

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
February 3, 2015
Ganado, Arizona**

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

Chairman Shirley called to order the Board of Supervisors meeting at 8:34 a.m. in the Ganado Road Yard conference room, Highway 264 mile, marker 446.8, in Ganado, Arizona and welcomed all in attendance.

Mr. Wengert led the Pledge of Allegiance.

Vice Chairman White, Jr. gave the invocation.

Chairman Shirley called for the Health Services District item.

Chris Sexton, Health Director, presented the request for approval of a contract with Hostyle Takeover Cleaning Services to clean the Health District office in Ganado, effective January 1, 2015 through June 30, 2015 at \$50.00 per week and will be paid out of the Teen Pregnancy Prevention Grant. Mr. White moved approval, seconded by Mr. Weller. Mr. Weller asked if this included all the building in Ganado and how many square feet were to be cleaned. Mr. Sexton stated the Health District rents an office from District II and is about 800 square feet. Mr. Weller asked about a sentence in the contract regarding car detail services and asked if this included cleaning vehicles. Mr. Sexton stated the vehicle cleaning was not part of the contract. Brad Grower, a resident of Eagar, Arizona stated he is surprised that after two employee pay raises in the past two years, the county is spending money to clean offices and does not know why employees can't empty their own trash cans and sweep the floor and the County continues to spend money and it seems fiscally irresponsible. Mr. White stated in Ganado there is a custodian that does all the cleaning such as restrooms floors but the building Mr. Sexton rents is next to the large building and they have restrooms that need to be cleaned so that is the reason for the contract. Vote was unanimous.

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

Mr. Shirley called for the regular Board of Supervisors items and stated Item #2 for the Sheriff's Office requesting for authorization to renew the Memorandum of Understanding between the Petrified National Park Service and the Apache County Sheriff's Office. This agreement will result in both a reduction in response time and cost to the public and will promote the welfare and safety of Arizona residents, visitors and officers needed to be tabled until the next Board meeting. Chairman Shirley tabled the item. Mr. Wengert presented the consent agenda items #1 A-E and recommended approval. Mr. Weller requested each item be handled separately.

Mr. Weller stated on Item #1-A. the request for approval of demands as distributed to the Apache County Board of Supervisors between January 20, 2015 to February 2, 2015, he sent an email to Mr. Patterson, Finance Director and Mr. Wengert regarding four separate items and he had not received any information back on those four items yet so he is hesitant to approve the demands without answers to his questions but doesn't want to hold up the process. Mr. Weller stated he will be voting against the demands due to the items he is awaiting answers to. Mr. Weller stated he would like the Finance Director and County Manager to respond to his email. Chairman Shirley stated he

would like to get a motion and second on all five items and then comment or questions can be made on each item. Mr. White moved to approve all five Consent Items. Mr. Weller asked if the entire consent was being vote on. Mr. Shirley stated no, they were not voting yet, but he wanted to get a motion and seconded for discussion purposes. Mr. Weller stated he would second the motion to discuss the entire consent agenda. Payee Amount

