

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

April 5, 2004

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

PRESENT: 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. (Chairman J.R. DeSpain was absent due to the death of his father)

Mr. Shumway 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. Shumway; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Assessment and Tax Roll Corrections; 3) Back Tax Deeds: 105-33-12, 071,072, 075, 076, 115, 118 & 128; 105-34-367, 404, 034, 035, 036, 042, 268, 295, 296, 298, 304, 317; 105-34-065,066, 068, 113, 114, 115,105-33-226, 227, 236, 262, 105-26- 237, 242, 243, 022, 092, 244, 247, 248, 256, 244; 105-34-074, 073; 105-36-249, 250, 251, 252, 253, 241, 105-34-043-048-049, 055, 064, 116; 105-32-129; 4) Board Minutes: March 23, 2004; 5) **Resolution** approving the Final Plat and Financial Assurances for the Peterson Acres Subdivision in the Lakeside area; 6) **Resolution** Proclaiming the Month of April as Public Health Month; 7) **Resolution** Proclaiming week of April 18-24, 2004 as National County Government Week (Transportation: Counties Move America's People and Products); 8) **Resolution** in support of the House Budget Committee's Western Conference Call to Fully Fund PILT and Reduce Land Acquisition

BOARD OF SUPERVISORS: Executive Session Pursuant to ARS 38-431.03 (A)(1) for Personnel Matters Re: Interviews for the Elections Director: **Mr. Shumway made a motion** to enter into Executive Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the executive session were: County Attorney Mel Bowers; County Manager Jimmy Jayne; Human Resources Director Gail Calisen; Navajo County Recorder Laurette Justman; Vice-Chairman Jerry Brownlow; members Pete Shumway, Percy Deal, Jesse Thompson; and Deputy Clerk Kathy Hieb. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. **No action taken at this time.**

PUBLIC WORKS: Bill Cox, Director:1) Resolution authorizing the temporary closure of a portion of Lone Pine Dam Road from April 15, 2004 to no later than June 1, 2004: The Board was advised that the closure of Lone Pine Dam will occur for a period of 48 days, from April 15 to June 1, 2004. It was explained that by closing the road will result in a cost reduction for construction zone traffic control in the amount of \$50,000. There will also be a reduced risk for accidents and conflict between the public and construction equipment. In addition, with no traffic on the road, there will be a reduction in damage to the new road as it is being constructed. **Mr. Shumway made a motion** to adopt **Resolution #33-04**, authorizing the temporary closure of a portion of Lone Pine Dam Road from April 15, 2004 to no later than June 1, 2004, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Extend Contract #B03-03242, Supplying Aggregate for Cover Materials for additional year Mr. Cox

advised that this is the annual supply of chips used for chip sealing county roads. The current contractors, with the exception of Cholla Ready Mix, have agreed to extend the contract at current prices for an additional year. Mr. Cox noted that the original contract allows for four annual extensions. This will be the second extension of the contract. **Mr. Shumway made a motion** to approve the extension of Contract #B03-03242, Supplying Aggregate for Cover Materials, for an additional year; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Extend Contract #B01-02241, Supplying/delivering Liquid Asphalt Products for additional year: Mr. Cox explained that this contract is for the liquid asphalt, which is used in the chip-sealing process. The contractor has agreed to extend the current contract for an additional year, with a request to approve a tax rate increase of .39%. The contract allows for four annual extensions. This will be the third extension. **Mr. Shumway made a motion** to approve the extension of Contract #B01-02241, Supplying/Delivering Liquid Asphalt Products, for an additional year as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

4) Extend Contract #B03-03243, Supplying Various Roadway Materials for an additional year: Mr. Cox explained that this contract is for Aggregate Base, Hot AC Concrete Mix, Pit Run and Rip Rap. The current contractors have agreed to extend the contract for an additional year at the bid prices. **Mr. Thompson made a motion** to approve the extension of Contract #B03-03243, Supplying Various Roadway Materials, for an additional year, as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

