

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**December 2, 2003**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00 a.m.

**PRESENT:** Pete Shumway, Chairman; J.R. DeSpain, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Jerry Brownlow, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; and Kathy Hieb, Deputy Clerk of the Board.

Mr. Thompson led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** Jack Latham, Congressman Rick Renzi's representative, conveyed the Congressman's apologies for not being here this morning. The Congressman is sick and unable to travel, however will be here at a later date. The Congressman wanted to discuss the Healthy Forest Initiative with the Board, and he further advised that Sylvia Allen of the Heber/Overgaard area has been invited to Washington DC to attend the signing ceremony. The Board presented issues they would like Mr. Latham to take back to the Congressman, including the status of the Petrified Forest expansion; sovereignty issues on the reservations; and thanks for helping to get funding for the Pinon Health Center. Ms. Itasca Smalls presented suggestions for the county's comprehensive plan, which is scheduled for hearing on December 15, 2003 at 1:30 p.m. in the Board Chambers.

**CONSENT AGENDA:** Mr. Thompson made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Board Minutes: November 17, 2003; 3) Assessment and Tax Roll Corrections; 4) Public Works: Name existing road in the Heber/Overgaard area "Outlaw Trail"; Pinetop-Lakeside area "Mountain View Ranch Road" and Thunder Horse Road; 5) Constable Reports: (October) Show Low; Holbrook; Snowflake; Winslow; 6) Justice Court Reports: (October) Holbrook; Kayenta; Winslow; 7) Clerk of the Court Report: (October); 8) Sheriff: Continuation of Agreement with Heber/Overgaard School District for School Resource Officer; 9) Juvenile Justice Report: (October); 10) Planning & Building: **Resolution #76-03** Special Use Permit request by Ernest & Paula Sutter for small diameter timber operation in White Mountain Lake area; **Resolution #77-03** Special Use Permit request by Linden Fire Department to allow construction of cellular communications tower in the Linden area; **#78-03** Zone Change request by Payson Exchange Partnership #3 from A-General to R1-10 to allow for a residential subdivision in the Clay Springs area. (Mr. Shumway absent for the vote)

**SHERIFF'S OFFICE:** Sheriff Gary Butler: 1) Continuation of the Emergency Management Performance Grant (formerly named State and Local Assistance grant) and operating expenses match will come from Sheriff's general fund budget for the Emergency Services Manager and Account Clerk III positions: Commander Larry Dunagan explained this is a continuing grant, which pays one-half the salaries of the Emergency Services Manager and Account Clerk III, plus operating expenses. Mr. Jayne noted that this change will present no increased costs to the county, and will provide better service. **Mr. DeSpain made a motion** to approve the continuation of the Emergency Management Performance Grant, with operating expenses match to come from Sheriff's general fund budget for the Emergency Services Manager and Account Clerk II positions, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Update on Homeland Security Task Force: Sheriff Butler updated the Board on the activities of the Task Force. He said that letters were sent to the first responder agencies, advising them that if they do not participate in the risk assessment, they may not be able to receive funding. He noted that most of the agencies, including the Tribes, have returned their assessments. The Sheriff advised that he would like to make some changes in the Executive Board. County Attorney Mel Bowers advised this issue was not agendaized and no action can be taken at this time. Sheriff Butler said he will place that issue on the next agenda. He continued with his report, stating that the radios were ordered, but the funds have not yet been released and if the funds are not released by the end of this month, the cost of the radios will increase by about \$100 each. The HAZMAT vehicle, which was approved by the Board, is also on hold.  
**No action taken at this time.**

