

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

MARCH 8, 2004

Supervisors' Chambers, Holbrook, Arizona - Time: 9:05 a.m.

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, 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 presented.

CONSENT AGENDA: **Mr. Shumway 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) Board Minutes: February 17, 2004; 2) Assessment & Tax Roll Corrections; 3) Justice Court Reports: (January) Holbrook, Winslow, Snowflake, Kayenta & Show Low; 4) Constable Reports: (January) Holbrook, Winslow, Snowflake & Show Low; 5) Juvenile Justice Report: (January); 6) Back Tax Deeds: 105-34-128; 105-34-105; 7) Sheriff: Renewal of Contract with Department of Corrections reference the academy training utilized for detention officers (no changes); 8) Sheriff: Renewal of Undercover Plates; 9) Public Works: Name an existing road in the Snowflake area "Beaver Canyon Trail".

HEALTH DISTRICT: Mary Tyler, Interim Director: **Board of Directors Session: Mr. Shumway made a motion** to enter into Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimously carried. Department of Health Services Contract #HG354250, STD Services, Amendment #1, January 1 - December 31, 2004: (Ms. Tyler was unavailable; Tracy Letcher appeared on her behalf) Ms. Letcher stated this an amendment to the current contract to allow for changes to the Notices, Correspondence, Reports and Invoices Section and to update the Price Sheet for the current calendar year. She noted there is no change in funding from last year.

Mr. Shumway made a motion to approve the Amendment #1 to the ADHS #HG354250 for STD Services; motion seconded by Mr. Brownlow; vote unanimously carried. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

BUILDING & GROUNDS: Rod Enders, Assistant Director: Approval for Request for Quote (RFQ) for Janitorial Services to county buildings currently contracted with M&M Professional Cleaning: Mr. Enders reported that M & M Professional Cleaning recently gave notice of their decision to terminate their contract for cleaning several county offices in Show Low, Pinetop-Lakeside and Winslow. In order to maintain these buildings in a clean and sanitary condition they will need to provide services to the facilities. Staff would like approval to go out for quotes for these services, for which \$52,680 is currently budgeted. **Mr. Shumway made a motion** to approve request to go out for quotes as presented; motion seconded by Mr. Thompson; vote unanimously carried.

PUBLIC DEFENDER: Emery LaBarge, Public Defender: 1) Request for the Board of Supervisors to support HB2211 (Arizona Criminal Justice Commission Members) and direct that the county lobbyist actively seek passage of the same: Ms. LaBarge explained that this legislation, which she helped to write, would allow for the appointment of three Public Defenders to the Arizona Criminal Justice

Commission. Mr. Jayne noted the Bill is still pending, and it will be discussed at the Manager's meeting this week. **Mr. Shumway made a motion** to support HB2211 as requested; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Chairman DeSpain noted that this legislation has the full support of the Board)

2) Verify and approve purchase of video phone, two notebook computers and software and other computer equipment (i.e. server, switch, etc.) using "Fill the Gap" Funds: Ms. LaBarge explained that this equipment will be used to update their current hardware and software. Total cost for the equipment is \$12,131.99, with funding to come from "Fill the Gap" funds. **Mr. Thompson made a motion** to approve the purchase of computer equipment as presented, utilizing "Fill the Gap" funds in the amount of \$12,131.99; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

ATTORNEY: Mel Bower, County Attorney: Request to purchase seven new Dell computers for the Navajo County/Major Crime Apprehension Task Force: Mr. Bowers explained that these computers will replace old, outdated equipment currently being used by the Task Force. Funding will come from Navajo County R.I.C.O. (Anti-Racketeering) Funds, which may be used for such purposes. **Mr. Shumway made a motion** to approve purchase as requested; motion seconded by Mr. Thompson; vote unanimously carried.