5) Resolution Establishing the Navajo County Road Maintenance policy: Mr. Cox explained that the Level of Development road classification concept will provide a more objective and equitable process for prioritizing maintenance resources. It will eliminate the need to have a Primitive Road policy. The current policy is too restrictive, and with the county's growth, does not allow for an adequate level of service. The new policy will provide the following benefits: 1) Combine the Book of Maintained Roads and the Book of Primitive Roads into the Navajo County Maintained Road System, where the maintenance provided will be based on the road function and average daily traffic; 2) The process will clearly define the level of service to be given for each roadway classification; 3) We will be allowed to improve services to roadways as areas grow; 4) The process will be more in line with the state statutes; 5) The process will allow for more roadways to be included in our inventory; 6) the process will allow us to better manage our inventory.

Deputy Director of Roads, Dusty Parsons, explained that the proposed Road Maintenance Policy includes Level of Development categories for county maintained roads. These levels of development include: A) Major collectors: These roads qualify for federal funding assistance and they serve thru traffic between arterial roads and other major collectors, or they link neighborhoods; B) Minor collectors (>400 vehicles per day (vpd)): These roads serve thru traffic within local areas, provide connection to local roads and link major collectors and arterials; C) Subdivision roads: These are local roads built to county standards in accordance with the subdivision approval process; D) Minor collectors with <400 vpd. These roads serve thru traffic within local areas and may provide connection to local roads and streets. (This category is broken into several sub-categories: D-1: minor collectors with >250 vpd <400 vpd; D-2: >100 vpd <250 vpd; D-3: <100 vpd); E) Local roads (>100 vpd < 250 vpd). These roads serve as access to farm, residence, business or other abutting property. Thru traffic is local in nature and extent; F) Very low volume roads: These roads serve various functions but they carry very low traffic volumes of less than 100

vpd. They serve to access farms, public lands, ranches and/or residences.

The County wants to provide the best possible service to the residents under the law, and the proposed Level of Development Road Maintenance Policy will help to accomplish that. The Public Works Director will be primarily responsible for determining the schedule of maintenance for primitive roads, according to Navajo County Policy/Procedure Guidelines. Roads that designated as Primitive Roads will receive maintenance, at a schedule not to exceed three times per calendar year. (Primarily fall and spring). All primitive roads will be maintained in the general condition they are received. No drainage or improvement projects will occur on these roads at County expense. All driveway culvert cleaning and installation will remain the homeowner's responsibility. The County will continue to remove snow from Non-County maintained roads that are designated primitive roads, but they will not blade rough road conditions after storms except as part of the primitive road maintenance schedule. The County will not expend public funds on the purchase of material to improve primitive road, but they may use donated on-site material to maintain roadway surfaces that are in need of repair. Drainage problems that occur during non-scheduled maintenance periods will not be repaired by the County. No primitive road will be brought up to county standards using public funds or county forces.

Mr. Shumway stated that while he acknowledges the County Attorney has reviewed the proposal and concurs with the direction, he would like to take this matter under advisement to decide at a later date. **Mr. Shumway made a motion** reschedule this matter on the agenda at a later date for adoption; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal absent for the vote)

6) Request from the Navajo Nation Department of Transportation for additional funds from available Special Road Funds for school bus routes within Navajo County (Pinon School District, Jeddito School District & Teesto School District): Gene Martinez, Environmental Specialist for the Navajo Nation DOT, explained that the Board provided funding in February, 2002 for environmental and archaeological studies on school bus routes on the Navajo Reservation within Navajo County. To date, 154 miles of school bus routes have been studied and environmental assessments completed. Mr. Martinez is here today to request funding for assessments on five additional school bus routes (91 miles total) Mr. Deal emphasized the importance of these projects, as many of the roads on the reservation are in such bad shape that schools have had to cancel classes due to "mud days". He stated that he would like to fund up to \$100,000 from Special Road Funds, but would like to revisit the issue at a later date to determine if the balance of the request (\$52,502.48) could be funded through Navajo County Flood Control District funds. **Mr. Deal made a motion** to approve funding in the amount of \$100,000 (\$76,000 from District II Special Road Funds; and \$24,000 from District I TEA-21 Funds) for school bus routes within Navajo County, as presented, with the understanding that this issue will be revisited at a later date; motion seconded by Mr. Thompson; vote unanimous approving the motion.

