



Joe Shirley, Jr.
Supervisor, District I

Tom M. White, Jr.
Chairman, District II

Barry Weller
Vice Chairman, District III

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE APACHE COUNTY
LIBRARY DISTRICT, THE APACHE COUNTY PUBLIC HEALTH
SERVICES DISTRICT AND THE APACHE COUNTY JAIL DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING**

August 18, 2014

**Board of Supervisors' Hearing Room, First Floor
75 West Cleveland Street
St. Johns, Arizona
8:30 a.m. MST**

Invocation by Invitation.
Pledge of Allegiance.

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY LIBRARY DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING**

August 18, 2014

1. Discussion and possible approval to accept a donation from the Alpine Area Library Friends group to pay for the proposed landscaping project by Pico's Nursery in the amount of \$3,752.00.

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY PUBLIC HEALTH SERVICES DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING
August 18, 2014**

1. Discussion and possible approval of a donation from Tucson Electric Power in the amount of \$500 to be used for supplies for the Family Health and Fitness Day 5K Color Fun Run on October 4, 2014.

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY JAIL DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING
August 18, 2014**

1. Discussion and possible approval to allow the current part time nursing positions to be either RN's or LPN's.

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY BOARD OF SUPERVISORS
August 18, 2014**

1. Finance Department: Discussion and possible adoption of the Property Tax Levy for 2014-2015.
2. Craig Sullivan, Executive Director of the County Supervisors Association will brief the Board regarding the activities of the County Supervisors Association including a discussion on the recent legislative session.

3. Discussion and possible approval of **CONSENT ITEMS**: All items indicated by an asterisk (*) will be handled by a single vote as part of the consent agenda, unless a Board Member or the County Manager objects at the time the agenda item is called.

County Manager/Clerk of the Board:


- *A. Request approval of minutes dated August 4, 2014.
- *B. Request approval of demands dated August 4, 2014 - August 18, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process.
- *C. Request approval of a Special Event Liquor License application for American Legion Corporal Joe McCarthy for the event Octoberfest, to be held on October 4, 2014 located at the Concho Lions Club Park, Commercial Street in Concho, Arizona.

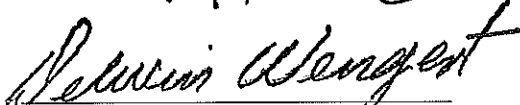
Personnel Items:

- *D. Notification of the retirement of Deputy Alfonso Morales who retired on July 31, 2014 after 19 years of service for the Apache County Sheriff's Office.
 - *E. Notification of the retirement of Pat Hall and request authorization to Pay out her accumulated leave balance per Human Resources Policy.
4. County Manager's Office: Discussion and possible action regarding a cost of living increase of 3% for those employees making a salary less than \$50,000 and a 2% increase for those employees making a salary more than \$50,000.
 5. Sheriff's Office: Following an update on the San Juan Fire, discussion and possible action related to ending the current state of emergency for fire that was put into effect June 27, 2014.
 6. Sheriff's Office: Discussion and possible approval to enter into a one (1) year renewal lease agreement with Sanders Unified School District #18 ending June 30, 2015 for the use of the Apache County Sheriff's Office substation.
 7. Engineering Department: Discussion and possible approval to enter into a contract with Smith and Annala Engineering Company for consulting services at the limestone pit.
 8. Engineering Department: Discussion and possible approval to increase the weight limit of County Road 5020 to be compliant with state limits and to be consistent with Navajo County.

9. Notification of the Northern Arizona Council of Governments Regional Council meeting on August 28, 2014 at the High Country Conference Center, 201 W. Butler Ave. in Flagstaff, Arizona at 10:00 a.m. where two or more members of the Apache County Board of Supervisors may be in attendance.
10. Call to 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.

Pursuant to the Americans with Disabilities Act, the Apache County Board of Supervisors endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact the Clerk of the Board's office at (928)337-7503, TDD (928)-337-4402 at least 48 hours prior to the meeting (not including weekends or holidays) so that an accommodation can be arranged. One or more members of the Board of Supervisors may participate telephonically or through video communication.

Posted: 8/14/14 at 8:00 a.m. p.m. by 


Delwin Wengert, Clerk of the Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: Library District, Judith Pepple

Date/Signature: August 7, 2014, Judith Pepple

Describe in detail what you want to say to the Board and what action you want the Board to take:

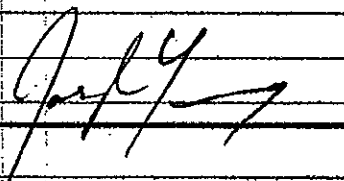
Discussion and possible approval to accept a donation from the **Alpine Area Library Friends** group to pay for the proposed landscaping project by Pico's Nursery in the amount of \$3,752 plus applicable taxes.

BOS Meeting Date Requested 08/18/2014

PRE-AGENDA ITEM REVIEW

Review Routing / Legal / Finance / Purchasing / Human Resource / Other:

Legal Review:

Signature: 

Finance Review:

Signature:

Human Resources Review:

Signature:

Other Review:

Signature:

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials

FAX

To: Judith Pepple

8-6-14

From: Evelyn Williams

Message:

Judith,

Our Alpine Area Library Friends have agreed to finance
this landscaping project for our library. It will be
in front of our bike rack area. Pico's Nursery is just
waiting for approval from the County to begin.

Evelyn



Pico's Nursery Inc

Woodland Lake Road at Julia Lane
1574 South Julia Lane
Lakeside, Arizona 85929

Landscape Office 928-367-4308

Garden Center 928-367-3992

Fax 928-367-3930

Landscape Contract for

ALPINE LIBRARY.

FRIENDS OF THE LIBRARY.

LANDSCAPING PER SKETCH ATTACHED.

AREA TERRAZED.

NEW SOIL REPLACING EXISTING.

WILDFLOWER SEEDS. SPECIMEN

SIX HARDY EVERGREEN PLANTS.

Full installed price for this work is \$3752.⁼ plus tax.

Submitted by:

Angelo Musante

Angelo Musante

Pico's Nursery Inc.

Accepted by:

Signature Paulette Hunt AAHF President

Print name Paulette Hunt

Billing address P.O. Box 152

Alpine, AZ 85920

Phone 928-339-4925 (Alpine Library)

Date 7/31/14

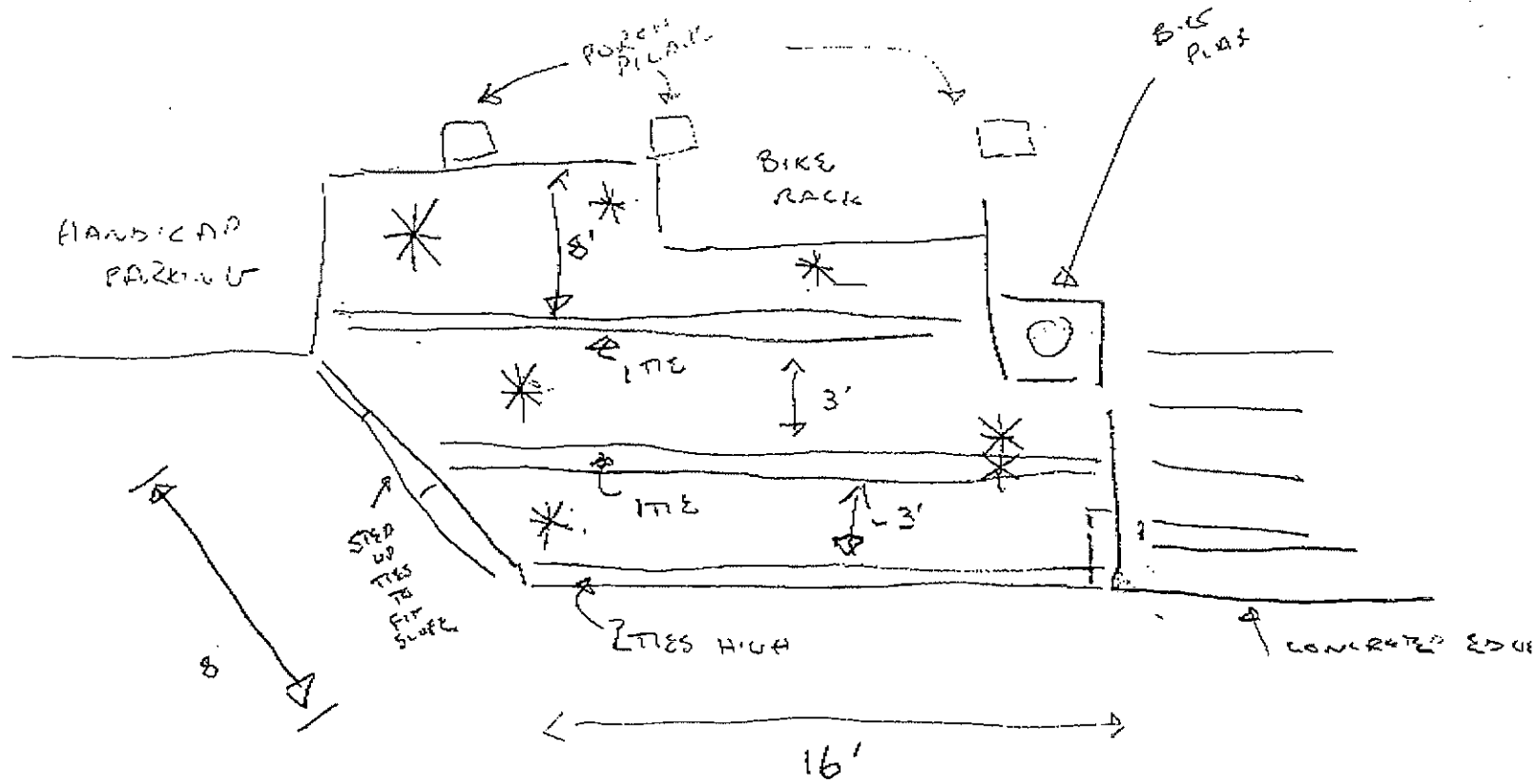
Date 8-6-14

~~Terms are 30% at contract signing.~~ a.

Final billing on completion.

This contract is not payable by credit card.

Arizona Landscape Contractor A-21 Commercial C-21 Residential



- TIES = $8 + 3 + 4 + 3 = 18$

RAILROAD.

GOOD SOIL + MULCH = 4 YARDS

- WILD FLOWER SEEDS

- EVERGREENS

ALPINE
LIBRARY

7-31-2014

Angelo

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Apache County Public Health Services District, Chris Sexton, Director

Date/Signature: 07/29/14

Describe in detail what you want to say to the Board and what action you want the Board to take:

ACPHSD requests discussion and possible approval of a donation from Tucson Electric and Power in the amount of \$500 to be used for supplies for the Family Health and Fitness Day 5K Color Fun Run on October 4, 2014.

BOS Meeting Date Requested 08/18/2014

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / x/Finance / /Purchasing / /Human Resource / /Other:

Legal Review:

Signature:

Finance Review:

Signature: 

Human Resources Review:

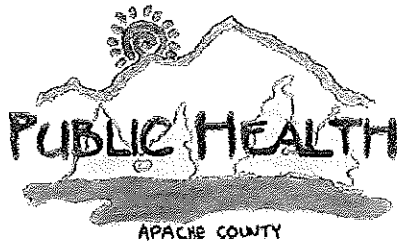
Signature:

Other Review:

Signature:

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials



Apache County Public Health Services District

323 S. Mountain Ave.
Springerville, AZ 85938
Fax (928) 333-5876
Phone (928) 333-2415

INTEROFFICE MEMORANDUM

To: Chris Sexton, Health Director
From: Kodi Castillo, Health Educator I
Apache County Public Health Services District
Subject: Donation From TEP For Upcoming Event
Date: 07/16/2014

The Public Health Services District staff will be hosting the Family Health and Fitness Day on September 20, 2014 from 8:00 a.m. to 2:00 p.m. We will be having a 5K Color Fun Run the morning of the event from 8:00 a.m. to 10:00 a.m. and afterwards we will be having activity and health booths inside of the dome that will go until 2:00 p.m.

I am hosting the Color Run that morning and I was able to get a donation of \$500.00 from Tucson Electric Power. I requested the donation to help with purchasing supplies that I need still for this event, i.e. colored powder, medals, ribbons.

I would need this donation to be deposited into the 212 fund under the 5122 grant. Please contact me at 928-333-2415 ext. 6519 if you have any questions or concerns about the event or donation.

Respectfully,

A handwritten signature in black ink that reads "K. Castillo".

