

Joe Shirley, Jr.
Supervisor, District I

Tom M. White, Jr.
Chairman, District II

Barry Weller
Vice Chairman, District III

**NOTICE OF A PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY BOARD OF SUPERVISORS,
APACHE COUNTY FLOOD CONTROL DISTRICT AND
THE APACHE COUNTY PUBLIC HEALTH DISTRICT**

March 6, 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 FLOOD CONTROL DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING
March 6, 2014**

1. Engineering Department: Discussion and possible funding approval in the amount of \$19,900 per year for maintenance of flood warning gauges for fiscal year 2014 and 2015 located in Southern Apache County.

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY HEALTH DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING
March 6, 2014**

1. Discussion and possible approval to remove Michelle Jameson from probationary status with the 2.5% end of probation increase, effective February 27, 2014 and Gerald Beddow from probationary status with the 2.5% end of probationary increase, effective January 28, 2014.

**NOTICE OF A PUBLIC MEETING AND AGENDA OF
THE APACHE COUNTY BOARD OF SUPERVISORS
March 6, 2014**

1. 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 February 18, 2014.
- *B. Request approval of demands dated February 18, 2014 to March 6, 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 an application for Permanent Extension of Premises/Patio Liquor License for Lisa Malcolm, Foxfire at Alpine, 42661 Highway 180, in Alpine, Arizona.

Personnel Items:

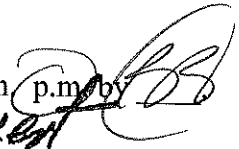
- *D. District II: Request approval to hire a temporary part time 20 hour per week Administrative Assistant II for a people of 90 days at \$11.59 per hour.
- *E. Engineering Department: Request authorization to remove Dave Swientanski from probationary status effective February 1, 2014 with the 2.5% end of probation increase.

School Superintendent's Office:

- *F. Request authorization to use donation money from UniSource Energy Corporation in the amount of \$300.00 for the annual Teacher Of the Year event.
2. Grants Manager, Malena Bazurto: Discussion and possible approval of the Crew Use Agreement between Arizona State Forestry and Apache County for crew work under Grant Agreement WFHF-13S-353 for right of way thinning and private property treatments as necessary, and within terms of the grant scope of work.

3. Engineering Department: Discussion and possible approval to have D&H Petroleum provide a Corrective Action Plan for Navajo Nation EPA at a cost of \$3,200. Also request approval for D&H Petroleum to complete the remediation at the fuel spill site located at Chinle Road Yard, at a not to exceed cost of \$44,074.

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: 2/26/14 at 3:00 a.m. p.m. by 

Delwin Wengert
Delwin Wengert, Clerk of the Board

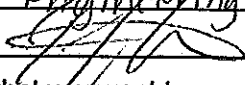
Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

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

Apache Co Engineering - Apache County Flood Control Dist.

Date/Signature:



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

Request authorization for funding approval in the amount of \$19,900 per year for maintenance of flood warning gauges. For fiscal years 2014 and 2015.

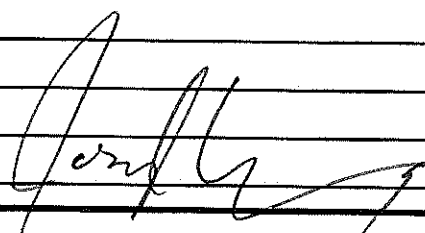
BOS Meeting Date Requested

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)

Apache Co Engineering - Apache County Flood Control Dist.

Date/Signature: [Signature]

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

Request authorization for funding approval in the amount of \$19,900 per year for maintenance of flood warning gauges. For fiscal years 2014 and 2015.

BOS Meeting Date Requested _____

PRE-AGENDA ITEM REVIEW

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

Legal Review: _____

_____ Signature: _____

Finance Review: see attached email

_____ Signature: _____

Human Resources Review: _____

_____ Signature: _____

Other Review: _____

_____ Signature: _____

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



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Arizona Water Science Center
520 North Park Avenue, Suite 221
Tucson, Arizona 85719

DUNS: 137882127 TIN: 53-0196958 ALC: 14-08-0001 CC: GGCMZF
(520) 670-6671 FAX (520) 670-5592
<http://az.water.usgs.gov/>

January 30, 2014

6000002056/AZ089

Ferrin Crosby, County Engineer
Apache County
P.O. Box 428
St. Johns, AZ 85936

Dear Mr. Crosby:

Enclosed are two copies of our Joint Funding Agreement (JFA) for the period October 1, 2013 through September 30, 2015 - two federal fiscal years. The agreement covers the operation and maintenance of surface-water and flood warning gages as described in the attached workplan. The USGS will contribute \$9,000 each year from the Cooperative Water Program towards the operation of Filler Ditch at Greer and South Fork gages. In addition, USGS funds from the NSIP program will be used to fund the Little Colorado River at Greer gage. Billing will be on a quarterly basis and the initial bill will be mailed upon receipt of the signed agreement and in March, June, August and December. Work performed with funds from this agreement will be conducted on a fixed-price basis. The results of all work under this agreement will be available for publication by the USGS.

Please return a signed copy of the JFA to this office. If you have any questions, please contact Chris Smith 520-670-6671 x251.

Sincerely,

James M. Leenhouts
Director

Enclosures (2)

U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

JOINT FUNDING AGREEMENT

FOR

WATER RESOURCES INVESTIGATIONS

Customer #: 6000002056/AZ089
Agreement #: 14WSAZ03300
Project #: ZF009DQ
TIN #: 86-6000385
Fixed Cost Agreement YES

THIS AGREEMENT is entered into as of the, 30th day of January, 2014 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the APACHE COUNTY, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation a program for the operation and maintenance of surface-water and flood warning gages as described in the attached workplan herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00
 - (a) by the party of the first part during the period

Amount	Date	to	Date
\$18,000.00	October 1, 2013		September 30, 2015
 - (b) by the party of the second part during the period

Amount	Date	to	Date
\$44,800.00	October 1, 2013		September 30, 2015

Total = \$62,800.00

 - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

- 7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
- 8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
- 9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey
United States
Department of the Interior**

Apache County

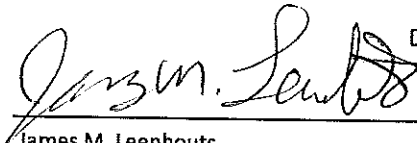
USGS Point of Contact

Customer Point of Contact

Name: James M. Leenhouts
 Address: 520 N. Park Ave., Suite 221
 Tucson, AZ 85719
 Telephone: 520-670-6671 x278
 Email: leenhout@usgs.gov

Name: Ferrin Crosby, County Engineer
 Address: P.O. Box 428
 St. Johns, AZ 85936
 Telephone: 928-337-7503
 Email: fcrosby@co.apache.az.us

Signatures and Date

Signature:  Date: 1/30/14
 Name: James M. Leenhouts
 Title: Director

Signature: _____ Date: _____
 Name: _____
 Title: _____

JOINT FUNDING AGREEMENT BETWEEN THE
U S GEOLOGICAL SURVEY ARIZONA WATER SCIENCE CENTER
AND
APACHE COUNTY

WORKPLAN AND BUDGET

Fiscal Year 2014

1. Operate and maintain surface-water gages and a flood warning gage:

	<u>(Oct. 2013 – Sep. 2014)</u>
a. Nutrioso Creek above Nelson Reservoir (flood warning)	\$ 5,000
b. Water Canyon Creek near Eagar (flood warning)	\$ 5,000
c. South Fork Little Colorado River near Greer*	\$ 16,400
d. Filler Ditch at Greer*	\$ 5,000
e. Little Colorado River at Greer*	\$ 16,400
Total	<u>\$ 47,800</u>

*The USGS will contribute \$9,000 in matching funds to operate Filler Ditch at Greer gage (\$5,000) and to partially fund South Fork gage (\$4,000). The USGS will contribute \$16,400 in NSIP funding to operate Little Colorado River at Greer.

FY14

Funding

Total Requirement	\$47,800
USGS NSIP Funds	\$16,400
USGS Co-op Funds	\$ 9,000 (shown on the agreement)
Apache County	\$22,400

Fiscal Year 2015

1. Operate and maintain surface-water gages and a flood warning gage:

	<u>(Oct. 2014 – Sep. 2015)</u>
a. Nutrioso Creek above Nelson Reservoir (flood warning)	\$ 5,000
b. Water Canyon Creek near Eagar (flood warning)	\$ 5,000
c. South Fork Little Colorado River near Greer*	\$ 16,400
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Total	<u>\$ 47,800</u>

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FY15

Funding

Total Requirement	\$47,800
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USGS Co-op Funds	\$ 9,000 (shown on the agreement)
Apache County	\$22,400

**U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

JOINT FUNDING AGREEMENT

FOR

WATER RESOURCES INVESTIGATIONS

Customer #: 6000002056/AZ089
Agreement #: 14WSAZ03300
Project #: ZF009DQ
TIN #: 86-6000385
Fixed Cost Agreement YES

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**U.S. Geological Survey
United States
Department of the Interior**

Apache County


USGS Point of Contact

Customer Point of Contact

Name: James M. Leenhouts
 Address: 520 N. Park Ave., Suite 221
 Tucson, AZ 85719
 Telephone: 520-670-6671 x278
 Email: leenhout@usgs.gov

Name: Ferrin Crosby, County Engineer
 Address: P.O. Box 428
 St. Johns, AZ 85936
 Telephone: 928-337-7503
 Email: fcrosby@co.apache.az.us

Signatures and Date

Signature:		Date:	Signature:	Date:
Name:	James M. Leenhouts	1/30/14		
Title:	Director			

JOINT FUNDING AGREEMENT BETWEEN THE
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AND
APACHE COUNTY

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FY15

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Apache County	\$22,400

Tamie Herrick

From: Tamie Herrick
Sent: Monday, February 24, 2014 6:48 AM
To: Tamie Herrick
Subject: FW: USGS FLOOD WARNING GAUGES

From: Ryan Patterson
Sent: Monday, February 24, 2014 6:47 AM
To: Tamie Herrick
Subject: RE: USGS FLOOD WARNING GAUGES

It meets all budget requirements.

Ryan N. Patterson, C.P.A.
Finance Director
Apache County
P.O. Box 428
St. Johns, AZ 85936
(928)337-7634
Fax (928)337-7600

Executive Summary

Recommendation to Renew Wallow Fire, USGS Flood Warning Gauges

Background

In 2011, during the Wallow post-fire emergency recovery operations, the US Geological Survey, Arizona Water Science Center (USGS) installed flood warning gauges in watersheds showing severe adverse affect as a result of the fire. In addition to the new installations, the USGS also installed flood warning onto existing gauges that were maintained in an intergovernmental agreement between USGS and Arizona Game and Fish (AGF). The gauges provided expanded coverage into Apache County of the existing statewide flood warning network. Funding for the installation and connection of the gauges was provided through a joint funding agreement (JFA) between Apache County Flood Control and the USGS.

