

PROCEEDINGS OF THE NACO SANITARY DISTRICT
SPECIAL MEETING
HELD ON TUESDAY, MAY 20, 2021

A special board meeting of the Naco Sanitary District was held on Thursday, May 20, 2021 at 6:02p.m. at 3847 South Towner Ave. Naco AZ 85620.

Present: Charles Behney, Stephen Dey, Robert Orłowski Directors

Charles Behney called the meeting to order at 6:00 PM.

The first order of business was to select a Chair and a Vice Chair. Stephen Dey nominated himself. Mr. Behney and Mr. Orłowski also nominated Mr. Dey. Stephen Dey was elected NSD Chair unanimously.

The meeting was adjourned and immediately re-convened with Mr. Dey conducting the meeting as Chair at 6:03 PM.

Charles Behney nominated himself for Vice-Chair, and Mr. Orłowski seconded. Mr. Behney was unanimously elected to be Vice-Chair.

Mr. Dey then nominated Mr. Behney to take and write minutes. Mr. Behney seconded the motion which was then passed unanimously.

Mr. Dey then called roll again. There was no call to the public, as no members of the public were present.

Mr. Behney made a motion to set the first Tuesday of the month for regular NSD meetings at 6:00 PM. Mr. Dey seconded the motion. Location to be determined. Posting locations will be a website, the post office and the fire station. The motion carried unanimously.

Mr. Dey stated that he would set the agenda, NSD directors can write or phone their agenda items to the Chair, for inclusion.

Mr. Behney recommended Courtesy Notices for any potential quorums during work sessions for public gatherings to keep the public informed.

Mr. Dey made a motion that all agenda items be sent directly to the Chair by email or phone and that the Chair is in charge of producing the agenda. Mr. Behney seconded this motion. The motion passed unanimously.

Mr. Dey revised the agenda to start the process to hire a temporary CPA, while advertising for a permanent staff. Mr. Behney suggested paying for space at the Bisbee Observer for hiring staff.

Mr. Dey made a motion to hire a temporary CPA until a permanent CPA was hired. Mr. Behney seconded the motion. The motion passed unanimously.

Mr. Behney suggested that we need a CPA to liaison with Sherry Martinez. Mr. Dey suggested no action be taken on Ms. Martinez until further information is gathered. This will be placed on unfinished business for the next meeting.

Mr. Dey discussed the need for a temporary attorney until a permanent attorney. Mr. Behney suggested former Douglas City Attorney Juan Flores as a temporary attorney. Mr. Dey made a motion to solicit Mr. Flores as a temporary attorney. Mr. Behney seconded the motion which passed unanimously.

Mr. Dey suggested that we need legal advice for obtaining the legal records of the NSD that have been unavailable to the public and kept in homes. Mr. Behney discussed the history of NSD records being kept in homes, and how he compelled NSD to secure the public records with the Cochise County Board of Supervisors, to protect and secure them for both public inspection, audits and other public business necessary for managing the NSD.

Mr. Behney sent letters to the county attorney and clerk of the board, demanding that the NSD records remain secured for the public. Instead the records were returned to private homes of NSD staff and directors which broke the chain of custody for these public records.

Mr. Dey will consult with the NSD attorney to properly obtain the records in a legal manner.

Mr. Behney suggested we pay bills and find the physical location of the NSD telephone.

Mr. Dey deferred any further discussion regarding bills until the regular meeting on June 1st.

Mr. Behney will send bylaws and other important documents to Mr. Orłowsky.

Regarding ADEQ and the NSD consent order, Mr. Dey mentioned the lack of an operational plan, a vegetation abatement plan, and other issues such as insurance and other past due bills.

Mr. Behney discussed posting courtesy notices regarding the ADEQ abatement at the WWTP. Mr. Behney will begin translating important NSD notices and agendas.

Mr. Dey will place the website business on the next agenda.

Mr. Dey motioned to adjourn the meeting. Mr. Behney seconded the motion. The meeting was adjourned at 6:28 PM with unanimous consent.