Kodi Lee Castillo, Health Educator I
Health Promotions Division

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Jail District

[Handwritten Signature]

Date/Signature: July 31, 2014

Describe in detail what you want to say to the Board and what action you want the Board to take:

Request review and possible approval to allow the current part time nursing positions to be either RN's or LPN's.
These nurses will be hired at the beginning of their appropriate ranges.

BOS Meeting Date Requested 08/18/14

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: *[Handwritten Signature]*

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

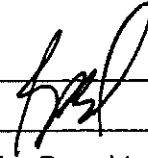
Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Finance

Date/Signature:



Describe in detail what you want to say to the Board and what action you want the Board to take:

Discussion a' possible adoption of the Property Tax
lev for 2014-2015

BOS Meeting Date Requested

8/10/14

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

APACHE COUNTY
RESOLUTION SETTING FY2014-15 TAX LEVIES AND RATES

RESOLUTION NO. _____

	<u>RATE</u>	<u>ASSESSED VALUE</u>	<u>AMOUNT PRODUCED</u>
STATE OF ARIZONA	-	513,655,622	-
APACHE COUNTY			
Primary:			
County	0.4810	513,655,622	2,470,684
County Schools Equalization	0.5089	513,655,622	2,613,993
Total Primary Rate	<u>0.9899</u>		
Secondary:			
General Fund Override		517,650,768	-
Library District	0.2874	517,650,768	1,487,728
Public Health District	0.1260	517,650,768	652,240
Jail District	0.2000	517,650,768	1,035,302
Juvenile Jail District	0.0916	517,650,768	474,168
Jr. College Tuition	0.2817	517,650,768	1,458,222
Post 2ndry Education	0.1000	517,650,768	517,651
Flood Control	0.0442	223,646,043	98,852
Library Construction Bond	0.0989	517,650,768	511,957
Fire Dist. Assistance	0.0839	517,650,768	434,309
Total Secondary Rate	<u>1.3137</u>		
TOWN OF EAGAR			
Primary	-	21,965,812	-
Secondary	-	22,274,057	-
TOWN OF SPRINGERVILLE			
Primary	-	9,179,254	-
Secondary	-	9,296,388	-
CITY OF ST. JOHNS			
Primary	-	9,664,795	-
Secondary	-	9,763,656	-
ST. JOHNS SCHOOL #1			
Primary	3.5692	34,859,857	1,244,218
Secondary	0.3253	35,460,127	115,352
CONCHO SCHOOL #6			
Primary	4.2936	28,221,023	1,211,698
Secondary	0.3221	28,696,210	92,430
ALPINE SCHOOL #7			
Primary	2.6501	18,589,983	492,653
Secondary		19,208,734	-
WINDOW ROCK SCHOOL #8			
Primary		13,958,607	-
Secondary	2.6372	14,089,713	371,574

APACHE COUNTY
RESOLUTION SETTING FY2014-15 TAX LEVIES AND RATES

VERNON SCHOOL #9			
Primary	2.9971	21,505,620	644,545
Secondary		22,078,248	-
ROUND VALLEY SCHOOL #10			
Primary	2.0769	351,417,723	7,298,595
Secondary	0.3954	352,806,056	1,394,995
SANDERS SCHOOL #18			
Primary	-	18,325,310	-
Secondary	-	18,534,199	-
GANADO SCHOOL #20			
Primary	-	22,374,643	-
Secondary	-	22,374,643	-
McNARY SCHOOL #23			
Primary	-	641,272	-
Secondary	-	641,263	-
CHINLE SCHOOL #24			
Primary	-	2,644,235	-
Secondary	-	2,644,226	-
RED MESA SCHOOL #27			
Primary	-	1,117,349	-
Secondary	-	1,117,349	-
CONCHO FIRE DISTRICT	2.6320	5,717,187	150,476
GREER FIRE DISTRICT	2.0039	19,215,949	385,068
PUERCO VALLEY FIRE DISTRICT	3.1070	14,816,220	460,340
GANADO FIRE DISTRICT	3.2500	22,374,643	727,176
GANADO FIRE DISTRICT (Bond)	0.3333	22,374,643	74,575
ALPINE FIRE DISTRICT	1.9000	17,981,519	341,649
VERNON FIRE DISTRICT	3.0666	18,646,957	571,828
NUTRIOSO FIRE DISTRICT	1.4775	10,215,952	150,941
ALPINE SANITARY DISTRICT	1.8809	6,666,260	125,386
ALPINE DOMESTIC WID	-	6,666,260	-
NAVAPACHE HOSPITAL DISTRICT	-	674,738	-
OJO BONITO WATER DISTRICT	-	458,123	-
VERNON WATER DISTRICT	-	219,312	-
LITTLE COLO. SANITARY	0.6012	17,673,642	106,254
WHITE MOUNTAIN HCD	0.4339	126,814,995	550,250
NO. APACHE COUNTY HCD	3.2239	58,760,130	1,894,368
NO. ARIZONA VIT	0.0500	388,266,183	194,133
NATIVE	0.0500	58,760,130	29,380
CONCHO COUNTY IMPROVEMENT	-	98,461	-

APPROVED:

Chairman, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

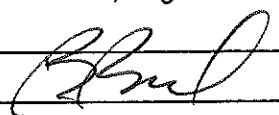
Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

County Manager _____

Date/Signature: _____



Describe in detail what you want to say to the Board and what action you want the Board to take:

Craig Sullivan will brief the Board in regard to the activities of the County Supervisors Association, including a discussion of the recent legislative session.

BOS Meeting Date Requested _____

~~June 17th~~ August 18th

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

August 4, 2014
St. Johns, Arizona

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

Chairman White called to order the Board of Supervisors 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.

Lorraine Vaught gave the Invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman White called for the Library District items.

Judith Pepple, Library Director, requested approval of a lease agreement for FY 2014-2015 between the Apache County Library District and the Vernon Domestic Water Improvement District. **Mr. Weller moved approval, seconded by Mr. White.** Mr. Weller verified that the contract was not affiliated with the food bank. Ms. Pepple stated it was not. Vote was unanimous.

Judith Pepple, Library Director, requested approval for Fiscal Year 2014-2015 to dispose of materials that have been donated to or withdrawn from our library collections, by offering them for sale at each of the library facilities. **Mr. Shirley moved approval, seconded by Mr. Weller.** Mr. Weller asked what out of scope means. Ms. Pepple explained that each library has a collection policy based on the use patterns of their community, for example highly specialized engineering, medical or legal materials or text books would fall out of scope. Ms. Pepple stated that most materials are for general interest and entertainment value. Mr. Weller and Ms. Pepple held a discussion regarding how library book usage use is tracked. Vote was unanimous.

Judith Pepple, Library Director, requested approval for Fiscal Year 2014-2015 to dispose of books that have been donated to or withdrawn from our collections, but which have not sold in the course of three months, by delivering them to Better World Books for sale and all proceeds will benefit the children's summer reading programs. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Judith Pepple, Library Director, requested approval for Fiscal Year 2014-2015 to make available to other libraries, local schools, senior centers, Boys and Girls Clubs, and prisons, discarded library materials and gift materials which are out of the scope of the collections. **Mr. Weller moved approval, seconded by Mr. Shirley.** Mr. Weller asked if it was library personnel who picks up the materials and if the materials fall under the same guidelines as the other disposed of items. Ms. Pepple stated that all regulations for disposal are followed at all times and in terms

of how the materials are picked up, the local schools, senior centers, Boys and Girls Club and the prison send their own people to pick up materials that are given to them. Ms. Pepple stated in regard to the other libraries, as staff travel around the area on their personal time, and after they fill out all correct paperwork and submit them to her office, they take the materials to other libraries so they can be utilized and are generally given to libraries that have no budget for materials. Vote was unanimous.

Ms. Pepple, Library Director, requested approval to authorize Judith Pepple or other library district employees blanket authority for Fiscal Year 2014-2015 to accept donations to our libraries in amounts up to \$1,000. **Mr. Shirley moved approval, seconded by Mr. Weller.** Mr. Weller stated he is concerned this is a blanket gift certificate to any employee and wondered why the authority should go beyond Ms. Pepple, and no limitations are put on it so cash donations could be given to any employee, from any entity with this contract. Mr. Weller stated that this even bypasses any personnel policy in place for a gift receipt. Mr. Pepple stated that the library has people who, on a daily basis will make a cash donation of .25, .50, \$1.00, \$5.00, \$25.00 at the circulation desk of a library and this action today is to prevent coming before the Board each time that is done, however, each of those donations are recorded, entered into the New World System, and also entered on the financial logs and all staff understand they are obligated to record the donation the moment they receive them, which they do. Mr. Weller asked if receipts are given for each donation. Ms. Pepple responded yes, when people ask for one. Mr. Weller asked if there are guidelines for the employees; like if a nonfinancial item is donated such as 2 tickets to Las Vegas. Ms. Pepple stated she is happy to say that she has not been confronted with that situation but staff know, and is the library culture, as well as the culture of the County, that if people take gifts from the public that are not recorded; whether in-kind, equipment or money, they can be terminated immediately and staff understand that. Mr. Weller stated that he feels there needs to be some review of the procedures of the employees because Ms. Pepple isn't there, and it's an opening if we don't demand receipts are given and all contributions recorded in that manner, but he will approve the item because he knows her culture and knows (Ms. Pepple) thinks she is on top of this but it opens up things that he isn't sure the public would like to open up sometimes, depending on what's going on in some remote library. Mr. Weller stated he is concerned about this, so at some point he would like to review that policy for the library on receipting of the receiving of the gifts. Ms. Pepple responded if she is to understand correctly by Mr. Weller's questions, that he means to insult the people who work for the library district. Mr. Weller stated that he means to say that he lives in a world today where people are not always trustworthy; there are employees of very good managers that have taken advantage of systems and that is why (we) are here, to put out policies and procedures to protect the public's money and to protect the operation of the organization so he is not accusing anyone individual, he is here with a responsibility to make sure the procedures and policies are in place to protect the people's money and entities that exist here. Ms. Pepple responded that is her same responsibility for the library district and if there is not some level of trust, it is impossible for any of us to operate and she does touch base on this issue on a regular basis so staff understand and staff are dedicated and made every effort to be transparent and accountable in all that they do. Mr. Weller responded that what Ms. Pepple is saying is she is not willing to review the policy with him. Ms. Pepple stated that what she is saying is everything can be looked at, reviewed and improved but she thinks that the way Mr. Weller presented it, felt to her like a public insult to the staff who work at the library district, with particular inferences

being made on those employees who work away from St. Johns. Mr. Weller stated it was not his intent to insult or accuse; his job is to look at the policy and procedures and his particular forte has always been to dig into the details as much as he chooses when he sees a potential problem with a policy or procedure. Mr. Weller stated that there have been problems in this county with different departments with abuses and lack of policies and procedures in areas so he intends to look very deeply at those issues and does not intend to insult anybody but does ask that when he requests to review a policy or procedure with a department head, they agree to do that and if Ms. Pepple isn't going to, just say so. Ms. Pepple stated that she has no argument with that. Mr. Shirley stated that Mr. Weller needs to go to the library staff and talk with them before board meetings because a lot of the questions Mr. Weller has, need to be addressed by library district staff or any other department's staff when he has questions, prior to Board meetings because the issues before the Board are very self-explanatory and only needs board action rather than taking up time. Mr. White stated he agreed, if there are questions, the Board members should meet with those departments. Mr. Weller stated he appreciates the opinion of the other two Supervisors but his opinion is we are here to oversee the policies of the departments and thinks it is appropriate to discuss them in public or to request meetings on issues that come before the Board and all he asked for was to review of the policy. George Walsh, Vernon, Arizona, stated Mr. Weller referred to Library District as a department and that is incorrect, it is a special taxing district. Vote was unanimous.

