

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

March 14, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:00 a.m.

PRESENT: Jerry Brownlow, Chairman; David Tenney, Member; Jesse Thompson, Member; J.R. DeSpain, Member; James G. Jayne, County Manager; Mel Bowers, County Attorney; Kathy Hieb, Deputy Clerk of the Board. Percy Deal, Vice-Chairman, entered the meeting in progress. Mr. Thompson led the Pledge of Allegiance and the Invocation.

Mr. Brownlow welcomed Pete Shumway to the proceedings.

CALL TO PUBLIC: Ms. Hieb read a letter written by Richard Jarenski, 2761 Apollo Circle, Overgaard, who is a consultant for CHOICE and who had requested she read it in his absence. His letter indicated that in several meetings in 2004, he had requested to submit for a bus from NACOG to transport elderly, veterans and handicapped from areas within the county to shopping, veteran's hospital and medical facilities in Show Low. A petition had previously been presented with over 100 signatures requesting this service. The deadline is now past for submission to NACOG because it was never evaluated, discussed or considered by the Board. He requested that the Board make a decision as to whether this issue will be addressed by the Board. He offered the number of LaRonn Garret in Payson as a source on a similar transportation study that took place in Gila County. Mr. Brownlow requested that Ms. Hieb send a response to this letter in consultation with Mr. Jayne and Mr. Menlove.

CONSENT AGENDA: 1) Voucher list for payment; 2) Board minutes: December 6th, 17th & 20th (2004) 3) Justice Court Reports: Winslow #2; Snowflake #3; Kayenta #4; Show Low #5 (January); Pinetop #6 (December & January); 4) Constable Reports: Holbrook #1; Winslow #2; Snowflake #3; Show Low #5; Pinetop #6 (January); 5) Juvenile Justice System Report (January); 6) Appointment of Democratic Precinct Committee Persons; 7) Special Event Liquor License: Northland Pioneer College Foundation Fundraiser; Sierra Springs Ranch, Pinetop area; 8) Approve appointment of Frankie Maestas to Planning & Zoning Commission, District III; 9) Rename existing road in the Show Low area from "Wade's Way" to "Bonita Valle Street"; 10) Approval to make Traffic Control Changes at various intersections on County roads located on the following County Maintained Roads: Install Stop Sign on Apache Road at intersection with Concho Highway; Install Stop Sign on Miller Trail at intersection with Hay Hollow Road; 11) Authorize Clerk of the Board to apply to ADOT, Office of Inspector General, for renewal of undercover plates for the Sheriff's office; 12) Bingo License: Pinetop Lakes Golf & Country Club, Pinetop area; 13) Notice of Arizona Department of Emergency Management funded Hazardous Materials Technician Level event; 14) Renewal of Arizona Department of Emergency Management Intergovernmental Agreement with Federal Department of Homeland Security, Office for Domestic Preparedness Reimbursement Grant Program. **Mr. DeSpain made a motion** to approve the Consent Agenda; motion seconded by Mr. Tenney; vote unanimous approving the motion. Mr. Deal absent for the vote.

POSSIBLE EMERGENCY ITEM: Dave Ashton, Planning & Zoning: Approve appointment of Jason Hatch to the Planning & Zoning Commission for District IV in time for the March 17, 2005 Planning & Zoning Commission meeting: Mr. Ashton explained this issue was submitted earlier and had not been included originally on the agenda but that without an appointment to the Planning and Zoning Commission there is the possibility there will not be a full quorum at the March 17 meeting. Mr. Bowers stated that many people travel great distances from around the State to attend these meetings so it is critical that a

quorum is present so the meeting can take place. **Mr. DeSpain made a motion** to treat this item as an emergency for the stated reason; motion seconded by Mr. Thompson; vote unanimously carried. Mr. Deal absent for the vote. **Mr. Tenney made a motion** to appoint Jason Hatch to the Planning & Zoning Commission for District IV; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Deal absent for the vote.

BOARD OF SUPERVISORS: Mr. DeSpain, Presenter: Approval to refund purchase price of APN 105-33-036; 037; 038, 039 to Lawrence E. Kent Enterprises: Mr. DeSpain stated he had met with Mr. Charles Clark of Kent Enterprises subsequent to the purchase of these lots. Mr. Clark had intended to put mobile homes on these lots but was unaware that they had no water or electricity to them and due to failing health has not been able to use the lots. Mr. Bowers said there is no legal prohibition to refunding the money. Mr. Deal stated that he did not believe the County had issued a refund on property before and did not feel it was warranted. Discussion centered on the need to make it very clear to purchasers that parcels might be inaccessible without water or electricity and that all sales are final. Mr. Bowers outlined all notifications that are currently made that specifically inform people of these conditions especially when purchasing property sight unseen; he stated that if this action is approved it must be very clear that this is an exception. Mr. Deal asked if the Board had adopted these stipulations and Mr. Bowers responded that the handout follows the statute. Mr. DeSpain pointed out that this particular issue is a hardship issue. **Mr. DeSpain made a motion** to approve the refund of the purchase price of APN 105-33-036; 037; 038, 039; motion seconded by Mr. Thompson with the stipulation that the County develop a written policy regarding notifications and lack of refund. Discussion of this motion included the following: Mr. Bowers advised the Board that the parcel taxes had already been distributed to all of the other taxing entities yet the County would refund the entire \$1,200. Mr. Payette suggested that when these parcels are re-sold those taxing entities would not share in any proceeds over \$1,200. Mr. DeSpain stated the CCRs no longer apply to this property because the subdivision has been disbanded yet the buyer was provided a copy of CCRs and by that action was led to believe they applied. Mr. Brownlow stated he was willing to make this one exception because it is a hardship case. The vote carried 3-2, with Mr. Brownlow, Mr. DeSpain and Mr. Thompson voting in favor of the motion and Mr. Deal and Mr. Tenney voting against the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director/Tracy Letcher, Nursing Supervisor/Kevin Neill, Bioterrorism Program Director: **Board of Directors Session:** **Mr. Thompson made a motion** to enter into a Navajo County Public Health Services District **Board of Directors Session**; motion seconded by Mr. Tenney; vote unanimous approving the motion.

