

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

March 21, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:05 a.m.

PRESENT: Jerry Brownlow, Chairman; Percy Deal, Vice-Chairman Percy Deal, Jesse Thompson, J.R. DeSpain, and David Tenney, Members. James G. Jayne, County Manager, Lance Payette, Deputy County Attorney and June Foard, Secretary. Jesse Thompson led the Pledge of Allegiance and the Invocation.

CALL TO PUBLIC: None

CONSENT AGENDA:1)Voucher list for payment; 2)Modification #1 to the Cost Reimbursable Subcontract between Arizona Board of Regents, University of Arizona and Navajo County under Purchase Order #Y410679; 3) Superintendent of Schools: Approval to use federal indirect funds to purchase new office vehicle from State Contract; 4)Approval Peace Officer Training Fund Grant Agreement for purchase of Range 3000 Firearms Training System. **Mr. DeSpain made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Mr. Tenney; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director/Tracy Letcher, Nursing Supervisor/Mary Fontes, Administrative Coordinator, Apache County Health Department **Board of Directors Session:** **Mr. DeSpain made a motion** to enter into a Board of Directors session: motion seconded by Mr. Tenney; vote unanimous approving the motion.

1) Presentation regarding Household Hazardous Waste collection events to be held in Navajo and Apache Counties on April 16 and April 23, 2005: Mary Tyler addressed the board and explained this was for information only. She reported there is a joint effort with Apache County to partner regarding household hazardous waste. Mr. Thompson stated he appreciated the information and would like to see the program extended to the Navajo and Hopi Reservations. Mr. Deal stated that he agreed and would like to see at least one educational session held on the Hopi and one held at Kayenta. He added that public announcements should be sent out. Ms Tyler reported that flyers are posted in various communities. 2) Approve contract with Midwest Cancer Screening Laboratory for lab tests for the Family: Ms. Tyler requested approval on the Midwest Cancer Screening Laboratory Contract. **Mr. DeSpain made a motion** to approve the contract; motion seconded by Mr. Tenney; vote unanimous approving the motion. 3) Planning contract with Arizona Department of Health Services; Mary Tyler requested the board approve the Planning contract with the Arizona Department of Health Services. **Mr. DeSpain made a motion** to approve the contract; motion seconded by Mr. Tenney; 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.

FINANCE/SPECIAL DISTRICTS: Approve Resolution to acknowledge receipt of petition to form Mogollon Domestic Wastewater Improvement District; set bond; set hearing for April 18, 2005 at 9:30 a.m.; order notice to be published and mailed. Mr. James Menlove introduced Mr. Lewis Tenney to present materials regarding the petition to form Mogollon Domestic Wastewater Improvement District. He indicated that there were four things for the board to consider for approval. 1) to accept the petitions 2) set the hearing date 3) approve a resolution and 4) to set the bond. Mr. Lewis Tenney handed out a map indicating the area to be included in the improvement district. Mr. Lewis Tenney stated there were 52% of the property owners that have signed the petition. Mr. Lewis Tenney thanked

the Navajo County staff members for their help and support **Mr. David Tenney made a motion to approve Resolution #17-05**, set the hearing date for April 18, 2005 and set bond in the amount of \$3000.00; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

SHERIFF'S OFFICE: Approve Memorandum of Understanding with Northeast Arizona Training Center (NATC) for the use of grant funds to be used solely for the construction of driver training track at the NATC site in Taylor: Sheriff Butler addressed the Board requesting approval of the MOU with the Northeast Arizona Training Center to use grant funds to construct the track at the NATC site in Taylor. **Mr. Deal made a motion to approve the MOU in the amount of \$650,000;** motion seconded by Mr. Thompson; vote unanimous approving the motion.

POSSIBLE EMERGENCY ITEM: Approval of Special Event Liquor License for St. Anthony School Spring Fling fundraiser, to be held on April 2, 2005, Pinetop area Mr. Deal requested information as to why this was an emergency item. It was explained that there would not be another meeting before the event and invitations had been sent out. It was further explained that this was an important fundraiser for the school. **Mr. Tenney made a motion to approve the Special Event Liquor License;** motion seconded by Mr. Thompson; vote unanimous approving the motion.

RECORDER'S OFFICE: 1) Approval to hire permanent, full time employee in Voter Registration: 1) Lauri Justman, County Recorder, requested the board approve hiring a permanent, full time employee for Voter Registration. Mr. Thompson asked if there were funds in the budget for the position. Mr. Menlove reported there are funds available. **Mr. DeSpain made a motion to approve hiring a permanent, full time employee for the Elections Department Voter Registration;** motion seconded by Mr. Tenney; vote unanimous approving the motion. 2) Resolution to transfer supervisory authority over the Elections Department from the County Recorder to the Board of Supervisors: Lauri Justman, County Recorder, reported on the request to have the Elections Department moved from the supervision of the County Recorder to the Board of Supervisors. Mr. DeSpain complimented the County Recorder and her staff for their work with elections. **Mr. DeSpain made a motion to move the Elections Department from the Recorder's office direction to the Board of Supervisors by Resolution #18-05** and to have staff review the plans and staffing and to come back to the board with further recommendations; motion seconded by Mr. Tenney; vote unanimous approving the motion.