APACHE COUNTY TAX WITHHOLDING 2,621.72
ADHS AZ HEALTH CARE COST 22,400.00
AZ STATE LAND DEPARTMENT 12,300.00
BANK OF THE WEST 2,282.13
BAUMAN HOME AND AUTO INC 1,722.90
BRADCO 36,551.65
COVERT TRACK GROUP INC 1,743.39
CRESCENT ELECTRIC SUPPLY CO 1,173.27
EMPIRE MACHINERY 1,621.86
FERRELLGAS 1,486.19
FRONTIER 1,021.47
FRONTIER 4,579.34
GALLUP LUMBER & SUPPLY 1,200.49
GRAVES PROPANE CO INC 2,429.46
HATCH CONSTRUCTION 2,086.76
HATCH ELECTRIC 2,900.00
HILLYARD INC 1,617.49
HUGHES SUPPLY INC (LAKESIDE) 1,013.56
LEADSONLINE LLC 2,238.00
LOWES COMPANIES INC 2,199.10
NACO 1,470.00
NAVAJO TRIBAL UTILITY AUTHORITY 3,306.87
NAVOPACHE ELECTRIC COOPERATIVE 19,273.81
PITNEY BOWES RESERVE ACCOUNT 5,000.00
QUALITY CARQUEST 4,212.68
QUILL CORP 1,791.92
REIDHEAD, BRANDY 2,410.00
SCRUBWORKS 2,846.00
ST JOHNS EMERGENCY SERVICES 1,105.23
STANLEY SECURITY SOLUTIONS INC 10,544.17
TABLE TOP TELEPHONE COMPANY INC 1,027.37
THE UNIVERSITY OF ARIZONA 6,250.00
TOWN OF EAGAR 8,288.75
US GEOLOGICAL SURVEY 5,600.00
VALLEY AUTO PARTS 2,597.17
VERIZON WIRELESS 1,068.95
WASHINGTON COURTYARD BY ARRIOTT 2,026.65
WOODLAND BUILDING CENTER 2,575.01
YAVAPAI COUNTY GOVERNMENT 8,750.00
APACHE COUNTY TAX WITHHOLDING 139,526.02
AZ STATE RETIREMENT SYSTEM 87,069.86
CORRECTIONS OFFICER RET PLAN 8,189.87
CORRECTIONS OFFICER RETIREMENT PLAN 520 4,861.39
PUBLIC SAFETY PERSONNEL 401 10,971.63
PUBLIC SAFETY SHERIFF RET 33,571.14
ALLEGRA 1,810.33
ALPINE WATER AND SANITARY 4,074.24
AMAZON COM INC 3,582.11
APEX SOFTWARE 1,295.00
AVAYA COMMUNICATIONS 1,381.19
AZ DEPT OF ECONOMIC SECURITY 11,008.97
BEGAY, ELLA M 1,173.87
BEGAY, KYLE M 2,342.45
BLUE HILLS ENVIRONMENTAL 29,931.56
BRADCO 43,203.88
COCONINO COUNTY 3,733.33
DELL COMPUTER CORPORATION 1,952.76
EMPIRE MACHINERY 6,917.42
FOUR CORERS RADIOLOGY ASSOCIATES 1,444.36
GALL'S INC 1,079.28
GMCO CORPORATION 18,330.65
GOODYEAR AUTO SERVICE 1,247.87
GRAVES PROPANE CO INC 1,761.93
INGRAM LIBRARY SERVICES 4,546.07
INTERNATIONAL CODE COUNCIL (ICC) 1,135.53
JOHN E REID AND ASSOCIATES INC 1,340.00
NAVAJO TRIBAL UTILITY AUTHORITY 4,349.33
NELSON, HARLOTTE 5,363.02
OVERDRIVE INC 1,512.58
PATTERSON, DANA BRYCE 8,500.00
PERFECT PRINTZ LLC 1,260.83
QUILL CORP 3,268.78
REAL AZ DEVELOPMENT COUNCIL 5,000.00
SMITH AND ANNALA ENGINEERING CO 9,146.50
THOMSON REUTERS WEST 1,809.35
TJP COMMUNICATIONS 3,333.35
VERIZON WIRELESS 2,661.32
WAGNER EQUIPMENT CO 2,515.59
WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,017.84
YOUNG, JOSEPH 8,710.00

Mr. Shirley presented item 1B, Approval of minutes dated January 20, 2015. Mr. Weller stated the had no issues with the minutes.

Mr. Shirley presented item 1C for Community Development: Notification of a public hearing for possible amendment to Article 23– Medical Marijuana to be held on February 17, 2015, the next regular meeting. Mr. Weller stated he saw no legal approval of the agenda review item and asked since there was no legal review or signature by the Clerk of the Board he was wondering if the item met all standards and being no signature on the ordinance itself, he looked on the website and found one ordinance was signed in one location and in another location of the website it wasn't signed so it is confusing to the public when it is presented in this manner and he isn't sure they even match so he suggesting the items as they are approved with required staff signatures. Mr. Weller asked Mr. Ollerton, Community Development Director to clarify the ordinance on the website so as we move

forward it is clear to the public. Mr. Shirley stated this is only a notification for a public hearing to be held at the next Board meeting so with Mr. Weller's comments, the item will stand.

