

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, FEBRUARY 21, 2006

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

PRESENT: Jesse Thompson, Chairman; Percy Deal, Vice Chairman; Jerry Brownlow, Member; J.R. DeSpain, Member; David Tenney, Member; James G. Jayne, County Manager; Mel Bowers, County Attorney; Darlene Fraley, Deputy Clerk of the Board

CALL TO THE PUBLIC: In response to the Call to the Public, Judge Nielson introduced Margie Barton the new Navajo County Drug Court Administrator and discussed her qualifications.

CONSENT AGENDA: a) Voucher list for payment; b) Tax roll corrections; c) Minutes – December 5, January 3, and January 17; d) Re-name an existing road in the Pinetop-Lakeside area from “Bear Cave Road” to “Bear Cave Circle”. The road is in Section 19 Township 12 North – Range 17 East; e) Name an existing road in the Joseph City area “Bell Cow Road”. The road is in Section 2 Township 17 North – Range 17 East; f) Renewal of IGA with Arizona Department of Corrections Contract No. 050134DC; g) Authorize Deputy Clerk to apply to ADOT Special Investigations for undercover plates for Sheriff’s vehicles; h) Justice Court Reports: Winslow #2, December; Snowflake #3, December; Kayenta #4, December; Show Low #5, December; i) Court fees report—December; j) Juvenile Justice System Report—December; k) Constable Reports— Lakeside, Whiteriver, Pinetop, Cibecue, Hondah, #6, December; Holbrook #1, December; Show Low #5, December; Kayenta, May; Winslow #2, December; l) Approve quarterly report by County Attorney Bad Check program; ml) Sympathy letters for James Menlove, Charles Tomlinson, Greg Eavenson, and Boyd Hatch families; n) Thank you letter to Richard Watkins of Cell One for assistance in providing wireless service to the County: **Supervisor DeSpain made a motion** to approve the Consent Agenda as presented and authorize the Chairman to sign those items, motion seconded by Mr. Brownlow; vote unanimous approving the motion.

HUMAN RESOURCES: Tommy Price: Consideration and possible approval of Personnel Actions: Tommy Price reviewed the Personnel Action report, stating item #1 should have read “date of resignation”. **Supervisor DeSpain made a motion** to approve the Personnel Actions and stated for the record that Veronica DeSpain was no relation; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.

SUPERIOR COURT: Honorable Dale Nielson, Presiding Judge

- a) **Annual Judicial Report:** Judge Nielson reviewed his written annual report to the Board, reviewing goals. He reviewed cases filed with the Clerk of the Court, reporting Criminal filings are up and the Justice of the Peace filings were down last year. Chairman Thompson commended Judge Nielson on the initiation of the Drug Court. Judge Nielson stated Probation statistics have been consistent but will increase due to additional filings through the County Attorney’s office. He reviewed Court Collections advising there were about \$1,600,000 total case collections and Fare collections totaled \$303,638. He advised that the Superior Court will collect Fare fees for the first time this year.
- b) **Drug Court Presentation:** Judge Nielson reported the Drug Court will be operational by March 2 and discussed the program as a close supervision program with a probation team, liaison with Community Counseling Center, and the Drug Court Administrator with the probationer returning to see the Judge each week. If the person has done well during that week, the Judge will congratulate them and perhaps give an incentive and if the person has not done well will impose an immediate punishment. The program is aimed at those who are the greatest offenders. In response to questions from Supervisor Deal, Judge Nielson discussed the funding of this program, stating the County has paid \$5,000 start up

funds and a State grant is being written to fund the entire program. Chairman Thompson acknowledged the presence of Judge Tom Wing and Emery LeBarge. Chairman Thompson reviewed success rates in other programs as being 70% - 80% and Judge Nielson advised that is their goal.

