

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**AUGUST 11, 2003**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00 a.m.

**PRESENT:** Pete Shumway, Chairman; J.R. DeSpain, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Jerry Brownlow, Member; Mel Bowers, Jr., County Attorney; Dennis Miller, Interim County Manager; and Judy Jones, Clerk of the Board.

Mr. Thompson led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** There were no comments offered.

**CONSENT AGENDA:** Mr. Thompson made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. DeSpain; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Assessment and Tax Roll Corrections; 3) Treasurer: Taxpayer Information Fund (ARS §11-495) expenditure to purchase equipment to be used for processing of taxes and furnishing information to the public; 4) Justice Court Report: Winslow; 5) Public Works: Establish speed limits and stop sign usage on newly reconstructed Sky Hi road pursuant to ARS §28-643 and 703; 6) Board Minutes: July 21, 2003 & August 4, 2003:

**BIOTERRORISM DEFENSE MANAGEMENT:** Dr. Raymond Nejerer, Manager: 1) Approval to subcontract and enlist the Office of Emergency Management for assistance to the Office of Bioterrorism Defense: Dr. Nejerer requested this item be continued until next week to allow him to gather additional information. Mr. Shumway requested that Dr. Nejerer provide the information to the Board prior to this item being placed back on the agenda. No action taken.

2) Request to purchase grant funded vehicles for Bioterrorism Defense Department: Dr. Nejerer advised that he is requesting the purchase of two vehicles, utilizing grant funds. One vehicle will be assigned to himself, the other to the Public Information Officer. The State will retain title to the vehicles, and if the grant funds do not get renewed, the state could take possession of the vehicles at that time. He said he is unsure whether the state will insure the vehicles, but he will check into this and report back to the Board. Mr. Thompson made a motion to approve the purchase of two vehicles utilizing grant funds, as presented; motion seconded by Mr. DeSpain; vote unanimously carried.

**PUBLIC WORKS:** Bill Cox, Director: Authorization to reorganize the Public Works Department by streamlining the department's financial process and incorporating the Special District responsibilities into the department: This item was pulled by the Chairman.

**LAKESIDE FIRE DISTRICT:** Sherry Martin, Public Education Coordinator: Funding assistance from District V Special Project Funds to construct a Message Center outside the fire station: Ms. Martin explained that the Lakeside Fire Department is located on Highway 260 where over 17,800 vehicles pass by every day. The Department would like to construct a message center in front of the fire station to post information such as wind/red flag conditions, fire conditions, evacuation procedures, etc. The total amount needed for the message center is estimated to be \$7500. They have already raised \$2880, with additional funds pledged. They are asking for support and funding assistance from the Board to enable this project to be completed. Mr. Brownlow made a motion to provide funding in the amount of \$1000 from District V Special Project Funds to help construct a Message Center outside the fire station; motion

seconded by Mr. DeSpain; vote unanimously carried. (Mr. Shumway was absent for the vote)

**SHERIFF: Gary Butler, Sheriff:** 1) Consideration and approval to set aside funds from the Homeland Security Grants to replace radios county-wide: Sheriff Butler reported that at the August 5th meeting of the Homeland Security Advisory Task Force, a motion was unanimously approved to set aside \$800,000 of Homeland Security funds for the purchase of radios for every agency in Navajo County. These funds will be used to *replace* radios that are no longer serviceable. (The funds will not be used to purchase *additional* radios, only replacements) Each agency will supply a list of the radios they wish to replace, accompanied by a list of new radios and their cost. The task force will review the requests and replace all radios up to the \$800,000 limit. If there are more requests than funds, the requests will be trimmed to stay under the limit. It is anticipated that there will be more funds coming next year, which could be used for those requests denied this year. The Sheriff noted that several thousand dollars will remain in the account to be used by the Show Low Fire Department for HazMat equipment and training. The Sheriff also noted that the individual agencies will be responsible for installation of the replacement radios. Mr. Deal made a motion to set aside funds (up to \$800,000 ) from the Homeland Security Grants to replace radios county-wide, as presented; motion seconded by Mr. DeSpain; vote unanimously carried.