Mr. Shirley, on behalf of Community Development presented Consent Item #1-D, request approval of a conditional use permit for HNZ Holding, LLC to erect a meteorological tower to collect weather and climate data for the area. Property is located near Hunt, Arizona parcel 204-28-04, Section 26 Township 16 North, Range 25E. Mr. Weller stated there is no staff signature for legal approval or county manager's approval on the agenda item form and wants to get consistent with that in presenting these items to the public. Mr. Wengert stated he believed Attorney Joe Young has reviewed everything on the agenda and may not have filled out the form and apologized that didn't initial the bottom of the form. Mr. Ollerton stated that this item was reviewed by the County Attorney's Office and it also received unanimous approval by the Planning and Zoning Commission.

Mr. Shirley presented Consent Item 1E for District II, requesting authorization to extend the temporary employment of Regina Tsosie an additional 60 days, from January 20, 2015 to March 20, 2015.

Chairman Shirley stated there was a motion and second on the floor to approve Consent Items A-E and hearing no more discussion, called for the vote. Motion passed 2-1 with Mr. Weller voting nay only because he has not obtained an explanation on the demands as this point.

Mr. Weller moved approval to renew membership of the American Lands Council and pay \$5,000 for annual membership dues, utilizing the Board of Supervisor's General Fund. Hearing no second, the motion died for lack of a second.

Mr. Wengert requested approval to amend the 2015 Board of Supervisors meeting schedule to include all special districts. Mr. Wengert stated this schedule is in the Board packets and has been reviewed by Attorney Joe Young and everything is in order. Mr. White moved to approve, seconded by Mr. Shirley. Motion passed 2-1 with Mr. Weller voting nay due to him not seeing the backup material.

Mr. Wengert presented the item for possible executive session for personnel matters pursuant to A.R.S. 38-431.03(A)(1), discussion and possible action regarding the performance evaluation and employment contract for the Clerk of the Board/County Manager. Mr. Weller stated since he is not there in Ganado, it will be cumbersome to go into executive session but if that is what the Board chooses he will go into a private room. Mr. Shirley stated he isn't sure an executive session is needed and he is ready to vote. Mr. White stated he is also prepared to discuss the issue out in the open. Chairman Shirley asked Mr. Wengert if he was alright with not going into executive session to discuss his evaluation. Mr. Wengert stated Mr. Weller gave him his evaluation that he completed and there is quite a bit of information contained within it and he isn't sure if Mr. Weller wants to discuss his issues in open session. Mr. Weller stated he is fine with everything publicized in the open, he just presumed the Board would be in executive session to discuss the different opinions and one option is to exchange copies of each other's evaluation and review them with Mr. Wengert privately but anyway is fine with him. Chairman Shirley stated he believes he and Mr. White are prepared to take action on this today and there is no need to delay it any longer. Mr. Weller moved approval for Mr. Wengert to review and each other supervisors see the written evaluations. Mr. White seconded the motion. Chairman Shirley stated there is a motion and second to approve Mr. Wengert's performance evaluations. Chairman Shirley stated regarding his evaluation of Mr. Wengert, he gets an excellent ratings on all facets of the evaluation and he has no qualms or questions regarding how Mr. Wengert performs his job for the past two years he has been under his supervision. Mr. White

stated he has known Mr. Wengert for the past 18 years has already shared his evaluation with Mr. Wengert informally, last week. Mr. White stated he is also willing to share his evaluation with the other two supervisors. Mr. White stated as for the rating he gave Mr. Wengert, they were good and commendable and he sees no problem with Mr. Wengert's performance and will forward a copy of the evaluation to Mr. Weller. Mr. Weller stated he has worked with Mr. Wengert for the past two years on any various items and his review of Mr. Wengert is varied, from commendable to good and acceptable and some areas that need improvement. Mr. Weller stated two minor areas that he requested improvement in are completion of forms and errors in documents that need some focus. Mr. Weller stated another area is inequitable treatment such as putting the American Lands Council membership on the agenda for a vote which was denied by the other board members today, but other memberships are not put on the agenda such as CSA, NACOG, NACO and EACO which are the same types of memberships and that is a problem and needs to be rectified. Mr. Weller stated he is proud of Mr. Wengert's professionalism and his ability to communicate in areas and is a fine county manager but there are areas that need improvement. Mr. Wengert stated he appreciates the comments that have been made and will work with Supervisor Weller on the areas he mentioned and it is always his purpose as well as those who work with him to provide the best service to the public and the Board of Supervisors so he appreciates their vote of confidence and he will work on those areas that Mr. Weller indicated need improvement. A discussion was held regarding the contract portion of the agenda item. Mr. Weller and Mr. White stated they would want time to review the contract and requested moving the contract to the next Board meeting. Chairman Shirley stated there is a motion and second to approve the performance evaluation of Mr. Wengert and retain him as County Manager and defer the contract to the next Board meeting. Vote was unanimous.