- c) Consideration and possible approval of temporary employee in the Snowflake Justice Court from March 1 to June 30, 2006 to be expensed to JCEF funds: Judge Nielson reported that due to the increased filings in the Snowflake Justice Court, they are requesting a temporary employee in that Court. **Supervisor DeSpain made a motion** to approve hiring a temporary employee in the Snowflake Justice Court from March 1 to June 30, 2006 to be expensed to JCEF funds; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d) Consideration and possible approval to expend special fund monies and local JCEF fund monies for a security camera system for the Superior Courts: Judge Nielson reviewed the existing security. **Supervisor Brownlow made a motion** to approve expending special fund monies and local JCEF fund monies for a security camera system for the Superior Courts; motion seconded by Supervisor Tenney. Supervisor DeSpain inquired if there are any existing cameras and Judge Nielson responded there are cameras in the court room. Supervisor Deal inquired if Homeland Security funding was available for these cameras and Marla Randall-Meyers responded that those funds are not available to the courts as the courts are not first responders. Vote unanimous approving the motion.
- e) Consideration and possible approval to expend general fund monies for a digital recording system for Division I: Judge Nielson stated the Court reporter has resigned and they are requesting this recording system, similar to the system already in the Courts, to assist in the recording process. Marla Randall Meyers stated this will be expensed through unexpended professional services. Judge Tom Wing reported that he has explored the possibility of holding civil court proceedings at the Show Low Justice of the Peace Court and West Cooley Conference room. He distributed a schedule of these proceedings and reported they may expand this schedule. He reported the Clerk of the Court has been supportive of this expansion but they do not anticipate receiving filings there. Supervisor Deal inquired if the Clerk of the Court supports acquiring this equipment and was advised she does. Judge Wing stated the equipment that will be used in South County is that which is already in place there or perhaps a hand held recorder will be used. He stated if there is a time in the future when there is an office for the judge to sit there all day, there will be additional equipment needs. **Supervisor Tenney made a motion** to approve expending general fund monies for a digital recording system for Division I; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a) **Public Hearing:** Consideration and possible approval of transfer of ownership of Liquor License for the Minnetonka Trading Post at #1 Old Route 66 East to new owner Kimberly Ann Clarke: Supervisor DeSpain introduced the new owner of Minnetonka, Kimberly Clarke, and the previous owner, Julia Johnson. Mel Bowers stated the tax issue may not preclude a recommendation for approval. Chairman Thompson invited public comment. Julie Johnson advised those present that she is selling the property and the taxes will be paid during escrow. Kimberly Clarke of #1 East Old Route 66 advised she is comfortable that these taxes will be paid. No member of the public opposed the transfer. **Supervisor DeSpain made a motion** to recommend approval of the transfer of ownership of the liquor license for the Minnetonka Trading Post at #1 Old Route 66 East to the new owner Kimberly Ann Clarke; motion seconded by Supervisor Tenney. Supervisor Deal inquired where this is located and Supervisor DeSpain stated it is on Old Route 66 on the south side of the freeway east of Winslow. Supervisor Deal inquired if it is a carry out and Ms. Johnson stated that their packaged liquor is higher than the grocery stores and liquor stores so they do not encourage carry out. Supervisor Deal advised that the Navajo reservation is having very serious difficulties with carry out, discussed large case sales that create problems and since the establishment is on the way back to the reservation there is a concern about take out. Ms. Clarke and Ms. Johnson responded that they promote responsible drinking and

encourage alternate travel arrangements for those who drink too much. Supervisor Deal and Chairman Thompson explained the concern they have about lack of treatment centers for excessive drinking and that they will vote against the recommendation for that reason. The vote for the motion was 3 in favor and 2 opposed with Supervisor Deal and Chairman Thompson voting against the motion.

Supervisor DeSpain recognized previous Supervisor Pete Shumway and a representative of the Pioneer Newspaper.

