

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
October 1, 2024
St. Johns, Arizona

Present were, Chairman Joe Shirley, Jr., Vice Chairman Alton Joe Shepherd and Supervisor Nelson Davis. Also present was Clerk of the Board/County Manager Ryan N. Patterson and Chief Deputy County Attorney Celeste Robertson.

Chairman Shirley called to order the Board of Supervisors meeting at 8:31 a.m. in the Board of Supervisors' chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

Preston Raban gave the invocation.

Commander McCarthy led the Pledge of Allegiance.

Chairman Shirley called for the Health District items.

Kimberly Cole, Health Director, requested approval of Intergovernmental Agreement Contract No. CTR055353, Healthy People Healthy Communities, Amendment No. 5 that revises and replaces the price sheet and exhibits effective July 1, 2024, through June 30, 2025, Ms. Cole stated the grant award amount is \$210,000 and has been budgeted for in FY25. **Mr. Shepherd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Kimberly Cole, Health Director, approval of an Education Affiliation Agreement with Western Governors University (WGU). The Health District will act as a preceptor to provide the field experience courses portion of WGU's Bachelor of Science Nursing Program for students, and will not impact the budget for FY25. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Kimberly Cole, Health Director, approval of an agreement with Arizona Local Government Employee Benefit Trust and Rural Arizona Health Group Trust (AZLGEBT/RAGHT) for Flu and Pneumonia Vaccination Services and Amendment #4 replacing Section II(1)(A), Section II(5), Exhibit A and Exhibit B effective October 1, 2024. **Mr. Shepherd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Health District meeting, seconded by Mr. Davis. Vote was unanimous.

Chairman Shirley called for the Jail District item.

Commander Chris McCarthy requested approval of an Intergovernmental Agreement between the Pueblo of Zuni and the Apache County Jail District to house inmates from the Pueblo of Zuni in the Apache County Jail commencing October 1, 2024. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Jail District meeting, seconded by Mr. Davis. Vote was unanimous.

The Board sat as the Board of Equalization to accept the following Petitions for Notice of Valuation determinations heard by Hearing Officer Charles Johnson on September 23, 2024. Acceptance of hearing determination of Petition for Review of Valuation for KCG-Greer, LLC, parcel 102-10-001A. Acceptance of hearing determination of Petition for Review of Valuation for Charles & Sonja Hancock, parcel 203-11-002B & 203-28-002A Acceptance of hearing determination of Petition for Review of Valuation for Mercedes Kettler, parcel 108-56-197. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson presented the Consent agenda items A-H and recommended approval. **Mr. Shepherd moved approval, seconded by Mr. Davis.** County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between September 3, 2024, to October 1, 2024. Payee Amount ADVANCED AIR SYSTEMS LLC \$94481.00 AMAZON CAPITAL SERVICES INC \$14924.35 AZ COUNTIES INSURANCE POOL \$32689.20 AZ DEPT OF ECONOMIC SECURITY \$5405.96 BREWER LAW OFFICE PLLC \$10500.00 CONTRACT PHARMACY SERVICES INC \$12611.01 DESERT MOUNTAIN CORPORATION \$45914.31 EATON SALES & SERVICE \$9222.22 GILA COUNTY \$10555.36 HAMBLIN LAW OFFICE PLC \$10500.00 HATCH CONSTRUCTION \$10582.30 LAW OFFICE OF MICHAEL S PENROD PLC \$10160.00 NAVOPACHE ELECTRIC COOPERATIVE \$9142.57 DANA BRYCE PATTERSON \$10500.00 PHIL LONG FORD OF RATON LLC \$320220.00 R JOHN R JOHN LEE ATTORNEY AT LAW \$10500.00 REDW LLC \$21949.75 RHINEHART OIL CO \$5706.80 TARTAN OIL LLC (FORMER NAME: SARATOGA) \$19613.78 TRINITY SERVICES GROUP INC \$24889.19 QUALITY EMULSIONS LLC \$120430.26 APACHE COUNTY HSA \$7833.82 APACHE COUNTY MEDICAL \$220210.64 APACHE COUNTY TAX WITHHOLDING \$201104.39 ASRS LEGACY EORP \$8305.52 AZ STATE RETIREMENT SYSTEM \$150179.40 CORRECTIONS OFFICER RET PLAN \$14865.01 PUBLIC SAFETY PERSONNEL 401 \$14283.91 PUBLIC SAFETY SHERIFF RET \$13330.48 AMERICAN FENCE CO OF AZ \$231469.00 NORTHLAND PIONEER COLLEGE \$600000.00 TY LIN INTERNATIONAL \$10651.00 AMAZON CAPITAL SERVICES INC \$11194.48 AT&T MOBILITY LLC (FIRSTNET) \$7039.11 DELL COMPUTER CORPORATION \$5724.82 NAVOPACHE ELECTRIC COOPERATIVE \$15698.30 PINAL COUNTY ARIZONA \$7634.00 POLSINELLI PC \$7695.00 TARTAN OIL LLC (FORMER NAME: SARATOGA) \$21076.45 AMAZON CAPITAL SERVICES INC \$11715.62 AXON ENTERPRISE INC \$68292.76 AZLGEBT \$419430.40 B&R TRUCKING \$10240.00 BRAD HALL & ASSOCIATES INC \$27309.17 John Lucas COMMUNITY BROADBAND ADVOCATES LLC \$11614.32 DESERT MOUNTAIN CORPORATION \$29853.06 NAVAJO TRIBAL UTILITY AUTHORITY \$6191.55 O'REILLY AUTO PARTS \$7121.54 PACIFIC PONDEROSA CO INC \$11114.36 RIGG LAW FIRM PLLC \$5000.00 TARTAN OIL LLC (FORMER NAME: SARATOGA) \$63007.92 DALE SHAWN TAYLOR \$8000.00 APACHE COUNTY TAX WITHHOLDING \$195933.62 ASRS LEGACY EORP \$8305.52 AZ STATE RETIREMENT SYSTEM \$143626.50 CORRECTIONS OFFICER RET PLAN \$14735.55 PUBLIC SAFETY PERSONNEL 401 \$14283.91 PUBLIC SAFETY SHERIFF RET \$13404.21 RUNBECK ELECTION SERVICES INC \$71656.42 ADVANCED CORRECTIONAL HEALTHCARE INC \$39112.87 AMAZON

