

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**FEBRUARY 17, 2004**

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

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

Pete Shumway, Member was attending a CPR meeting regarding legislative issues. Mr. Brownlow led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** Todd Honyaoma from Shepaulovi Village on the Hopi Reservation stopped in to say thank you to the Board for their assistance with projects in his area.

**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: Voucher List for Payment; Board Minutes: February 2 and 9, 2004; Appointment of Republican Precinct Committee Persons; Public Works: Name existing road in the I-40 area, "Hibbard Siding Road"; Back Tax Land Deed: 105-32-028, 105-33-122, 123, 124, 124 & 126; and Authorization for Navajo County to lease their race dates to Turf Paradise for source of revenue permitted by the Arizona State Racing Commission.

**FEBRUARY MONTHLY ANNIVERSARY EMPLOYEE APPRECIATION: 25 Years** Robert Smith; **10 Years** Margaret Corey; **5 Years** Chari Blosser, Mary Goodman & Craig Urling. **RETIREMENT PLAQUE:** Given to Frank Turley in appreciation for 12 years of service to Navajo County Citizens since September 22, 1992: Plaques and Certificates were presented.

**SUPERIOR COURT:** Dale Nielson, Presiding Judge: Presentation of the Annual Report of the Judicial Branch: The following information was presented to the Board for year ending December 31, 2003: In Superior Court the total number of filings were 3242 with 2414 of those cases being closed; There was 60% increase in criminal from last year. The court closed 930 criminal files (increase of 77 over last year). The court started 2004 with 972 pending cases (303 more than last year). He continued by saying that the *Superior Court Clerk's* office will feel the immediate impact of the increased filings. Revenues collected by the Clerk of the Court for 2003 was \$1,024,515 an increase more than 2002 at \$952,552. *Adult and Juvenile Probation* is being supervised by Judge Kindig and she is working on organization of the department. Juvenile Stats as of January 1, 2004 was 94 (2003 - 145); Adult as of January 1 was 946 (2003 - 913). *Justice of the Peace Courts* are continuing to see an increase but are operating efficiently. *Pre-trial Services* This program provides pre-trial supervision for defendants that would otherwise be held in jail pending conclusion of their cases. Cost per day to house a defendant is \$56.60, the approximate cost to supervise through Pre-Trial Services is \$7.50 per day. It is estimated that \$600,000 in incarceration costs have been saved through this program. *Court Collections* has been working with AOC to include the lower jurisdiction courts included in the FARE Project. The department has entered more than 5500 claims with Department of Revenue Tax Intercept Program for 2004 (more than \$60,000 was collected in 2003). The largest concern for the Judicial Branch is the cost for indigent defense. Both the Public Defender and Legal Defender are imposing moratoriums on receiving new case and this leaves more going out to contract attorneys which is much more costly. In conclusion Judge Nielson added that it is always the Judicial Branch's intent to notify the Board and the public that the

Courts are operating efficiently and effectively and investing every effort in the pursuit of justice. The Court is at 49% of their budget in the first half of this fiscal year.

**NAVAJO COUNTY POLLUTION CONTROL CORPORATION: John Overdorff: Public Hearing**

Possible approval pursuant to ARS 35-821(B) of proceedings by which bonds are to be issued by the Navajo County Pollution Control Corporation (i.e., not to exceed \$166,150,000 aggregate principal amount of Navajo County, Arizona, Pollution Control Corporation Pollution Control Revenue Refunding Bonds, such bonds to be issued in one or more series for the benefit of Arizona Public Service Company): Attorney Overdorff explained to the Board that a Resolution is needed approving the issuance of an aggregate principal amount not to exceed \$166,150,000, and the loan of the proceeds to Arizona Public Service Company. The bonds are issues to refund the Navajo County Arizona Pollution Control Corporation Pollution Control Revenue Refunding Bonds (APS) 1993 Series A, which were issued to refinance the costs of the acquisition, construction, improvement or equipping of certain air and water pollution control and sewage and solid waste disposal facilities relating to an electric generating station operated as the Cholla Electric Generated Station located in Navajo County. ARS 35-382 makes clear that the bonds aren't debts of liabilities of the County. **Mr. Brownlow made a motion** to approve Resolution #10-04 as presented; motion seconded by Mr. Thompson; vote unanimously carried.

