

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
October 6, 2015
Ganado, Arizona**

Present were: Vice Chairman Tom M. White, Jr. and County Manager/Clerk of the Board Delwin Wengert. Supervisor Barry Weller and Chief Deputy Attorney Joseph Young participated via the telephone. Chairman Joe Shirley, Jr. was unavailable for the meeting.

Vice Chairman White called to order the Board of Supervisors meeting at 8:33 a.m. in the Ganado Road Yard Conference Room, Highway 264 mile marker 446.8 Ganado, Arizona.

Brannan Eagar led the Pledge of Allegiance.

Lenora Fulton gave the invocation.

Vice Chairman White called for the Library District items.

Judith Pepple, Library Director, requested approval to accept a donation in the amount of \$2,271.56 from the Salt River Project Boosters Association. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

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

Vice Chairman White called for the Public Health Services District items.

Chris Sexton, Health District Director, requested approval of Intergovernmental Agreement "Healthy People Healthy Communities" Contract ADHS 15-094274 Amendment #1 which changes the Contract # to ADHS 16-097960 and redefines how the

County will submit the deliverables to the ADHS Program Coordinator. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Chris Sexton, Health District Director, requested approval of the Governor's Office of Highway Safety Contract Occupant Protection Equipment Education #2016-OP-008 in the amount of \$9,114 which will support Capital Outlay of 150 child safety seats and travel-in-State to enhance Occupant Protection Education throughout Apache County, effective October 1, 2015 to September 30, 2016. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated he would like to see statistics on the efforts by the County on child safety seats. Mr. White asked if the safety seat program was throughout Apache County or just District III. Mr. Sexton stated the program is county wide with collaboration with the Navajo Nation to provide education and car seats. Motion passed.

Chris Sexton, Health District Director, requested approval of Contract ADHS 14-053047 Women, Infant & Children (WIC), Breast Feeding Peer Counsel (BFPC) and Farmers Market Nutrition Program (FMNP) services, Amendment #3 which amends the allocation of funds on the WIC price sheet. Mr. Sexton stated Apache County only participated in the WIC services, not the other programs. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller asked if the County was losing a Dietician. Mr. Sexton stated the registered Dietician will be shared with Navajo County and

would be in Navajo County two days a week and in Apache County two days a week and the salary will be paid by the grant. Motion passed.

Mr. Weller moved to adjourn the Public Health Services District meeting, seconded by Mr. White. Motion passed.

The Board sat as the Board of Equalization to consider the following Petitions for Review of Real Property determinations heard by Hearing Officer Charles Johnson on September 2, 2015. Mr. Weller stated items 1-15 could be consolidated but he received an email from Francis Moore and Celestial Sojourner and wanted the County Attorney to comment on the settlement. Chief Deputy County Attorney Joe Young stated a Notice of Claim was received and relates to Moore and Sojourner on item #4 on the agenda, only in the sense the claimants are using the decision as a basis of what they believe the property values should be for past years as well as this year, so they are related but are distinct in the sense the vote to approve the hearing determinations by the Board of Equalization does not affect the Notice of Claim the County received. Mr. Weller asked if the notice of claim that was just received is irrelevant to the decision the Board of Equalization makes today on Item #4 for Moore and Sojourner. Mr. Young stated Mr. Moore and Ms. Sojourners' claim is that having received a lower valuation through the hearing officer for the Board of Equalization this year, is proof that they were overcharged the prior years. Mr. Young stated that determination would have to come out in litigation but as far as this specific case today, the hearing officer's decision doesn't change what happened in the past. Mr. Weller clarified, the County Attorney's statement, by approving the recommendation by the Board of Equalization hearing officer, it may show some potential evidence that could possibly be used in their future case. Mr. Young responded that was correct. Mr. Weller moved to consolidate and approve items 1-15 under the Board of Equalization, seconded by Mr. White. **1.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for 101-21-001-Q, owner Linda Hale. **2.** Request acceptance of hearing determination of Petition for Review of real Property Valuation for 102-11-001C, owner Jay Sargent. **3.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for multiple parcels 107-52-014, 107-52-017, 107-52-018, 107-52-021 and 107-52-023, owner Charles Appelblatt. **4.** Request acceptance of hearing determination of Petition for Review of Real Property for parcel 104-24-005A parcel 104-24-005B, parcel 104-25-080 D, owners Francis Moore and Celestial Sojourner. **5.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for 101-11-002, owner Serrine Family Trust. **6.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for 107-54-156A, owner Geoffrey White. **7.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for 104-24-002H, owner Eagle Cove Apartments. **8.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for multiple parcels 203-78-001 through 203-78-013, owner Hillcrest Duplexes. **9.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 103-08-027, owner Phillip Luffy. **10.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 102-08-013F, owners Don & Debra LLC. **11.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 106-61-031, owner Tom & Jo Ann Patrick. **12.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 106-68-001H, owners Baird, Williams & Greer. **13.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 102-62-001 and 102-62-002, owners Robert & Karalee Grounds. **14.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcel 102-14-012P, owners Edward & Robin Stein. **15.** Request acceptance of hearing determination of Petition for Review of Real Property Valuation for parcels 203-83-898, 203-83-915, 203-84-108, 204-58-001, 204-58-006, 204-58-011, 204-58-108, 204-60-279, 204-60-289, 204-60-289, 204-60-290, 204-61-420, owner R.D.S.Inc. Motion Passed to approve all fifteen Board of Equalization decisions. The Board reconvened as the Board of Supervisors.