Judith Pepple, Library Director, requested approval to subscribe to OCLC World Cat Discovery Service, also known as FirstSearch for FY 2014-2015 in the amount of \$2173. Ms. Pepple stated that this electronic service will allow library staff to search for, locate and borrow materials for our patrons which the library district does not collect or own. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Mr. Wengert stated that the next two items will be handled with the regular budget process. Mr. Weller asked if these items were being moved to a different part of the agenda since they are being presented under the Library District. Mr. Wengert stated that according to the attorneys, all of the special districts can be handled in conjunction with Item #1 on the regular Board agenda. Mr. Whiting stated that it is appropriate, that was why it was worded like it was. Mr. Weller stated that he is concerned after reading several statutes and receiving letters about this issue and not being approached by the County Attorney's Office or any member of the staff, that there is an awful lot going on behind the scenes that he does not fully understand. Mr. Weller stated that as he reads the statutes, these items need to be taken care of in the taxing district meetings acting as the Board of Directors for those taxing district meetings so he needs some clarification, the item wasn't even approved by the attorney, it was just stuck into the agenda. Mr. Whiting stated that the special districts meeting will be closed and then reopened in conjunction with the regular agenda and the meeting can be closed or either dealt with individually in the special district meeting or moved and considered in conjunction with the regular Board meeting. Mr. White stated that he would like to discuss it all at once. Mr. Weller stated that he has many concerns because these are complex statutes and we are being held to follow those statutes. Mr. Weller voiced his concern with the Truth in Taxation issue related to the special districts and the August 18th tax rate date related to the budget and wanted a working session with the County Manager, Finance Department and the County Attorney's Office to sit down and discuss the statutes. Mr. Weller stated that the change in behavior on today's agenda

suggests from prior years says there is some possible problems and he needs those clarified before the board moves forward. Mr. Weller stated that to talk about the Truth in Taxation after approval of the budget is against statutes as he understands it. George Walsh, a resident of Vernon, Arizona stated that the notice for the public hearing made no mention of the special districts to be adopted today and it is criminal to proceed and the previous year's budgets have been submitted falsely and those involved will be prosecuted, so the Board can approve it but it is not legal. Mr. Walsh stated he is a special district taxpayer and he wants his right to a public hearing in the taxing district as required by law. Mr. Shirley responded that he does not see anything criminal, the law allows for it and have been approving the budgets like this for a long time and when it is posted, any member of the public can go to the county manager, attorney or board member asking questions; this is all open to the public so he suggests the board address items #7: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for Truth in Taxation notification of property tax levy as presented with tax rates to be set at the August 18, 2014 Board of Supervisors meeting and #8: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for discussion and possible approval of the Fiscal Year 2014-2015 Final Budget of the library district with the regular Board agenda. Mr. White stated that the arguments are just going to continue and as the Chairman.. Mr. Weller interrupted Chairman White and stated that we are acting as the Board of Directors of the Library District right now and have not had an election of a chairman in the District Library and they are not acting as the Board of Supervisors so he would ask they continue the discussion until it is resolved and planned appropriately. Chairman White asked County Attorney Whiting if he was chairman of the library board if he could move the special district items to the regular board agenda and handle it together. Mr. Whiting stated that the Board can close the library meeting and open them all simultaneously or handle the items each, individually. Mr. Weller stated the County Attorney's wording was the Board can do it, not the chairman and he would like to come to agreement at a board, since there is not an elected chairman in the library district. Mr. Whiting stated that in regard to the board, it would be by majority or unanimous vote to proceed with a motion to conclude the library meeting and to open all the special taxing districts at the same time. **Mr. Shirley made the motion to move items 7& 8 under the Library District board to the Apache County Board of Supervisors Agenda and to adjourn the library district meeting, seconded by Mr. White.** Motion passed 2-1 with Mr. Weller voting nay due to his belief this does not meet statutory requirements.

Chairman White called for the Jail District items.

Commander Mike Cirivello requested approval of the Intergovernmental Agreement between the Jail District and the Department of Public Safety regarding State Gang Task Force Detention Liaison Officer Program, and is an annual renewal of an ongoing contract since 2007. **Mr. Shirley moved approval seconded by Mr. Weller.** Mr. Weller stated that the contract states that the State has charge of a person full time and the County cannot give the person any other duties during the time they use them and only pay 75%. Mr. Weller and Commander Cirivello held a discussion regarding the terms of the agreement. Mr. Weller stated he would like to review the agreement with Commander Cirivello in the future because it could be abused and he does not like paying state employees to do state work. Vote was unanimous.

Mr. Wengert presented item #2: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for Truth in Taxation notification of property tax levy as presented with tax rates to be set at the August 18, 2014 Board of Supervisors meeting and #3 In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for discussion and possible approval of the Fiscal Year 2014-2015 Final Budget. Mr. Wengert stated that these items can be moved to the regular Board of Supervisors' Agenda. Mr. Weller stated that these two items were not signed or approved by the County Attorney's office and he has previously stated that he wants to see written approval of an items wording by the County Attorney's Office before it is presented to the agenda. Mr. Weller stated there are no signatures on the form, or even who submitted the item and he thought the Board was going to move towards trying to be more thorough with the agenda submittal items and make sure all the dates, times and signatures were included so he wanted the minutes to note that we are not completely there yet with the operation of the agenda submittal items and asked for improvement on that. George Walsh, a resident of Vernon, Arizona, stated that the Board not only didn't elect a chairman, failed to at any special district meeting, approve or adopt the disclosure statements required for the meetings so any action taken in the meeting is a violation of the open meeting law and any actions are null and void; until such time as the Board adopts disclosure locations with time and place of meetings, anything being done here is moot. Mr. Weller stated that Mr. Walsh's point may or may not be valid so that is why he is asking for a work session to address the specific issues before we move forward and do something that does not meet statutory requirements. **Mr. Shirley made the motion to move both items to the Board of Supervisors agenda and adjourn the meeting. Mr. White seconded the motion to move items 2 and 3 to the regular agenda just as done for the Library District meetings,** Motion passed 2-1 with Mr. Weller voting nay due to his belief the Board is not following statutory requirements.

Chairman White called for the Public Health Services Districts item.

Mr. Wengert presented item #1: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for Truth in Taxation notification of property tax levy as presented with tax rates to be set at the August 18, 2014 Board of Supervisors meeting and #2: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for discussion and possible approval of the Fiscal Year 2014-2015 Final Budget. Mr. Wengert stated that these items can be moved to the regular Board of Supervisors' Agenda. **Mr. Shirley made the motion to move Items #1 and #2 and adjourn the meetings, seconded by Mr. White.** Motion passed 2-1 with Mr. Weller voting nay because his concern the Board is not following statutory requirements association with the Truth in Taxation notifications and public hearing requirements.

George Walsh, a resident of Vernon, Arizona stated during the previous district item, the motion was actually to close the Public Health District meeting, so that motion would need to be redone since the person who made the motion isn't sure what meeting the Board is in. Mr. Whiting stated that the best course would be to open all the special districts at the same time during the Board of Supervisors' meeting. A discussion was held between Chairman White and County Attorney Whiting about the proper course of action to take in addressing all the special districts

budget items. County Attorney Whiting stated that if the Board wanted, a motion could be made to open the Library Districts, Items #7 & #8, the Jail District Items #2 & #3, the Public Health District #1 & #2, the Flood Control District #1 & #2, the Juvenile Jail District #1 and #2, all stating (In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for Truth in Taxation notification of property tax levy as presented with tax rates to be set at the August 18, 2014 Board of Supervisors meeting and the item: In conjunction with Item #1 of the Apache County Board of Supervisors Agenda of the same date, public hearing for discussion and possible approval of the Fiscal Year 2014-2015 Final Budget) and the Apache County Board of Supervisors meeting, Item #1 simultaneously, and discuss those items with the Board and take action on each item as they see fit or make one motion to approve or disapprove all of them. **Mr. Shirley made the motion as outlined and stated by Mr. Whiting, seconded by Mr. White.** George Walsh, a resident of Vernon, Arizona stated that the notice of location for the Juvenile Jail District was not included in the recent update on the County website so nobody knows where the meetings are and in regard to Mr. Shirley's reference, that anybody can call, the law requires that the budget be posted with the notice of public hearing a certain number of days prior to the public hearing. Motion passed 2-1 with Mr. Weller voting nay due to his concern the Board isn't following statutory requirements and not being sure it is appropriate to open all meeting at once.

Chairman White presented the public hearing, discussion and possible approval of 2014-2015 Final Budget concurrently with the Special District meetings of Jail District, Juvenile Jail District, Public Health Services District, Flood Control District and Library District and notification of the Truth in Taxation increase. Mr. Wengert asked County Attorney Whiting if the meeting was opened properly in regard to the special districts. Mr. Whiting responded yes. Ryan Patterson, Finance Director, presented the Final Budget and Truth in Taxation Notice which was published and the meeting was set for 8:30 a.m. August 4, 2014 in compliance with Section 42-17107 of the ARS, notified Arizona property tax owners the intention to raise primary property tax rates over last year's level. Mr. Patterson stated that Apache County proposes an increase in primary property taxes of \$48,284 or 1.99%, for example, the proposed tax increase will cause Apache County primary property taxes on a \$100,000 home to increase from \$47.16 last year, to \$48.10, an increase of .94 cents for a \$100,000 home. Mr. Patterson stated that in regard to the budget of the different districts, along with the Apache County budget was discussed in the previous tentative budget meeting, and have not changed significantly and are before the Board for consideration. Mr. Patterson stated that there have been no changes in tax rates and did remove \$900,000 of the 2 million from miscellaneous grants as a placeholder for anticipated grants and now sits as 1.1 million due to the million dollar federal grant Mr. Weller is looking into and the other \$100,000 for any other unanticipated or anticipated grants that may come up. Mr. Patterson stated that also as part of the budget, he transferred \$500,000 from other districts to cover the shortfalls that might happen in the PILT, as was discussed during the tentative budget hearing. Mr. Patterson stated that if the PILT money does come in at the 1.6 million dollar level, the Board will have the ability to use the \$500,000 set aside for future shortfalls.

Chairman White opened the floor for public comment. George Walsh, a resident of Vernon, stated he has brought up this whole issue two years ago and the only difference now is, we have a supervisor who cares. Mr. Walsh stated that there have been statutory violations on the special

taxing districts for years and budgets have been adopted behind closed doors and the Truth and Taxation notice was not noticed for any special districts and stated the Board can move forward, but if they do, there will be an investigation. Mr. Weller asked Mr. Patterson to comment on the primary versus secondary tax notification. Mr. Patterson stated that the Truth in Taxation was on the primary tax as required by State statute 42, and as such the primary tax was and is the one noticed in the paper. Mr. Patterson stated that the County Attorney may want to address the issue but as he reads it, it is the primary property tax under Statute 42 that requires it be in the paper. Mr. Weller asked why somebody thought the language of Truth in Taxation needed to be put into every special district agenda; he is not accusing it of being wrong, but somebody put the language into each special district agenda and he wanted to know the reasoning behind modifying it since the Board is who will be held responsible. Attorney Joe Young stated that the statute requires the primary tax rate be dealt with in the Truth in Taxation and the notice was done accurately and appropriately and the decision was made to notice the budget in each special district to include the Truth in Taxation in the agenda item only, not in the Truth in Taxation notice, just as an abundance of caution, not because it's statutorily required, just as an extra step to give as much notice as possible to what was going to be discussed today. Mr. Young stated the County Attorney's Office believes it is proper and even more than was needed to be done. Mr. Weller and Mr. Young held a discussion on who submitted the agenda items and why the date of August 18th came from as listed on the agenda item. Mr. Patterson stated that the item discusses the tax rates; there is a difference between tax rates and the Truth in Taxation and the tax rates will be discussed on August 18, 2014, the notification for the Truth in Taxation that was noticed for August 4, 2014 as published in the paper, so there are two different areas to look at so just to clarify for Mr. Weller, the Truth in Taxation was published for August 4, 2014 and the tax rates are scheduled for approval on August 18, 2014.

