

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING  
October 3, 2017  
Ganado, Arizona**

Present were: Chairman Joe Shirley, Jr., Vice Chairman Doyel Shamley and Supervisor Alton Joe Shepherd. Also present, County Manager/Clerk of the Board Delwin Wengert, and County Attorney Michael Whiting.

Chairman Shirley called to order the Board of Supervisors meeting at 8:32 a.m. at the Ganado Road Yard Conference Room Highway 264 Mile Marker 446.8, Ganado, Arizona and welcomed all in attendance.

Mr. Arviso gave the invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman Shirley called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval of the renewal contract with Hostyle Takeover Cleaning Services to clean the Apache County Public Health Services District office in Ganado. Mr. Sexton stated the contract will be effective July 1, 2017 through June 30, 2019 at fifty-five dollars (\$55.00) per week. Mr. Shamley moved approval, seconded by Mr. Shepherd. Vote was unanimous.

Chris Sexton, Mr. Sexton, Health Director, requested approval of the Arizona Nutrition Network Supplemental Nutrition Assistance Program (AzNN SNAP-Ed) Subaward Agreement Modification number three. Mr. Sexton stated this is year three of the contract totaling two hundred thousand, nine hundred thirty-three dollars and forty cents (\$200,933.40). The budget for year one was sixty thousand, nine hundred thirty-three dollars and forty cents (\$60,933.40), year two remains at seventy thousand dollars (\$70,000.00), and year three at seventy thousand dollars (\$70,000.00), totaling two hundred thousand, nine hundred thirty-three dollars and forty cents (\$200,933.40). Mr. Sexton stated just under sixty-one thousand dollars (\$61,000.00) was spent in year one, so there was a de-obligation of funds for FY16. The combined total is a reflection of what was spent in year one, plus the total budget of seventy thousand dollars (\$70,000.00) for both year two and three. Mr. Shepherd moved approval, seconded by Mr. Shamley. Vote was unanimous.

Chris Sexton, Health Director, submitted the Clinical Services Quarterly update for the fourth quarter. No action was needed or taken.

Chris Sexton, Health Discussion and possible approval to convert the current full-time 40 hour a week Administrative Assistant I position to a full-time 32 hour a week Administrative Assistant in the Public Fiduciary department. Mr. Sexton explained the reason for change is for someone that can step into the Public Fiduciary position if needed. Mr. Sexton stated the Public Fiduciary is behind on audits and reports so this position will help. Mr. Sexton stated the funding for the position will come from the Health Department; there are funds available for a vehicle and will forgo buying a new vehicle this year to cover the cost of the position. Mr. Shamley moved approval, seconded by Mr. Shepherd. Vote was unanimous.

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

Chairman Shirley called for the regular agenda items.

Ferrin Crosby, County Engineer, requested a public hearing, discussion and possible approval to adopt Road N3114 into the Apache County Road Maintenance System by resolution. Mr. Shamley moved approval seconded by Mr. Shepherd. Vote was unanimous. Mr. Crosby stated if approved, this would become a county maintained road and would have the obligation to maintain and safe for the traveling public. Mr. Crosby stated the road is about a mile long and if approved, the upgrades would be done in phases to get the road up to standards, due to budgetary restraints. Mr. Crosby stated the upgrades could be done in a short timeframe and does.

Margaret Langtagne, a resident of Vernon since 2006, stated that road is the only legal access for many residents in the area and will benefit greatly from N3114 being a county maintained road. Mrs. Langtagne also read letters from two other residents that were in support of the acceptance of the road.

Pamela Bianco, a resident of Vernon stated she has owned property since 2006 and N3114 is impassable much of the year and requested approval of N3114 to make it a year-round safe passable road for the residents. Mr. Bianco provided pictures of the road for the Board's review.

Marianne McQuire, a resident of Vernon, stated she is concerned with emergency personnel reaching her in an emergency situation due to the condition of the road and has listed he home for sale and the buyers love the area but the road is a deal breaker. Mrs. McQuire urged the Board to approve the adoption of N3114.