At this point the Board moved to the following item:

HUMAN RESOURCES: Gail Calisen: Consideration and possible approval of revised Personnel Policies: Gail Calisen reported there were questions regarding the previously proposed “resign to run” policy and those have been resolved. She reviewed changes to 4.11 C suggested by the County Attorney’s office and changes that had been incorporated based on employee concerns. She also reviewed a change to 3.13, 3.51 B, 3.53 A, and 3.54 to support the changes to 4.11C. She stated that item 4.64 (6) was deleted to comply with FLSA changes. She invited Dan Hinz and Mark Reynolds to report on the Personnel Commission review of these changes. Mark Reynolds stated the Personnel Commission voted to approve the amendment to the policy as presented. Dan Hinz stated at the last Board meeting there were a number of concerns raised and at that time the Commission was uncomfortable supporting all the changes. He stated that as the voice of the employees this change represents the best package that could be put together as well as being in the best interest of the County. Supervisor Tenney inquired about the change proposed today to 4.11 C and Mark Reynolds stated that legal counsel mad that change to be in compliance with the statute and it does not change the intent of the policy. **Supervisor Tenney made a** motion to approve the revised Personnel Policies as presented today to be implemented March 1, 2006; Supervisor Brownlow seconded the motion. Supervisor Deal inquired what the State policy on this issue is and Mel Bowers stated the State follows the federal statute which requires that someone paid through those funds and is running for office must resign. Supervisor Deal pointed out this requirement is much more restrictive than this policy and inquired to what offices this policy applies. Supervisor Tenney stated that any partisan political office is impacted and it would not preclude any employee from running for a town council or School Board office. Supervisor Deal inquired how many employees have been impacted in the past and there was a consensus that there were three in the last election. Chairman Thompson stated that an elected official has the responsibility to oversee employees and it is difficult to have an employee in that department run against the elected official. In response to a question from Chairman Thompson, Ms. Calisen stated it is the elected official’s and department head’s responsibility to control any type of political activities during work hours. Supervisor DeSpain commended the Personnel Commission for the position they have taken on this policy. He also commended Dan Hinz and Mark Reynolds for their willingness to keep employees aware of this issue and assuring that employees are treated fairly. Supervisor Tenney stated that at the last meeting the County Manager pointed out this policy is needed because certain employees governed by the Hatch Act and mini-Hatch Act can not run for office yet someone doing the same job can maintain their job and run. Chairman Thompson commended the Personnel Commission for their recommendation. Vote unanimous approving the motion. Supervisor Deal inquired how this policy affects elected officials filing candidate papers for another public office. Mel Bowers advised that as an elected official in the last year of their term, they are permitted to run for any elected office and if it were in the middle of the official’s term, they would have to resign to run as this is governed by a separate statute rather than policy.

BOARD OF SUPERVISORS:

- b) Request for financial contribution from District II special project funds in an amount not to exceed \$1,200 for the operation and maintenance of the Dilkon Healthcare Center Steering Committee Office, Navajo Division of Health: Chairman Thompson introduced Armondo Joe who reviewed his request

for assistance in the amount of \$1,200 stating that bonding activities are underway for future completion of the project. President of the Steering Committee, Mary Bai, thanked the Board for the opportunity to present this request for funding for the planning process for the health care facility to serve that area of the Navajo Nation. **Chairman Thompson made a motion** to approve a financial contribution from District II special project funds in an amount not to exceed \$1,200 for the operation and maintenance of the Dilkon Healthcare Center Steering Committee Office, Navajo Division of Health; motion seconded by Supervisor Tenney. Supervisor Deal inquired if the Navajo Nation Council is in support of the facility and Mr. Joe stated it is one of the number one priorities in the Nation. Vote unanimous approving the motion.

- c) Consideration and possible approval of funding in an amount not to exceed \$60,000 from District LTAF II funds to purchase three (3) minivan for Whipoorwill, Hardrock and Kayenta Senior Centers: Dusty Parsons addressed the Board stating a request for maintenance had not been included in the original request. Supervisor Deal stated these centers have indicated the main use of the se vans will be to pick up seniors and take them to the center for a meal or to deliver hot meals to those who can not get to the Center. **Supervisor Deal made a motion** to approve funding in an amount not to exceed \$60,000 from District LTAF II funds to purchase three (3) minivans for Whipoorwill, Hardrock and Kayenta Senior Centers; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

