

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, April 28, 2009

PRESENT: J.R. DeSpain, Supervisor; David Tenney, Supervisor; Jonathan Nez, Supervisor; Jesse Thompson, Supervisor; and Jerry Brownlow, Chairman were present.

9:10 a.m. Call To Order:

CALL TO THE PUBLIC: Ray Badger addressed the board regarding neighborhood issues, specifically a statute that allows old manufactured homes to be placed in the county. Mr. Badger indicated that he has spoke with Greg Loper and Homero Vela and is in great hopes to work with them. Kathleen Mutchek addressed the board regarding neighborhood issues, specifically code violations that have not been taken care of. Dan Danser addressed the board regarding neighborhood issues, specifically code enforcement in Silver Lake Estates. Mr. Danser indicated that he has also spoke to Homero Vela and is very encouraged with his statements. James Smith addressed the board regarding neighborhood issues.

CONSENT AGENDA: a) Constable Reports: Holbrook Precinct #1, March; Winslow Precinct #2, March; Pinetop Precinct #6, March, 2009 b) Clerk of Superior Court Report March, 2009 c) Re-appointment of Ralph E. Hatch and Robert B. Van Wyck as Superior Court Judges Pro Tempore effective July 1, 2009 through June 30, 2010 d) Sympathy letter to Manny & Doris Hernandez e) Appointment of Navajo County Democratic Committee Precinct Committeepersons: Ricardo Peter Hernandez, Precinct 33.01 and Janice Claire Hernandez, Precinct 33.01 f) Letter to Senator Kyl g) Minutes: April 14, 2009

Supervisor Thompson made a motion to authorize the Chairman to sign the items on the Consent Agenda as presented; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Supervisor Tenney requested that the board handle items 1-11 and item 13 on the personnel action report. Supervisor Tenney declared a conflict on item 12 on the personnel action report as the person being discussed is his son. Gail Calisen summarized the 13 item personnel action report. **Supervisor Tenney made a motion to** approve the personnel action report items 1-11 and item 13 as presented; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. Supervisor Tenney stepped out of the board room. **Supervisor DeSpain made a motion to** approve item 12 on the personnel action report as presented; motion seconded by Supervisor Nez. Vote unanimous approving the motion. Supervisor Tenney entered the board room.

BOARD OF SUPERVISORS:

- a. Quality Emulsions and Navajo County Recognizing Excellence Sgt. Nick Isaacs was recognized for his outstanding achievements in the Sheriff's Department.
- b. Navajo County Cost Cutting Award Edward Richards (Chappy) was recognized for his efforts in identifying cost savings.

FINANCE: Consideration and possible approval of the Fair Housing Proclamation and Resolution 24-09 for Community Development Block Grants: Mary Springer discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion to** adopt **Resolution Number 24-09** approving the Fair Housing Proclamation and Resolution for Community Development Block Grants; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

PUBLIC WORKS:

- a. Consideration and possible approval of amendment number one to the professional services contract with Johnson Walzer Associates, LLC to include additional engineering designs for "off site work" on the Navajo Nation road yards in an amount not to exceed \$17,800.00, to be funded \$8,900.00 from District I and \$8,900.00 from District II Special Road Funds: Homero Vela discussed the item. Supervisor Thompson thanked Mr. Vela. **Supervisor Thompson made a motion to** approve

amendment number one to the professional services contract with Johnson Walzer Associates, LLC to include additional engineering designs for “off site work” on the Navajo Nation road yards in an amount not to exceed \$17,800.00, to be funded \$8,900.00 from District I and \$8,900.00 from District II Special Road Funds; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

- b. Consideration and possible approval of professional services contract with Ironside Engineering & Development, Inc. to provide engineering and survey services for the purpose of delineating right-of-way easements for various county highways, in an amount not to exceed \$14,000.00 from District V Special Road Funds: Homero Vela discussed the item. **Supervisor DeSpain made a motion** to approve professional services contract with Ironside Engineering Y Development, Inc. to provide engineering and survey services for the purposes of delineating right-of-way easements for various county highways, in an amount not to exceed \$14,000.00 from District V Special Road Funds; motion seconded by Supervisor Tenney; Vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: Supervisor DeSpain made a motion to enter into the Navajo County Public Health Services District Board of Directors Session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion. Presentation on Navajo County for Planning & Partnerships assessment results: Dr. Wade Kartchner introduced Andrea Tsatoke, Community Outreach Specialist, who gave a presentation on Mobilizing for Action through Planning and Partnerships (MAPP). Ms. Tsatoke invited all Supervisors to attend the Public Health Summit in June 2009. Dr. Kartchner gave an update on the Swine Flu and described the preparations that have been made by the Health District. **Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

