

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
July 7, 2015
St. Johns, Arizona**

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

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. Chairman Shirley recognized Mr. Clint Hickman, President of the County Supervisors Association and Craig Sullivan, Executive Director of the County Supervisors Association.

Milton Ollerton led the Pledge of Allegiance.

Brad Peterson gave the invocation.

Chairman Shirley called for the Health District items.

Chris Sexton, Health Director, requested approval of the contract with Debra Smalley RNP, CNM to provide services of a contract nurse practitioner to provide Family Planning Services and Well Woman Health Check services. Mr. White moved approval, seconded by Mr. Shirley. Mr. Weller stated he would be opposing the item since he stands solidly against anything the government has to do with family planning, and considering the recent Supreme Court decisions stepping into our moral and ethical lives, he is totally against the government being involved with these things so he cannot support family planning by the government. Motion passed 2-1 with Mr. Weller voting nay.

Chris Sexton, Health Director, requested approval of Contract No. ADHS-12-007883, Amendment No. 7 to the Emergency Preparedness Program, effective April 1, 2015. Mr. Sexton stated this will increase funds to provide for emergency response. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Mr. White moved to adjourn the Health District meeting, seconded by Mr. Weller. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

The Board of Supervisors sat as the Board of Directors for a public hearing, discussion and possible adoption of the tentative 2015-2016 budgets for the Apache County Library District, Apache County Public Health Services District the Apache County Flood Control District, and the Apache County Juvenile Jail District.

Chairman Shirley opened the floor for a public hearing.

George Walsh, a resident of Vernon, stated he wanted to raise a few issues on how the budget adoption is happening because for the special districts, the taxpayers have not been afforded the opportunity to see an independent budget so they can see where their tax dollars for the districts are

going. Mr. Walsh stated he would also like to see an estimate of how much district funds are being pulled from the districts for the general fund since he has a right to see the budgets independently before they are approved. Mr. Walsh stated that there is not a jail district mentioned on the agenda so at this point, the board cannot approve the budget for the jail district since it cannot be discussed.

Mr. Weller stated he has some issues associated with the budget and the agenda submittal sheet did not have a legal opinion or approval attached so he doesn't know if the agenda item is legal and asked Mr. Whiting if he approved the agenda item as worded. County Attorney Whiting stated his office reviewed the item and sent several emails back confirming it was legal. Mr. Weller stated he does not see the jail district listed on the agenda and asked if it is a separate legal entity, is the budget for the jail district able to be approved with the main budget. Mr. Whiting responded the actual districts that are being discussed, including the jail district, do not require a public hearing, that is for public convenience so it can be approved. Mr. Weller stated that it is not the public hearing he is talking about, he is referring to the adoption of the budgets, and sitting as the district board, he cannot adopt something that is not on the agenda. Mr. Whiting reiterated it was ok to adopt the jail district budget through the budget itself. Mr. Weller stated he has heard the concerns as expressed by Mr. Walsh and others regarding the visibility of the individual district budgets and he looked closely at the budget and the only thing he could see not there, was the final budget as outlined in statute 48-251 and 252 where it indicates there are specifics that are supposed to be in there, and though hidden, they are in the major budget, but he does not think it meets the letter of the law but the intent is there. Mr. Weller asked the other board members in the future, to request these specific budgets be separated out and presented, as the annual report suggest they should, for individual discussion and approval so questions can be posed to department heads. Mr. Weller stated it is hard to dig them out of the main budget and talk specifically to those issues in a meeting like this and asked that in the future, the special district budgets be separated out in a manner the statute requests and sent to the state so it can be discussed on a line item basis. Mr. Weller stated in regard to the juvenile jail district, he had submitted a list of 16 questions to Superior Court Judge Michael Latham and have not received significant answers to those questions which are all budget related and he finds that very disturbing since the Board has the authority to oversee the budget. Mr. Weller stated what he did receive was a bunch of irrelevant information and some documents stating the board has only a ministerial position over the court for the appointment of a judge pro tem and that does not pertain to the approval of a budget and the last time he checked, the court did not have approval to raise taxes on people and the tax issues associated with this are the responsibility of the fiduciary body and the board has the right to ask questions associated with the budget and the rational and the reasonableness of those issues. Mr. Weller stated he finds it offensive that he has not received answers to those questions presented to him. Mr. Weller stated there were 19 people laid off in the Juvenile Jail District which is concerning and is a major impact to the budget of over \$700,000 and is a significant benefit to taxpayers if that could be returned to taxpayers. Mr. Weller stated over \$300,000 is being used by the court system, not for the juvenile jail district, and is concerned if it is legal to tax the taxpayers for the juvenile jail district and use it for some other reason in the court system and he hasn't received an answer to that question. Mr. Weller stated there is a \$400,000 item in the juvenile jail district budget which is a flexibility issue going to the general fund and is against a tax increase to the people of this county when there are ways to reduce the burden to them by utilizing some savings if the appropriate thing to do was to shut down the jail district and use those funds to accommodate the cost overruns in some areas that will be discussed in the major budget. Mr. Weller stated he will not be supporting the special districts budget unless we can pull out the juvenile jail district separately and would approve the others but not that item.