PUBLIC WORKS/PLANNING & ZONING: 1)Public Hearing: Resolution approving Special Use Permit request by Norma L. Becker for construction of wireless communication tower on APN 106-75-013, Adamana area; Mr. Fraley, Public Works, explained the request for a communication tower in the Adamana area. Mr. Jeff Lineberry reported that residents in the Adamana area were aware of the request and there was no opposition. **Mr. DeSpain made a motion to approve the request by Resolution #19-05;** motion seconded by Mr. Tenney; vote unanimous approving the motion. 2) Public Hearing: Resolution approving Zone Change from R1-10 to C-R, requested by Eugene R. Masterson, APN 206-15-040, Overgaard Area; Mr. Fraley reviewed the request made by Mr. Masterson. **Mr. Tenney made a motion to approve by Resolution # 20-05** a zone change from R1-10 to C-R for APN 206-15-040; motion seconded by Mr. Deal; vote unanimous approving the motion. 3) Resolution approving Final Plat and Financial Assurances for the Bison Ranch Resort Suites Unit 1 Subdivision, Overgaard area: Discussion was held regarding the final plat and financial assurances for Bison Ranch Resort Suites Unit 1. Mr. Lewis Tenney commented that the developer had always been good about getting all the information for his projects to the board. **Mr. David Tenney made a motion to approve Resolution #21-05** approving the Final Plat and Financial Assurances for Bison Ranch Resort Suite 1; motion seconded by Mr. Deal; vote unanimous approving the motion. 4) Public Hearing: Resolution approving Conceptual Master Development Site Plan for APN 211-56-014C, Pinetop

Country Club area: Mr. Dave Ashton, Development Services Director, addressed the Board regarding the proposed approval of the Conceptual Master Development Site Plan for APN 211-56-014C. He reported there had been 2 letters opposing the approval of the site plan. Mr. Deal asked if the engineer has reviewed the plans. Mr. Ashton reported the plans have been reviewed. Mr. Young added the plans have all been reviewed and the recommended stipulations met. **Mr. DeSpain made a motion** to approve the request by **Resolution #22-05**; motion seconded by Mr. Thompson; vote unanimous approving the motion 5) Resolution approving the Final Plat and Financial Assurances for the Overgaard Springs Ranch Unit 1 Subdivision, Overgaard area: Mr. Ashton presented this item to the board. There was no discussion and **Mr. Tenney made a motion** to approve the request by **Resolution #23-05**; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

6) Award of Contract #B05-01251, Emergency Watershed Protection Program, Buckskin and Black Canyon Wash: Mr. Parsons explained that the bid was for 1-9 sites. Mr. Parsons reported the low bidder for the project was Hatch Construction. Mr. Brownlow asked if this project was as a result of damage caused by the fires. It was reported that it was. Mr. Tenney asked about Site 5. Mr. Young reported that portion of the project was deleted. **Mr. Tenney made a motion** to approve awarding the contract to Hatch Construction; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

MIS DEPARTMENT: Presentation regarding Navajo County Website: Mr. Heming, MIS Director, made a presentation to the board explaining some of the new technology that was being used by his department and some of the upgrades to the County Website. He explained features that could be accessed by the public for their use.

COUNTY ATTORNEY'S OFFICE: Executive Session pursuant to ARS § 38-431.03(A)(3) for discussion and consultation for legal advice with the Board's attorneys regarding requirements of the Open Meeting Law and First Amendment rights of public employees: **Mr. Thompson made a motion** to adjourn into Executive Session: motion seconded by Mr. Tenney. Mr. Deal asked if the discussion would be public information and what the intent of the Executive session was. Mr. Payette, Deputy County Attorney, reported there were two particular items that he felt the board needed to address. Mr. Deal stated that some of the board members may need clarification. Mr. Tenney asked if there have been some allegations. Mr. Payette stated there are some concerns. At that time the vote was taken and was unanimous approving the motion. Following the Executive Session, the board reconvened. **Mr. Tenney made a motion** to approve returning to regular session; Mr. DeSpain seconded the motion; vote unanimous approving the motion. No action was taken.

