

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**October 6, 2003**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:10 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; Jimmy Jayne, County Manager; and Judy Jones, Clerk of the Board.

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

**CALL TO THE PUBLIC:** There were no comments or concerns presented.

**CONSENT AGENDA:** Mr. DeSpain 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) Board of Supervisors Minutes: September 15 & September 24, 2003; 3) Authorized signature approval for administrative actions pertaining to the CDBG Contract; 4) Reappointment of Ms. Carla Bowen to the Navajo County Board of Adjustment (District V) and Mr. Bill Arendell (District IV) to four year terms (10/07/07); 5) Letter to FEMA regarding extension for Category B Projects (Rodeo/Chediski Fire); 6) Public Works: Rename existing portions of "Kimball Lane", to "Kimball Way" and "Kimball Trail" (Linden area); portions of "Old Ranch Road" to "Jones Road" and "Wayne Road", (Woodruff area); 7) Justice Court Report: Holbrook #1

**VISIT FROM BRENT BROWN, POLICY ADVISOR FOR RURAL AFFAIRS, ARIZONA STATE GOVERNOR'S OFFICE:** Mr. Brown introduced himself, stating that he is a professor at ASU and will be retiring this spring. As the Governor's Policy Advisor for Rural Affairs, he will be representing Navajo, Apache, Graham, Greenlee and Gila Counties. He believes it is his job to give the rural counties a voice in the government, and although he does not specifically represent the tribal governments, there are others who do. He will provide the name of the new tribal representative to the Board.

**PETRIFIED FOREST NATIONAL PARK: Lee Baiza, Superintendent: Resolution of Support Endorsing the Expansion of the Petrified Forest National Park:** Mr. Baiza explained that legislation was introduced by Senator John McCain and Representative Rick Renzi to expand the boundaries of the park. This expansion involves four major property owners, who have expressed interest in the project. Mr. Baiza noted that \$2 million was set aside for the purchase of the land, but this won't go far in terms of how much acreage is involved. The Bureau of Land Management is doing the appraisals as there was no funding set aside for that task. Mr. Baiza said that this expansion is not a new idea; it was first put into the General Management Plan in 1993. There have been two public meetings on the subject, and there are now willing sellers. The intent of the Park Service is to protect the resources they have been entrusted with and to provide enjoyment for the public. In order for this project to proceed, the legislation needs to pass. Mr. Baiza is asking for a resolution of support from the Board.

**Mr. DeSpain made a motion** to adopt **Resolution #64-03**, Endorsing the expansion of the Petrified Forest National Park, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**BOARD OF SUPERVISORS: Jerry Brownlow, District V: 1) Accept resignation of Constable for Pinetop Justice Court, Precinct #6:** Mr. Brownlow advised that Constable Larry Quinn has submitted his resignation due to family health problems, effective September 30, 2003. **Mr. Brownlow made a motion** to accept the resignation of the Constable for Pinetop Justice Court, Precinct #6; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

**2) Vacant Constable position in Pinetop Justice Court, Precinct #6 :** Noting that the statute requires

appointment of a person of the same political party as the resigning Constable, Mr. Brownlow requested that this matter be continued for two weeks to allow persons within the precinct to submit an application. Applications will be received by the Human Resources Department. **Mr. Brownlow made a motion** to advertise the position for a period of two weeks, and to reschedule this matter on the agenda for review and possible appointment; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**COUNTY ATTORNEY:** J. Murray Zeigler, Deputy County Attorney: Silver Creek County Road Improvement District and the role of the District's Advisory Committee: At the request of Mr. Zeigler, **Mr. DeSpain made a motion** to enter into Executive Session, pursuant to ARS §38-431.03 (A)(3), for legal advice; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the session were Chairman Pete Shumway; Vice-Chairman J.R. DeSpain; Board Members Jerry Brownlow, Jesse Thompson, Percy Deal; County Manager Jimmy Jayne; Deputy County Attorney Murray Zeigler; Clerk Judy Jones. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Mr. Shumway advised that direction has been given to Mr. Jayne to work with the County Attorney's office and the Public Works Department, and to place this item back on the agenda when further information has been received.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: Renewal Bid #B00-08221, Contract for Hauling Waste Tires: Planner Lissa Davis explained that the current contract allows for four, one year, extensions at the current prices. The contractor, Specialty Loaders, LLC, has agreed to extend their current prices for an additional year. Ms. Davis noted that this is the third extension of the contract. **Mr. DeSpain made a motion** to approve the renewal of Bid #B00-08221, Contract for Hauling Waste Tires, as presented; motion seconded by Mr. Deal; vote unanimous approving the motion. (Mr. Thompson absent for the vote)