CAPITAL SERVICES INC \$5227.48 AZ SECRETARY OF STATE \$8195.63 AZ SUPREME COURT \$23335.37 B&R TRUCKING \$8640.00 CURTIS BLUE LINE \$11763.29 DESERT MOUNTAIN CORPORATION \$12640.67 EMPIRE MACHINERY \$7777.76 NTUA WIRELESS, LLC \$5220.02 RHINEHART OIL CO \$6477.31 ROBERTS TIRE SALES INC \$14123.95 RUNBECK ELECTION SERVICES INC \$18386.04 SEQIRUS USA INC \$23517.04 NATIONAL BANK \$41486.65 AMAZON CAPITAL SERVICES INC \$10699.32 B&R TRUCKING \$5120.00 GLAXO SMITHKLINE PHARMACY \$36393.30 LAW OFFICE OF MICHAEL S PENROD PLC \$8506.00 MCKESSON MEDICAL SURGICAL \$17795.81 REDW LLC \$21760.50 SOUTHWESTERN SCALE COMPANY INC \$5926.11 SUN RIDGE SYSTEMS, INC \$88600.00 THOMSON REUTERS WEST \$6484.22 TRINITY SERVICES GROUP INC \$19417.56 APACHE COUNTY HSA \$7926.32 APACHE COUNTY MEDICAL \$215635.52 APACHE COUNTY TAX WITHHOLDING \$193484.26 ASRS LEGACY EORP \$8305.52 AZ STATE RETIREMENT SYSTEM \$144564.95 CORRECTIONS OFFICER RET PLAN \$14542.72 NATIONWIDE \$5047.01 PUBLIC SAFETY PERSONNEL 401 \$14283.91 PUBLIC SAFETY SHERIFF RET \$15940.73 APACHE COUNTY TAX WITHHOLDING \$7864.72 ALLEGRA \$5332.01 BRAD HALL & ASSOCIATES INC \$22259.18 BREWER LAW OFFICE PLLC \$10500.00 CONTINUOUS RAINGUTTER SYSTEMS \$16733.06 CONTRACT PHARMACY SERVICES INC \$12866.04 DESERT MOUNTAIN CORPORATION \$21504.63 EMPIRE MACHINERY \$5452.82 HAMBLIN LAW OFFICE PLC \$10500.00 NAVOPACHE ELECTRIC COOPERATIVE \$18966.00 DANA BRYCE PATTERSON \$10500.00 PITNEY BOWES RESERVE ACCOUNT \$5000.00 PROFORCE LAW ENFORCEMENT \$5092.45 R JOHN R JOHN LEE ATTORNEY AT LAW \$10500.00 RHINEHART OIL CO \$5378.85 SHEDSAZ \$27742.17 SOUTHWESTERN SCALE COMPANY INC \$108771.08 UNITED RENTALS \$5361.37

Demands are payments made, or to be made, by the County. Specific details of the demands may be requested through the County public record request process. B. Request approval of minutes dated September 3, 2024. C. Request approval of the Intergovernmental Agreement and Amendment 3 with Northland Pioneer College to provide programs and services within Apache County. D. Request approval of a resolution declaring recognition of fallen firefighters and emergency services personnel.

