

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

ALTON JOE SHEPHERD
MEMBER OF THE BOARD
DISTRICT II
P.O. Box 994, Ganado, AZ 86505

TRAVIS SIMSHAUSER
VICE CHAIRMAN OF THE BOARD
DISTRICT III
P.O. Box 428, St. Johns, AZ 85936

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

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

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



RYAN N. PATTERSON
MANAGER-CLERK
ST. JOHNS, AZ 85936

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

November 13, 2019

**Board of Supervisors' Hearing Room, First Floor
75 West Cleveland Street
St. Johns, Arizona
9:00 a.m. MST**

**NOTICE OF PUBLIC MEETING AND AGENDA OF THE
APACHE COUNTY FLOOD CONTROL DISTRICT
HELD IN CONJUNCTION WITH THE
BOARD OF SUPERVISORS MEETING
November 13, 2019**

1. Discussion and possible approval to enter into a Memorandum of Understanding with Grover's Hill Irrigation District to reconstruct the Lyman Canal and accept payment in an amount not to exceed \$257,522.

**NOTICE OF PUBLIC MEETING AND AGENDA OF
THE APACHE COUNTY BOARD OF SUPERVISORS
November 13, 2019**

1. Election Department: Discussion and possible approval of the Canvass of the November 5, 2019 Special Election.
2. District I: Discussion and possible approval to create a Road Worker I position (Range 34), effective November 4, 2019.

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 this 12th day of November 2019 at 8 a.m. by 




Ryan N. Patterson
Clerk of the Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

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

Engineering

Date/Signature: 11-12-19 

Describe in detail what you want to say to the Board and what action you want the Board to take: Discussion and possible approval to enter Memorandum of Understanding for reconstruct the Lyman Canal between Apache County Flood Control District Board and Grovers Irrigation District Board of Directors and accept payment in the amount not to exceed \$257,522.00 from Grovers Irrigation District Board of Directors for the reconstruction of the Lyman Canal.

BOS Meeting Date Requested November 13, 2019

Legal Review: See Email PRE-AGENDA ITEM REVIEW

Signature

Finance Review:

Signature

Human Resources Review:

Signature

Other Review:

Signature

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

Yvette Greer

From: Ferrin Crosby
Sent: Tuesday, November 12, 2019 7:19 AM
To: Yvette Greer
Subject: Fwd: MOU with Grover's Hill Irrigation District

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Michael B. Whiting" <MWhiting@apachelaw.net>
Date: 10/29/19 8:46 PM (GMT-07:00)
To: Ferrin Crosby <cfcros@co.apache.az.us>
Subject: RE: MOU with Grover's Hill Irrigation District

It is ok as we discussed earlier this week.

From: Ferrin Crosby [mailto:cfcros@co.apache.az.us]
Sent: Saturday, October 26, 2019 8:09 AM
To: Ryan Patterson <rpatterson@co.apache.az.us>; Joe Young <jyoung@co.apache.az.us>; Michael B. Whiting <MWhiting@apachelaw.net>
Cc: Yvette Greer <ygreer@co.apache.az.us>
Subject: MOU with Grover's Hill Irrigation District

Gentlemen,

The attached MOU has been reviewed by Grover's Hill Irrigation District attorney David Brown. We have made a few minor changes to titles and have clarified the agreed to payment and resulting work.

Please review as we would like this placed on the next BOS meeting.

Thank you for your time,

Ferrin

Sent from my Verizon, Samsung Galaxy smartphone

MEMORANDUM OF UNDERSTANDING
By and between
APACHE COUNTY FLOOD CONTROL DISTRICT
And
GROVER'S HILL IRRIGATION DISTRICT

This Memorandum of Agreement is entered into as of the 7th of November, 2019 by and between **APACHE COUNTY FLOOD CONTROL DISTRICT BOARD OF SUPERVISORS**, a political subdivision of the State of Arizona, hereinafter referred to as **ACFCD** and **GROVER'S HILL IRRIGATION DISTRICT BOARD OF DIRECTORS**, hereinafter referred to as **GHID**, to memorialize an agreement to reconstruct the Lyman Canal between the Salt River Project diversion head gate in Salado and the Lyman Canal west of CR 6331 by installing a continuous segment approximately 3,705 feet in length of 42 inch diameter HDPE Pipe.