Lorraine Vaught, a resident of Vernon, Arizona stated that she is a taxpayer stated she is confused and asked if each of the special districts have submitted a budget to the Board of Supervisors. Mr. Patterson responded that all special districts have submitted their budget and have held several meetings with the different taxing district and those budgets are presented in the packet before the board today and have been online for the past six weeks as well as published. Mr. Weller clarified that the Board has not held several meetings with the special districts since those would have required posting for the public. Mr. Patterson corrected his wording to say under the direction of the Board, back in early April, staff such as himself, Mr. Wengert and the Human Resources Director, met with the different districts on several occasions, using direction given by the Board to put together the budget that is currently before the Board today. Mr. Patterson stated that during the Board meeting where the tentative budget was discussed, and found legal, included all the special districts; and even held quite an extensive discussion specifically regarding the Library District. Mr. Patterson stated that Mr. Weller is correct, there were no hidden or unauthorized meetings, only under the direction of the Board, that staff has met with the individual districts. Mr. Weller stated that he thinks the Finance Department has done their best to meet statutory requirements, as to their understanding, but because this issue hit his desk; not by any notice by the County Manager or Finance Department, but from outside concerns, he started looking at the statutes and believes the form in which the special district budgets, as presented to the Board, has not been fully met and that is why he wants a working session, because he believes we have not met the letter of the law. Mr. Weller stated he does not believe jail time would result, he just want to get this right

and move forward in a correct manner and other people may be concerned that maybe we haven't followed everything to the letter of the statutes; and whether that becomes a serious violation of any significance, he isn't going to make a judgment on that; he just wants it to be right from this point forward. Mr. Weller stated that the board needs to be aware that every special district is a taxation burden on the citizens and needs to be considered independently and followed by statute and he is not convinced that is being done so he will be abstaining from any of the votes on Truth in Taxation and the budget. Mr. Weller stated he would like to see a special meeting held to discuss all the issues and get them straight with the statutes in front of them and one by one following through and make sure this is right. Mr. Weller asked how the tax rates can be approved after the budget is approved. Mr. Wengert stated that the guidelines say that is the process and both he and Mr. Patterson tried to meet with him a couple times over the last 10 days to try and answer his questions before today's meeting. Mr. Weller stated that he was in his office 5 days last week and not one call from Mr. Wengert or Mr. Patterson was made to follow up and asked why he received a communication from an outside source that was to go to Mr. Wengert and was supposed to be copied to all three supervisors and he received no copy about this issue. Mr. Weller stated there has been no mention from the County Manager to him, in any form; email or verbal, that there was any issue associated with concerns from outside citizens on a special taxing districts and he is very concerned that the communication is breaking down in that area. Mr. White stated that he met with both Mr. Wengert and Mr. Patterson and came to see him twice about the budget and he had asked Mr. Wengert if he met with Mr. Shirley and they said they had and asked if they had met with Mr. Weller and was told that they had been trying to meet with him but hadn't been able to get a scheduled meeting. Mr. Wengert stated that he sent an email to Mr. Weller on July 16 and again on July 23, requesting a meeting and received no response back. Mr. Shirley suggested the Board move on; that there are comments about criminal activity and not doing things right and it sounds to him like it's just rhetoric. Mr. Shirley stated we have our attorneys and professional people who look at state law and our policies and how other counties operate and as far as he knows we are doing it right. Mr. Shirley stated a lot of these questions and concerns can be addressed in talking to the different departments and the citizens have access to our government. Mr. Shirley stated as far as he knows, the Board is trying to do right for the citizens and he has been a supervisor for 20 years and if there was any wrong doing he hasn't heard about it; we are trying to do the best they can and follow statutes for the people and does not see anything wrong in how they are proceeding. Mr. Weller stated that he has made his point that is part of the record but the statement that other counties do it this way may only be true of the adopting of the tax rate after the adoption of the budget which seems upside down to him; the statutes reads on or before the 3rd Monday, suggesting that it should be done before the budget is locked in. Mr. Weller stated in regard to Mr. Shirley's comment about we do what other counties do, he disagrees with that; he has looked at other counties agendas and they do not do it like we do so that is why we were considering doing it different this time. Mr. Weller stated that from what he is hearing from outside the county, it suggests there may be a problem and he is not suggesting the county is trying to do anything wrong, he is just suggesting to take a closer look. George Walsh, a resident of Vernon, stated that he agrees wholeheartedly with Mr. Weller regarding this issue, he would hope the Board takes the time to table the matter and he has come before the board in the past and brought up issues that were changed shortly thereafter. Mr. Shirley stated that it has been done this way because it is always according to the law. Mr. White stated that as Mr. Shirley stated, he has been on the board for over 20 years and he has served for 17.5 years and this is the way the budget has

always been presented. Mr. Shirley stated that District III is getting an increase of \$40,600 and asked why since the districts are hurting and if we are increasing one district the other districts should be increased. Mr. Weller stated the reason he requested the increase, which he is not sure he will utilize, but it will be used to improve his staff which is presently at zero and if there were comparisons between the districts, District III is significantly less than District I or II's budgets, especially in the area of staff and is asking that he has the possibility of hiring personnel since other supervisors have their own staff in their offices, paid for out of their budgets. **Mr. Shirley moved to close the public hearing, seconded by Mr. Weller.** Vote was unanimous. Mr. White stated that when the Board took office last year, Mr. Weller had the opportunity to hire staff and he said no, he would only use volunteers. Mr. Weller responded that he had been in office 3 or 4 months and his hope was to utilize volunteer work and has had one wonderful volunteer that has helped him greatly but that is on a part time basis and when stress gets tough she takes time off. Mr. Weller stated that he operates without direct staff and after being in office and seeing how things work, he is requesting an increase in the budget and the other board members do have the right to deny it; approve all the other budgets without question, and question only his. Mr. Shirley asked how Mr. Weller had staff he inherited when he became supervisor and now he doesn't. Mr. Weller stated that the staff that was there was being paid out of HURF money and he refused to pay staff from HURF for county business other than for roads. Mr. White called for a motion to approve the 2014-2015 final budget. **Mr. Shirley moved approval, seconded by Mr. White.** Motion passed 2-0 with Mr. Weller stated he was abstaining due to concerns that the Board has not clearly delineated the problems with statutory requirements, and he has concerns with the budget level issue. Motion passed to approve the budget.

APACHE COUNTY
RESOLUTION FOR THE ADOPTION OF THE BUDGET
FISCAL YEAR 2014-2015
RESOLUTION NO 2014-11

WHEREAS, in accordance with the provisions of Title 42 Chapter 17, Articles 1-5, Arizona Revised Statutes (A.R.S.), the Board of Supervisors did, on July 7, 2014, make an estimate of the different amounts required to meet the public expenditures/expenses for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of Apache County, and

WHEREAS, in accordance with said sections of said title, and following due public notice, the Board met on August 4, 2014, at which meeting any taxpayer was privileged to appear and be heard in favor of or against any of the proposed expenditures/expenses or tax levies, and

WHEREAS, it appears that publication has been duly made as required by law, of said estimates together with a notice that the Board would meet on August 18, 2014, at the office of the Board for the purpose of hearing taxpayers and making tax levies as set forth in said estimates, and

WHEREAS, it appears that the sums to be raised by taxation, as specified therein, do not in the aggregate amount exceed that amount as computed in A.R.S. §42-17051(A),

THEREFORE BE IT RESOLVED, that said estimates of revenues and expenditures/expenses shown on the accompanying schedules as now increased, reduced or changed by and the same are hereby adopted as the budget of Apache County for the fiscal year 2014-2015.

Passed and adopted by the Board of Supervisors of Apache County, this 4th day of August, 2014.

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

ATTEST:
/s/ Delwin Wengert
Clerk, Board of Supervisors

Milton Ollerton, Community Development Director, requested approval of a Vicinity Plan and Preliminary Plat for CK Cabins Condominium Subdivision, located at 84 North Main Street in Greer, Arizona Parcel # 102-08-021A. Mr. Ollerton stated that the Planning and Zoning Commission heard the issue and unanimously approved. **Mr. Shirley moved approval. Mr. Weller stated he had concerns with this issue and would not be seconding the motion. Mr. White seconded the motion.** David Brown, attorney for the applicant, addressed the Board and stated that the County Attorney's office, the Health Department, the Engineering Department, the Community Development Director as well as the P & Z Commission in a 7-0 favorable vote, have no problem with this application. Mr. Brown stated that this follows all the statutory requirements; sewer, water and electricity are already on the property and all drainable issues have been addressed and follow the building ordinance. Mr. Weller stated that he appreciates Mr. Brown's presentation but is concerned with Article 6 of the Ordinance associated with Planning and Zoning and was given information that makes him believe that the decisions made are not following Article 6 properly so he will abstain as to not contribute to it any further. Motion passed 2-0 with Mr. Weller abstaining.

Mr. Wengert presented the Consent items A-E. Mr. Weller requested to pull Consent Items A, B, D & E which only leaves item C so he requested just taking each item one at a time.

Chairman White presented Consent Item A. approval of minutes dated July 7, 2014 and July 15, 2014. **Mr. Weller moved approval, second by Mr. Shirley.** Mr. Weller stated that he wanted the record to reflect that the minutes of July 15th correctly state that he reminded staff that he had not received the written opinion nor the data promised by the County Attorney related to the grant that was approved during the July 1st meeting. Mr. Weller stated that it is now August 4th and he has yet to receive that information. Mr. Weller asked staff to follow through with their promise to properly acquire or complete the items mentioned in the minutes. Vote was unanimous.

Chairman White presented Consent Item B. approval of demands dated July 15, 2014 to August 4, 2014. **Mr. Shirley moved approval. Mr. Weller stated he will be abstaining. Mr. White seconded the motion.** Mr. Weller stated that he is still attempting to get with the Finance Department on the logistics of the approval of the demands process so he will be abstaining. Lorraine Vaught, a resident of Vernon, Arizona stated that there is no back up materials attached to the approval of demands and she, as a citizen is entitled to know what demands are being voted on. George Walsh, a resident of Vernon, stated that he would once again remind the Board that the White Mountain Independent contract has not been renewed since 2006 as required by statute so any payments being made are illegal. Motion passed 2-0 with Mr. Weller with abstaining.

Mr. Wengert presented Consent Item C. for approval of a Liquor License Extension of Premises/Patio Permit application recommendation for Dick Bruneau, Snowy Mountain Inn, located at 38721 Route 373 in Greer for an event on September 20, 2014. **Mr. Weller moved approval, second by Mr. Shirley.** Mr. Weller and Mr. Bruneau held a brief discussion regarding the security provisions. Vote was unanimous.

Mr. Wengert presented Consent Item D., District II's request for authorization to purchase furniture for the Sawmill Chapter House utilizing District II funds, at a not to exceed cost of \$2,000. Mr. Weller stated that he has several concerns with the item. Mr. White stated that he has done this in the past for the senior citizens and their furniture is pretty worn out. **Mr. Shirley moved approval.** Mr. Weller stated that there was no legal approval on the agenda request form as to whether this was an appropriate request. Mr. Weller stated that Mr. White is running for a position on the Navajo Nation and to move County funds into the area where people are running for office is potentially a violation of statutes on conflict of interest and he is not even sure Mr. White should be voting on this item or speaking to it whatsoever. Mr. Whiting stated that he reviewed the letter and from a legal standpoint it is legal to bring before the Board. Mr. White stated that they have been doing this in all three districts for years. Mr. Weller stated that being legal is a loose term and would like direct language that this is not a conflict of interest and stated that when he took office he was told only food related items should be used for aid to other entities. Mr. Weller stated that last year that did change and other things were purchased and he has been cautious in trying to make sure there is no gift clause violations associated with what we do and the fact that Mr. White is now running for an election in the area where there people are receiving financial benefit is very much a concern to him and appears to be a conflict of interests so he is not going to approve this item. Mr. White responded that whether he was running for an elected office or not, this item would still be brought before the board just as he has done numerous times in the past 17 ½ years. Mr. Young stated that he wanted to state that about a year ago the County Attorney's office drafted a legal opinion detailing specifically what can and can't be done in regard to the gift clause issue and in particular senior centers, and it stands as a legal opinion and is simply an analysis of whether it is a benefit for the public and specifically senior centers that are specifically allowed to receive gifts of this nature so there is no one legal answer to yes or no, but it is in line with previous gifts that have been deemed proper and it is up to the Board to make the determination by vote, if deemed appropriate. George Walsh stated that the agenda items does not say senior center, it says chapter house which is not part of Apache County in any way; it is part of the Navajo Nations' religious beliefs. Mr. Walsh stated that as he reads the statutes, only food related items may be donated to senior centers. Lorraine Vaught, resident of Vernon, suggested holding off on any action related to this item until after the election and then there won't be any perception of a conflict of interest. County Recorder Lenora Fulton, stated that the Recorder's Office utilizes the facility at Sawmill Senior/Chapter Center and do a lot of early voting and voter outreach, education and public hearings related to the County election there and a lot of times the equipment is not sufficient and she does not have the funding in her office to haul things up there and it is most helpful to have good furniture there. **Mr. White stated that Mr. Shirley made the motion, and he is seconding the motion.** Mr. Weller stated that he believes this is a conflict of interest and in violation of statutes so he suggested the Board not follow through with the vote. Motion passed 2-0 with Mr. Weller abstaining.