A RESOLUTION DECLARING RECOGNITION OF FALLEN FIREFIGHTERS AND EMERGENCY SERVICES PERSONNEL

Resolution #2024-20

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor firefighters and emergency services personnel who have sacrificed their lives to save others by lowering the American flag on all federal buildings to half-staff; and

WHEREAS, an average of 90 firefighters courageously make the ultimate sacrifice in the line of duty each year, including nineteen firefighters who lost their lives during the Yarnell Hill Fire in Arizona on June 30, 2013; and

WHEREAS, the events of September 11, 2001, brought national attention to the duties, responsibilities, hazards, and sacrifices faced by fire and emergency services personnel on a daily basis; and

WHEREAS, the Rodeo-Chediski, Wallow, Cedar Creek, Rattlesnake, and Whiting Knoll Fires brought awareness of the local sacrifices, hazards, duties, responsibilities that we as a community face and those faced by emergency responders; and

WHEREAS, firefighters and emergency services personnel are at a higher risk for chronic heart problems and respiratory issues. Today they are in a higher risk group during this terrible Covid-19 pandemic, several emergency responders have paid the ultimate sacrifice this year with our health pandemic; and

WHEREAS, firefighters and emergency services personnel play an essential role in the protection of lives and property in our local community; and

WHEREAS, the National Memorial Service marks the beginning of the annual Fire Prevention Week observance; and

WHEREAS, it is of major importance that we increase our efforts to reduce deaths, injuries, and property losses from fire;

BE IT THEREFORE RESOLVED, that the Board of Supervisors of Apache County, Arizona, now calls upon all citizens of Apache County and upon all patriotic, civic, and educational organizations in Apache County to observe the first Saturday in October, October 5, 2024, in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel by lowering American flags on all buildings to half-staff. The Board encourages appropriate services and ceremonies in which all of our citizens may participate to honor fire and emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.

BE IT THEREFORE RESOLVED that the Board of Supervisors of Apache County, further calls upon citizens of Apache County to remember all fire and emergency personnel who have made the ultimate sacrifice in service to their community and to pay respect to the survivors of our fallen heroes.

Adopted this 1st day of October 2024

/s/ Dr. Joe Shirley, Jr.
Chairman of the Board

ATTEST:

/s/ Ryan N. Patterson
Clerk of the Board

Engineering Department: E. Request approval of a Memorandum of Understanding between Apache County and the City of St. Johns to partner on street improvements adjacent to the County Annex. Finance Department: F. Request approval to adjust 2023 and 2024 budget transfers to adjust changes during the year and authorize the Finance Director to transfer any additional monies needed to cover negative budgets or fix errors during fiscal year end close. Election Department: G. Request approval of the recommendation and appointment of three (3)

fire board members: Lehigh Jessop, Ken Blackburn and Richard Warber for the Concho Fire Board, effective November 5, 2024. H. Request approval of the Election Workers, Poll Workers and Polling Locations for the upcoming November 5, 2024, General Election. Vote was unanimous for consent agenda items A-H.