**PUBLIC HEALTH DISTRICT:** Mary Tyler, Nutritionist: Amendment #1 to WIC Services Contract #HG361082, with Arizona Department of Health Services for FY 2004 (10/01/03 - 9/30/04): **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Ms. Tyler explained that this amendment allows for the increase in the T-1 line expenses. **Mr. Deal made a motion** to approve Amendment #1 to WIC Services Contract #HG361082 with Arizona Department of Health Services for FY 2004 (10/01/03 - 9/30/04); motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Deal; vote unanimous approving the motion.

**PUBLIC WORKS:** Bill Cox, Director: 1) Resolution approving Amendment #4 to JPA 98-200 concerning TEA-21 Reservation Road Funds: Mr. Cox explained that the amendment allows for the distribution of an additional \$89,415 to Navajo County for federal fiscal year 2003. These funds are to be used for roadway maintenance within, adjacent to, or to provide access to Indian Reservations. **Mr. Deal made a motion** to adopt **Resolution #65-03**, approving Amendment #4 to JPA 98-200, concerning TEA-21 Reservation Road Funds; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Award Contract #B03-08261, Installing Culverts in Hog Wash Crossing at Blackjack Road and Additive Alternate #300-11 for Flagging: Mr. Cox advised that three bids were received, and he recommends awarding the contract to the low bidder, Surface Contracting, in the amount of \$67,615, plus an allowance of \$10,000 for traffic flagging. He also recommended that Navajo County provide the culvert pipe from the existing annual contract at a cost not to exceed \$15,000. Mr. Cox noted that the low bid came in approximately 12%

below the engineer's estimate for the items recommended for the award. He also advised that we may be able to get reimbursement from FEMA on this project because the flooding occurred as a result of the Rodeo-Chediski Fire last summer. **Mr. Shumway made a motion** to award Contract #B03-08261, Installing Culverts in Hog Wash Crossing at Blackjack Road, and Additive Alternate #300-11 for Flagging, to Surface Contracting, LLC, as recommended by staff; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

3) Authorization to purchase equipment from the Federal Emergency Management Agency (FEMA): Mr. Cox advised that he previously requested authorization from the Board to purchase some of the FEMA equipment used in the chipping program. The Board approved the expenditure of \$200,000 to purchase that equipment. Since that time, however, FEMA has advised that the county must purchase *all* of the equipment at prices determined by their method of establishing fair market value. The amount we must pay is \$258,405. Mr. Cox said he has been able to negotiate the sale of two of the chippers to the Show Low Fire Department for \$28,000, and the sale of the third chipper to ECO for \$14,000 (total-\$42,000). This will help reduce the amount of contingency funds required, which will be \$16,000. **Mr. Shumway made a motion** to approve the purchase of equipment from the Federal Emergency Management Agency (FEMA) as presented, in the amount of \$258,405 (\$200,000 budgeted; \$42,000 revenue from sale of chippers; \$16,405 from contingency); motion seconded by Mr. Brownlow; vote unanimous approving the motion.

4) Authorization to sell personal property purchased with HURF funds through the Debris Removal II Program: Mr. Cox requested authorization to sell the three chippers referred to in item #3: two chippers will be sold to the Show Low Fire Department, at the request of Chief Ben Owens, for \$28,000; one chipper will be sold to the Eastern Counties Organization (ECO), at the request of Marty Moore, for \$14,000. **Mr. DeSpain made a motion** to authorize the sale of personal property purchased with HURF funds through the Debris Removal II Program; motion seconded by Mr. Thompson; vote unanimous approving the motion.

