

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
September 3, 2013
St. Johns, Arizona**

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

Chairman White called to order the Apache County Board of Supervisors meeting, the Public Health Services District meeting, the Library District meeting and the Apache County Jail District meeting at 8:33 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.

Barry Williams led the Pledge of Allegiance.

Chairman White called for the Health District items.

Chris Sexton, Health Director, requested approval of Intergovernmental Agreement #ADHA14-053047. The Arizona Department of Health Services (ADHS) Bureau of Nutrition and Physical Activity (BNPA) administrators fund provided by the United States Department of Agriculture (USDA) for the operation of the Special Supplemental Nutrition Program for Woman, Infants and Children (WIC), breastfeeding Peer Counseling Program (BFPC) and the Woman and Children's Farmers Market Nutrition Program (FMNP) for the State of Arizona. The USDA nutrition programs are discretionary and each provides a specific service to woman, infants, and children who are low income and at nutrition risk. Mr. Weller moved approval, seconded by Mr. White. A discussion was held regarding the number of participants in the program. Motion passed.

Supervisor Joe Shirley, Jr. arrived at the meeting.

Chris Sexton, Health Director, requested approval of a contract with Rebecca Rivera RN; Marilyn Slaughter, RN; and Jennifer Foote, RN at \$30 per hour to provide clinical services as a subcontractor. Mr. Weller moved approval, seconded by Mr. Shirley Motion passed.

Chris Sexton, Health Director, requested approval to remove Stephanie Hannah from probationary status and receive a 2.5% salary increase effective 06/30/13. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Chairman White called for the Library District item.

Judith Pepple, Library Director, requested approval of lease agreement between the Greer Community Facilities Association and the Apache County Library District effective July 1, 2013 through June 30, 2014. Ms. Pepple stated that the rental amount that the Library District had been paying was \$728.00. An increase of \$48.69 per month has been requested by the Greer Facilities Association. The total rental price to be paid by the Library District will be \$776.69. The square

footage of the rented area is approximately 1,300 square feet. Mr. Weller moved approval, seconded by Mr. Shirley. A discussion was held regarding the cost of the rent. Vote was unanimous.

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

Chairman White called for the Jail District items.

Chief Deputy Sheriff Brannan Eagar, requested the Intergovernmental Agreement with the White Mountain Apache Tribe to house some of their inmates during their fair at a rate of \$55.00 per inmate per day be removed from the agenda. Chairman White removed the item. No action was taken.

Chief Deputy Brannan Eagar, requested review and authorization of a salary increase of the annual salary of Jail Sergeant Ruben Garcia by \$1,000.00 per year. This request is made in light of Sergeant Garcia's 25 years of service and his experience and expertise in the Apache County Jail. Mr. Shirley moved approval, seconded by Mr. Weller. Mr. Weller and Mr. Patterson held a discussion regarding the funding for the raise. Mr. Patterson stated there was funding available for the increase. Mr. Weller stated that he has a concern that these raises will be increasing and could creep up to a \$20,000 to \$30,000 impact to the budget and wanted to express his concern on the potential future increases. Motion passed 2-1 with Mr. Weller abstaining from the vote.

Chairman White called for the regular agenda items.

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

Mr. Wengert requested approval of a Special Event Liquor Application recommended for Ann Avenenti, Corporal Joe McCarthy-American Legion Auxiliary, for Oktoberfest event located at the Concho Lions Club Park, Concho Arizona on October 5, 2013. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert presented the **Consent Items A-I**. Mr. Weller moved to approve Items **A-H** with the exception of Item I so that could be discussed separately. Mr. Shirley seconded the Motion. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated August 5, 12, 19, 2013. **B.** Request approval of demands dated August 19, 2013 to September 3, 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 APACHE COUNTY MEDICAL 145,320.00 APACHE COUNTY TAX WITHHOLDING 129,638.68 AZ STATE RETIREMENT SYSTEM 85,621.96 COLONIAL LIFE AND ACCIDENT INS 1,296.49 CORRECTIONS OFFICER RET PLAN 8,988.15 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,861.34 MERITAIN HEALTH FLEXIBLE SPENDING 1,299.13 MUTUAL OF OMAHA 1,165.06 NATIONWIDE 1,390.00 PUBLIC SAFETY PERSONNEL 401 14,631.77 PUBLIC SAFETY SHERIFF RET 27,717.97 SECURITY BENEFIT GROUP 1,796.00 SUPPORT PAYMENT CLEARINGHOUSE 2,671.68 ALPINE EXCAVATION & CONST CO 1,878.00 AMIGOS LIBRARY SERVICES 2,618.00 ARIZONA STATE FORESTRY DIVISION 10,597.33 ASSURED IMAGING WOMEN WELLNESS OF SOUTHERN AZ 1,363.50 AZ COUNTIES INSURANCE POOL 2,133.48 AZ DEPT OF RISK MANAGEMENT 2,311.07 AZ SUPREME COURT 5,178.82 AZLGEBT 282,296.26 BANK OF THE WEST 1,017.47 BLUE HILLS ENVIRONMENTAL 1,407.61 BOB BARKER COMPANY INC 1,314.99 BRADCO 3,836.36 CENTRAL ARIZONA SUPPLY 1,152.46 COUNTY SUPERVISORS ASSOCIATION OF ARIZONA