2) Enter into contract with ABL Management, Inc., for food service contract for the Navajo County Jail: Commander Burke explained that the contract with ABL Management will save the county approximately \$46,000 this year. Had the county gone with the bid from the previous vendor, the cost per meal would have been \$1.23. ABL Management's cost is \$1.10 per meal. Mr. Thompson made a motion to contract with ABL Management, Inc., for food service contract for the Jail; motion seconded by Mr. Brownlow; vote unanimously carried.

**BOARD OF SUPERVISORS:** Dennis Miller, Interim County Manager: Public Hearing: Final Budget Hearing and adoption of the Budget for Fiscal Year 2002/2003: Mr. Miller advised that the final budget has not changed from the tentative budget adopted on July 21, 2003. Interim Finance Director Joan Mickle added that as the paperwork is received on any new grants, she will come back to the Board to amend the budget. Navajo County Assessor Frank Turley commented that, in the past, the Board had always given the departments the opportunity to come in and discuss any concerns they had regarding the budget. This year however, they were not given that opportunity. He said he hopes the Board will address the department's concerns at some point. Treasurer Manny Hernandez agreed with Mr. Turley and added that some departments were apparently favored, while others were not. Presiding Superior Court Judge Dale Nielson thanked the Board for their patience and concern during this very difficult budget time. Mr. Miller said he appreciated all the cooperation given by the departments in the preparation of the budget this year. Mr. DeSpain noted there was no public comment offered. At the request of the Board, the Clerk read the resolution for the adoption of the FY 2003/2004 budget into the record. Mr. Deal made a motion to adopt Resolution #52-03, adopting the Final Budget for Fiscal Year 2002/2003, as presented; motion seconded by Mr. Thompson; vote unanimously carried. (Mr. Shumway absent for the vote)

**BOARD OF SUPERVISORS/BOARD OF EQUALIZATION:** Board of Equalization Session: Mr. Thompson made a motion to enter into a Board of Equalization session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Swearing in of Assessor Appraisers and Petitioners: Clerk Jones swore in the appraisers and petitioners: The following hearings were held: Petition for

Review of Valuation: James & Carol Lemons; Petition for Review of Proposed Correction: Gerald Perkins. (Chief Deputy Cammy Darris requested an Executive Session for legal advice) Mr. Shumway made a motion to enter into an Executive Session pursuant to ARS § 38-431.03(A)(3) for legal advice; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Present in the session were: Chairman Pete Shumway; Vice-Chairman J.R. DeSpain; Members Jesse Thompson, Percy Deal, Jerry Brownlow; Deputy County Attorney Lance Payette; Interim County Manager Dennis Miller; Clerk Judy Jones. Mr. Deal made a motion to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. No action taken. Mr. Thompson made a motion to return to regular session (from the Board of Equalization Session); motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: Public Hearing: 1) Resolution Amending a Special Use Permit request by Phillip & Lynn Hoppes to allow for the expansion of a contemporary glass art studio on APN 206-44-004D in the Overgaard area: Planner Lissa Davis explained that the Planning & Zoning Commission voted unanimously at their meeting on June 19, 2003, to recommend approval of an Amendment to a Special Use Permit as requested by Phillip Hoppes, to allow for expansion of his contemporary glass art studio. The Board of Supervisors previously approved the Special Use Permit on August 12, 2002 and, since that time, there have been no complaints regarding the permit. Mr. Davis noted that no one appeared at the P&Z meeting to oppose the request, and the applicant presented 6 letters in support from his neighbors. Staff recommends approval of the request, with stipulations. Mr. Shumway noted there were no public comments offered at this meeting. Mr. Shumway made a motion to approve Resolution # 53-03, Amending a Special Use Permit for Phillip & Lynn Hoppes to allow for expansion of contemporary glass art studio, on APN 206-44-004D, in the Overgaard area, with the following stipulations: *1) Any expansion of the Special Use Permit shall require an amendment to the Permit; 2) This Special Use Permit shall be valid for the current property owner only; 3) No activities in conjunction with this Special Use Permit shall be conducted outside the garage/studio; 4) There shall be no employees reporting to the residence; 5) The Permittee shall submit, in writing, a statement verifying compliance with all stipulations. The statement will be due on each anniversary date of approval by the Board of Supervisors; 6) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. daily;* motion seconded by Mr. DeSpain; vote unanimously carried. (Mr. Deal absent for the vote)

