

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**August 18, 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 Kathy Hieb, Deputy Clerk of the Board.

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

**CALL TO THE PUBLIC:** No comments were offered.

**CONSENT AGENDA:** Mr. Thompson made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Assessment and Tax Roll Corrections; 3) Appointment of Robert Bailey to the Navajo County Planning & Zoning Commission from Supervisorial District V and acceptance of resignation from Jon Olson; 4) Appointment of Micah Lomaomvaya to the Navajo County Planning & Zoning Commission from Supervisorial District II and acceptance of resignation from Claire Heywood

**BOARD OF SUPERVISORS: RETIREMENT PLAQUE:** Hazel Harris, given in appreciation of 14 years of service to Navajo County Citizens since July 1, 1989: As Ms. Harris was unable to be present, this item was continued.

**Monthly Anniversary Employee Appreciation Certificates:** 27 Years-Eleanor Dlugajczyk & Valerie Hatch; 22 Years-Patsy Rose Lee; 20 Years-Tim Smith & Thelma Ford; 19 Years-Joel Ruechel; 18 Years-Mildred Dunham; 17 Years-Michael Espino, Debra Johnson, Lieutenant Robert Sutton & Richard Chavez; 15 Years-Sgt. Timothy Webster; 14 Years-Randall Whipple, Larry Green, Sharon Wheelock; 13 Years-Rene Solomon & Horace Crandall; 11 Years-Bobbi Ortega; 10 Years-Leigh Ann Kroeger; 9 Years-David Robinson, Richard Young, Deborah White & Dara Davis; 8 Years-Cheryl Harris; 7 Years-Joe Montoya, Kathleen Trujillo, Mark Searls, Marissa Shaffery & Eric Baldonado; 6 Years-Fred Bridges, Gail DeCross, Donald Gilbert & Alan Knight. Certificates presented.

**SHERIFF'S OFFICE:** Gary Butler, Sheriff: Approval to enter into Agreement with Department of Public Safety (DPS) for criminal history record information in the Arizona Criminal Justice Information System (ACJIS): (Sheriff Butler was unavailable) Brenda Clark advised that the current user agreement was signed in 1989. The DPS is requesting an updated agreement. Mr. Shumway made a motion to approve the Arizona Criminal Justice Information System User Agreement with the Department of Public Safety, as presented; motion seconded by Mr. DeSpain; vote unanimously carried

**BOARD OF SUPERVISORS:** Dennis Miller, Interim Manager; Joan Mickle, Interim Finance Director; A.J. Brown, Superintendent of Schools: Setting the Tax Rates for Navajo County and all Taxing Entities within the County: Ms. Mickle read the tax rates into the record as follows: *Navajo County (Primary): 0.4772; State of Arizona (mandated) School Equalization: 0.4717; Navajo County Library District: 0.0200; Public Health Services District: 0.0759; Silver Creek Flood Control District: 0.000; Little Colorado Flood Control District: 0.2728; Navajo County Flood Control District: 0.2041; County Wide*

