

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, JANUARY 22, 2008

9:30 a.m. The meeting was called to order and Supervisor Brownlow led the Pledge of Allegiance and offered the invocation.

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

CALL TO THE PUBLIC: No response

BOARD BUSINESS: A representative of Quality Emulsions and Supervisors recognized the outstanding work ethic and quality of work of Chief Deputy County Attorney Lance Payette and Purchasing Assistant Myrtle Pizell. Supervisors expressed appreciation to these employees for their dedication.

CONSENT AGENDA: a) Vouchers; b) Tax Roll Corrections; c) Contribution of display item to Code Talker Exhibit being held at Navajo Nation Museum in Window Rock, AZ; d) Re-appointment of the Justice of the Peace Pro Tempore and Special Hearing Officers: David Antonini, Marisa Shaffery, Dana Sipes, Yvonne Hunt, Paul Julien, Gloria Weaver and Christian Ackerly; e) Letter to Senator Jake Flake regarding the Navajo County 2008-2009 budget; f) Letter to Brian Millsap, State Administrator, United States Fish and Wildlife Service, regarding Notice of Intent to prepare an environmental impact statement and socioeconomic assessment for the proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Mexican Gray Wolf; g) Thank you letters to the Winslow Levee Advisory Committee members for their role in guiding the levee rehabilitation effort; h) Sympathy letter to Tabitha Sedillo; i) Letter of congratulations to Rusty DeSpain for his re-election as Fair Board Chairman; j) Appointment of Mike Wyatt and Esther Peterson to the Navajo County Extension Advisory Board to fill the two-year term vacancies left by Vern Turley and Lewis Tenney; k) Contract Amendment No. 1 Navajo County Flood Control District On-Call ALERT System Technical Services; l) County Attorney Bad Check Quarterly report—4th quarter 2007; m) Appointment of Republican Precinct Committeeman: Darrin Michael Farrar, Precinct 32 Show Low; n) Name an existing road in the White Mountain Lakes area “Cedarwind Road”- Section 5, Township 11 N, Range 22 E; o) Name an existing road in the Clay Springs area “Dakota Lane” - Section 13, Township 11 N, Range 19 E; p) Name an existing road in the Pinetop/Lakeside area “Fire House Lane”- Section 04, Township 9 N, Range 23 E; **Supervisor Brownlow made a motion** to approve the Consent Agenda and authorize the Chairman to sign the documents; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

HUMAN RESOURCES:

- a. Consideration and possible approval of Personnel Action report: Gail Calisen reviewed the 23-item written report and responded to questions from supervisors related to this report. **Supervisor Tenney made a motion** to approve the Personnel Action report authorizing the chairman to sign the report; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Consideration and possible approval of the revision to Section 2.2 of the Personnel Policies Manual on Overtime to include accrual of (or banking of) a maximum of 80 hours of comp time for nonexempt employees: Gail Calisen reviewed this policy revision, discussing the new language related to comp time and advised that the Personnel Commission has reviewed this policy and is in agreement with it. Ms. Calisen responded to questions from the Supervisors. **Supervisor Tenney made a motion** to approve as presented the revision to Section 2.2 of the Personnel Policies Manual on Overtime to include accrual of (or banking of) a maximum of 80 hours of comp time for nonexempt employees; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Ms. Calisen advised this revision will become effective February 1, 2008.

SHERIFF'S OFFICE: Consideration and possible acceptance of \$35,000 grant from Arizona Peace Officer Standards and Training Board (AZ POST) to Navajo County Sheriff's Office for the move and setting up of the training building at the NATC facility in Taylor: Sheriff Gary Butler reviewed the grant, stating one of his priorities is training and this grant is a result of his dedication to that effort even though the Sheriff substation is now going to the Taylor Road Yard. He stated that following receipt of the grant, he will make an agreement with NATC to transfer those funds to the NATC training center. Supervisor Tenney thanked the Sheriff for his efforts on getting POST on board for this grant especially in light of the cuts already made by the State. In response to a question from Supervisor Deal, Sheriff Butler advised that all three tribes currently use the facility and he discussed the progress of setting up classrooms. **Supervisor Tenney made a motion** to accept a \$35,000 grant from Arizona Peace Officer Standards and Training Board (AZ POST) to Navajo County Sheriff's Office for the move and setting up of the training building at the NATC facility in Taylor; motion seconded by Supervisor Deal; vote unanimous approving the motion.

