

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, August 27, 2013**

**PRESENT:** Sylvia Allen, Supervisor; Dawnafe Whitesinger, Supervisor; David Tenney, Supervisor; Jesse Thompson, Vice Chairman; and Jonathan M. Nez, Chairman.

**9:04 a.m. Call To Order:** Pledge of Allegiance and Invocation led by **Supervisor Whitesinger**.

**CALL TO THE PUBLIC:** Marc Silliman addressed the Board concerning the White Mountain Lakes County Recreation Improvement District. Mr. Silliman indicated he would like to address the Board of Supervisors as the Directors of that District. He indicated the concern is regarding a rule that is in the rule book that the District publishes, and this rule was revised in May of 2011; which is Rule 8.5 that is under the Section 8.0 which concerns lake use eligibility. The rule reads: "The White Mountain Lake Recreation Improvement District relies solely on funding from member property tax assessments. A members use privileges, including issuance of guest passes are subject to suspension if the members' property tax payments are one or more year's delinquent, not to include the current year due." Mr. Silliman said his concern is not because he or anyone else he knows has been affected personally. He indicated that when it came to his attention, he thought it was inappropriate because he does not know of any other district that uses the criteria of having current tax payments paid, to receive the benefits of that district. Mr. Silliman indicated he thinks the school districts wouldn't tell a parent that they cannot send their child because they haven't paid their taxes or a fire department that gets a call and looks at the tax rolls before they decide to dispatch the fire truck to go put out a fire, because that property tax was not current. He reported last month he did take this issue to his advisory committee where he asked them to discontinue the administration and to strike the rule from the book. He reported they cited as they do at the start of the rule that the fact that the tax districts money comes from the assessments and the levies being paid. He indicated they likened it to a private enterprise, like a golf county club where a member of that club, one would not be permitted to play if they had not paid the greens fees and are not current. The committee also expressed that the district is an exclusive district and that it is there to serve the members of the district and not the general public. They stated there is an administration that looks at the tax rules and says if you are not a property owner you cannot use the lake without being a bonafide guest of a district member. Mr. Silliman did ask further if someone owned multiple properties; for instance why I would only need to be current on one property if I own 3 properties. He felt that this sets up an inequity where a struggling family who hangs on to their one home cannot make a current tax payment in comparison to a wealthy owner who only has to be current on one property to be able to use the lake. He felt this was a discriminatory practice and indicated he felt all should be able to enjoy the privileges of the lake and there are a number of things that cause him concerns; perhaps someone could sue the district for this discriminatory practice. Mr. Silliman then asked the Board of Supervisors to consider putting this under review and if it is appropriate to give direction to the advisory committee and particularly to the lake administration team to tell them that this is inappropriate and that this should not be in the rule book. He asked the Board to review the rules, to confirm the legality of these rules and advise the district. He asked the Board to take away the subjective nature of this. He indicated each property's owner pays \$42.00 a year for their current assessment, including residences or vacant lots. Mr. Silliman indicated it is not a large amount of money and he did not fill the use of the lake causes a direct expense which would cost the district more money, because he reported the district's expenses are flat. Mr. Silliman indicated this is just the denial of a tremendous enjoyment in their community. **Chairman Nez** indicated they will look into the matter. Brad Carlyon, County Attorney stated that they could not discuss this because it is not an agenda item but the Board could give direction to staff. **Supervisor Tenney** indicated he felt Mr. Silliman gave