Mr. Wengert stated the main and special district budgets have been online for the past week so if the public had questions they could have looked there and brought their questions to himself or Finance Director Ryan Patterson since they are always willing to sit down and go through it in detail. Mr.

Wengert stated they met with Mr. Weller on several occasions to talk about the juvenile jail district and went over it in detail and would be willing to sit with Mr. Walsh or anyone else who would like it explained to them. Mr. Wengert stated if Mr. Weller has legal questions, there is an executive session at the end of the meeting to talk about some of those legal questions pertaining to the juvenile jail district and the IGA associated with Navajo County. Mr. Weller stated the Finance Director and the County Manager did sit down with him on some of the budget issues and discussed the juvenile jail district but they did not answer the majority of the questions associated with the questions he had sent to Judge Latham and those questions remain open. Mr. Weller stated there are legal questions that he presented and they should be answered in writing to him and there is no reason for an executive session to discuss issues that he brought up days ago.

Chairman Shirley stated he has served the public for 21 years and in all that time he knows we do the best we can to answer all of the questions and concerns working with public and department directors, with each other and the county manager and the county attorney and there are very limited resources throughout the state and the county and even the Navajo Nation and given that, we do the best we can. Chairman Shirley stated as far as the board meetings, he does not want to belabor anything and waste time on anything and these budgets are open year round and online and any member of the public can come around at talk to the directors or county member or any board member. Mr. Shirley stated we do the best we can by statute and within the law and in his 21 years as a supervisor, the board has always tried to do that and certainly there are individuals that don't agree with the decisions the board makes and that has always been the case and is their right and he respects that. Mr. White moved to adopt the tentative 2015-2016 budget for the Library, Public Health Services Flood Control District and the Juvenile Jail District, seconded by Mr. Shirley. Motion passed 2-1 with Mr. Weller voting nay.

Chairman Shirley stated the Board was now sitting as the Board of Supervisors for a public hearing, discussion and possible adoption of the 2015-2016 Tentative Budget for Apache County.

Chairman Shirley opened the floor for public comment.

Brad Peterson, a resident of Apache County, stated with Mr. White's previous motion, he didn't authorize the jail district, but in the main budget, the jail district is in there and asked how can the full county budget be adopted with the jail district.

George Walsh, Vernon, Arizona stated he agreed with Mr. Peterson's statement that since Mr. White's motion did not include the jail district, the board cannot approve the budget with the jail district included in it and he would think a legal opinion in writing from Mr. Whiting might be something to look at before the board moves forward.

Mr. Whiting responded under ARS 48-252 there is a general statute that addresses budgets for special districts and there are certain special districts that require actual public hearings and none of our districts require a public hearing, including the jail district and it is assumed in the general county budget so the aboard can do as it wishes in regard to adopting the budget today, which includes the jail district budget.

Mr. Weller stated that provides little clarity; in the statutes it clearly states the districts boards for any district adopted under Title 48, shall adopt their budget to present to the board of supervisors and the Board did not adopt the jail district budget in the last agenda item. Mr. Weller stated he does not want to beat a dead horse but he is curious about the legality of adopting a full budget until that particular budget is adopted.

Mr. Shirley asked if the jail district budget is included in the main budget. Mr. Wengert stated all the districts are included in item #2, the full budget.

Mr. Weller stated there was no legal signature on the submittal item nor an email attachment that showed the county attorney's office approved this item as worded, and asked Mr. Whiting to state if this was legal as presented. Mr. Whiting stated everything associated with the item has been reviewed and is legal under statute if the board chose to adopt it.

