

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, JANUARY 27, 2009**

9:12 a.m. Call to Order: Chairman Brownlow led the Pledge of Allegiance and offered the invocation.

PRESENT: Jerry Brownlow, Chairman; Jesse Thompson, Vice-Chairman; J.R. DeSpain, Supervisor; David Tenney, Supervisor; Melissa Buckley, Clerk of the Board; Brad Carlyon, County Attorney; and James Jayne, County Manager were present in chambers.

CALL TO THE PUBLIC: There was no response to the Call to the Public.

CONSENT AGENDA: a) County Attorney Bad Check Quarterly report-4th quarter 2008 b) Justice Court reports: Holbrook #1, December; Winslow #2, December; Snowflake #3, December; Kayenta #4, December; Show Low #5, December; Pinetop #6, December, 2008 c) Constable reports: Holbrook #1, December; Winslow #2, December; Snowflake #3, December; Kayenta #4, December; Show Low #5, December; Pinetop #6, December, 2008 d) Clerk of the Superior Court December, 2008 report e) Juvenile Justice System December, 2008 report f) Authorization for Clerk of the Board to request undercover plates g) Contract signed by County Manager on behalf of the Board of Supervisor's for professional services for obtaining USFS "Categorical Exclusion" for the Pinedale Road Project in the amount not-to-exceed sum of \$3,000.00 h) Consideration and possible approval to rename the north portion of a road in the PINETOP COUNTRY CLUB UNIT 5 in the **PINETOP/LAKESIDE** area from "SUNSET TRAIL" to "**SUNSET CIRCLE**" i) Consideration and possible approval of Amendment No. 1 to the W.W. Cattle Guards, LLC. Contract j) Minutes: January 15, 2009 **Supervisor DeSpain made a motion** to authorize the Chairman to sign the items on the Consent Agenda; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Action report: Gail Calisen reviewed the 33 item Personnel Action report. **Supervisor DeSpain made a motion** to approve the Personnel Action report as presented; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. **Quality Emulsions and Navajo County Recognizing Excellence:** Through the Quality Emulsions and Navajo County Recognizing Excellence program, Cheryl Powell recognized Bill Dalton for his outstanding contribution to departmental and county operations.
- b. **Navajo County Cost Cutting Awards:** Through the Navajo County Cost Cutting Awards program, Dan Hinz recognized Bob Durant, Billy Johnson and Carlos Attakai for their efforts in cost savings as it relates to energy. Chairman Brownlow also recognized Allen Davies from Court Administration for his efforts in cost savings as it relates to cut backs in artificial lighting and expansion in natural lighting to reduce day to day operating costs for the county.
- c. **PUBLIC HEARING: Liquor License: Consideration and possible recommendation for approval of new liquor license application #07090046 for Kelley's Restaurant & Lounge located at 3973 White Mountain Boulevard in Lakeside, AZ** Lorinda Brown reviewed the proposed license application. She reported that this is a person transfer, location transfer and applicant has purchased the license from Pats. This property has been posted for the requested amount of time and all required departments have been notified with no negative reports. Gwendolyn Kelley addressed the board regarding her experience in the restaurant business and spoke of her father who recently passed. She indicated that she is dedicating the restaurant to her father. Supervisor Thompson asked if this was a packaged liquor carry out. Ms. Kelley indicated that there is a stipulation for carry out of packaged beer or wine. Ms. Kelley further indicated that customers can purchase a bottle of wine with dinner and then it can be packaged and carried out. **Supervisor Tenney made a motion** to recommend approval of the application for liquor license for Kelley's Restaurant & Lounge located at 3973 White Mountain Boulevard in Lakeside, AZ, APN 212-18-033B; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

ELECTIONS:

- a. Consideration and possible approval of confirmed Precincts & Polling Places, as of January 8, 2009 and Poll Workers scheduled for the March 10, 2009 Special Election: Lisa McKee requested approval of the confirmed precincts and polling places as of January 8, 2009 and the poll workers that are scheduled to work for the March 2009 Special Election. **Supervisor Tenney made a motion** to approve the confirmed Precincts & Polling Places, as of January 8, 2009 and Poll Workers scheduled for the March 10, 2009 Special Election; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible certification of the total costs of Sample Ballots charged to Navajo County by Election Operation Services for the 2008 Primary and General Elections for the amount of \$75, 210.15: Lisa McKee requests certification of the total costs of Sample Ballots charged to Navajo County by Election Operation Services for the 2008 Primary and General Elections for the amount of \$75, 210.15. According to Arizona Revised Statute 16-510(C) a certified claim shall be presented to the Secretary of State by the Board of Supervisors for the actual cost of printing, labeling and postage of each such sample ballot actually mailed, and the Secretary of State shall direct payment of such authenticated claim from funds of his office. **Supervisor DeSpain made a motion** to approve certification of the total costs of Sample Ballots charged to Navajo County by Election Operation Services for the 2008 Primary and General Elections for the amount of \$75, 210.15; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: 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 DeSpain; vote unanimous approving the motion.

