the county and in this county there is the character of freedom of liberty and he does not support adding radar guns to the County without exceptional data showing we have a significant problem that this would address, so he will be voting against the item. Motion passed 2-1 with Mr. Weller voting nay.

Commander Lance Spivey, on behalf of the Sheriff's Office, requested approval to accept the Governor's Office of Highway Safety Grant (GOHS) DUI Enforcement Equipment; 2015-AL-027, in the amount of \$4,535.00. Commander Spivey stated this funding will support DUI enforcement and education throughout Apache County and there are no matching funds required. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller asked what the frequency and cost is to calibrate the equipment. Commander Spivey stated there is no cost to calibrate; it is sent to the Department of Public Safety where it is calibrated once a year at no cost and there is also a certified Apache County Deputy that is trained at no cost to the County. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval of a new franchise agreement between Apache County and Arizona Public Service Company to enter upon all present and future public right-of-way within the area described in the agreement, in order to connect electric transmission and distribution systems with APS systems elsewhere. Mr. Crosby stated that this original agreement was for 25

years and we are at the end of the agreement and this will extend it another 25 years and is located towards Snowflake along the Navajo County boarder. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval to reject bids for Bid #201503 for blasting services and request permission to rebid for blasting services. Mr. Weller moved to reject, and rebid, seconded by Mr. Shirley. Mr. Weller asked what the expectation of improving the chances of getting something affordable. Mr. Crosby stated only one bid was received and was extremely high so their thought was to reject and send out bid packets to a broader area. Vote was unanimous to reject the bid.

Angela Romero, Election Director, requested approval to cancel the following school elections and appoint persons who filed required paperwork to fill positions for the following districts: NE AZ Technical Institute of Vocational Ed (N.A.T.I.V.E.) Ganado, and the Ganado USD #20. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Angela Romeo, Election Director, requested approval to cancel the special district elections and appoint persons who filed the required paperwork to fill the positions for the following districts: Alpine Fire District #02, Concho Fire District #09, Greer Fire District #25, Nutrioso Fire District #45, Puerco Fire District #18, Alpine Domestic Water Improvement District #02, Ojo Bonito Water District #83, White Mountain Community Health Care District: HD01, HD03, and HD05, Little Colorado Sanitary District #25 and the Alpine Sanitary District #02, with the Board of Supervisors drawing the names for the Alpine Sanitary District #02 vacancies – first three selected will receive the 4 year term and the fourth selected will receive the 2 year term. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller asked if the reason for the appointment is because either there were enough or the right number of candidates to be appointed. Mrs. Romero stated yes. Mr. Weller asked if there is a 3 member board and if only 2 people applied, then that board of 2 is now a quorum and could appoint the third member for the board. Mrs. Romero stated yes, they would review their bylaws and appoint accordingly. Chairman White and Vice Chairman Weller drew names for the positions: Oscar Miranda, a 4 year term, Robert Fite, a 4 year term, Mike Cox, a 4 year term, and Terry Fillipi, a 2 year term. Vote was unanimous.

Michael Whiting, County Attorney, requested approval of Attorney General's Victims Rights Program grant agreement, A.G. #2015-001 in the amount of \$28,500.00 awarded for FY15 and there are no matching funds that will be required. Mr. Weller move approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazaruto, Grants Manager, requested approval of Project Agreement 14-PA-1103012-1 034 between USDA Forest Service and Apache County for the RAC Project on the Apache-Sitgreaves National Forest along the west side of Hall Creek in Greer. Ms. Bazaruto stated work will be performed by the Arizona State Forestry Conservation Crew and grant funds total \$33,249.90 with matching funds will be provided with in-kind services. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated ha has received calls and emails from Greer supporting this activity and realize the benefit to protecting the community. Mr. Weller stated this is costing the County some money but is done in protection of the citizens. Vote was unanimous.

Mr. Wengert requested approval of the settlement agreement and general release by and between Apache County and the Apache County Sheriff's Posse relating to improvements made to the

County's Rodeo Grounds in Eagar, Arizona. Mr. Wengert provided an overview of the improvements such as bucking chutes. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented the item for approval of a letter from the Board of Supervisors to the Secretary of the Interior and the Director of the U.S. Fish and Wildlife Service regarding a proposed revision of the nonessential experimental population of the Mexican Wolf process. Mr. Weller moved approval, seconded by Mr. Shirley. Mr. Weller stated just this morning, he received the inter-agency field team report which is the Arizona Game and Fish team that keeps track of the Mexican wolf activity and the packs throughout the Blue Range recovery area and this month's report was 2 horses and a cow that were depredated last month. Mr. Weller stated the Mexican Gray Wolf impacts us greatly and he supports activities that attempt to have Apache County listened to more than have been previously. Vote was unanimous.

Mr. Wengert presented the item following a possible executive session for legal advice pursuant to A.R.S. 38-431.03 (A) (4), discussion and possible action related to the proposed 10(j) rule modification by the United States Fish & Wildlife Services (USFWS). Mr. Weller moved to go into executive session. Mr. Shirley stated if executive session was held he would ask to be excused (since he was on the phone). A discussion as held regarding he need for executive session. Chairman White stated he did not believe there was a need for executive session. Motion died for lack of a second. A discussion was held regarding the comments to be submitted and the submission must be sent in before September 23, 232014 if the Board wishes to comment on the proposed 10j Rule. Doyel Shamley Natural Resources Coordinator provided an overview of the issue and his concerns. Mr. Weller stated he has read the AZ/NM Coalition's comments and found them very good and his thought on the document, the Board read it to be sure that it does not exclude added comments so the County can sign on, modify and utilize the comments made by the AZ/NM Coalition and ensure the it dies not conflict with the County's comments as appropriate. Mr. Weller moved to table the item and bring it back at a special meeting for consideration to allow time for Mr. Shamley to work on the needed changes to the document, seconded by Mr. Shirley. Vote was unanimous. Special meeting was scheduled for Monday, September 22, 2014 at 8:30 a.m. MDT.

Chairman White opened the floor for the call to the public.

Mr. Wengert stated that he recently received a letter from the Property Tax Oversight Commission which said they had reviewed the property tax levy limit and it indicated that upon review, the Commission found it to be in proper order and also determined the our jurisdiction was in compliance with the Truth and Taxation notice and public hearing requirements. Mr. Wengert stated that he also wanted the public to know that on the property tax, the average for the State on a \$100.00 assessed valued is \$2.17 and for FY2015, Apache County's is .48 which is the lowest primary property tax rate of all the counties in the state.

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

Approved this 7th day of October, 2014.

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

/s/ Delwin Wengert
Clerk of the Board