EMERGENCY MANAGEMENT: Consideration and possible approval of expenditures of reimbursable funds from Arizona Department of Emergency Management for repairs to equipment damaged by a lightning strike and to upgrade the EOC: Tim Zaremba reviewed this request, advising that all funds expended by the county will be reimbursed through the Arizona Department of Emergency Management. **Supervisor Deal made a motion** to approve the expenditures of reimbursable funds from Arizona Department of Emergency Management for repairs to equipment damaged by a lightning strike and to upgrade the EOC; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session: HEALTH DISTRICT CONSENT AGENDA: **Supervisor Tenney 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 Brownlow made a motion** to authorize the chairman to sign the items in the Consent Agenda as listed below; motion seconded by Supervisor Tenney. In response to a question from Supervisor Deal, Dr. Kartchner stated this grant pays the salary of the secretary to track testing. Vote unanimous approving the motion.

- i. Consideration and possible action related to the Arizona Department of Health Services Contract #HG852272, HIV Prevention Program
- ii. Consideration and possible approval of new contract with Debra Smalley, Registered Nurse Practitioner, to provide family planning services to Navajo County residents effective January 1, 2008 through December 31, 2008

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

ELECTIONS:

- a. Video streaming of Elections' process presentation: Lisa McKee, Robert Heming and Phil Wills conducted a presentation of the state-mandated election video streaming of the elections' process. Mr. Heming stated that the live video streaming is actually sent through Mesa where band width is cheaper. They responded to questions from the supervisors. County Manager James Jayne further explained this process and thanked Ms. McKee and Mr. Heming for their efforts on the completion of this project.
- b. Consideration and possible approval to conduct a precinct based election for the White Mountain Lake Fire District to adopt the 2006 International Fire Code and the 2006 International Wildland/Urban Interface Fire Code on May 20, 2008: Lisa McKee reviewed the request for this election, responding to questions from the supervisors. Supervisor Tenney inquired if this adoption would put them in conflict with county planning & zoning ordinances and was advised that this would have to be researched. This item was continued until February 5, 2008

Item F was moved to this point

FINANCE/PURCHASING

- a. Consideration and possible award of IFB Number B07-010-024 for new 2008-2009 vehicles of various types: Cris Parisot distributed bid award recommendations and Mary Springer reviewed these tabulations with recommendations to award the 2008 Ford Fusion \$13,342.45 to Winslow Ford, 2008 Ford Escape 4x4 \$16,483.87 to Winslow Ford, 2008 Ford mini-van \$20,589.24 to Winslow Ford. She advised that she is requesting that all other bids be rejected with other vehicles to be purchased on state contract. Ms. Springer responded to questions advising this award does not include sales tax and staff will pick up vehicles in the valley and this was considered in the bid award. Supervisors expressed appreciation that through this process a local vendor received an award. **Supervisor Tenney made a motion** to approve the award of these vehicles and rejecting all others as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Consideration and possible adoption of county cell phone policy: Mary Springer reviewed the cell phone policy revision that was initiated due to an Internal Revenue requirement for the county to specifically address this issue as a fringe benefit. **Supervisor Tenney made a motion** to adopt the revised county cell phone policy as presented and on file in the Human Resources department; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Mary Springer expressed appreciation to Lance Payette for his effort on this policy revision.
- c. Report of Navajo County financial status: Supervisor DeSpain commended James Menlove for his efforts on the Navajo County Fair where he volunteered assisting with their accounting procedures. Mr. Menlove presented a plaque that the Fair Board presented to Navajo County and Supervisor DeSpain suggested that this plaque hang in Mr. Menlove's department. Mr. Menlove discussed the state of the county finances comparing it to the State, cities and towns and other counties that are in hiring freezes and dire financial straits. He discussed the conservative budget approach that Navajo County takes to the budget process by budgeting only 95% of the Department of Revenue estimated revenue and that for all other revenues they budget what was received in prior fiscal year. He reported that at the end of December the county received 48% of state shared revenue and 51.2% of county revenue so in those areas the county is on track; licenses/permits and fines/fees for the courts are significantly below where they were last year. The county is 57% through the year and has spent 41% of the budgeted expenditures. He advised the state is considering shifting \$2 million of the shortfall from the State to Navajo County discussing where those cuts would be taken. He reported ASRS contributions are decreasing slightly but the other four retirement programs are increasing substantially and he anticipates no insurance increase for the employee. He advised that he anticipates with state cost shifts, the 5% employee raise, increased retirement costs and other mandated increases, there will be increased budgeted expenditures of \$1.3 million. He advised that no new FTEs for FY09, regardless of funding source, will be brought to board and the county will curtail capital purchases to a significant extent to help balance the budget. Supervisor Tenney inquired if there had been any indication from the insurance consortium if the county is on track to become full fledged member and Mr. Jayne stated that the actuarial numbers will be out in February and the Board will receive an update. He stated the health plan is now fiscally solid from a bankrupt situation. Supervisors thanked Mr. Menlove and Mr. Jayne for their conservative approach and foresight in the budgeting process which puts the county in a better position than most.