- a. Consideration and possible approval of Professional Services Agreement between Navajo County Public Health Services District and Connie Baine, Registered Dental Hygienist to complete services for the Oral Health Community Development contract with the Arizona Department of Health Services from January 1, 2009 to May 16, 2009
- b. Consideration and possible approval of Professional Services contract with Kelly Soderquist for assistance with dental services through the Dental Sealant Program effective January 1, 2009 to December 31, 2009 in the amount of \$14.00/per hour
- c. Consideration and possible approval of Professional Services contract with Regina Rich, RDH, AP for Dental Hygiene services through the Dental Sealant Program effective January 1, 2009 to December 31, 2009 in the amount of \$45.00/per hour

Mary Tyler indicates that there are three items from the Health District that are routine in counting our contracts. **Supervisor DeSpain made a motion** to approve the health district consent agenda as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion. **Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

PUBLIC WORKS:

- a. Mountain View Improvement District Board of Directors' Session: Consideration and possible approval of Resolution Number -09 correcting the legal description of Mountain View Improvement District boundary: Due to a conflict of interest, Chairman Brownlow excused himself from discussion and asked Vice-Chairman Thompson to conduct this item. **Supervisor DeSpain made a motion** to enter into the Mountain View Improvement District Board of Directors' Session; motion was seconded by Supervisor Tenney; vote unanimous approving the motion. Carol Fraley indicated that there were a couple of discrepancies in the legal description. She indicated that Mr. Rosenfeld, legal counsel, indicated that this could be corrected with a resolution calling it a scrivener's error and further indicated that this does not affect the improvement district. Ms. Fraley requested approval of a resolution to correct the legal description of Mountain View Improvement District boundary. **Supervisor DeSpain made a motion** to adopt Resolution Number 07-09 correcting the legal description of Mountain View Improvement District boundary; motion seconded by Supervisor Tenney; 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. Chairman Brownlow returned to the meeting.
- b. Consideration and possible approval of Resolution Number -09 accepting a portion of Hansa Trail, into the County Road Maintenance System: Carol Fraley requested approval of a resolution accepting a portion of

Hansa Trail, into the County Road Maintenance System. Ms. Fraley indicated that a petition was received from residents requesting county maintenance. Ms. Fraley further indicates that the physical condition meets the statute as well as the timeline as far as being dedicated to the Public prior to June 13 of 1975. **Supervisor Tenney made a motion** to adopt **Resolution Number 08-09** accepting a portion of Hansa Trail, into the County Road Maintenance System; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