- 1) Approve Amendment #2 of the Community Health Injury Prevention Program with the Apache County Health Department: Ms. Tyler and Mr. Letcher advised the Board that this is a sub-contract with Apache County Health Department to their contract with Arizona Department of Health services for Injury Prevention Services and that a change in the master contract necessitated this change. **Mr. Thompson made a motion to approve this amendment as presented;** motion seconded by Mr. Tenney; vote unanimous approving the motion.
- 2) Approval of state-approved funds for the purchase of six laptop computers and software for the Bioterrorism program: Mr. Neill advised the Board that these computers would allow the Bio Terrorism Program to track and have on-line input of volunteers via the WEB. **Mr. Thompson made a motion** to approve this purchase as presented; motion seconded by Mr. Deal; vote unanimous approving the motion.
- 3) Approval of state-approved funds for the purchase of two repeater stations for the Bioterrorism program: Kevin Neill, Presenter: Mr. Neill advised the Board that Navajo County will share this system with Gila and Apache County and the repeaters will be purchased through a State contract. **Mr. Tenney made a motion** to approve this purchase as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

- 4) Approval of state-approved funds for the purchase of a web-based Volunteer Data base system for the Bioterrorism program: Mr. Neill advised the Board that this system is web based and grant funds would be used to purchase this system from EAI Corp, a sole-source provider. **Mr. Tenney made a motion** to approve this purchase as presented; motion seconded by Mr. Deal; vote unanimous approving the motion. Mr. Thompson absent for the vote. Mr. Neill provided an update to the Board regarding the mass vaccinations that are taking place on the reservation and that they have been very well received. Mr. Deal inquired about the training for the personal protection suits that were purchased for reservation use. Mr. Neill stated it is his understanding that training will be provided but that a different office would do training

Mr. DeSpain made a motion to return to regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.

FINANCE/SPECIAL DISTRICTS: Leida Hatch, Special District Accountant:

- 1) **Board of Directors Session: Scott's Pine North Improvement District:** Update regarding engineering issues in the District: **Mr. DeSpain made a motion** to enter into a **Board of Directors Session** for the Scott's Pine North Improvement District; motion seconded by Mr. Tenney; vote unanimous approving the motion. Leida Hatch introduced Mr. Kent Delph of Delph Engineering who provided an update on the improvements in this district stating there are drainage problems as the water ponds have nowhere to drain. Drainage can be improved by placing culverts in the 50' easement and he is proposing to raise the road 6". He discussed different areas of the subdivision and problems where water stands on the property and possible remedies. He expects comments from the County in about 4 weeks and will resubmit the report. He stated he would like guidance from the Board. Mrs. Badger asked if there will be buried culverts and Mr. Delph stated they had looked at that and found it may be cost prohibitive but they will consider that as an alternative. Mr. Tenney stated it is better to have a 50-year design as opposed to a 2-year design and Mr. Brownlow concurred. Mr. Brownlow stated he spoke on the telephone with Mr. Merrill and he requested that Mr. Brownlow relay his comments that he is purchasing the property with the drainage channel on it and will work to help take care of the water that needs an outlet. Mr. Delph stated that he would bring a quantified impact report to the Board in a couple of weeks. Ms. Hatch stated clarification is needed as to whether the formation petition should be amended since it is insufficient for the improvement needed based on the drainage issue. She stated that in order to get significant work done it is critical to have a clear favorable opinion for our bond counsel. If costs were to be charged to the District it would be through the assessment process and if there are significant costs they may have to go to bond. Mr. Parsons stated the estimated cost is \$8,000 per lot. He stated he believed more information is necessary before making a decision. Mr. Payette stated he concurred that it was important that there is a clear opinion from bond counsel. Ms. Badger stated the community wants to see that the District is set up properly before proceeding. She expressed frustration that the process is moving slowly and wants it to be right this time. Mr. Payette stated the road district was properly formed for the road to be paved and flood control issues now require that there are some adjustments. Mr. Brownlow stated he supports doing the paving right the first time and would like to have this issue continued until it can be done properly. Mr. Davis stated he supports that position. Mr. Delph stated he would bring costs back at a later date. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.
- 2) **Board of Directors Session: Sutter Drive Improvement District:** Approval of commitment letter from Bank One regarding terms and conditions of financing for District improvements: **Mr. Tenney made a motion** to enter into a the Sutter Drive Improvement District **Board of Directors**

Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Ms. Hatch stated this District was formed last year and the resolution was passed ordering the work. Staff has worked with Bank One to receive financing for District improvements for up to \$300,000, with that amount being the engineer's cost estimate. The loan will be a 10-year loan. It is the intention to begin collecting assessments this fall (2005 tax year) for the first payment due on the loan by January 1, 2006. The District should receive sufficient early assessment payoffs during the cash demand period to cover the 1% upfront finance fee. The Public Works Department will advertise the project for bid and move toward construction of the road improvements this summer. **Mr. Tenney made a motion** to approve the commitment letter from Bank One regarding terms and conditions of financing for Sutter Drive Improvement District; motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.

