

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

June 21, 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; Pete Shumway, Member; Lance Payette, Chief Deputy County Attorney; Jimmy Jayne, County Manager; and Kathy Hieb, Deputy Clerk of the Board.

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

CALL TO THE PUBLIC: Roger Mineer advised there is an important project on Porter Mountain Road regarding a land exchange. Once the new fire station is put in, residents' fire insurance will go down. He said there appears to be a problem with the county accepting an easement from the Forest Service and this is stopping the process. He asked that the Board look into this matter.

CONSENT AGENDA: **Mr. Brownlow made a motion** to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Shumway; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Assessments and Tax Roll Corrections; 3) Sheriff: Approval of Amendment #2 to Department of Corrections Contract #030033DC, extending term of contract for one additional year, effective 7/1/04 to 6/30/05; 4) Public Works: Name an existing road in the Heber/Overgaard area, "Pfeiff Circle"; Name an existing road in the Holbrook area, "Sinclair Drive"; 5) Back Tax Deeds: 105-33-001, 003, 033, 082, 089, 090, 095, 132, 152, 153, 318; 105-34-028, 044, 046, 047, 109, 121, 122, 123, 127, 134, 141, 152, 156, 174, 176, 182, 186, 197, 198, 232, 236, 239, 240, 241, 243, 248, 264, 276, 278, 280, 282, 287, 291, 301, 303, 304, 323, 324, 325, 327, 328, 332, 333, 340, 341, 358, 419; 105-32-014, 044, 046, 047; 105-06-035; 105-11-074; 105-32-020, 056, 061, 185, 235; 105-33-177, 213, 320, 321; 105-34-022, 112, 139, 142, 143, 147, 244, 245, 249, 281, 316, 349; 105-35-010, 022; 105-36-096, 114, 128, 129, 170, 171, 219, 224, 225, 226, 229, 230, 231, 254, 255, 256, 257, 258, 260; 105-39-035, 072; 105-58-438; 105-59-292, 293; 6) Special Event Liquor License requested by James Crampton on behalf of Blue Ridge Scholarship Fund, Inc., for fundraiser in Pinetop area; 7) Clerk of Superior Court report (May); 8) Juvenile Justice System Report (May); 9) Justice Court reports (May): Winslow #2; Snowflake #3; Show Low #5; 10) Constable reports (May): Holbrook #1; Winslow #2; Snowflake #3; Pinetop #6; 11) Assessor: Request for Redemption of Waiver for Parcel Nos.: 210-12-044; 103-14-059; 103-27-047; 212-19-037A; 212-46-022; 109-25-308; 203-05-187; 103-16-103; 105-21-013, 014 & 105-33-232; 12) Development Services: Approval of Extension of the 2004 Waste Tire Agreement with Waste Management Inc.; 13) **Resolution** supporting the City of Holbrook's Uptown and Revitalization Application to the Economic Development Agency; 14) Holbrook Fire Department request for authorization to hold the Annual 4th of July Fireworks Display at the southeast corner of the Governmental Complex (approval pending proof of insurance) **(Item #13 pulled at the request of the City of Holbrook; Mr. Brownlow declared a conflict as to item #6 and did not vote on that item)**

JUNE MONTHLY ANNIVERSARY EMPLOYEE APPRECIATION: 25 Years: Carolyn Castillo 20 Years: Commander Larry Dunagan; Jill Parks-Montoya; Judy Jones; 5 Years: Shelley Wilkinson; Leslie McCarty: Certificates presented.

BUILDING AND GROUNDS: Steve Slade, Maintenance Supervisor: Memorandum of Agreement with the City of Holbrook for Cooperative Purchasing to purchase a 7.5 HP sewer grinding pump for the City's Romero Street Lift Station: Mr. Slade explained that the City of Holbrook needs to upgrade the Romero Street lift station. The County will purchase the pump on behalf of the City, with the total cost not to exceed \$3000 without prior written approval of the City. The City will be responsible for installation and all maintenance and repairs. The City will include this expense in the FY 2004/2005 budget and shall reimburse the County without undue delay. **Mr. Shumway made a motion** to approve the Memorandum of Agreement with the City of Holbrook for cooperative purchasing to purchase a 7.5 HP sewer grinding pump as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