Current Agreement

Apache County signed the original JFA in 2011, to offset a portion of the cost of installation of 2 new flood warning and stream gauges, and to participate in the maintenance of an existing network of stream gauges. The remainder of the costs to fund a total of 10 USGS gauges were paid for by a JFA between AGF and USGS as part of the Zuni Nation Water Settlement Study. In 2012-2013, the number of gauges was reduced to 7, with annual costs of \$35,000 for maintenance and monitoring of the 7 gauges. The current agreement expired September 31, 2013.

Funding Sources

For maintenance in 2012-2013, with the loss of the AGF participation (due to AGF's completion of studies on Zuni water settlement agreements), the USGS agreed to contribute \$5,000, with Apache County providing the remaining \$30,000 for the 7 gauges. This year, following an analysis of the 7 gauges that considered each gauge's strategic importance to the network, and the cost to maintain, two of the gauges in the downstream area of the Little Colorado River downstream of the Springerville/Eagar area were considered non-critical and shut down, leaving a total of 5 gauges, thus reducing the maintenance cost to \$31,400 per year.

This year, the USGS has indicated it has funds available through its nationwide grant program to commit to a 2-year contribution. The 2-year cost would be \$62,800, of which \$18,000 would be paid for by the USGS, leaving a remainder of \$44,800, or \$22,400 per year, to be paid by Apache County and the benefiting communities.

This year, a grant was applied for and awarded to the Town of Eagar for flood control through the Governor's Emergency Fund. Included in the grant was \$5,000 to offset the costs paid by Apache County for annual maintenance of the Water Canyon Gauge, one of the 5 remaining gauges deemed critical. Thus, the commitment to Apache County would be $\$44,800 - \$5,000 = \$39,800$ for fiscal years 2014 and 2015. (Or, \$19,900 per year, down from the \$30,000 per year paid in 2013.)

Comparison of Annual Costs, USGS Gauges in Apache County

Fiscal Year	Total Amount	Portion Paid by Apache County	Number of Gauges	Apache County Avg. Cost per Gauge
2012	\$85,000	\$35,000	10 [Note 1]	\$3,500/gauge
2013	\$35,000	\$30,000	7	\$4,285/gauge [Note 2]
2014	\$31,400	\$19,900	5	\$3,980/gauge
2015	\$31,400	\$19,900	5	\$3,980/gauge

Average costs shown for comparison. Some gauges, such as those in Greer and South Fork, also measure stream flow, and are therefore more expensive than the remaining gauges, which only provide flood warning and precipitation.

[Note 1]: Includes gauges along the LCR downstream of Round Valley, deemed essential to the AGF, who provided a majority of the funding for all 10 gauges. AGF had paid for 8 of the gauges from approximately 2006-2012 as part of their water rights analysis into Lyman Lake. This study was completed in 2012, and thus AGF dropped funding in 2013.

[Note 2]: The average cost to Apache County in 2013 increased due to AGF dropping funding that year, despite a reduction in the number of gauges.

Use of the Gauges

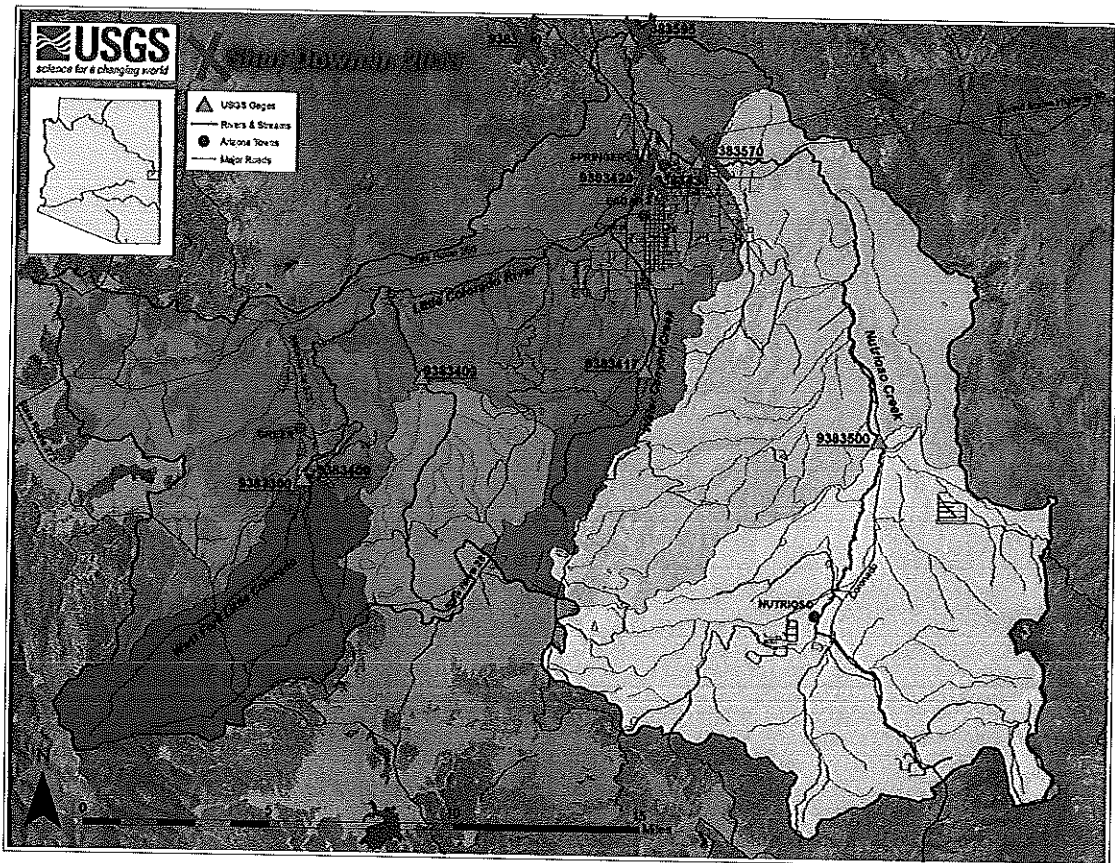
The USGS early warning gauges serve to provide focused coverage upstream in watersheds significantly impacted by the Wallow Fire, where the gauges could be located and provide communication back to the network. The County also made use of similar gauges through an IGA with the Arizona Department of Water Resources. Together, the two types of gauges provide advance warning upstream of populated areas. The scientific data is also used to assist in assessing how the forest is recovering from the fire. All the gauges are linked into the statewide system, monitored by the National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA) and other state and federal agencies to monitor weather patterns and specific storm characteristics. NOAA and NWS in turn notify emergency responders should the gauges indicate unusually high precipitation or stream flow. The costs paid for maintenance of the gauges offsets the expense of trained personnel and equipment to perform regular maintenance and inspection. The costs also provide Apache County participation in the statewide inter-agency Flood Warning Task Force, which meets quarterly and during the monsoon season to receive the latest information and revised seasonal predictions.

Scientific Data Assists in Grant Funding

In 2013, following a significant monsoon event in the Alpine/Nutrioso area, the network of USGS and ADWR gauges provided empirical data which formed the basis of a report produced by Apache County Engineering. Endorsed by the Arizona Water Science Center, the study quantified the effects of post-fire runoff. This ability to *provide actual measurements of increased flood hazard due to the fire* was critically tied to the federal funding requests for flood mitigation efforts made to FEMA. Of the total 3 grants in which Arizona was selected under national competition by FEMA this fiscal year, 2 of those grants are for projects in Apache County. Currently under review for environmental compliance, these 2 grants represent a total of \$330,000 in federal financial assistance put into Apache County. These grants, and others in consideration and analysis, would not be possible without the data provided by the gauges, and the technical assistance of the USGS.

Recommendation

Engineering, with the technical support of the USFS, ADEM, ADWR, USGS, NOAA, NWS based on similar post-fire recovery efforts, recommends that the Board renew the USGS Joint Funding Agreement, thus leaving the gauges in place for an additional 2 years, at a cost of \$19,900 per year. In 2015, the County may wish to review if the gauges are still necessary, as the forest recovers. Engineering has reviewed the scope of work, and finds the costs are usual, customary, and reasonable for maintaining the gauges. The costs per gauge are consistent with the amounts paid by other Arizona counties to partner with the USGS. The gauges provide an additional measure to help protect the lives and property of the residents of Apache County.



Map showing remaining gauges operated by USGS along Nutrioso Creek, Water Canyon, South Fork, and (2) in Greer (bridge and filler ditch, both include stream gauges).



BOARD OF SUPERVISORS' AGENDA ITEM REVIEW FORM

Submitter's Name: **Chris Sexton, Health District Director**

Date/Signature: **02/18/14**

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 to remove Michelle Jameson from probationary status with a 2.5% end of probation salary increase retroactive to 02/27/14.

Date & Time Needed: _____

PRE-AGENDA ITEM REVIEW

Review Routing: Legal Finance Purchasing **X** Human Resources Other

Legal Review:

Signature: _____

Finance Review:

Signature: _____

Purchasing Review:

Signature: _____

Human Resources Review:

Signature: *[Handwritten Signature]*

Health Department Director:

Signature: _____

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

BOARD ACTION TAKEN

Approved Disapproved Deleted Continued To: _____

Signature Clerk of the Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

original

date/time stamp

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

Chris Sexton, Apache County Public Health Services District

Date/Signature: February 24, 2014

Chris A. Sexton

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 to remove Gerald Beddow from probationary status with a 2.5% end of probation salary increase retroactive to January 28, 2014

BOS Meeting Date Requested March 4, 2104

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 _____

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

February 18, 2014

St. Johns, Arizona

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

Chairman White called to order the Board of Supervisors meeting, the Library District meeting and the Jail District meeting at 8:34 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.

Milton Ollerton led the Pledge of Allegiance.

Mr. Wengert read the Rules of Conduct for Board meetings.

Meetings of the Apache County Board of Supervisors are held for the purpose of conducting County business with staff. Members of the public are welcome and encouraged to attend Board meetings, however, public involvement on specific agenda items is not required and will be permitted only at the discretion of the Chairman of the Board. Unsolicited comments, raised voices, or any actions that detract from an orderly meeting may be disruptive of the operation of County business and will not be tolerated. Any person acting in such a manner will be asked to leave the meeting. During public hearings, members of the public may make comments or ask questions relative to the specific issue before the Board, as long as it is presented in a respectful manner. The Chairman may set a time limit on those wanting to address the Board.

Chairman White called for the Health District items.

Judith Pepple, Library Director, requested approval of the Strategic Plan for the Sanders Public Library. Mr. Weller asked if the plan would have any impact on employment such as a number of hours or cost the county or taxpayer impact. Ms. Pepple stated that there is no change, the staff and budget do not change but re-allocate how they are used. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

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

Chairman White called for the Jail District item.

