

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, September 10, 2013**

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

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

**CALL TO THE PUBLIC:** Terry Hill, adjutant and Legislative Chairman of the VFW Post 9907 addressed the Board regarding the implementing of a Veteran's Court in Navajo County. He asked that the Board of Supervisors speak to the Presiding Judge, Michala Ruechel regarding this matter. **Chairman Nez** indicated Brad Carlyon has been working on establishing a Veteran's Court. Mr. Hill extended an invitation to the Board to attend the VFW flag raising ceremony for Patriot's Day at the Nicolas Homestead School in Show Low, AZ at 9:00 a.m. on September 11<sup>th</sup>.

**CONSENT AGENDA:** a) Minutes: August 27, 2013 b) Constable Reports: Snowflake Precinct #3, July 2013; Pinetop-Lakeside Precinct #6, July 2013 c) Justice Court Reports: Holbrook Precinct #1, August 2013; Winslow Precinct #2, August 2013; Snowflake Precinct #3, August 2013; Kayenta Precinct #4, August 2013; Show Low Precinct #6, August 2013; Pinetop-Lakeside Precinct #6, August 2013 d) Juvenile Probation Report August 2013 e) Clerk of Superior Court Report August 2013 f) Adoption of **Resolution Number 28-13** cancelling the election for the White Mountain Fire District g) Adoption of **Resolution Number 29-13** cancelling the election for the Pinedale Domestic Water Improvement District, Porter Mountain Domestic Water Improvement District and Ski-Hi Domestic Water Improvement District h) Intergovernmental Agreement Number 13073DC Amendment #1 with Department of Corrections for housing of Department of Corrections inmates i) Agreement between the Sherriff's Office and White Mountain Apache Tribe for long term housing of White Mountain Apache Tribe inmates j) Intergovernmental Agreement between the Sheriff's Office and the Cities of Winslow and Holbrook, Towns of Snowflake and Taylor and Pinetop-Lakeside regarding Byrne grant funding for FY14 k) Attorney General's Office Agreement #2014-049 for \$19,500 for the Victims' Rights Program l) Agreement signed by County Manager per Board of Supervisors Resolution: Institution Licensing Agreement between MyHeritage (USA) Inc. and Navajo County for the subscription to the genealogy software utilized by the libraries m) Eleventh Amendment to revolving credit agreement / request for Modification of Commitment Amount for Show Low Fire District: **Supervisor Tenney made a motion** to authorize the Chairman to sign the items in the consent agenda as presented; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. **Recognition of Excellence:** Hunter Moore recognized James Jayne for receiving the 2013 Gabe Zimmerman Public Service Award from the Arizona We Want Institute as the Innovation winner, which was presented to him on August 29<sup>th</sup> at the annual League of Arizona Cities and Towns Conference in Tucson. Mr. Moore gave a brief history of Mr. Jayne's career and reported he has worked for Navajo County for over 10 years. Letters of congratulations were sent including remarks from Congresswoman Ann Kirkpatrick, Secretary of State Ken Bennett, the Elected Officials and many others. Each of the Board members expressed their admiration and appreciation to Mr. Jayne.

- b. Presentation to James Menlove and the Budget Team for receiving the Certificate of Achievement for Excellence in Financial Reporting: James Jayne recognized James Menlove and the Finance Team for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Managers Association. Mr. Menlove introduced his team. Mr. Jayne and **Chairman Nez** expressed their appreciation to Mr. Menlove and the Finance Team.
- ~~e. Presentation of the Miss Navajo County Scholarship Pageant Fund (Rachele Baldwin)-Item pulled.~~
- d. Consideration and possible approval of a proclamation declaring September 17, 2013 Constitution Day: **Supervisor Allen** read the proclamation and urged all residents of Navajo County and the staff to celebrate the 223<sup>rd</sup> anniversary of the signing of the constitution. **Supervisor Allen** gave the proclamation to Terry and Joyce Hill to hang at the VFW Post 9907 in Show Low. **Supervisor Allen made a motion** to approve the proclamation declaring September 17, 2013 Constitution Day; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.
- e. Presentation of Novo Power, LLC: Hunter Moore introduced Arizona State Senator Bob Worsley and his son Brad Worsley who is the President and CEO of Novo Power. Mr. Brad Worsley spoke about the acquisition of the former Snowflake Power Plant, the Catalyst Paper Mill and also the buying of 7,500 acres surrounding the plant. He addressed what they are doing with Novo Bio Power. He said the plant creates enough megawatts of power to furnish electricity to about 20,000 homes. He spoke of the economic impact which includes; 36 direct employees, it has created 100 jobs indirectly and does business with 100 local suppliers. Senator Worsley answered questions of the Board and indicated he feels this is mutually beneficial for Navajo County and NOVO Power. He reported they spent millions of dollars buying these assets and they want to get them back into operation to provide jobs.
- f. Presentation from the President of the American Lands Council: Utah Representative Ken Ivory explained the constitutional and legal basis for the transfer of public lands from federal to state ownership and how that will benefit the states and counties in the west, in their ability to take care of the health, safety and welfare of its citizens. He asked the Board to consider joining the American Lands Council to help move the message forward to secure the rights of life, liberty and property. Representative Ivory answered questions of the Board and invited them to enter their voice into the Legislature process and invited the Board to attend the Multi-State Strategy Conference on October 2<sup>nd</sup> in Park City, Utah.