RECORDER/ELECTIONS: Mary Kelley, Election Coordinator: 1) Resolution canceling the March 9, 2004 election for the White Mountain Special Road District #1 and appoint Ed Matthews to fill the vacancy: Ms. Kelley advised that Ed Matthews was the only person who filed a nominating petition for the one seat up for election. **Mr. Brownlow made a motion** to approve **Resolution #16-04**, canceling the March 9, 2004 election for the White Mountain Special Road District and appointing Ed Matthews to fill the vacancy; motion seconded by Mr. Thompson; vote unanimously carried. (The Board, having been advised that Ms. Kelley has accepted a position with the Secretary of State's office, presented a Certificate of Appreciation to Ms. Kelley for her dedication to Navajo County)

2) Resolution canceling the May 18, 2004 election for the Timberland Acres Domestic Water Improvement District and appoint Stephen Mobley and Tina Stabenow to fill the vacancies: Ms. Kelley advised that Stephen Mobley and Tina Stabenow were the only persons to file a nominating petition for the two seats up for election. **Mr. Brownlow made a motion** to approve **Resolution #17-04**, canceling the March 9, 2004 election for the Timberland Acres DID and appointing Tina Stabenow and Stephen Mobley to fill the vacancies; motion seconded by Mr. Shumway; vote unanimously carried.

NAVAJO COUNTY FLOOD CONTROL DISTRICT: Bill Cox, Floodplain Administrator: Board of Directors Session: Mr. Shumway made a motion to enter into Board of Directors; motion seconded by Mr. Brownlow; vote unanimously carried. Approve that the flood control district act as the local sponsor and fund the local cost share needed to participate with the Natural Resource Conservation Service in constructing emergency watershed protective measures in the Hebert area: Mr. Cox and Mr. Hieb explained that the protective measures include bank stabilization, minor channelization and other construction that will protect structures and utilities along the washes from increased flooding and erosion hazards created by the Rodeo-Chediski Fire. These protective measures have been evaluated and designed by the staff at the NRCS and meet their requirements under the Emergency Watershed Protection Program. The cost share will be 75% for NRCS and 25% for Navajo County. The local cost share can either be cash or in-kind services, or a combination thereof. Although the exact cost has not been determined yet, it is estimated that Navajo County's share will be \$100,000. Sufficient flood control funds have been budgeted for these costs. Mr. Cox noted that although "the emergency door" has closed for these kinds of projects, the County took special action to extend and complete this particular project.

Mr. Shumway made a motion to approve the flood control district acting as the local sponsor and fund the local cost share as requested; motion seconded by Mr. Brownlow; vote unanimously carried. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimously carried.

PUBLIC WORKS: Bill Cox, Director: 1) Award Contract #B04-02021, Reconstruction of Lone Pine Dam Road Phase I, to the lowest bidder: Mr. Cox advised that the low bidder was Combs Construction, with a bid of \$453,125.00, and he recommends the bid be awarded to them. Mr. Gerald Hatch voiced objections over this award, claiming that he did not receive the plans until two weeks ago. He addressed the bid schedule, noting that some items were left out, including erosion control. Mr. Hatch also objected to the fact that there was no pre-bid meeting. Mr. Cox responded, noting that erosion control was not the reason that Mr. Hatch's bid did not come in lowest. He also noted that all responsive bidders received the same bid schedule, and no complaints were submitted by them. A lengthy discussion followed. The County Attorney noted that although Combs Construction was not present, they would likely say that the plans were sufficiently explained. He added that if Hatch were awarded the contract, would they be complaining now. Mr. Bowers stated that Mr. Cox has explained the procedure he followed, and he believes there is no reason why the Board cannot award the contract at this time. Chairman DeSpain noted that the award must be based on the bid document. All three bidders received the same information, all were treated equally. He added that if a pre-bid meeting had been held, perhaps the issues could have been settled at that time. Mr. Cox explained that time was of the essence in this case, and that is why a pre-bid was not held. Mr. Shumway agreed that a pre-bid meeting may have prevented these issues, but there has been no legal basis presented to reject the bid. **Mr. Shumway made a motion** to award contract #B04-02021 to Combs Construction as recommended by staff; motion seconded by Mr. Deal; vote unanimously carried.