Mr. Wengert presented Item E. for District II for possible approval to increase the salary of Paula Claw to \$64,722.00 retroactive to June 23, 2014 and comes with two masters degrees and supervisory experience. Mr. Wengert stated that this is the same starting salary as the District Manager's salary in District I and is appropriate that both District Managers earn the same salaries because they have similar experience and qualifications. **Mr. Shirley moved approval. Mr. Weller stated he won't be seconding this item. Mr. White seconded the motion.** Mr. Weller stated he thinks this is maneuvering money for special conditions and the Board has not been doing this type of thing recently and during an election cycle, it hinges on a potential conflict of interest. Mr. Weller asked if HURF or general fund money will be used. Mr. Wengert responded general funds. Mr. Weller stated that is a \$64,000 job for each of the other two Supervisors and he has zero people. Mr. Wengert stated that Mr. Weller has a budget of \$150,000 and has spent about \$96,000 so he left quite a bit on money on the table so there is money to hire someone if he wanted to and historically, District III has not had a district manager because there is staff here to assist the supervisor so the comment that he does not have money to hire anyone may be questionable. Mr. White stated that he wished he had staff such as Mr. Wengert, Ms. Houston and Mr. Crosby to help him with issues but because he is located up north it is inconvenient so both he and Mr. Shirley rely on people such as a district manager. Mr. Weller stated he understands there are inconveniences being located in those areas but he also knows that staff travel frequently to District I & II and are unavailable to him when they do so. Motion passed 2-0 with Mr. Weller abstaining.

Mr. Wengert presented notice that August as Child Support Awareness Month. No action as needed or taken.

Mr. Wengert presented notice that the Public Fiduciary Pat Hall recently retired and requested approval to appoint of Yvonne Stalling as the interim Public Fiduciary working under the direction of the County Attorney's Office. Mr. Wengert stated the Ms. Stallings is currently in the process of studying for the public fiduciary test that is required and once she passes the test she will move into that position permanently. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval of a Memorandum of Understanding between Apache County and Tucson Electric Power to permit and participate in the reconstruction of County Road 4162. Mr. Crosby provided a brief background on the issue. Mr. Crosby stated that the scope of the project will benefit the County about two million dollars in pavement, guardrail and end treatments to the road which is about 30 years old and well beyond its pavement life and is the appropriate measure to restore the road. **Mr. Weller moved approval, seconded by Mr. Shirley.** Mr. Weller stated that this is a wonderful benefit to the County and asked if District III's capital improvement budget would be effected. Mr. Crosby stated it would impact the capital improvement program however, this is a needed project. Mr. Weller asked if the 2 million was for the entire road or just Apache County's portion. Mr. Crosby stated only Apache County's portion of 3.8 miles; the road is roughly 12 miles long and is a joint partnership project with Tucson Electric, SRP, and Unisource and all are committed to this project and wanted to recognize all parties. Vote was unanimous.

Chief Deputy Sheriff Brannon Eagar provided an update on the San Juan Fire and stated that fire is completely out now but facing post fire flooding and requested the state of emergency remain in place that was put into effect June 27, 2014. Chief Eagar stated that the cost to the County has been minimal from the flooding but requested the state of emergency stay in effect and reviewed at the next scheduled Board meeting. No action as needed or taken.

Commander Lance Spivey, on behalf of the Sheriff's Office, requested approval of Agreement DC-15-001 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 \$235,316.00 with a required a 25% match that will be paid utilizing RICO funds. **Mr. Shirley moved approval, seconded by Mr. Weller.** Mr. Weller stated this grant has about the same language as the grant that he had requested data and goals from the County Attorney's Office and asked to see the historic data and the progress made associated with this program as outlined in the grant within the next few weeks. Commander Spivey responded if Mr. Weller provided his request in writing, he would get him the information. Mr. Weller again asked for the data. Commander Spivey explained that he has policies within the Sheriff's Office and can't release information without a written request. Mr. Weller instructed the County Manager to request the information and he will do his best to follow up as well. Vote was unanimous.

County Attorney Michael Whiting requested approval of Arizona Criminal Justice Commission Victim Compensation Grant Agreement #VC-15-049 in the amount of \$65,778.00. **Mr. Weller moved approval seconded by Mr. Shirley.** Vote was unanimous.

County Attorney Michael Whiting requested approval of the letter drafted by the County Attorney and under direction of the Board of Supervisors requesting the State Liquor Board deny the transfer of liquor license #09010003 and #09010016. **Mr. Weller moved approval, of the second draft, seconded by Mr. White.** Motion passed.

Joe Young, with the County Attorney's Office, presented a discussion on Open Meeting Law updates and efforts to remain in compliance with such laws. Mr. Young stated that it was brought to his attention that some of the public disclosures may not be in full compliance with statutes and the County has many special districts within the County, most of which are governed by their own board but there are a few special districts such as Library and Health that the Board act as the sitting Board and on those districts, we did not have separate discloses about when the times of the meetings were so in working with the Attorney General's Office, those changes have been done or in the process of being completed on both the website and disclosure calendar where the special districts times and dates when the special districts would meet were added. Mr. Young stated the Attorney General also wanted the Board to hold a discussion about this disclose and the Open Meeting Law compliance issues and see if the Board had any questions and the Attorney General has sent a letter stated that the County is in compliance. Mr. Weller asked if the Attorney General, just out of the blue suggested that the County do this. Mr. Young stated it was from a complaint made to the Attorney General's Office - OMLET division so when a complaint is filed they contact the County and this is their recommendation for the changes. Mr. Weller stated Mr. Young has indicated we are now in compliance but he is concerned that infers the County was not in compliance previously on activities done regarding taxing and budget decisions and asked if there was any comment from the Attorney General related to history. Mr.

Young stated that he did ask about previous meeting and any open meeting violations and the Attorney General stated that they did not believe any ratification was necessary or any previous action was improper, they just indicated it could be done better in the future so that was their recommendation. Mr. Weller asked for a written statement from the County Attorney to the action taken. Mr. Young stated the would forward the Board the letter form the Attorney General as well as his comments as to the issue.

Treasurer Marleita Begay requested approval of a new line of revolving credit for Northern Apache County Special Health Care District in the amount of \$210,000.00. **Mr. Shirley moved approval, seconded by Mr. White.** Mr. Weller stated that he is concerned that the Health District has a million dollar debt and asked if the County had co-signed. Mrs. Begay stated no. Mr. Weller stated that in the resolution there is no mention of complying with ARS 11-604.01 which clearly defines responsibility of the money used and asked if the resolution would be modified to clarify the control of the fund. Mrs. Begay stated yes, with assistance from the County Attorney. Mr. Weller stated that he felt this needed to be done, he just wanted to be careful we don't do it too loosely where funds could be misused in some way and to cover what it expected to cover and asked to amend the motion the County Attorney incorporate ARS 11-604.01 to ensure the handling of the money is done property. **Mr. Shirley amended his motion to reflect Mr. Weller's request seconded by Mr. White. Mr. Whiting stated that he reviewed this and is fine but Mr. Weller's suggestion is appropriate and see no problem to include in the agreement.** Vote was unanimous.

Treasurer Marleita Begay, requested approval of abatement of Personal Property Taxes in the amount of \$1,134,961.38 for all past due amounts from 2010 through 1981. Mrs. Begay stated that pursuant to ARS§42-18351, the cost of pursuing the statutory lien sale and collection procedures or the sale of lands under Article 7 of this chapter or the cost of the seizure and sale of personal property pursuant to section 42-18401 would equal or exceed the revenue that could be derived. Mr. Weller stated that he is concerned procedures have not been incorporated properly to prevent this from happening again, which he had previously requested in private meetings with both the County Manager and the Treasurer and they have not had time for that due to the implementation of the new software and he needs a commitment and time constraint to make sure we have procedures in place to not continue this practice. Mr. Weller stated he also requested a letter be drafted and documents with the help of the County Attorney's Office to be mailed out as soon as the Board amends this abatement, to the 3000 people who received erroneous billings. Mr. Weller stated he is not in support of doing this until he personally sees those items completed. Mr. Shirley stated that this is a help to the taxpayers; Mr. Weller is always concerned with the taxpayer and does not understand why he is moving forward, and made the motion to approve, seconded by Mr. White. Mr. Weller stated that in an attempt to help Mr. Shirley understand his position, he absolutely tries to keep track of the taxpayers burden and he agrees this is benefit to those who may not have paid the tax if it was proper but he is also charged with helping the County improve the policies and procedures herein and that is what his concern with this issue is. Lorraine Vaught, a resident of Vernon stated that she does not understand how the situation has gone as long as it has; how can taxes be due from 1981 to 2010, not being collected and if not able to collect, why was the property not seized and there should be policy in place for time limitations of those in default and it's the Boards' responsibility to oversee what is happening. Mrs. Vaught wanted a list of the properties involved. Mrs. Begay

stated that she did meet with Mr. Weller and does not want to prolong this issue any longer, but she inherited this issue and is not casting blame; as the treasurer, she has to take ownership. Mrs. Begay stated that they are currently transitioning to Tyler software system and she does not want to transfer any old "junk" data into the new system. Mrs. Begay stated that she was not aware of personal property delinquent taxes that were dated back to 1981, until she sent out the letter. Mrs. Begay stated it is her responsibility to try and collect; it doesn't matter the number of years so letters were sent out. Mrs. Begay stated that she does not have any supporting documentation so even if the sheriff goes out there to serve notice, there is nothing to verify with. Mrs. Begay has to take into consideration the costs involved. George Walsh, a resident of Vernon, stated that the names and parcel numbers to all the properties should be made public and the comparison of savings \$600 in postage to the over a million that is owed to the taxpayers doesn't make sense to him. Mr. Wengert stated that this is not land; this is personal property so it cannot be seized like real property. Steve Miller, a resident of Concho, thought trying to recoup some of the revenue owned is worth the cost of the mailing. Mr. Weller stated that he agrees that the entire amount needs to be abated, and agrees with the idea to not take the junk data into the new system and asked Ms. Begay for a timeline for when these procedures will be in place to assure this will not happen again and asked for a time line commitment. Mr. Weller stated he is disappointed that we are not going to send out a letter, and we have a responsibility to communicate to those involved because that initial billing did not need to go out. Mrs. Begay stated that a timeline has been started, that this is a team effort with other departments. Mr. Weller asked for an update in October for the progress made. Mrs. Begay stated that she can commit to a follow up but can't guarantee that everything will be done; it all depends on status of the entire team. Lynda Tanner, a resident of Vernon, stated that if a letter isn't going out, could a statement be posted in the paper to disregard those 3000 letters since she knows of people that are worried about this issue. Mrs. Begay stated that she is going to have a notice placed in the paper and also on the website as well as staff talking to those who call into the office and the volume of calls have decreased. Mrs. Begay stated that another issue with the mailings is that a large majority are returned but will continue to do the best she can. Vote was unanimous

Malena Bazarro, Grant Manager, requested possible approval of a Crew Use Agreement between Apache County and Arizona State Forestry for work under the WBB1 10-601 project in Crosby Acres. **Mr. Weller moved approval, seconded by Mr. Shirley.** Mr. Weller asked how many acres have been done and how many will this grant cover. Ms. Bazarro stated this grant addresses bark beetle infestation and the Crew Use Agreement is a formality if we are to use inmate labor, a new agreement every time inmate labor is used such as this. Ms. Bazarro stated that last year 50 acres were treated and this year another 50 acres are estimated to complete Crosby Acres. Vote was unanimous.

Larry Lucero, Senior Director for Economic Development & Government Relations for Tucson Electric Power, provided an update of UNS Energy Corporation being acquired by Fortis and the transaction and benefit of the change. Mr. Lucero provided an overview of the transition to Fortis. No action was needed or taken.

Chairman White opened the floor for call to the public.

George Walsh, a resident of Vernon, stated that in regard to the open meeting issues, the Juvenile

Jail District needed to be added since it was not posted as required on the website and suggested that if Mr. White and Mr. Shirley are so impressed with the quality of the staff here, if they are happy with the staff causing concerns among the taxpayers of District III, maybe they should start working to split this county and District I & II can keep the staff and District III will get new staff that is better qualified.

Steve Miller, a resident of Concho, asked that the call to the public is be held at both the beginning and end of the agendas.

Mr. Wengert stated that he hears a lot of negative comments from George Walsh about the County and the employees, and just wanted to say that he thinks the employees are second to none; the good job that the law enforcement did during the fires, the road crews, health department and the others that work hard to provide services to the County. Mr. Wengert stated that Mr. Walsh has his opinion and as with most things, it is only his opinion, but the employees are doing the best they can with much reduced budgets and staff. Mr. Weller stated that he thinks Mr. Walsh's comment was a compliment to the employees and he didn't consider it a slam against the employees.

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

Approved this 18th day of August, 2014.