**BOARD OF SUPERVISORS:** Chairman, Pete Shumway: **Resolution** to honor the 3A High School Football State Champion Show Low Cougars: Show Low High School football Head Coach, Jeremy Hathcock, and members of the winning football team were present to accept the resolution and congratulations from the Board. **Mr. Shumway made a motion** to adopt **Resolution #80-03**, Honoring the 3A High School Football State Champion Show Low Cougars; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**BOARD OF SUPERVISORS:** 1) **Resolution** in support of a formal request by the Prairie Dog Conservation Team to remove the Black-Tailed Prairie Dog from the U.S. Fish and Wildlife Federal Candidate List: **Mr. DeSpain made a motion** to adopt **Resolution #81-03**, supporting a formal request by the Prairie Dog Conservation Team to remove the Black-Tailed Prairie Dog from the U.S. Fish & Wildlife Federal Candidate List; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) **Resolution** of Support and Congratulations to the Whiteriver Hospital and the Cibecue Health Center for Receiving the Joint Commission's Gold Seal of Approval for Health Care Quality and Safety: Mr. Brownlow explained that the Joint Commission of Accreditation of Health Care Organizations inspects and accredits more than 17,000 facilities and seeks to continuously improve the safety and quality of care provided to the public. **Mr. Brownlow made a motion** to adopt **Resolution #82-03**, supporting and congratulating the Whiteriver Hospital and Cibecue Health Center for receiving the Joint Commission's Gold Seal Approval; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Funding from District V Special Road Funds to assist with monthly cost of operating twenty-nine street lights within the community to provide security and safety to community members for thirty-six months: Mr. Brownlow explained the road is a BIA road, which leads into Cibecue and that Navopache Electric will install and power the lights for \$224.40 per month, with a contract for 36 months. The White Mountain Apache Tribe has asked Navajo County for funding assistance for the monthly payments for that period. **Mr. Brownlow made a motion** to approve funding assistance in the amount of \$224.40 per month for 36 months, *subject to availability of funding*, from District V Special Road Funds, to assist with monthly costs of operating twenty-nine street lights within the community of Cibecue; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

4) Funding assistance from District IV Special Project Funds to assist with cost of two roll-off trash containers used to remove tin and burned appliances from burned property in the Overgaard area: Mr.

Shumway advised that these burned materials were the result of the Rodeo-Chediski Fire. **Mr. Shumway made a motion** to approve funding assistance in the amount of \$1131.58, from District IV Special Project Funds to assist with cost of two roll-off trash containers; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**INDIAN WELLS CHAPTER:** Alfred Clark: Funding assistance from District II Special Project Funds to assist with education and disseminating information with regards to the West Nile Virus concern: Mr. Clark explained that the funding will be used to educate the people of Indian Wells about the West Nile Virus. **Mr. Thompson made a motion** to approve funding assistance in the amount of \$300, from District II Special Project Funds, to assist with education and disseminating information with regards to West Nile Virus concern; motion seconded by Mr. Deal; vote unanimous approving the motion.

**PARKS & RECREATION:** Sam Pogue, Director: **Emergency Resolution** approving the Extension of the Franchise area of Pineview Water Company to include Show Low Lake Campground and containing an emergency clause: Mr. Pogue advised that an emergency existed because the campground's well system failed and he requested an emergency connection to the Pineview Water Company on 29, 2003. He is requesting that the Board adopt a resolution approving the extension of Pineview's franchise area to include the campground, and although the county will now pay water fees to Pineview, he believes that the cost to repair the well system would far exceed those water fees. **Mr. DeSpain made a motion** to adopt **Resolution # 83-03**, approving the extension of the franchise area of Pineview Water Company to include Show Low Lake Campground and containing an Emergency Clause; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Mr. Shumway absent for the vote)

**COUNTY ATTORNEY:** Lance Payette, Chief Deputy: Approve expenditure of "Fill the Gap" funds to purchase a storage trailer for records and shelving for the trailer: Mr. Payette advised that the County Attorney's office currently has one container which is packed full. They would like to purchase another storage trailer, which will cost \$2563.85. Shelving will be purchased to put in the container, and will cost \$1905.28. Total amount for this request is \$4469.13. **Mr. Shumway made a motion** to approve the expenditure of "Fill the Gap" funds in the amount of \$4469.13 to purchase a storage trailer for records and shelving for the trailer; motion seconded by Mr. Deal; vote unanimous approving the motion.

**BUREAU OF INDIAN AFFAIRS:** Lonnie Hammer, Acting Operations and Construction Manager: Approval of the master Memorandum of Agreement to be used as a single master document with the various funding projects attached as exhibits: Deputy County Attorney Lance Payette explained that in the past, these agreements have taken much too long to go through the process and this master agreement will be a single document, and each project will be attached as an exhibit or addendum. Calvin Castillo, Agency Road Engineer added that this will streamline the process, with the turn-around time being greatly reduced. **Mr. Deal made a motion** to approve the master MOA; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**SILVER CREEK COUNTY ROAD IMPROVEMENT DISTRICT:** Pete Shumway, District IV: Accept resignation of Lem Cook from the Silver Creek County Improvement District Board: Mr. Cook presented some history and an update on some of the activities of the District Board. **Mr. DeSpain made a motion** to accept the resignation of Lem Cook from the Silver Creek County Improvement District Board; motion

seconded by Mr. Shumway; vote unanimous approving the motion.