Commander Mike Cirivello requested approval to increase the salaries of Jail LPN's Michelle Johnson and Kyler Merrill to \$20.00 per hour and the rate is a match to the contract jail nurses salaries, which they both previously held and both are fully trained and functioning jail nurses.

Commander Cirivello stated that the increase will still allow for a \$7,977.00 annual savings per LPN. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Mr. Wengert presented a public hearing, discussion and possible approval of the formation of the Grover's Hill Irrigation District and appoint the following members to serve as the Board of Directors: Tim Raban, Norman Brown and Roger Heap. David Brown, the attorney for the proposed district provided an overview of the proposed formation and stated that the main reason for the formation was to be able to apply for the numerous grants that are available to district. Mr. Weller asked if there was any opposition received related to the formation. Mr. Brown stated that there was none. Mr. Weller asked if the County Attorney has any issues with the district formation. County Attorney Whiting stated he had none. **Mr. Weller moved approval, seconded by Mr. Shirley.** Chairman White called for public comment. Hearing no reply, vote passed unanimously.

Milton Ollerton, Community Development Director, presented a public hearing, discussion and possible approval of a reversion to Acreage for Clay Sample to combine 2 lots in Park Show Low, Unit One, Lots 97 & 98. Property is located near Vernon, Arizona on parcel 106-23-097 and 106-23-098. Mr. Ollerton stated that the Planning and Zoning Commission voted unanimously to approve the reversion. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Mr. Wengert presented the consent items A-E. Mr. Weller requested items C & E be pulled for discussion. **Mr. Weller moved to approve Items A, B & D, seconded by Mr. Shirley.** County Manager/Clerk of the Board: A. Request approval of minutes dated February 4, 2014. B. Request approval of demands dated February 4, 2014 to February 18, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount TRINITY SERVICES GROUP INC 17,656.87 AMERICAN SECURITY CABINETS LLC 2,167.00 AMIGO CHEVROLET 1,119.81 AVAYA COMMUNICATIONS 1,381.19 AZ DEPARTMENT OF ENVIRONMENTAL QUALITY 4,520.00 AZ DEPT OF ECONOMIC SECURITY 6,058.19 AZ SUPREME COURT 13,875.00 AZ SUPREME COURT 1,500.00 BACKBONE COMMUNICATIONS 4,500.00 BRADCO 55,960.78 BUDGET BLINDS 2,645.75 CDW GOVERNMENT LLC 5,243.07 CHILD SAFETY SOLUTIONS INC 1,111.70 CREATIVE COMMUNICATIONS SALES & RENTALS 3,098.89 CRESCENT ELECTRIC SUPPLY CO 4,305.75 DELL COMPUTER CORPORATION 2,259.46 EMBASSY SUITES 1,424.70 EMPIRE MACHINERY 24,607.29 FRONTIER 1,453.98 FRONTIER 4,492.44 GALL'S INC 1,787.95 GOLIGHTLY TIRE 1,761.70 GRAVES PROPANE CO INC 1,735.52 HILLYARD INC 2,251.15 HOME DEPOT 1,425.63 HUNSAKER BROS INC 9,398.06 INLAND KENWORTH INC (FARMINGTON) 1,936.16 LITTLE COLORADO BEHAVIORAL HEALTH CENTERS INC 1,241.44 NAVAJO TRIBAL UTILITY AUTHORITY 1,198.05 OVERDRIVE INC 1,816.01 QUILL CORP 2,072.43 RDO EQUIPMENT CO 2,016.79 REED (REED LOGGING), GEORGE E 3,000.00 SALAM INTERNATIONAL INC 3,793.89 SHUMWAY, TRACY 1,118.60 SOK, JESSICA ANN 1,735.67 SOURCECORP 2,030.00

STANDARD ELECTRIC WHOLESALE LLC 1,136.90 THE AARONS COMPANY LL 3,000.00 TIFCO INDUSTRIES 1,987.44 TJP COMMUNICATIONS 2,117.61 ULTRAMAX AMMUNITION 1,792.00 VERITAS RESEARCH CONSULTING 2,295.00 VERIZON WIRELESS 1,703.89 WESTERN GRADE LLC 2,100.00 WHOLESALE FLOORS LLC 6,009.20 4 RIVERS EQUIPMENT LLC 1,553.41 BILLS DISCOUNT AUTO PARTS (NAPA) 2,710.64 BRADCO 24,607.62 QUILL CORP 2,323.51 WASHINGTON COURTYARD BY MARRIOTT 1,356.83 AMERICAN FAMILY LIFE ASSURANCE 1,013.28 APACHE COUNTY MEDICAL 145,012.00 APACHE COUNTY TAX WITHHOLDING 127,337.86 AZ STATE RETIREMENT SYSTEM 85,028.98 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,793.52 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,205.94 MUTUAL OF OMAHA 1,290.12 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,825.82 PUBLIC SAFETY SHERIFF RET 29,205.73 SECURITY BENEFIT GROUP 1,446.00 SUPPORT PAYMENT CLEARINGHOUSE 2,554.58 AMIGO CHEVROLET 1,358.81 ARIZONA CENTER FOR HAND SURGERY PC 1,425.00 ASHTONS REPAIR INC 1,079.83 AZ DEPT OF RISK MANAGEMENT 3,522.60 AZ SUPREME COURT 4,500.00 AZ SUPREME COURT 1,500.00 AZLGEBT 294,770.03 BANK OF THE WEST 1,220.73 BANNER GOOD SAMARITAN MEDICAL CENTER 1,960.00 BARNES, PATRICIA M 3,935.00 BLUE HILLS ENVIRONMENTAL 1,585.16 BRADCO 24,707.85 CENGAGE LEARNING INC 1,250.00 CONDITIONED RESPONSE TRAINING 1,121.00 CRESTLINE SPECIALTIES INC 3,689.62 DAVID J MARTIN PLLC 2,369.92 DELL COMPUTER CORPORATION 2,903.22 DUNLAP, DIANA 1,697.15 EMERY K LA BARGE ATTORNEY AT LAW 1,457.50 FERRELLGAS 1,260.10 FRONTIER 1,081.21 GRAVES PROPANE CO INC 3,062.53 GUARDIAN AIR 2,300.00 HOME DEPOT 2,154.65 HOPI TRIBE 21,420.00 KANUHO, LARIA 1,349.99 KATHLEEN M MCGUIRE PSY D LLC 2,210.00 LOEHRS AND ASSOCIATES LLC 1,537.13 MOUNTAIN COMFORT HEATING AND COOLING 4,545.61 NAVAJO TRIBAL UTILITY AUTHORITY 1,470.20 NAVOPACHE ELECTRIC COOPERATIVE 8,189.44 NORCHEM DRUG TESTING LABORATORY 1,511.05 PERFECT PRINTZ LLC 3,459.09 QUILL CORP 2,645.17 SAN DIEGO POLICE EQUIPMENT 2,059.40 SCHIFF, LAURENCE 1,200.00 SIERRA PROPANE 7,943.00 STALEY LAW FIRM PLLC 1,650.00 TYLER TECHNOLOGIES INC 11,060.00 UNIVERSAL FLEET CARD 2,668.93 VERIZON WIRELESS 1,182.91 WELLS FARGO BANK 1,068.82 WILLIAMS LAW GROUP PLLC 8,500.00 WOODLAND BUILDING CENTER 1,412.85 LOWE'S COMPANIES INC 2,523.51 US POSTMASTER 3,866.30

Personnel Items: D. Superior Court: Request authorization to remove Stephanie Fink from probationary status with the 2.5% end of probation increase, effective March 3, 2014. Motion passed 2-0 with Mr. Weller abstaining from the vote.

Mr. Weller stated that regarding Item C. Superior Court: Request approval of the appointment of Kay H. Wilkins and Michael P. Roca, as Superior Court Judges Pro Tem for the period beginning July 1, 2014 and ending June 30, 2015, he had questions and would like the item tabled until the next meeting since no one from the Superior Court was present. Mr. Weller stated that he would like to understand the process the Judge used in selecting these Pro Tems. **Mr. Weller stated that if there is not urgency in getting this done, he moved to table the item until he could get the answers. Mr. Weller's motion died for lack of a second. Mr. Shirley moved to approve the item, seconded by Mr. White. Vote passed 2-1 with Mr. Weller voting nay.**

David Romero, Chief Deputy Treasurer, presented item E, authorization to hire a temporary Accounting Specialist I at \$10.00 per hour for a period of 120 days. A discussion was held regarding the purpose of the action for the temporary employee. Mr. Romero stated that this request is due to him being promoted for the current temporary position to Chief Deputy and the need for the position. Mr. Shirley asked if there was funding for the position. Mr. Romeo stated there is \$11,000 in the budget from when the Chief Deputy position was vacant. Mr. White stated that the Treasurer needs to be spending more time in her office and asked Mr. Romeo to relay that to Ms. Begay. Mr. Weller also asked about the compliance with audit findings and wanted to know if the hiring of this temporary position would help find the time to answer the questions he had submitted to the treasurer and would like to see a compliance calendar to address the issues to the Board within the next couple months to see how the issues are going to be addressed. Mr. Romero stated he would take the Supervisor's requests to Treasurer Begay. **Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.**

Supervisor Barry Weller presented the item for discussion and possible action related to the Call to the Public on Board of Supervisors' Agendas. Mr. Weller read the following statement: I have requested this item to be placed on the Agenda due to the fact that the Call to the public disappeared from the Agenda at our last meeting and I believe the issue deserves an open discussion before the public. I also connect this issue with the previous removal of the Current Event Summaries section of our Board meetings and the periodic actions by this Board to disallow members of the Public to speak on agenda items. All of these issues, for me, speak to the same concerns I draw attention to the Legislative intent of Arizona's Open Meetings Law and to the 1st Amendment to the United States Constitution for consideration. With respect to intent - Clearly in ARS 38-431 Section 7.2.2 it states that the Intent of the Legislature is to have "The Open Meeting Law be construed to maximize public access to the governmental process." -- Furthermore with respect to ARS 38-431.09(A) In keeping with the expressed intent, any uncertainty under the Open Meeting law should be resolved in favor of Openness in Government" And - "Any question whether the Open Meeting Law (OML) applies to a certain public body likewise should be resolved in favor of applying the law" Albeit it is "legal" to not have a call to the public, I ask all to consider if it is morally or ethically sound in practice to remove a call to the public or even close to meeting the intent of how our government was established and has been operating for centuries now?

The OML clearly describes in Section 7.7.7 how calls to the public can and should be done and actually calls it "Best Practices".

The OML clearly describes in Section 7.7.8 a Current Events Summary to be allowed and how it should take place with, what certainly appears to be, further direction to help the Government and the people communicate issues and events openly. For comparison with other government entities and directions I offer the following: There are several statutes that actually require the allowance of public input which strongly suggests that the law believes that the public input is essential to proper Government activities. Our State legislators have an open call for input on every bill introduced in every hearing for said bills.