Mr. Weller stated the line item deals with the entire county budget, which does affect the tax rate for the citizens and he would ask the board to remember the presentation by the finance director some months back, associated with the cost over-runs of the sheriff's department which were in the neighborhood of a million dollars. Mr. Weller stated a few weeks later, Sheriff Dedman presented before the board and listed a great many issues but he didn't address the cost overrun issues or provide any solutions or recommendations on how to reduce costs and that concerns him. Mr. Weller stated he has brought up to the board previously, the fact that we have up to nine certified officers assigned to areas where their jurisdiction is not in full force and he is concerned with that because their budget alone is over \$750,000 in salaries and vehicles, which creates that million dollar over-run. Mr. Weller stated he recalled one board member had some comments about the availability of some of those officers assigned up there for some of the events they were having. Mr. Weller asked to consider discussing with the sheriff, cutting back in that area and a reduction of the sheriff's budget by \$400,000 so we can pull that money away from the juvenile jail district which is essentially a cost over-run and something that we don't need to do with a department that is a million dollars over budget in an area where they don't have jurisdiction. Mr. Weller stated Apache County is the only county in the state that assigns officers to Native American lands; the poorest county in the state and should not be doing that and raising taxes on the citizens. Mr. Weller stated we need to consider the tax base of the citizens and doing our best to protect that. Mr. Weller stated there are other county departments that need to be looked at closer before we raise taxes on the citizens; the Recorder's office has a very significant budget relative to other departments and they utilize that money for outreach services which are not mandated by statute and that is an area that should be considered reducing. Mr. Weller stated he would like the other two supervisors to start thinking about having discussions and work to improve the conditions for District I and District II residents and reduce the impact on the county citizens to improve relations between the districts and start discussions to work together to improve revenue sources for the county. Mr. Weller stated he is speaking to this Board about talking to the federal government who has mandated this cross jurisdictional nightmare that we live in, and the state who has adopted it, who did it and made sure the counties live with it. Mr. Weller stated the counties are living with this issue and we have at a minimum, an eight million dollar shortfall from the areas and lands of the Apaches and Navajos who do not come to support the tax base of this great county. Mr. Weller stated on federal lands with forests we receive PILT, but nothing from the federal government or the state to deal with 2/3rds of the county; over six thousand acres sitting there without any benefit to the citizens who live in those districts. Mr. Weller asked in the future, the Board discuss a new revenue stream and work together to speak to the state and federal government and say it's time that you step up since they put us in this cross jurisdictional issue. Mr. Weller stated we wouldn't be talking about deputies up there because we would have contributions from that area supporting the costs and asked this be on a future agenda for discussion.

Mr. Wengert stated in reference to Mr. Weller's use of the word nightmare here in Apache County, he does not agree with in any way. Mr. Wengert stated he has been with the county for the past 20 years and thinks the relationship between the northern and southern part of the county has been good for many, many years and have worked together and accomplished many good things and is not sure what Mr. Weller meant by nightmare, but in his opinion, the county has done a good job in addressing the needs of the citizens with the resources we have in both the north and the south and

have had a very peaceful co-existence for many years and does not agree there is some kind of a nightmare going in the county. Mr. Wengert stated as far as the budget goes, we have to raise some rates, especially in the health care district due to the fact that their opening balance is down and using the flexibility language to take \$400,000 from the juvenile jail district, and the primary reason is due to the cuts we received from the state of \$290,000. Mr. Wengert stated Mr. Weller's comment about the sheriff being a million dollars over, he does not agree with; all the expenditures have not yet been received for this fiscal year but according to calculations, it is considerably less than a million. Ryan Patterson, Finance Director stated the exact numbers are not in but as far as the general fund budget for the sheriff's office, it will be significantly under a million dollars. Mr. Patterson stated in Mr. Weller's reference to the sheriff being a million dollars over, their actual general fund budget will be within \$100,000 but he doesn't know the actual numbers and until those final numbers come in around the end of August. Mr. Patterson stated in regard to the tax rates, they have been discussed with the board and been on the website for several weeks and the flexibility language is only being used in the juvenile jail district and the increase to the health district. Mr. Patterson stated the overall budget is about \$700,000 less than last year, and recommended approval of the budget.

Mr. Weller stated he was referring to a previous presentation that added up to nearly a million dollars associated with the sheriff's department and obviously their budget isn't over by a million but they have historically run over their budget and we had to assist them in ways. Mr. Weller stated his discussion of the officers and that million, has to do with the ability to reduce the burden and reduce the cost to the sheriff's department and relieve it in a way to reduce the tax rate of the citizens by not needing as much money, therefore giving them a raise and provide possible raises to some of the county employees again; so the citizens get a raise, the county employees get a raise and reduces the burden of things that are not necessary in this county. Mr. Weller stated regarding the discussion on a nightmare, what he said was jurisdictional nightmare and had no reference to having any problem with relations at the county level with respect with how we work together. Mr. Weller stated he has spoken with many legislators down at the state capital and many people in both the northern part of the county as well as the southern part who are very concerned about the cross jurisdictional issues and the problems they create. Mr. Weller stated he calls them a nightmare because frequently it gets in the way with issues he tries to address and be a part of. Mr. Weller stated he isn't trying to infer there is any problem between the relationship with the board and the great people of both the northern and southern Apache County, he is looking for solutions on how we can work together to reduce the cross jurisdictional issue since the laws are different in the two different areas and that creates problems with things that happen and the ability to do things like roads.

