

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES  
BOARD OF SUPERVISORS' CHAMBERS HOLBROOK  
TUESDAY, AUGUST 5, 2008**

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

**9:01 a.m. Call to Order:** Supervisor Tenney led the Pledge of Allegiance and offered the invocation.

**CALL TO THE PUBLIC:** Donna Bell Raishe addressed the board, stating her address is protected so she would not provide it today. She expressed concerns related to being threatened by the Public Fiduciary's office and the County Attorney's office, reporting that the county is in possession of her property and that she has been through Superior Court. She said she feels threatened, harassed, persecuted and lied to even though these offices say they are doing everything legally. She said she could not meet the timeline imposed by the courts because of a serious accident but she wants her personal property back and needs a stay on the order for 30 days. Mr. Jayne stated that currently staff is operating under the direction of the County Attorney, Superior Court, and Justice of the Peace. He said he will ask the Public Fiduciary to follow up today regarding the referenced personal items.

**CONSENT AGENDA:** a) Warrants over \$1,000 for June 2008; b) Vouchers; c) Minutes—July 15, 2008, July 28, 2008; d) Request for Redemption of Waiver pursuant to A.R.S. §42-11153 for two properties Minutes—July 15, 2008; e) Name an existing road in the Chevelon Canyon Ranch #6 area “Mira Road” in Section 09 Township 15 North Range 16 East; f) Name an existing road in the Chevelon Canyon Ranch #6 area “Henna Road” in Section 7, 9, 11, 17 & 15 Township 15 North Range 16 East and Section 13 Township 15 North Range 15 East; g) Name an existing road in the Show Low area “Jardin Drive” in Section 06, Township 10 North, Range 21 East; h) Letter of appreciation to Arizona Corporation Commissioner Kris Mayes for support of the Dry Lake Wind Farm project and alternative energy projects in Arizona; i) Special event liquor license for August 30<sup>th</sup>, August 31<sup>st</sup> and September 1, 2008 as requested by the Sons of the American Legion Squadron #86 to be located at 2068 Lumber Valley Road, Overgaard for a Labor Day weekend event; j) Special event liquor license for September 20<sup>th</sup> and September 21, 2008 as requested by the Sons of the American Legion Squadron #86 to be located at 2068 Lumber Valley Road, Overgaard for an October Fest event; k) Letter of sympathy to Representative Bill Konopnicki; l) Law Enforcement Boating and Safety Fund grant to fund a position, equipment and training in the amount of \$85,533.81; m) Renew the Department of Corrections Contract #070013DC to house DOC prisoners for the period of January 17, 2009 through January 16, 2010; n) Food service contract with ABL for the adult and juvenile detention facility to reflect increased price of 4.1% as related to the National Consumer price Index; o) FY09 Victims' Rights Program 2009 Award Agreement in the amount of \$18,800 to pay partial salary and ERE for an Office Support Specialist; p) BY09 Fill the Gap Grant Application to fund Pro Tempore Judges, contract court reporters, a courtroom clerk, training for employees and miscellaneous operating expenses; q) FY09 Field Trainer Grant application to fund \$25,000 toward a court employee salary and employee related expenses; r) Renewal of Intergovernmental Agreement with the City of Winslow for Court Collection Services; s) County Attorney Bad Check program quarterly report for period ending July 1, 2008; t) Appointment of James Matteson as Superintendent of Streets for all county improvement districts with the exception of water and wastewater improvement districts; u) Amendment #1 for Contract #DE081298001 to add \$15,000 in PY08 set-aside Business Service money, \$15,000 FY09 set-aside Business Service money and \$3,000 PY08 set-aside Technical Assistance money into the WIA program; v) \*Letter of appreciation for John Dalton's years of service on the Navajo County Planning and Zoning Commission; w) \*Transmittal letter for the 2008-2009 Navajo County budget: Chairman DeSpain expressed appreciation for John Dalton's years of service to the county and community, especially as related to the chairmanship of the Planning and Zoning Commission. **Supervisor Tenney made a motion** to approve the Consent Agenda as presented; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

All presented sang Happy Birthday to Supervisor Deal.

**BOARD OF SUPERVISORS:**

- a. Quality Emulsions and Navajo County Recognizing Excellence: Supervisors presented a certificate and a fruit basket as sponsored by Quality Emulsions to the Human Resources department, Gail Calisen, Shalice Cook, Curlinda Lake and Delanna Lacey for their outstanding contributions to county operations.
- b. Personnel service awards: Supervisors recognized the following for their years of service to the county: 5 years: Sandra Martinez, Tamica Serna, Videl Serna, Karen Tsinnie; 10 years: Salli Baldonado and Valerie Wyant; 15 years: Eileen Rogers and William Barnard; and 20 years: Timothy Zaremba.