SHERIFF OFFICE: Sheriff Butler/Commander Huser, Deputy Commander Clark

- a) Consideration and possible approval of authorization to purchase Computer Voice Stress Analyzer including software for \$12,893 expensed from Department of Corrections fund: Commander Eavenson stated this item is a sole source product from the National Institute of Truth Verification. He stated they anticipate this will save the County money over a long period of time since it can be substituted for a lie detector test in some instances, which includes use in the jail. **Supervisor Tenney made a motion** to authorize the purchase of the Computer Voice Stress Analyzer including software for \$12,893 expensed from the Department of Corrections fund; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.
- b) Consideration and possible approval of authorization of Sheriff's office to enter into Intergovernmental Agreement with Governor's Office for Children, Youth and Families, AZ Parents commission on Drug Education and Prevention for \$20,000 award to assist in the development and coordination of a community coalition to address the impact of methamphetamine in Navajo County: Deputy Commander Clark requested approval of this IGA for a grant resulting from a Navajo County coalition to address the impact of meth users, which will be used in conjunction with the Drug Court and that it covered five people that went to the Governor's conference last week. **Supervisor Brownlow made a motion** to authorize the Sheriff's office to enter into an Intergovernmental Agreement with the Governor's Office for Children, Youth and Families, AZ Parents commission on Drug Education and Prevention for a \$20,000 award to assist in the development and coordination of a community coalition to address the impact of methamphetamine in Navajo County; Supervisor DeSpain seconded the motion. In response to questions from Supervisor DeSpain and Supervisor Deal, Deputy Commander Clark stated these funds will be used in the development of the program. Chairman Thompson encouraged coordination of efforts with the tribe and the County through formalized agreements. Supervisor Deal asked Mel Bowers if the contractor who will provide local education and coordinate the community coalition will work with the three tribes within the County to be inclusive in this project. Mel Bowers stated that is correct and they have met with all three tribes at the conference with the intent to have a coordinated effort. He stated this money can only be used to get a strategic plan in place for the Counties and tribal entities that will fit the locality where it will be put in place. He said County staff exchanged information with the tribal representatives and this was a great opportunity for these groups to get together and meet counterparts to begin addressing these problems. Vote

unanimous approving the motion.

At this point, Chairman Thompson turned the meeting over to Vice-Chairman Deal as he left the room.

COUNTY ATTORNEY: Melvin Bowers, County Attorney: Consideration and possible acceptance of written agreement between Safe Child and Navajo County commencing February 1, 2006 and expiring January 31, 2007: Mel Bowers explained that it is mandated any medical expenses incurred to secure evidence that a person has been the victim of a crime against a child or a sexual assault shall be paid by the County in which the offence occurred. He stated a Navajo County physician performs the exam, a number of law enforcement officials have training as being forensic interviewers and there are occasions when there is a need to use Safe Child out of Flagstaff. Vice-Chairman Deal inquired if this would be County funded and Mr. Bowers responded it is. In response to question from Supervisor Brownlow, Mr. Bowers responded that this comes from his budget. **Supervisor Brownlow made a motion** to accept the written agreement between Safe Child and Navajo County commencing February 1, 2006 and expiring January 31, 2007; Supervisor Tenney seconded the motion; vote unanimous approving the motion with Chairman Thompson absent for the vote.

Chairman Thompson re-entered and again chaired the meeting.

PUBLIC HEALTH DISTRICT: Board of Directors Session: Dr. Wade Kartchner, Esther Tso-Rhorer, Mary Tyler, Tracy Letcher: **Supervisor Tenney made a motion** to enter into a Navajo County Public Health District Board of Directors Session; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