**PUBLIC DEFENDER: Emery LaBarge, Public Defender: Use of Southwest Border Prosecution Initiative (SWBPI) Award funds for expert witness fees and authorization to transfer into SWBPI witness fee fund:** Ms. LaBarge explained that they have a new murder case which needs immediate attention and that the prosecutor has indicated he will not offer a guarantee that the State will not seek the death penalty in this case. Per ABA guidelines it is imperative that counsel begin investigating mitigating evidence and assembling the defense team as early as possible - well before the prosecution has actually determined that the death penalty will be sought. Therefore, she is asking for \$21,905 from SWBPI funds for witness fees. **Mr. Deal made a motion** to approve the request; motion seconded by Mr. Brownlow; vote unanimously carried

**NAVAJO COUNTY HISTORICAL SOCIETY, INC: Marlin Gillespie, President: Request to expand Historical Society quarters into previously occupied space at the Historical Courthouse:** Mr. Gillespie and Ms. Garnett Franklin (County Historian and Manager of the Historical Society Office at the Historical Courthouse) requested the Board allow them to occupy the additional space in the old courthouse that has been vacated by the Sheriff's Office. The question of who will be responsible for the additional utilities, which shouldn't amount to much, will be discussed with the County Manager. **Mr. Brownlow made a motion** to approve the request; motion seconded by Mr. Thompson; vote unanimously carried

**CITY OF HOLBROOK: J. R. DeSpain, District III Supervisor: Resolution** in support of application to the Economic Development Agency to construct a water delivery infrastructure system: Mary French-Jones, City of Holbrook Grant Administrator, requested the Board's approval of the resolution in support of the grant application. **Mr. Brownlow made a motion** to approve **Resolution #11-04** as requested; motion seconded by Mr. Deals' vote unanimously carried

**DEVELOPMENT SERVICES: Dave Ashton, Director: Public Hearing 1) Resolution** approving an amendment to a Special Use Permit request by Linden Fire Department to increase the permissible height of wireless communication tower from 70 feet to 120 feet on APN #209-20-019 in the Linden area: Mr. Ashton and Ms. Davis, Planner explained the initial SUP was approved by the Board of Supervisors

on December 2, 2003 by Resolution No. 77-03. Since that time, Cellular One, the lessee, was notified by the State that Vision One, a subsidy program, had received approval by the Corporation Commission to expand off Native American reservation land. In response, Cellular One is requesting an amendment to the original SUP be granted to increase the height of the tower from the approved seventy feet to one hundred twenty feet, an increase of fifty feet. The additional height will allow for a wider coverage range, thus enhancing the service for all Cellular One customers. No letters in favor of or in opposition to the request has been received. The Commission vote was 7 to 1 in favor of the request. **Mr. Brownlow made a motion** to approve **Resolution #12-04** as requested; motion seconded by Mr. Thompson; vote unanimously carried. 2) Resolution approving a Zone Change request by Mark and Kathleen Rens from R1-10 to R-3 on subject property APN #212-10-104 in the Wagon Wheel area:

The Applicants are requesting a Zone Change from R1-10 (Single-Family Residential - 10,000 square foot minimum lot size Zoning District) to R-3 (Multiple-Family Residential Zoning District). This property was described as Multiple Family in the original CC&R's of the subdivision and the classification was never recorded on the County Zoning maps. When they purchased the property they thought it was zoned Multiple Family allowing them to build a duplex or a triplex. Staff concurs with the proposal. This parcel is contiguous with Multiple Family zoning. One letter of opposition was received at the Planning & Zoning meeting. However, no one spoke for or against the request. No letters in favor or opposition of have been received in conjunction with this Public Hearing. The Commission voted unanimously in favor of the Zone Change. **Mr. Brownlow made a motion** to approve **Resolution #13-04** as requested; motion seconded by Mr. Thompson vote unanimously carried.