**PUBLIC SAFETY RETIREMENT SYSTEM LOCAL BOARD**: Consideration and possible approval of appointment of Wade Carlisle to the Public Safety Retirement System Local Board: Lea Land discussed the item. **Supervisor Tenney made a motion** to approve the appointment of Wade Carlisle to the Public Safety Retirement System Local Board; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**HUMAN RESOURCES**: Consideration and possible approval of Personnel Actions: Kimberly Eavenson reviewed the 29 item personnel action report. **Supervisor Thompson** asked for more information on item #25. Brad Carlyon, County Attorney indicated that the Board oversees the Human Resources department. He stated the influence of the Board is in setting the budget; however they cannot oversee various employees that work for an Elected Official. Mr. Carlyon indicated the Board could not veto another Elected Official's decision over the employees hired or dismissed by them. He suggested the Board could address any concerns or questions to that Elected Official. Mr. Carlyon indicated the sheet they are approving is a clarification of payroll. **Chairman Nez** indicated that there is no direct family relation with the individual even though the last name is the same as one of the Board members. **Supervisor Tenney made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**TREASURER:** Consideration and possible approval of Personal Property Tax abatements per A.R.S. 42-19118 (Manny Hernandez) Item pulled.

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

a. **CONSENT AGENDA:**

i) Approve Lease Agreement between Baldwin Jones Properties, LLC and Navajo County Public Health Services District for office space, including utilities and cleaning expenses in Snowflake for the WIC and Nutrition Programs for October 1, 2013 to September 30, 2014 in the amount of \$1,270.90/month: **Supervisor Allen made a motion** to approve the consent agenda as presented; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

b. Navajo County Public Health Services District presentation on the participation of the Full Scale Exercise in Winslow, AZ to test procedures with Winslow Police, Fire, and Little Colorado Medical Center: John Zimmerman gave a short presentation on a full scale exercise on July 31<sup>st</sup> which complied with the national standards set by Homeland Security on plans and procedures.

**Supervisor Tenney made a motion** to return to regular session; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

**FINANCE:**

a. Consideration and possible approval of SFA-11-201 Amendment #2 moving \$25,000 from contractual labor to equipment costs to cover equipment expense: Mary Springer discussed the item. **Supervisor Allen made a motion** to approve the SFA-11-201 Amendment #2 moving \$25,000 from contractual labor to equipment costs to cover equipment expense; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

b. Consideration and possible approval of contract awarded to G&G Construction in the amount of \$14,538.00 to install the sprinkler system for the Snowflake Academy Community Development Block Grant #155-12: Mary Springer discussed the item and corrected the amount to \$25, 279.00. **Supervisor Allen made the motion** to approve the contract awarded to G&G Construction with the amount correction in the amount of \$25,279.00 to install the sprinkler system for the Snowflake Academy Community Development Block Grant #155-12; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**PUBLIC WORKS:**

a. Consideration and possible approval of Task Agreement 7 of Memorandum of Understanding AGN00090001 between Bureau of Indian Affairs, Navajo Region and Navajo County: Homero Vela congratulated James Jayne and James Menlove for their recognitions. Homero Vela discussed the item. **Supervisor Thompson** made comments regarding recent road damages and in increasing the partnership with the BIA. **Supervisor Thompson made a motion** to approve the Task Agreement 7 of Memorandum of Understanding AGN00090001 between Bureau of Indian Affairs, Navajo Region and Navajo County; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

b. Consideration and possible approval of Amendment No. One to the supply and Delivery of Roadway Materials to the Navajo Nation, Contract #B12-08-007 with Hatch Construction & Paving, Inc. to extend the Supply and Delivery of Roadway Materials to the Navajo Nation contract for one additional year (September 10, 2013 through September 9, 2014): Homero Vela discussed the item. **Supervisor Thompson made a motion** to approve the Amendment No. One to the supply and Delivery of Roadway Materials to the Navajo Nation, Contract #B12-08-007 with Hatch Construction & Paving, Inc. to

extend the Supply and Delivery of Roadway Materials to the Navajo Nation contract for one additional year (September 10, 2013 through September 9, 2014); motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