Mr. Wengert requested approval of the Consent Items A & B. Mr. Weller moved approval of A & B, seconded by Mr. White. **County Manager/Clerk of the Board: A.** Request approval of demands as distributed to the Apache County Board of Supervisors between September 15, 2015 to October 6, 2015. Payee Amount WHITE RAVEN OF ARIZONA LLC 2,642.38 AZ COUNTIES INSURANCE POOL 1,538.00 AZ DEPT OF REVENUE 4,461.87 AZ SUPREME COURT 2,625.00 AZ SUPREME COURT 4,125.00 BAUMAN HOME AND AUTO INC 1,001.10 BENDER, JUDITH A 4,500.00 BIG TEX TRAILERS 3,360.91 BILL LUKE CHRYSLER JEEP DODGE INC 30,408.06 BLUE HILLS ENVIRONMENTAL 1,655.94 CDW GOVERNMENT LLC 1,517.91 CONSOLIDATED INDUSTRIES LLC 4,056.30 CRESCENT ELECTRIC SUPPLY CO 2,903.43 D & H PETROLEUM & ENVIRONMENTAL SERVICES 3,769.14 DELL COMPUTER CORPORATION 1,672.40 EMILY L DANIES ATTORNEY AT LAW 1,925.00 EMPIRE MACHINERY 9,078.85 FRONTIER 1,026.08 GOODYEAR AUTO SERVICE 1,540.32 HAMBLIN LAW OFFICE PLC 17,000.00 INGRAM LIBRARY SERVICES 1,883.52 JOHN V SCIALLI MD 2,490.00 JOHNSON APPRAISAL GROUP PLLC 1,562.98 KATHLEEN M MCGUIRE PSY D LLC 2,235.00 LAWSON PRODUCTS INC 7,816.03 LEXIPOL LLC 7,300.00 MACIVOR, JOHN 1,500.00 NAVOPACHE ELECTRIC COOPERATIVE 15,682.49 NORCHEM DRUG TESTING LABORATORY 1,288.00 PIMENTEL CONTRACT CLEANING 3,350.00 QUALITY INN & SUITES – GALLUP NM 1,410.75 QUILL CORP 2,506.40 REIDHEAD, BRANDY 2,752.00 S URAM CONSULTING PLLC 5,550.00 SOUTHWEST ROCK PRODUCTS LLC 61,981.55 SPECIAL OPERATIONS GROUP 1,495.00 ST JOHNS CITY 1,902.01 ST JOHNS CITY 6,808.47 STAPLES CREDIT PLAN 1,632.95 SUPERSTITION SPRINGS MID LLC 53,696.48 VERITAS RESEARCH CONSULTING 1,440.00 VERIZON WIRELESS 1,014.97 WHITE MOUNTAIN PUBLISHING CO 3,948.09 WOODLAND BUILDING CENTER 1,635.39 YOUNGS FUTURE TIRE 5,296.90 APACHE COUNTY HSA 2,181.67 APACHE COUNTY MEDICAL 141,211.58 APACHE COUNTY TAX WITHHOLDING 142,804.77 AZ STATE RETIREMENT SYSTEM 89,013.10 COLONIAL LIFE AND ACCIDENT INS 1,477.09 CORRECTIONS OFFICER RET PLAN 5,809.79 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,641.44 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 48,491.32 SECURITY BENEFIT GROUP 1,141.00 SUPPORT PAYMENT CLEARINGHOUSE 2,272.27 AMAZON COM INC 1,441.31 APACHE COUNTY SCHOOLS CONSORTIUM 46,800.00 AVAYA COMMUNICATIONS 1,381.19 BRADCO 20,354.87 BUNTON, KELLY L 3,495.00 COCONINO COUNTY 1,080.00 COORDINATED CONSULTING SERVICES 14,962.00 DELL COMPUTER CORPORATION 2,305.36 DIAMOND DRUGS INC 8,535.24 EMPIRE MACHINERY 3,966.74 FRONTIER 4,591.97 GOLIGHTLY TIRE 3,156.35 HILLYARD INC 2,646.79 INGRAM LIBRARY SERVICES 2,906.38 LAW OFFICE OF DIRK LEGATE PLLC 8,665.00 MASS TRANSCRIPTIONS 1,698.30 NATIONAL BUSINESS FURNITURE 6,742.43 NATIONS GAS TECHNOLOGIES INC 1,188.96 NAVAJO TRIBAL UTILITY AUTHORITY 1,970.55 NAVOPACHE ELECTRIC COOPERATIVE 6,906.76 PATTERSON, DANA BRYCE 8,500.00 PITNEY BOWES RESERVE ACCOUNT 5,000.00 QUILL CORP 3,619.42 SANDSTONE PUBLIC RELATIONS 3,700.00 THE GUIDANCE CENTER 1,475.00 THOMSON REUTERS WEST 1,238.89 TJP COMMUNICATIONS 3,203.22 TOWN OF EAGAR 8,499.78 VALLEY AUTO PARTS 3,123.24 VERIZON WIRELESS 1,473.81 WELLS FARGO BANK 0609 1,684.94 WESTERN EMULSIONS INC 237,349.58 WILLIAMS LAW GROUP PLLC 8,500.00 YOUNGS FUTURE TIRE 1,110.79 ADHS AZ HEALTH CARE COST 22,400.00 ALLEGRA 5,753.34 AMAZON COM INC 3,327.80 APACHE COUNTY PROBATION DEPARTMENT 10,000.00 BRIMHALL SAND & ROCK 19,531.43 CREDITRON CORPORATION 1,636.50 DELL COMPUTER CORPORATION 1,775.34 EMPIRE MACHINERY 1,160.60 FRONTIER 1,755.07 HOV SERVICES 1,270.00 INGRAM LIBRARY SERVICES 1,231.64 NATIONAL BANK OF ARIZONA 1,270.00 NAVAJO COUNTY 15,000.00 NORTHEAST ARIZONA TRAINING CENTER INC 6,250.00 PACIFIC PONDEROSA CO INC 5,986.80 PERFECT PRINTZ LLC 2,376.95 PITNEY BOWES 3,387.62 QUILL CORP 6,056.62 RUSH TRUCK CENTER 4,260.20 SANOFI PASTEUR INC 11,094.22 SHUMWAY, TRACY 1,780.08 THOMSON REUTERS WEST 11,109.67 UNIVERSAL FLEET CARD 2,480.82 VERITAS RESEARCH CONSULTING 1,800.00 VERIZON WIRELESS 1,765.80 WELLS FARGO BANK 0609 1,207.21 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 15, 2015. Motion passed.