2) Resolution approving a Special Use Permit request by Hatch Family Ltd Partnership to allow for the operation of a hot mix asphalt batch plant on APN 103-22-022B in the Winslow area: Ms. Davis advised that the Planning & Zoning Commission voted 6-1 to recommend approval of the request at their meeting on July 17, 2003. This property is located at the interchange of I-40 and the Second Mesa off-ramp, approximately 4 miles east of Winslow. The site has been used in the past as the location for portable batch plants, usually in conjunction with ADOT projects. The original property owner was granted the Special Use Permit in the 1980's and the current owner did not realize there was an expiration date. The current owner is requesting a Special Use permit at this time to allow the property to continue to be periodically used for the same purpose. Ms. Davis noted that no one appeared at the P&Z meeting to oppose the request, nor were any letters received. Staff recommends approval of the request. Mr. Shumway noted there were no public comments offered at this meeting. Mr. DeSpain made a motion to approve Resolution #54-03, approving Special Use Permit for Hatch Family Ltd Partnership to allow for operation of a hot mix asphalt batch plant on APN 103-22-022B, in the Winslow area, as presented; motion seconded by Mr. Thompson; vote unanimously carried. (Mr. Deal absent for the vote)

3) Resolution approving a Special Use Permit request by Eugene & Cynthia Amoroso to allow for the operation of a recreational vehicle and boat storage on APN 206-27-014J in the Overgaard area: Mr. Ashton advised that the Planning & Zoning Commission voted unanimously to approve the Special Use Permit at their meeting on July 17, 2003. The applicants currently operate an automobile sales business on a portion of the property and they are requesting the Special Use Permit to allow for the operation of an RV and boat storage facility on another portion of the property. Mr. Ashton noted that nine people appeared at the P&Z meeting to oppose the request, however staff believes that the proposed stipulations address those concerns. He also noted that there have been no letters or comments received, for or against the permit, in conjunction with the notice for this meeting. Staff recommends approval with stipulations. The applicant, Eugene Amoroso, felt the requirement for an 8' high fence around the property was unfair since the county requires only 6' of fencing elsewhere. Mr. Ashton noted that the 8' fence requirement came from the P&Z Commission. Anne Cook said she can see the trailers from her property, and it obstructs her view. Mr. Ashton noted that another requirement is a landscaped buffer to reduce the impact to neighboring property owners. Sandra Webb and James Porter expressed concerns about the water flow in the floodway, since the property was elevated due to floodplain requirements. Ms. Webb said she also wants the 8' foot fence erected, as well as trees planted. Mr. Brownlow made a motion to approve Resolution #55-03, approving a Special Use Permit for Eugene & Cynthia Amoroso to allow for operation of a recreational vehicle and boat storage on APN 206-27-014J, in the Overgaard area, with stipulations as follows: 1) *The Special Use Permit shall run with the land;* 2) *Provide adequate turning area for vehicles pulling long trailers, i.e., 5th wheels, etc.;* 3) *Provide two access points from the property onto maintained roads, when possible;* 4) *Rolling stock is to be stored in an enclosed, screened area 8 feet high with barbed wire on top of the fence;* 5) *Signs are to conform to the Navajo County Zoning Ordinance;* 6) *A driveway permit shall be obtained from the Public Works Department before beginning construction. This driveway shall be paved in the future to Pine Meadows Drive when it is paved. Should this become the primary entrance before Pine Meadows Drive is paved, the developer is required to pave Pine Meadows Drive out to SR-260;* 7) *The Permittee shall submit, in writing, a statement verifying compliance with all stipulations. The statement shall be due on each anniversary date of approval by the Board of Supervisors;* 8) *A landscape buffer shall be planted along the outside of the fenced storage area on the north and northwest sides;* 9) *Aggregate Base (AB) shall be installed for dust control in the fenced area;* motion seconded by Mr. Shumway; vote unanimously carried. (Mr. DeSpain absent for the vote)