Chairman Shirley stated in regard to jurisdictions and people as individuals, they are not the enemy and there are five races of people; indigenous, Caucasian, Blacks, Asian and Hispanics and in his way of life, people are not the enemy, the enemy is hunger, thirst, poverty, and diseases; those are the enemy and they don't play politics. Mr. Shirley stated that's why we need to stand together to fight the war of our enemies, impoverishment and diseases, and we are not the ones who drew the jurisdictional lines. Mr. Shirley stated as a member of the Navajo Nation, he has nothing against the State but tens of millions of dollars in transaction tax and the casinos go to the state and very little comes back to Navajoland, which is District I & District II. Mr. Shirley stated if some of that money came back, maybe District I & II could take care of their law enforcement and the sheriff would be able to have a viable workforce. Mr. Shirley stated we are just doing the best we can with the limited resources we have, working together. Mr. Shirley stated the federal government has taken a lot of money from the indigenous people and regard to the PILT, they had to fight tooth and nail to try and get some of it back. Mr. Shirley stated he agrees with working together and if we really mean business let's work together, but at different times items have come before the Board for requests to try and help District I and District II and there is always one vote against those requests and that isn't working together. Mr. Shirley stated we have limited resources and can only do the best we can and

we are not the enemy; we need to stand together and do everything we can to meet the needs that are out there.

Mr. Weller he agrees the enemy is hunger, poverty and disease and commended Mr. Shirley for his desire to work together and he understands his point regarding PILT and the casino money and there needs to be clear visibility of that and the dollars contributed by the communities whether it be in his district or the districts up north, should be understood and properly returned to the areas in the same proportion as is done in any community in the state and in the same fight along with Mr. Shirley. Mr. Weller stated he has not presented anything here today to state that either District I or District II are the enemy, he has asked for cooperation to go after the obstacles which are the federal and state government. Mr. Weller stated Mr. Shirley is correct, we didn't draw the lines; someone else drew the lines and created this situation and is asking the board members to think about the PILT for 6,000 acres that we get nothing for. Mr. Weller stated in regard to Mr. Shirley's comment about the single vote against District I and District II, if you look at the record, that isn't true in all aspects, any contradictory vote that he ever presented has to do with some legal issue or some recommendation he received previously from the county attorney that was contradictory to the action taking place, so until he gets clear, concise, solid and consistent information, he cannot put himself out there and will not be a go-along and spend taxpayers money because someone wants it; he will ask questions and discuss it. Mr. Weller stated he is here to protect the taxpayers money and appreciates helping him with that and he has no animosity with the other two districts and loves the people in their districts and gets along pretty well with the other board members but his vote pertains to his legal understanding and his capabilities with the statutes that exist and if sometimes they get into that jurisdictional nightmare issue, he can't do the things that he does not believe are morally or ethically right but he is not personally against either district.

Mr. White moved to adopt the 2015-2016 Tentative Budget for Apache County, seconded by Mr. Shirley. Mr. Weller stated he would be abstaining from the vote because of his concern for the lack of pulling the jail district issue out; he would have approved it if the jail district was a part of it with a hope of reducing the budget before it becomes final by discussing some of the issues he brought up. Motion passed 2-0 with Mr. Weller abstaining.

**RESOLUTION NO. 2015-07
APACHE COUNTY RESOLUTION FOR THE TENTATIVE ADOPTION
OF THE BUDGET FOR FISCAL YEAR 2015-2016**

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

THEREFORE, BE IT RESOLVED, that the said estimates of revenues and expenditures shown on the accompanying schedules are hereby adopted as the Tentative Budget of Apache County for Fiscal Year 2015-2016.

Passed and adopted by the Board of Supervisors of Apache County this 7th day of July, 2015.

/s/ Joe Shirley, Jr.
Chairman, Board of Supervisors

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

Clint Hickman, County Supervisors Association President and Maricopa County Supervisor, introduced himself to the Board and thanked the Board for their service within the County Supervisors Association. Craig Sullivan, Executive Director, County Supervisors Association provided an update on the recent activities of the County Supervisors Association, including a discussion on the recent legislative session. No action was needed or taken.