- 3) **Board of Directors Session: White Mountain Lake Recreation Improvement District: Assignment of Dock Construction and Water Surface Lease Agreement:** **Mr. Tenney made a motion** to enter into a **Board of Directors Session** for White Mountain Lake Improvement District; motion seconded by Mr. Thompson; vote unanimous approving the motion. Ms. Hatch stated approval is being requested for the assignment of the Dock Construction and Water Surface Lease Agreement. She stated the original agreement was entered into in September 2003 between the District Board of Directors and Silver Creek Properties Investment and Acquisitions L.L.C. Recently the property in question has been sold by Silver Creek to New Horizons Villas, L.L.C and Silver Creek wants to assign the lease to the new property owners. Mr. Payette stated there is a clause in the agreement permitting assignment as long as the Board is satisfied that the assignee is willing and financially able to assume and perform the Lessee's obligations. Ms. Hatch stated that Mr. Kurth and Mr. Cook are available to answer any questions and Mr. John Hager, who is on the Advisory Committee for this District may have comments. Mr. Hager stated this assignment did not go through the Advisory Committee where he would have expressed his concerns. He stated he was concerned that the original document required development yet the property was sold to the property owner next door under what he believes is speculation for profit. Mr. DeSpain inquired if there is anything that would prevent the Board of Supervisors from taking action assigning this today and Mr. Payette responded that the assignee must assure the Board of Directors that it will follow all conditions of the original contract and has the financial capability to do what the owner has promised to do. Mr. Cook addressed the Board stating the agreement between Silver Creek and the District is very specific and he does not believe the Advisory Committee has a right to re-negotiate the contract. He stated there is no contingency stating what Silver Creek property was going to do with the property. He read terms from the contract that permitted the assignment. He stated he is requesting that the Board approve the assignment of the lease and if it is not approved that Silver Creek requests to substitute the property described in Exhibit A to the Lease Agreement with a 26-acre parcel it owns adjacent to the Silver Creek Golf Course, which is within this District. He stated the new property owner is a prominent developer in Scottsdale and has built town houses in White Mountain Lake, demonstrating he is a responsible developer. Mr. Kurth has submitted the appropriate financial assurances and insurance requirements and is accepting all responsibilities as outlined in this contract. Mr. Kurth addressed the Board stating he is ready to carry out the terms of the contract for the property. In response to a question from Mr. Deal, Mr. Hager stated that if this assignment had been brought to the Advisory Committee he felt there might have been opposition initially expressed. Mr. Deal stated he was uncomfortable that this action did not go through the committee. Mr. Bowers stated this is not an issue of policy, which the Advisory Committee would look at, but is an amendment to a contract between this District and the developer where the Board makes a factual determination whether the assignee can carry out the agreement; if the Board finds the assignee has the credentials and financial ability to carry out

the agreement there is no discretion in approving the agreement. **Mr. Tenney made a motion** to approve the assignment of the Dock Construction and Water Surface Lease Agreement to New Horizons Villas, L.L.C.; motion seconded by Mr. DeSpain with strong encouragement for future action that addresses policy to go through the Advisory Committee; motion carried with Mr. Tenney, Mr. DeSpain, Mr. Brownlow and Mr. Tenney voting in favor and Mr. Deal opposed. Mr. Brownlow stated that while he voted for the motion, he was not happy that Mr. Cook did not present this request to the Advisory Committee. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.

- 4) **Board of Directors Session: Shumway Road Improvement District: Approval of Letter of Request for qualifications and a proposal to act as bond and disclosure counsel for the district:** **Mr. Tenney made a motion** to go into a **Board of Directors Session** for the Shumway Road Improvement District; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Ms. Hatch reported Shumway Road improvements will be done in phases and the middle section of the road lies within the Shumway Road Improvement District and Harry Rosenfeld of Gust Rosenfeld P.L.C. who had assisted the county in the formation of the district will not act as bond counsel. She stated it is the recommendation to issue a request for qualifications and a proposal to act as bond and disclosure counsel for the district. **Mr. Tenney made a motion** to approve and sign the letter of request for qualifications and a proposal to act as bond and disclosure counsel for the Shumway Road Improvement District; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. Tenney made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

SHERIFF'S OFFICE: Commander Bernard Huser: Authorization to enter into Financial and Operating Plan Agreement with the U.S. Department of Agriculture, Apache-Sitgreaves National Forest for cooperative law enforcement efforts with the Forest Service: Commander Huser stated the Sheriff's office works in conjunction with the Forest Service under this ongoing Cooperative Law Enforcement Agreement to patrol some common areas in the Apache Sitgreaves National Forest with a maximum reimbursement under this agreement of \$5,000. **Mr. Tenney made a motion** to approve the agreement as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

TREASURER/ASSESSOR: Manny Hernandez, Treasurer/Cammy Darris, Assessor

- 1) **Authorization to purchase a letter folding and stuffing machine:** Manny Hernandez explained that when large mailings go out it could take 240 hours of staff time to complete each one. He is proposing the purchase of this machine at a cost of \$7,428.57 to come out of the Treasurer's Information Fund. **Mr. DeSpain made a motion** to approve this purchase as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.
- 2) **Authorization to pay interest on overpaid taxes for APN 210-08-025G, Show Low area and 3) Authorization to issue interest checks on overpaid taxes as they occur:** Manny Hernandez and Cammy Darris stated they are addressing items 2 and 3 together. The Board has previously authorized these departments to pay out up to \$100 on 690 (Board order approving the refund of these taxes). These departments are requesting authorization to issue these checks in a timely manner then advise the Board of the amounts of the checks. **Mr. Tenney made a motion** to authorize the payment of interest on overpaid taxes for APN 210-08-025G, Show Low area and authorization to issue interest checks on overpaid taxes as they occur; motion seconded by Mr. Thompson; vote unanimous approving the motion.