- a) **Consideration and possible approval of Intergovernmental Agreement Amendment #3 of Contract#HG354183 Public Health Physical Activity Program with the AZ Department of Health Services for 1/1/2006 to 3/31/2006:** Dr. Kartchner introduced Esther Tso-Rhorer who requested support of this proposal. **Supervisor DeSpain made a motion** to approve the Intergovernmental Agreement Amendment #3 of Contract#HG354183 Public Health Physical Activity Program with the AZ Department of Health Services for 1/1/2006 to 3/31/2006; motion seconded by Supervisor Deal; vote unanimous approving this motion.
- b) **Consideration and possible approval of Amendment #1 of Contract #HB561143 with the Arizona Department of Health Services for the Dental Sealant Program effective 1/1/06 to 9/30/2009:** Mary Tyler requested support of this amendment advising that low income schools are those that have 50% or more who have free and reduced lunch, stating there is only one County school that does not qualify. **Supervisor Brownlow made a motion** to approve Amendment #1 of Contract #HB561143 with the Arizona Department of Health Services for the Dental Sealant Program effective 1/1/06 to 9/30/2009; motion seconded by Supervisor DeSpain; vote unanimous approving the motion with Supervisor Deal absent for the vote.
- c) **Consideration and possible approval of subcontract for dental hygiene services with Connie Baine and Karol Morse for the Dental Sealant Program:** **Supervisor Tenney made a motion** to approve a subcontract for dental hygiene services with Connie Baine and Karol Morse for the Dental Sealant Program; motion seconded by Supervisor DeSpain; vote unanimous approving the motion with Supervisor Deal absent for the vote.
- d) **Consideration and possible approval of salary for the Animal Control Coordinator position to be funded at 92.7% of the midpoint for the job class after completion of the standard three month probationary period:** Dr. Kartchner reviewed his rationale for this recommendation and Supervisor DeSpain stated he appreciates the staff addressing this need in the County. **Supervisor DeSpain made a motion** to approve the salary for the Animal Control Coordinator position to be funded at 92.7% of the midpoint for the job class after completion of the standard three month probationary period; motion

seconded by Supervisor Tenney. Supervisor Deal inquired if this is the proper procedure to provide salary adjustments and Mel Bowers responded that the personnel policy authorizes the Personnel Director and County Manager to approve 90% and anything above that requires Board approval, which is why this is coming to the Board. Supervisor Deal inquired if, after the 90 days, action will be taken to increase to the 92.7% and Mel Bowers stated that is his understanding if the item is approved. Vote unanimous approving the motion.

- e) Consideration and possible approval of Amendment to Arizona Department of Health Services Contract #HG352259, Amendment #2, HIV Services with a \$6,000 decrease in funding: Tracy Letcher reviewed this item. **Supervisor DeSpain made a motion** to approve the Arizona Department of Health Services Contract #HG352259, Amendment #2, HIV Services with a \$6,000 decrease in funding; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- f) Consideration and possible approval of Amendment to Arizona Department of Health Services Contract #HG35220, Immunization Services Program, Amendment #6: Tracy Letcher explained this amendment will allow them to access records from the web and allow doctors' offices to report on the same system. **Supervisor Tenney made a motion** to approve the Arizona Department of Health Services Contract #HG35220, Immunization Services Program, Amendment #6; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Supervisor Deal expressed his appreciation to Dr. Kartchner and his staff for the work on the Bioterrorism Conference in Flagstaff for the tribes within the state, advising it was a very educational conference and very well received. Dr. Kartchner reported Kevin Neill had taken a position with Maricopa County and that his position has been posted.

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

PUBLIC WORKS/PLANNING & ZONING: Dusty Parsons, Carol Fraley; Leida Hatch

- a) Board of Directors Session, Shumway Road Improvement District: Supervisor Tenney made a motion to enter into the Shumway Road Improvement District **Board of Directors' Session**; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
 - i. Consideration and possible approval of **Resolution No. _____ - 06**, the Resolution of Intention to Perform the Improvements of Shumway Road Improvement District: Leida Hatch reported this process has been lengthy and there are still steps to be completed in the future. **Supervisor DeSpain made a motion** to approve **Resolution No. 05 - 06**, the Resolution of Intention to Perform the Improvements of Shumway Road Improvement District; Supervisor Tenney seconded the motion. Supervisor DeSpain recognized Mr. Pete Shumway, previous Supervisor, and Mr. John Otis, the area developer. Vote unanimous approving the motion.
 - ii. Consideration and possible approval of the Notice of Proposed Improvements and direct the Clerk of the Board to publish and distribute the Notice as required: **Supervisor Tenney made a motion** to approve the Notice of Proposed Improvements and direct the Clerk of the Board to publish and distribute the Notice as required; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

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

Supervisor Deal introduced Jeffery Cook as the new Deputy Director of GIS and the Board welcomed him back to the County.