Mr. Wengert presented the **Consent items A-C** and recommended approval **County**

Manager/Clerk of the Board: Mr. Weller asked the **Item B be removed** from the consent agenda for discussion. Mr. White moved to approve Item A&C, seconded by Mr. Weller. **A.** Request approval of demands as distributed to the Apache County Board of Supervisors between June 16, 2015 to July 7, 2015. Payee Amount APACHE COUNTY HSA 2,785.84 APACHE COUNTY MEDICAL 143,445.16 APACHE COUNTY TAX WITHHOLDING 127,297.01 AZ STATE RETIREMENT SYSTEM 89,115.98 COLONIAL LIFE AND ACCIDENT INS 1,246.51 CORRECTIONS OFFICER RET PLAN 6,549.76 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,952.74 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 32,164.28 SECURITY BENEFIT GROUP 1,141.00 SUPPORT PAYMENT CLEARINGHOUSE 2,277.37 ADHS AZ HEALTH CARE COST 22,400.00 AZ ASSN OF COUNTY SCHOOL SUPERINTENDENTS 3,230.00 BILLS DISCOUNT AUTO PARTS (NAPA)1,595.86 BOB BARKER COMPANY INC 1,132.20 BRADCO 41,427.04 CONSOLIDATED ELECTRICAL DISTRIBUTORS 2,304.36 DIAMOND DRUGS INC 5,741.78 FRONTIER 1,022.03 HAMBLIN LAW OFFICE PLC 7,000.00 HATCH CONSTRUCTION 8,281.87 HEINFELD MEECH AND CO PC 11,250.00 HILLYARD INC 3,110.87 LAW OFFICE OF DIRK LEGATE PLLC 9,330.50 LOWES COMPANIES INC 1,068.54 NACO 1,030.00 NATIONAL BUSINESS FURNITURE 1,351.92 NAVOPACHE ELECTRIC COOPERATIVE 14,255.13 PATTERSON, DANA BRYCE 8,500.00 PLATT DDS, RANDOLPH 1,046.00 PRAXAIR DISTRIBUTION INC 1,020.81 QUILL CORP 5,648.95 REIDHEAD, BRANDY 2,620.00 SANDOVAL, PATRICK J 1,160.56 SCRUBWORKS 2,846.00 SECURUS TECHNOLOGIES INC 1,717.63 ST JOHNS CITY 10,255.30 SYMBOL ARTS 1,109.00 TIMEMARK INC 1,080.57 TJP COMMUNICATIONS 1,821.49 ULINE INC 1,692.84 VERIZON WIRELESS 1,686.88 WILLIAMS LAW GROUP PLLC 8,500.00 WOODLAND BUILDING CENTER 2,789.59 YOUNGS FUTURE TIRE 1,083.76 LATHAM, MICHAEL 1,547.54 INDUSTRIAL COMMISSION OF ARIZONA 1,000.00 4IMPRINT 2,204.50 AGUERO, ROBIN R1,007.78 AMAZON COM INC 5,948.52 AVAYA COMMUNICATION 1,381.19 BRADCO 17,337.22 CHEVRON USA INC 1,511.75 DELL COMPUTER CORPORATION 11,229.68 EMPIRE MACHINERY 1,723.61 FRONTIER 4,574.37 GALLUP BLUEPRINT 1,060.50 GOLIGHTLY TIRE 1,284.91 MASS TRANSCRIPTIONS 1,317.60 MORALES AND MORALES CONCRETE AND MASONRY 4,300.00 NAVAJO TIMES PUBLISHING COMPANY INC 3,010.77 NAVAJO TRIBAL UTILITY AUTHORITY 1,960.38 NAVOPACHE ELECTRIC COOPERATIVE 3,719.12 NORCHEM DRUG TESTING LABORATORY 2,627.66 PIMA COUNTY MEDICAL 2,200.00 QUILL CORP 4,088.88 REED (REED LOGGING), GEORGE E 3,000.00 RICO MOTOR COMPANY INC 44,000.00 SYMBOL ARTS 2,395.00 THOMSON REUTERS WEST 3,163.78 TJP COMMUNICATIONS 2,535.23 TOWN OF EAGAR 7,020.49 TRINITY SERVICES GROUP INC 15,066.06 US POSTMASTER 1,576.70 VERITAS RESEARCH CONSULTING 1,360.00 VERIZON WIRELESS 3,450.27 WATCHGUARD VIDEO 1,967.94 WELLS FARGO BANK 0609 4,366.53 YOUNGS FUTURE TIRE 3,711.46 4 RIVERS EQUIPMENT LLC 1,197.36 4IMPRINT 2,695.73 ARIZONA DEPARTMENT OF WATER RESOURCES 6,000.00 ARIZONA STATE FORESTRY DIVISION 16,944.68 BANK OF THE WEST – 6432 1,350.45 BOB BARKER COMPANY INC 2,918.18 BRADCO 20,110.84 CONANT, LINDA S 2,790.00 DESERT MOUNTAIN CORPORATION 17,352.12 GALLUP LUMBER & SUPPLY 1,554.17 GOODYEAR AUTO SERVICE 1,069.05 HATCH CONSTRUCTION 89,160.50 HILLYARD INC 1,024.15 INGRAM LIBRARY SERVICES 2,398.91 KARPEL COMPUTER SYSTEMS INC 30,825.00 KONICA MINOLTA 12,559.90 NEVES UNIFORMS & EQUIPMENT 1,222.16 NOVARTIS VACCINES AND DIAGNOSTICS INC 1,160.37 OFFICE DEPOT 2,788.87 QUILL CORP 6,605.31 TJP COMMUNICATIONS 1,156.64 UNIVERSAL FLEET CARD 1,758.53 VALLEY AUTO PARTS 3,624.58 VERITAS RESEARCH CONSULTING 2,280.00 VERIZON WIRELESS