a couple of good points and asked that the County Attorney or a member of his staff, could look into the rules; how they are decided and adopted upon and to look into the legality of the issue and report to the Board and discuss at a later time. Mr. Carlyon indicated he could not give legal advice to the committee but could council the Board of Supervisors. Mr. Carlyon inquired of the Board if they would like a report by letter or as an agenda item. **Supervisor Allen** asked that this issue be put on a future agenda as an agenda item so a discussion could take place. She also inquired if the County Attorney could get a copy of this rule and if this rule is in the district's rule book and she also inquired about the difference between a rule and a statute to be explained to the Board by the County Attorney. **Supervisor Whitesinger** asked if the investigator could get information about the number of homeowners and their understanding of this rule. **Supervisor Whitesinger** asked if there is protocol the district uses to inform property owners with an understanding of the rules when they are looking for property in that area. **Chairman Nez** indicated he would like this to be on the agenda two Board meetings from now, after the suggestion from Mr. Carlyon on the amount of time the attorney's office would need. **Chairman Nez** expressed thanks to Mr. Silliman for his questions. **Chairman Nez** asked if we could have a review and a refresher on the policies of the Board's role as being Directors.

**CONSENT AGENDA:** a) Minutes: August 13, 2013 b) Tax Exemptions filed pursuant to A.R.S. §42-11153 as a Request for Redemption of Waiver for five parcels c) Special Event Liquor License Application for the White Mountains Firefighters Foundation, Inc. for their Christmas for Kids dinner to be held on September 28, 2013 d) Sympathy letter for Alberto Peshlakai: **Supervisor Thompson made a motion** to authorize the Chairman to sign the items in the consent agenda as presented; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**EMPLOYEE RECOGNITION:** Navajo County Recognizes Alberto Peshlakai for his excellence in personal performance far exceeding organization expectations: LaRee Price recognized Alberto Peshlakai for his outstanding performance. **Supervisor Thompson** and **Chairman Nez** thanked Mr. Peshlakai for his leadership and service to Navajo County and the surrounding communities. Sheriff Clark also thanked Mr. Peshlakai for his communications with the Sheriff's office. Mr. Jayne recognized **Chairman Nez** for his 50k run at the Silverton Alpine Marathon in Colorado, which he completed in 6 hours and 16 minutes and finished the race in 13<sup>th</sup> place overall. **Chairman Nez** made comments about the course and thanked Mr. Jayne for the recognition. **Chairman Nez** encouraged everyone by quoting Philippians 4:13; I can do all things through Christ which strengtheneth me.

#### **BOARD OF SUPERVISORS:**

- a. Presentation to Deputy Brent Haymore for his assistance in delivering a baby at the Navajo County Sheriff's Office Substation in Taylor: Sheriff Clark recognized Deputy Brent Haymore for his exemplary actions of delivering a baby boy at the Sheriff's Office Substation in Taylor, Arizona on July 8, 2013. A letter of accommodation was read to Deputy Brent Haymore.
- b. Consideration and possible approval of a proclamation declaring September 11 through September 15, 2013 as "Navajo County Fair Days": **Supervisor Allen made a motion** to approve the proclamation declaring September 11 through September 15, 2013 as "Navajo County Fair Days"; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion. **Supervisor Allen** read the proclamation and reported the Navajo County Fair is celebrating its 82nd year in succession since the 1930's. She stated we have the best fair out of all the county fairs. Mike Sample, the Fair Board President thanked the County for the money that it contributes. Mr. Sample expressed appreciation for the support and help from Facilities Management, the Sheriff's department, the IT department and the many volunteers. He then spoke of the events at the Navajo County Fair and also the events at the fairgrounds which happen throughout the year. Mina Henning thanked Navajo County for their assistance

and extended an invitation for all to attend the fair. Ms. Henning stated that Navajo County fair is the best fair around.