SUPERINTENDENT OF SCHOOLS: Sandy McDaniel, HOPE School Director: Approval of Amendment to Intergovernmental Agreement for Title 1 and other associated funds for Juvenile Detention Education Services: Sandy McDaniel advised the Board they had approved the original IGA last year and

this amendment increases the Navajo County portion of the grant to \$45,481.98. **Mr. Tenney made a motion** to approve the amendment to the Intergovernmental Agreement for Title 1 and other associated funds for Juvenile Detention Education Services to increase the funding level to \$45,481.98; motion seconded by Mr. Thompson; vote unanimous approving the motion.

RECORDER/ELECTIONS: Kelly Dastrup, Elections Coordinator

- 1) ~~Authorization to hire Elections Specialist in Voter Registration~~ **(Item tabled until 3/21/05)**
- 2) Acknowledgement of final Precinct listing for Whiteriver USD election scheduled for May 17, 2005: Kelly Dastrup advised the Board this request is to acknowledge moving the six qualified voters of the Show Low #2 Precinct to the Gila County Carrizo precinct for the May 17, 2005 Whiteriver USD override election only and it is for the convenience of the voters in that area. She said this recommendation is a result of ongoing communication between the Gila County Elections Office, Gila County School Superintendent's Office, Navajo County School Superintendent's Office and the Whiteriver USD Governing Board. She stated the Whiteriver USD Governing Board will address the presented resolution at their March meeting and the Gila County and Navajo County School Superintendents are submitting requests for approval for pre-clearance to the US Department of Justice for this change. **Mr. Tenney made a motion** to acknowledge the final Precinct listing for the Whiteriver USD override election scheduled for May 17, 2005; motion seconded by Mr. DeSpain; vote unanimous approving the motion.
- 3) Approval of **Resolution** canceling the election for White Mountain Lake Special Road District #2 and appointing the only candidate who filed nominating papers for the vacant position: Kelly Dastrup advised that only one candidate filed nominating papers prior to the statutory filing deadline for the White Mountain Lake Special Road District #2 Board of Directors position and the challenge deadline has passed. **Mr. Tenney made a motion** to approve **Resolution 14-05** canceling the election for White Mountain Lake Special Road District #2 and appointing John Merkely to the vacant position; Mr. DeSpain seconded the motion; vote unanimous approving the motion.
- 4) Canvass the results of the Show Low Unified School District #10 Election and the Pinon Unified School District Election conducted on March 8, 2005: Kelly Dastrup reviewed the finalized official election results and summary report of the Show Low Unified School District and Pinon Unified School District election that was held March 8, 2005. In response to a question from Mr. Jayne, Ms. Dastrup stated that an early voter's ballot is tied to the precinct in which they voted and the ballot must pass verification before being recorded on the official results. There was some discussion regarding dates when school elections can be held and Ms. Dastrup advised it was a school district decision whether the election would be a mail-in ballot. In response to a question from Mr. Deal, Ms. Dastrup stated that both school districts were conducting an override election and the verbiage on the ballot is prepared by the school district. Mr. Deal expressed concern that the communication on election issues on the Navajo reservation is not adequate and Ms. Dastrup responded that she would be happy to discuss the education issue with him outside the Board meeting. Mr. Tenney advised that an influencing factor would be the property tax issue. Mr. Jayne stated that a list of major taxpayers by school district is available. Mr. Thompson pointed out that even though issues may be similar he believed that the people in the Pinon District were very aware of their school district needs prior to casting their votes. **Mr. Tenney made a motion** to canvass the results of the Show Low Unified School District #10 Election and the Pinon Unified School District Election conducted on March 8, 2005; Mr. Thompson seconded the motion; vote unanimous approving the motion.

POSSIBLE EMERGENCY ITEM-RECORDER/ELECTIONS: Kelly Dastrup, Elections Coordinator: Approval to hire Permanent/fulltime Hopi Election Outreach Assistant as directed by the

Department of Justice: Ms. Dastrup advised that the Department of Justice has mandated that Navajo County hire a Hopi speaking Outreach Assistant to work directly with the citizens of the four Navajo County Hopi Precincts and the Hopi Elections Office in an effort to educate voters, increase voter registration and disseminate election information on the Hopi Reservation. Ms. Dastrup advised the Board that the Recorder and Election department would share this position. Discussion centered on the designation of this as an emergency item related to the timing of the next election and the Department of Justice mandate requiring this position be created. **Mr. Thompson made a motion** to treat this agenda item as an emergency action; motion seconded by Mr. Tenney; vote unanimous approving the action.

Ms. Dastrup advised that if approved their departments would coordinate efforts through an IGA with the Coconino County Recorder for this Hopi Outreach Assistant to serve the citizens on the Hopi Reservation within the boundaries of Coconino County. Mr. Deal expressed concern that this position should serve residents of Navajo County only. Ms. Dastrup advised that there has not been an IGA drafted with Coconino County but this position could benefit Hopi residents in that area. Mr. Deal stated that the mandate is clear that we must serve the Hopi voters in Navajo County and he would like 100% service to Navajo County Hopi residents. Mr. Tenney and Mr. Brownlow inquired if there is sufficient workload to utilize a full time person and Mr. DeSpain suggested the position could be temporary until that is established. Ms. Dastrup stated that initially the voter education portion would be a large project but there may not be a need for that investment of time in the future. She pointed out that the Hopi Tribe has expectations of this position and those expectations would have to be addressed. Mr. Jayne stated the Consent Decree is very clear about providing this service and it had not been provided prior to this because the Hopi Tribe was not receptive. He stated that now the Hopi Tribe has requested the position, it is mandated and it must be provided. Ms. Dastrup stated they had a temporary employee who was very effective but is now a delegate within the Hopi Tribe and to attract the quality of person needed for the position, she feels it must be a permanent position. **Mr. Deal made a motion** to approve hiring a permanent/fulltime Hopi Election Outreach Assistant as directed by the Department of Justice for Navajo County only; motion seconded by Jesse Thompson; vote unanimous approving the motion.