There was no one else wanting to address the Board. Mr. Shamley moved to close the public hearing, seconded by Mr. Shepherd. Vote was unanimous. Mr. Shepherd stated he appreciated those who traveled to Ganado to address the item. Mr. Shepherd stated the entire county has roads just like this and always look to our expert personnel in each of the districts to improve the lives and betterment of the people and infrastructure and moved to approve, seconded by Mr. Shamley. Chairman Shirley, Mr. Crosby and Mr. Whiting held a discussion regarding the process to add a road into the County system.

Marleita Begay, County Treasurer, stated the approval of the road today sets a precedence for Apache County and she wants to know the process between BIA, NDOT, Apache County and the community because she is from District II and there are issues regarding a road that is not a county road. Mrs. Begay stated there should not be roads that are segregated because we are all citizens of Apache County. Mr. Shamley stated roads are a big topic ant all his chapter house meeting and the problem is, if it is an NDOT road, his crews get chased off because it's their road, so an answer from then Navajo Nation would be nice. Mr. Shepherd stated this is an issue that needs to be looked into and understanding the regulations that go along with the trust lands and he has a good working relationship with all the other entities so it will be a good discussion top bring everyone to the table for a discussion. Vote was unanimous.

#### **Resolution #2017-19**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, ADOPTING ONE COUNTY ROAD INTO THE APACHE COUNTY ROAD MAINTENANCE SYSTEM; COUNTY ROAD N3114**

**WHEREAS**, in accordance with the provisions of A.R.S. §28-6705, the Apache County Board of Supervisors may spend public monies for maintenance of public roads other than highways, and

**WHEREAS**, the Board of Supervisors acknowledges this road, was laid out, opened and constructed without cost to the County prior to June 13, 1990; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Apache County that County Road N3114 be adopted into the Apache County Road Maintenance system and be maintained as public roadway. From station 0+00 at the intersection of CR3148 and N3114 continuing easterly along N3114 a distance of approximately 5345.00 feet to station 53+45. To be known henceforth as County Road #3114.

**PASSED, ADOPTED AND APPROVED** at Ganado, Arizona on October 3, 2017.

APACHE COUNTY BOARD OF SUPERVISORS

/s/ Dr. Joe Shirley Jr.

Chairman of the Board

ATTEST:

