

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, JANUARY 16, 2007**

**9:00 a.m. Call to Order:** Supervisor Brownlow led the Pledge of Allegiance and offered the invocation.

**PRESENT:** David Tenney, Chairman; Percy Deal, Member; Jesse Thompson, Member; Jerry Brownlow, Member; and Darlene Fraley, Clerk of the Board. J.R. DeSpain, Vice-Chairman, James Jayne, County Manager, and Mel Bowers, County Attorney joined the meeting in process.

**CALL TO THE PUBLIC:** Mark Reynolds of the Hashknife Posse displayed mailers, hats, posters and neckerchiefs that are available for sale to commemorate the Pony Express rides. He said this year's ride is dedicated to the cooks and support crew. He reported the posse had enjoyed a great year and American Profile, a nationwide paper, recently featured the posse and their ride. He said the article generated tremendous public interest; they receive hundreds of letters and emails a day and money is sent. The Hashknife Posse dinner will be held Tuesday, January 30<sup>th</sup> at the Holbrook Elks Lodge. Jack Young thanked the board for allowing the posse to address them, stating several members in their 60's and 70's are still riding. He advised that an important part of the posse is the search and rescue portion. Supervisors thanked the posse for their presentation.

**CONSENT AGENDA:** a) Voucher list for payment; b) Back Tax land deed; c) Appointment of Justices of the Peace Pro Tempores: David Antonini, Dana Sipes, Marisa Shaffery, Yvonne Hunt, Gloria Weaver, Christian Ackerly and Paul Julien; d) Appointment of Justices of the Peace Ralph Hatch, Alison Kolomitz, Fred Peterson, Stephen E. Price and David L. Widmaier and Justices of the Peace Pro Tempores David Antonini, Dana Sipes, Marisa Shaffery, Yvonne Hunt, Gloria Weaver, Christian Ackerly and Paul Julien as Juvenile Hearing Officers; e) WIA vehicle purchase not to exceed \$15,000 as included in Contract #E5706009 and WIA PY06/07 budget; f) Minutes: September 21 and September 26, 2006; g) Name an existing road in the Heber area "Midnight Sky Road", Sec. 24, Township 12 N, Range 16E; h) Name an existing road in the Overgaard area "Brook Path", Section 29, Township 12 N, Range 17E; i) Name an existing road in the Linden area "Echo Court", Section 21 & 22, Township 11 N, Range 21E; j) Name an existing road in the Clay Springs area "Alyssa Road", Section 13, Township 11 N, Range 19E; k) Name an existing road in the Clay Springs area "Woolford Road", Section 13, Township 11 N, Range 19E; l) Rename an existing road in the Chevelon Canyon Ranches area from "Willie Wonka Road" to "Vaquero's End Road", Section 31, Township 15 N, Range 17E; m) Name an existing road in the Lakeside/Pinetop area "Jacks Road", Section 24, Township 09 N, Range 22E; n) Name an existing road in the Heber area "Cedar Bark Trail", Section 29, Township 12 N, Range 17E; o) Name an existing road in the Heber area "Silver Elk Trail", Section 29, Township 12 N, Range 17E; p) Justice Court Report: Winslow #2, September 2006; q) Juvenile Justice System Report October 2006: **Supervisor Thompson made a motion** to authorize the chairman to sign the Consent Agenda items; Supervisor Brownlow seconded the motion; vote unanimous approving the motion with Supervisor DeSpain absent.

**HUMAN RESOURCES:** Update of the Navajo County Employee Benefit Trust status and operations: Erin Collins, President of ECA, introduced his staff Noreen Kurtz, Frances Hinkle, and Mark Alver. He expressed appreciation to his staff as well as to Mr. Jayne, Mr. Menlove and Human Resources Staff for their efforts and time in processing records and unpaid claims. He advised it had taken approximately 300 hours of his staff's time and believes it took approximately the same amount of time for county staff to clean up the last three years. He advised the Trust Board is established and operating. He reported that while the entire Human Resources office went for training, Frances Hinkle from his staff worked at Navajo County responding to employee needs. He advised that staff has been working with county staff on the financial reconciliations and there will be a contracted claim audit of the 2006 claim

year at the transaction level. He stated that he believes the Wellness Program will make a huge impact on future claims, citing the example that a mammography is free when it is done on site. He reported that they have already been able to pay back the \$250,000 loan that the general fund made to the last plan and they are close to breaking even. He cautioned that six months claims activity does not create a pattern as last year the plan lost over half a million dollars; that the plan needs 18 solid months of claims data to determine the cost. Supervisor Thompson inquired if they had responses to hearing and visual questions that came up during the board's initial discussion with them. Noreen Kurtz stated those will be discussed during planning for the new plan year along with the Native American Healing similar to Apache County's program. Chairman Tenney inquired if we are on track to become full members of the pool with the other seven counties and Erin Collins advised that based on this year's claims, we are on track, again cautioning that six months can not be used for a firm projection. Chairman Tenney thanked ECA for this presentation and expressed appreciation for the wellness book that was provided this week.