PUBLIC WORKS DEPARTMENT: Dusty Parsons, Interim Director:

- 1) Approve Resolution accepting Indian Drive and Black Foot Lane in Timberlake Pines Unit No. 3 into the County road maintenance system as primitive roads: Mr. Parsons displayed a map showing the road being discussed. He stated these roads were constructed prior to 1975 and pointed out the surrounding roads that had already been accepted as primitive roads. He advised it is staff recommendation that these roads be accepted as outlined. **Mr. Tenney made a motion** to adopt **Resolution #15-05** accepting Indian Drive and Black Foot Lane in Timberlake Pines Unit No. 3 into the County road maintenance system as primitive roads; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal was absent for the vote.)
- 2) Approve Resolution accepting Del Contento Road in the Ranch of the Golden Horse Unit Four into the County road maintenance system as a primitive road: Mr. Parsons displayed a location map showing this road is located in the Snowflake area, advising the road serves about 24 homes, stating they recommend accepting the portion between San Carlos and Zuni. **Mr. DeSpain made a motion** to approve **Resolution #16-05** to accept Del Contento Road in the Ranch of the Golden Horse Unit Four into the County road maintenance system as a primitive road; motion seconded by Mr. Tenney; vote unanimous approving the motion. Mr. Deal was absent for the vote.
- 3) Authorization to form a Design Build Selection Committee to proceed with the Design Build Concept for the South County Building expansion: Mr. Parsons advised this action would enable one firm to design and construct South County Expansion project. He outlined the statutory requirements for the committee membership and stated the following individuals on the committee meet the required criteria James Menlove, Lance Payette, Dusty Parson, Rick Slone (Contractor),

Dick Young (PE), Dan Hinz, and Keith Payne. He noted that while this Design/Build process has been used at the state level, this would be a first for Navajo County. **Mr. Tenney made a motion** to authorize the formation of a Design Build Selection Committee to proceed with the Design Build Concept for the South County Building expansion; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

- 4) Update on Emergency conditions and issues relating to flood emergency as declared by Resolution #01-05; Mr. Parsons advised the Board that reimbursements on the Winslow Levee project have been submitted to FEMA in the amount of \$232,326. He said they haven't yet received bills from the BIA but believes they have spent about \$75,000. He advised the second emergency from February flooding has not yet been declared by FEMA. Mr. DeSpain thanked Mr. Parsons and all other County personnel for the immediate response to emergency conditions that existed. Mr. Jayne advised that Mr. Parsons had forwarded information to Mr. Silverman and Senator Kyl's office in relation to the FEMA request. Mr. DeSpain requested to have further updates on this. Mr. Parsons stated they are also in contact with the Corps of Engineers. Mr. Deal advised that representatives of the Navajo Nation and FEMA have worked together and are identifying damaged structures and roads within the communities. He said they hope to have the time extension requested by the Governor of the President granted to bring coverage up to now so appropriate submittals can be made for damaged structures. **No action taken.**
- 5) Approval of site work at the South County Expansion Project; Mr. Parsons advised the Board staff is recommending that the earthwork for the South County Site expansion be done by Highway Division Forces. He displayed maps of the area showing the site and discussed the project scope, advising that it is more cost effective to do the project in-house and have the General Fund reimburse the HURF Fund. He advised that the project cost, if contracted out, would be approximately \$197,000 and doing it in-house is estimated to cost approximately \$119,000, saving approximately \$80,000. In response to questions from Mr. DeSpain, Mr. Jayne stated this is the first step of the project that was approved last fall and was one of the projects approved in the capital budget without a specific project amount. He emphasized the amount for which they are requesting approval would be up to \$120,000. He stated the legal aspects of this process have been approved by the County Attorney's office. Mr. Tenney inquired how the public would access the parking lot during phase one and Mr. Parsons and Mr. Jayne stated the parking lot access would be maintained during construction. Mr. Deal asked about the reimbursement process and Mr. Jayne and Mr. Parsons stated that materials would be purchased out of the General Fund and labor would be reimbursed to the HURF Fund. **Mr. Tenney made a motion** to approve the site work at the South County Expansion project; motion seconded by Mr. Deal; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: Approval of Personnel Actions: Ms. Calisen presented a listing of personnel actions for approval, responding to questions related to the report. Mr. Deal expressed his appreciation for the efforts of the person listed as #8 in bringing the tribes together and her efforts on behalf of the County. He stated that while he realizes departments were unhappy with her, he is personally sorry to see her go and would strongly recommend that anything in her file that indicates termination be removed from her file. **Mr. Tenney made a motion** to approve the personnel actions as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

COUNTY ATTORNEY'S OFFICE: Mel Bowers, County Attorney: Approval to hire new Civil Deputy County Attorney at 95.84% of the midpoint for an Attorney III, Range 28: Mr. Bowers advised the Board that William J. Reckling is a highly qualified attorney who is recommended at the same salary rate as his predecessor. Mr. Bowers discussed Mr. Reckling's qualifications and advised the Board of those attorneys within his office that are leaving. **Mr. Tenney made a motion** to approve hiring William J. Reckling as

the Civil Deputy County Attorney at 95.84% of the midpoint for an Attorney III, Range 28; motion seconded by Mr. Deal; vote unanimous approving the motion.