**SHERIFF:** Gary Butler, Navajo County Sheriff: 1) Resolution requesting the Department of Homeland Security/Office of Domestic Preparedness allowing reprogramming of Homeland Security Phase 1 exercise funds to equipment fund line: Captain Dunagan explained that the County was allocated funding in Phase I funds of \$191,180 in equipment, \$225,000 for exercises and \$8,661 in training funds. Counties comparable in size and population to Navajo County were allocated about \$38,000 in exercise monies. The \$225,000 for exercises is unrealistic and the Homeland Security Task Force is asking for a Resolution asking DHS/ODP to make an adjustment in our allocation by reducing the exercise monies to \$38,000 and increasing the equipment monies to \$378,000 from the current \$191,180 (an equipment increase of \$187,000). **Mr. Thompson made a motion** to approve **Resolution #14-04**; motion seconded by Mr. Brownlow; vote unanimously carried. 2) Reject all bids received for Terrorism Mitigation Planning RFP and issue a new RFP: The Homeland Security Task Force reviewed two bids for the Terrorism Mitigation Planning Grant (CFDA #83.562) on February 3 and determined the original RFP did not contain sufficient information to render an informed decision for this grant. Therefore the Task Force requests that the bids be rejected and a new RFP be written and issued with a new completion date for March 30, 2004. The extension date for completion is December 15, 2004. **Mr. Deal made a motion** to reject all bids and submit a new RFP as requested; motion seconded by Mr. Thompson ;vote unanimously carried. 3) Approve leave of absence per County policy for employee following surgery: Commander Ebert stated that an employee John Mickle needs additional time off following his surgery. **Mr. Brownlow made a motion** to approve the leave of absence; motion seconded by Mr. Thompson; vote unanimously carried. 4) Emergency purchase of replacement radio repeater from state contract for the Heber/Overgaard area for emergency response channel, funded from communication maintenance budget line: Commander Ebert explained the repeater is needed to replace the old repeater on a tower in Heber-Overgaard. It is an emergency response channel which is used for serious emergency situations such as barricade situations, forest fires, etc. The state contract price for the Motorola repeater is \$6,181.63. Funds are available in the Sheriff's communication maintenance budget line item. **Mr.**

**Thompson made a motion** to approve the purchase; motion seconded by Mr. Brownlow; vote unanimously carried.

**PUBLIC WORKS:** Bill Cox, Director: Discussion regarding Navajo County's priority of needs and proposed projects for the Little Colorado River Watershed Multi-Objective Management (LCR-MOM) group: Mr. Cox summarized the responsibilities and needs of the LCR-MOM stating that they are requesting all stakeholders submit their priority of needs for future projects of the LCR-MOM. He explained that in the spring of 1997, two watershed workshops were developed with broad-based involvement of federal, state, county, Native American and private representatives. The objectives of the LCR-Mom workshops have focused primarily on building support for watershed level, community-based planning direction; determining issues, opportunities, concerns and problems of involved parties and identifying resource needs to assist in various watershed wide planning efforts. He stated his concerns regarding the need for direction, focus and funding for LCR-MOM projects. Staff will be looking for direction and input from the Board of Supervisors on projects to be included in the list of projects for the LCR-MOM. Sherri Hill, LCR-MOM officer, added that there will be some state and federal funding for some of the projects. Mr. Cox encouraged the Board to get with him regarding projects they would like to see focused on and would take a list of those projects to the next LCR-MOM meeting. Mr. Thompson stated he would like to look at the flooding needs in the Dilcon community as well as Birdsprings.

**BOARD OF SUPERVISORS: Resolution** urging U.S. Fish and Wildlife to reconsider proposed funding cut for the Alchesay-Williams Creek Hatchery Complex: Mr. Brownlow explained that the USFW is wanting to get out of the hatchery business. The Alchesay-Williams Creek Hatchery is a great benefit to tourism in the White Mountain area and would be a real economic concern for the area if the hatchery were to lose their funding. **Mr. Thompson made a motion** to approve **Resolution #15-04** urging the USFW to reconsider the funding cut; B motion seconded by Mr. Brownlow; vote unanimously carried.

**HARDROCK CHAPTER:** Request to purchase culvert for BIA Route 8027, Rocky Ridge area, utilizing District I Special Road Funds: Mr. Deal stated that there has been a washout five miles from the Rocky Ridge Boarding School entrance and there is a 25-30 foot drop off. Since it is a dirt road when it gets wet the combination of a steep dip, narrow roadway, bank toward the ditch and slippery surface it makes for very hazardous driving situations. This needs to be repaired right away. The culvert that was once there has been washed away. This is a school bus route and to avoid a serious accident he would like to request \$7344 to purchase the needed culvert and bands to repair the road. However, the BIA may have the culvert in their yard so this request would be subject to finding out if that is the case. **Mr. Deal made a motion** to expend \$7344 from District I Special Road Funds to purchase the necessary culverts if the BIA does not have the culverts on hand; motion seconded by Mr. Brownlow; vote unanimously carried.