**EXECUTIVE SESSION:** At 9:26 a.m., **Supervisor Brownlow made a motion** to enter executive session pursuant to A.R.S. § 38-431.03(A)(1) for personnel discussion to review applications for the position of Legal Defender; motion seconded by Supervisor Deal; vote unanimous approving the motion with Supervisor DeSpain absent. The board reconvened at 9:54 a.m. with all as listed above present plus J.R. DeSpain, Member, James Jayne, County Manager, and Mel Bowers, County Attorney.

### **HUMAN RESOURCES:**

Chairman Tenney presented a plaque of appreciation to past-Supervisor Thompson for his service as Board Chairman.

- a. Acknowledgement of Legal Defender Ben Cole's years of service—Chairman Tenney presented a recognition plaque to Ben Cole expressing appreciation for his service. Ben Cole addressed the board advising of his plans for retirements and thanking the board and management for their support during his years of employment.
- b. Consideration and possible approval of the appointment of the Navajo County Legal Defender-- Gail Calisen advised the board that the interview team recommendation is to promote Mr. Alan LoBue as the Legal Defender. Ben Cole addressed the board stating that Mr. LoBue has experience in the Legal Defender's office having worked there for six years and has taken excellent care of his cases. He said this is a good time for Mr. LoBue to move into the Legal Defender's position and he heartily recommends him for this position. **Supervisor DeSpain made a motion** to appoint Alan LoBue as the Navajo County Legal Defender; motion seconded by Supervisor Thompson; motion unanimously approved.
- c. Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 42 items on the Personnel Action report. **Supervisor Thompson made a motion** to approve the Personnel Action report authorizing the chairman to sign the document; motion seconded by Supervisor Brownlow. Supervisor Thompson inquired if a person is on temporary employment and hours will be reduced, are the actions approved by the board and Gail Calisen responded they would be. Supervisor Brownlow inquired if item 27 is a new position and Gail Calisen responded it is an existing position with a reclassification. Mr. Jayne inquired about number 6 being the end of the special duty assignment and Ms. Calisen responded that it should have read end of probationary period. Supervisor DeSpain inquired if item 36 is tied to statutory requirement to increase the Clerk of the Court salary and Mr. Jayne stated that is the case. Vote unanimous approving the motion.

**CHARACTER FIRST PRESENTATION:** Shalice Cook conducted a video presentation and discussion of the January character trait—Enthusiasm. Supervisor Thompson stated he truly enjoys reading the bulletins on the character traits and Supervisors thanked Ms. Cook for her presentation.

**CONSTABLES: PUBLIC HEARING:** Consideration and possible approval to establish a writ fee for all writs issued by Justice Courts pursuant to ARS §22-136 (F) and §11-445 (A) (17): Constable Ryan Reinhold discussed the

history of the establishment of the writ fee, stating 80% of the fees received will be used for constable training and the other 20% would fund the constable ethics committee. He said the fee will be paid by the person on whom it is imposed. Supervisor DeSpain inquired if the county treasurer would receive the funds from the constables and Constable Reinhold agreed this is correct. Supervisor DeSpain stated the constables have become very active on the state level and he appreciates their participation. The chairman invited public comment and there was none. **Supervisor Brownlow made a motion** to establish a \$5.00 writ fee for all fees issued by Justice Courts pursuant to ARS §22-136 (F) and §11-445 (A) (17); motion seconded by Supervisor DeSpain. Supervisor Deal inquired when the 80% will be available for training. Constable Reinhold stated that only two counties have implemented a writ fee and when that fund has built up a committee will be set up to oversee disbursement, which could take place this summer. Vote unanimous approving the motion.