Mr. Wengert requested approval of a resolution requesting the Congress of the United States provide full funding for Payment-In-Lieu-of-Taxes (PILT) program. Mr. Wengert stated the County receives about 1.5 million in funding and this resolution encourages Congress to provide full funding. Mr. Wengert stated wording was added to the resolution to include lands on the Navajo Nation that should be considered as well, where right now they are not, so this resolution requests Congress also consider the lands in Apache County on the Navajo Nation, which comprises 67% of the county land mass. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated the resolution uses a figure of about .72 to .75 cents per acre associated with the public lands that the County is getting paid for which he isn't asking to change at this point, but we get about 1.6 million dollars off the acreage right now and that comes out to about \$2.09 per acre. Mr. Weller stated if we could get that same \$2.09 per acre for the native American lands in our county that would be another ten million dollars so this is an important issue and need to work with the state to help us get this PILT rearranged so the county can be equated with other counties with the land mass and population we deal with. Mr. White asked Mr. Wengert to speak with Mr. Sullivan with the County Supervisors Association (CSA) to address the issue as Mr. Weller spoke about. Mr. Wengert stated he would speak with Mr. Sullivan and the CSA organization as well as the state and federal representatives because this would be a huge boon to the county if we could obtain the funding as Mr. Weller mentioned and this issue needs to be rigorously pursued to see that the possibilities are. Motion passed.

