

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES  
TUESDAY, OCTOBER 2, 2007**

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

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

**CALL TO THE PUBLIC:** No response

**CONSENT AGENDA:** a) Vouchers; b) Letter to citizens for adopted budget for fiscal year 2007-2008; c) Name an existing road in the Pinedale/Claysprings area "Alexis Place" in Section 30, Township 11 North, Range 20 East; d) Name an existing road in the Pinedale/Claysprings area "Acacia Way" in Section 11, Township 11 North, Range 19 East; e) Reappointment of Ms. Carla Bowen to the Navajo County Board of Adjustment from District V for a two year term; f) Reappointment of Mr. Bill Arendell to the Navajo County Board of Adjustment from District IV for a two year term; g) Appointment of Mr. Hartley Turley to the Navajo County Board of Adjustment from District III for a two year term; h) Tax Roll corrections; i) Justice Court Report: Kayenta #4; Show Low #5; j) Juvenile Justice System Report; k) Clerk of Superior Court Report; l) Constable Report: Holbrook #1 May; Kayenta #4 July and September; Pinetop/Lakeside #6 August; Show Low #5 August; Snowflake #3 August; Winslow #2 August; **Supervisor DeSpain made a motion** to approve the Consent Agenda and authorize the Chairman to sign those documents; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Gail Calisen reviewed her written report of 55 personnel actions. Supervisor DeSpain declared a conflict on item 7 as that person is his sister-in-law. **Supervisor Thompson made a motion** to authorize the Chairman to sign the Personnel Actions as presented acknowledging the conflict declared by Supervisor DeSpain; motion seconded by Supervisor Brownlow. Vote unanimous with Supervisor DeSpain abstaining from the vote. County Manager James Jayne introduced Tim Norton as the Navajo County Risk Manager. Mr. Norton provided information to the board regarding his background and expressed pleasure at joining this team.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session: HEALTH DISTRICT CONSENT AGENDA:** **Supervisor DeSpain made a motion** to enter into the Navajo County Public Health Services District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. **Supervisor DeSpain made a motion** to approve the Consent Agenda items for the health district as presented; motion seconded by Supervisor Brownlow. Dr. Kartchner advised that the WIC program grant was \$375,080 per year. Vote unanimous approving the motion.

- a. Professional Services Agreement with Apache County Health Department for the provision of Building Better Bones classes in 5<sup>th</sup> grade classes in Concho, Round Valley and St. John's for October 1, 2007 to September 30, 2008 at the rate of \$335.00 per classroom session completed
- b. Snowflake Lease agreement between Baldwin Jones Properties and the Navajo County WIC program and Navajo County Nutrition Network program for October 1, 2007 to September 30, 2008 for \$620.00 per month
- c. Contract #HG861085 with the Arizona Department of Health Services for the WIC program for 10/1/2007 to 9/30/2012 for \$375,080.00
- d. Professional Services Agreement with Anne Staffnik, R.D. for High Risk Nutrition Counseling services with WIC program clients for \$30.00 per hour
- e. Folic Acid Contract to provide education and vitamins for low income females of child bearing age in

- Navajo County from October 1, 2007 to September 30, 2012 in the amount of \$7,500.00 per year
- f. Intergovernmental Agreement between Navajo County Public Health Services District, Heber/Overgaard Fire District and Heber Unified School District for Cooperation during Health Emergencies  
**Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**ELECTIONS:** Consideration and possible approval to increase the wages for Poll Workers on Election Day as well as training classes in order to eliminate mileage reimbursement: Elections Director Lisa McKee advised that this action would speed up the payment process for poll workers. Supervisor Brownlow stated the chart indicates the county pays lower than most of the other counties and Ms. McKee clarified that premium certification increases that pay by \$20.00 and the payment for the training is also increased. In response to a question from Supervisor Deal, Ms. McKee advised mileage payment would be on a case-by-case basis and described situations where this might occur. Supervisor Deal expressed appreciation that there could be a case-by-case decision made for special mileage circumstances. James Jayne stated that after the last election Kelly Dastrup came to him to discuss how to attract quality poll workers and then train them in a simple manner and this increase was the solution provided. He commended Ms. McKee and her team for taking the training to the communities to try to attract poll workers. **Supervisor DeSpain made a motion** to approve the elections' salaries as presented and on file in the elections' office; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**FINANCE:**

- a. Consideration and possible approval of Resolution Number \_\_\_\_\_ - 07 Authorizing Declarations of Official Intent Under U.S. Treasury Regulations with Respect to Reimbursements from Note and Bond Proceeds of Temporary Advances Made for Payments Prior to Issuance, and related matters: Deputy Finance Directors Mary Springer and Tad Spader addressed this item responding to board questions explaining that this action would reserve the right of the Board to bond and that any future implementation would come back to the board for action. **Supervisor Brownlow made a motion** to approve **Resolution Number 74-07** Authorizing Declarations of Official Intent Under U.S. Treasury Regulations with Respect to Reimbursements from Note and Bond Proceeds of Temporary Advances Made for Payments Prior to Issuance, and related matters as presented; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible authorization for Finance to sell Joseph City Irrigation District Water Shares at public auction: Continued