**SHERIFF'S OFFICE: Consideration and possible approval of Sheriff's Office proposal for distribution of Arizona Criminal Justice Commission grant funds of \$92,475.00:** Deputy Commander Clark reviewed the ACJC budget as presented to the board. He distributed information regarding the Partnership for a Drug Free America, discussing the comprehensive approach the program is taking. He discussed educational events at various sites across the county. Officer Bill Murray discussed the canine program as related to drug related stops and arrests, providing statistics regarding stops, arrests and drug and cash seizures. Commander Clark displayed video clips from the Partnership for a Drug Free America. He explained this program has the same basic concepts as the Montana Meth project and it will be here specifically for Navajo County. He said the ACJC supports the Partnership for a Drug Free America. He advised that the task force has made several educational presentations and over 3,000 arrests in the last 13 years. He said they started Drug Court and are active in the Community Coalition. He discussed prior grants received as well as funding level cuts. Mel Bowers stated that he echoes what Commander Clark has said and supports the Partnership for a Drug Free America. He advised funding was cut through the Byrne Grant process and he hopes to make that up through Enhancement and Fill the Gap funds. He discussed Drug Court and Juvenile Drug Court, stating he appreciates consideration of directing some of these funds to the County Attorney's office. James Jayne recognized Kirk Grugel and Debe Campbell, Coordinator of the Coalition for the county, for their participation in educational opportunities around the county. Supervisor Thompson stated he appreciates Mr. Bowers and Commander Clark going up to Hardrock when they brought the dog out, stating that two to three weeks later the dog appeared in paper and that is creating a positive relationship on reservation. Commander Clark said that after they did the presentation at Hardrock, Wal-Mart donated a system that they can take into the field that runs off of a generator for presentations where there is no electricity. Mel Bowers advised there has been a cultural shift, as up until a few years ago law enforcement's job was to arrest and prosecute but now they are trying to address crime through treatment, drug court and education. He said they have not been winning the war against drugs but now they understand the three pronged approach. Supervisor Brownlow stated he supports this breakdown of funding, recognizing that the Drug Free America Partnership is a good program but that he would also like to support the Montana Meth Project. He stated Supervisors have seen presentations on this program and lean toward the Montana Project because it targets the younger age group. Commander Clark and Chief Eavenson responded to questions regarding confidential funds and the digital camera used for covert operations. Supervisor Deal inquired if the Tribes received funding in addition to the county funding and Commander Clark said he would try to obtain that information. Supervisor Deal requested a copy of the letter sent to the schools. He inquired if this project will be reservation inclusive and Commander Clark said they have worked on the reservation and are planning a project now. Supervisor Deal announced they are putting together a meth conference on February 14 & 15 and they want a section for the children in the schools around the Pinon community. He said they are involving Navajo County in planning for the conference, he would enjoy meeting with Kirk Grugel and Debbie Campbell and he is inviting the Navajo County Sheriff to have someone attend the planning meeting every Wednesday for this conference. Commander Clark stated he has a presentation that can run 2-4 hours that is very well received and he would be honored to be part of that. Chief Eavenson advised that the state received \$3,000,000 from ACJC and each county received a base allotment of \$50,000, then they used a percentage formula based on population to provide an additional allotment. He said the largest portion went to Maricopa County, the smallest to Greenlee and nothing was listed for tribal

governments. Commander Clark advised the board he has met with others on both the Partnership and Montana Meth project and they believe they will receive more benefits to Navajo County with the Partnership. He stated that each county has different issues and in Navajo County the largest problem population is 18 to 25. He said they will continue to cooperate with the education community for younger students but they need the comprehensive approach that the Partnership will provide. Chief Eavenson said that both projects are good but it seems the Partnership for a Drug Free America impacts a wider age range. Supervisor Deal inquired if Officer Murray's statistics were on or off reservation and he said the statistics were traffic stops primarily throughout Navajo County. Supervisor DeSpain inquired about costs and Commander Clark said that Partnership cost would be \$7,500.00. **Supervisor DeSpain made a motion** to approve the proposed budget with funding allocated to a Partnership for a Drug Free America; motion seconded by Supervisor Brownlow. Supervisor Tenney requested that at budget time efforts are made to fund the Montana Meth project as it was endorsed at the State and National level. Vote unanimous approving the motion. Mel Bowers again invited all supervisors to attend drug court on Thursday afternoons at 3:00 p.m., stating that Mr. Jayne observed Drug Court two weeks ago.