- c. Consideration and possible approval of the amended contract for Professional Services with Ironside Engineering & Development Homero Vela requested approval of the amended existing professional services contract with Ironside Engineering and Development first approved September of last year for county engineering services. Mr. Vela indicated the contract does not have an end date; rather this contract is until funds are expended or until the county finds an engineer. Mr. Vela states that Mr. William Best is the County's acting engineer. Mr. Vela requests an additional \$50,000.00 which will extend the contract for about six (6) months and advises the money has been budgeted. Bruce Ironside extends his appreciation to the Board for the opportunity, especially in this economy. **Supervisor Tenney made a motion** to approve the amended contract for Professional Services with Ironside Engineering & Development; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- d. Consideration and possible approval of the Navajo County 2009 list for Congressional funding: Homero Vela requested approval of the Navajo County 2009 list for Congressional funding. Mr. Vela requests the following projects be presented to the Congressional Delegation as the Navajo County 2009 priorities and that these priorities be used to drive efforts to obtain legislative funding. Mr. Vela requests input from the Board members and reads the list of items; Winslow Levee-the feasibility study that which will require \$500,000 additional dollars of federal monies for the next fiscal cycle; Statewide Strategy for Restoring Arizona's Forests-This project will provide for healthier and safer forests and create new jobs; Obed Bridge-This projects is estimated to cost \$3.6 million and will provide a full level of safety for unrestricted one lane traffic. The Obed Bridge design should be completed April of 2009; Dilkon Road Yard- Navajo County has partnered with Navajo Nation to build a road yard in the Dilkon area to support and make more efficient the NDOT road maintenance efforts. The cost for the Dilkon Road Yard is estimated at \$1.8 million; Pinon Road Yard-Navajo County has partnered with Navajo Nation to build a road yard in the Pinon area to support and make more efficient the NDOT road maintenance efforts. The total costs for the Pinon Road Yard is estimated at \$1.4 million; Lone Pine Dam Road Roundabout-The proposed roundabout will provide for a safer intersection. This project cost is estimated at \$480,000 and all design is complete; Navajo County Jail Facility-A new jail facility is urgently needed to accommodate inmate population. Supervisor Thompson indicates that all these projects are very important and hopes that in time we will be able to bring the funding to get all of these projects done. Supervisor Thompson introduces Jackie Burbank with the Navajo Area Agency on Aging from Chinle Arizona. Supervisor Tenney and Dusty Parsons discussed the Winslow Levee. Supervisor Tenney recommends that the Statewide Strategy for Restoring Arizona's Forests be switched to number one, placing the Winslow Levee at number two. Supervisor Tenney and Dusty Parsons discuss the top two projects on the priorities list. Supervisor DeSpain indicates that the County has maintained that we will continue to make the Winslow Levee a huge priority, as it has been for years. Supervisor DeSpain suggests that we continue to make the Winslow Levee a priority and make the list a bulleted list rather than numbers. Supervisors continued discussion on the priority of each item on the list. **10:00 a.m. Jonathan Nez, Supervisor participated by telephone which was on speaker in the chambers so all comments were audible to supervisors and participating audience members.** Mr. Parsons indicated that switching the top two priorities will not hurt our efforts and our lobbyist will continue to lobby on each of these priorities. Supervisor Nez apologized for his lateness. James Jayne gave an update on information received regarding HR1, the American recovery and Reinvestment Act, which is currently being considered by the US Congress. He indicated that they have identified \$4.5 billion going to the Army Corps of Engineers for flood protection and environmental restoration. Mr. Jayne states that the Tomhave's are lobbying for some of that to go towards the Winslow Levee; Mr. Jayne states that under Forestry \$550 million is allocated under the current version of HR1. Supervisors and Dusty Parsons continue discussion on the 2009 priority list. By consensus of the Board, the Statewide Strategy for Restoring Arizona's Forests will be placed at the top of the list with the Winslow Levee to be placed below it; numbers should be stricken and bullets be placed beside each priority. Supervisor DeSpain thanked Homero and his staff for watching the levee this weekend due to the water rise over the weekend. Mr. Vela introduced Greg Loper, who is the newest member to Public Works and gives the Board members some background of Mr. Loper. Mr. Loper thanks Navajo County for the opportunity. Supervisor

Tenney and Supervisor DeSpain indicate that they know Mr. Loper and welcome him. Supervisors welcome Mr. Loper. Supervisor Nez apologizes for not being here in person and indicates that he is on the Navajo Nation agenda this morning. Supervisor Nez stated that Dilkon and Pinon road yards are a very important priority on the 2009 list and agrees with Supervisor Thompson. Supervisor Tenney pledged to do everything he can to move all of these items forward.

BOARD BUSINESS: Discussion of 2009 Board Committee Appointments to various organizations and committees: Supervisors discuss the 2009 Board Committee Appointments to various organizations and committees. Supervisor Nez requested to serve on the NACOG committee and others that former Supervisor Deal served on. The committee appointments are approved by consensus.

CALL TO THE PUBLIC: Supervisor Tenney reported on his meetings with the Legislators. He indicated that Governor Brewer intends on visiting Navajo County Tuesday, February 17th at 9:00 a.m. in Show Low. Supervisor Tenney invited the elected officials to the meeting.

At 10:45 a.m. EXECUTIVE SESSION: pursuant to A.R.S. § 38-431.03(A) (1) for personnel discussion to review the annual evaluation and employment contract for the County Manager **Supervisor Thompson made a motion** to enter into executive session A.R.S. 38-431.03(A) (1) for personnel discussion to review the annual evaluation and employment contract for the County Manager; motion seconded by Supervisor DeSpain; vote unanimous approving the motion. **At 11:15 a.m. the Board of Supervisors reconvened with all present for action related to the County Manager annual evaluation and employment contract.** **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to accept the evaluation as discussed in the executive session; motion seconded by Supervisor Thompson; vote unanimous approving the motion. **Supervisor Tenney made a motion** to extend and renew the County Managers employment contract as discussed in the executive session; motion seconded by Supervisor Nez; vote unanimous approving the motion. Supervisor Tenney publicly thanked Mr. Jayne for his leadership for Navajo County and dedication to our organization and the citizens of Navajo County. He indicated that we truly have a wonderful County Manager who is very well respected throughout the State and because of him and his relationships with the people he has worked with and worked for in the past we have open doors especially at the capitol. It certainly makes our jobs much easier. The Supervisors thank Mr. Jayne for his leadership.

ADJOURN at 11:17 a.m. **Supervisor Thompson made a motion** to adjourn; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

APPROVED:

DATE: February 10, 2009

Jerry Brownlow, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board