RESOLUTION 2015-14
A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY
RESPECTFULLY REQUESTING THE CONGRESS OF THE UNITED STATES TO
IMMEDIATELY PROVIDE FULL MANDATORY FUNDING FOR
THE PAYMENT-IN-LIEU-OF-TAXES PROGRAM

WHEREAS, the Payment-In-Lieu-of-Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of federal lands located within a county, and

WHEREAS, the County of Apache is comprised of 7,179,804 acres of which 763,681, (10.6%), is held by the federal government and unavailable for economic development and not part of the property tax base, and

WHEREAS, Apache County contains 4,787,634 acres of Native American lands (67%) of the County land mass, which are not part of the property tax base and

WHEREAS, The Native American Lands should also be supported from federal funding as PILT to accommodate the essential services needed and provided by the County to the residents on the Navajo Nation, and

WHEREAS, the State of Arizona contains 113,417 square miles of land, with federally owned land, excluding tribal lands, comprising 42 percent of the land mass, while private land in Arizona comprises only 17 percent, and

WHEREAS, the national average PILT payment in Fiscal Year 2014 was \$0.72 per acre, far below the amount federal lands would return through both value based taxation and economic development, and

WHEREAS, \$37 million of the Fiscal Year 2015 payments have yet to be released, placing added financial pressure on Apache County taxpayers, and

WHEREAS, Apache County is required to provide law enforcement, search and rescue, emergency services, road building and maintenance, and other community services on, or associated with tax-exempt federal public lands, and

WHEREAS, a lack of PILT funding places the large, unsustainable burden of providing services on federal lands squarely on the back of Apache County tax payers, while the presence of that federal land creates barriers to further economic opportunities, and

WHEREAS, failure to provide mandatory PILT funding to Arizona counties in a timely manner will critically impact the budget process and structural solvency of Apache County, and substantially compromise the county's ability to provide essential services.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Apache County hereby respectfully requests that the United States Congress provide full mandatory funding to the PILT program for Fiscal Year 2016 without delay, and work to find a long-term funding solution for the future.

Dated this 6th day of October, 2015.

ATTEST:

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

/s/ Delwin Wengert
Clerk of the Board

Mr. Wengert presented the item for discussion and possible changes to the Board of Supervisors' Agenda Item Review Form and stated that since Chairman Shirley was not present and may have input, asked that this item be tabled until all three supervisors were present to discuss the issue. Vice Chairman White tabled the item.

Mr. Wengert presented the item for discussion and possible action regarding community members Tonya Baloo, Dan Hute and Anita Watchman's concerns regarding reports of contaminated water in the Puerco-Colorado River and the AZ Windsong Water Company in Sanders, Arizona.

Tonya Baloo, a resident of the Sanders area addressed the Board and stated her drinking water has high levels of uranium and is not safe. Mr. Baloo stated Arizona Windsong Water Company has been distributing unsafe water for the past 12 years and is documented on the EPA and ADEQ websites. Ms. Baloo stated she has a 13 year old son has had chronic exposure to the uranium. Ms. Baloo stated Arizona Windsong Water Company is regulated by the Corporation Commission and they are not fixing this issue and no one knows their solution and they need safe water. Ms. Baloo requested assistance with the issue.

Dan Hute, Sanders School Superintendent provided a handout of information compiled from community meetings that were held. Mr. Hute stated the school recently drilled a new well that cost \$200,000 and does not know if it is safe to use.

Mr. Hute stated they are currently having to haul water for cooking and purchase drinking water for the school and housing areas for about 60 full time teachers, staff and children and there are about 1000 people in the school every day. Mr. Hute stated the issues facing the district are how they will fund the additional resources needed from the water issue without depleting their budget and the school district is facing issues that go over and above what the normal institution of education would normally be handling and asked for any assistance the county could provide. Mr. Hute stated they are looking into a major filtering system at the well source and hasn't obtained the full cost estimate but will be around \$200,000 which are costs they didn't plan for and will deplete their emergency funds but is committed to keeping the students and staff safe. Mr. Weller stated Senator Begay has been working at the state level and got St. Mary's Food bank to provide water and asked if that water was at the school and how the supply is holding up. Ms. Baloo stated the water was given to the Park Estates Community but they did leave two pallets for the school. Mr. Hute stated he would gladly take the two pallets of water and had staff purchase 3 pallets of water from Sam's Club and that is used at the schools and also purchased two 65 gallon water tanks and those are used to transport water from the high school, which is on the NTUA water line, to the kitchens at the