- b) Consideration and possible approval of amendment of the existing professional services contract with Mountain Standard Inc. to include additional fees not to exceed \$20,000: **Supervisor Tenney made a motion** to approve an amendment of the existing professional services contract with Mountain

Standard Inc. to include additional fees not to exceed \$20,000; Supervisor DeSpain seconded the motion; vote unanimous approving the motion.

- c) Consideration and possible approval of the county's participation with the White Mountain Regional Transportation Committee in hiring a Transportation Liaison to represent our area in transportation issues: Dusty Parsons reviewed the history of the White Mountain Region Transportation Committee comprised of Navajo County, City of Holbrook, Town of Snowflake, Taylor, Eagar, Springerville, City of Show Low, and Town of Pinetop/Lakeside. He stated the cost for the County would be \$2,500. **Supervisor DeSpain made a motion** to approve the County's participation with the White Mountain Regional Transportation Committee in hiring a Transportation Liaison to represent our area in transportation issues; motion seconded by Supervisor Brownlow. Chairman Thompson clarified this contract would go to GK&J Communications. Supervisor Tenney commended Supervisor Brownlow on his leadership on this committee and the resulting benefits that will come to the County. Supervisor Brownlow stated this issue is going before the White Mountain Apache Tribal Council. He inquired if these funds would come from the general fund and Mr. Parsons stated they would. Vote unanimous approving the motion.

FINANCE/PURCHASING: James Menlove: Financial status report: Mr. Menlove reported we are 58% through the year and most departments are within that range with actual expenditures being 43% of the total budget. He discussed various departments and their expenditure percentages. Supervisors commended Mr. Menlove on his financial reporting. Supervisor DeSpain discussed legislative bills as related to the County budget.

COUNTY MANAGER'S REPORT: James Jayne: Information regarding routine County business: James Jayne thanked all those who had assisted with the recent electrical problem at the County, stating staff responded very efficiently and he thanked the Chairman for being present and buying dinner. He reported the gentlemen who came in to assist during the incident commented he had never seen a team respond more professionally. He reminded Board members of a special meeting tomorrow morning at 8:30 a.m. at the Cooley facility. He advised that on March 1 the annual emergency management meeting will be at Hondah and staff must RSVP for the Board today. He offered a warm welcome back to Navajo County to Jeff Cook. Chairman Thompson thanked the team that was here to address the electrical problem. Supervisors thanked James Jayne for the department reports that have been provided.

PARKS, RECREATION AND FAIR: Sam Pogue: Consideration and possible action for authorization for Navajo County to lease their race dates to Turf Paradise for source of revenue permitted by the Arizona State Racing Commission: Sam Pogue advised the Board this item is presented to give the Fair Board permission to hold the County race dates and traditionally these are held the second and third weekend in March with the revenue used for facility maintenance and the fair. Supervisor DeSpain provided a history of the racing issue. **Supervisor DeSpain made a motion** to authorize Navajo County to lease their race dates to Turf Paradise for the source of revenue permitted by the Arizona State Racing Commission; Supervisor Tenney seconded the motion. In response to a question from Chairman Thompson, Mr. Pogue stated the funding is based on a percentage of the take by Turf Paradise. Vote unanimous approving the motion.

BOARD BUSINESS: Supervisors discussed legislative bills that will impact the County, the need for rain going into this fire season, activities within their Districts and discussions/actions taken at meetings they have attended.

ADJOURN: **Supervisor Brownlow made a motion** to adjourn at 1:02 p.m.; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

APPROVED:

DATE:

Jesse Thompson, Chairman

ATTEST:

Clerk/Deputy Clerk of the Board