Our AZ. State departments such as DOT, ADEQ and Dept of Agriculture have open calls to the public at their board meetings to hear the public's input

Every Chapter meeting on the Navajo Nation, that I have attended, with Navajo Nation Delegates presiding and in attendance with the leadership of the Chapter, have provided extensive time clearly dedicated to the public for their input.

I have attended city council meetings around the State and Board meetings for Supervisors of at least 5 other Counties and all provide a call to the public and input from the public on agenda items.

I also want to bring forth the fact that there was State legislation focused to require a call to the public in the process of being considered about two years ago. At that time there were a few pleas to not make it mandatory from offending jurisdictions. Legislators inform me that Apache Counties periodic elimination of the Call to the public was one of the prime movers to have that legislation considered. I was additionally informed that entities, most notably causing the need to consider such legislation, agreed to keep a call on the agenda and better utilize limitations on speaking time etc. if the legislature would stop the bill. Of all the entities around the state with Fire Boards, School Boards, Town and City Councils – Why is it that Apache County BOS wishes to have the appearance of disenfranchisement of the citizens of Southern Apache County with an elimination of the Call to the public.

Most significantly, to this discussion, I bring forth the 1st Amendment to our United States Constitution:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or of the right of the people peaceably to assemble, and **to petition the Government for redress of grievances**. I submit, for your consideration, that this fundamental right was not ratified overwhelmingly throughout this great country without great discussion about opinions that may not agree with those in power, or without discussion about attacks on individuals in seats of power. I firmly believe, we as representatives of the people of our districts, should fight to preserve these freedoms knowing that attacks will come our way and that many times the public input may be uncomfortable for us to hear or even at times inaccurate or misleading. But, we should realize that it is crucial to the preservation of our own liberties that we allow our citizens to speak out and that that freedom is the very essence of our success as a country.

With that Mr. Chairman I make a motion to maintain a call to the Public on the Apache County Board of Supervisors Agenda at all bi-monthly Board meetings. Statement ended.

Mr. Weller stated that this also relates to the rules that were read at the beginning of the meeting and stated that he had not seen the rules proper to today's meeting and didn't know how the board could present such an item without some discussion before the Board. Mr. Weller also stated that the current event summery was removed from the agenda and the periodic actions by the Board to disallow members of the public to speak on agenda items also speak to his same concerns.

Mr. White responded by saying that the statement that was read by Mr. Wengert at the beginning of the meeting was done at his direction; that as chairman he believes that is his right. Mr. White stated that the public has the right to address the Board but when they start attacking the Board and making accusations, he has a problem with that.

Michael Whiting, County Attorney stated that the statute states a public body in Arizona is not required to hold a call to the public, it is up to the Board, or more specifically, the chairman, to determine if call to the public is appropriate and it can be put back on the agenda at any time; it is something that is up to the chairman to determine, so there is no legal requirement for call to the public in Arizona. Mr. Weller stated that he agrees it is up to the chairman to control the meeting and the Board should not be allowing disruptive behavior; his issue is whether we want the call to the public and the input on agenda items which he believes is as different issue than addressing people who are out of hand. Mr. Shirley stated that no one is saying the public should not have input; the public has input all the time, not only at meetings but he, as a member of the Board goes among people all the time. Mr. Shirley stated that there are ways to communicate with the Board such as phone calls, emails, and face to face so to say the public does not have access to County leadership, he disagrees. Mr. Shirley stated if someone wants to address fairness, how about moving the county seat up north, then some of the people in the north would have input, but while it is down south, he does not see the people in his district coming around. Mr. Shirley stated that he agrees with the statement that was read and the removal of the call to the public; that the Board has business to conduct and he tries to get all the information he can before the meeting to make his decisions and when he comes to the meeting, people come criticize the Board and staff. Mr. Shirley stated that he believes he is a man of integrity and he has served the public for 44 years he tries to meet the needs of the people, the county, and the state and he is doing everything he can to work with other elected officials and staff and then to come to meetings and hear them be criticized, and he appreciates the work they do and he will stick up for staff and elected officials. Mr. White echoed Mr. Shirley's comments and that he also attends meetings with community members at chapter houses and he has much access to the public and when people start saying negative things about the Board and staff, enough is enough. Mr. Weller stated that he agrees with Mr. Shirley and Mr. White; he does not controversy and he doesn't like staff being attacked, or issues that make him feel uncomfortable but that is part of the process at times because the public has a right to speak. Mr. Weller stated that the public should be respectful and orderly but this is their chance to speak to all the Board and not just a board member for their area. Mr. Weller stated that in regard to moving the county seat, he is the one that requested meetings be held up north periodically and was pushed back because staff said it was too costly. Mr. White stated that there have been meetings up north and his recollection was that it was the public who said it was too far for them to drive but as the chairman, he is going to ask that some be scheduled up north so constituents in Districts I and II can more easily attend. Mr. Weller again made the motion and asked the Board to take action and not punish the entire public for the actions of a few and again moved to maintain a call to the Public on the Apache County Board of Supervisors Agenda at all bi-monthly Board meetings. Chairman White called for a second. Hearing no second, Mr. Weller's motion died for the lack of a second.

Mr. Wengert presented the item for discussion and possible approval of a change to section 7.11 of the Human Resources Policy Manual related to submission of agenda items. Mr. Wengert provided an overview of the changes. **Mr. Shirley moved approval, seconded by Mr. Weller.**

7.1 BOARD OF SUPERVISORS POLICY - MEETING AGENDAS

7.11 Policy:

The County Board of Supervisors' meeting is the occasion upon which the Board of Supervisors conducts county business or authorizes others to conduct business with the County. It is the responsibility of the Board of Supervisors to see that meetings of the Board are conducted in a reasonable, and orderly manner. To that end, the Board of Supervisors has adopted ~~the following~~ procedures for establishing meeting agendas. Any member of the Board ~~or a member of the public~~ may place an item on the Board's agenda. ~~by following these procedures.~~

7.12 Delivery of Agenda Items to Clerk of Board:

Agenda items, complete with backup information, will be delivered to the Clerk of the Board/~~County Manager~~ at least seven ~~six~~ days prior to the scheduled Board meeting. Except for emergency items as determined by mutual agreement between the County manager and at least one member of the board, items that are received after that time will be held over until the next regular meeting of the Board, unless the proposed agenda item is approved by both the Clerk of the Board and the Chairman of the Board of Supervisors.

Agenda items may be submitted to the Clerk of the Board by any Elected Official or Department Head. All items presented must include an "Agenda Item Review Form" ~~Proposed Agenda Item form~~ ~~form~~ which can be obtained from the Clerk of the Board. All applicable directions/approvals on the ~~proposed agenda item form~~ Agenda Item Review Form must be completed or the item will not be placed on the agenda and will be returned to the submitting department.

7.13 Responsibilities of Clerk of Board/County Manager/Chairman of the Board:

The Clerk of the Board/~~County Manager~~ shall draft the Board's agenda. The Clerk of the Board/~~County Manager~~ shall also review each proposed agenda item and will contact any individuals necessary to clear up questions, etc. This can include the Chairman or other Board Members as well as Elected Officials or Department Heads. ~~The County Manager may include, if necessary, on each agenda item request form, his comments for the review of Board members.~~

~~The Clerk of the Board/County Manager shall also review the items for the agenda to determine if the item can be handled administratively. The Clerk of the Board/County Manager shall also review the items on the agenda to determine, prior to placement on the agenda, whether the matter needs administrative action or referral for legal or other review prior to the Board of Supervisors' considering the matter.~~ A copy of the agenda along with any comments by ~~of~~ the County Manager shall be delivered to the Chairman of the Board of Supervisors. The Chairman may After the Chairman's review, the Clerk of the Board will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting, with the intent to post at least 5 days prior to a regular meeting.

7.14 Responsibilities of Chairman:

The Chairman of the Board of Supervisors will review the proposed agenda and respond to the Clerk regarding the items that should appear on the agenda. The Chairman may change and/or remove any agenda item except those items submitted by another member of the Board of Supervisors. ~~If the Chairman determines that an item should not appear on the agenda, either of the other two Board members may inform the County administrator that the item should appear on the agenda. In that event, the item shall be added or included in a future agenda.~~

7.15 Finalization of Agenda:

~~After the Chairman's review, the Clerk will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting (mailing and placement on the Internet) three business days prior to the meeting. Board packets containing the final agenda and backup materials will be compiled for delivery to Board members.~~

7.16 Work Sessions:

~~Work sessions will be scheduled on Board days whenever possible, even if it means prolonging the session into the afternoon.~~

7.15 7.16 Open Meetings Law:

Agendas for Board meetings shall comply with the requirements of the Arizona Open Meeting Law at A.R.S. § 38-431 et al. All reasonable and practicable notice be given of Board meetings, and in no event, except an actual emergency, shall a Board meeting be held with less than 24 hours' notice, and unless a copy of the Board's agenda has been available for at least 24 hours preceding the meeting. All notices of meetings of the Board shall be posted, along with a copy of the agenda, or alternatively, with information as to how a copy of the agenda may be obtained by members of the public.

Vote was unanimous to approve the policy change.

Malena Bazarro requested approval of Contract #ADEQ14-064788 between Arizona Department of Environmental Quality and Apache County. Ms. Bazarro stated that is a Brownfields grant award to be administered by the County for Asbestos Survey at the South Fork Cabin Site. Ms. Bazarro stated this has been an ongoing project for the past year and they did some wild land fire training at the site and removed some debris at no cost to the county and the Brownfield is to do the asbestos survey to the cabins so they can ultimately be removed without any risk of contamination to the water there. Ms. Bazarro stated that the forest service supervisor told her that if the cabin site was remedied, the camp ground could be reopened. Mr. Weller asked if there was a cost to the county. Ms. Bazarro stated no. Mr. Weller asked if the Health District was involved with the project and if we are good to move forward. Ms. Bazarro stated yes, that she

was working through the Dilapidated Buildings Ordinance the County that is enforced by the Health District and Health Director Chris Sexton has been helping with the process. **Mr. Weller stated this was a great benefit to the area and moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Grants Manager, Malena Bazarro, requested approval of Agreement #WFHF 13S-353 between Arizona State Forestry and Apache County for continued hazardous fuels treatment in Alpine, Nutrioso, and Eagar, in the amount of \$174,000. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Commander Cirivello, on behalf of the Sheriff's Office, requested approval to accept a Memorandum of Understandings – Department of Public Safety Contract #2013-202 regarding fiscal year 2014 subaccount funding. A discussion was held between Mr. Weller and Commander Cirivello regarding the grant reporting requirement **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested approval to ratify work done by D&H Petroleum at the Chinle Road Yard for a fuel leak and requested approval to use D&H Petroleum for services at same location to continue mitigation of the fuel leak. Mr. Wengert stated D&H drilled around the spill site to determine the extent of spill and will come back with a mitigation plan and have submitted invoices for \$32,688 for work that has been done and is anticipating another \$11,840 in further work before they get the leakage information they need to put together the mitigation plan. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested approval of Three Forks Road Project Agreement between Apache Sitgreaves National Forest and the Federal Highway Administration Central Federal Lands Highway Division and Apache County to ensure roadway maintenance. Mr. Wengert stated that this is a project to pave Forest Road 249 from Big Lake to Alpine. Mr. Wengert stated that this is a 17 mile stretch and will use federal money at a cost of 17 million dollars and this agreement makes it possible to be part of the process to be at the table to work with all the entities to get this project done and the future road maintenance cost will be shared with the forest service but that will be a separate agreement. **Mr. Weller moved approval seconded by Mr. Shirley.** Mr. Weller commended Mr. Crosby and the Engineering Department for their diligence in moving this project forward and it will be a benefit to southern Apache County and the tourist industry. Vote was unanimous.