*Fire Assistance Tax: 0.1000; Joseph City Fire District: 1.6134; Lakeside Fire District: 1.5805; Pinetop Fire District: 1.4212; Show Low Fire District: 1.2003; Heber/Overgaard Fire District: 1.2293; White Mountain Lake Fire District: 1.7372; Clay Springs Fire District: 1.4624; Woodruff Fire District: 0.8803; Linden Fire District: 2.4287; Sun Valley Fire District: 2.3728; McLaws Road Fire District: 0.0000; Timberland Acres Road District #1: 2.2096; Silver Creek County Road District: 1.7537; White Mountain Lake Road District #2: 1.4796; Pinetop-Lakeside Sanitary District: 0.4690; Heber/Overgaard Sanitary District: 0.3618; City of Holbrook, Primary: 0.2829; City of Holbrook, Secondary: 0.2613; Show Low Street Lighting District: 0.1097; City of Winslow, Primary: 0.9501; Navajo County Education District: 1.9583; Northland Pioneer College, Primary: 1.2081; Northland Pioneer College, Secondary: 0.2325. School Superintendent A.J. Brown read the school district tax levies into the record as follows: Winslow USD #1: Primary-2.6335, Secondary-4.4109; Joseph City USD #2: Primary-3.2458, Secondary-0.2471; Holbrook USD #3: Primary-5.4034, Secondary-1.8985; Pinon USD #4: Primary-0.0000, Secondary-0.0000; Snowflake USD#5: Primary-4.5003, Secondary-0.0000; Heber/Overgaard USD #6: Primary-4.1274, Secondary-1.0263; Show Low USD #10: Primary-4.6548, Secondary-1.2555; Whiteriver USD#20: Primary-0.0000, Secondary-0.0000; Cedar USD #25: Primary-0.0000, Secondary-0.0000; Kayenta USD #27: 0.0000, Secondary-8.0212; Blue Ridge USD #32: Primary-4.3770, Secondary-1.4637; Northern Arizona Vocational Institute of Technology (NAVIT): Primary-0.0000, Secondary-0.0500; Northeast Arizona Technological Institute of Vocational Education (NATIVE): Primary-0.0000, Secondary-0.0500; Rainbow Accommodation School: Primary-0.0000, Secondary-0.0000. Mr. Brownlow made a motion to approve Resolution #56-03, adopting the tax rates and levies as read; motion seconded by Mr. DeSpain; vote unanimously carried*

**PUBLIC DEFENDER:** Emery La Barge, Public Defender: 1) Approval to hire a temporary receptionist to fill in for employee who will be filling in for a legal secretary who is on medical leave: (Ms. LaBarge was unable to be present) Administrative Assistant LaRee Saline explained that one of the legal secretaries in the office will be off for 6-12 weeks on medical leave. The receptionist will fill in for the secretary, and a temporary receptionist would be hired, if approved. Funding for the temporary position has been budgeted. Mr. DeSpain made a motion to approve the hiring of a temporary receptionist as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

2) Approval to hire High School student to work part-time to be paid for by Indigent Defense fees: Ms. Saline advised that the student will work about four hours a day, performing duties such as filing, opening and closing cases and running errands. The funding will come from the Indigent Defense fees which are assessed by the court. Mr. Deal made a motion to approve the hiring of a high school student to work part-time, as presented; motion seconded by Mr. Thompson; vote unanimously carried

**NAVAJO COUNTY TREASURER:** Manny Hernandez, Treasurer: 1) Annual Report per ARS § 42-18002 for settlement of collections and delinquencies; and 2) Request per ARS § 35-327(G) for authorization to invest funds: Mr. Hernandez presented the annual report, noting that 93.4% of the total 2002 taxes charged for collection have been collected. Unpaid taxes in the amount of \$3,475,985.25 remain as of June 30, 2003. Mr. Hernandez also noted that 99.8% of the 2001 taxes have been collected. Regarding the investments, the Board was advised that the total as of June 30, 2003 was \$117,339,205.91. The total interest earned on the Local Government Investment Pool (LGIP -GOV) was \$42,513.14, with the average interest rate for fiscal year 2002/2003 being 1.3824%. Mr. DeSpain made

a motion to accept the Annual Report per ARS § 42-18002 as presented; and to authorize the Treasurer to invest funds as requested; motion seconded by Mr. Brownlow; vote unanimously carried.

**LINDEN VALLEY WATER, INC.:** Mark Grapp, Owner/Manager: 1) Public Hearing on Notice of Intention to Grant Water Franchise; and 2) Resolution Granting a Non-exclusive Water Franchise for Public Utility purposes pursuant to ARS §40-283: Mr. Grapp advised that his company will be providing water for the Linden Trails subdivision. Deputy County Engineer Dick Young noted that the company must provide a current Certificate of Insurance, and must keep the Public Works Department apprised of their current address. Mr. Grapp explained that his staff was working on getting the Certificate of Insurance and he will provide it as soon as receives it. Mr. Shumway noted there were no public comments received either in favor of, or in objection to, the application. Mr. Shumway made a motion to adopt Resolution #57-03, granting a non-exclusive water franchise for public utility purposes, to Linden Valley Water, Inc., *subject to the submission of a Certificate of Insurance*, as presented; motion seconded by Mr. DeSpain; vote unanimously carried.