POSSIBLE EMERGENCY ITEM: Approval of Bureau of Prisons (BOP) contract for housing BOP inmates at the Navajo County Jail (Contract must be received by BOP no later than April 1, 2005: It was explained by Sheriff Butler that this item was an emergency as the Contract must be submitted to the Bureau of Prisons by the April 1st deadline and there would not be another board meeting before the deadline. Mr. Thompson asked if there were any other contracts that needed the board's attention. The Sheriff reported this was the only one. **Mr. Tenney made a motion** to approve the contract for housing BOP inmates at the Navajo County Jail; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

ARIZONA DEPARTMENT OF HEALTH SERVICES: Presentation regarding vector borne & zoonotic diseases such as Hantavirus, Plague, Tularemia, Rocky Mountain Spotted Fever, West Nile Virus and Rabies: Mary Tyler, Interim Director of Health Services, introduced Mr. Craig Levy with the Arizona Department of Health Services. Mr. Levy made a presentation to the board regarding various diseases. He presented a slide show and discussed symptoms and causes of the diseases. He

indicated several ways the diseases could be controlled and in some cases, prevented. No action was taken. The presentation was for information only.

WHITE MOUNTAIN LAKE RECREATION DISTRICT: **Board of Directors Session:** **Mr. DeSpain made a motion** to enter into a White Mountain Lake Recreation District Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. John Hager addressed the board on behalf to the recreation district. 1) Accept resignation of Ed Stone: Mr. Hager requested that the board accept Mr. Stone's resignation. **Mr. DeSpain made a motion** to approve the resignation; motion seconded by Mr. Thompson; vote unanimous approving the motion. 2) Approve purchase of fishing dock for \$30,000.00: Mr. Hager requested that the purchase of the fishing dock be approved by the board. He indicated there was money in the contingency fund, Mr. DeSpain complimented Mr. Hager on the comprehensive information he presents to the board. With that statement, **Mr. DeSpain made a motion** to approve the purchase of the fishing dock; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

EMERGENCY SERVICES: Approve Declaration of Emergency by the Board of Supervisors due to damage to Winslow flood control levee and to implement the Governor's declaration of emergency relating to flood hazard conditions in Northern Arizona, including the Town of Snowflake due to damage to city infrastructure, water mains, sewers, etc. Larry Dunagan, Emergency Services Director, addressed the board regarding the need for the Declaration of Emergency to help implement the Governor's declaration of emergency. Mr. DeSpain further explained some of the damages done to the Winslow Levee and the conditions in Snowflake. **Mr. DeSpain made a motion** to approve the Declaration of Emergency by **Resolution #24-05**; motion seconded by Mr. Thompson; vote unanimous approving the motion.

HUMAN RESOURCES:1) Approve Personnel Actions: Ms. Calisen presented the personnel actions to the board. **Mr. Tenney made a motion** to approve the personnel actions as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion. 2) Discussion and possible board action regarding job description of the Public Works Director and/or the County Engineer, and the organizational structure of the Public Works Department: Discussion was held regarding the positions for Public Works Director and the County Engineer position. Chairman Brownlow indicated the board members had a packet regarding the positions. Mr. Tenney stated he was under the impression that last week it was decided to make the Engineer position a range 28 and the Director position a range 31. He also stated it was his impression that the Director position could be an engineer, but that it was not a requirement. Mr. Payette, Deputy County Attorney, verified that the County Engineer was required to be a Professional Engineer. Mr. Deal asked if it would be a problem if the Public Works Director was not an Engineer. Lance Payette stated that it was his professional legal opinion that it could complicate things if the Public Works Director was not an engineer. Mr. Payette reported that several other counties had indicated that under that structure they had encountered complications. **Mr. Tenney made a motion** to approve the job descriptions as presented and to move forward with selection of the candidates; motion seconded by Mr. Deal; vote unanimous approving the motion. In further discussion, it was asked if the positions would be advertised in – house or if the advertisement would go out to the general public. Mr. Payette indicated the county's hiring practice should be followed. He indicated the positions were high level and the search should be for credible candidates. Mr. Menlove concurred with that assessment. He also suggested that the Director position be filled first, so that the director would be able to assist with the search for the engineer. Discussion was held on the process. James Menlove and Gail Calisen will do the initial screening of the applications and pull those applications that do not meet the minimum qualifications. **Mr. Tenney made a motion** to keep the

position open until April 30th and then do the screening on May 2nd; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

BOARD BUSINESS: Mr. Tenney indicated he was supportive of bringing the County Manager back into the process of hiring the candidates for positions in Public Works. There was no other business.

ADJOURN: Mr. Thompson made a motion to adjourn the meeting; motion seconded by Mr. DeSpain; vote unanimous approving the motion and the meeting was adjourned at 4:14 p.m.

APPROVED:

Chairman

Date

ATTEST:

Darlene Fraley, Deputy Clerk of the Board