Mr. Wengert, on behalf of the Engineering Department, requested authorization to enter into a Professional Service Contract with Jim Thornhill at the rate of \$40.00 per hour. Mr. Wengert stated that Mr. Thornhill will be providing services related to land surveying and related services up to and including drafting, research, etc. A discussion was held regarding the time frame of the contract and Dale Hauser with the Engineering Department stated that this is a short term project lasting a few weeks and then on occasion here and there. **Mr. Weller moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Wengert provided notification that the Small Counties Forum will be held on February 19,

2014 at the County Supervisors Association (CSA) building, 1905 W. Washington Street in Phoenix at 5:30 p.m. and the County Supervisors Association (CSA) meeting on February 20, 2014 at 10:00 a.m. at the CSA building, 1905 W. Washington Street and the Northern Arizona Council of Governments (NACOG) Regional Council meeting on February 27, 2014 at 9:00 a.m. located at the High Country Conference Center, 201 W. Butler Avenue in Flagstaff where two or more members of the Board of Supervisors may be in attendance. No action was needed or taken.

Mr. Wengert presented the item following a possible executive session pursuant to A.R.S. 38-431 for legal advice, discussion and possible approval of the appointment of Collin Dewitt as an administrator pursuant to A.R.S. 48-803, at a salary not to exceed \$1,600 per month, to assume the duties of the governing board of the Nutrioso Fire District as outlined in A.R.S. 48-805, subsequent to the resignation of the majority of the governing board. **Mr. Weller moved approval , seconded by Mr. Shirley.** Vote was unanimous.

County Attorney Whiting presented the item following a possible executive session pursuant to A.R.S. 38.431 for legal advice, discussion and possible approval of the appointment of the Arizona Attorney General's Office, and assistant A.G. Kenneth Love, to represent Apache County in Case No. TX2014-000121 involving a valuation dispute between Transwestern Pipeline Company and Apache County along with co-defendants, the Arizona Department of Revenue and several other counties in regards to certain centrally valued property. This is the most recent tax year's lawsuit, the Attorney General already represents the County in cases for several other tax years between the same parties. **Mr. Shirley moved approval, seconded by Mr. Weller.** Vote was unanimous.

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

Approved this 6th day of March, 2014.

Tom M. White, Jr.

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 Manager: _____

Date/Signature: _____

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

Request approval of the 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 _____

BOARD OF SUPERVISOR'S AGENDA ITEM REVIEW FORM

date/time stamp

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

Clerk of Board

Date/Signature:

2/24/14

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

*Req approval of recommendation for lig license
Extension of premises for Lisa Malcolm*

BOS Meeting Date Requested

3/6/14

PRE-AGENDA ITEM REVIEW

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

Legal Review:

Signature:

[Handwritten Signature]

Finance Review:

Signature:

Purchasing Review:

Signature:

Human Resources Review:

Signature:

Other Review:

Signature:

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials

BOARD ACTION TAKEN

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

Signature Clerk of Board

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Date payment received _____
CSR Initials _____

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

Permanent change of area of service. A non-refundable \$50 fee will apply. Specific purpose for change: EXPANSION OF BUSINESS
Temporary change for date(s) of: / / through / / List specific purpose for change:

- 1. Licensee's Name: MALCOLM LISA MARIE
2. Mailing Address: PO BOX 105 ALPINE, AZ. 85920
3. Business Name: FOXFIRE AT ALPINE LICENSE #: 12013024
4. Business Address: 421st HIGHWAY 190 ALPINE APACHE AZ. 85920
5. Business Phone: (929) 339 4344 Residence Phone: (929) 215 0169
6. Do you understand Arizona Liquor Laws and Regulations? YES NO Email: lisamarie.malcolm@gmail.com
7. Have you received approved Liquor Law Training? NO YES If so, when does your Certificate expire? 10/13/17
8. What security precautions will be taken to prevent liquor violations in the extended area?
9. Does this extension bring your premises within 300 feet of a church or school? YES NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: see attachment
Investigation Recommendation Approval Disapproval by: Date: / /

After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.
This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:
(Authorized Signature) (Title) (Agency)

I, _____, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

X _____ SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date
(Signature of Owner or Agent) Day Month Year

My commission expires on: / /
(Signature of NOTARY PUBLIC)

Investigation Recommendation Approval Disapproval by: Date: / /

Director Signature required for Disapprovals Date: / /

Barrier Exemption

The previously approved exemption in 2013 had our exterior patio 12 X 24 feet approximately 27 feet from the restaurant building. The new structure has the exterior patio 24 X 48 feet and 15'6" from the restaurant building. The new pavilion will extend 24 X 24 on the back north side of the pad putting alcohol service farther from the street and closer to the existing fenced in areas. The posted "No alcohol beyond this point" signage is still in place.

As this is a site built pavilion it provides more security than our previous canvas covered tent-type building which was used last year from May until October with no violations or security issues.

Lisa Malcolm
Owner
Foxfire at Alpine

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

CERTIFICATE OF TITLE 4 TRAINING COMPLETION

Do Not Duplicate This Form

Certificates must be completed by a state-approved training course provider, in black ink, on an original form.

Lisa Malcolm

Full Name (please print)

Signature

10/13/2012

Training Completion Date

Type of Training Completed (check Yes or No)

<input type="checkbox"/> Yes	<input type="checkbox"/> No	BASIC	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	ON SALE
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	MANAGEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> No	OFF SALE
<input type="checkbox"/> Yes	<input type="checkbox"/> No	BOTH	<input type="checkbox"/> Yes	<input type="checkbox"/> No	OTHER

Certificate Expiration Date

(MANAGEMENT - 5 years from completion date)
(BASIC - 3 years from completion date)

If Trainee Is Employed By A Licensee

Name of Licensee

Business Name

Liquor License #

Alcohol Training Program Provider Information

360training.com, Inc.

Company or Individual Name (please print)

13801 Burnet Rd. Suite 100

Address

Austin

TX

78727

(888) 360 - TRNG (8764)

City

State

Zip

Daytime Contact Phone #

I certify the above named individual has successfully completed the training specified above in accordance with Arizona Revised Statute, Arizona Administrative Code, and the training course curriculum approved by the Department of Liquor Licenses and Control:

Clyde Seepersad

Name of Trainer (please print)

Clyde Seepersad
Trainer Signature

10/13/2012

Date

Pursuant to A.R.S. § 4-112(G)(2), mandatory Title 4 liquor law training is required prior to the issuance of all new liquor license applications submitted after November 1, 1997.

The persons(s) required to attend both the BASIC and MANAGEMENT Title 4 liquor law training, on- or off-sale, will include all of the following:

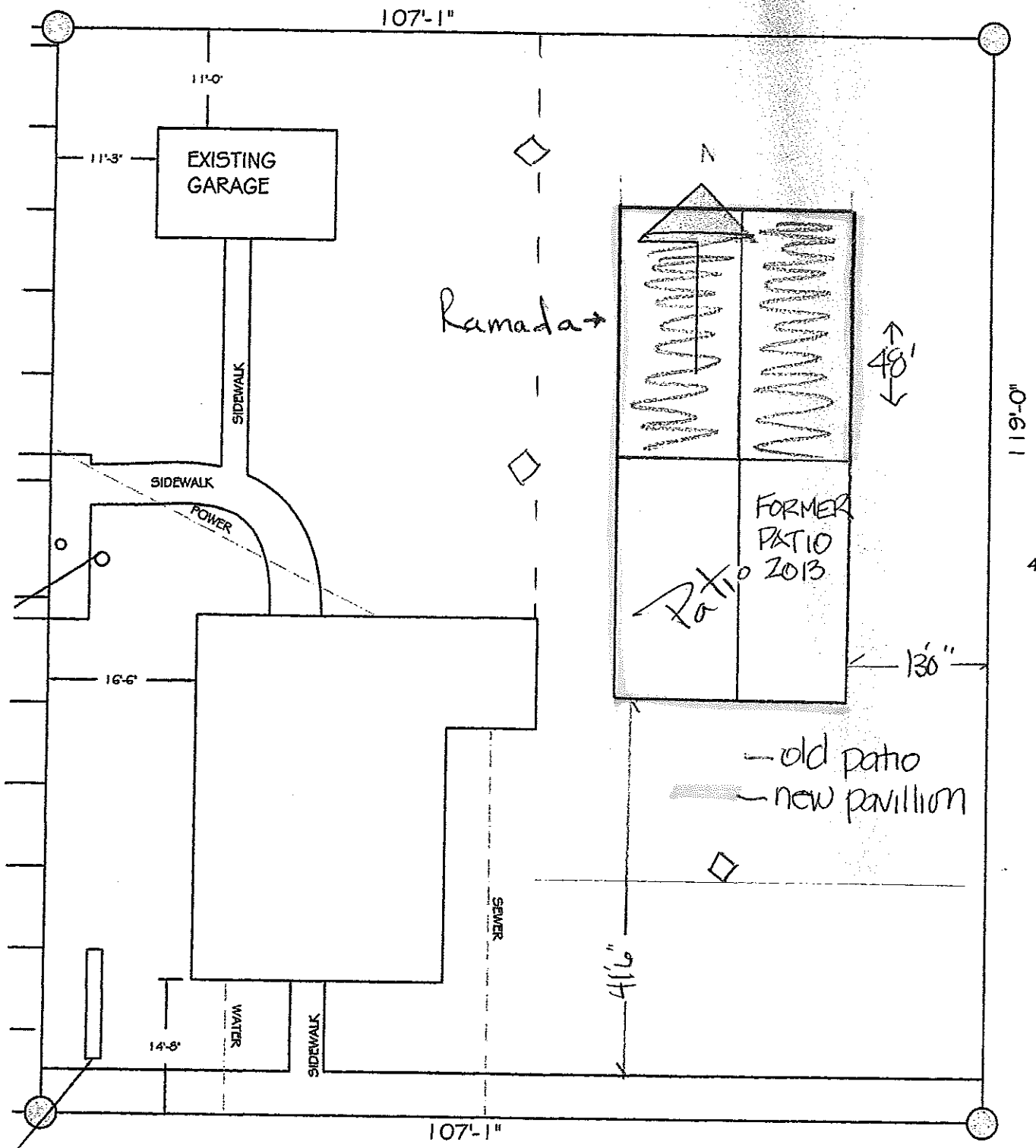
Owner(s)

Licensee/agent or manager(s) actively involved in daily business operation

A valid (not expired) Certificate of Title 4 Training Completion must be submitted to the Department of Liquor Licenses and Control before a liquor license application is considered complete.