**NATIONAL FOREST COUNTY PARTNERSHIP RESTORATION (CPR) PROGRAM:** Pete Shumway, Supervisor District IV: Request for funding assistance from District IV Special Project Funds for costs associated with printing of CPR brochure: Mr. Shumway explained that representatives from the CPR program will be visiting Washington DC in September, and brochures were printed illustrating the conditions, needs and solutions to the problems in our forests. Mr. Shumway made a motion to approve funding assistance in the amount of \$\$1854.70, from District IV Special Project Funds for costs associated with the printing of CPR program brochure; motion seconded by Mr. Brownlow; vote unanimously carried

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT:** Dr. Raymond Nejerer, Bioterrorism Defense Manager: Board of Directors Session: 1) Request approval to subcontract and enlist the Office of Emergency Management for assistance to the Office of Bioterrorism Defense: Mr. Shumway made a motion to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Dr. Nejerer explained that, because of the difficulty in filling the position of the Public Information and Training Officer, he has had to perform many of those duties as well as his own. (He introduced Ms. Ann Bailey, who has now been hired for that position). He would like to subcontract with the Emergency Services Department for assistance with an efficient and thorough integration of the Bioterrorism and Health Department emergency plans, and other emergency agency plans. He said he has received verbal approval from the Arizona Department of Health Services and the Office of Bioterrorism Defense to proceed with the subcontract and to encumber FY 2002/2003 funds for this purpose. Emergency Services Director Paul Jaster advised he has discussed this proposal with Dr. Nejerer and he is in full support. Mr. DeSpain made a motion for approval to subcontract and enlist the Office of Emergency Management for assistance to Office of Bioterrorism Defense as presented; motion seconded by Mr. Thompson; vote unanimously carried

2) Request approval to subcontract with Navajo County Public Health personnel in accordance with Navajo County Bio-Defense contract with Arizona Department of Health Services (ADHS) for the preparation and training of community health care members: Dr. Nejerer explained that he would like to enlist the services of the Navajo County Public Health Services personnel to assist in the preparation and training of community health care members. Because of personnel shortages this past year in the Bio-