COUNTY ATTORNEY'S OFFICE: Mel Bowers, County Attorney: **EXECUTIVE SESSION pursuant to ARS § 38-431.03(A)(3):** Discussion and consultation with the Board's attorneys for legal advice relating to complaint filed with the County Attorney's office under the Arizona Whistleblower Protection Act by employees of the Public Works Department: **Mr. Tenney made a motion** to go into executive session as listed; Mr. Thompson seconded the motion; vote unanimous approving the motion. Mr. DeSpain was absent for the vote. Present in the executive session beginning at 12:35 p.m.: Mr. Brownlow, Mr. Deal; Mr. Thompson, Mr. DeSpain, Mr. Tenney, Ms. Heib and Mr. Bowers. At 1:40 p.m. Mr. Tenney made a motion to reconvene in regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. All were present in the regular session with the exception of Mr. Deal.

ADMIN/FINANCE: James Menlove, Finance Director: **Presentation and possible authorization of Five-Year plans for Transportation, Technology, Capital Improvement and Flood Control:** Mr. Menlove presented an update of revenues and expenditures to date as well as budgeted amounts. He advised that the County is within budget in the five main areas. He discussed the 05-06 budget, discussing the revenues by source, property taxes, licenses and permits, intergovernmental sources, charges for services, fines and forfeits, investment income and miscellaneous income. He reported that almost half of property taxes go back to the State for ALTCS contributions. He reviewed County taxes as related to other entities, reporting that the County imposes approximately only 10% of property taxes. He reported that projected revenues have been met in every area except traffic citations so that area has exceeded budget; he has discussed this with the Court Administrator.

Mr. Menlove reviewed the 2004-2005 capital outlay budget that included \$2.5 million budgeted expenditures. He stated software for the South County jail is the major expenditure in that area.

Bob Heming conducted a Power Point presentation of proposed expenditures for his department. He reviewed content filtering software discussing its properties. He discussed a comparison of Virtual Private Network and SSL encryption programs, advising that he recommends that SSL encryption be used. He discussed the benefits of the SSL implementation being that it allows more universal access; no client software or device is needed; and less costly upgrades will be required as technology changes. He recommends the implementation of anti-Spy ware software to help computers to run more efficiently, reduce security risks and allow MIS to provide better service. He recommends implementing Anti-Spam Filtering with the main benefits being that employees won't have to waste time sifting through junk mail and will limit employee exposure to obscene or inappropriate material. Mr. Heming reviewed funding from the general fund and other funding sources by department, which is also tied to workstation counts.

Mr. Heming reviewed the computer replacement schedules, advising that the total replacement cost is \$1,679,204, stating that a five-year replacement plan would be approximately \$335,000 per year. He reviewed the five-year replacement plan advising that since technology is constantly changing it is subject to review by the Board annually based on those changes. The group discussed the need to replace many old computers and the need to treat technology in a manner similar to how the County has maintained a five-year transportation plan, noting that revenues will impact the implementation of the plan. It was acknowledged that this plan currently only addresses hardware and standard office software and that it does not address large purchases like New World.

Mr. Tenney made a motion to approve the five-year technology plan as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

Mr. Tenney made a motion to approve the proposed 2004-2005 funding of \$233,000 as presented; motion seconded by Mr. DeSpain. Mr. Deal inquired if the County already has the \$233,000 budgeted and Mr. Menlove stated that it is part of the \$2.5 million budget that had previously been discussed. Mr. Deal stated it would be his preference to approve the entire amount at one time. **Mr. Tenney withdrew his motion and Mr. DeSpain withdrew his second.**

Dan Hinz of Building and Grounds expressed his support of a five-year plan for buildings and grounds' expenses. He discussed the years that county buildings were constructed. He advised of the following 2004-2005 requested expenditures and provided a justification for each: the concrete floors and roll up doors could be installed at a cost of approximately \$10,000; the closure for a second lift for the auto shop would cost approximately \$5,000; a complete addition for building and grounds would be \$13,000; and replace the roof, front sidewalk, remove concrete from the parking lot and replace with asphalt of the Contel Building office for approximately \$121,000.

Mr. Hinz stated that projected expenditures for 2005-2006 would be to replace the upper glass and seals and add louvers on the judicial building for an approximate cost of \$20,000; install security footing along the perimeter fence of the multipurpose building for approximately \$2,000; and replace the roof and down spouts and heat exchanger in the annex office for approximately \$23,000.

Mr. Hinz discussed projected estimated expenditures for 2006-2007 to be: replace emergency transfer switch and upgrade HVAC control in the administration building for \$150,000; replace exhaust fans and H pod doors & frames, intake roof at the jail for \$63,000; renovate restrooms and replace roof and trim at the handball court for \$25,000; replace the roof and install natural gas HVAC units in the adult probation building for \$30,000; enlarge parking lot, perimeter fence, and retaining wall at the fiduciary office/storage unit for \$30,000; and asphalt and lighting in parking lot, renovate the water and sewer and reconstruct the ADA ramp in the welfare/health building for \$30,000.

The 2007-2008 estimated expenditures that Mr. Hinz discussed included: replace main water storage tank at the pump house for \$200,000 and build a vestibule, replace the HVAC, replace the roof and retaining fence in the judicial building for \$40,000.

Mr. Hinz stated in 2008-2009 they propose to replace the office trailer with a building at a cost of approximately \$140,000, noting that price does not include the cost of the property.