PUBLIC WORKS:

- a. Navajo County Flood Control District Board of Directors Session: Consideration and possible authorization for the Chairman to sign a letter in support of a Water Quality Improvement Grant in partnership with the Town of Snowflake and The Lower Silver Creek Watershed Alliance Committee: **Supervisor Tenney 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. Homero Vela discussed the partnership grant proposal for this letter of support. Following discussion,

Supervisor Tenney made a motion to authorize the Chairman to sign a letter in support of a Water Quality Improvement Grant in partnership with the Town of Snowflake and The Lower Silver Creek Watershed Alliance Committee; motion seconded by Supervisor Brownlow. Mr. Vela and Supervisors discussed the cost of this grant which now is considered to be a 50/50 basis but actually may be closer to 60/40 with that matching formula applying to both phases; these issues will be addressed during the budgeting process. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- b. Consideration and possible approval of intergovernmental agreement (IGA) with the Navajo Nation to partner to conduct Navajo Fuel Excise projects for approximately 32 miles of graveling within District I and District II of Navajo County: Dusty Parsons reviewed this IGA that was approved by both Navajo Nation and county legal counsel and the agreement is for the county to administer funds and contract out the work. He reviewed the projects as listed in the agreement and discussed the process advising that this type of project has never occurred before. He advised three of the grants belong to Navajo County and others belong to Chapters who do not have ability to administer contracts and he anticipates the projects covering two to three years. **Supervisor Deal made a motion** to approve the intergovernmental agreement with the Navajo Nation as a partnership to administer Navajo Fuel Excise projects for approximately 32 miles of graveling within District I and District II of Navajo County as presented. Motion seconded by Supervisor Thompson. Supervisor Deal and Supervisor Thompson expressed appreciation to Dusty Parsons, James Jayne and their staff and the county attorney's office for their support, stating this is the first time the Navajo Nation has awarded this amount of money to an outside agency to do a project on the Navajo reservation and this can be used as a baseline to work together with other governmental entities. Mel Bowers provided an overview of the agreement where the work will be done then the county will be reimbursed for the materials and discussed concessions that were made on both sides to protect everyone's interest. Supervisor Brownlow commended Supervisor Thompson and Supervisor Deal for their efforts on behalf of their constituents and thanked Mr. Bowers' for having Lance Payette address the legal issue. Vote unanimous approving the motion.
- c. Consideration and possible approval to amend the appropriation of funding for Amendment No. 3 to the Wilson & Company contract for the transportation plan for the areas of Holbrook, Winslow, Joseph City, Heber, Sun Valley, Overgaard, and Woodruff to come out of District II (\$25,000), District III (\$25,000) and District IV (\$25,000) Special Road funds: Dusty Parsons advised that this item was brought back for an adjustment in the funding allocation. **Supervisor Thompson made a motion** to approve the appropriation amendment of funding for Amendment No. 3 to the Wilson & Company contract for the transportation plan for the areas of Holbrook, Winslow, Joseph City, Heber, Sun Valley, Overgaard, and Woodruff to come out of District II (\$25,000), District III (\$25,000) and District IV (\$25,000) Special Road funds; motion seconded by Supervisor Tenney. Supervisor Thompson advised he wants future plans to include roads going from off-reservation to on-reservation roads, discussing the deplorable condition of those roads. Vote unanimous approving the motion.
- d. Consideration and possible authorization to use District II Special Road Funds to fence approximately two miles of North Park Drive (west side only) in the Winslow area in an amount not to exceed \$30,000: Dusty Parsons reviewed this request, oriented the board to the road and advised that a few years ago the county fenced all of the west side to reservation line and they now want to complete fencing to the Winslow city limits. **Supervisor Thompson made a motion** to use District II Special Road Funds to fence approximately two miles of North Park Drive (west side only) in the Winslow area in an amount not to exceed \$30,000; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. **PUBLIC HEARING:** Consideration and possible adoption of Resolution Number - 08 for the proposed Special Use Permit request by New Directions Media, Inc. to construct an approximate 496' FM radio tower-transmitter on APN 206-31-001C in Township 12 North, Range 18 East, Section 2 of the Gila and Salt River Meridian in the Heber area: Bill Fraley oriented the board to the site, provided a brief overview of the history of moving this tower from the Clay Springs area to this area, reviewed the staff report and

advised staff and the Planning and Zoning Commission recommend approval. Supervisor DeSpain opened public hearing and hearing no comments, closed the hearing. Supervisor Tenney expressed appreciation to the developer, Mr. Zelmer, for his willingness to relocate. **Supervisor Tenney made a motion** to adopt **Resolution Number 10 - 08** with stipulations for the proposed Special Use Permit request by New Directions Media, Inc. to construct an approximate 496' FM radio tower-transmitter on APN 206-31-001C in Township 12 North, Range 18 East, Section 2 of the Gila and Salt River Meridian in the Heber area; motion seconded by Supervisor Deal; vote unanimous approving the motion.