Before acceptance of a manager's questionnaire and/or agent change for an existing liquor license, proof of attendance for the BASIC and MANAGEMENT Title 4 liquor law training (on- or off-sale) is required.

PLOT PLAN



Ramada →

Ratio 2013

old patio
new pavillion

◇ - No Liquor Beyond This Point

HWY 180 (MAIN ST)



2 BUCKS
WATER HEATER
REPAIRS
ELECTRICAL



BOARD OF SUPERVISORS' AGENDA ITEM REVIEW FORM

Submitter's Name: District II

Date: 03/06/14

Signature: Verbal per Supervisor White

(tt)

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

Request approval to hire a temporary Part-time 20 hr per week Administrative Assistant II for a period of 90 days at \$11.59 per hr.

Date & Time Needed:

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

Legal Review: _____

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

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

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

Apache County Engineering

Date/Signature: 2/29/14

James Herrin

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

Request authorization to remove Dave Swientanski from probation status effective Feb. 1, 2014 with the 2.5% end of probation increase.

BOS Meeting Date Requested 3/6/14

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)

Apache County Superintendent of Schools

Date/Signature: 2/20/14

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

Request authorization to use donation money from UniSource Energy Corporation (TEP) in the amount of \$300.00 for our annual Teacher Of The Year event.

BOS Meeting Date Requested March 6, 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

Dave Giddings

From: sfoltz@tep.com
Sent: Tuesday, February 11, 2014 10:05 PM
To: Dave Giddings
Subject: Grant Request Approved

02/11/2014

Dear David,

Congratulations! Your recent request to UniSource Energy Corporation (UNS) for the 2013-14 Teacher of the Year Program has been approved in the valued amount of \$300.00. Your grant award will be issued within the next month and sent to your organization at the address on file. If you need a corporate logo or other information for program materials, please email me the details soon. Your organization's efforts exemplify the partnership UNS seeks to increase community wellbeing. We look forward to working with you.

Best Regards,

Sharon Foltz, Manager Community Relations UniSource Energy Corporation sfoltz@tep.com

CG/JMAIL/39355943

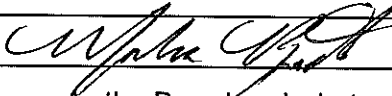
Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

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

Malena Bazurto, Grants Manager

Date/Signature: 2/20/14



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

Discussion and approval of the Crew Use Agreement between Arizona State Forestry and Apache County for crew to work under grant agreement WFHF-13S-353 for Right of Way thinning and private property treatments as necessary and within the terms of the grant scope of work

BOS Meeting Date Requested 3/4/2014

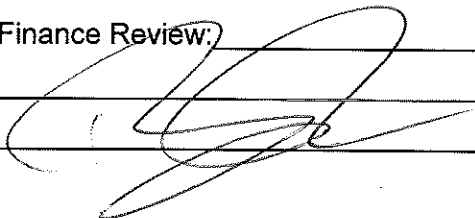
PRE-AGENDA ITEM REVIEW

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

Legal Review: Please see attached email.

Signature:

Finance Review:



Signature:

Human Resources Review:

Signature:

Other Review:

Signature:

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials

Malena Bazurto

From: Michael B. Whiting <MWhiting@apachelaw.net>
Sent: Thursday, February 20, 2014 7:22 PM
To: Malena Bazurto; Joe Young; Ryan Patterson
Subject: RE: Apache CO 3_4_14 Crew Use.doc

Malena,

This contact complies with legal standards and is binding on the parties. Please use this email as an electronic signature that the ACAO approves the contract as to form.

Michael B. Whiting
Apache County Attorney
mwhiting@apachelaw.net

*

Please be aware that this email and any response may be subject to a public records request!
The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (928-337-7560), and delete the original message.

From: Malena Bazurto [<mailto:mjaramillo@co.apache.az.us>]
Sent: Thursday, February 20, 2014 8:20 AM
To: Joe Young; Michael B. Whiting; Ryan Patterson
Subject: Apache CO 3_4_14 Crew Use.doc

Good Morning,

Can you please review the attached agreement. I will be out of town for agenda review and would like to get this taken care of by next Monday. Agreement WFHF 13S-353 was approved by the Board on Tuesday.

Thank you!

Malena

Malena Bazarto

From: Ryan Patterson
Sent: Thursday, February 20, 2014 10:04 AM
To: Malena Bazarto
Subject: RE: Apache CO 3_4_14 Crew Use.doc

Good.

Sent from my Verizon Wireless 4G LTE smartphone

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

From: Malena Bazarto
Date: 02/20/2014 8:20 AM (GMT-07:00)
To: jyoung@apachelaw.net, Michael Whiting, Ryan Patterson
Subject: Apache CO 3_4_14 Crew Use.doc

Good Morning,

Can you please review the attached agreement. I will be out of town for agenda review and would like to get this taken care of by next Monday. Agreement WFHF 13S-353 was approved by the Board on Tuesday.

Thank you!

Malena

Janice K. Brewer
Governor

Scott Hunt
State Forester

Arizona State Forestry Division

Flagstaff District Office

3650 Lake Mary Road
Flagstaff, AZ 86005
(928) 774-1425



Crew Use Agreement

Apache County

This Agreement is entered into this 4th day of March, 2014 between Apache County, Arizona herein called the "Party or customer" and Arizona State Forestry Division, 1110 West Washington, Suite 100, Phoenix, Arizona 85007, herein called the "ASFD".

This Agreement shall be completed under the terms and conditions specified under Apache County Grant # WFHF 13F-353.

The estimated daily crew rate is \$1,467.24 and \$1,050.00 per acre.

The estimated total project budget is unspecified (this is not to be construed as a restriction on or guarantee to spend this amount should additional funding or lack of funding occur.

This agreement expires on the 31 day of December, 2014. (Agreement extensions can be negotiated given timely notification)

Scope of Agreement:

- ASFD will:
 - Provide a State Forestry Crew staffed by inmates, herein called the "Crew"
 - Provide a State Forestry Crew Coordinator, herein after called the "Crew Coordinator"
 - Provide Crew vehicles
 - Provide equipment to accomplish the agreed tasks. Any specialty equipment required by the customer may need to be provided by the customer.
- The Crew is to perform the following tasks:
 - Thin (cut) designated trees and remove the residual slash (limbs, boles < 3" in diameter. Merchantable boles > 3" diameter, status will be determined at start of project.
 - Thinning will be on designated on Right-of-Way agreements on private properties as needed. Properties in Apache County at Nutrioso (Auger Canyon) and Eagar East, Arizona.
 - Daily accomplishment would average one and one-half acre per 20-man crew.
 - If requested, cutting and pilling residual slash will be accomplished using guidelines that would assure success in burning at a later date.
- Project costs that will be billed to the Customer include:
 - State Forestry Crew and Crew vehicles
 - State Forestry Crew Coordinator
 - State Forestry equipment

- Miscellaneous and/or specialized equipment needed to accomplish the project as described in scope of agreement or used upon request of the customer. Use of this equipment, the associated costs, and expectations will be included in this agreement and listed on the Project Work Summary
- Additional cost can be incurred if the Crew is required by the customer to work outside of the regular daily or weekly work schedules; these costs can include Department of Corrections (DOC) Officer overtime
- Due to the nature of the Crew (inmates), there are possible unplanned work delays or stoppages in which the customer will be notified as soon as possible.
- The State Forestry Crew may need to respond to a wildfire in the event they are needed the customer will be notified as soon as possible

Responsibilities

State Forestry responsibilities include:

- Provide the Crew to accomplish the project described in the Scope of Agreement
- Provide all standard tools and personal protective equipment (i.e. chainsaws, , gloves, hardhats, etc...) to accomplish the project described in the Scope of Agreement in a safe and efficient manner
- Provide transportation for the Crew to and from the project site
- Ensure that a Crew Coordinator oversees the work being accomplished and that he/she communicates on a regular basis with the customer concerning the work and or any issues that may arise from the project

Customer' responsibilities include:

- Ensure communication on a regular basis with the Crew Coordinator concerning the project
- Ensure that the project is well marked and the property boundaries are accurately defined
- If not the landowner, ensure access is authorized by the private property owners, if applicable describe the property in scope of agreement and show it on the included map
- Provides any specialized materials, tools or personal protective equipment beyond the standard equipment provided by the Crew; unless stipulated in the Scope of Agreement
- Provide a Grant number or any related Grant information if applicable.

Location and/or map

Nutrioso, Arizona. Site coordinates; 12N 0664391E 3756631N.

Eagar, Arizona. Site coordinates; 12N 0653511E 3774462N.

Reporting/Recording Requirements:

The Crew Coordinator will complete a work summary at least every two weeks while working on this project. The work summary will be reviewed by ASFD and used to create an invoice for payment to the customer. The work summary is available to the customer by request. The work summary includes current rates charged for the crew hours, vehicles, equipment, crew coordinator, , etc.

In certain circumstances, more than one ASFD project number may be assigned to one

agreement. Work completed will be delineated by location and project number on the Work Summary completed by the Crew Coordinator.

Pre-work Consultations:

After the agreement is authorized by both ASFD and the customer, but before work shall begin, the Crew Coordinator shall meet with the customer to discuss the specific terms, conditions, specifications, and expectations of the agreement. The Crew Coordinator may request any other pertinent information from the customer; such as surveys and or boundary markers.

Payment:

The customer is responsible for 100% of the accrued cost that will be invoiced after any work has been completed. The customer may be sent an invoice for payment monthly or at the end of the project.

Billing Address:

Apache CO Annex, 75 West Cleveland St. P.O. Box 428, St Johns AZ 85936.

Audit of Records:

Pursuant to A.R.S. §35-214 and 35-215, the Party or Parties shall retain all data and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Party or Customer shall produce the original of any or all such records.

Cancellation for Conflict of Interest:

Pursuant to A.R.S. §38-511, the State, its political subdivisions or any department or agency of either may, within three years after its execution, cancel any Agreement, without penalty or further obligation, made by the State, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the State, its political subdivisions or any of the departments or agencies either is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. A cancellation made pursuant to this provision shall be affective when the Party or Parties receive written notice of the cancellation unless the notice specifies a later time.

Non-Discrimination:

The Party or Parties shall comply with Executive Order 99-4, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The State Forester shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

Applicable Law:

This Agreement shall be governed and interpreted by the law of the State of Arizona, and administrative rules promulgated there under.