5) Renewal of Contract #B01-08231, Supplying & Delivering Culverts & Bands: Mr. Cox explained that the current contract allows for extensions to the contract at the current bid prices. The contractor, Contech Construction, has agreed to extend their current pricing for an additional year. **Mr. Brownlow made a motion** to approve the renewal of Contract #B01-08231, Supplying and Delivering Culverts & Bands; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

6) Resolution supporting moving of the Show Low ADOT Maintenance facility to the property abutting the South County Road Yard in the Show Low Airport Industrial area: Mr. Cox advised that there is a possibility that the Show Low ADOT maintenance facility may move to the Show Low Airport Industrial area. The local ADOT team would like to move the facility to an area abutting the South County Road Yard, which would be beneficial for ADOT, the county and the City of Show Low. This will allow partnering on projects such as a joint vehicle washing facility. The City of Show has written a letter of support for this project, and Mr. Cox would like a resolution in support from the Board. **Mr. DeSpain made a motion** to adopt **Resolution #66-03**, to support the moving of the Show Low ADOT Maintenance facility to the property abutting the South County Road Yard in the Show Low Airport Industrial area as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

7) Bureau of Indian Affairs request for funding assistance from District II Special Road Funds for the rental of a highway sweeper broom for preparation of highway striping on various BIA Roads (Franklin Sandoval,

Agency Road Engineer): Mr. Sandoval explained that this project entails preparing the roadways for striping. The roads involved are N15 from Bird Springs to Greasewood, and N6 from the reservation line to Highway 264. Two quotes have been received for the rental of the sweeper for a two week period: United Rentals of Flagstaff-\$1708.68; and Rental Service Corp. of Flagstaff-\$1723.58. **Mr. Thompson made a motion** to approve funding assistance in the amount not to exceed \$1710, from District II Special Road Funds for the rental of a highway sweeper broom from United Rental, for preparation of highway striping on various BIA roads as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

8) Funding assistance from District II Special Road Funds for the rental of a Vibratory Steel Roller Compacter to conduct Hot Asphalt patching on Route N15 (Franklin Sandoval, Agency Road Engineer): Mr. Sandoval advised that he has obtained two quotes to rent the equipment for a period of five days: United Rental-\$813.98; and Rental Services Corp.-\$1557.17. **Mr. Thompson made a motion** to approve funding assistance in the amount not to exceed \$820, from District II Special Road Funds, for the rental of a vibratory steel roller compacter from United Rental, to conduct hot asphalt patching on Route N15 as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

9) Funding assistance from District I TEA-21 Funds to hire two operators to haul gravel to school bus routes at Black Mesa Community School (Ben Johnson, Facility Manager): Mr. Johnson explained that the school has had 700 yards of red dog gravel delivered from Peabody, to be used on 346 miles of dirt roads (bus routes). Although the school does have a front loader and dump truck, they are requesting funding assistance to hire two temporary operators. **Mr. Deal made a motion** to approve funding assistance in the amount of \$10,800, from District I Special Road Funds to hire two operators to haul gravel to school bus routes at Black Mesa Community School; motion seconded by Mr. Shumway; vote unanimous approving the motion.

10) Funding assistance from District II Special Road Funds for rental of heavy equipment, fuel and archeological fees for the repair of damaged roads located south of WR264 on the Hopi Reservation (Herb Begay, Supervisory Roads Manager): Mr. Begay presented a slide show, highlighting the damage done to the roads as a result of the severe thunderstorms which began on August 29, 2003. He said that the project should be completed within a month of starting and the BIA will provide the labor, traffic control, water supplies and drainage culverts. The funding assistance from Navajo County will be used for the rental of a front end loader, a motor grader, a water truck, fuel and archeological fees. Mr. Deal noted that because of federal regulations, emergencies cannot be addressed, and our legislators need to work towards softening the regulations, especially during these emergencies. He also noted that the Hopi Chairman did declare an emergency regarding the flooding. He asked if there was anything the county could do to help the Tribe get some federal reimbursement. **Mr. Thompson made a motion** to approve funding assistance in the amount not to exceed \$20,250, from District II Special Road Funds, for the rental of heavy equipment, fuel and archeological fees for the repair of damaged roads located south of WR264 on the Hopi Reservation; motion seconded by Mr. Deal; vote unanimous approving the motion. (Mr. Thompson asked Mr. Jayne to work with Mr. Begay to iron out any problems and to inform our Arizona delegation of these problems. He also asked Mr. Begay to provide us with copies of his slide presentation)