**FINANCE:** Consideration and possible approval to award contract to OWP/P Engineers for electrical engineering services RFQ B07-080-007: Mary Springer advised this firm is recommended to provide electrical engineering services to remedy existing electrical issues at the County complex. **Supervisor Brownlow made a motion** to approve this contract as presented; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

#### **PUBLIC WORKS:**

- a. Navajo County Flood Control District Board of Directors' Session: **Supervisor DeSpain made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
  - i. Consideration and possible approval of an extension to the existing professional service contract with Ironside Engineering to expedite engineering investigations in support of making drainage and flood control improvements: Homero Vela discussed this amended contract not to exceed \$15,000. **Supervisor DeSpain made a motion** to approve this extension as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
  - ii. Consideration and possible approval of amendment to professional services contract with Ironside Engineering for obtaining a 404 Permit: Homero Vela discussed the jetty repair. Supervisor DeSpain discussed the benefits of jetty installation and upgrades in high flood areas. **Supervisor DeSpain made a motion** to approve the amendment to the professional services contract with Ironside Engineering for obtaining a 404 Permit; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
  - iii. Update on conversion of Flood Insurance Rate Maps to Digital Format (DFIRM): Homero Vela conducted a power point presentation regarding the DFIRM process, DFIRM compliance and non compliance, flood hazard map updates, timeline, and that flood elevations will be changed by about 2.7 feet in Navajo County. He reviewed all levees within the county, discussing the certification process for them and participation by involved entities. He advised that the intended September 2007 date will probably not be met and a request will be made to extend this deadline. He reported that there will be a national flood audit conducted in the county on February 6<sup>th</sup>. Supervisor DeSpain requested that this type of board update be scheduled about every 60-90 days.  
**Supervisor Brownlow made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- b. Consideration and possible approval of Amendment #1 to the Intergovernmental Agreement with the Navajo Department of Transportation regarding school bus routes within District I and District II: Dusty Parsons reviewed the amendment to this agreement entered into in 2002 regarding environmental work, advising they are proposing to amend the agreement to include blading roads and the maintenance of several roads. He reported this agreement has worked well and it will be advantageous to the county and the Navajo Nation to make this

- amendment. **Supervisor Deal made a motion** to approve Amendment #1 to the Intergovernmental Agreement with the Navajo Department of Transportation regarding school bus routes within District I and District II; motion seconded by Supervisor Thompson. Supervisor Deal requested a separate letter be written to the BIA as he does not want the BIA to neglect their responsibility. He said he wanted them handed official written material approved by the board and signed by the chairman. Vote unanimous approving the motion.
- c. Consideration and possible approval of funding assistance for Cibecue Community street lighting not to exceed \$8,078.40 from District V Special Road funds: Dusty Parsons advised this is an existing agreement and they are requesting an extension for close to the same amount of funds. **Supervisor Brownlow made a motion** to approve funding assistance for Cibecue Community street lighting not to exceed \$8,078.40 from District V Special Road funds; motion seconded by Supervisor DeSpain. Supervisor Brownlow advised this is the main BIA route going through the community. Vote unanimous approving the motion.
- d. Consideration and possible approval to set a public hearing on February 20, 2007 to amend Resolution Number 33-03 establishing fees for the collection of waste tires: Dusty Parsons advised that the budget has been exceeded in this area and they are collecting 9,000 tires per month. He advised the state allows tipping fees and the board approved tipping fees under Resolution 33-03 but the department never initiated them. He distributed information regarding the budget deficit and stated that with the implementation of these tipping fees they could get back within budget in 7-8 months. **Supervisor Thompson made a motion** to set a public hearing on February 20, 2007 to amend Resolution Number 33-03 establishing fees for the collection of waste tires; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. Consideration and possible approval by Resolution Number \_\_\_\_\_ - 07 of the Final Plat and the Financial Assurances for Summer Place North Unit 3A subdivision: Bill Fraley advised this is the second phase of this project, this project has met all requirements to date and financial assurances have been provided. Paul Cleaveland stated that he appreciated working with staff and the pleasant interaction between his office and county staff. **Supervisor Brownlow made a motion** to approve by **Resolution Number 02 - 07** of the Final Plat and the Financial Assurances for Summer Place North Unit 3A subdivision; motion seconded by Supervisor Thompson; vote unanimous with Supervisor DeSpain absent for the vote.

**ADJOURN:** At 12:06 p.m. **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor Thompson; vote unanimous with Supervisor DeSpain absent for the vote.

**APPROVED:**

**DATE:**

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**David Tenney, Chairman**

**ATTEST:**

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**Clerk of the Board**