Mr. Jayne stated that the facility plan for 2005-2006 actually addresses the "hot buttons" to avoid a situation similar to the one earlier this year when the County complex almost had to close. He emphasized that again this five-year plan is a living document that will be amended as necessary.

Mr. Deal stated that the Kayenta Justice of the Peace court needs a windbreak including landscaping, trees and bushes, and retaining fences. He stated it is his preference to move that project to the 2004-2005 budget or 2005-2006 year and Mr. Hinz concurred. Mr. Jayne reported that Mr. Nelson stresses that he approve any improvements or use.

Mr. Hinz reported that there are approximately 300 County vehicles, most of them several years old. If the County intended to replace them over a ten-year period, it would be approximately \$400,000 per year. He stated that there is an immediate need for two pickup trucks at a cost of \$22,000 each and he would also like to receive approval to purchase a new Bobcat at \$26,888.

Mr. Menlove reported he would like to place approximately \$1,000,000 in the County reserves for the South County complex and it is his intention to appropriate approximately \$2.5 million each year for the next five years for facilities. Mr. Jayne clarified that would also include some very extensive projects at this complex as the existing space has been re-engineered as much as it can be.

Mr. Menlove reported the software for New World has been installed, the preliminary meeting has been conducted and last week the whole week was spent discussing the general ledger, the financial reporting system and underlying dates. He said next week they will provide preliminary training on Human Resources and payroll. He said they intend to go live on July 1 and there will be considerable input by employees as training occurs.

Mr. Tenney made a motion to approve \$454,000 of a previously budgeted amount for technology, buildings, and to purchase two trucks and the Bobcat; motion seconded by Mr. Thompson; vote unanimous approving the motion.

Mr. Deal expressed his concern that technology has become such a tremendous financial burden on the County and questioned the need for all of the expense related to it. Mr. Menlove agreed it is expensive and discussed the need to use taxpayer dollars wisely as related to all areas including technology.

Dusty Parsons reviewed estimated revenues and fixed costs, stating that revenues are projected to exceed original estimates, stating that carryover funds impact the budget and final figures for 2005-2006 carryover funds will not be available for a couple of months. Mr. Parsons reviewed his five-year capital improvement plan projects: 2005-2006 contract projects: Mogollon Air Park, 2 miles at \$150,000; Old Highway 160 in the Linden area that ties into Show Low at \$130,000; Snowflake to Woodruff 3.0 miles overlay at \$200,00; Buckskin Canyon in Heber-Overgaard area overlay at \$80,000; North Park Drive eight miles fencing and Bourdon Ranch four miles fence at a total of \$225,000. He is requesting estimated County contributions to Improvement Districts in the amount of: Fawn Brook subdivision 1.5 inch overlay at \$150,000; Sutter Drive at \$60,000; Scotts Pine at \$60,000; Roan Circle at \$7,000; and Madison Circle at \$7,000. Mr. Brownlow inquired if cattle guards were included in the Bourdon Ranch fencing project and Mr. Parsons stated that cattle guards are only included for major arterials.

In 2006-2007, the following contract projects are proposed: Porter Mountain Road curve realignment at \$700,000; Bourdon Ranch Road curve realignment at \$150,000; and Forest Park Unit III at \$150,000. He is requesting estimated County contributions to Improvement Districts in the amount of: Apache Cove Subdivision at \$50,000; Full House Subdivision at \$50,000; and Five Mountain Estates at \$50,000.

In 2007-2008, the following contract projects are proposed: Woodruff residential 1.5 miles overlay at \$150,000; Shumway Road to complete the county portion at \$200,000; Joseph City residential 3.5 miles overlay at \$225,000; and McLaws Road right-of-way at \$500,000. There are no estimated improvement district contributions.

Mr. Parson briefly reviewed projects beyond 2007-2008.

Mr. Parsons discussed carry over funds and what projects could be moved forward if it is possible. In response to questions from Mr. Brownlow, Mr. Parsons stated that some carry over funds are dedicated to specific projects and others can be budgeted monies that can be used for other projects.

Mr. Parsons discussed slurry seal projects at various locations totaling \$40,000 in 2005-2006.

In response to a question from Mr. Thompson, Mr. Parsons stated he would bring additional projects for some roads around Winslow to the Board for approval. In response to a question from Mr. DeSpain, Mr. Parsons discussed the history of some slurry seal projects in his area.

Mr. Parsons reported on the revenues and fixed costs from the flood control districts stating the available funds are approximately \$680,000. In 2004-2005 the major priorities were the Winslow Levee rehab. Currently there is \$2.1 million for that project, the Snowflake Industrial Park, Show Low Creek, Millet Swale Dam and the Winslow Levee settlement. In the five-year plan with the current tax structure they can save approximately \$3.6 million and they know that the Winslow levee will cost from \$5-\$7 million. He hopes the Corps will cover part of those expenses. The tax structure of the Navajo County Flood Control District (20.41 cents) and the Little Colorado Flood Control District (27.28 cents), was explained acknowledging that some who are impacted by both districts pay 47.69 cents with the legal limit set at 50 cents per hundred. He reviewed how the tax structure could be adjusted to generate additional revenue.

Mr. Parson reviewed his five-year replacement plan for vehicles and equipment, stating that they currently have a little over \$18 million in equipment inventory. He advised that in 2005-006 they want to replace ¾ ton pickups, loaders, 10-wheel dump trucks, a motor grader, belly dump, equipment trailers, snow plows, and cinder spreaders for a total of \$950,000. He distributed information regarding the future years in his five-year plan.

Board members expressed appreciation to these department heads for the information provided, for the efforts of all of the department heads and especially as related to the public works projects, and to Mr. Jayne and Mr. Menlove for keeping the Board well informed of anticipated expenditures. Mr. Jayne advised that all information presented today would be compiled into one document.