**ADMINISTRATION:** Jimmy Jayne, County Manager: 1) County Manager's Report 2) Health Insurance Task Force Report: Mr. Jayne reported that the Health Insurance Task Force had met twice and would be bringing an outline of the options to the Board at the March 29, 2004 meeting.

**FINANCE:** James Menlove, Director: Finance Report/Proposed Budget Amendments: Mr. Menlove the following amendments to the 03/04 Budget: Public Fiduciary (\$20,461 Salaries & ERE \$6878 increase-\$27,339 Contingency decrease); Juvenile Probation (\$157,924 Salaries & ERE \$36,589 decrease - \$194,513 Contingency increase); Adult Probation (\$57,563 Salaries & ERE \$15,897 decrease-\$73,460 Contingency increase); Pinetop Constable (\$50 Salaries & ERE \$16 increase - \$63 Contingency

decrease); Assessor (\$46,517 Salaries & ERE\$13,232, Employee Training \$3500, ADOR Contract \$899 increase - \$64,148 decrease contingency); Courts ((AACAP Pymnts) Holbrook JP (OM&R) \$3,000, Winslow JP (OM&R) \$3,000, Snowflake JP (OM&R) \$3,000, Show Low JP (OM&R) \$3,000, Pinetop JP (OM&R) \$3,000, Kayenta JP (OM&R) \$1,500, Superior Court (OM&R) \$10,500, Clerk of Court (OM&R) \$9,500 increase - \$39,000 Contingency decrease) Juvenile Detention (Temp Salaries \$30,068 & ERE \$4111 increase - \$34,179 Contingency decrease); Pinetop JP (Salaries \$681 & ERE \$93 increase - \$774 Contingency decrease); Clerk of the Court (Salaries \$12,633 & ERE \$ 1,697 increase - \$14,330 Contingency decrease); Holbrook JP (Office Supplies \$2125 & Interpreter Fees \$300 increase- \$2425 Contingency decrease); School Superintendent (Salaries \$1247 & ERE - \$1417 Contingency decrease); Miscellaneous (Dues (CSA) \$20,000 & RC&D \$90 increase- \$20,090 Contingency decrease); Building & Grounds (Electricity \$1800 increase - \$1800 Contingency decrease); Superior Court (Salaries \$10,602 & ERE \$1424 & ERE Retirement \$2134 increase - \$1564 Retirement ERE, \$150 Retirement ERE & \$12,446 Contingency increase); Building & Grounds (Repair Supplies \$5000 increase - \$5000 Contingency decrease); Sheriff (Supplies \$500 increase - \$500 Contingency decrease); County Attorney - SWBPI \$25,000 - Professional Services Grand Jury, \$25,000 - Professional Services Grand Jury, Salaries \$25,000 & ERE \$6,250, Office Supplies \$8750, Employee Training \$11,500 increase - \$101,500 Contingency decrease); Public Works (Professional Services \$9046 increase - \$9046 Public Works Contingency decrease); Public Health Service District (\$6000 Repair Supplies increase - \$6000 PHSD Contingency decrease). Underfill Positions: Public Works (Salaries \$1462 & ERE \$356, Salaries \$3377 & ERE \$823 increase - \$6018 Public Works Contingency decrease); Federal Detention (Salaries \$3574 & ERE \$694 increase - \$4268 Contingency decrease); Various: Building & Grounds, Development Services, Assessor, Superior Court, Juvenile Probation, Adult Projection, Clerk of the Court, Jail, Sheriff & Pinetop JP Salaries & ERE \$79,696 increase - \$79,696 Contingency decrease. (Complete document is on file in Clerk's Office.) Cheryl Powell, Sheriff's Department and Sherri Hill, Public Works Department asked that they be allowed to review the items that pertained to their departments. Mr. Deal questioned the \$20,000 to CSA. Mr. Jayne explained that this amount was being set aside, however, he would bring the item back to the Board for final approval. **Mr. Brownlow made a motion** to approve the Finance Report/Proposed Budget Amendments for 03/04 as presented; motion seconded by Mr. Thompson; vote unanimously carried.