/s/ Delwin Wengert, Clerk of the Board

Mr. Wengert requested approval of the demands as distributed to the Apache County Board of Supervisors between September 19, 2017 to October 3, 2017. Mr. Shamley moved approval, seconded by Mr. Shepherd. Payee Amount AMERICAN FAMILY LIFE ASSURANCE 1,085.03 APACHE COUNTY HSA 3,171.67 APACHE COUNTY MEDICAL 163,518.90 APACHE COUNTY TAX WITHHOLDING 143,879.60 ASRS LEGACY EORP 1,089.96 AZ STATE RETIREMENT SYSTEM 96,680.71 COLONIAL LIFE AND ACCIDENT INS 1,281.28 CORRECTIONS OFFICER RET PLAN 6,981.22 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,396.19 EORP LEGACY 1,288.26 NATIONWIDE 1,955.00 NATIONWIDE RETIREMENT SOL EODCRS 1,030.62 PUBLIC SAFETY PERSONNEL 401 7,699.10 PUBLIC SAFETY SHERIFF RET 53,053.10 SUPPORT PAYMENT CLEARINGHOUSE 1,942.91 ADHS AZ HEALTH CARE COST 22,400.00 ALLEGRA 8,048.64 ARIZONA STATE FORESTRY DIVISION 11,151.01 AVAYA COMMUNICATIONS 1,603.62 AZ COUNTIES INSURANCE POOL 1,787.90 AZ DEPT OF REVENUE 1,804.86 AZ STATE LAND DEPARTMENT 1,200.00 BAUMAN HOME AND AUTO INC 2,110.85 BRADCO 33,235.16 CDW GOVERNMENT LLC 2,215.24 COURTESY CHEVROLET 91,365.82 D & H PETROLEUM & ENVIRONMENTAL SERVICES 1,056.90 DIAMOND DRUGS INC 6,296.08 EMPIRE MACHINERY 4,531.71 FLEET PRIDE 22,636.04 FRONTIER 1,051.92 GALL'S INC 1,739.66 GALLUP CUSTOM TINTING 1,705.93 GOVERLAN INC 1,200.00 HAMBLIN LAW OFFICE PLC 8,500.00 HAWKER AND EVANS ASPHALT CO 12,738.98 HILLYARD/FLAGSTAFF 3,850.83 HOME DEPOT 2,956.75 INGRAM LIBRARY SERVICES 2,813.89 JOHNSON APPRAISAL GROUP PLLC 1,245.33 LATHAM, MICHAEL 1,080.60 MERRILL, DAYSON 1,149.91 MO MONEY ASSOCIATES LLC 7,816.28 NATIONAL BUSINESS FURNITURE 8,051.01 NAVAJO TRIBAL UTILITY AUTHORITY 1,433.51 NAVOPACHE ELECTRIC COOPERATIVE 4,552.84 PIMA COUNTY MEDICAL 2,300.00 PITNEY BOWES 1,680.94 QUALITY READY MIX INC 2,685.65 QUILL CORP 3,868.75 RDO EQUIPMENT CO 14,014.00 REIDHEAD SAND AND ROCK 1,619.88 RICHARD M SAMUELS PHD PLC 3,500.00 ROCKWERX INC 5,975.00 SAFETY KLEEN 1,243.16 SANOFI PASTEUR INC 3,377.73 SECURUS TECHNOLOGIES INC 1,110.08 SOUTHERN FOLGER DETENTION EQUIPMENT CO 1,375.00 ST JOHNS CITY 6,302.80 SUMMIT HEALTHCARE MEDICAL ASSOCIATES 1,114.00 TATES AUTO CENTER OF GALLUP 2,783.75 THOMSON REUTERS WEST 1,490.22 VERIZON WIRELESS 1,474.19 WOODLAND BUILDING CENTER 2,834.35 CRIBS FOR KIDS INC 1,759.73 HOLGATE, JOE 1,917.70 AMAZON COM INC 3,477.85 AZ BRAKE & CLUTCH SUPPLY 1,433.51 AZ STATE LIBRARY ARCHIVES & PUBLIC RECORDS 8,362.02 AZ SUPREME COURT 19,500.00 AZ SUPREME COURT 2,625.00 AZ SUPREME COURT 3,750.00 BRADCO 4,206.47 CATERPILLAR FINANCIAL SERVICES CORPORATION 59,420.69 CHANGEPOINT INTEGRATED HEALTH 9,900.00 CONTINENTAL COMPUTERS 1,490.40 EM WHITING HOMESTEAD INC 5,130.00 ERNIES FIRE EXTINGUISHER 12,900.00 GOLDTOOTH PRECISION SOLUTIONS INC 1,312.50 GUINN, RICHARD C 1,650.00 HOME DEPOT 4,300.77 INGRAM LIBRARY SERVICES 1,041.57

JOHNSON, CASSANDRA MAE 1,825.00 KONICA MINOLTA 5,352.38 LATHAM, MICHAEL 5,260.89 NATIONAL BUSINESS FURNITURE 1,865.32 NAVAJO TRIBAL UTILITY AUTHORITY 1,315.40 NAVOPACHE ELECTRIC COOPERATIVE 12,032.27 NORCHEM DRUG TESTING LABORATORY 1,354.70 ORIENTAL TRADING COMPANY 1,847.16 PENA, NATASHA 1,825.00 PITNEY BOWES RESERVE ACCOUNT 5,000.00 QUILL CORP 2,590.37 RICHARD M SAMUELS PHD PLC 3,500.00 RIM COUNTRY MECHANICAL 5,577.00 RUSH TRUCK CENTER 1,828.96 SOURCEHOV 1,308.00 STAPLES CREDIT PLAN 3,213.83 SW ECOLOGY LLC 4,444.68 THOMSON REUTERS WEST 1,426.92 TJP COMMUNICATIONS 2,415.94 US POSTMASTER 1,500.00 VANDEMARK, RACHEL 4,002.87 VERIZON WIRELESS 1,827.77 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. Vote was unanimous.

