

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS' MEETING

February 6, 2025
St. Johns, Arizona

Present were, Ryan Patterson Clerk of the Board/Manager and County Attorney Jasmine Blackwater-Nygren. Chairman Nelson Davis, Supervisor Alton Joe Shepherd, Vice Chairman Supervisor Joe Shirley, Jr., and legal counsel Emily Craiger participated via the telephone.

Chairman Davis called to order the Board of Supervisors meeting at 10:03 a.m. in the Board of Supervisors' chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona.

County Attorney Jasmine Blackwater-Nygren presented the item for possible approval to adjust the salary range for the Chief Deputy County Attorney (Range 92) and this request will not increase the FY25 budget. **Mr. Shirley moved approval.** Chairman Davis stated he would like to open up a discussion on this issue since he has some issues and concerns. Chairman Davis stated on Tuesday, the Board voted to give the county attorney's office the authority to hire within the current range which was 106,000 to \$160,00 and now we are back being asked to change the range to Range 92 which is a range of \$138,000 to 207,000, and looking at what other counties pay their deputy attorneys; he has a concern with giving the approval to go to the top of this range Chairman Davis stated he wants to support the county attorney's office, and is willing to give some leeway and can change the range to 92 but he would feel better not exceed the midpoint of the range which would be about \$173,000. Mr. Shepherd stated he also had a concern and had spoken with County Attorney Nygren regarding her requested salary adjustment. Mr. Shepherd stated he has a concern going outside the range and if that is done, it will set a precedence but at the same time, he recognizes there needs to be another salary study adjustment because of the number of times the Board has made salary adjustments due to the inflation rate. Mr. Shepherd stated he is amenable if we can bring this issue back to increase the range a little bit because retention is important. Mr. Shepherd stated he is hesitant to do the full approval of this salary range. Mrs. Craiger stated the agenda item as written has this increase to Range 92 which is the next range up from where it is currently and wanted to remind the Board under ARS 11-419 C., the actual salary that is offered for the chief deputy position has to be agreed upon between the Board and the county attorney, so by increasing the range right now, it just enables the county attorney to recruit within that range and the Board has now provided guidance to the county attorney where the Board's comfort level is for her to consider so that when she comes back for final approval, that number will actually be what the Board is able to agree with. Mrs. Craiger stated just by increasing the range, does not mean you are enabling her to appoint someone without further discussion on the final salary. Mr. Davis stated that is what the normal policy has been that anytime we go above base salary plus 10% comes back in front of the Board to be approved and his understanding was she wanted to hire without coming back before the Board within that salary range. Mr. Davis clarified the motion is to approve the salary range but regardless of the money that is to be offered to a candidate, Mrs. Blackwater-Nygren will come back in front of the Board if it exceeds 10% over the base salary. Mrs. Craiger stated the statute is specific to chief deputy positions, and she must come before the Board even if it wasn't above the base salary, the Board must give final approval for all chief deputy positions. Mr. Shirley stated Mrs. Blackwater-Nygren's predecessor had a difficult time hiring and

retaining attorneys due to salary issues, and that is why the county attorney's office is hurting, and we need to attract attorneys and to do that we need to give a good salary. Mr. Shirley stated whatever we pay the chief deputy attorney, that salary stays within the budget allocated and, in this case, County Attorney Blackwater-Nygren is doing that, and as long as she doesn't go above what was allocated, he does not have a problem with what she wants to pay her staff. Mr. Patterson stated as a clarification, Mrs. Black-water Nygren is not asking to be able to hire within the range at this time, she is simply asking the Board to adjust the salary range to a Range 92 and she wishes to come back to the Board with the salary as the time she makes the offer to her chief deputy. Mr. Patterson stated what is before the Board is to approve the Salary Range 92 and come back to the Board with the salary. Mrs. Blackwater-Nygren stated after speaking with Mrs. Craiger and getting further clarification on A.R.S. 11-419, the Board and the county attorney must approve the salary for the chief deputy position and that is Arizona law, and she is aware that might not have always been the case but going forward, it is now standard practice to come back to the Board specific to the chief deputy, and after speaking with Mrs. Craiger, she fully intends to bring the salary back before the Board for approval. **Mr. Shepherd seconded the motion to approve the salary range.** Vote was unanimous.

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

Approved this 4th day of March, 2025.

/s/ Nelson Davis
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board