elementary and middle school. Mr. Hute stated they are in the process of doing a requisition from Water Works in Gallup for about \$17,000 to supply five gallon water coolers for each housing unit for teachers for cooking and drinking. Mr. Weller asked if those unplanned costs were coming out of the school budget. Mr. Hute stated yes. Mr. Weller stated Byron James with ADEQ in St. Johns and County Health Director Chris Sexton are staying close to the issue and will stay engaged and communicate to the Board of Supervisors what is taking place and thanked Mr. Hute and Ms. Baloo for their good work in communicating to all organizations the issues and asked them to continue to copy the Board of Supervisors directly with anything taking place. Mr. Weller stated he remains available to discuss the friendly takeover and acceptance of the Arizona Windsong Water System by the Navajo Nation and will be glad to be a part of any discussions to help support that transition. Mr. Weller stated State statutes regarding public water systems are very time consuming and will take up to two or three years to get uncontaminated water to the community. Mr. Weller stated he does not have any answers yet, and asked Mr. White to stay supportive with him in the process and be open to any areas ADEQ and the Health Department can assist with to help the process. Mr. White stated anything the County can do to assist the Sanders community and school will be done because this is a serious issue. Mr. White stated he is hoping the Navajo Nation will help and the County needs to help as much as possible. Mr. Wengert stated he will meet with Byron James with ADEQ and Chris Sexton, the Health Director and make sure they give the Board an updated report from the perspective of the Department of Water Resources and what can be done as well as any county resources. No action was taken.

County Manager: Discussion and possible approval of a resolution in support of funding for Dine' College. President Maggie George with the Dine' College and Daryl Begay, Government Relations Officer for the college, provided an overview of the purpose of the resolution. Mr. Weller moved to approve, seconded by Mr. White. Motion passed.

Resolution #2015-13

Apache County Board of Supervisors in Support of funding for of Dine' College

WHEREAS, more than one-third of Apache County lies within the exterior boundaries of the Navajo Nation, and Navajo people both within and outside the reservation constitute a significant percentage of the residents of the county;

WHEREAS, the Navajo Nation established Navajo Community College (now Diné College) in 1968 to provide Navajo and other students a local option for higher education, and it remains the primary access to higher education for Navajo students;

WHEREAS, The College operates and maintains its flagship campus in Tsaile with community centers Window Rock and Chinle, and it currently has dual-credit agreements with Chinle Unified School District #24, Ganado Unified School District, Many Farm High School (BIE), Red Mesa Unified School District #27, and Window Rock Unified School District #8.

WHEREAS, the United States Congress passed the Navajo Community College Act of 1971, the Navajo Community College Assistance Act of 1978, and the Navajo Higher Education Act of 2008, which collectively provide for maintenance, operation, and construction funding for the college;

WHEREAS, Representative Ann Kirkpatrick (D-AZ) has introduced the Diné College Act of 2015 "to fulfill the United States Government's trust responsibility to serve the higher education needs of the Navajo people and to clarify, unify, and modernize prior Diné College legislation," and Diné College has requested Senator Jeff Flake (R-AZ) to introduce a Senate companion bill;

BE IT FURTHER RESOLVED, that the Board of Supervisors of Apache County urges the Arizona Congressional Delegation to support both the Senate and House versions of the Diné College Act of 2015.

PASSED AND ADOPTED BY THE APACHE COUNTY BOARD OF SUPERVISORS ON THIS 6th DAY OF OCTOBER, 2015.

ATTEST:

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

/s/ Delwin Wengert
Clerk of the Board

Paul Hancock, Probation Director, requested approval of an amendment to the Intergovernmental Agreement between Navajo County and Apache County for the housing of detained juveniles. The amendment addresses the educational responsibilities of Navajo County. Mr. Weller stated he will not be supporting the agreement because he believes the taxpayers of Apache County have been misled and are actually paying double expenses due to the Superior Court Judges and County Managers manipulation of the Juvenile Jail District taxes and all associated taxes of the Juvenile detention operations. Mr. White tabled the item.