1,176.50 WHITING, GARRET LEE 2,018.41 WHITING, MICHAEL B 3,457.19 YOUNG, JOSEPH 8,200.00 BAKER, RONALD J 2,067.54 RODRIGUEZ, CANDACE M 2,067.54 APACHE COUNTY HAS 2,581.67 APACHE COUNTY MEDICAL 141,785.91 APACHE COUNTY TAX WITHHOLDING 128,491.72 AZ STATE RETIREMENT SYSTEM 88,355.81 COLONIAL LIFE AND ACCIDENT INS 1,423.72 CORRECTIONS OFFICER RET PLAN 4,659.68 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,953.92 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 32,453.92 SECURITY BENEFIT GROUP 1,141.00 SUPPORT PAYMENT CLEARINGHOUSE 2,502.37 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. **C.** Request approval of two (2) Liquor License Recommendations; a Person Transfer (Bar Series #6) and a New License (Beer & Wine) for Kelly Holtmeier-Brasier, The Farmhouse at Concho Creek located at 7 County Road Highway 61, Concho, Arizona. Vote was unanimous.

Mr. Weller presented Consent Item B. for approval of minutes dated June 16, 2015. Mr. Weller stated he pulled the minutes from the consent agenda because the wording was not as clear as he would like it; though accurate, the 2-1 vote to approve the agenda items on the 16th was not to approve the notification but merely acknowledges the notifications but with the abstention that he presented. Mr. Weller stated it should be very clearly noted the appointment is required to have a board approval, per ARS 12-141, but the new judge did not request approval but attempted to barge through with notifications. Mr. Weller stated he finds the appointment unreasonable, capricious and arbitrary when the court would not even answer his questions about the budget impact. Mr. Weller moved to approve item B of the Consent agenda with the notes he made, seconded by Mr. White. Vote was unanimous.

Mr. Wengert presented the request for approval of a contract with Judy Bender to provide services within the assessor's office. Mr. Wengert stated Mrs. Bender has been working with Coconino County and is going to retire and will become a consultant and provide services to La Paz County and us if approved, and will assist in implementing the Tyler Software as well as helping with the transition in the assessor's office. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated he wanted it noted this does not serve as part of the reporting structure of the request put upon the county assessor; he has written a letter to the assessor since he is concerned with the 90 day period and would like to make sure that moves forward quickly and get the responses we need. Mr. Weller stated he appreciates the fact we are bringing this type of talent to the county. Vote was unanimous.

District III Supervisor Barry Weller, presented a request for adoption of a resolution opposing the Safeguard American Food Exports Act of 2015. Mr. White asked Mr. Weller to better explain what the Safeguard Food Exports Act is. Mr. Weller stated the federal government often finds ways to name things in a way that is somewhat misleading at times and this is a major impact on the ability to make choices about equestrian issues in state and local governments and the Safeguard Act prevents feral and wild horses from being shipped to foreign countries that would utilize them for food services. Mr. Weller stated there is no evidence presented that the equine meat is unsafe and asked for approval of the resolution to oppose the action. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Resolution No.: 2015-08

RESOLUTION OPPOSING THE "SAFEGUARD AMERICAN FOODS EXPORTS ACT OF 2015" A RESOLUTION OF THE APACHE COUNTY BOARD OF SUPERVISORS OPPOSING THE "SAFEGUARD AMERICAN FOOD EXPORTS ACT OF 2015".