**COUNTY ATTORNEY:** Mel Bowers, County Attorney: 1) Acceptance of the Southwest Border Prosecution initiative to reinstate the Grand Jury: Mr. Bowers explained that, as a cost-cutting measure, the Superior Court discontinued the Grand Jury in Navajo County. The estimated savings to the Court and the Clerk of the Court was to be \$50,000. However, the elimination of the Grand Jury has resulted in increased costs for the County Attorney's office, the Justice Courts and the Public/Legal Defenders' offices. Mr. Bowers requested that \$50,000 be transferred from the Southwest Border Prosecution Initiative Funds to the Superior Court to allow the Grand Jury to be reinstated. This will result in significant time savings for all parties involved. Presiding Superior Court Judge Dale Nielson stated his strong support of this request, adding that one-half of this funding will go to the Superior Court and one-half will go to the Clerk of the Court. Mr. Brownlow noted that this funding is for the current budget year only, and the issue will have to be revisited again at next year's budget hearings. Mr. Brownlow made a motion to

accept Southwest Border Prosecution initiative funds in the amount of \$50,000 to reinstate the Grand Jury, with one-half of the funding to go to the Superior Court, and one-half to the Clerk of the Court, as presented; motion seconded by Mr. Deal; vote unanimously carried. (Mr. Shumway absent for the vote)

2) Accept proposed reorganization in the County Attorney's Office: Mr. Bowers explained that several years ago, he asked to reorganize his office to eliminate the Chief Deputy position and have an office administrator instead. His office structure has remained this way for many years and he believes that reorganization at this time will create a savings of more than \$11,000. He noted that no new positions are being created; the number of employees in the office will remain the same. His proposal is as follows: 1) Elimination of the County Attorney Administrator position (cost savings: \$51,956, not including ERE's); 2) Reinstatement of a Chief Deputy position; 3) Promotion of an Attorney III to the Chief (Administrative) Deputy position, with salary to be set at 85% of the elected official's salary; 4) Reestablish the Legal Secretary III/Administrative Assistant position which was eliminated in the 2003/2004 budget; 5) Reclassify a Legal Secretary I to a Legal Secretary II. This employee has been performing the duties of a Legal Secretary II, but has been paid at the lower Legal Secretary I for a year now; 6) Reclassification of a Clerk I to a Clerk II. Due to the RIF of two staff positions, more responsibilities have been placed on the Clerk I. Mr. Bowers explained that normally, a Chief Deputy is normally selected from the Criminal side of the office, but in this instance, the Chief Deputy will be from the Civil side. He will be in responsible for overseeing the administrative functions of the office, including overseeing all of the grants. This would greatly increase the efficiency of the office. Interim Finance Director Joan Mickle and Interim County Manager Dennis Miller both expressed their support for this proposal. Mr. Deal made a motion to accept proposed reorganization in the County Attorney's Office, as presented by Mr. Bowers; motion seconded by Mr. Brownlow; vote unanimously carried. (Mr. Shumway absent for the vote)

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT:** Dr. Stanley Warner, Director; Review of Audit recommendations re: Food Handling and Licensing Program: At the request of Mr. Miller, this item is continued to August 18, 2003. An Executive Session re personnel issues will also be scheduled for that date.