Tom M. White, Jr.
Chairman of the Board

Delwin Wengert
Clerk of the Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

County Manger _____

Date/Signature: _____

Describe in detail what you want to say to the Board and what action you want the Board to take:

Demands _____

BOS Meeting Date Requested _____

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials _____

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last 5 years?
 yes (If yes, attach explanation.) no

2. How many special event licenses have been issued to this location this year? one
 (The number cannot exceed 12 events per year; exceptions under A.R.S. § 4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? yes no
 (If yes, attach a copy of the agreement.)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name American Legion Auxiliary Unit 0130 Percentage 25%
 Address P.O. Box 476, Concho, AZ 85924
Street City State Zip
 Name _____ Percentage _____
 Address _____
Street City State Zip

5. Please see A.R.S. §4-203.02 Special Event Rules and R19-1-205 for guidelines and regulations.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS AUCTION SEALED CONTAINERS OR STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
 (List type and number of security/police personnel and type of fencing or control barriers, if applicable.)

_____ # Police # Security Personnel Fencing Barriers

Explanation: American Legion personnel

Beer Garden will enclosed by Tenar Snow Fencing (200ft) and ten fence posts.

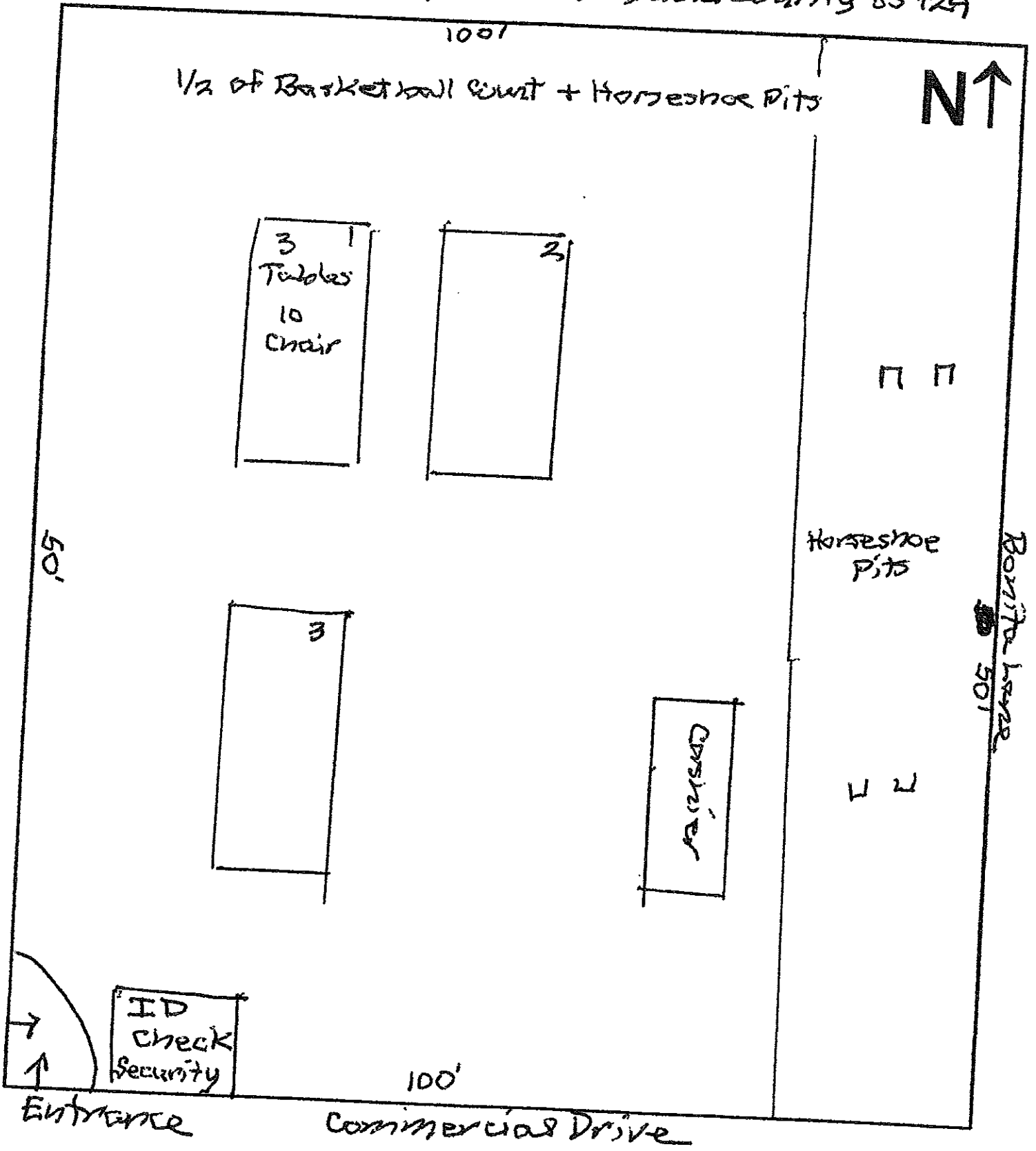
SECTION 11 Date(s) and Hours of Event. May not exceed 10 consecutive days.
 See A.R.S. §4-244(15) and (17) for legal hours of service.

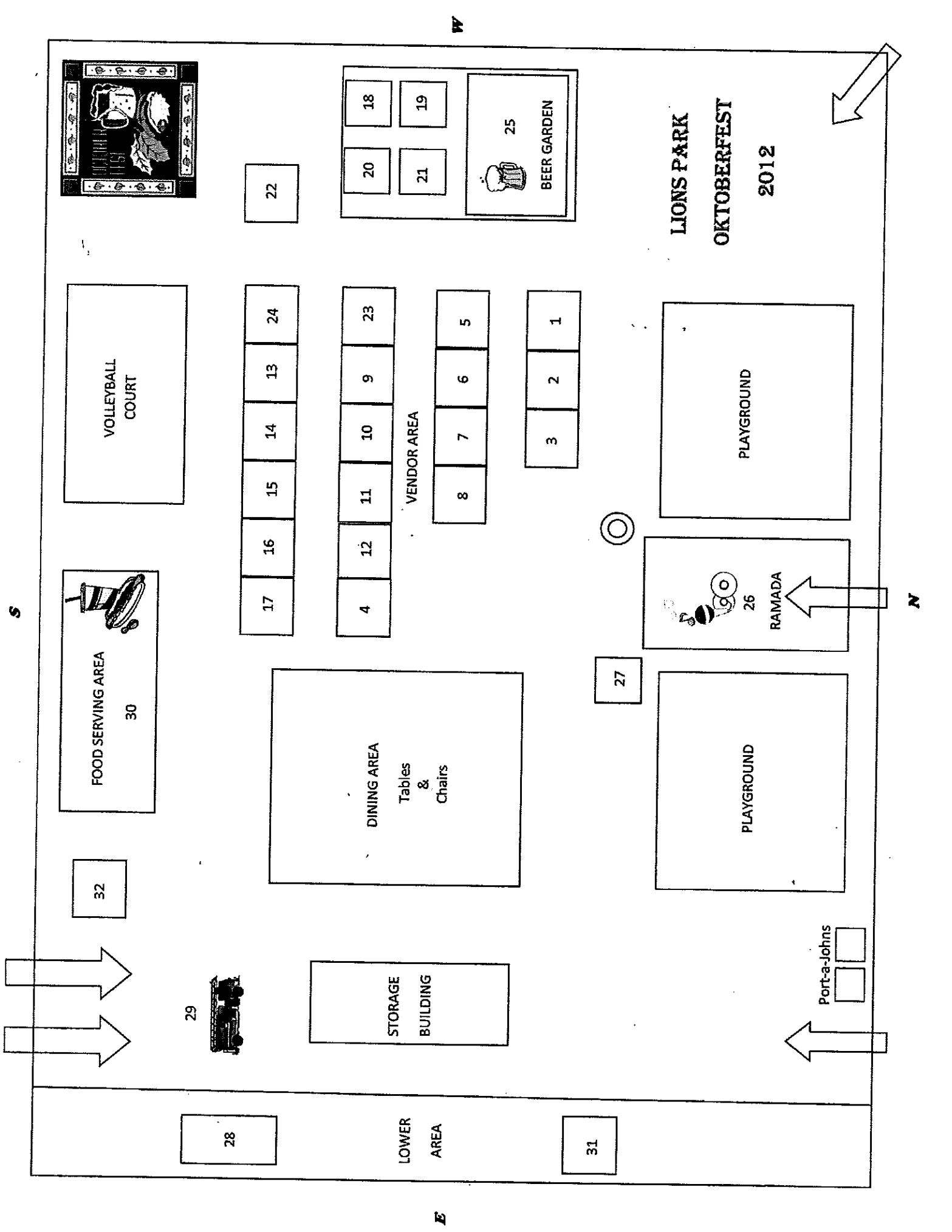
	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:				
DAY 1:	<u>10-04-2014</u>	<u>Saturday</u>	<u>9:00 AM</u>	<u>5:00 PM</u>
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)

NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.

Corko 41575 Clwo Park 200' x 600' with 2 porta-potties
Commercial Drive, Concho, Apache County 85924





**LIONS PARK
OKTOBERFEST
2012**



VOLLEYBALL COURT

FOOD SERVING AREA
30

18 19
20 21
25
BEER GARDEN

22

17 16 15 14 13 24

4 12 11 10 9 23

VENDOR AREA

8 7 6 5

3 2 1

PLAYGROUND

26
RAMADA

PLAYGROUND

DINING AREA
Tables & Chairs

STORAGE BUILDING



28

LOWER AREA

31

Port-a-Johns

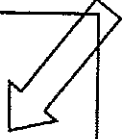
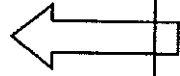
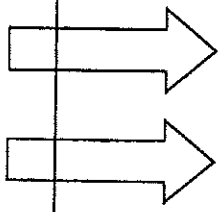


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SECTION 13 This section is to be completed only by an officer, director or chairperson of the organization named in Section 1.

I, Alfred M. Avenanti (print full name) declare that I am an Officer/Director/Chairperson appointing the applicant listed in Section 8, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X Capt M Avenanti (signature) Commander Title/ Position 7/31/14 Date 928-245-9629 Phone #

The foregoing instrument was acknowledged before me this 31 Day July Year 2014

State Arizona County of Apache

My Commission Expires on: 12/13/14 Date

[Signature] Signature of Notary Public
Notary Public State of Arizona
Apache County
Beth T Bond
My Commission Expires 12/13/2014

SECTION 14 This section is to be completed only by the applicant named in Section 8.

I, Alfred M. Avenanti (print full name) declare that I am the APPLICANT filing this application as listed in Section 8. I have read the application and the contents and all statements are true, correct and complete.

X Capt M Avenanti (signature) Commander Title/ Position 7/31/14 Date 928-245-9629 Phone #

The foregoing instrument was acknowledged before me this 31 Day July Year 2014

State Arizona County of Apache

My Commission Expires on: 12/13/14 Date

[Signature] Signature of Notary Public
Notary Public State of Arizona
Apache County
Beth T Bond
My Commission Expires 12/13/2014

The local governing body may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted. For more information please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

SECTION 15 Local Governing Body Approval Section

I, _____ (government official) _____ (Title) recommend APPROVAL DISAPPROVAL

on behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____



BOARD OF SUPERVISORS' AGENDA ITEM REVIEW FORM

Submitter's Name: Apache County Sheriff's Office

Date: July 31, 2014

Signature: [Handwritten Signature]

Describe in detail what you want to say to the Board and what action you want the Board to take:
Notification of retirement of Deputy Alfonso Morales (July 31, 2014).
19 years of service for the Apache County Sheriff's Office

Date & Time Needed: August 18, 2014

Review Routing: //Legal//Finance//Purchasing//Human Resource//Other: _____

Legal Review: Sent for legal review _____
Signature: _____

Finance Review: _____
Signature: _____

Purchasing Review: _____
Signature: _____

Human Resources Review: _____
Signature: [Handwritten Signature]

Other Review: _____
Signature: _____

Reviews completed, item approved for Agenda. Supervisors/Board Clerk's Initials

BOARD ACTION TAKEN

//Approved //Disapproved //Deleted //Continued to: _____

Signature Clerk of Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

FORM NO. 100-1

Submitter's Name: (Individual, Organization, or County Department)

Public Fiduciary _____

Date/Signature: August 11, 2014

Describe in detail what you want to say to the Board and what action you want the Board to take:

Notification of the retirement of Pat Hall and request authorization to pay out her accumulated sick leave balance per Human Resources policy.

BOS Meeting Date Requested 08/18/14

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: 

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials _____

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

County Manager

Date/Signature:

8/11/14

Describe in detail what you want to say to the Board and what action you want the Board to take:

Discussion & action related to employees cost of lump increase.