WHEREAS, recently there was U.S. Congressional Legislation introduced, "Safeguard American Food Exports (SAFE) Act" (HR. 1942); and

WHEREAS, the SAFE Act would make it illegal to “knowingly sell or transport equines or equine parts in interstate or foreign commerce for purposes of human consumption”; and
WHEREAS, the SAFE Act would prohibit the shipment of over 150,000 unwanted horses annually to Mexico and Canada processing facilities; and
WHEREAS, the SAFE Act provides no other outlet for the disposition of these unwanted animals; and
WHEREAS, the SAFE Act states that “horses and other members of the equidae family are not raised for human consumption” yet research shows that in 2005, the eight principal horsemeat producing countries produced over 700,000 tons of this product for human consumption; and
WHEREAS, no peer-reviewed research is provided to support the claim that exported horse meat from the United States of America is unsafe for human consumption; and
WHEREAS, the section 512 definitions of “consumable” and “safe” are not applicable to foreign lands and only apply within the boundaries of the United States and
WHEREAS, the SAFE Act could have a negative economic impact on our country, state, and county.

BE IT RESOLVED, that the Apache County Board of Supervisors opposes any federal Act that would limit the exportation of horses for any purpose unless and until peer reviewed scientific studies can document that the facts claimed in the Act are true and a resolution can be obtained to the disposition of the 150,000 unwanted horses that would be affected per year.

BE IT FURTHER RESOLVED, that we urge the Arizona delegation of the U.S. Congress House and Senate to oppose this legislation.

PASSED AND ADOPTED BY THE APACHE COUNTY BOARD OF SUPERVISORS ON

THIS 7th DAY OF July, 2015.

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

ATTEST:

/s/ Delwin Wengert, Clerk of the Board

APPROVED AS TO FORM:

/s/ Michael Whiting, County Attorney

District III Supervisor Barry Weller, requested update from the Planning & Zoning Department and the County Attorney on the status of locating and/or establishing an official zoning map for the county and the possible impacts of past zoning decisions if an official zoning map has not been approved. Planning and Zoning Director Milton Ollerton, stated state statute defines the zoning ordinance as regulations with a map and in 1985, when the zoning ordinance was adopted, there was a map included in the approval and a public notice in the newspaper (which he has a copy of) advertised a public hearing to review a maps and the zoning ordinance for adoption. Mr. Ollerton stated he looked in all the places he could think of and last week he found portions of that original zoning map. Mr. Ollerton stated there is only one zone in Apache County; Agriculture General and over the past 30 years, there have been two individual property owners ask for their zoning to be changed and everything else was addressed through conditional use permits per the zoning ordinance. Mr. Ollerton stated in consulting with the county attorney’s office, the community development department has scheduled to update the zoning map at the upcoming planning and zoning commission meeting. Mr. Ollerton stated he believes he has an accurate, valid zoning map and he is going to continue to update that and move forward. Mr. Weller thanked Mr. Ollerton for the update and stated he was recently down at the state capital visiting with some legislators and one of them said, and the others who were in the room agreed, if it isn’t in writing and you don’t have the document it doesn’t exist. Mr. Weller stated Mr. Ollerton thinks he has what was the possible zoning map but that isn’t an official document; it is a guess and he appreciates the update but he still is concerned there is not a legally adopted zoning map and is concerned it has not been published in

the newspaper which would have been required by the zoning ordinance. Mr. Weller stated he has been told the zoning map is a part of the definition of the zoning ordinance so he still has major concerns and will be submitting in writing, his questions to the county attorney's office. No action was needed or taken.

Ada Guinn, on behalf of Probation Services, requested approval to provide \$2,324.00 in matching funds for an ongoing Family Counseling Grant. Mrs. Guinn stated the State of Arizona will disburse \$12,094.00 for a total of \$14,418.00. Mr. White moved approval, seconded by Mr. Weller. Mr. Weller asked if the relocation of the juveniles to Navajo County would impact the budget. Mrs. Guinn responded that this family counseling grant is for adjudicated juveniles and is used for counseling the families and does not affect any detained juveniles. Vote was unanimous.

County Attorney Michael Whiting, requested approval to replace C. Allan Perkins as the Chief Deputy with Joseph D. Young with a salary of \$110,153.61 and will result in a cost savings of \$24,572.98. Mr. Weller asked if Mr. Young had submitted a signed resignation with a date associated with the county contract. Mr. Whiting stated he received emails from Mr. Young but hadn't had an opportunity to look through them so he may have. Mr. Weller stated his concern is the agenda item doesn't have an official date associated with the hiring of Mr. Young as chief deputy and he wanted it to be clear for the payroll department so we are not double paying him in any accidental way so he would like to make an official transition date. Mr. Whiting responded he will make sure Mr. Young isn't double paid and will accept a resignation from Mr. Young prior to the date he starts with the County Attorney's Office. Mr. Weller moved to approve, seconded by Mr. White. Vote was unanimous.