40,285.00 CRISS CANDELARIA LAW OFFICE 4,532.00 DELL COMPUTER CORPORATION
22,221.58 DIAMOND DRUGS INC 1,940.76 DISCOUNT TIRE 1,196.24 EASTMAN, J DICK
9,072.00 EMPIRE MACHINERY 9,398.64 GALLUP LUMBER & SUPPLY 2,682.53 INLAND
KENWORTH INC (FARMINGTON) 1,472.76 LAW OFFICE OF MICHAEL S PENROD PLC 1,595.00
NAVAJO NATION 2,000.00 NAVAJO TRIBAL UTILITY AUTHORITY 1,062.42 NAVOPACHE
ELECTRIC COOPERATIVE 17,363.31 NEXTRAQ 17,029.20 PACIFIC PONDEROSA CO INC
2,790.36 PERFECT PRINTZ LLC 1,005.20 PLATT, MARCOR B 5,020.00 PROFORCE LAW
ENFORCEMENT 7,755.98 QUILL CORP 2,744.24 RB LASTING IMPRESSION 4,987.25 SAFETY
KLEEN 1,080.99 SCHIFF, LAURENCE 1,500.00 SUPERIOR CLEANING EQUIPMENT 6,000.00
TJP COMMUNICATIONS 3,721.23 TOWN OF EAGAR 7,798.90 VERITAS RESEARCH
CONSULTING 2,700.00 WELLER, BARRY GLEN 1,931.74 WHITE MOUNTAIN PUBLISHING CO
2,037.82 YELLOWHORSE, JAY 1,588.86 AZ DEPT OF REVENUE 1,338.31 UNIVERSAL FLEET
CARD 1,176.22 ADHS AZ HEALTH CARE COST 22,400.00 AMIGO CHEVROLET 2,764.65
APACHE COUNTY 29,700.00 ARIZONA HIGHWAY SAFETY SPECIALIST INC 24,073.00 AVAYA
COMMUNICATIONS 1,381.19 AZ DEPT OF HEALTH SERVICES 1,155.00 AZ STATE LIBRARY
ARCHIVES & PUBLIC RECORDS 4,551.42 AZ SUPREME COURT 1,500.00 BANNER GOOD
SAMARITAN MEDICAL CENTER 6,741.25 BARNES, PATRICIA M 4,145.00 BAUMAN HOME AND
AUTO INC 1,500.49 BILLS DISCOUNT AUTO PARTS (NAPA) 4,789.27 BLUE HILLS
ENVIRONMENTAL 2,367.07 BRADCO 26,182.31 BURNHAM MORTUARY 2,547.04 CDW
GOVERNMENT LLC 1,732.48 COPSPLUS INC 1,937.04 CREATIVE MULTIMEDIA INC (CMI)
9,715.00 DISH NETWORK 1,164.00 EMPIRE MACHINERY 1,600.88 FRONTIER 4,855.02 GALL'S
INC 1,039.35 GLAXO SMITHKLINE PHARMACY 1,344.20 HILLYARD INC 2,061.29 INGRAM
LIBRARY SERVICES 1,972.87 KATHLEEN M MCGUIRE PSY D LLC 2,132.50 KIMBALL
EQUIPMENT COMPANY 1,278.86 MERCK SHARP & DOHME CORP 1,274.79 NAVAJO TRIBAL
UTILITY AUTHORITY 1,256.38 NAVOPACHE ELECTRIC COOPERATIVE 7,949.20 NEW WORLD
SYSTEMS CORPORATION 15,519.60 NEWMAN SIGNS INC 1,660.66 PACIFIC PONDEROSA CO
INC 6,343.44 PATTERSON, DANA BRYCE 8,500.00 PUERCO VALLEY AMBULANCE SERVICE
1,173.38 QUALITY CARQUEST 1,366.64 ROMERO, MARY E 2,000.00 RUSH TRUCK CENTER
4,753.28 SEANEZ, PAULA S 1,500.00 THE GUIDANCE CENTER 1,050.00 TJP
COMMUNICATIONS 1,211.31 TYLER TECHNOLOGIES INC 185,249.85 UNIVERSAL FLEET
CARD 3,268.29 VALLEY AUTO PARTS 1,313.12 VERITAS RESEARCH CONSULTING 2,560.08
VERIZON WIRELESS 2,052.51 WHITE MOUNTAIN AMBULANCE SERVICE INC 1,168.32 WHITE
MOUNTAIN REGIONAL MEDICAL CENTER 4,082.24 WILLIAMS LAW GROUP PLLC 8,620.00
YOUNGS FUTURE TIRE 2,883.46 FRONTIER 5,256.82 APACHE COUNTY TAX WITHHOLDING
134,391.24 AZ STATE RETIREMENT SYSTEM 83,961.18 CORRECTIONS OFFICER RET PLAN
8,834.39 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,084.32 PUBLIC SAFETY
PERSONNEL 401 14,631.77 PUBLIC SAFETY SHERIFF RET 28,428.99 4IMPRINT 7,389.66
APACHE COUNTY 11,955.00 ARIZONAS CHILDREN ASSOCIATION 6,435.00 AZ SUPREME
COURT 1,438.93 AZ SUPREME COURT 6,189.70 BLS COMMUNICATIONS SW INC 3,171.00
BOSE CORPORATION 1,178.06 BRADCO 21,233.50 CDW GOVERNMENT LLC 1,357.35 DELL
COMPUTER CORPORATION 3,271.68 FRONTIER 8,671.39 HILLYARD INC 1,512.90 INGRAM
LIBRARY SERVICES 4,409.59 KIMBALL EQUIPMENT COMPANY 41,812.92 LAW OFFICE OF
MARSHA GREGORY 8,500.00 MERCK SHARP & DOHME CORP 1,622.14 MOUNTAIN
COMFORT HEATING AND COOLING 10,656.80 NAVOPACHE ELECTRIC COOPERATIVE
2,785.11 NEWMAN SIGNS INC 2,008.59 NORTHEAST ARIZONA TRAINING CENTER INC
3,000.00 PACIFIC PONDEROSA CO INC 1,083.76 PROFORCE LAW ENFORCEMENT 1,853.94
QUILL CORP 1,899.58 SHELL OIL 2,830.42 SMITHS DETECTION INCE 8,752.00 ST MICHAELS
SENIOR CENTER 2,500.00 SUN RIDGE SYSTEMS, INC 2,800.00 THE AARONS COMPANY LLC
3,000.00 TOTAL OFFICE SOLUTIONS INC 1,847.49 UNIVERSAL FLEET CARD 1,015.55
VERITAS RESEARCH CONSULTING 1,350.00 VOTES UNLIMITED 2,007.78 WOODLAND
BUILDING CENTER 1,356.36 YOUNGS FUTURE TIRE 5,687.94 AZ DIVISION OF EMERGENCY
MANAGEMENT 4,902.84 T HARMON INC 2,995.00 **Personnel Items: C. District I:** Request
approval to remove Randy Bia from probationary status effective August 11, 2013 with 2.5% end of