- c. Presentation by the Miss Navajo County Scholarship Pageant: Item pulled
- d. Presentation to retiring employee Dan Hinz: Hunter Moore, James Jayne and Sheriff Clark made comments and thanked Dan Hinz, Director of Facilities Management and Emergency Management Director for his leadership, friendship and excellent years of service to the County over the past twelve years. **Chairman Nez, Supervisor Thompson and Supervisor Tenney** expressed their appreciation to Mr. Hinz for his years of dedicated service to Navajo County.
- e. Presentation to Walter Begay Jr. for his Long-term contribution to the Navajo Nation communities: **Chairman Nez and Supervisor Thompson** recognized Walter Begay Jr. for his long term contribution to Navajo County and the Navajo Nation communities in his thirty-eight year career with Peabody Energy and for his contribution to the Red Dog Graveling Partnership Team by being a driving force to assure the success of the Red Dog Team. Mr. Walter Begay Jr. thanked the Board and the county for this recognition and gave credit to his father and family for their example and support.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Kimberly Eavenson presented the 31 item personnel action report. **Supervisor Tenney made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

**NORTHLAND PIONEER COLLEGE:** Update regarding Northland Pioneer College: NPC President, Dr. Jeanne Swarhout addressed the Board and gave an annual update regarding projects at Northland Pioneer College. President Swarhout reported that the college has nearly completed construction on the new skill center at the Holbrook campus which will house vocational and technical education. She reported on the accreditation of the school with the Higher Learning Commission, student retention and the challenges of seeking higher student enrollment numbers. Mr. Jayne thanked President Swarhout for being present and noted that the collaboration between NPC and the county to enter into agreements is a good partnership to serve the public interests.

**EMERGENCY MANAGEMENT:** Consideration and possible approval of a proclamation declaring the month of September as “National Preparedness Month 2013”: Mary Springer introduced the new Risk/Emergency Services Manager, Allison Hephner. Mary Springer discussed the National Preparedness Month and asked that the Board approve a proclamation declaring the month of September as “National Preparedness Month 2013”. Ms. Springer stated she would like the citizens of Navajo County to “Be the Hero” for National Preparedness Month 2013 and invited everyone to check the website at [www.ready.gov](http://www.ready.gov) for more tips and information on how everyone can be prepared for an emergency. **Supervisor Tenney made a motion** to approve the proclamation declaring the month of September as “National Preparedness Month 2013”; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion. **Supervisor Thompson and Supervisor Allen** made comments. Mary thanked the Sheriff’s Department and the Public Health Services District.

**SHERIFF:**

- a. Consideration and possible approval of an Agreement between the White Mountain Apache Tribe and the Sheriff’s Office for Cross Commission for Navajo County Sheriff’s Deputies: Sheriff Clark discussed the item and thanked Brad Carlyon, County Attorney, **Supervisor Whitesinger**, District V and **Chairman Nez** for their work in making this possible. Sheriff Clark indicated this agreement will allow Navajo County officers to assist the White Mountain Apache Tribal police on the Fort Apache Reservation. **Supervisor Whitesinger made a motion** to approve the Agreement between the White

Mountain Apache Tribe and the Sheriff's Office for Cross Commission for Navajo County Sheriff's Deputies; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

- b. Consideration and possible approval of Agreement between the Navajo County Sheriff's Office and White Mountain Apache Tribe for temporary housing of White Mountain Apache Tribe inmates: Sheriff Clark discussed the agreement for the temporary housing of low level offenders from the White Mountain Apache Tribe to alleviate overcrowding. **Supervisor Allen made a motion** to approve the Agreement between the Navajo County Sheriff's Office and White Mountain Apache Tribe for temporary housing of White Mountain Apache Tribe inmates; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**ELECTIONS:** Consideration and possible adoption of Resolution Number 26-13, changing the boundaries of the Navajo County Justice of the Peace Precincts: Johnathan Roes gave a presentation of the new boundaries and answered questions of the Board. Mr. Roes indicated this would allow the county to adjust the existing justice precinct map and boundaries to match the newly adopted voting precinct boundaries to reduce voter confusion by having whole voting precincts covered by a single justice precinct. **Supervisor Allen made a motion** to adopt **Resolution Number 26-13**, changing the boundaries of the Navajo County Justice of the Peace Precincts; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session:** **Supervisor Thompson made a motion** to enter into the Navajo County Public Health Services District **Board of Directors Session**; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

a. **CONSENT AGENDA:**

- i. Approve Contract #ADHS14-053056 with the Arizona Department of Health Services for WIC Program Services effective October 1, 2013 through September 30, 2014 for \$344,996.00
- ii. Approve Amendment #2 of Contract # ADHS 12-030681 with the Arizona Department of Health Services for the Arizona Nutrition Network Program effective October 1, 2013 through September 30, 2014
- iii. Approval of Subcontract for Nutrition Services between Navajo County Public Health Services District and Coconino County Public Health Services District funded through First Things First effective July 1, 2013 to June 30, 2014 in the amount of \$228,421.00