**BOARD OF SUPERVISORS/BOARD OF EQUALIZATION SESSION:** **Supervisor Brownlow made a motion** to enter into the Board of Equalization Session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- a. Swearing in of Assessor, Appraisers and Petitioners: Darlene Fraley, Clerk of the Board, swore in the petitioners and Chris Frayer of the Assessor's office.
- b. Discussion and possible action regarding Petition for Review of Taxpayer Notice of Proposed Correction for APN 208-17-002B for Dixie Lee Cameron: Chris Frayer reviewed the rationale and comparables related to this recommendation, stating that after evaluating all documentation the assessor's office recommends the 2009 value remain at \$65,000. In response to a question, Ms. Frayer explained the issue related to the error that was originally made on the valuation, stating that unfortunately the subject parcel was not given contiguous value and when revalued it was beyond the time frame for notices to go out. In response to questions from Chairman DeSpain and Supervisor Deal, Ms. Frayer advised that the special consideration granted after the Rodeo Chediski fire has expired. Alex Cameron introduced himself and read his rationale related to the re-evaluation of the property. Following discussion, **Supervisor Tenney made a motion** to uphold the Assessor's decision of the value as \$65,000; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. **Supervisor Brownlow made a motion** to return to regular session; motion seconded Supervisor Thompson; vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Action report: Gail Calisen reviewed her 51-item written action report. **Supervisor Brownlow made a motion** to approve the Personnel Action report and authorize the Chairman to sign it; motion seconded by Supervisor Thompson. In response to a question from Supervisor Deal, Ms. Calisen advised that #47 references an individual assigned from regular duties to the Navajo Nation for a period of time in response to the Board's emergency declaration. Vote unanimous approving the motion. Mr. Jayne thanked Ms. Calisen and her team for what they are doing, making life better for all employees in county.

**ELECTIONS:** Consideration and possible approval to conduct a precinct based election on November 4, 2008 to adopt: Lisa McKee reviewed both requests. **Supervisor Brownlow made a motion** to approve both election requests as listed below; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- a. Pinetop Fire District to adopt the 2006 International Fire Code
- b. Lakeside Fire District to adopt the 2006 International Fire Code with appendices

**FINANCE:**

- a. **PUBLIC HEARING TRUTH IN TAXATION PURSUANT TO ARS § 42-17104:** Consideration and possible approval of property tax levy as presented with tax rates to be set at the August 18, 2008 Board of Supervisors' meeting: James Jayne advised that the primary rate drops nearly three cents this

fiscal year but will generate additional funding that represents the levy limit 2% growth plus the new construction allowance. He stated that representatives from ATRA met this year with Mr. Menlove as they have in the past; that through the relationship they have developed with Navajo County they found no issue with our tax rates and saw no need to be here today. Supervisor Brownlow expressed his appreciation for the trust level that county administration has developed with this group. Chairman DeSpain convened the public hearing and with no public comment, closed the hearing. In response to a question, Ms. Fraley advised publication requirements for today's action were met and Mr. Jayne advised the notice was also on the website. **Supervisor Tenney made a motion** to approve the property tax levy as presented: motion seconded by Supervisor Brownlow. Roll Call Vote: Supervisor Tenney, Supervisor Thompson Supervisor Brownlow, Chairman DeSpain, and Supervisor Deal all voted "aye".

b. **PUBLIC HEARING ON THE FINAL 2008-2009 BUDGET PURSUANT TO ARS § 42-17104:**

Chairman DeSpain opened the public hearing for the FY Final 2008-2009 budget. Mr. Jayne advised that Mr. Menlove has been critically ill for a couple of weeks; spending considerable time at Summit Health Care and is now home but will be home for a while. He expressed staff's love and appreciation for Mr. Menlove. He complimented Lauren Sedillo on her participation in this process, thanked Mary Springer for taking leadership of the department and Randy Sullivan for his willingness to take on additional duties and leading the financial team. Mr. Jayne advised that following preliminary budget adoption, there had been adjustments within the budget that did not change the bottom line numbers. He described one change as a \$5,000 transfer from the 019 budget to the Building and Grounds budget to help partner with the fairgrounds and that the second change is a \$100,000 surprise action coming out of the state budget process requiring counties to share the cost of the DPS crime lab. He stated the Sheriff's office can fund approximately \$6,000 out of the MCAT budget and the remaining approximately \$94,000 will come out of carry forward funds. Mr. Jayne thanked elected officials and department directors in the county for working together to meet county needs without exceeding resources. He stated this budget reflects flat revenue growth with every department absorbing employee salary increases. He stated there has been an increased demand for services especially in the judicial system. He advised that county managers anticipate additional budget hits from the state. He stated administration will continue to monitor revenues and if they feel revenues are dropping, will come back to the board with recommendations for adjustments. He advised this is a fair and balanced budget. With no response from the public during this hearing, Chairman DeSpain closed the hearing.