2) Approve Public Works hiring of temporary summer employees: Mr. Cox advised that the funds have already been approved for these temporary workers in the 2003/2004 budget. Because of the aggressive construction and maintenance schedule, he would like to hire four (4) temp employees for April 1 through October 15, 2004, and five (5) temp employees for May 1 through September 30, 2004. Mr. Cox noted that if this request is approved, it will create a \$12,000 shortage in the temporary line item. However, due to continued vacancies and some special projects, three temp positions have been used since October 2003. He is requesting that the shortage in the temporary line item be covered by the regular salaries line item, which will have an estimated \$150,000 savings. **Mr. DeSpain made a motion** to approve the hiring of temporary summer employees as requested; motion seconded by Mr. Shumway; vote unanimously carried.

BOARD OF SUPERVISORS: 1) Approval of Professional Services Agreement with M3 Research re: County Partnership Restoration Program, Apache-Sitgreaves National Forest from March 8, 2004 to June 30, 2004: It was noted that Navajo County will act only as the pass-through agent from the Forest Service to M3 Research. It was made very clear that no monies would be paid to Dr. Garrett until the funds have been received from the Forest Service. **Mr. Shumway made a motion** to approve the Professional Services Agreement with M3 Research, with the condition that no payments will be sent to Dr. Garrett until the funds have been received by the County from the Forest Service; motion seconded by Mr. Brownlow; vote unanimously carried.

2) Resolution of appreciation for the Honorable Senator Jack Jackson, Sr. for his many years of service to Navajo County: Mr. Thompson requested approval of this resolution for Senator Jackson, Sr., who resigned his position effective December 31, 2003. He noted that the Senator has always supported Navajo County and rural Arizona. **Mr. Thompson made a motion** to approve **Resolution #18-04**

honoring Senator Jack Jackson, Sr.; motion seconded by Mr. Deal; vote unanimously carried.

FINANCE: James Menlove, Director: Monthly Finance Report: Mr. Menlove advised that 67% into the year, the county has a net cash/fund balance of \$2,803,148.39. We have received 64.05% of expected revenues and have expended 57.99% of expense to date. Mr. Menlove advised the Board that all elected officials and department directors are kept informed of their budget status. He added that he has scheduled meetings with all departments throughout the month of March to discuss the status and budgets for the next fiscal year.

HUMAN RESOURCES: Gail Calisen, Director: 1) Extend temporary Accounts Payable Clerk until June 30, 2004: Ms. Calisen explained that this employee has been filling this temporary position since October 2003. Funding for this position is covered by a full-time budgeted position. **Mr. Shumway made a motion** to extend the temporary Accounts Payable Clerk position until June 30, 2004, as requested; motion seconded by Mr. Brownlow; vote unanimously carried.

2) Approval of Personnel Actions: **Mr. Thompson made a motion** to approve the personnel actions as submitted; motion seconded by Mr. Shumway; vote unanimous approving the motion