**PUBLIC WORKS:**

- a. **PUBLIC HEARING:** Consideration and possible approval by **Resolution Number \_\_\_\_\_ - 07** a Zone Change request by Hall Landholdings L.L.C. from RU-20 to RU-1 for the subject properties located at APN: 202-04-001D, 002, 003, 004, 006, 008, 016B, C and D in Township 13 North, Range 20 East, Sections 30 and 31 of the Gila and Salt River Meridian in the Paper Mill Road and SR 277 area: Planning and Zoning Director Bill Fraley reviewed the proposed zone change stating it is different from other proposals as it totals a little less than 50 acres with nine separate parcels under RU-20 zoning yet the largest parcel is less than twelve acres. He stated it is the current policy not to issue building permits on undersized parcels. He introduced Mr. Dennis King a resident, who in bringing this to his attention, participated in several meetings with Mr. Fraley and the Public Works' Director. Mr. Fraley reviewed surrounding property zonings. He stated a large concern for this action is roadway expectations in the future, discussing the existing roadways that are not built to county standards, stating that final agreement was that they could support one acre zoning. He stated the Planning & Zoning Commission directed staff to proceed with this action. He stated Mr. King contacted property owners as did the county, advising of the lack of response by

some owners and discussing letters of support. He stated that there are several of these situations throughout the county and staff and the commission are not taking the position that a zone change is a viable solution to zoning violations. He stated the Planning and Zoning Commission unanimously recommends this specific action and staff recommends the change. He thanked Mr. King for his efforts on behalf of this action. Supervisor Brownlow inquired what type of mechanism it would take to prevent this type of activity in the future. Mr. Fraley stated it would take an agreement with the Recorder's office, Assessor's office and Board of Supervisors to determine when such a split is being recorded and then follow up if staffing allowed. Chairman Tenney invited public comment and there was none, thus closing the public hearing. **Supervisor Brownlow made a motion** to approve **Resolution Number 75 – 07** for a Zone Change request by Hall Landholdings L.L.C. from RU-20 to RU-1 for the subject properties located at APN: 202-04-001D, 002, 003, 004, 006, 008, 016B, C and D in Township 13 North, Range 20 East, Sections 30 and 31 of the Gila and Salt River Meridian in the Paper Mill Road and SR 277 area; motion seconded by Supervisor DeSpain. Supervisors thanked Mr. King for his efforts. Vote unanimous approving the motion.

- b. Consideration and possible award of a sole source contract to Atwell Salvage & Demolition for the supplying of Crushed Concrete Base Course (ABC) to BIA Routes N71 in the Bird Springs area for the delivered price of \$24.15 per ton not to exceed \$100,000.00 with the funds to come from District II Special Road Funds: Dusty Parsons requested this item be pulled as it will be bid out and brought to the board at a later date resulting in a delay of this project by a few months. Supervisor Thompson requested assurance this would be put back on the agenda at a future date and Mr. Parsons stated it would be.
- c. Consideration and possible award of Professional Services Contract #B07-06-011 Civil Engineering On-Call Services to Arizona Engineering Company, P S O M A S, TY Lin International, and Willdan in the amount of \$200,000.00 each: Dusty Parsons stated this contract will provide four different companies to select from for on-call services with each contract not to exceed \$200,000. He advised that 16 companies responded and staff selected the top firms by specialty. **Supervisor DeSpain made a motion** to approve these contracts as presented; motion seconded by Supervisor Brownlow. In response to a question from Supervisor Brownlow about how these contracts would impact existing vacancies in engineering staffing, Mr. Parsons stated they would not as these contracts are in accordance with a decision made two years ago to bid out design projects. Vote unanimous approving the motion.
- d. Consideration and possible approval of **Resolution Number** - 07 rescinding Resolution 59-07 to correct error in date and amending an Inter-Governmental Agreement (IGA) with the Arizona Department of Transportation for the Reservation Roadway Maintenance Funding: Dusty Parsons advised the original IGA included some wrong dates and this is a housekeeping action to correct the documents through resolution. **Supervisor Thompson made a motion** to approve **Resolution Number 76 - 07** rescinding Resolution 59-07 to correct an error in the date and amending an Inter-Governmental Agreement (IGA) with the Arizona Department of Transportation for the Reservation Roadway Maintenance Funding; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. Consideration and possible approval of Amendment One to the professional services contract with TransSystems for the final design of the Obed Road Bridge Project in an amount not to exceed \$153,513.00: Dusty Parsons discussed the alternatives for the completion of this project stating the recommended alternative is to replace the existing trusses with new steel trusses to support HS20 live load and a new concrete deck would be provided. He stated this option is affordable for the county, providing a long term solution for alternative travel for I-40 in the event of an accident. Supervisor DeSpain expressed appreciation to Mr. Parsons and his staff for conducting the stake holder meeting and, with this input, coming up with a good solution for improving this bridge even without converting it to two lane. **Supervisor DeSpain made a motion** to approve the item as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- f. Consideration and possible approval of an Intergovernmental Agreement with the City of Show Low for a lease for Navajo County office facilities: Dusty Parsons stated this agreement is for the McNeil facility to

accommodate the extensive growth experienced since moving into the building a year ago. He advised improvements will be made as have been done in the past on the buildings leased for \$1.00 per year. **Supervisor Brownlow made a motion** to approve the Intergovernmental Agreement with the City of Show Low as presented; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