Whereas, **ACFCD** is engaged in a Federal Emergency Management Administration herein after referred to as **FEMA** flood control project in the Salado area to restore local historic drainages under the Lyman Canal; and,

Whereas, **ACFCD** desires to reconstruct the entirety of the Lyman Canal in the same immediate area; and,

Whereas, **ACFCD** would be benefitted from the reconstruction of the portion of the Lyman canal; and,

Whereas, **GHID** is willing to pay **ACFCD** for all materials, equipment and labor to install two thousand one hundred and ninety-five lineal feet (3,705') of forty-two-inch diameter (42") pipeline in the same location as the existing Lyman Canal in the Salado area at an estimated cost of **\$257,522.00**; and;

Whereas, all parties are authorized to enter into this Agreement;

Now therefore, in consideration of the mutual agreements set forth, the parties agree as follows:

1. Purpose

The purpose of this Agreement is to install pipeline in the Lyman Canal as partners in roles described herein, to benefit **ACFCD** and the **GHID**.

2. Termination

This Agreement may be terminated by either party upon thirty (30) days written notice to the other party. In the event of termination, any payments already made to County shall not be returned. All property purchased under this Agreement shall remain with the recipient unless otherwise stated.

3. Provisions

A. Obligations of ACFCD:

County agrees to partner in a non-financial role and provide Labor, Equipment and Materials for the above agreed to amount and complete the work in a satisfactory manner to the GHID by April 15th, 2020.

B. Obligation of GHID:

Provide the funds agreed to above to pay for the materials at a cost of **\$170,746.00**, to install the pipeline in the Lyman Canal to the Clerk of the Apache County Board of Supervisors on or before November 20, 2019. The payment for labor and equipment in the amount of **\$86,776.00**, will be paid after the project is completed and approved.

4. Cancellation for Conflict of Interest

Pursuant to A.R.S. 38-511, the state or any of its political subdivisions, including County, within three years after execution of this Agreement, may cancel it without further penalty or obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement is at any time while the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party, of the contract with respect to the subject matter of the Agreement. A cancellation made pursuant to this provision shall be effective when either party receives written notice of the cancellation unless the notice specifies a later time.

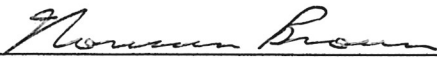
5. Non-discrimination

Both parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, 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.

6. Applicable Law

This Agreement shall be governed and interpreted by the laws of the State of Arizona

Dr. Joe Shirley Jr., Chairman
Apache County Flood Control - Board of Supervisors



Norman Brown, Chairman
Grover's Hill Irrigation District

Attest:

Clerk of the Board

BOARD OF SUPERVISOR'S AGENDA ITEM REVIEW FORM

date/time stamp

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

Angela Romero/Election Department

Date/Signature: 11/7/19 Angela C. Romero

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

Discussion and possible approval of the Canvass of the November 5, 2019 Special Election.

BOS Meeting Date Requested 11/13/19

PRE-AGENDA ITEM REVIEW

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

Legal Review: Submitted to Attorney Joe Young

Signature: _____

Finance Review: _____

Signature: _____

Purchasing Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: Submitted to Doyle Shamley

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

BOARD ACTION TAKEN

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

Signature Clerk of Board _____

SUMMARY REPORT
 Run Date: 11/07/19
 RUN TIME: 05:16 PM

Special Election
 Apache County, Arizona
 November 5, 2019

UNOFFICIAL RESULTS

VOTES PERCENT

PRECINCTS COUNTED (OF 2) 0
 REGISTERED VOTERS - TOTAL 7,608
 BALLOTS CAST - TOTAL 2,863
 BALLOTS CAST - BLANK 3
 VOTER TURNOUT - TOTAL 37.63
 VOTER TURNOUT - BLANK04

ST JOHNS USD #1
 (VOTE FOR) 1
 BUDGET OVERRIDE CONTINUATION, YES 415
 BUDGET OVERRIDE CONTINUATION, NO 385
 51.88
 48.13

WHT MTN COM SP HEALTH CARE DIST SECONDARY PROP TAX
 (VOTE FOR) 1
 YES 2,144
 NO 671
 76.16
 23.84

BOARD OF SUPERVISOR'S AGENDA ITEM REVIEW FORM

date/time stamp

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

Dist One Roads

Date/Signature:

11/4/19

[Handwritten Signature]

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

Human Resources (District I): Discussion and possible approval to create a Road Worker I position (Range 34), effective November 4, 2019.

BOS Meeting Date Requested November 13, 2019

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: *[Handwritten 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 _____