ii. Convene Special Meeting of Board of Supervisors for final budget adoption: **Supervisor Tenney made a motion** to convene the special meeting of the Board of Supervisors for final budget adoption; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

iii. Consideration and possible adoption of Resolution Number \_\_\_\_\_ - 08 for the proposed final budget for fiscal year 2008-2009 for Navajo County: **Supervisor Tenney made a motion** to adopt **Resolution Number 50-08** for the proposed final budget for fiscal year 2008-2009 for Navajo County; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

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

a. **Board of Directors' Sessions for consideration and possible adoption of final 2008-2009 budgets:** Mr. Jayne advised these budgets have not changed since the preliminary budget adoption.

i. Silver Creek County Road Improvement District: **Supervisor Tenney made a motion** to enter into the Silver Creek County Road Improvement District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to adopt the Silver Creek County Road Improvement District final 2008-2009 budget; motion seconded by Supervisor Tenney; 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.

ii. White Mountain Lakes Recreation District: **Supervisor Brownlow made a motion** to enter into the

- White Mountain Lakes Recreation District **Board of Directors' Session**; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the White Mountain Lakes Recreation District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Brownlow made a motion** to return to regular session; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- iii. Victory Heights Road Maintenance District: **Supervisor Tenney made a motion** to enter into the Victory Heights Road Maintenance District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Victory Heights Road Maintenance District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Brownlow made a motion** to return to regular session; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- iv. Navajo County Library District: **Supervisor Tenney made a motion** to enter into the Navajo County Library District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Navajo County Library District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- v. Navajo County Public Health Services District: **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. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Navajo County Public Health Services District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- vi. Silver Creek Flood Prevention District: **Supervisor Tenney made a motion** to enter into the Silver Creek Flood Prevention District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Silver Creek Flood Prevention District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- vii. Little Colorado River Flood Control District: **Supervisor Tenney made a motion** to enter into the Little Colorado River Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Little Colorado River Flood Control District final 2008-2009 budget; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- viii. Navajo County Flood Control District: **Supervisor Tenney made a motion** to enter into the Little Colorado River Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Chairman DeSpain asked for public comment and with none, closed the hearing. **Supervisor Brownlow made a motion** to approve the Navajo County Flood Control District final 2008-2009 budget; motion seconded by Supervisor Thompson; 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.

James Jayne advised the new budget format as presented will be submitted to Government Finance Officers of

Arizona demonstrating this budget meets county standards. He thanked Mary Springer, Cris Parisot, John Swanson and Myrtle Pizzel who will do the binding and printing. Chairman DeSpain thanked staff, stating this presentation is commendable and he wished Mr. Menlove was here to receive the praise.