7) Request from the Bureau of Indian Affairs for approval of Amendment #1 to MOA #AGN00030004 to purchase a motor grader from available Special Road Funds: Steve Mahnke, Chinle Agency Road Engineer, explained that this funding will be used to purchase a motor grader for use on reservation roads within Navajo County. He advised that, pursuant to the Agreement, - the receipt of the Allocate Funds shall not cause other funds to be diverted from projects within this area to projects outside of this area. The expenditure of the Allocated Funds shall only include the acquisition, operation, maintenance and repair of the Motor Grader. Mr. Deal noted that the Navajo Nation is contemplating the purchase of two motor graders-one which they will purchase, and one which they are asking Navajo County to provide funds for.

Mr. Mahnke advised that the vendor is giving a discount on these motor graders, so they are much less expensive than they could be. **Mr. Deal made a motion** to approve Amendment #1 to MOA #AGN00030004, for the purchase of a motor grader in the amount of \$140,677, from District I Special Road Funds; motion seconded by Mr. Thompson; vote unanimous approving the motion.

COUNTY ATTORNEY: Lance Payette, Deputy Attorney: **Navajo County Flood Control District Board of Directors Session:** Approval of the settlement of Nathan Buhr's claim in the amount of \$24,926.27 and that the Finance Department issue a manual warrant as soon as the release is signed: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Payette recommended approval of the settlement in the amount of \$24,926.27. A building permit was issued that should not have been. In exchange for the payment, Mr. Buhr will sign a settlement release and also would assign the mortgage to the county. The County would then own the lot and keep it from being built on in the future. Mr. Payette noted that the settlement could also include the payment of (approximately) \$6000 in the unpaid taxes. Funding for this settlement will come from Navajo County Flood Control District Funds. **Mr. Shumway made a motion** to approve the settlement as outlined, and to include the payment of unpaid taxes; motion seconded by Mr. Deal; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

SKY-HI DOMESTIC WATER IMPROVEMENT DISTRICT: (Cont. from 3/29/94): **Worksession with members of the Board of Directors of the Sky-Hi DWID, concerning legal, financial and administrative issues related to the operation of the District:** Mr. Brian Patrick made a time-line presentation to the Board and stated that he feels they have followed the letter of the law in holding meetings and conducting business for the district. He said there is no time to have these battles; they need to concentrate on providing safe water to the district. He added that most of the residents of the district are content with the Board as it is, and one member, Mr. Klock, is not. Mr. Brownlow advised that he brought this matter to the Board of Supervisors (BOS) because if the Board of Directors (BOD) of the district fail to provide for the residents, it would fall to the BOS to run the District. He said he believes the responsibility should be with the BOD, not the BOS. Deputy County Attorney Lance Payette advised that he has been dealing with these issues for some time. He said this is basically a well run district, but there are philosophical differences. He has advised them to resolve these differences, or the Board of Supervisors would have to step in and run the district. The current BOD seems ready and willing to take care of business. Mr. Payette stated that while he would not say the actions of the BOD have been legal, they have been logical and business-like. Mr. Brownlow said he has faith in the BOD, and that they can work out these issues on their own. Mr. Shumway noted the BOS has a fiduciary responsibility if the BOD cannot resolve these issues. Mr. Patrick stated he believes they can work out the issues on their own, and get on with the business of running the district. **Mr. Shumway made a motion** to support the efforts of the Sky-Hi Water Improvement District, and to give them the opportunity to continue to operate the district as prescribed by law; motion seconded by Mr. Deal; vote unanimous approving the motion. (Mr. Patrick presented a petition containing the signatures of 64 persons who support the BOD)