**NAVAJO COUNTY FLOOD CONTROL DISTRICT:** Bill Cox, Floodplain Administrator: **Board of Directors Session:** 1) Approval of request to Arizona Department of Water Resources (ADWR) to assist in developing statewide standards for identifying and delineating floodplains: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Cox explained that the ADWR established a State Standards Work Group in 1990 to help guide the Department in developing and adopting criteria for establishing the 100 year flood and delineating floodplains. The funds are budgeted in the Flood Control District 2003/2004 budget. **Mr. DeSpain made a motion** to approve the request from the ADWR to assist in developing statewide standards; motion seconded by Mr. Shumway; vote unanimous approving the motion. (Mr. Thompson absent for the vote)

2) Approval of contract with Aerial Mapping to develop topographic mapping for Cottonwood Wash: Mr. Cox explained this contract will provide information necessary to develop detailed floodplain mapping for areas where there is now only approximate mapping. This will make it easier for property owners along Cottonwood Wash to develop their property. The fee for the aerial mapping is \$19,250, which is within the amount budgeted for the project. **Mr. DeSpain made a motion** to approve the contract with Aerial Mapping in the amount of \$19,250 to develop topographic mapping for Cottonwood Wash; motion seconded by Mr. Shumway; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**CONGRESSMAN RICK RENZI/BOARD OF SUPERVISORS:** Congressman Rick Renzi and J.R. DeSpain, District III Supervisor: Presentation in Memoriam of Army Specialist Spencer Timothy Karol, who Lost his Life while Supporting Operation Iraqi Freedom: **At the request of Mr. DeSpain, this item is continued.**

(Mr. Brownlow requested an emergency item regarding the asphalt paving of the juvenile detention parking area. Following a brief discussion, it was decided to post this item for a Special Meeting tomorrow, December 3, 2003 at 1:30 p.m.)

**PUBLIC HEALTH SERVICES DISTRICT:** Dr. Stanley Warner, Director: **Board of Directors Session:** Update on current status of Environmental Health Permits: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Dr. Warner reported that every, has been collected with a total of 79 tax-exempt establishments; 309 closed facilities; and 476 establishments that have paid. The total collected was \$35,605. He noted the data base had been improved. **Mr. DeSpain made a motion** to accept the update as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**BOARD/ADMINISTRATION:** Jimmy Jayne, County Manager: 1) **Resolution** fixing the amount and approving the bond, fixing the time and place of hearing for January 5, 2004 @ 9:30 a.m. on the Question of Formation of the Madison Lane Circle Improvement District (Bob Howell, Special Districts): Mr. Howell presented a petition signed by approximately 75% of the property owners, requesting the

formation of a road improvement district. The petitions have been verified by the Assessor. **Mr. Brownlow made a motion** to adopt **Resolution #84-03**, fixing the amount and approving the bond, fixing the time and place of hearing for January 5, 2004 @ 9:30 a.m. ; motion seconded by Mr. Shumway; vote unanimous approving the motion.

2) Monthly Financial Report (Joan Mickle, Interim Director): Ms. Mickle presented the monthly financial report: Total revenues to date-\$9,059,998.31; Total expense to date-\$8,516,900.36; Budgeted transfers in/out-\$299,374.75; Net cash/fund balance-\$2,393,584.34. Mr. Jayne advised that there should be a budget amendment in January to correct certain line items which were incorrect in the budget. There was a brief discussion regarding the jail budget, noting that the anticipated DOC beds have not yet been funded by the State. There is a jail committee meeting scheduled for December 15th at 8:00 a.m. The jail budget is on that agenda.

3) Approval to extend temporary Accounts Payable temporary position until December 31, 2003: **Mr. DeSpain made a motion** to approve the extension of the temporary Accounts Payable position until December 31, 2003; motion seconded by Mr. Deal; vote unanimous approving the motion.