**NAVAJO COUNTY FLOOD CONTROL DISTRICT: Bill Cox, Floodplain Administrator & Tom Hieb, Flood Control Division Director: Board of Directors Session: Approval of request by Town of Snowflake to obtain Flood Control District Funds for aerial mapping services needed to address flooding problems in the Snowflake Industrial Park: Mr. Shumway made a motion** to enter into a Board of Directors' Session;

motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Hieb explained that the Town of Snowflake is requesting funding assistance to obtain one-foot contour (aerial) maps of the industrial park area. The Town discussed the need for the mapping with county flood control staff, and this mapping will be coordinated with other mapping that the Town will be doing (to develop GIS base maps) and that the Flood Control District will be doing (to develop detailed flood hazard maps along Cottonwood Wash). Staff recommends the approval of the request, with funding to come from the District's "Miscellaneous Mapping, Surveying and Engineering Services" line item. **Mr. DeSpain made a motion** to approve funding in the amount of \$13,050, from the Navajo County Flood Control District, for aerial mapping services needed to address flooding problems in the Snowflake Industrial Park; motion seconded by Mr. Shumway; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal absent for the votes)

**WHITE MOUNTAIN LAKE RECREATION DISTRICT: John Hager, Vice Chairman: Board of Directors Session:** Approve quote for concrete sidewalk extension: **Mr. Brownlow made a motion** to enter into a Board of Directors' session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Hager stated that six requests for bids were sent out. Of these, four did not respond and one gave a no-bid. One quote was received from David Farr Builders of Show Low, in the amount of \$4500 plus tax. The project calls for the sidewalk to be moved 20 feet south and extended to the water line for dock access. The quote includes all labor excavation, forming, pouring and finishing of concrete. It also includes installation of 2 dock anchoring poles and 16 cable pipe supports. Mr. Hager reported that this matter was brought to the Advisory Committee and has its full approval. **Mr. Shumway made a motion** to approve the quote for concrete sidewalk extension, in the amount of \$ 4500 plus tax; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Mr. Deal and Mr. DeSpain were absent for the votes)

**ASSESSOR: Frank Turley, Assessor: Increase employee from half-time to full-time Computer Operator II:** Mr. Turley advised that he has personnel savings in the amount of \$12,377 in this year's budget due to the resignation of an appraiser and other vacant positions. He would therefore request he be allowed to increase the half-time computer operator II position to full time. **Mr. DeSpain made a motion** for approval to increase an employee from half-time to full-time Computer Operator II; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**HOLBROOK JUSTICE COURT: Judge John Lamb: Approval to switch from Wells Fargo Bank to Community First to avoid excessive fee charges:** (Judge Lamb was unavailable due to court calendar) Mr. Jayne advised that the Justice Court would like to its accounts from Wells Fargo Bank to the Community First Bank in Holbrook. This change is due to excessive fees being charged for routine services by Wells Fargo. **Mr. DeSpain made a motion** for approval to switch from Wells Fargo Bank to Community First Bank to avoid excessive fee charges, as requested; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**SILVER CREEK FLOOD CONTROL DISTRICT: Board of Directors Session:** 1) Accept resignations of three members of the Silver Creek Flood Control District Board (Dee Johnson, Joe Papa and Pete Shumway): **(Per Deputy County Attorney Lance Payette, no Board of Directors session is required for this matter)** Mr. Shumway advised that he, Mr. Papa and Mr. Johnson wish to resign from the Silver Creek

Flood Control District Board at this time. **Mr. DeSpain made a motion** to accept the resignations of three members of the Silver Creek Flood Control District Board (Dee Johnson, Pete Shumway, Joe Papa); motion seconded by Mr. Deal; vote unanimous approving the motion.

2) Appoint three members to fill vacancies on the Silver Creek Flood Control District Board (Charlie Hendrickson, Jim Bruce and Ronald Solomon): Mr. Shumway explained that Mr. Hendrickson, Mr. Bruce and Mr. Solomon have indicated their willingness to serve on the Board. They will serve for a period of one year, and will then have to run for election in October of 2004. **Mr. Shumway made a motion** to appoint three members to fill vacancies on the Silver Creek Flood Control District Board (Charlie Hendrickson, Jim Bruce, Ronald Solomon); motion seconded by Mr. DeSpain; vote unanimous approving the motion.