**FINANCE:** Joan Mickle, Interim Finance Director: Request for extension of two temporary Clerk II positions; one through October 31, 2003 and one through December 31, 2003: Ms. Mickle advised that one of these positions is closing out the NEG, Watershed and WIA. He is also auditing all other county grants and preparing the ground work to bring the county into compliance with GASB. She is requesting this position be extended through December 31, 2003. The other position is catching up the payables and assisting with the reorganization of the department. This position would be extended through October 31, 2003. Mr. Miller supported the requests, noting that funding is available through vacancy savings. Mr. Thompson made a motion to approve the extension of two temporary Clerk II positions; one through October 31, 2003 and one through December 31, 2003, as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

**BOARD OF SUPERVISORS:** Executive Session: Pursuant to ARS §38-431.03 (A)(1) for Personnel Matters Re: Interview of five applicants for the Human Resource Director: Gail Sandoval; Grady Brown; Robert Dyreng (the interview for Mr. Dyreng was rescheduled to August 18, 2003); Linda Rodriguez; Terry Christopherson: Mr. DeSpain made a motion to enter into Executive Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the session were: Chairman Pete

Shumway; Vice-Chairman J.R. DeSpain; Members Jesse Thompson, Percy Deal, Jerry Brownlow; County Attorney Mel Bowers; Interim County Manager Dennis Miller; Dough Muell; Mike Arnold; and each applicant, individually. Mr. Thompson made a motion to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. No action taken.

**PAYROLL ACTIONS:** Karen Bray, Payroll Supervisor, presented a list of payroll actions. Mr. Deal made a motion to approve the payroll actions as submitted; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**BOARD BUSINESS:** Ms. Jones reminded the Board that CSA has asked that any legislative proposals be sent to them. Mr. Miller updated the Board on the process for interview of the County Manager candidates. Mr. DeSpain said he would be attending the Forest Health meeting in Show Low tomorrow, not as a Board member, but as a representative of the RC&D. Mr. Shumway expressed support for Bob McLendon as CSA chairman. Mr. Deal advised that Senator Jack Jackson, Sr. has decided to retire, as of the end of this month or next. Mr. Deal would like to present a plaque to him when he does require. (He requested the Clerk investigate whether the county Boards of Supervisors will be appointing the replacement.)

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, August 18, 2003, upon a motion made by Mr. DeSpain; motion seconded by Mr. Thompson; vote unanimously carried. The meeting adjourned at 5:15 p.m.

APPROVED:

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Pete Shumway, Chairman

DATE:

ATTEST:

Judy Jones, Clerk of the Board

The following Navajo County demands were audited, approved and ordered paid by the Board: Comm1stBnk\$3201.82;USPS\$12000;AT&T\$32825.86;CocoCntyMedExmnr\$3716.75;CCC\$1789.62;Day&Sons\$1683.66;NCRF\$1806.42;NavNtnOfc\$2877.78;UnitedTrck&Eqpmnt\$1219.97;UnvrsIPlcSply\$6486;WMH\$1363;YellowWoodAssclnc\$7257.64;ABLMngmt\$27261.64;Alleys66Lmbr\$1470.72;AT&T\$10650.22;APS\$54426.46;Bradco\$1488.21;CtyHlbrk\$3177.34;CombsCnsrtctn\$283858.85;DJones\$8333.33;DMiller\$3929.97;FleetSltns\$5004.30;FrtnrCarrSrv\$2416.33;FrntrComm\$4882.97;HatchCnstrctn\$374669.35;H/OFireDept\$14000;High5Design\$1644.55;HughesCalihan\$5864.96;GForsyth\$5833.34;LindenFireDist\$10000;NACOG\$5715;OfcDepot\$1634.42;PtrlmTrdrs8066.07;PrecastMfg\$19694.99;RominEnvrnmntl\$6240.26;SpcltyLdrs\$3461.38;Sprint\$3753.39;TBirdBldgMtrls\$1089.11;TranscorAmerica\$1891.13;WhtMtnCnslng\$1060;WoodLawOfc\$5833.34