

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA
December 15, 2003**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:15 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. Deal led the Pledge of Allegiance and offered the Invocation.

CALL TO THE PUBLIC: There were no comments presented.

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) Board Minutes: December 1, 2 & 3, 2003; 3) Special Event Liquor Licenses: White Mountain Association for Victims of Domestic Violence, Fundraising Event on January 24, 2004 at 6734 Country Club Dr., Pinetop, AZ; American Legion Post 86, Fundraising Event on December 31, 2003 at 2068 Lumber Valley Rd., Overgaard, AZ; 4) Approval for Pinetop Constable to open a Bank Account to deposit fees collected; 5) Liquor License (New): Silver Creek General Store, 8372 Silver Creek, White Mountain Lake, AZ; 6) Assessments and Tax Roll Corrections; 7) Letter to Arizona Division of Emergency Management re status of Rodeo-Chediski Fire Category B Projects, and request for time extensions.

DECEMBER MONTHLY ANNIVERSARY EMPLOYEE APPRECIATION: Steve Slade (30); Ralph Hatch (19), Ramona Godinez (17), Victor Bork (16); Doris Clark (13) George Amador (12); Marlene Sample (7), Brandon Gardner (7) Vicki Clark (6), Arvil Hunt (6). **EMPLOYEE PINS FOR YEARS OF SERVICE: 15 YEAR PINS** Michael Duran and Alma "Lon" Willis; **20 YEAR PINS** Cammy Darris, Jerry Padilla, Timothy Webster: **RETIREMENT PLAQUE: Virgil "Bob" McClanahan**, Chief Building Inspector, given in appreciation of **17 years** of service to Navajo County Citizens since March 16, 1987: The Board of Supervisors presented certificates, pins and plaques to those in attendance.

CONGRESSMAN RICK RENZI: 1) Update from Congressional District 1; Congressman Renzi reported he had recently attended graduation services for the Northern Arizona Regional Training Academy in Prescott where one of Sheriff Butler's employees had graduated. He commended the Sheriff and Officer Yop from the Sheriff's Department for having such a fine employee. 2) Transportation issues /funding: nothing new reported.

3) Forest Health Legislation/funding; The Congressman stated he attended the signing of the Healthy Forest Initiative which streamlines the NEPA process and allows us to streamline the EA's in order to utilize stewardship contracts and thin the forests. Fifty percent of the funds can be used on the ground to remove timber within 1 2 miles of the interface. Hopefully, the timber industry will look at that resource and make investment in the communities to open up sawmills. The fire in California was a real awakening for some of those who had previously been opposed. 4) Other Federal issues of concern; Mr. Thompson asked what was going on with the Uranium mining on the reservation. Congressman Renzi reported that he voted for the Amendment which was on a fast track for the permit process as it relates to the pipeline. He committed to continue watching these issues. Mr. DeSpain thanked him for his assistance with the Petrified Forest expansion and the NACOG Headstart funding. Sheriff Butler asked about the funding that was set aside for radios under the Homeland Security funding. The Congressman stated that there was \$800,000 ready to be released. Congressman Renzi stated that he was very pleased with the

capture of Sadaam Hussein. He stated that he had recently visited Rome and had found there is a growing concern in Western Europe that they are in a post-Christianity period with a rise in communism and socialism. In closing he asked fathers of this District to focus on teaching religion to their children to renew their faith.

BOARD OF SUPERVISORS: Pete Shumway, Chairman: **Resolution** in appreciation of Congressman Rick Renzi's support of Navajo County and rural Arizona: **Mr. DeSpain made a motion** to approve **Resolution 85-03** in appreciation of Congressman Rick Renzi's support of Navajo County and rural Arizona; motion seconded by Mr. Brownlow; vote unanimous approving the vote.

CONGRESSMAN RICK RENZI/SUPERVISOR J.R. DESPAIN: Presentation in Memoriam of Army Specialist Spencer Timothy Karol, who Lost his Life while Supporting Operation Iraqi Freedom: Mr. DeSpain will deliver the Memoriam to Spencer Karol's mother at her home.

HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director: **Board of Directors Session: Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. DeSpain; vote unanimous approving the vote. 1) Approval to Contract with Bonnie Kiser, RN to provide Newborn Intensive Care Services in Navajo and Apache Counties: Mr. DeSpain made a motion to approve the Contract as presented; motion seconded by Mr. Brownlow; vote unanimous approving the vote. 2) Approval of Contract #HG352200 Amendment # 1 with ADHS, Immunization Services (1/1/03-12/31/03): Mr. DeSpain made a motion to approve the Contract as presented; motion seconded by Mr. Thompson; vote unanimous approving the vote. Approval to expend funds for communications and data equipment and installation for Snowflake and Pinetop WIC offices: A proposal was submitted to ADHS for needed communication and data equipment and installation. It had been approved for the Snowflake WIC Office that will be relocating within Snowflake and for a new WIC office in Pinetop that will be housed at the old county road yard. ADHS will amend the contract to cover the costs. **Mr. DeSpain made a motion** to approve the expenditure as presented; motion seconded by Mr. Brownlow; vote unanimous approving the vote. 4) Approve IGA #HG361315 with ADHS, Reproductive Health/Family Planning Services (1/1/04 - 12/31/04): Mr. Brownlow made a motion to approve the IGA as presented; motion seconded by Mr. DeSpain; vote unanimous approving the vote. 5) Approve Per Capita Grant from ADHS for Local Health Work for FY 03/04: Mr. DeSpain made a motion to approve the Contract as presented; motion seconded by Mr. Brownlow; vote unanimous approving the vote.

ASSESSOR: Frank Turley, Assessor: 1) Per ARS 42-13004 - Approval of Intergovernmental Agreement (IGA) with the Arizona Department of Revenue for Data Processing Products and Services from 1/1/04-12/31/04: Mr. DeSpain made a motion to approve the IGA as presented; motion seconded by Mr. Thompson; vote unanimous approving the vote. 2) Adoption of the Navajo County Assessor's Secured Property Assessment Roll for 2004: Mr. Brownlow made a motion to adopt the Secured Property Roll as presented; motion seconded by Mr. DeSpain; vote unanimous approving the vote.

FINANCE DEPARTMENT: Joan Mickle, Interim Director: Certification of funding from HB 2533 (County and municipal judicial collections; baseline limitation; transfer to state general fund): Ms. Mickle presented the Navajo County Finance Certification for: Holbrook, Winslow, Snowflake, Show Low, Kayenta and Pinetop Justice Courts; Clerk of the Superior Court and the Probation Department. **Mr. DeSpain made a**

motion to approve the Certification of Funding as presented; motion seconded by Mr. Brownlow; vote unanimous approving the vote. (Clerk's Note: Certification document is on file in the Clerk of the Board's Office.)

BOARD OF SUPERVISORS: J. R. De Spain, District III: **Resolution** supporting the City of Holbrook's Grant Application to the Economic Development Agency for expansion of the City's sewer collection capacity: **Mr. DeSpain made a motion** to approve **Resolution 86-03** as presented; motion seconded by Mr. Brownlow; vote unanimous approving the vote.

PUBLIC WORKS: Bill Cox, Director: 1) Presentation by Arizona Counties Insurance Pool (ACIP) on Road Safety Audit: Mr. Cox presented the findings of the Arizona Counties Insurance Pool's Road Safety Audit. ACIP employed a road safety expert to evaluate all member county roads except local residential streets. Navajo County roads were the last to be evaluated and the audit has just now been completed. Jerry Graham, the principal investigator, reviewed with the Board the contents of the Audit. Mr. Cox informed the Board that the deficiencies would be corrected and that he would come back to the Board with a report at a later date. (Clerk's note: Audit Report on file in the Clerk of the Board's Office.) 2) Enter Intergovernmental Agreement (IGA) with the City of Show Low for the support of the 2005 NACOG Project on Penrod Road: Mr. Cox stated that the City of Show Low was currently in the process of annexing the county's portion of Penrod Road. When the process is complete, we will no longer have an interest in the road. In the meantime we would like to continue to support the project and have the NACOG funds go to Show Low and Pinetop for the overlay project that is scheduled. The City will discuss the annexation and the IGA at their meeting on December 16, 2003. **Mr. Brownlow made a motion** to approve entering into the IGA as presented; motion seconded by Mr. DeSpain; vote unanimous approving the vote.

COUNTY ATTORNEY/SHERIFF: Mel Bowers, County Attorney and Gary Butler, Sheriff: 1) Proposal to use funds from the Southwest Border Prosecution Initiative (SWBPI) Award to fund a Criminal Justice Grant Administrator: Mr. Bowers that he would like to use \$200,000 of the SWBPI funds to fund the position of a Criminal Justice Grants Administrator in the Finance Department for a period of two years. After that time, the position should be self funded by the percentage allocated for administrative expenses in each of the grants. The County already has several Criminal Justice grants that greatly benefit the County Attorney, Legal Defender, Public Defender, Sheriff and the Superior Court. There are many additional Criminal Justice grant opportunities that a full-time Criminal Justice Grants Administrator could explore. Many of the grants and grant opportunities involve more than one Department, so it would be very beneficial to have an Administrator who could see the "big picture" and coordinate the grant proposals. The Criminal Justice Grants Administrator would have to be an individual with considerable technical expertise in this field. The position would involve exploring grant opportunities, writing grant proposals and meeting the financial reporting and accounting requirements. It is felt that this position should report directly to the Finance Director. Knowing that the position is expected to be self-funding in two years would motivate the Administrator to explore all available grant opportunities. The committee believes this proposal is a wise investment with a potential return far in excess of the \$200,000 in "seed money" that is being recommended. If the program proves to be as successful as we anticipate, it could perhaps be expanded to include a broader range of grant responsibilities (i.e., beyond the area of Criminal Justice). **Mr. Deal made a motion** to approve the expenditure of \$200,000 from the SWBPI funds for the Grants Administrator position; motion seconded by Mr. DeSpain; vote unanimous approving the vote. Mr. Deal requested that a budget for the request be presented at a later date. 2) Proposal to use funds from the