**PUBLIC WORKS:**

- a. Navajo County Flood Control District Board of Directors' Session: **Supervisor Brownlow 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. Mr. Vela stated this ordinance administers the flood plain meeting federal and state requirements. He reviewed administrative changes within the document.
  - i. **PUBLIC HEARING:** Consideration and possible adoption of revised Navajo County Flood Damage Prevention Ordinance Number FCD 01-08: In response to a question from Supervisor Deal, Mr. Vela said he has shared this document with the City of Winslow and their flood plain elevation request may be a foot less as they are further from the river. Chairman DeSpain advised the levee committee has also reviewed this document and Winslow is satisfied with what Navajo County has done and with the public information Navajo County has provided to its citizens. Chairman DeSpain asked for public comment and with none, closed the hearing. Supervisor Thompson reported the communication between the Flood Control office and the public is well done. **Supervisor Thompson made a motion** to adopt the revised Navajo County Flood Damage Prevention Ordinance Number FCD 01-08; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
  - ii. Consideration and possible approval of the Feasibility Cost Share Agreement with the Army Corps: Homero Vela displayed a map of impacted floodplains in the Winslow area, discussed the success of the meetings related to this feasibility study and thanked staff Teresa Cameron and Trent Larson for their participation in this process. He discussed the Project Management Plan (PMP) phases and the establishment of the Project Delivery Team. He pointed out the extensive size of the study area on the flood plain map and discussed potential partners—City of Winslow, Little Colorado River Watershed Coordinating Council, NRCS, Game and Fish, Hopi Reservation, Navajo Nation and State Parks. He pointed out ruins that would be impacted without a coordination of efforts. He discussed the PMP study objectives, stating that all would come back to the board for approval of objectives when they are closer to action. He reviewed work activities and cost allocations advising funds must be budgeted over a period of years. He advised he was surprised by the estimated expense of the feasibility study, that the Corps put time and effort into this cost study, and it was a good solution to invite the Corps. Following further discussion, **Supervisor Thompson made a motion** to approve the Feasibility Cost Share Agreement with the Army Corps; motion seconded by Supervisor Brownlow. In response to questions, Mr. Vela stated the contribution is limited to appropriations received, that Homlovi Ruins is a State park and when they met as a group, Hopi was represented and Hopi would like to see rip-rap or basket walls to add structural strengths to the river bank in the future. Mr. Vela stated that after the feasibility study is done they will determine who can accrue money among the partners, including those who do not have money today but may have six years from now. Partnering possibilities were discussed but it was acknowledged that this agreement must be signed for immediate assistance from the Corps and additional partnership agreements might not be signed until next year. Mr. Vela advised there is no commitment now from anyone for money but the project management plan encourages Navajo County to go out and secure other partnerships. Vote unanimous approving the motion.
  - iii. Consideration and possible approval of letter of appreciation to Senator Jon Kyl for successfully earmarking funds for the Winslow Levee Feasibility Study: Homero Vela requested the board's support of this letter, advising that Senator Kyl's funding support is critical and is deeply appreciated. **Supervisor Brownlow made a motion** to approve the letter of appreciation to Senator Jon Kyl for successfully earmarking funds for the Winslow Levee Feasibility Study; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- b. Consideration and possible adoption of Resolution Number \_\_\_\_\_ - 08 accepting Malapai Road into the County Road Maintenance System—Section 30, Township 13 North, Range 21 East: Carol Fraley provided a map of the Malapai Road area stating staff received a petition from homeowners requesting this action and advised that it meets the requirements for acceptance into the book of Maintained Roads. **Supervisor Tenney made a motion** to adopt **Resolution Number 51 - 08** accepting Malapai Road into the County Road Maintenance System—Section 30, Township 13 North, Range 21 East; motion seconded by Supervisor Brownlow; vote unanimous with Chairman Thompson absent for the vote.
- c. Consideration and possible approval of amendment to the Supplying & Delivering Liquid Asphalt Products Contract #B07-06-025 with Hawker and Evans Asphalt Company to extend the contract an additional year—through August 6, 2009: Homero Vela reviewed this request advising this is not a price increase request. **Supervisor Tenney made a motion** to approve the amendment to the Supplying & Delivering Liquid Asphalt Products Contract #B07-06-025 with Hawker and Evans Asphalt Company to extend the contract an additional year through August 6, 2009; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d. Consideration and possible award of Contract #B08-05-027 Supply and Installation of Petro Vend C/OPT System 2 FIT (Upgrade from Petro Vend K-800 Fuel Management System), new fuel tanks and fuel dispenser to Eaton Sales & Service, LLC in the amount of \$247,890.97: Montana Slack reviewed this request stating that this is an upgrade to the existing system including a new level of security utilizing the ID cards and fuel keys, allowing management of all seven fuel sites. Mr. Slack stated that there is a shortfall in funding as the equipment came in higher than anticipated and staff made up for it from the Show Low construction area that was already budgeted. Mr. Parsons stated this project would take the funding from the facility improvements and those improvements couldn't be scheduled until the latter part of 2009. Mr. Jayne advised that one unleaded pump failed this year at the complex making this upgrade more important, that the process took longer to do with appropriate tracking and with this increased security no one can obtain fuel unless they are authorized. **Supervisor Tenney made a motion** to award Contract #B08-05-027 Supply and Installation of Petro Vend C/OPT System 2 FIT (Upgrade from Petro Vend K-800 Fuel Management System), new fuel tanks and fuel dispenser to Eaton Sales & Service, LLC in the amount of \$247,890.97; motion seconded by Supervisor Deal; vote unanimous approving the motion.

**BOARD BUSINESS:** Supervisors reported on activities and meetings within their districts and those that would impact the county.

**ADJOURN:** At 12:08 p.m., **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor Deal; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**J. R. DeSpain, Chairman**

**October 7, 2008**

**ATTEST:**

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**Darlene Fraley, Clerk of the Board**