Chief Deputy Sheriff Brannan Eagar, requested approval to accept the Governor's Office of Highway Safety DUI/Impaired Driving Enforcement Overtime Grant #2016-11-001, in the amount of \$10,000 and requires no County matching funds are required. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Brannan Eagar, Chief Deputy Sheriff, on behalf of Emergency Management, requested authorization to accept the Department of Homeland Security Multi-Jurisdictional Communications Upgrades grant (Agreement #150100-01) in the amount of \$35,000 and required no matching funds. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Chief Deputy Sheriff Brannan Eagar, on behalf of Emergency Management, requested approval to accept the Department of Homeland Security North Region Training and Exercise Grant (Agreement #150100-02) in the amount of \$65,387.00. Chief Eagar stated this award will be used for training and exercises for Apache, Navajo and Coconino Counties and requires no County matching funds are required. Mr. Weller asked how much was Apache County's portion. Chief Eagar stated the County's portion was 1/3 of the \$67,387.00. Mr. Weller asked for a private update in his office by Chief Eagar on the specifics on the exercise in the near future. Chief Eagar stated he would. Mr. Weller moved to approve the agreement, seconded by Mr. White. Motion passed.

Malena Bazarro, Grants Manager requested approval to ratify a Memorandum of Understanding between the City of St. Johns and Apache County to apply for funding from Arizona Game and Fish for revitalization for the Patterson Pond area. Mr. Weller asked if Mr. Wengert had any discussion with Supervisor White about the item. Supervisor White stated no. Mr. Weller asked the Chief Deputy County Attorney Joe Young where Mr. Wengert's authority is to sign the agreement before bringing it to the Board. Ms. Bazarro stated the County Attorney reviewed the agreement prior to Mr. Wengert signing it. Mr. Weller stated his question was directed to the County Attorney. Chief Deputy Attorney Joe Young responded there was a very small window of time to enter into the agreement so it was based on it being more of an emergency situation. Mr. Weller asked when things are in a hurry if the county can ignore the need for the Board to agree to something before it is signed. Mr. Young stated that is not accurate, it falls into the limited authority of the county manager to do so; he has some ability to conduct business within the county with direction from the Board of Supervisors. Mr. Young stated the Board of Supervisors are the decision making body but the county manager does have certain authority to act and conduct business. Mr. Weller stated he believes this is beyond Mr. Wengert's authority and does not see this as an emergency issue. Mr. Weller stated he will not be able to support this agreement with the present language; he sees a \$40,000 risk to the county since it gives the county and city manager authority to modify it at any time in the future. Mr. Weller asked the language be changed so there is no authority to modify it in any way financially or economically without being brought back before the Board. Mr. Wengert stated with this type of matter where there was a timing issue, he would always go to the county attorney to get their advice

and then bring it to the board to be ratified and would never do anything without getting ratification by the Board and tries to follow the procedures from a legal standpoint and Chief Deputy Attorney Young was involved in the process. Mr. Wengert stated the agreement will be taken back to the county attorney and if the language needs to be changed, it will be done. Ms. Bazarro asked what language in the agreement Mr. Weller had an issue with. Mr. Weller stated the clause that allows modification of the contract by the county and city managers because the way it reads, they could modify it for any amount of money they wish. Vice Chairman Mr. White tabled the item to give time to re-word and modify the agreement.

Mr. Wengert presented notification of the County Supervisors Association Annual Legislative Summit October 13-15, 2015 at the Nautical Beachfront Resort, 1000 Mcculloch Blvd., Lake Havasu City, Arizona, where two or more members of the Apache County Board of Supervisors may be in attendance. Vice Chairman White stated he would not be there and asked if Mr. Weller would be attending. Mr. Weller stated he is going to try and make it to some of the meetings. Mr. White stated he believed Chairman Shirley was planning on attending.

Vice Chairman White presented the County Attorney's item for a possible executive session for legal advice pursuant to A.R.S. 38-431.03(a)(3), discussion and possible approval of a Settlement Agreement with Bob Nguyen and Hoa Van Nguyen to settle disputes arising from a traffic stop. Mr. Weller moved to go into executive session. Chief Deputy Joe Young stated he is happy to go into executive session but asked if it could wait due to telephone difficulties since it is not a rush situation. Mr. Weller stated he is also not in any rush, he just has some questions. Chairman White stated since Chairman Shirley isn't present he will table it so all three Board members can participate. Vice Chairman White tabled the item.

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 20th day of October, 2015

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

/s/ Delwin Wengert
Clerk of the Board