Defense office, the required training exercise has had to be put on hold. It has now been scheduled for the spring of 2004. Verbal approval for this proposal has been given by the Arizona Department of Health Services. Dr. Stanley Warner, Director of the Health Services District, expressed some concern regarding the ability of the department's nursing staff to provide the assistance requested due to their own personnel shortage. He asked that nurses be allowed to review the written proposal and decide whether they can take on the additional responsibility or not. Dr. Nejeres said he has no objection to this request; if the health district personnel cannot commit to this program, he can hire other nurses, etc. Interim County Manager Dennis Miller stressed that whether health services district personnel would be able to participate should be Dr. Warner's decision to make. Mr. Shumway made a motion for approval to subcontract with the Navajo County Public Health Services District Personnel in accordance with Navajo County Bio-Defense Contract with ADHS for the preparation and training of community health care members, as presented; motion seconded by Mr. DeSpain; vote unanimously carried. (At the request of Mr. Deal, Dr. Nejeres provided an update on the West Nile Virus situation. He advised that there has been an increase in testing of insects and picking up specimens. He noted that three horses on the Navajo reservation have contracted the disease. There is a vaccine for horses, but no human vaccine is available. He added that bulletins have been issued, based on information from the Center for Disease Control) Mr. DeSpain made a motion return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: Public Hearing: 1) Resolution approving request by Payson Exchange Partnership #3 for a Zone Change from A-General to R1-10 to allow for development of cluster-type subdivision on APN 208-06-003A, Clay Springs area: Mr. Ashton advised that the Planning & Zoning Commission voted 4-3 to recommend approval of the application at their meeting on July 17, 2003. The main concern of the Commission was the density of the proposed project. (three Commission members felt that one acre parcels would be more appropriate than one-quarter acre parcels) The applicants are requesting the zone change to allow for the development of a cluster-type subdivision. Greenbelts and common open spaces would be focal points of the subdivision. The lots will range from one-quarter to one acre. Mr. Ashton noted that there were no persons present at the P&Z meeting to oppose the application. Staff has received two letters in opposition in response to the notice for this meeting today. The letters outline concerns regarding density. Staff recommends approval of the zone change as requested. Mr. Ashton noted that this request is for the zone change only; a Master Development Plan will have to be submitted with the first phase Tentative Plat at a later date. The developers, John Gallagher and Jerry Palmer, presented information regarding their plans for the subdivision, noting that their goal is to create an affordable community. These homes will be only single family, detached homes, either site-built or modular. Of the total 269 parcels, 46 will be one acre; 22 will be one-half to three-quarter acre; and 201 will be one-quarter acre. Mr. Shumway noted that there was no public comment offered, either in favor of, or in objection to, the application. Mr. Shumway made a motion to adopt Resolution #58-03, approving the request by Payson Exchange Partnership #3, for a zone change from A-General to R1-10 to allow for development of cluster-type subdivision on APN 208-06-003A, Clay Springs area, as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

2) Request to extend Temporary Inspector I position to November 30, 2003: Mr. Ashton explained that he currently has a temporary position, which has been a tremendous help to the department. He asked that it be extended through 30, 2003. Mr. Thompson made a motion to approve the extension of the temporary Inspector position through 30, 2003 as presented; motion seconded by Mr. DeSpain; vote unanimously

carried

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Dr. Stanley Warner, Director: Board of Directors Session: 1) Review and possible action re: Audit recommendations: County Attorney Mel Bowers advised that the audit report made several findings, including the lack of formal policies and procedures, and a secure database. The report estimated the total of uncollected permit fees to be \$97,000. Recommendations included the installation of a secure database, complete policies and procedures for the program and the addition of personnel. Mr. Bowers noted that these recommendations compare with the proposal that Dr. Warner had previously made. Dr. Warner stated that he was not making excuses, but the report did not seem to take into consideration that, for an entire year, there was only one environmental health specialist on staff. He said he has already begun working with the MIS department to create a computer program. He said he has requested information from the surrounding counties regarding their policies and procedures, and he does have a proposal for the County Attorney and finance staff to review. Discussion began regarding the feasibility of going back and trying to collect those permit fees. Mr. Miller stated it was probably not practicable to try and collect the past fees. We need to move forward and implement basic procedures, ie., pre-numbered receipts and permits and a satisfactory database. Mr. Brownlow noted that if we had reliable information, he could support trying to collect the past fees, but we don't. He agreed that we now need to move forward. Mr. Bowers said the audit report is a 'blueprint' as to how we resolve the problems in the department. The fee ordinance, which was adopted in March of 2003, has provided for consequences for non-payment of the fee. Mr. Miller noted that there are two sanitarians for the entire county, and there is no apparent coordination between them. He added that we may need to hire a chief sanitarian to coordinate and implement the policies and procedures for the program. Dr. Warner advised that he is working on a grant which may provide part of the funding necessary for the changes. Mr. Deal made a motion to direct staff to prepare a budget which incorporates the changes recommended in the audit report, including additional staff and the computer program, and present that information to the Board as soon as possible; motion seconded by Mr. DeSpain; vote unanimously carried.**

**2) Executive Session: Pursuant to ARS §38-431.03 (A)(1) for Personnel Matters Re: Review of performance of director: This matter was continued to September 2, 2003.**