4) Acceptance of letter of resignation from Dr. Stanley Warner as Health Director; appointment of interim director and review of process for filling the vacancy: **Mr. DeSpain made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Mr. Jayne advised that he received a letter of resignation from Dr. Warner on November 20, 2003, which is to be effective on December 15, 2003. Mr. Jayne said there needs to be an interim director appointed until the vacancy can be filled. He has spoken to Mary Tyler, who has agreed to accept the interim appointment. Mr. Jayne said he hopes to have the vacancy filled by the end of January, 2004. **Mr. DeSpain made a motion** to accept the letter of resignation from Dr. Stanley Warner as Health Director, effective December 15, 2003; motion seconded by Mr. Deal; vote unanimous approving the motion.

5) Update on filling the Finance Director position (Gail Sandoval, Human Resource Director): Ms. Sandoval reported that there were 19 applicants for the position. Ten of those applicants underwent a preliminary interview. The top 5 will be scheduled for final interview by the Board on Monday and Tuesday, December 15th and 16th.

6) County Manager Report - Current Events: Mr. Jayne advised that state revenues for October were up by 7.3%. Mr. Latham reported that two fire districts in Navajo County, Linden and Pinedale/Clay Springs, received FEMA grants to purchase fire vehicles.

**CITY OF HOLBROOK/NAVAJO COUNTY:** Acceptance and Thank you to the City of Holbrook Clean & Beautiful Recycling for the Container(s) being placed the Navajo County Complex: Mr. DeSpain provided some background regarding the recycling program in Navajo County. Representatives from the City of Holbrook presented a NEARA recycling bin for use here at the County Complex. The Board accepted the bin and thanked all those involved.

**PAYROLL ACTIONS:** Gail Sandoval, Human Resource Director, presented a list of payroll actions. **Mr. Deal made a motion** to approve the payroll actions as submitted, with the corrections as stated; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

**BOARD BUSINESS:** Mr. Deal reported on the Project Export meeting held at the complex last week.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Wednesday, December 3, 2003, upon a **motion made by Mr. DeSpain**; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 12:15 p.m.

**APPROVED:**

**DATE:**

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**Pete Shumway, Chairman**

**ATTEST:**

**Judy Jones, Clerk of the Board**

**The following Navajo County demands were audited, approved and ordered paid by the Board:**

Comm1stBnk\$1288.84;ADOR\$3438.52;AbandMine\$8500;AZTreas\$20933.33;APS\$3387.90;Barrow&Barrow\$1205;BetterComm\$2386.58;Bradco\$5648.89;Cannon\$2812.61;CellOne\$1467.05;Checker\$3048.83;CBrennan\$1081.12;CrtsyChev\$1597.05;DMcCoy\$8183.56;DFrame\$2777.50;E&ESvc\$2123.97;ElctnsOpsSrv\$5795.51;EMorse\$1696;Empire\$4100.54ErgonAsphalt\$24579.51;HatchCnst\$14475.68;HensleeDoor&Wdw\$9104.18;MRatner\$1935;M&MProf\$1191.11;MilleniumFnd\$1142;NCRF\$1700.51;NCSRF\$1341.23;NACOG\$17277;PvmntMrkng\$16889.41;Oates&HaynieAuctnr\$4939.64;PtrImTrdrs\$6226.20;RVanDerWere\$1250;RSCRntl\$2697.62;SHeckathorne\$1375;HopiTribe\$2756.28;UnitedRntlNW\$3903.44;WhtMtnHaySl\$2553.86;WEstGroup\$2244.44;WoodLw\$8459.50;LovittTouche&Hancock\$10051;ABLMngnt\$30,279.83;AmerSprnklr\$8000;APS\$1186.57;AZTreas\$7450;Brimhall\$4042.88;CHolliday\$2271.50;Chevron\$7313.46;Cholla\$14,108.30;ContFlrng\$1674.91;DGallagher\$1125.60;FalconPwr\$1409.87;FlgMedCntr\$1300;Frontier\$2834.11;Frontier\$9660.07;GlaxsmthlneFin\$1017.66;Gruber\$3072;HumSocWhtMtn\$2995;JLymanDMD\$1053;MMProf\$1248.74;NCRF\$2346.36;NCSupSchol\$52,113.17;Navapache\$1169.75;NAZAcad\$5416.91;RNejeres\$1187.19;SonoraQst\$1189.80'PrntPlc\$1595.96WestGrp\$2853.02;CakeChev\$12,264.30.