BOARD OF SUPERVISORS: Discussion and possible board action regarding the job description and hiring process for the Public Works Director and County Engineer:

Mr. Menlow stated that he met with several County Managers last week and all those present with the exception of one said their Public Works Director was not their County Engineer; that they were separate individuals. He clarified there is not a requirement that the Public Works Director be a County Engineer so they are looking for direction. Mr. DeSpain stated his goal is to increase the concept of public service in the Public Works department and on being very accessible to the public, walking the public through steps, procedures and paperwork. He stated in this process the directors' position should support the county residents as members of the Board of Supervisors have been very dissatisfied with the level of service coming out of that department. Mr. Thompson advised that any of the changes implemented are to be communicated to the employees.

Gail Calisen reported some time ago she was asked to come up with a job description for the Director of Public Works, which she did and presented it to the working group (which included several Public Works employees) that was meeting with the County manager. She did not receive feedback until Mr. Young presented a recommendation that the Public Works Director should be required to be a Certified Professional Engineer. His was the only comment received from the department and she is now seeking direction from the Board of Supervisors as to what they want. Mr. Bowers requested clarification as to whether Mr. DeSpain is unhappy with the structure of Public Works at this time or if he is unhappy with the person in charge of that department. Mr. DeSpain stated he is upset with the structure that there is not good access for the public; he was not directing it at a specific person. He stated that now the new building exists there is an opportunity to be more accessible to the public and staff can better provide service to residents working through plan applications with schedules set so there is adequate staff available to respond to questions. He gave the example that if a person needed specific information and

the inspector happened to be in Show Low that person does not get the information he needed.

Mr. Bowers stated that he understood Ms. Calisen's question to be whether the Board of Supervisors wants to draft the job description to require whether or not the Public Works Director must be an engineer. Mr. Tenney stated when he campaigned he spoke often saying that service should be put back into public service. He said the majority of the complaints he has heard over the years have come from the Public Works department or Planning and Zoning. He said that he does not believe they came because they had an engineer running the department but would say that many counties run their department effectively without the Public Works Director being an engineer. He said he believes the most important issue is how to provide service to the public and that the County would limit itself if they insisted the person for that position has to be an engineer. He prefers to see that restriction taken off the Public Works Director job description, recognizing that the County Engineer must be an engineer. Mr. Bowers stated the County Engineer is a statutory position and has been paid out of HURF funds; if a separate Public Works Director position is created it may be an additional General Fund position. Mr. Brownlow stated that he did disagree with that position. Mr. Deal clarified that Mr. Parsons is the interim Public Works Director and Mr. Young is the Acting County Engineer. He inquired if there had been a previous job description for the Public Works Director. Ms. Calisen stated the current job description has everything except Planning and Zoning. She stated the County does not have a job description for a County Engineer as it was incorporated into the Public Works Director position. She clarified that there is not currently a County Engineer position. Mr. Deal inquired what Mr. Young's position is and he replied he is Acting County Engineer and Mr. Young replied that in the past he has been Deputy Public Works Director for Engineering. Ms. Calisen responded that statute outlines the responsibilities of the County Engineer position. Mr. Deal stated they must address job descriptions for the Public Works Director and County Engineer to oversee the HURF funds.

Mr. Brownlow stated he agrees with Mr. Tenney's statement that the County will narrow the people to be considered for the position by requiring a PE designation. Mr. Thompson stated he would like to have a proposal from Ms. Calisen for job descriptions for these positions and an organizational chart. Mr. Bowers stated that if the Board would like a separate job description, the Public Works Director job descriptions would have to be completely re-written, stating that the latest version Ms. Calisen drafted anticipated the PW director and the County Engineer would be one and the same person. Ms. Calisen pointed out that if a nationwide search is conducted it might not be as difficult to recruit someone who has both the engineer designation and the management skills necessary.

The Board of Supervisor directed Ms. Calisen and Mr. Menlove to prepare a job description for the Public Works Director that did not have an engineer requirement and a separate job description for a County engineer, recognizing that one person could fill both positions. In response to Mr. Bowers' request for clarification of the chain of command regarding the preparation of job descriptions, the Board agreed that Ms. Calisen and Mr. Menlove should work together because of the impact of the positions on the budget and HURF funding. Mr. Deal stated the Board would have to revisit the County organization chart, making position changes, create a County Engineer position that has the requirement as outlined in statute; and reconfigure the Public Works Director job description minus the PE requirement. Mr. Bowers stated that some items would have to go to the County Engineer by statute so care must be taken when drafting the job descriptions so there is no conflict over who has authority over specific situations. There was discussion of the history of Public Works, County Engineers and Planning and Zoning in Navajo County. Mr. Parsons outlined the numerous county configurations of these departments, advising that the Coconino County Public Works Director's salary includes a portion out of HURF because of responsibility for those funds. Mr. DeSpain stated that in the past flood control districts have also funded portions of these positions. Mr. Deal requested that in this process a very clear chain of command and job description are

developed to minimize conflict. It was agreed this issue would be addressed at the March 21 meeting.

BOARD BUSINESS: Ms. Hieb reported she would be leaving in three weeks, that she had turned in her resignation today. Board members expressed their appreciation to Ms. Hieb for her level of service to the Board.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, March 21, 2005, upon a **motion made by Mr. Tenney**; motion seconded by Mr. Thompson; vote unanimous approving the motion. The meeting adjourned at 5:10 p.m.

APPROVED:

Chairman

Date

ATTEST:

Darlene Fraley, Deputy Clerk