SUPERIOR COURT: Marla Myers, Court Administrator: **Approval to submit to the Arizona Supreme Court Administrative Office of the Court Fill the Gap Plan and Funding Application:** Ms. Myers explained that the funding requested from Fill the Gap Funds would be used to hire a part-time court clerk and a Noticing Clerk. These positions would help to expedite the processing of minute entries for cases, which

in turn would cause fewer cases to be continued due to clerical problems. The Fill the Gap Funds are available specifically for court case processing. **Mr. Shumway made a motion** for approval to submit Fill the Gap Plan and Funding Application to the Arizona Supreme Court, Administrative Office of the Court, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS: 1) Approval of Membership Agreement with the American Forest Resource Council to be funded from District IV and V Special Project through June 30, 2005: Mr. Shumway explained that this is a national organization that works with timber issues. He said he believes it is appropriate to participate. Funding for the membership dues, in the amount of \$160/month, will come from Districts IV & V Special Project Funds. (One-half each) **Mr. Shumway made a motion** to approve the membership with the American Forest Resource Council, to be funded from District IV and District V Special Project Funds, (\$80 from each District), through June 30, 2005; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Appointment of county member to the Board of Directors of the Eastern Arizona Stewardship Center, Inc., an Arizona non-profit organization: Mr. Shumway recommended that Mr. Jayne be appointed to serve on the Board of Directors of this organization. Mr. Jayne had no objection. **Mr. Shumway made a motion** to appoint James G. Jayne to serve on the Board of Directors of the Eastern Arizona Stewardship Center, Inc., an Arizona Non-profit organization; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Approve funding assistance from District II Special Project Funds for Earth Day clean-up activities: **At the request of Mr. Thompson, this matter is continued to later date.**

BOARD OF SUPERVISORS: (Cont. from 9:10 a.m.): Executive Session: Pursuant to ARS § 38-431.03 (A)(1) for Personnel Matters Re: Interviews for the Elections Director: **Mr. Shumway made a motion** to enter into executive session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the executive session were: County Attorney Mel Bowers; County Manager Jimmy Jayne; Human Resources Director Gail Calisen; Navajo County Recorder Laurette Justman; Vice-Chairman Jerry Brownlow; Members Percy Deal, Pete Shumway, Jesse Thompson; and Deputy Clerk Kathy Hieb. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. **No action taken at this time.**

FINANCE DEPARTMENT: James Menlove, Director: Finance Report: Mr. Menlove asked that this item be continued to April 19th. **No action taken.**

HUMAN RESOURCES: Gail Calisen, Director: Personnel Actions: **Mr. Shumway made a motion** to approve the personnel actions as submitted; motion seconded by Mr. Deal; vote unanimous approving the motion.

PERSONNEL COMMISSION: Mark Reynolds, Chairman & Manny Hernandez, Vice Chairman: Resolution approving amendments to Article 13 of the Personnel Policies and Procedures: Mr. Reynolds explained that the proposed amendments include providing for a non-voting member from the Judicial Branch, and to set forth activities which the Commission may organize and participate in with approval of the Board. **Mr. Deal made a motion** to adopt **Resolution #34-04**, approving amendments to Article 13

of the Personnel Policies and Procedures as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS: (Cont.): Executive Session: Pursuant to ARS § 38-431.03 (A)(1) for Personnel Matters Re: Interviews for the Elections Director: **Mr. Shumway made a motion** to enter into an executive session; motion seconded by Mr. Deal; vote unanimous approving the motion. Present in the session were: County Attorney Mel Bowers; County Manager Jimmy Jayne; Human Resource Director Gail Calisen; Navajo County Recorder Laurette Justman; Vice-Chairman Jerry Brownlow; Members Pete Shumway, Jesse Thompson, Percy Deal; and Deputy Clerk Kathy Hieb. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD BUSINESS: **Mr. Deal** advised that methamphetamine use on the Navajo Reservation is not covered by tribal law. The Hardrock Council on Substance Abuse is holding a worksession on this issue, with the help of the Navajo County Public Defender's office, on April 13th at the Rocky Ridge School. All are invited to attend.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, April 19, 2004, upon a **motion made by Mr. Deal** motion seconded by Mr. Thompson; vote unanimously carried. The meeting adjourned at 3:30 p.m.

APPROVED:

J. R. DeSpain, Chairman

DATE:

ATTEST:

Kathy Hieb, Deputy Clerk of the Board