**BOARD OF SUPERVISORS: Executive Session: Pursuant to ARS §38-431.03 (A)(1) for Personnel Matters Re: Interview of applicant for the Human Resource Director position: Mr. Brownlow made a motion to enter into Executive Session; motion seconded by Mr. Shumway; vote unanimously carried. Present in the session were: Chairman Pete Shumway, Vice-Chairman J.R. DeSpain, Members Jesse Thompson, Percy Deal, Jerry Brownlow; Interim County Manager Dennis Miller; County Attorney Mel Bowers, Deputy Clerk Kathy Hieb; Doug Muell; Mike Arnold; and applicant Bob Dyreng. Mr. DeSpain made a motion to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. No action taken.**

**BOARD OF SUPERVISORS: Dennis Miller, Interim County Manager: 1) Direction re: Hiring of Human Resource Director: No action taken at this time.**

**2) Update on County Manager Position; 3) Develop interview questions for applicants for the County Manager position; 4) Set candidates and date for interviews for County Manager Position: Mr. Miller**

advised that the County Manager Selection Committee met on August 14, 2003 and six applicants, plus two alternates, were selected for presentation to the Board. The Board added one applicant, for a total of seven, plus the alternates. Discussion began regarding the number of candidates to interview. It was noted that the geography is a legitimate concern as the county needs to keep costs down. The Board felt that interviewing the applicants from Arizona and the west coast would be the best option. If no viable candidate comes from those interviews, the Board can consider the east coast and alternate applicants. Mr. Miller presented several proposed interview questions for the Board to review. He advised that if the Board wishes to add other questions, they should submit them no later than Friday, August 22. Mr. DeSpain made a motion to schedule the applicants from Arizona and the west coast for interviews on Tuesday, August 26, 2003, beginning at 9:00 a.m., as discussed; motion seconded by Mr. Deal; vote unanimously carried.

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

**BOARD BUSINESS:** Mr. Deal reported on his meeting with the University of Arizona regarding the federal grant for diabetes and substance abuse study. Hardrock Chapter was chosen as the Native American community to participate. Mr. DeSpain presented a 'Wanted' poster for the eradication of tamarisks. Mr. Shumway advised that Mel Bowers and Laurie Justman, who are members of the County Manager Selection Committee, have requested they be allowed to sit in on the interviews of the candidates. The Board has no objection to the request.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, September 2, 2003, upon a motion made by Mr. DeSpain; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 4:10 p.m.

APPROVED:

\_\_\_\_\_  
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: DialogicCommCorp\$6000;FarmPlan\$2306.44;FrnrtrComm\$4289.67;KPalmer\$1086.20;WstMngmt\$6730.55;ADI\$1592.90;AmrcnPblcWrks\$1022.65;AzWtrCo\$2710.66;ASAPStwr\$1605.63;ACIP\$2485.14;BarkerCo\$1145.28;Bradco\$7255.20;ChollaRdyMx\$1299.71;CtznsAzGas\$2153.13;ClaySpringsLbry;CombsCnstrctn\$107351.37;CrtRprtngSrvs\$1048.40;E&ESrvcs\$6015.54;ForensicScncCntr\$1730;FrnrtrComm\$1644.47;HtchCnstrctnPvng\$31972.12;HlbrkEMS\$3095.82;HlbrkExtCare\$3690;IntrfcTechTrng\$3500;J&MWhlsI\$3945.56;JCGTech\$8723.26;LGates\$3000;OfcDepot\$1105.92;PtrlmTrdrsCorp\$5255.28;RimCmtyLbry\$2000;RockhurstUniv\$3535.55;SpcltyLdrs\$7118.90;ThompsonsCstmShp\$1718.90;Transcor

Amrca\$1751.34;TransrcCmptr\$2889.53;VanTechSafetyline\$1908.87;Versatech\$6240;VisionBsnsPrd\$1699.25;WhtMtnElctrc\$4155.80;WoodruffLbry\$2000;NCRF\$1200