Arbitration:

The Party or Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.

Amendment:

This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the Party or Parties or the Contactor hereto.

Termination:

Should either Party decide to cancel this Crew Use Agreement, they must do in writing and give a minimum of thirty (30) day notice. All Parties will be responsible for any work completed up to the cancellation date

Signature

Reserved for ASF Representative	Reserved for Customer Representative
Signature _____ Date _____ Kevin Boness District Forester Typed Name and Title	Signature _____ Date _____ Delwin Wengert County Manager Typed Name and Title
Arizona State Forestry Division Entity Name	Apache County Entity Name
3650 Lake Mary Road Address	Apache CO Annex, 75 West Cleveland St. P.O. Box 428, Address
Flagstaff, Arizona 86005 City, State Zip	St. Johns, AZ 85936 City, State Zip

ASFD Fiscal Staff Only:	Acknowledgement sent: <input type="checkbox"/>	
Project #: _____	PCA: _____	Grant #: _____

BOARD OF SUPERVISOR'S AGENDA ITEM REVIEW FORM

date/time stamp

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

ENGINEERING

Date/Signature: 2/24/14

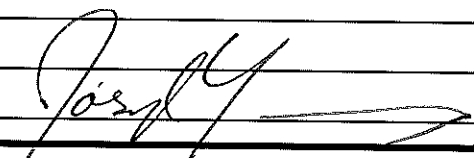
Describe in detail what you want to say to the Board and what action you want the Board to take:

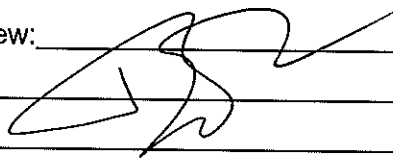
PERMISSION TO HAVE D&H PETROLEUM PROVIDE A CORRECTIVE ACTION PLAN FOR NAVAJO NATION EPA FOR A COST OF \$3,200.00. ALSO, TO APPROVE D&H PETROLEUM'S SERVICES FOR THE REMEDIATION OF THE FUEL SPILL SITE AT CHINLE ROAD YARD.

PRE-AGENDA ITEM REVIEW

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

Legal Review: _____

Signature: 

Finance Review: 

Signature: _____

Purchasing Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

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

BOARD ACTION TAKEN

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

Signature Clerk of Board _____



Petroleum & Environmental Services

February 21, 2014

Mr. Justin Lee
Apache County
P.O. Box 428
St. Johns, AZ 85936

Re: Corrective Action Plan Proposal at Apache County Road Yard in Chinle, AZ

Dear Mr. Lee,

Thank you for considering D&H for your environmental project. We are pleased to provide this proposal for a Corrective Action Plan (CAP) for the referenced property. The CAP will consist of preparing a scope of work in response to the Navajo EPA on the following items:

- Decommission of the AST system;
- Dig and haul contaminated soil from the AST footprint to depths of 15ft;
- Installation of two monitor wells at SB-1 and SB-8, and
- Quarterly groundwater monitoring.

Our fee for providing this professional service proposal will be **Three Thousand Two Hundred Dollars (\$3,200.00), not including applicable taxes.**

Again thank you for the opportunity to bid your project. We can begin immediately upon receiving the notice to proceed. If you have any questions with this quote, please give me a call at (915) 859-8150 ex. 133, otherwise please sign below and return as a notice to proceed.



El Paso
1221 Tower Trail
P.O. Box 17969
El Paso, Texas 79917
Phone (915) 859-8150
Fax: (915) 859-7229

Albuquerque
4400 Anaheim
P.O. Box 92407
Albuquerque, NM 87113
Phone (505) 342-2024
Fax (505) 342-2109

Amarillo
2401 Ridgemere Blvd.
Amarillo, TX 799107
Phone (806) 373-4251
Fax: (806) 373-4252

Farmington
907 South Hutton
Farmington
New Mexico, 87401
Phone (505) 325-7400
Fax: (505) 325-2309

Midland/Odessa
4318 South County Road 1290
Odessa, TX 79765
Phone (432) 563-1132
Fax (432) 563-1134

Lubbock
2307 Clovis Rd
Lubbock, TX 79415
Phone (806) 762-2428
Fax: (806) 762-2426

Licensed in: Texas-CRP00091, New Mexico-010673, Arizona-108354

Web Site: www.dh-enviro.com

Notice To Proceed


Corrective Action Plan at
Apache County Yard
Chinle, AZ

CUSTOMER ACCEPTANCE:

Customer Signature

Date

RESPECTFULLY SUBMITTED:



By: Andrea Silva

Geologist
Title

02/21/2014
Date

February 17, 2014
 Apache County
 Chinle, AZ
 ATTN: Justin Lee

D&H Pump Service, Inc.
dba D&H Petroleum and
Environmental Services

OVERSIGHT EXCAVATED SOILS

We thank you for the opportunity to submit this proposal and look forward to working with you on this project. The Work and estimated cost is based upon our conversation and interpretation of the Scope of Work for the project. The estimated cost does not include any applicable taxes.

1. Notify Navajo EPA prior to conducting oversight of excavated soils from the former AST area. Apache County will contact appropriate utility companies prior to any underground excavation to locate all utilities. Minor field adjustments may be required in order to avoid wrongly marked or unidentified buried utility lines or product lines. D&H will provide a written summary workplan for Navajo EPA consent and approval prior to performing remedial excavation activities.
2. Provide labor and equipment to oversee an excavated area not to exceed 15ft deep by 23ft wide by 18ft long. The area encompasses the source of contaminated soils from the release of the ASTs. D&H will also provide a level of assistance in coordinating work in order for the project to move forward and succeed without delays.
3. Apache County will provide labor and equipment to perform the excavation activities and provide trucking of contaminated soils to Apache County's landfill in St. Johns, AZ. Apache County will provide clean backfill to be returned to the excavated pit. Apache County will coordinate and obtain approval for the contaminated soils to be accepted by the landfill.
4. D&H will prepare and provide manifests of the contaminated soils assuming the waste is non-hazardous. Apache County will sign as the generator of the waste. D&H will also provide confirmation samples of up to two soil samples to confirm the levels of contaminated soils left in the excavated area. The soil samples will be analyzed for BTEX/MTBE by EPA Method 8260 and TPH DRO/GRO by EPA Method 8015. SOIL samples will be submitted in a turn-around time of 48 hours.
5. Upon completion of all site activities and receipt of all signed manifests, D&H will provide a written summary of the site activities for submittal to the Navajo EPA. D&H will submit the report upon receiving approval from Apache County and review of the report.

FIELD WORK INCLUDING CONFIRMATION SAMPLING	\$	2,465.00
EQUIPMENT AND MATERIALS	\$	250.00
TRAVEL AND PER DIEM	\$	1,097.00
LABORATORY ANALYSIS	\$	490.00
ESTIMATED PROJECT SUBTOTAL:	\$	4,302.00
ESTIMATED TAX: 0.0000%	\$	-
PROJECT TOTAL:	\$	4,302.00

The proposed Scope of Work and Pricing are based upon and subject to the included Terms & Conditions. Please review prior to signing this proposal. By signing where indicated, the customer (BUYER) accepts and agrees to the Scope of Work, Pricing, Payment Expectations and Terms & Conditions. All proposals that exceed \$50,000.00 (pre-tax) will require customer acceptance of and signature on a separate "Project Contract". All applicable Sales and Gross Receipts Tax will be applied unless current and valid Tax Exemption or Re-Sale Certificate is provided prior to invoicing. Installment Payments will be invoiced upon equipment receipt in our warehouse and/or as work progresses until job completion. All payments are due immediately upon customer receipt of invoice in lieu of approved credit terms for customer.

BUYER: Apache County

SELLER: D&H Petroleum & Environmental Services

 Printed Name

 Signature

 Title Date

 Email Address

Rosalio Guillen

 Printed Name

 Signature

Project Manager

 Title Date

rguillen@dh-enviro.com

 Email Address

ALBUQUERQUE
 4400 Anaheim Ave NE
 Albuquerque, NM 87113
 505-342-2024

AMARILLO
 2401 Ridgemere Blvd
 Amarillo, TX 79107
 806-373-4251

DALLAS/FT. WORTH
 721 N. Great SW Parkway
 Arlington, TX 76011
 817-530-1917

EL PASO
 1221 Tower Trail Lane
 El Paso, TX 79907
 915-859-8150

FARMINGTON
 907 Hutton
 Farmington, NM 87401
 505-325-7400

LUBBOCK
 2307 Clovis Road
 Lubbock, TX 79415
 806-762-2424

MIDLAND/ODESSA
 4319 S. County Rd 1290
 Odessa, TX 79765
 432-523-1132

SAN ANTONIO/AUSTIN
 17300 Bell North Drive
 Schertz, TX 78154
 210-651-3482

February 17, 2014
 Apache County
 Chinle, AZ
 ATTN: Justin Lee

D&H Pump Service, Inc.
dba D&H Petroleum and
Environmental Services

Four Quarters of Groundwater Monitoring

We thank you for the opportunity to submit this proposal and look forward to working with you on this project. The Work and estimated cost is based upon our conversation and Interpretation of the Scope of Work for the project. The estimated cost does not include any applicable taxes.

1. Notify Navajo EPA and Apache County prior to conducting each groundwater sampling event on three monitor wells at the Apache County Chinle Yard.
2. Provide labor and equipment to conduct quarterly groundwater sampling as required by the Navajo EPA. D&H proposes to perform four quarterly groundwater sampling events to be spread out over a twelve (12) month period. Quarterly groundwater monitoring activities will be conducted to determine if the groundwater plume is expanding, remaining stable, or showing declining trends.
3. During each groundwater monitoring event three (3) monitor wells are proposed to be sampled using the three well volume method. Each well will be gauged, properly purged with disposable bailers, and sampled for BTEX/MTBE by EPA Method 8260B and TPH GRO/DRO Method 8015.
4. No filtering of the samples will be performed. Each vial/container will be pre-treated by the laboratory to ensure representative values are obtained. After collection, all samples will be immediately placed on ice in an insulated cooler while in transport. Each vial/container will be sealed to maintain the integrity of the sample and chain-of-custody forms will be used to transfer custody. Samples will be submitted to a certified laboratory within 48 hours of collection.
5. All D&H employees will follow EPA sampling procedures while collecting the samples to ensure that no cross-contamination occurs. D&H personnel will maintain and follow an on-site health and safety plan for the groundwater sampling events.
6. Purged water will be discharged onto paved ground at the subject property. If purged water contains the presence of NAPL, it will be containerized in drums for proper disposal.
7. At the end of each sampling event a quarterly report will be generated and submitted to Apache County for comments and approval. Upon approval by the client the quarterly groundwater report will be submitted to the Navajo EPA.
8. All work will be completed in accordance with the rules and regulations as set forth by Local Authorities Having Jurisdiction as well as the Environmental Protection Agency, and the individual equipment manufacturer specifications.