ADMINISTRATION: Presentation on Navajo County calendar of events: Laurie Stradling made a presentation regarding the Navajo County calendar of events that can now be found on the Navajo County website. Mr. Jayne indicated that this was an idea of Linda Morrow, Superintendent of Schools. Supervisor DeSpain thanked Laurie for all of her hard work and asked that any individual events in each Supervisors District be placed on that Supervisors calendar. Mrs. Stradling requested that any submissions for the calendar be forwarded to her.

BOARD OF SUPERVISORS:

- a. Consideration and possible waiver of interest & penalties on Personal Property Tax for tax roll number M0500163-01 Supervisor DeSpain introduced Patricia Sweet. Supervisor DeSpain gave some background information regarding the item. Patricia Sweet discussed the item and requested that the board waive the interest and penalties on her Personal Property Taxes for 2005 and 2006. Supervisor Tenney asked the Navajo County Treasurer and the Navajo County Assessor, who were present in the board chambers, questions regarding this item. Cammy Darris, Assessor, indicated that in September 2004 a questionnaire was mailed to the same post office box that Ms. Sweet’s tax bill went to, the questionnaire was returned with the questions answered and never indicated a change of address.
- b. **EXECUTIVE SESSION** for legal advice pursuant to A.R.S. §38-431.03 (A) (3) regarding: possible waiver of interest & penalties on Personal Property Tax for tax roll number M0500163-01 **Supervisor Tenney made a motion** to enter into executive session for legal advice pursuant to A.R.S. §38-431.03 (A) (3); motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- c. **RECONVENE** for action related to possible waiver of interest & penalties on Personal Property Tax for tax roll number M0500163-01 **Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion. Supervisor DeSpain asked that the County Attorney, Brad Carlyon, explain what he can of the discussion in the executive session; Mr. Carlyon indicated that this board has set a previous policy on the waiver of interest, penalties and fees on personal property taxes; that policy is that those must have occurred more than 10 years ago. The request by Ms. Sweet does not meet the criteria, therefore, if the Board was to consider the request it

would have to adopt a whole new policy or amend its current policy to be able to include her. Supervisor Tenney indicated that the county Assessor and county Treasurer did meet the requirements of their department. **Supervisor DeSpain made a motion to** deny the request for waiver of interest & penalties on Personal Property Tax for tax roll number M0500163-01; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

BOARD BUSINESS: Report from Board Members: Supervisor Tenney reports on the ongoing battle of the budget issues at the State Capitol. Supervisor Nez thanked Jimmy and Dusty for attending day one of the Navajo Nation Spring session. Supervisor Nez indicated that Governor Brewer was in Window Rock and he had a chance to meet with her. Supervisor Nez further indicated that as Supervisor for District I that he would like to begin, on an annual basis, helping some communities. Supervisor Nez thanked Sheriff Clark, Judge Ruechel, and Cammy Darris for their help in beautifying the Hardrock community by their participation in the Hardrock Earth Day. Supervisor Thompson reported that he will be going to Greasewood for the First Annual Community Awareness Day. Chairman Brownlow reported on his meeting with Virginia Tuner, Northern Arizona staff person for Congresswoman Kirkpatrick. James Jayne, thanked Gail Calisen and Human Resources team for working with the Wellness ambassadors for the Wellness fair. Mr. Jayne reported on an email received by CSA staff regarding a release of a joint budget document from the house and the senate however there are not enough votes to pass this draft.

ADJOURN: Supervisor Tenney made a motion to adjourn; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

APPROVED:

DATE: May 12, 2009

Jerry Brownlow, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board

**Electronic recording of the Board of Supervisors Meeting
is available for review upon a Public Records Request**