Brandon Eagar, Chief Deputy Sheriff, on behalf of Emergency Management, requested approval of the updated Emergency Operations Plan and a copy of the Emergency Operations Plan is available on the County website and in the County Manager's Office. Mr. Shamley moved approval, seconded by Mr. Shepherd. Mr. Shepherd stated he would like this as a topic on an upcoming work session because the mitigation plan does not serve all of Apache County and he is working on several grants and the audits are disallowing up to move forward with the grants and he is wanting to know when we will be able to get through those audits. Mr. Shepherd stated the mitigation plan needs to be looked at for the entire county. Mr. Shepherd stated there needs to be a discussion on how to get around the Navajo Nation requirements and be able to respond to emergencies throughout Apache County and the process needs to be improved. Chief Eagar stated the Mitigation Plan is a separate plan from the Emergency Response Plan which is before the board for consideration today and is aware District II has submitted a couple applications and if the mitigation plan is approved, and the audits are up to date, that will allow those applications to move forward. Mr. Shamley stated if there is a work session on this issue, that would provide the Board with the information on the process when the Board enacts a declaration of emergency because right now, we can't do anything until the Navajo Nation declares a state of emergency. Mr. Shepherd stated it needs to be made an easier process so the reimbursement can be collected. Mr. Shamley stated on the work session agenda today is an item for Apache County goals and he would entertain laying out our objectives and concerns during that work session so we can begin working on a solution. Chief Eagar stated that would be good because his office needs that coordination due to the fiscal tracking associated with reimbursements during an emergency. Vote was unanimous.

Mr. Wengert requested approval of a letter of support respectfully requesting the Congress of the United States to immediately provide full funding for the Payment-In-Lieu-of-Taxes for Fiscal Year 2018 and the Secure Rural Schools Program for Fiscal Years 2016 and 2017. Mr. Wengert stated if the Secure Rural School funding isn't passed, the County will lose approximately \$800,000 which will be passed on to the school districts that have forests within their boundaries and the PILT will drop \$336,000 which is a portion of the County's general fund. Mr. Shamley moved approval to send the letters, seconded by Mr. Shepherd. Vote was unanimous.

Chairman Shirley opened the floor for call to the public.

Isabell Shondee, a resident of Apache County expressed her concern with North Mesa road, a BIA road and wanted to know who was responsible for maintaining the roads because it needs to be paved for safety issues. Ms. Shondee stated she is hoping BIA, NDOT and the County work together to fix the road in a future project. Chairman Shirley stated this resident is in District II so he will leave that up to Mr. Shepherd's office to follow up.

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

Mr. Shepherd moved to go into executive session regarding the item for a possible executive session for personnel matters pursuant to A.R.S. 38-431.03 (A)(1) and/or for legal advice pursuant to A.R.S. 38-431.03(A)(3), discussion and possible action of continued employment of the Apache County Manager and Clerk of the Board, Delwin Wengert, including possible changes to the terms of employment ranging from a raise in salary to potential discipline, up to and including termination of employment. Mr. Shamley seconded the motion. Mr. Wengert requested he be allowed to go into executive session to see what the issues are. Chairman Shirley granted Mr. Wengert's request. Vote was unanimous.

Executive session was held.

Chairman Shirley reconvened the meeting.

Mr. Shepherd moved to end the executive session, seconded by Mr. Shamley. Vote was unanimous.

Mr. Shepherd moved to table the items regarding discussion and possible action of continued employment of the Apache County Manager and Clerk of the Board, Delwin Wengert, including possible changes to the terms of employment ranging from a raise in salary to potential discipline, up to and including termination of employment. Mr. Shamley seconded the motion. Vote was unanimous.

Mr. Shirley stated he would not be able to attend the work session since he had to head to another meeting. Mr. Shepherd recommended to postpone and reschedule the work session since he also had another meeting to get to. Mr. Shepherd moved to defer the work session, seconded by Mr. Shamley. Marleita Begay, County Treasurer, stated she was not aware of the work session today and asked the elected officials be invited when the work session is rescheduled. Vote was unanimous.

Mr. Shepherd moved to adjourn, seconded by Mr. Shamley. Vote was unanimous.

Approved this 7th day of November 2017.

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

/s/ Ryan Patterson  
Interim Clerk of the Board