Mr. Patterson presented the request for approval of a contract with the Center for Rural Arizona Justice to provide felony prosecution services for Apache County. Mr. Patterson stated this will not affect the FY25 budget and recommended approval. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Mr. Patterson stated there were individuals who only wanted to address the board if the contract was not going to pass. Mr. Shepherd stated the contract is for criminal representation for the county attorney's office and begins November 1, 2024, so with all that has happened, it does not sit well with him that when the people who are in charge of running the office are running away to get a \$600,000 a year contract and we get criticized for approving contracts that are an open checkbook. Mr. Shepherd stated he heard the concerns from the employees in that office and the Attorney General's Office really hasn't given guidance other than saying they are taking over the office, but we have been asking for clarification on grey areas, so he is hoping Attorney General Mayes would meet with us and provide clarification. Mr. Shepherd stated he wanted the public and the county attorney employees know we do have concerns with the office but statutes don't allow the Board to do too much since the county attorney is an elected office, and we are trying to work through this. Mr. Patterson stated he will continue to work with to set up meetings with Attorney General Mayes to meet with her directly and will continue to look for other attorneys as we begin the process of rebuilding that office. Mr. Shepherd stated the employees in the attorney's office have uncertainties but hopefully things will get settled and move forward to support the courts. Tom Rankin, a supervisor in the criminal division of the Attorney Generals' Office, stated he has been assigned to the county attorney's office here in St. Johns, for all of September, working in the office and stated regarding the fiscal impact on the Apache County Attorney's Office budget, the contract will actually save the county money and hopefully will lead to stability within the office and there will not be a lag in services. Mr. Rankin stated the Attorney General is working on finding a criminal chief deputy to serve in the attorney's office, and it may be someone that Ms. Mayes finds or someone the county finds to bring forward for consideration and takes the Board's recommendation very seriously. Mr. Rankin stated he is working to set a meeting with Ms. Mayes so she can meet with Board members directly and will work to make that happen. Mr. Rankin stated he just wanted to address some of the Board's concerns and is working to bring some permanence to a solution in the county attorney's office. Mr. Shirley stated he appreciates all that the Attorney General's office is doing but this has been going on since June and we need to come to some resolution. Mr. Shepherd stated he appreciates the response from Mr. Rankin and recognizes the concerns the county attorney employees have, who have been working in a hostile environment and uncertainties that are there. Mr. Shepherd stated he is concerned and is wanting some clarity from the Attorney General's office since we don't know what is happening from their office to help guide the Board and for the county attorney employees forward. Mr. Shepherd stated the election is upon us and citizens of the county have concerns. Mr. Rankin stated he will convey the urgency directly to Attorney General Mayes and he appreciates Mr. Shepherd mentioning the staff; they are a terrific group of people. Mr. Davis stated most of the county attorney staff is present today and wanted to publicly thank them for working through. Mr. Davis stated the Board's job is not to run their office but to give them the tools to keep the

office functioning and that is what the Board is attempting to do with the agenda item before us today. Mr. Davis stated the staff is critical to keeping the office functioning and appreciates their good work. Vote was unanimous.

Mr. Patterson presented the request for approval to retain civil legal services with Burgess Law Group and does not affect the FY25 budget. **Mr. Shepherd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to enter into a contract with Arcadis for the integration of AZ-511. Mr. Crosby stated this contract provides a free service that will allow the county to send notification of road conditions/closures to the public utilizing the AZ511 system. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to award contract trucking (Bid #202401) to E.W. Parker, the only bidder. Mr. Crosby stated he advertised in the Navajo Times, Gallup Independent and the White Mountain Independent and recommended approval. **Mr. Sheperd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Preston Raban, Economic Development Director, requested approval to accept a donation of 50,000 sandbags from Salt River Project for Emergency Management's use in future flood Abatement and recommended approval. **Mr. Davis moved approval seconded by Mr. Shepherd.** Vote was unanimous.

Troy Czarnyszka, Superior Court Administrator, requested approval of the FY25 Supplemental Reduction of Case Backlogs (formerly ARPA#2 Grant) Application, in the amount of \$53,776.91. Mr. Czarnyszka These funds will be used to update the audio/visual equipment in the Superior Court main courtroom. **Mr. Shepherd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Troy Czarnyszka, Superior Court Administrator, requested approval of the FY25 Court Security Improvement Grant Application in the amount of \$27,907. Mr. Czarnyszka stated these funds will be used to update the card reader system at the Apache County Superior Court building. **Mr. Shepherd moved approval, seconded by Mr. Davis.** Vote was unanimous.

Sheriff Dedman requested approval to enter into a Memorandum of Agreement with the Arizona Department of Public Safety to conduct commercial motor vehicle safety inspections and enforcement of the Federal Motor Carrier Safety Regulations. **Mr. Davis moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Mr. Patterson presented notification of the following meetings where two or more members of the Apache County Board of Supervisors may be in attendance. No action was needed or taken.

- The County Supervisors Association (CSA) Summit to be held October 7-9, 2024, at the Ak-Chin Resort, 15406 Maricopa Road, Maricopa, Arizona,
- The Small Counties Forum meeting to be held on October 9, 2024, at the Ak-Chin Resort, 15406 Maricopa Road, Maricopa, Arizona at 8:00 a.m.

Chairman Shirley opened the floor for the call to the public.

Mark Ostermann, a resident of Vernon, Arizona addressed the Board and expressed his opposition to the proposed Lava Run wind power generation.

Approved this 12th day of November 2024.

/s/ Dr. Joe Shirley, Jr.
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board