**TÓ NIZHÓNÍ ANÍ:** Nicole Horseherder: Request for financial assistance from Special Project Funds for application for Non-Profit Organization: Ms. Horseherder explained that the mission of the organization was to preserve and conserve the water source of Black Mesa which is fed by a water source approximately 1000 feet beneath the earth's surface at the highest point. The water sits in an aquifer more commonly known as the Navajo Aquifer and we share this water source with the Hopi tribe. Education materials are being developed for the Navajo audience and they are working intensely presenting basic hydrological information to the communities of Black Mesa. In the next five years they would like to expand their work into environmental projects such as land restoration and reparation and to also explore sustainable economic projects to prove jobs and revenues. This request is to enable the organization to take the next steps to achieve their goal by becoming a tax-exempt organization to better serve the people in the communities. Mr. Deal stated that this organization is doing a lot of good and it would be of great benefit to them to have their tax-exempt status. He added that he had did not have the funds for this request (\$500) however, he had spoken with Mr. Shumway regarding using funds from his Special District Fund and he had agreed. **Mr. Deal made a motion** to approve \$500 from District IV Special Project Funds for the above request; motion seconded by Mr. Brownlow; vote unanimously carried.

**HUMAN RESOURCES:** Gail Calisen, Director: Approval of Personnel Actions: **Mr. Thompson made a motion** to approve Personnel Actions; motion seconded by Mr. Deal; vote unanimously carried.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: **Worksession** re: Draft Navajo County Comprehensive Plan: Attending from the Planning & Zoning Commission: Roy Solomon, Drew Shumway, Bob Bailey and John Dalton. Mr. Ashton stated that the maps had been put back in as well as the future projected roads. He reminded those present that this is a planning document not a regulatory document. The future airports have been removed from the plan as well. He continued by stating that this under no circumstances would an amendment be required if the current zoning allows development; land planning would take into consideration longtime residents when new people move in; subdivision requirements, and the elimination of parcel size for land splits for development. Scott Higginson, Consultant said that the comprehensive plan was a fairly weak planning document and it doesn't say what is allowed. It allows any zoning within the character areas. Mr. Ashton stated that this plan in no way changes the zoning of any parcel. Concerns from citizens included: school bus routes; Community Fire Plan; subdivisions; wastewater/septic; open space; character areas; recreation areas and Realtor selling property showing proposed roads. Discussion was held regarding changes and concerns. After changes and revisions, the Board accepted the document to go out for Public Hearing. The following Public Hearings are scheduled: February 24, Winslow City Council; February 26, NPC Snowflake; March 4, Pinetop-Lakeside Town Hall; March 9, Holbrook City Council; March 10, Linden Fire Station and March 23, Heber Fire Station.

**BOARD BUSINESS: None**

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, March 8, 2004, upon a **motion made by Mr. Brownlow**; motion seconded by Mr. Thompson; vote unanimously carried. The meeting adjourned at 3:55 p.m.

**APPROVED:**

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J. R. DeSpain, Chairman

**DATE:**

**ATTEST:**

Judy Jones, Clerk of the Board

**The following demands were audited, approved and ordered paid by the Board:**  
ABLMngmt\$27857.20;AP\$8566.76;Bradco\$6845.15;BrimhalSnd&Rck\$2803.29;CarquestHlbrk\$5247.88;CarquestP/L\$2129.32;CarquestTylr\$1439.57;CourtesyChev\$1866.36;DellMrktng\$1044.06;Diamond PharmSrv\$7300.65;E&ESrvcs\$1550.35;EaglePointSftwr\$2100;EmpireMach\$4579.27;FirstInInc\$11117.25;FrntrComm\$4061.18;IBMCorp\$1297.08;JCoppinger\$3500;JRoper\$1118.60;LarsonsRepair\$1149.99;MaxwellPrdct\$8392.98;Motorola\$3022.75;NaumannHobbs\$32539.44;NCRF\$3330.91;NCSRF\$1537.58;NRMCS\$1899.02;NewmanTrfcSgns\$4826;OwensEnrgy\$4442.01;PtrlmTrdrs\$8001.45;PortenierEnt\$1307.80;Qwest\$1681.70;RTurleyAssoc\$1800;SanDiegoPoliceEqpt\$1804.88;SignStop\$6973.29;SlvrCrk

rrDst\$5000;SkycastersLLC\$9441;SmithMuniSpl\$5447.50;SWTrnsmssn\$2582.94;SpecLdrs\$3535.46;StringFnc\$6974.21;CarpetWrks\$6597.88;FramePlace\$1649.95;TwnP/L\$2315.09;UnisourceEnrgy\$27590.10;WestGroup\$4947.90;WhtMtnCnsIng\$3522.50;WrghtEngCorp\$3530.20