Superior Court Judge Michael Latham, requested approval of the indigent defense Letter of Understanding between Superior Court and Steve Williams, Bryce Hamblin, Dirk LeGate and Bryce D. Patterson for public defender services for FY 2016, effective July 1, 2015 through June 30, 2016. Judge Latham stated these are the same people as last year and the only change was the renewal date will be automatic every year with a 30 day termination provision in case of budget restraints. Mr. Weller stated it is his understand that this is a change from three to four defense attorneys. Mr. Latham responded there were four contracted last year; Bryce Hamlin was added at the end of last fiscal year as the fourth contracted defense attorney. Mr. Weller stated he saw a line item of \$30,000 on the juvenile jail district budget associated with supporting some of the cost. Judge Latham responded he isn't sure where the cost was put but he had asked for an increase of \$30,000. Mr. Weller asked County Attorney Whiting about there being no termination date on the contracts and thought that was required by statute. Mr. Whiting responded the judge has that discretion in regard to the length of the contracts. Judge Latham responded there is a 30 day notice provision in the contracts in case of a budget crises or a provider was under performing, the court would notify them and terminate the contract so there isn't a risk of long term annual liability. Mr. Weller commented he felt it appropriate to bring things to re-appear before the Board so it is clear what they are approving within the budget process. Mr. White moved to approve, seconded by Mr. Weller. Vote was unanimous.

Superior Court Judge Michael Latham, presented an overview of the Juvenile Jail District closure process. Judge Latham clarified the closure was due to the extremely low (1.7 juveniles annually) or no occupancy at the center and costs associated with keeping it open. Judge Latham in reference to Mr. Weller's concerns, he stated he did not mean to offend Mr. Weller; in his position as judge, as well as lawyer, he has to be very cautious anytime he communicates as it can be portrayed as legal advice and has a responsibility as a judge to maintain the independence of the judiciary. Judge Latham stated as to Mr. Weller's concern with the issue of notifications on the agenda versus approvals, he spoke with the county manager and county attorney's office and his view was, for

certain items, if it was within the judiciary's discretion, it seemed disingenuous to put items on the agenda for approval when it came to personnel decisions. Judge Latham stated he respects the legislative branch to balance budgets and is committed to, and is always willing to work with the county and wouldn't want to do anything to bankrupt the county, but his feeling was, it was more appropriate to present the items so it didn't give the impression that the judiciary, which is a separate branch of government, and the superior court, which is a state court, was losing its independence on certain issues. Judge Latham stated as to the intergovernmental agreement before the board today, we are talking about the detention center versus the detention jail district and the court acknowledges that the board of supervisors is the board of directors for the jail district but the presiding judge has oversight and the employees were judicial employees. Judge Latham stated the courts position is, the county manager is the representative of the board and the county manager's job is to inform the board, rather than him communicating directly and put at risk the court who could be accused of giving legal advice so he communicated with the county manager and the statutory legal advisors of the board so they could then inform and instruct the board with respect to the issues. Judge Latham stated if he offended anyone it was not his intent and expressed his appreciation with all of the county departments working with the court and though it was a hard decision the closure of the detention center was the right decision. Mr. Weller moved approval of the intergovernmental Agreement between Navajo and Apache County for the placement of Apache County Delinquent Juveniles into the Navajo County Juvenile Detention Facility, seconded by Mr. White. Mr. Weller stated he was aware of the economic issues associated with the detention center and he is supportive of doing the right thing to save money; his issue isn't with the fact a decision was made to close the center. Mr. Weller stated Judge Latham presented a completely different picture than what was presented to him so either someone has some significant imagination or there is a lack of communication going on that concerns him greatly. Mr. Weller stated his concerns are with the budget and what is being done with the funding being saved from the closure of the center and that isn't a part of this agenda item but he will continue to go after those issues. Mr. Weller stated he respects the separation of powers issue that was presented and respect those in all activities but in his mind, the county manager does not represent the board as a whole and he is only one person and he should be communicating all details associated with any negotiations on this issue, with the board members and that didn't take place and he is concerned with the communication path that broke down as Judge Latham presented. Mr. Weller stated he will continue to go after the budget issues and some of the legal aspects of the decisions that were made and the actions that were taken but he supports this particular issue. Vote was unanimous.

There was no one wanting to address the board during call to the public.

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

Approved this 21st day of July, 2015.

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

/s/ Delwin Wengert
Clerk of the Board