Southwest Border Prosecution Initiative (SWBPI) Award to cover Jail operations personnel costs for the first half of FY03-04: Sheriff Butler made a recommendation to the Board that \$300,000 of the SWBPI funds for funding personnel positions that have been short funded by DOC. In FY 03/04 Navajo County entered into an agreement with DOC to house state prisoners in the County Jail. Due to the change in command at DOC, the county has not received the funding and because the amount in the contract was for personnel services and included in the 03/04 Jail Budget, they were able to keep the Jail operational. However, due to the issue of payment to Navajo and Coconino Counties being referred to the Legislature and that funding not being approved yet, there will be a loss to Jail operations. The \$300,000 is needed to keep from freezing positions and closing down a portion of the Jail. If this happens, the number of Federal Inmates that could be housed could be affected. This proposal is consistent with what the SWBPI funds should be used for and this would be a reimbursement for funds already expended by the Jail. **Mr. Deal made a motion** to approve the expenditure of \$300,000 from the SWBPI funds for Jail Operations and personnel; motion seconded by Mr. Brownlow; vote unanimous approving the vote

SHERIFF'S OFFICE: Gary Butler, Sheriff: 1) Request to reorganize the Homeland Security Task Force and update the membership: Sheriff Butler stated that he would like to reorganize and update the Homeland Security Task Force to act as a clearinghouse for all grant applications for Homeland Security money to be recommended for approval by Board. The membership list will be updated to include the following members: Sheriff Gary Butler, Chairman; Ben Owens, Fire Service; Ann Bailey, Health/Bioterrorism; Greg Donewar, Law Enforcement; Dusty Parsons, Public Works; Sampson Cowboy, Tribal Representative; Jim Hofstra, Private Sector; and Larry Dunagan, Executive Director. **Mr. Brownlow made a motion** to approve the reorganization to act as a clearinghouse as presented; motion seconded by Mr. Thompson; vote unanimous approving the vote. 2) Approval to purchase budget vehicles from state contract and emergency equipment: Sheriff Butler presented a list of vehicles that he is asking to purchase from the \$200,000 budgeted this year. (Total requested- \$199,986.25). Mr. Deal asked if there would be vehicles turned in for other county departments to use. Officer Sutton stated that two vehicles were unable to be repaired and would go to the auction, and the others were high mileage, but there might be at least two vehicles that could be used by other departments. **Mr. Shumway made a motion** to approve the purchase as presented; motion seconded by Mr. Thompson; vote unanimous approving the vote.

BOARD OF SUPERVISORS: Pete Shumway, Chairman: Appointment of Chairman and Vice-Chairman for 2004: **Mr. Deal made a motion** to appoint J.R. DeSpain as Chairman and Jerry Brownlow, Vice Chairman for 2004; motion seconded by Mr. Thompson; vote unanimous approving the vote.

ADMINISTRATION: Jimmy Jayne, County Manager: County Manager report - Current events: Mr. Jayne had nothing additional to report.

DEVELOPMENT SERVICES: Dave Ashton, Director: Review and Adoption of the Navajo County Comprehensive Plan: Dave Ashton and Lissa Davis, Planner gave a background on the legislative mandate of the Plan by saying that in 1998 the legislature approved the Growing Smarter Act, which was designed to mitigate the effects of the rampant growth in the state. The legislation states that the county boards have to adopt a 50-year comprehensive plan, and that plan has to be reviewed at least every 10 years. Although the act requires a plan to be adopted by December 3, 2003, there are not legal ramifications if a board does not adopt one. The legislation says that the county's current plan would