ADMINISTRATION: Jimmy Jayne, County Manager and Joan Mickle, Interim Finance Director: 1) Funding assistance for the 2004 NACo Annual Conference, scheduled to be held in Phoenix in July, 2004: Mr. Jayne advised that Maricopa County will host the 2004 NACo Annual Conference and CSA had voted that each county would contribute an amount based on its size. Navajo County's contribution will be \$1500. **Mr. DeSpain made a motion** to approve funding assistance in the amount of \$1500 (\$500 each from District II, IV & V Special Project Funds), for the 2004 NACo Annual Conference, scheduled in Phoenix in July, 2004; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Employee Benefit - Navajo County underwriting information (Erin P. Collins): Mr. Jayne recommended that we move forward with the full actuarial study, which Erin P. Collins & Associates, Inc. has offered to do for \$2500. Mr. Jayne said it will be money well spent to see where we are today and where we need to go. **Mr. DeSpain made a motion** to authorize Mr. Jayne to proceed with the study as presented, not to exceed \$2500; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval of Intergovernmental Agreement with Department of Housing to secure CDBG funding: Dale Bowman explained that this IGA is between Navajo County and the Department of Housing for CDBG funds in the amount of \$672,591 for housing rehabilitation projects. The marketing phase is complete; 500 applications have been received and they are being processed for eligibility. Mr. Bowman advised they are trying to get a second grant going in addition to the CDBG grant. The CDBG funds can only rehabilitate 120 houses; this second grant could provide funds for additional houses. **Mr. DeSpain made a motion** to approve the Intergovernmental Agreement with the Department of Housing to secure CDBG funding as presented; motion seconded by Mr. Deal; vote unanimous approving the motion.

COUNTY MANAGER'S REPORT: Jimmy Jayne, County Manager: Mr. Jayne reported that the Governor has called a Special Legislative Session for October 20th. Possible issues to be discussed: 1) DOC bed shortage-the county could receive up to 50 DOC inmates to house in our jail facility; 2) Judicial collections-in FY 2004, the State plans to take 75% of any increase in judicial collections to help pay for employee health care costs. Navajo County does an excellent job with its collections, and we would like to see this repealed; 3) State Land Department reform proposal. Mr. Jayne said he will keep the Board updated on these and other issues. Mr. Jayne also advised that the Public Works Department is working on outlining TEA-21 projects in Navajo County. He noted that there will be a Governor's Drought Task Force meeting on November 10th and Mr. Shumway requested we have no Board meeting that day. **No action taken; informational only.**

FINANCE REPORT: Joan Mickle, Interim Finance Director: Ms. Mickle advised that our expenditures are \$1.3 million more than our revenues to date. She will be conducting in-depth research on this and will have

further information for the Board by the next report. (A finance report will now be presented at the first meeting of every month)

**BOARD OF SUPERVISORS: J.R. DeSpain, District III & Jimmy Jayne, County Manager: Navajo County 2003 Back Tax Land Auction (ARS §42-18303(A): Prospective purchasers are advised that:** 1) All sales are final; 2) Examine property before purchasing; 3) Check the Assessor's map for the location of the parcel; 4) Seek advice on marketability of title conveyed by a Treasurer's Deed; 5) No warranties or guarantees as to the size or condition of property; 6) Check for deed restrictions with the Recorder's Office; 7) No refunds will be made. Auction was conducted and report on sales will be presented at the next meeting. **Total of 100 parcels auctioned, 75 sold, total sales \$36,720, 25 remaining placed on the Ongoing Back Tax List.**

**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:** No business was presented.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, October 14, 2003, upon a **motion made by Mr. Brownlow**; motion seconded by Mr. DeSpain; vote unanimously carried. The meeting adjourned at 3:20 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:** AzDeptRev\$2294.30;Comm1stBnk\$4184.58;ABLMngmt\$40745.30;APS\$15121.66;BobBarkerCo\$5714.47;Bradco\$9989.86;ChollaRdyMx\$5348.25;CocoCntyMedExmnr\$4634.50;CCC\$4646.20;DellMrktng\$29973.53;DLTSol\$2748;E&ESrvcs\$2640.03;FlgstfMedCntr\$1689.88;ForensicScncCntr\$1966;FrontierComm\$8838.53;HumSocWhtMtn\$3900;JLymanDMD\$1227;M&MProfClhrs\$5639.11;MidwayChev\$34968.16;NCRF\$7619.38;NCSRF\$1519.13;NRMCS\$1004.27;PvmtMrkInc\$32073.04;PetrlmTrdrs\$6705.04;SOrtegaJr\$1000;Sprint\$3899.49;TwnSnflke\$3000;USDI\$20022;WhtMtnCnsIng\$6110;NAA\$2416.74;BlackMesaCommSchl\$10800