probation increase. **D. District II:** Request authorization to extend the temporary employment for Robert Owens for an additional 90 days. **E. District II:** Request authorization to hire a temporary Administrative Assistant III for 90 days at \$12.79 per hour. **F. District II:** Request authorization to remove Wacey Begaye from probationary status with the 2.5% end of probation increase effective August 11, 2013. G. Clerk of the Court: Request authorization to hire a temporary Courtroom Clerk I for 120 days at a rate of \$10.24 per hour. This position will be funded from the Clerk's non-general fund accounts as budgeted. H. Recorder's Office: Request authorization to adjust the part-time, temporary Administrative Assistant II (Mae Clark) to 40 hours per week, effective August 12, 2013 through October 11, 2013. This position will be funded from the Recorder's surcharge budget. Vote was unanimous on approval of Items A-H.

Treasurer Marleita Begay, requested authorization to hire two temporary clerks at \$8.20 per hour for a period of thirteen (13) weeks, to assist with the tax season. Mr. Weller asked if the 2 hires would impact the budget in any way. A discussion was held regarding the needs of the Treasurer's Office. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval of amended Intergovernmental Agreement with Arizona Department of Transportation, Contract P0012012001925. Mr. Crosby stated that the purpose of this Amendment is to increase the construction cost from \$93,815.00 to \$103,815.00 with a total Project cost of \$109,815.00. Mr. Crosby stated that the federal funds will be used for the Project, including the construction engineering and administration costs. Mr. Crosby stated that this is 100% Federally funded and will be used on County Roads 5020 and 4162 and the total amount of funds are \$103,815.00. Mr. Crosby stated that he did not believe it would be enough funding to stripe both roads. A discussion was held regarding the project. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar, requested approval of Agreement DC-14-040 between Arizona Criminal Justice Commission and the Apache County Sheriff's Office for the Drug, Gang, and Violent Crime Control Grant Agreement in the amount of \$239,496. This grant requires a 20% match that will be paid utilizing RICO funds. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert requested the item for a possible executive session for legal advice pursuant to A.R.S. 38-431.03(A)(3) discussion of the appointment of Carlyle W. Begay as State Senator and Potential issues that may arise given recent allegations that such appointment was not in compliance with applicable constitutional provisions be removed from the agenda. Chairman White removed the item. Mr. Weller stated that he received a 13 page response from Mr. Begay's attorney that outlines several concerning issues about the potential inappropriate use of county funds to support an individual rather than the Board of Supervisors in an illegal action. Mr. Weller stated that he does not know where the facts lie but he suggests the public be made aware of what is going on and he is asking that our local newspaper do their best to investigate these issues. Mr. Weller stated that in reading through the letter, he sees the potential for an impact to the finances of Apache County. No action was needed or taken.

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

Approved this 17th day of September, 2013.

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

/s/ Delwin Wengert
Clerk of the Board