Dr. Kartchner commented on the items. **Supervisor Tenney made a motion** to approve the consent agenda as presented; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- b. Consideration and possible approval of the Memorandum of Understanding between Navajo County Public Health Services District and Lakeside Fire District to dispense medications at a Point of Dispensing during a public health emergency to the community of Pinetop/Lakeside and surrounding areas: Dr. Wade Kartchner introduced John Zimmerman, Bioterrorism Program Manager and Robert Schlesinger, Training Officer and reported they are the Public Health preparedness staff and stated they also serve on the emergency operations center for the county. Dr. Kartchner and Mr. Zimmerman discussed the item. **Supervisor Whitesinger made a motion** to approve the Memorandum of Understanding between Navajo County Public Health Services District and Lakeside Fire District to dispense medications at a Point of Dispensing during a public health emergency to the community of Pinetop/Lakeside and surrounding areas; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**PUBLIC WORKS:** Consideration and possible approval of the purchase of 2.69 acres of land to provide a public road easement on Burton Road for an amount not to exceed \$12,115: Bill Bess discussed the item and indicated that by purchasing the easement, the Navajo County Public Works Department will be able to perform all maintenance required by the roadway, which complies with HURF requirements. **Supervisor Tenney made a motion** to approve the purchase of 2.69 acres of land to provide a public road easement on Burton Road for an amount not to exceed \$12,115; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

**NAVAJO COUNTY FLOOD CONTROL DISTRICT Board of Directors Session:** **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.