QUARTERLY REPORTS (4)	\$	3,200.00
LABORATORY ANALYSIS 4 EVENTS	\$	3,600.00
EQUIPMENT AND MATERIALS	\$	1,592.00
TRAVEL AND PER DIEM	\$	4,387.00
GROUNDWATER SAMPLING 4 EVENTS	\$	5,820.00
PROJECT SUBTOTAL:	\$	18,599.00
ESTIMATED TAX:	0.0000%	\$
PROJECT TOTAL:	\$	18,599.00

The proposed Scope of Work and Pricing are based upon and subject to the included Terms & Conditions. Please review prior to signing this proposal. By signing where indicated, the customer (BUYER) accepts and agrees to the Scope of Work, Pricing, Payment Expectations and Terms & Conditions. All proposals that exceed \$50,000.00 (pre-tax) will require customer acceptance of and signature on a separate "Project Contract". All applicable Sales and Gross Receipts Tax will be applied unless current and valid Tax Exemption or Re-Sale Certificate is provided prior to invoicing. Installment Payments will be invoiced upon equipment receipt in our warehouse and/or as work progresses until job completion. All payments are due immediately upon customer receipt of invoice in lieu of approved credit terms for customer.

BUYER: Apache County

SELLER: D&H Petroleum & Environmental Services

Printed Name _____

Rosalio Guillen
 Printed Name _____

Signature _____

Signature _____

Title _____ Date _____

Project Manager
 Title _____ Date _____

Email Address _____

rguillen@dh-enviro.com
 Email Address _____

ALBUQUERQUE
 4400 Anaheim Ave NE
 Albuquerque, NM 87113
 505-342-2024

AMARILLO
 2401 Ridgeners Blvd
 Amarillo, TX 79107
 806-373-4251

DALLAS/FT. WORTH
 721 N. Great SW Parkway
 Arlington, TX 76011
 817-530-1917

EL PASO
 1221 Towne Trail Lane
 El Paso, TX 79907
 915-859-8150

FARMINGTON
 907 Hutton
 Farmington, NH 07401
 505-325-7400

LUBBOCK
 2307 Cloyle Road
 Lubbock, TX 79415
 806-762-2428

MIDLAND/ODESSA
 4319 S. County Rd 1290
 Odessa, TX 79765
 432-523-1132

SAN ANTONIO/AUSTIN
 17300 Bell North Drive
 Schertz, TX 78154
 210-451-3882

February 17, 2014
 Apache County
 Chinle, AZ
 ATTN: Justin Lee

D&H Pump Service, Inc.
 dba D&H Petroleum and
 Environmental Services

Additional Installation of Two Monitor Wells

We thank you for the opportunity to submit this proposal and look forward to working with you on this project. The Work and estimated cost is based upon our conversation and Interpretation of the Scope of Work for the project. The estimated cost does not include any applicable taxes.

1. Notify Navajo EPA and Apache County prior to conducting drilling activities at the Apache County Chinle Yard. Appropriate agencies will be contacted prior to any underground excavation to locate all utilities. Minor field adjustments may be required in order to avoid wrongly marked or unidentified buried utility lines or product lines.
2. Provide labor and equipment to advance up to two (2) soil borings at the facility as required by the Navajo EPA. The soil borings will be converted into 2-inch monitor wells. The soil borings will be located where SB-1 and SB-8 were drilled in the first site assessment.
3. D&H will advance the two borings to a depth of 65ft below ground surface using a mobile drill rig. The proposed depth shall provide at least 10ft of open screened interval for well development and groundwater sampling.
4. All monitor wells will be completed with 2" diameter PVC casing. The wells will be screened with an appropriate length not to exceed 10 ft using Sch 40 PVC with an opening of 0.010-0.020 screen slots. Standard 2" diameter Sch 40 PVC casing will be placed above the screen to the surface. The monitor wells will be installed in accordance with industry practice and EPA protocols.
5. Silica sand of 10/20 will be used as sand pack surrounding the screen from total depth to at least two (2) feet above the top of the screen. A minimum of two (2) feet of bentonite chips/hole plug will be placed above the sand to act as a seal against vertical fluid migration. Concrete slurry will be placed above the seal to the surface. A lockable cap will be placed on the monitor well and a flush-mount bolt down man-way will be placed around the well casing.
6. All investigated derived wastes shall be placed in 55-gallon drums for future disposal. Cost of disposal is not included in the estimated cost.
7. After installation of the monitor wells, well development will take place using EPA and industry guidelines and practices. Acceptable well development methods include but not limited to, hand balling, the use of a pump, or the airlift method at low pressures. Regardless of the development method, the wells will be developed until groundwater parameters such as pH, temperature, and conductivity readings have stabilized.
8. Groundwater samples will be collected using disposable bailers and submitted for laboratory analysis at a NELAC accredited laboratory. The samples will be analyzed for BTEX/MTBE by EPA Method 8260, TPH GRO/DRO by Method 8015 and TDS. A total of 3 BTEX/ MTBE and 3 TPH and 1 TDS will be collected from the groundwater sampling procedures and analyzed.
9. D&H will submit the results of the site activities described above in a Site Assessment report. The report will be submitted within 30 days after the final receipt of laboratory reports and provide a final draft to the client for comments and approval for submittal to the Navajo EPA.

SITE ASSESSMENT REPORT	\$	800.00
FIELD WORK INCLUDING DRILLING & SAMPLING WELLS	\$	13,608.00
EQUIPMENT AND MATERIALS	\$	1,023.00
TRAVEL AND PER DIEM	\$	2,392.00
TOP OF CASING SURVEY BY LICENSED SURVEYOR	\$	2,200.00
LABORATORY ANALYSIS	\$	1,150.00
ESTIMATED PROJECT SUBTOTAL:	\$	21,173.00
ESTIMATED TAX: <input type="text" value="0.0000%"/>	\$	-
PROJECT TOTAL:	\$	21,173.00

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BUYER: Apache County

SELLER: D&H Petroleum & Environmental Services

Printed Name _____

Rosalio Guillen

Printed Name _____

Signature _____

Signature _____

Project Manager

Title _____ Date _____

Title _____ Date _____

Email Address _____

rguillen@dh-enviro.com

Email Address _____

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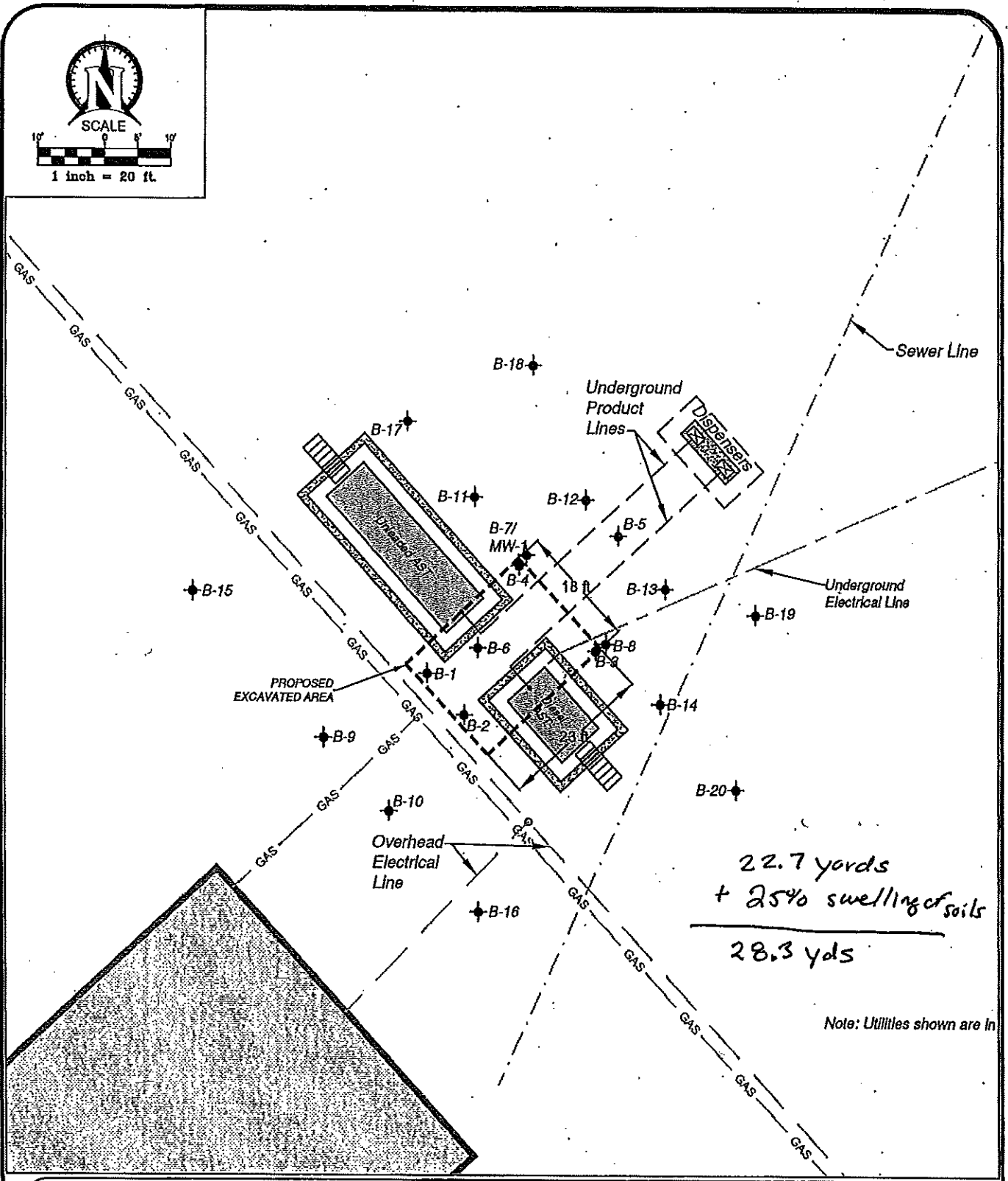
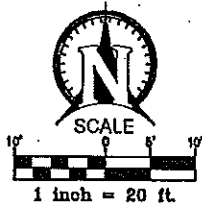
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 432-523-1132

SAH ANTONIO/AUSTIN
 17300 Bell North Drive
 Schertz, TX 78154
 214-651-3662



22.7 yards
+ 25% swelling of soils

28.3 yds

Note: Utilities shown are in

Project No.
Proposed Excavation Area
Date: 2/12/14
Scale: 1" = 10ft
Dwg. by: IC
Designed by: RFG

APACHE COUNTY ROADS YARD
Hwy 191 & 264
Chino, AZ

Proposed Excavation Area

D&H PETROLEUM & ENVIRONMENTAL SERVICES
1221 TOWER TRAIL LANE
EL PASO, TEXAS 79907
WARN: (915) 859-8150
FAX: (915) 859-7229

Figure No.

1 OF 1