COMMUNITY FIRE PLAN: Steve Campbell, Cooperative Extension Agent: 1) Current conditions, mapping and treatment of Tribal, National and community forests in southern Navajo and Apache counties; 2) Healthy Forest Restoration Act funds tied to approve County fire plans; and 3) Appropriation of funding from Special Project Funds and other sources for community development plan process in conjunction with Pinetop-Lakeside, Show Low and Apache County: Mr. Campbell explained that funding through the Health Forest Restoration Act of 2003 will be secured by the Community Wildfire Protection Planning Committee to develop and implement a Community Wildfire Protection Plan (CWPP). The development and implementation of the CWPP can be broken down into three general stages. These stages will be initiated by two Community Action groups: Group 1 includes the communities of Vernon, Hon Dah, McNary, Pinetop/Lakeside, Show Low, Linden and Pinedale/Clay Springs. Group 2 will include Hebert/Overgaard and Aripine. The funding proposal will cover Stage I of the plan (Strategic Planning Component), which includes: plan area identification; task descriptions; prioritization of treatment areas and treatment types; reduce structural ignition; and develop funding proposal. Mr. Jayne explained there are four (4) participating cooperators: the communities of Pinetop/Lakeside and Show Low, and Apache & Navajo Counties. All except Navajo County have been asked to contribute \$10,000 each. Navajo County has been asked to contribute \$15,000 due to its larger area. If this funding is approved, it will cover all residents of the unincorporated areas of our county. This process will allow us to go through Stage II & Stage III of the plan if we so choose. Stage II (Implementation Plan Component) will include: determination of interface; recommendations for site-specific landscape treatments; old growth areas; and fire regime classes. Stage III (Authorized Projects) includes: stewardship contracts and landscape treatments by burning or thinning on public and private lands within the plan area. Mr. Jayne advised that the county's portion of the funding-\$15,000- will come from unexpended areas of the Administration budget. **Mr. Shumway made a motion** to approve funding from unexpended areas of the Administration budget, for the total funds needed (\$15,000) for community development plan process in conjunction with Pinetop-Lakeside, Show Low and Apache County, 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: Interviews for the Parks, Recreation and Fairgrounds Director: The Board was advised that the required notices to the applicants, pursuant to ARS § 38-431.03(1), advising them of their right to have the interview in open session, were not sent. Mr. Bowers explained that the item was agendaized as

an Executive Session, and as there is no emergency, the interviews cannot be held even if the applicants agree to an open session. His recommendation is that the interviews be continued to a later date. **The interviews are therefore rescheduled to Monday, March 29, 2004 at 12:00 p.m.**

BOARD BUSINESS: Mr. Thompson expressed appreciation to the Board for their support of the resolution for Senator Jackson, Sr. Mr. Deal gave an update on the NACo conference in Washington DC, which he and Mr. Thompson attended. Mr. Brownlow advised that he and Bob Stevens toured the Cibecue area re housing rehab, and he thanked the Board for their support.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, March 29, 2004, upon a **motion made by Mr. Shumway**; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 2:05 p.m.

APPROVED:

J. R. DeSpain, Chairman

DATE:

ATTEST:

Judy Jones, Clerk of the Board

The following demands were audited, approved and ordered paid by the Board:
KachinaOfcBldg\$1785.47;AWHardy\$3500;ADI\$1462.97AdvncdBldgCncpts\$4204;ASAPStwr\$2501.67
;Avaya\$3550.56;ACIP\$20902.31;APS\$13408.35;AzStTrsr\$20933.33;AzStTrsr\$7450;AzStTrsr\$25898;
Bank1\$`097.20;BKiser\$1285;Bradco\$10465.94;CellOne\$3279.67;CntrlVlyProf\$1115.04;CWagner\$329
5.50;CtyHlbrk\$10283.12;CCC\$2020.56;CBrennan\$1010;Contech\$5538.49;CoopExt\$5410;DJones\$68
06.66;Darcomm\$10408.84;DMartin\$4415.17;DMcCoy\$8188.41;DFrame\$2267.50;ESharp\$1376.85;E
mpireMach\$1260.94;EnPointeTech\$1396.59;GblEqpt\$2239;HlbrkExtCr\$2542;HughesCalihan\$6070.8
1;HughesCalihan\$1728.83;KnsStBnk\$1628.03;KayentaUSD\$2136.41;GForsyth\$4516.34;MRatner\$258
5;LFoster\$2241;M&MPrfCln\$4390.37;MSmith\$2739.80;MBowersJr\$11884;MissionUnfrm\$1138.86;Mtn
StatesCompuNet\$13076.46;NatIBsnsFrnr\$1019.42;NCRF\$3014.73;NCSU\$6000;NewmanTrfcSgns\$3
894.30;OwensEnrg\$2773.26;PetrImTrdrs\$7194.10;RH&Assoc\$2000;SHeckathorne\$2850;SlvrCrkSenC
it\$1103;StirlingFence\$2620.66;VikingOfcPrd\$2976.08;WestGroup\$1358.55;WstrnTech\$1450;WhtMtnC
nslng\$1575;WoodLawOfc\$10112.92;ADOR\$4670;USPS\$12000