- g. Consideration and possible approval of Intergovernmental Agreement between the State of Arizona and Navajo County for the overlay and chip seal of SR277 spur, MP 321.2-MP 322.4: Dusty Parsons advised this road belongs to the State and services Abitibi. He stated that Abitibi requested some much needed maintenance and the State had no funding identified for the project. He stated this agreement will allow a partnership with the State for the overlay and chip seal with ADOT funding the project at \$175,000 and at a cost to the county not to exceed \$150,000 with special road funds from District 3 and District 4 funding this project at \$75,000 each. Chairman Tenney inquired if plans are in process to mow the weeds and Mr. Parsons said weed abatement will take place through this process. **Supervisor DeSpain made a motion** to approve an Intergovernmental Agreement between the State of Arizona and Navajo County for the overlay and chip seal of SR277 spur, MP 321.2-MP 322.4; motion seconded by Supervisor Thompson. Supervisor Deal commented that it is good that ADOT found the funding for this project as it is a matter of safety and he believes that ADOT should be willing to extend that effort to the northern area, stating that safety should be of paramount importance. Chairman Tenney clarified that ADOT should have completed the entire project but this partnership will result in the project being done when ADOT had shown no willingness in their five year plan to address this maintenance. In response to a question regarding liability, Mr. Parsons stated maintenance would not increase the county liability except for when the project is underway and county equipment is on the road. Vote unanimous approving the motion.

Supervisor Deal stated that in relation to item “d” that the County has been shorted on funding through the allocation formula and he wrote a letter of protest, receiving a response that neither Coconino County nor Apache County shares these feelings. He stated he spoke with the other two counties who responded that they also do not like this formula and they would like to sit down and discuss this issue. He requested that Mr. Parsons send a letter to the State indicating that there is interest for the Public Works Director and the three counties involved to sit down with the State to discuss this formula. Mr. Bowers advised this request was outside the scope of this agenda item and recommended he meet with Mr. Parsons following the meeting.

**BOARD OF SUPERVISORS ACTING AS BOARD OF EQUALIZATION:** Consideration and possible action on Board of Equalization Hearing Officer’s recommendations on hearings conducted on September 26, 2007 for Petition for Review of Real Property Valuation, Personal Property Petition for Review of Valuation and Residential Petition for Review of Valuation: **Supervisor DeSpain made a motion** to enter into the **Board of Equalization Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. **Supervisor Brownlow made a motion** to approve the Board of Equalization hearing officer recommendation as presented:

Joyce Richart	No change	\$ 244,575	\$201,774
Carol S. Bennett	No change	\$ 185,719	
13 Associates LLC	No change	\$1,799,980	
Arizona 1 LLP	No change	\$2,074,540	
Ponderosa Meadows LP	No change	\$2,086,954	
McMann, Wilbur	Accept assessor’s recommendation	\$ 9,200	
Mack, Michael Walter	No change	\$ 31,955	
Cox, Lester F.	5% reduction	\$ 502,550	\$482,661

Motion seconded by Supervisor Deal; vote unanimous approving the action. **Supervisor Brownlow made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**BOARD BUSINESS:** Supervisors reported on issues and activities within their district and meetings they had attended to address issues impacting the county. Supervisor Deal requested the County Manager and Public Works Director continue to monitor fostering cooperation between the Hopi Tribe, BIA and county on transportation issues acknowledging that the county's consultant has moved this process forward in Washington. Supervisor DeSpain expressed appreciation to Mr. Jayne, the Clerk and her staff for keeping supervisors on track with their rapid schedule changes. Supervisor Brownlow expressed appreciation for James Jayne's strength in continually forming partnerships to assist communities, citing a recent example in Pinetop Lakeside. Supervisors advised they enjoyed the recent County picnic. James Jayne reported he would leave on Saturday for ICMA stating he appreciates the support of the board for this program as well as the CPM program. He stated he appreciates the Clerk of the Board and her leadership of the front office. He recognized Deputy Clerk Lorinda Brown and thanked her for her efforts with the support of Debra Chapman and Heather Beltran in keeping the front office running well.

**ADJOURN:** At 10:50 a.m., **Supervisor DeSpain made a motion** to adjourn; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**J. R. DeSpain, Vice-Chairman**

**ATTEST:**

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**Darlene Fraley, Clerk of the Board**