- a. Consideration and possible approval of the purchase of Assessor's Parcel Number 206-24-024 for \$26,000 as part of regional drainage improvements in the Holiday Forest Subdivision in Overgaard: Bill Bess discussed the item and answered questions of the Board. **Supervisor Tenney made a motion** to approve the purchase of Assessor's Parcel Number 206-24-024 for \$26,000 as part of regional drainage improvements in the Holiday Forest Subdivision in Overgaard; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.
- b. Consideration and possible approval of a funding request for the Rainbow Lake Committee to support the plan to remove noxious aquatic weed for the lake: Bill Bess discussed the item and answered questions of the Board. Trent Larson gave further information and reported on the partnership Navajo County has had with the Rainbow Lake Coalition in the maintenance effort to remove noxious aquatic weeds from Rainbow Lake. **Supervisor Allen made a motion** to approve the funding request for the Rainbow Lake Committee to support the plan to remove noxious aquatic weed for the lake; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to enter into regular session; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. Consideration and possible approval of a letter to Director Daniel Ashe requesting the immediate action on pending Service proposals: **Supervisor Allen** introduced Paschal Berlioux, Executive Director of the Eastern Arizona Counties Association. Mr. Berlioux addressed the issues of the letter. **Supervisor Tenney** and **Supervisor Allen** commented on the letter. **Supervisor Allen made a motion** to approve the letter to Director Daniel Ashe requesting the immediate action on pending Service proposals; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.
- b. Consideration and possible approval of a letter to Director Daniel Ashe regarding stakeholder concerns about pending Service proposals: **Supervisor Allen** discussed the item. Pascal Berlioux addressed the Board. **Supervisor Tenney made a motion** to approve the letter to Director Daniel Ashe regarding stakeholder concerns about pending Service proposals; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.
- c. Consideration and possible adoption of Resolution Number 27-13, concerning the proposed listing of the Mexican Wolf and Nonessential Experimental Population Rule: **Supervisor Allen** discussed the item. **Supervisor Allen made a motion** to adopt **Resolution Number 27-13**, concerning the proposed listing of the Mexican Wolf and Nonessential Experimental Population Rule; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**COUNTY BUSINESS UPDATE:** Report from Board members, County Attorney and County Manager: **Supervisor Allen** reported she attended the 2013 AACo County Leadership Summit and stated she delivered a check to help the Cedar Hills Senior Center. She spoke of the senior centers and their volunteers which provide many services for our elderly. **Supervisor Allen** reminded everyone about the America Rising Event on September 7th regarding America's founding principles and indicated she would like to see everyone there. She reported Utah Representative Ken Ivory will be at our next Board meeting to speak about statehood and the promises that were made by the federal government that have never been realized. **Supervisor Whitesinger** reported on the Cibecue Library Open House, she met with the White Mountain Youth Corp. and she indicated she met with Congresswoman Kirkpatrick on their behalf. **Supervisor Whitesinger** stated she attended the AACo Leadership Summit and she attended the State of Indian Country at ASU. **Supervisor Tenney** reported on his meetings with Congresswoman Kirkpatrick, Congressman Gosar, Senator Flake and Cal Joyner, the new Regional Forest Supervisor in Albuquerque. **Supervisor Tenney** indicated the meetings were regarding 4FRI and the restoration of the forests; holding the Forest Service accountable with their contractor selection this time by making sure the contract will be awarded to a company who can execute the contract and restore our forests. He expressed he hopes the regional forester will see the urgency of this matter. **Supervisor Thompson** reported on the meetings he attended; the Navajo Nation Code Talkers event, Congresswoman Kirkpatrick regarding Navajo County concerns, the BIA meeting regarding the bus turnaround off of the BIA roads on Navajo lands, the Hardrock Chapter meeting, the Affordable Care Act Summit at Twin Arrows, the Navajo Nation Natural Resource Development Committee regarding the Birdsprings Bridge road and the Hopi Tribal Council regarding improvement of roads on Hopi lands. **Chairman Nez** reported on the Navajo Nation Code Talkers Day and the presentation from Navajo County to the President of the Navajo Code Talkers Association. He reported attending a meeting in Portland for the Navajo Nation. **Chairman Nez** invited the Board to attend the Navajo Nation Fair and Parade on September 2<sup>nd</sup> through 8<sup>th</sup> as guests. Brad Carlyon reported on the AACo Leadership Summit and reported Jennifer Sweeney was selected as the new Executive Director of the Arizona Association of Counties. He indicated she succeeds Nicole Stickler who resigned to focus on the care of her newborn son. Mr. Carlyon stated Navajo County received a lot of recognition by various speakers and was held as an example in social media and outreach to the communities. He indicated the County Foundation produced a CD on how Arizona counties matter and expressed he hopes to distribute the CD on the county website, Facebook, City 4 TV, and the newspapers internet sites to try to get more information out to the public about services provided by counties. He reported last week they held the first Domestic Violence Fatality Review Team meeting and he stated **Supervisor Whitesinger** is a member. He reported they will soon be looking at their first case in the next month or two, to better evaluate how they are handling domestic violence and see what improvements they can get in the system. Mr. Carlyon indicated he attended the Code Talkers Ceremony where he met the new State Senator, Mr. Begay. He indicated they spoke about public intoxication treated as public health verses criminal justice and local funding for substance abuse treatment. Mr. Carlyon indicated he met with Mr. Begay again and further talked about making this a priority for Navajo County to assist him at the Legislature with those issues.

**ADJOURN:** At 11:55 p.m. **Supervisor Thompson made a motion** to adjourn; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**APPROVED:**

**DATE: *September 10, 2013***

*Jonathan M. Nez, Chairman*

**ATTEST:**

*Melissa W. Buckley - Clerk of the Board*