f. **Mesa Hills Estates PUBLIC HEARINGS:** Bill Fraley oriented the board to the site map and reviewed the staff report advising that additional studies will be required during subsequent processes. He reviewed stipulations included in the resolution and advised the Planning and Zoning Commission unanimously approved the project. Mel Bowers inquired if the project is consistent with the general plan and Mr. Fraley said it was. Chairman DeSpain opened the public hearing: Akos Kovach of 407 W. Iowa, Holbrook, Jerrie Paschal of Perkins Valley, Brad Heward of 212 W. Buffalo, Holbrook, and Lynn Hatton of 1201 S. Westover Avenue, Holbrook addressed the board discussing the need for housing and spoke in favor of this project. When asked if any were opposed there was no response and the chairman closed the hearing.

i. Consideration and possible adoption of **Resolution Number - 08** for a Zone Change request by Pacific Holt Corporation from A-General to R1-43 Zoning for APN: 109-33-040B and portions of 10—33-040A, 109-01-005, 109-31-010E in Township 17 and 18 North, Range 20 East, Sections 4, 33 and 34 in the Perkins Valley area: **Supervisor Tenney made a motion** to adopt **Resolution Number 08 - 08** for a Zone Change request by Pacific Holt Corporation from A-General to R1-43 Zoning for APN: 109-33-040B and portions of 10—33-040A, 109-01-005, 109-31-010E in Township 17 and 18 North, Range 20 East, Sections 4, 33 and 34 in the Perkins Valley area; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

ii. Consideration and possible adoption of **Resolution Number - 08** for a Master Development Site Plan for the proposed “Mesa Hills Estates” Development for APN: 109-33-040B and portions of 10—33-040A, 109-01-005, 109-31-010E in Township 17 and 18 North, Range 20 East, Sections 4, 33 and 34 in the Perkins Valley area: **Supervisor Deal made a motion** to adopt **Resolution Number 09- 08** for a Master Development Site Plan for the proposed “Mesa Hills Estates” Development for APN: 109-33-040B and portions of 10—33-040A, 109-01-005, 109-31-010E in Township 17 and 18 North, Range 20 East, Sections 4, 33 and 34 in the Perkins Valley area; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

At 12:10 the Board of Supervisors recessed for lunch and reconvened at 1:35 p.m.

BOARD BUSINESS: Supervisor DeSpain displayed a plaque from the Fair Appreciation Dinner that he accepted on behalf of the Board of Supervisors. He thanked Public Works and Building and Grounds for their hard work on behalf of the fair. All Supervisors discussed events and activities within their districts; the impact state budget cuts could have on county residents and the need to watch this process closely; and viewed pictures of the snowstorm in the northern part of the county that created emergency conditions acknowledging that an appreciation dinner for everyone who assisted in the emergency would take place tonight at Pinon School District.

EXECUTIVE SESSION for legal advice pursuant to A.R.S. §38-431.03(A) (3) regarding the proposed settlement of QWEST tax litigation: At 1:35 p.m., **Supervisor Brownlow made a motion** to go into executive session for this purpose; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

The Board of Supervisors reconvened at 2:03 p.m.

EXECUTIVE SESSION for legal advice pursuant to A.R.S. §38-431.03(A) (3) regarding the employment

contract for the County Manager: Supervisor Brownlow made a motion to enter into executive session for this purpose; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

At 2:18 p.m. the Board of Supervisors reconvened into regular session.

EXECUTIVE SESSION pursuant to A.R.S. § 38-431.03(A) (1) for personnel discussion to conduct the annual performance evaluation of the County Manager: At 2:20 p.m., **Supervisor Tenney made a motion** to enter into this session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

RECONVENE for action related to the employment contract for the County Manager: The Board of Supervisors reconvened at 3:00 p.m. **Supervisor Tenney made a motion** to renew the County Manager's contract for an additional two years with an amendment to Section 4, Paragraph C eliminating the assignment of a county vehicle and inserting vehicle allowance language as prepared by the County Attorney with the vehicle allowance to be \$850.00; motion seconded by Supervisor Deal. Supervisor Tenney said the Board would like to publicly thank James Jayne for his service stating that he has the confidence of the board. Vote unanimous approving the motion.

PURCHASING:

- a. Conduct public auction of four parcels located on Oval Drive in Overgaard: APN 206-17-111; 206-17-102; 206-17-016; 206-17-049: Mary Springer advised that there are no bidders on these properties so no auction would be held. In response to a question from Ms. Springer, Mel Bowers stated that these properties could be sold at internet auction.
- b. Consideration and possible action to deem all properties sold as auctioned No action

ADJOURN: At 3:02 p.m., **Supervisor Tenney made a motion** to adjourn; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Chairman

March 18, 2008

ATTEST:

Clerk of the Board