BOS Meeting Date Requested

8/18/14

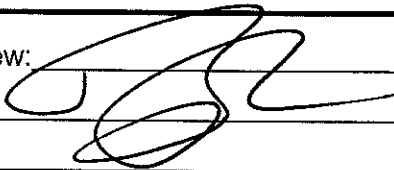
PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____



Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

JOE SHIRLEY, JR.
MEMBER OF THE BOARD
DISTRICT I
P.O. Box 1952, Chinle, AZ 86503

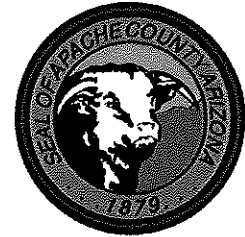
TOM M. WHITE, JR.
CHAIRMAN OF THE BOARD
DISTRICT II
P.O. Box 994, Ganado, AZ 86505

BARRY WELLER
VICE-CHAIR OF THE BOARD
DISTRICT III
P.O. Box 428, St. Johns, AZ 85936

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503
FACSIMILE: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK
ST. JOHNS, AZ 85936

**RESOLUTION NUMBER:2014-_____
A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY,
ARIZONA, LIFTING THE STATE OF EMERGENCY #2014-08**

WHEREAS, the Apache County Board of Supervisors previously imposed emergency fire restrictions by Resolution #2014-07 adopted April 22, 2014; and

WHEREAS, the Apache County Board of Supervisors also declared a State of Emergency for fire conditions by Resolution #2014-08 adopted June 27, 2014; and

WHEREAS, the conditions that warranted enactment of the emergency fire restrictions and the state of emergency are no longer present and do not present the same severity of risk to Apache County natural resources, people, and economic activity; and

WHEREAS, the Board of Supervisors of Apache County on July 15, 2014 lifted the fire restrictions previously imposed upon all of the unincorporated areas of Apache County not under the jurisdiction of federally recognized Indian Tribes and other federal and state owned land;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Apache, Arizona as follows:

That the state of emergency imposed by Resolution #2014-08 approved on June 27, 2014 is hereby terminated.

PASSED AND ADOPTED by the Board of the County of Apache, Arizona, this 18th day of August, 2014.

ATTEST:

Tom M. White, Jr.
Chairman of the Board

Delwin Wengert
Clerk of the Board



BOARD OF SUPERVISORS' AGENDA ITEM REVIEW FORM

Submitter's Name: Apache County Sheriff's Office

Date: August 7, 2014

Signature: *Dean Egan*

Describe in detail what you want to say to the Board and what action you want the Board to take:

Apache County Sheriff's Office requests authorization to enter into a one (1) year renewal lease agreement with Sanders Unified School District #18 ending June 30, 2015 for the use of the Apache County Sheriff's Office Sub-Station

Date & Time Needed: August 18, 2014

Review Routing: / /Legal/ /Finance/ /Purchasing/ /Human Resource/ /Other: _____

Legal Review: Sent for legal review (see attached)

Signature: _____

Finance Review: _____

Signature: _____

Purchasing Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisors/Board Clerk's Initials

BOARD ACTION TAKEN

//Approved / /Disapproved / /Deleted / /Continued to: _____

Signature Clerk of Board

Beth Bond

From: Lillian Chavez
Sent: Tuesday, August 12, 2014 3:11 PM
To: Beth Bond
Cc: Bonnie Stallings
Subject: FW: Lease agreement for ACSO/Sanders Lease 2014-15

See below from Joe Young,,
Thank you ladies...
Lillian

From: Joe Young [mailto:JYoung@apachelaw.net]
Sent: Tuesday, August 12, 2014 3:10 PM
To: Lillian Chavez
Subject: RE: Lease agreement for ACSO/Sanders Lease 2014-15

I have reviewed the lease. I have no problems with this being presented to the Board for approval.

From: Lillian Chavez [lchavez@co.apache.az.us]
Sent: Friday, August 08, 2014 3:29 PM
To: Joe Young
Subject: FW: Lease agreement for ACSO/Sanders Lease 2014-15

Sir could you please let me know when you review. Have on the agenda for the 18th ...
Thank you Lillian

From: Lillian Chavez
Sent: Thursday, August 07, 2014 1:48 PM
To: Joe Young
Subject: Lease agreement for ACSO/Sanders Lease 2014-15

Joe,
Please review and get back to me.

Thank you,
Lillian

SANDERS UNIFIED SCHOOL DISTRICT NO. 18

P.O. Box 250
Sanders, Arizona 86512

Phone: (928) 688-4760

Fax: (928) 688-4210

LEASE

This Lease is made and entered into on this 1st day of July 2014 by and between Sanders Unified School District No. 18 of Apache County (Lessor) and the Apache County Sheriff's Office (Lessee).

RECITALS

WHEREAS, Lessee desires to lease space from Lessor for use as a Sub-Station for the Apache County Sheriff's Office; and

WHEREAS, Lessor is willing to provide space for such purpose in the terms and conditions hereinafter set forth; and

WHEREAS, Lessor is authorized to enter this Agreement pursuant to A.R.S. § 15-342(9)

THEREFORE, in consideration of the premises and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. **Premises.** Lessor hereby leases to Lessee Rooms Forty (40), Forty-two (42), and Forty-four of the Yellow Building, located at I-40 (Exit 339) and Hwy 191, Sanders, AZ 86512; (Leased Premises) for use as a Sub-Station by the Apache County Sheriff's Office.
2. **Term.** This Lease will remain in force for a period of one year, commencing on the 1st day of July, 2014 and ending on the 30th day of June, 2015.
3. **Renewal.** Renewals of this Lease shall not be automatic. Ninety (90) days prior to expiration of current Lease term, Lessee may request an extension of this Lease for a period of one (1) year commencing on the day the current term expires and ending one year from that date. Such renewal requests must be made in writing, addressed to the individual contact designated in this lease or otherwise designated in writing and acknowledged by both parties. The Governing Board must approve all Lease extensions.
4. **Termination.** Either party to this Lease may terminate this Lease by giving the other party ninety (90) days written notice addressed to the individual or contact designated in the Lease or otherwise designated in writing and acknowledged by both parties. Lessor

may automatically terminate this Lease upon thirty (30) days' notice to Lessee for Lessee's nonpayment of rent. The parties hereby acknowledge and agree to the applicability of A.R.S. § 38-511.

5. **Rent.** Rent, in the amount of three hundred and 00/100 dollars (\$300.00) per month shall be paid by Lessee to Lessor in advance on the first day of each month, which covers all Lessee space here in described. Lessor may adjust the rent at the beginning if any renewal of the lease.
6. **Utility Expenses.** During the term of this Lease or any renewal, Lessee shall be responsible for paying electric and propane utility expenses associated with the Leased Premises. Lessor shall make arrangements with local propane and electric utility companies to create separate utility accounts in the name of the Lessee to cover the Leased Premises. Lessee shall be responsible for maintain these accounts with the utility providers. Lessor agrees to pay for water.
7. **Maintenance.** For the length of the Lease Term, all maintenance shall be provided by the Lessee including painting electrical fixtures, (including replacement of light bulbs and ballasts) locks, windows, heating and cooling equipment, etc. within the Leased Premises. In the event that Lessee is issued keys by Lessor which are lost, all costs to re-key the Leased Premises, and any other locks of Lessor accessed or had access to via the lost key shall be borne by Lessee.
8. **Remodeling.** Lessee is solely responsible for all remodeling costs associated with its use of the Leased Premises.
9. **Insurance and Indemnity.** Lessee shall at all times during the Term or renewal of this Lease maintain policies of insurance consisting of general liability, worker's compensation and employee's liability and property coverage in an amount consistent with industry standards. All such insurance shall, if available, name Lessor, its Governing Board members, officers, employees and agents as additional insured, and shall be primary to any other available insurance. Lessee shall indemnify and save Lessor harmless from and against any and all claims, demands, actions, damages, liability and expense (including attorney's fees and costs) in connection with loss of life, personal injury, and/or property damage arising from or out of any occurrence in, upon, or at the premises leased hereunder, or from Lessee's occupancy thereof.
10. **Assignment and Subletting.** Lessee may not assign this Lease or sublet the Lease Premises.
11. **Notices.** Any notice required hereunder shall be in writing and given by mailing the same by United States Mail, registered or certified, return receipt requested, addressed as follows:

Lessor: Sanders Unified School District
P.O. Box 250
Sanders, AZ 86512

Contact Person: _____
Business Manager

Lessee: Apache County Sheriff
P.O. Box 518
St. Johns, AZ 85936

Contact Person: _____

IN WITNESS WHEREOF, Lessor and Lessee have executed this Lease through their respective, duly authorized officers as of the day and year first above written.

Lessor: By: MT Murphy
Superintendent

Lessee: By: _____

Name & Title

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Engineering

Date/Signature: 8.11.14

Describe in detail what you want to say to the Board and what action you want the Board to take:

Permission to enter into contract with Smith & Annala
Engineering Co. For consulting services at limestone pit.

BOS Meeting Date Requested _____

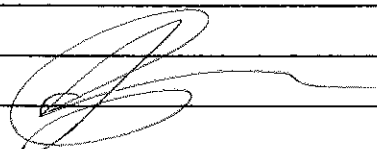
PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: 

Human Resources Review: _____

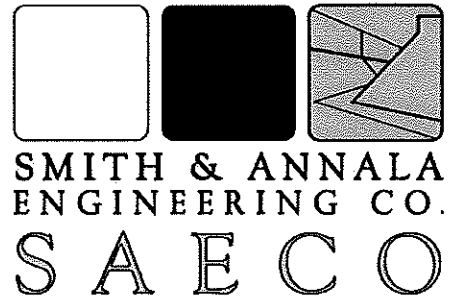
Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials _____

May 27, 2014 – Revised August 7, 2014



Apache County Engineering Department
PO Box 238
St. Johns, Arizona 85936

Phone: 480-659-4101
Fax: 480-659-5484

Attention: Ferrin Crosby, P.E.
County Engineer

Subject: **Quarry Blasting Consulting Services**
Apache County Quarry
County Road 6040
St. Johns, Arizona
SAECO Proposal No. 44.14.042

Smith & Annala Engineering Co. (SAECO) is pleased to provide this proposal to assist Apache County with consulting services associated with the above referenced quarry. SAECO has developed this proposal based upon our experience with this type of work and our visit to the site on May 4, 2014.

SAECO

SAECO was founded in 2011 by Michael E. Smith, P.E. and Michael S. Annala, R.G. The firm provides geotechnical engineering, geological engineering, construction QA/QC, and environmental services to clients across the Southwestern U.S. The firm is locally owned and operated and is headquartered in Tempe, Arizona. Currently, our staff consists of over 25 engineers, geologists, engineering technicians, and special inspectors. We have built a considerable presence in the industry as a startup during challenging economic conditions because of our commitment to our safety culture and client service. We hope to demonstrate these attributes for Apache County on this project.

The engineering and management personnel in the Construction Engineering Department of SAECO are currently or have been involved in leadership roles within the American Society of Civil Engineers (ASCE), Arizona Rock Products Association (ARPA), and the Maricopa Association of Governments (MAG) Specifications and Technical Committee. Additionally, Mr. Michael Smith of SAECO currently serves as a faculty associate at Arizona State University in the Del E. Webb School of Construction. Our engineering and management personnel are actively involved in the determining the future of the construction engineering industry.

Project Information

Mr. Michael E. Smith, P.E. and Mr. Michael S. Annala, R.G. of SAECO met with Ferrin Crosby, P.E. of Apache County at the subject quarry on May 4, 2014. The purpose of the visit was to learn more about the use of the quarry and future planned aggregate production from the facility.

Apache County utilizes the quarry for aggregates that are used for roadway surfacing projects and other interests of the County. Apache County typically contracts with a blasting contractor to produce rock particles which can later be crushed by the County to the appropriate size and/or gradation for their purposes. Past blasting results have not been consistent and have not met the County's expectation for producing the appropriate rock particles. As a result the County would like to come up with a plan to allow for better blasting results in the future.

Currently, the County is planning on soliciting bids for a blasting contractor within the next month. As a result it will be difficult to provide significant assistance associated with the upcoming blasting event. The intent of our proposed scope of services is primarily to obtain geologic information by utilizing the drilling effort of the awarded blasting contractor which will help the County create a better understanding of the geology at the site which will ultimately allow the County to better solicit blasting contractors in the future.

Proposed Scope of Services

In order to assist Apache County with improving the blast related activities associated with aggregate production SAECO proposed the following:

Task 1 - Field Data Collection

SAECO proposes to be on-site during a portion of the drilling activities associated with the upcoming blasting cycle. SAECO will perform a site reconnaissance of the exposed soil and rock surfaces from within the quarry and obtain down-hole images of the rock layers that will be blasted via the blast production holes. This information will allow the County to correlate down-hole rock characteristics with the results achieved by the blasting contractor. SAECO will also obtain samples of rock at the site to perform compressive strength testing on to determine the range of compressive strength values that rock at the site can produce.