- c. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 30-13, approving a Zone Change from A-General to Commercial-Residential on Assessor's Parcel Number 103-30-079:** Trent Larson discussed the item and answered questions of the Board. **Chairman Nez** opened the Public Hearing. Mr. Ronald Watkins addressed the Board regarding the zone change and answered questions of the Board. He spoke of the security measures that he will be putting into place. Dianne Pawley spoke in opposition of the Special Use Permit. She addressed the concerns of safety issues in regards to the traffic, crime, and fire. She requested that the building inspector and fire marshal inspect the building. Kevin Rhoads spoke in support of the item. He spoke of the traffic, crime and the asset of the applicant's home being there at the place of business and of other neighbors who are in support of the item. **Chairman Nez** closed the Public Hearing. Trent Larson indicated that the Planning and Zoning Commission did approve this item on their July 18<sup>th</sup> hearing. He reported the Planning and Zoning department received petitions with 14 signatures against and 286 signatures in favor of the Zone Change. Mr. Larson stated the City of Winslow was also in support of this item. **Supervisor Tenney** asked if there is 24/7 hour security coverage in the Winslow area. Mr. Carlyon indicated that there is 24/7 Sheriff's coverage in that District which includes part of the reservation. **Chairman Nez** asked about the possibility of another off ramp in the area. Mr. Larson indicated that there is another route out of that subdivision and that the building of another off ramp would be through ADOT. **Supervisor Allen made a motion** to adopt **Resolution Number 30-13**, approving a Zone Change from A-General to Commercial-Residential on Assessor's Parcel Number 103-30-079; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**BOARD OF EQUALIZATION: Supervisor Tenney made a motion** to enter into the Board of Equalization; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

- a. **Swearing in of Assessor, Appraisers and Petitioners:** The Assessor, Cammy Darris and Appraisers Marlene Sample and Chris Frayer were sworn in by Melissa Buckley, Clerk of the Board.
- b. **Discussion and possible action regarding Petition for Review of Real Property Valuation APN 212-03-002J:** Melissa Buckley, Clerk of the Board indicated that this petition has been withdrawn.
- c. **Discussion and possible action regarding Petition for Review of Real Property Valuation APN 210-03-035D, APN 210-03-035B and APN 210-03-041:** Marlene Sample addressed the Board recommending no change in value. Cammy Darris addressed the Board regarding the agricultural classification. **Supervisor Tenney made a motion** to uphold the assessor's decision; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.
- d. **Discussion and possible action regarding Petition for Review of Real Property Valuation APN 311-30-016 and APN 311-30-015A:** Cammy Darris indicated that they have a settlement on this reduced FCV to \$786,352. **Supervisor Tenney made a motion** to approve the stipulated agreement; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.
- e. **Discussion and possible action regarding Petition for Review of Real Property Valuation APN 212-03-019P:** Chris Frayer addressed the Board and stated the Assessor's office recommends no change to the current FCV of \$37,655. **Supervisor Tenney made a motion** to uphold the assessor's decision; motion seconded by **Supervisor Thompson**. 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.

**Supervisor Allen and Supervisor Tenney** left the Board meeting at 12:05 p.m.

**COUNTY BUSINESS UPDATE:** Report from Board members, County Attorney and County Manager: **Supervisor Whitesinger** spoke of her gratitude to Navajo County for their partnership with the White Mountain Apache Tribe during their fair. She reported on the First Things First meeting discussions of the expanding of their services by creating another day care center and partnering with the Whiteriver School District. **Supervisor Whitesinger** thanked Eric Descheenie for his leadership and support of District Five's Strategic Plan. **Supervisor Thompson** spoke of the Hopi Tribe's declared emergency due to the heavy rains. He spoke of the BIA's and Navajo County's assistance in the repairing of the roads. James Jayne spoke about the Navajo County Fair and the upcoming 2013 ICMA Conference in Boston. Mr. Jayne thanked the Board for their recognition. Melissa Buckley spoke of the Navajo County Fair events and invited everyone to attend. **Chairman Nez** spoke of the work with the Navajo Nation's fiscal year budget. He spoke of the Flooding Resolution and the Drought Resolution by the Navajo Nation regarding the emergency situations due to heavy rains.

**Navajo Word of the day:** Hay oo' which means one can take on obstacles and challenges and deal with them.

**ADJOURN:** At 12:20 p.m. **Supervisor Thompson made a motion** to adjourn; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**APPROVED:**

**DATE:** *September 24, 2013*

*Jonathan M. Nez, Chairman*

**ATTEST:**

*Melissa W. Buckley - Clerk of the Board*