remain ineffect until such time as a new one is adopted. Scott Higginson, President of the "FourSquare Group" which specializes in Government & Public Affairs as a consultant firm was presented and reviewed some of the aspects of the plan with the board. The following individuals spoke in opposition to the "Plan" as presented: Bryan Smithson, Mayor of Holbrook: Mayor Smithson expressed several concerns with the "Plan", including the cost to taxpayers to build the roads. He believes the plan allows for a bypass of Holbrook to the Petrified Forest, which will affect tourism, and will bypass Winslow and Holbrook to connect I-40 to the southern part of the county. Bill Decker: Mr. Decker stated that the Recreation areas should include Heber-Overgaard as well as Pinedale. Jim Boles, Mayor of Winslow: Mayor Boles was concerned that Realtors would use the Plan to sell property showing proposed roads and that the Plan seems to be dividing the county "North and South." Elain Mendez: Ms. Mendez is concerned with septic not being addressed for the proposed growth; seems to be against minor land division and property ownership. Thomas Carmen: stated that he felt more review was needed; the 9-acre proposal was a problem and the effect on property values. Lewis Tenney: Mr. Tenney had many concerns: private property ownership and the right to pass land on to your children; need more time for public input; the document keeps changing; need to address what is already on the ground; need to reflect school districts; needs to be sent back to the Planning and Zoning Commission; meetings need to be held in all areas to allow public input; is more complicated and makes additional work for the public. Wade Carlisle: Wade Carlisle stated that he had a problem with the numbers regarding the undeveloped land; need to develop what we already have and need zoning information; not a good plan, does not spell out clearly so it can be understood. Jack Carlisle: Mr. Carlisle stated that we can't properly maintain the roads we already have, why develop new roads; concern with cost and looks like a plan to change the county seat. Joel Lawson: Mr. Lawson stated that it looked like the Plan favored the larger developers, one in particular; it is too vague; splitting concerns; septic issues and the proposed roads appear to be benefiting one developer. No one from the public spoke in favor of the "Plan" as it was presented.

The Board thanked everyone for their comments and concerns as well as staff for the time in preparing the "Draft Plan", however there are a lot of concerns and they cannot approve in this format. **Mr. DeSpain made a motion** to refer the "Plan" back to the Planning and Zoning Commission for full public notice and hearing and to continue with what we have been using for guidelines at this time; motion seconded by Mr. Brownlow; vote unanimous approving the vote. Mr. Shumway stated that we want to make sure everyone is comfortable with the "Plan" so we can move forward. (Clerk's Note: Draft Comprehensive Plan on file in the Clerk of the Board's Office.)

BOARD OF SUPERVISORS/ADMINISTRATION: Jimmy Jayne, County Manager and Gail Sandoval, Human Resource Director: **Executive Session:** Pursuant to ARS §38-431.03 (A)(1) for Personnel Matters Re: Interview of applicant for the Finance Director position: **Mr. Deal made a motion** to enter into Executive Session; motion seconded by Mr. DeSpain; vote unanimous approving the vote. Present: Supervisors Shumway, DeSpain, Deal, Thompson, Brownlow; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; Judy Jones, Clerk of the Board; Gail Sandoval, Human Resource Director and Joan Mickle, Interim Finance Director. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the vote. Executive Session continued to 12/16/03.

BOARD BUSINESS: Mr. Thompson wished everyone a Merry Christmas and a Happy New Year; Mr. Deal thanked the County Manager for arranging for Congressman Renzi to meet with the Board; Mr.

DeSpain thanked the Board for appointing him as Chairman for 2004; Ms. Jones reported on the County Christmas party. 230 people were in attendance and the Personnel Commission did a great job in preparing the party. Mr. Jayne thanked the Personnel Commission for their hard work on a successful County Christmas Party.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, December 16, 2004, upon a **motion made by Mr. Brownlow**; motion seconded by Mr. Deal; vote unanimously carried. The meeting adjourned at 5:40 p.m.

APPROVED:

J.R. DeSpain, Chairman

DATE:

ATTEST:

Judy Jones, Clerk of the Board

The following Navajo County demands were audited, approved and ordered paid by the Board:

Comm

1stBnk\$1405.81;ALSLcksmth\$1365.56;AGreensherMD\$6344.78;ASAPSftwr\$1297.98;APS\$20235.25; Baker&Taylor\$1042.81;Bank1Trst\$198672.50;Brimhall\$5916.30;CWagner\$4674;CtyHlbrk\$7061.90;Co CoCntyMedEx\$1575;CCC\$2527.40;CrtRprtng\$1135.40;DJones\$2197.50;Day&Sons\$1323.14;Drake\$ 9202.56;EarthMOverTire\$3999.70;FergusonDoor\$4947.46;ForensicScnc\$4400;Frontier\$3863.20;M&M Prof\$4390.37;MtnStates\$1185.71;NCRF\$3361.42;PtrlmTrdrs\$7921.41;Portenier\$1404.69;Qwest\$1454 .10;Sprint\$3749.93;SRMEng\$1550;SunStates\$1675.14;USPS\$12000;Unisource\$9227.32;WsteMngmt \$8167.02;WhtMtnCnsIng\$3647.46;WoodLw\$3392;Xerox\$2322.54;YoungsTire\$6746.04;Z&MEntprs\$11 607.80