We anticipate that a Sr. Geotechnical Engineer or Sr. Geologist will be needed for 2 full days at the site to obtain the necessary information. A Project Geologist/Geotechnical Engineer will be on-site during the field work to assist in data collection.

Task 2 – Reporting

Upon conclusion of the Field Data Collection a summary of our findings will be prepared. The summary of findings will include the collection of images obtained from the down-hole equipment, field observations associated with drilling activities, a description of the geology at the site, depth verification

measurements at the drilling holes available for observation at the time of our field work, and results of our rock core compressive strength testing.

Task 3 – Miscellaneous Consulting

SAECO anticipates that additional consulting services will be required upon conclusion of the blasting event later this year. This consulting will involve correlating the actual blast results to the data obtained during our Field Data Collection. The information developed during this consulting will also be summarized in a report which will include recommendations for future blasting at the site to best utilize the information obtained during the current blasting event. We anticipate utilizing a blasting consultant (up to 5 hours) to provide additional recommendations for future blasting at the site.

Cost Estimate

Task 1 - Field Data Collection

Sr. Project Geological/Geotechnical Engineer, 30 hours at \$145/hour...	\$4,350.00
Project Geological/Geotechnical Engineer, 30 hours at \$85/hour.....	\$2,550.00
Per diem, 6 days at \$115/day (2 people with overnight stays)	\$690.00
Down-hole imaging equipment rental, 1 week	\$750.00
Compressive Strength Testing of Rock Core, Lump Sum	\$500.00
Mileage, 1,200 miles at \$.60/mile	<u>\$720.00</u>
Subtotal, Field Data Collection	\$9,810.00

Task 2 - Reporting

Sr. Project Geological/Geotechnical Engineer, 10 hours at \$145/hour...	\$1,450.00
Project Geological/Geotechnical Engineer, 10 hours at \$85/hour.....	<u>\$850.00</u>
Subtotal, Field Data Collection	\$2,300.00

Task 3 –Miscellaneous Consulting

Sr. Project Geological/Geotechnical Engineer, 20 hours at \$145/hour...	\$2,900.00
Project Geological/Geotechnical Engineer, 10 hours at \$85/hour.....	\$850.00
Outside Blast Consultant, 5 hours at \$175/hour	<u>\$875.00</u>
Subtotal, Field Data Collection	\$4,625.00

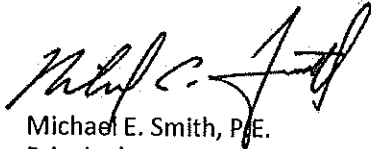
Total Estimated Cost	\$16,735.00
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Schedule

SAECO is available to start this work immediately. We would need approximately 2 weeks to complete Task 1 – Field Data Collection. Upon completion of the Field Data Collection we can provide a report of our findings within 3 weeks.

SAECO appreciates the opportunity to provide this proposal. We have included our terms and conditions as an attachment to this proposal. Should our proposal be acceptable you can authorize us to begin this work by returning the signed Consulting Agreement.

Sincerely,



Michael E. Smith, P.E.
Principal

Attachment: Terms and Conditions

CONSULTING AGREEMENT

Consulting Agreement Date (the "Effective Date") **5/27/2014 - Revised 8/7/2014**

Between ("Consultant") **Smith & Annala Engineering Co. DBA SAECO**
and (Company) **Apache County Engineering Department**
SAECO Proposal No. **PC44.14.042**

This CONSULTING AGREEMENT (the "Agreement") is entered into between Consultant and Company each together sometimes referred to as the "Parties" and/or individually as a "Party". In consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

1. **Engagement.** The company hereby retains Consultant to provide the services described in the above referenced SAECO Proposal. Consultant shall devote reasonable time and his reasonable best efforts, skill, and attention to the performance of such consulting services.
2. **Term of Engagement.** This Agreement shall commence as of the Effective Date and, unless terminated as set forth in Section 8, continue through the completion of the work which should not be longer than 90 days. The term of this Agreement as in effect from time to time shall be referred to as the "Term."
3. **Compensation.** During the Term of this Agreement, as compensation for all services rendered by the Consultant, the Company shall pay fees to the Consultant in accordance with the above referenced proposal.
4. **Taxes.** Consultant shall be responsible for payment of all taxes arising out of Consultant's activities in accordance with this Agreement.
5. **Termination.** Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party. Except as otherwise provided herein, in the event of termination, Consultant shall be entitled to compensation until the expiration of the stated notice period. Notwithstanding the foregoing, in the event of a violation by Consultant of any term or condition, express or implied, of this Agreement or of any federal or state law or regulation pertaining to or arising from Consultant's performance of services under this Agreement, the Company may, in its discretion, terminate this Agreement immediately, without notice and in such event, Consultant shall only be entitled to compensation up to the time of such violation.
6. **Entire Agreement and Amendment.** This Agreement embodies the entire agreement and understanding of the Parties hereto in respect of the subject matter of this Agreement, and supersedes and replaces all prior agreements, understandings and commitments with respect to such subject matter; provided, however, that this Agreement shall be subject to the terms and conditions of the Confidentiality Agreement. This agreement may be amended only by a written document signed by both Parties to this Agreement.
7. **Limitation of Liability.** The Consultant's liability for work performed under this contract shall be limited to \$250,000. Neither Company nor any third parties assume liability for damages to others which may arise solely on account of Consultant's negligent acts, errors or omissions. As part of the consideration Consultant requires for provision of the Services indicated herein, Company agrees that any claim for damages filed against Consultant by Company or any contractor or subcontractor hired directly or indirectly by Company will be filed solely against Consultant or its successors or assigns and that no individual person shall be made personally liable or liable for damages, in whole or in part.
8. **Governing Law.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arizona.

Consulting Agreement (Cont.)

9. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

10. Invoice(s). Consultant will submit an invoice to the Company upon completion of the work or on a monthly basis depending on project duration. Payment is due upon presentation of invoice and is past due thirty (30) days from invoice date.

11. Standard of Care & Notification. Services performed by Consultant under this Consulting Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No warranty express or implied is made.

Consultant agrees to notify Company when unanticipated hazardous materials or suspected hazardous materials are encountered. Company agrees to make any disclosures required by law to the appropriate governing agencies.

Consultant will be responsible for data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

IN WITNESS WHEREOF the Parties have executed this Agreement to be effective as of the Effective Date.

COMPANY:

Apache County Engineering Department

By: _____

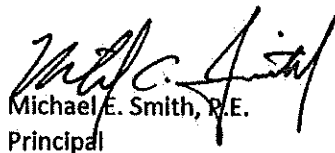
Name: _____

Title: _____

Date: _____

CONSULTANT:

Smith & Annala Engineering Co. (SAECO)


Michael E. Smith, P.E.
Principal

Dale Hauser

From: Ferrin Crosby
Sent: Monday, August 11, 2014 10:28 AM
To: Dale Hauser
Subject: Fwd: Professional services contract

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Joe Young
Date: 08/06/2014 3:48 PM (GMT-07:00)
To: Ferrin Crosby
Cc: Michael Whiting, "Delwin P. Wengert"
Subject: RE: Professional services contract

I think the new limitation on liability is better.

As far as the road issue, would the vehicles in question comply with weight limitations on state roads?

From: Ferrin Crosby [FCrosby@co.apache.az.us]
Sent: Wednesday, August 06, 2014 9:47 AM
To: Joe Young
Cc: Michael B. Whiting; Delwin P. Wengert
Subject: FW: Professional services contract

Joe, are you ok with the new level of liability proposed by SAECO?
I am putting this item on the agenda for the 18th.

Also awhile back I asked about increasing the load limit on county 5020 (Concho - Snowflake hwy.), or possibly creating an overweight permit to accomplish the same thing.

We have an individual interested in hauling wood product to the power plant near snowflake and would like to use this route. Historically the weight limit was reduced due to some questionable bridges decks. We have since replaced those decks and now the road weight capacity is capable of a legal highway load. (80,000 lbs). what do we need to do to change the weight limit? Or, can the permit system get us by?

Thanks Joe

Ferrin

From: Mike Smith [mailto:MESmith@saecosafe.com]
Sent: Thursday, July 31, 2014 9:43 AM
To: Ferrin Crosby
Cc: Joe Young
Subject: RE: Professional services contract

Ferrin – in the past when we have gotten this concern we have offered going to a L.O.L. of \$250,000. If that is acceptable I can revise the terms. Thanks.

Michael E. Smith, P.E.
Principal

Smith & Annala Engineering Co.

SAECO

MESmith@saecosafe.com

Ofc: (480) 659-4101

Mobile: (602) 826-7041

Fax: (480) 659-5484

5861 S. Kyrene Rd. Ste 5

Tempe, AZ 85283

www.SAECOsafe.com

From: Ferrin Crosby [<mailto:FCrosby@co.apache.az.us>]

Sent: Wednesday, July 30, 2014 7:58 AM

To: Mike Smith (MESmith@saecosafe.com)

Cc: Joe Young

Subject: Professional services contract

Mike,

I received comment from our attorney and he had some issues with the limitation of liability section of the contract. He felt it was too low. Please respond to this concern. Do you have similar contracts with other government agencies with this limitation?

We are bidding the blasting services contract presently and want to get your contract buttoned up so your company can go to work when the drillers show up.

Please let me know what you think,

J. Ferrin Crosby
Apache County Engineer
PO Box 238
75 West Cleveland
St. Johns, AZ 85036
928-337-7528



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Engineering - *Jamie X Linn*

Date/Signature: *8/11/14*

Describe in detail what you want to say to the Board and what action you want the Board to take:

Discussion and possible approval to increase the weight limit on CR5020 to be compliant with State limits and to be consistent with Navajo County.

BOS Meeting Date Requested *8/18/14*

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: *see attached emails*

Signature: *per Joe Young*

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

Tamie Herrick

From: Ferrin Crosby
Sent: Monday, August 11, 2014 10:31 AM
To: Tamie Herrick
Subject: Fwd: Professional services contract

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Joe Young
Date: 08/07/2014 8:38 AM (GMT-07:00)
To: Ferrin Crosby
Subject: RE: Professional services contract

This is a tough question Ferrin, in large part it will depend on how the weight limit was established in the first place. In general though, alterations in use of county roads can be made through a petition for change to the board by the county engineer and a board vote.

From: Ferrin Crosby [FCrosby@co.apache.az.us]
Sent: Wednesday, August 06, 2014 5:05 PM
To: Joe Young
Subject: RE: Professional services contract

Yes they would comply with state weight limits.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Joe Young
Date: 08/06/2014 3:48 PM (GMT-07:00)
To: Ferrin Crosby
Cc: Michael Whiting, "Delwin P. Wengert"
Subject: RE: Professional services contract

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Thanks Joe

Ferrin

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Sent: Thursday, July 31, 2014 9:43 AM
To: Ferrin Crosby
Cc: Joe Young
Subject: RE: Professional services contract

Ferrin – in the past when we have gotten this concern we have offered going to a L.O.L. of \$250,000. If that is acceptable I can revise the terms. Thanks.

Michael E. Smith, P.E.
Principal

Smith & Annala Engineering Co.

SAECO

MESmith@saecosafe.com

Ofc: (480) 659-4101

Mobile: (602) 826-7041

Fax: (480) 659-5484

5861 S. Kyrene Rd. Ste 5

Tempe, AZ 85283

www.SAECOsafe.com

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Sent: Wednesday, July 30, 2014 7:58 AM
To: Mike Smith (MESmith@saecosafe.com)
Cc: Joe Young
Subject: Professional services contract

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We are bidding the blasting services contract presently and want to get your contract buttoned up so your company can go to work when the drillers show up.

Please let me know what you think,

**Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM**

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

County Manager _____

Date/Signature: _____

Describe in detail what you want to say to the Board and what action you want the Board to take:

Notification of the Northern Arizona Council of Governments Regional Council meeting on August 28, 2014 at the High Country Conference Center, 201 W. Butler Ave. in Flagstaff, Arizona at 10:00 a.m. where two or more members of the Apache County Board of Supervisors may be in attendance.

BOS Meeting Date Requested _____

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials _____

**Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM**

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Board of Supervisors

Date/Signature: _____

Describe in detail what you want to say to the Board and what action you want the Board to take:

Call to 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.

BOS Meeting Date Requested ongoing

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review: _____

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda. Supervisor/Board Clerk's Initials _____