Chairman Shirley opened the floor for call to the public.

Brad Grower, a resident of Eagar, stated he spoke to the Board six months ago and the county manager assured him that video conferencing of future meetings would be implemented in a few weeks and that is not the case. Mr. Grower stated that since then, a million dollars in new taxes have been adopted, funding for 911 services, and the public schools are now reported to be insufficient so it would appear further measures to reduce excessive spending are in order. Mr. Grower stated he doubts anyone will provide any answers but it would be of great value to determine how many county vehicles were driven the nearly 200 miles today from St. Johns to Ganado and back, and video teleconferencing would have eliminated that need. Mr. Grower stated other counties, the State and the Navajo Nation already employ this process to increase transparency and public participation and he can only conclude that refusing to provide live stream video coverage of Apache County meetings, which he did before Mr. Wengert suspended wireless internet service that is paid for with tax dollars, he can only conclude the reason for the intentional wireless use policy was done to hide the financial and management problems of Apache County government. Mr. Grower stated he has also witnessed speeding by county employees on highways and in towns and it is time to adopt a tracking and accountability program to reduce excessive and out of control costs. Mr. Grower stated since no means exist now to convince employees to obey the speed limit and respect the law, perhaps a van should be used to shuttle county personnel to meetings held outside of St. Johns, like the meeting held today if video conferencing is not going to be done.

Chairman Shirley responded to Mr. Grower by saying he has been with Apache County for 21 years and allegations have been made and nothing has been found so he isn't sure if there is any validity to what Mr. Grower has said but he suggests Mr. Grower come attend some chapter and school board meetings and find out how they do things up north and most people in remote areas of the county don't have internet services.

Steven Kee, a resident of Ganado, stated he has a concern with Ganado Unified School District board members. Mr. Kee stated they elected the board members but they haven't been reporting to the local community so something needs to be done.

Annie Neagle, a resident of Ganado addressed the Board and expressed her concern with a handicapped individual and requested someone be sent to assist him. Ms. Neagle stated she has been helping the gentleman all winter but he needs gravel put in front of his trailer house and she thinks there are other people that are needing assistance as well. Ms. Neagle stated that she remembered meeting Supervisor Weller when he was campaigning and he said he would be on the Navajo Reservation helping the veterans and he isn't here and he should be here meeting with the people in Ganado. Mrs. Neagle stated she expects Mr. Weller to come here, he is supposed to be here helping the community and talking to people and she is thankful for the people who did come to Ganado today. Mr. Weller stated he appreciates Mrs. Neagle's position but Ganado is not in his district and he does visit the chapter houses in his district and commutates with the people that are residents of the Navajo Nation very frequently and he is involved with issues on the Navajo Nation in his district area. Mr. Weller apologized for not being in Ganado today due to other scheduling conflicts and his concern for cost to the county because congressional bodies do not travel to other areas but he agreed that the Board should be available to the citizens in every area the Board represents. Mr. Weller asked for clarification regarding the concern Ms. Neagle had referenced with the person in need and asked if there was someone in an emergency situation that the County needed to respond to. Mr. Shirley stated regarding the issue Mrs. Neagle referred to, staff will meet with Ms. Neagle after the meeting to address her concern with meeting the needs of the physically challenged residents and Mr. White will address it since it is in his district. Mr. Shirley stated the Navajo Nation needs to play a role in this issue since the Nation has 42 graders and heavy equipment that is just sitting there and need to be used to help.

Lavenna George, a resident of Ganado, stated that she wanted to address the issue of the meeting locality for the Board meeting and appreciates the fact that the Board choose to bring their meeting to Ganado. Mrs. George stated it is very far for some people to travel who don't have proper transportation to get to St. Johns and appreciates that the Board came here and took the time to look them in the eye and see the leaders that the people elected and see what they talk about but using the internet is very impersonal and informal and asked the Board to continue to hold meetings in Ganado and elsewhere on the reservation. Chairman Shirley thanked everyone for attending the meeting and stated there are issues that will need to be followed up on.

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

Approved this 17th day of February, 2015.

/s/ Joe Shirley
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board