RECORDER/ELECTIONS: Kelly Dastrup, Elections Coordinator: Approval of Precincts and Polling Places for upcoming Primary (9/7/04) and General (11/2/04) Elections: Ms. Dastrup advised that there are four changes in polling place locations which will need to be pre-cleared by the US Department of Justice for the primary and general elections. These locations include: Clay Springs (from the Middle School to the Library); Lakeside #2 (from Blue Ridge High School to the Living Water Baptist Church); Birdsprings (from the Birdsprings Chapter House to the Little Singer School); and Hardrock (from the Chapter House to the Administration Building). **Mr. Shumway made a motion** to approve the precincts and polling places for the upcoming Primary and General Elections as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

PROBATION DEPARTMENT: Ted Ryersbach, Chief Probation Office: Approval for a Temporary Full-Time Employee (Surveillance Officer), July 1 – December 31, 2004: Mr. Ryersbach explained that a temporary employee was hired to take the place of a surveillance officer who was called to active duty in Iraq. That employee has now returned to his position here at the county. Mr. Ryersbach requested he be allowed to keep the temporary employee for an additional six months. At that time, he is hoping that the State will fund an additional full time surveillance officer, and the temporary employee will fill that position. The salary for the temporary position for the next six months will come entirely from Probation Services Funding; no General Funds will be needed. **Mr. Shumway made a motion** approve the temporary, full-time employee (Surveillance Officer) for six months, as presented; motion seconded by Mr. Deal; vote unanimous approving the motion. (Mr. DeSpain absent for the vote)

SHERIFF'S OFFICE: Sheriff Gary Butler; Chief Deputy Greg Eavenson; Commander David Burke: 1) Authorization for Leave Without Pay for a Dispatcher/Communications Specialist: Sheriff Butler advised that this employee is not eligible for FMLA and has no sick leave available during her maternity leave. She has completed her training and is above average in performing her job duties. The department would like to be able to have her return when she is released to come back to work. **Mr. Thompson made a motion** to authorize Leave Without Pay for a Dispatcher/Communications Specialist as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approval to enter into agreement with the Arizona Criminal Justice Commission for grant funding for the Major Crimes Apprehension Team (MCAT): The Board was advised that this grant, in the amount of \$279,403, will allow MCAT to pursue its goal of deterring drug dealers from operating in Navajo County, reduce the availability of illegal drugs, and reduce the level of gang activity through their coordinated enforcement, intelligence and prevention operations. The County's match is \$64,706 and will come from Federal RICO funds. **Mr. Shumway made a motion** for approval to enter an into agreement with the Arizona Criminal Justice Commission for grant funding for the Major Crimes Apprehension Team (MCAT), as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval to replace master control board in the jail facility utilizing Jail Enhancement Funds: Chief Eavenson advised that the existing control panel in the Central Control of the jail facility needs to be replaced to ensure that the locking mechanisms are operational. One response was received and that was from Alarm Specialists, a local company familiar with the security system. The approximate cost is \$18,649 and will be expended from Jail Enhancement Funds. **Mr. Shumway made a motion** for approval to replace the master control board in the jail facility, utilizing Jail Enhancement Funds; motion seconded by Mr. Thompson; vote unanimous approving the motion.

4) Approval to purchase a 64-man dorm prison facility utilizing Bureau of Prison (BOP) Funds: Chief Eavenson explained that this facility is from a sole source and will cost approximately \$494,048, excluding tax. This facility will allow the jail to house additional contract (BOP & DOC) prisoners, which will bring in needed revenue. The facility is self-contained, and will be sited adjacent to the current jail facility. Funding for this project, including the necessary personnel, will come entirely from BOP funds. Mr. Brownlow advised that the Jail Committee met two weeks ago and recommended unanimously to support this project. **Mr. Brownlow made a motion** to approve the purchase of a 64-man dorm prison facility utilizing BOP funds; motion seconded by Mr. Shumway; vote unanimous approving the motion.

SPECIAL DISTRICTS: Bill Cox, Public Works Director: 1) **Board of Directors Session: Sutter Drive Improvement District:** Approval of **Resolution** of Intention declaring the intent to improve certain streets and rights of way within the District, and to assess the costs and expenses of such improvement upon benefiting lots and parcels within the District: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. DeSpain absent for the vote) The Board was advised that 59% of the property owners in the subdivision are in favor of the improvements. The approximate cost for these improvements is \$300,000, or just under \$5000 per lot. **Mr. Shumway made a motion** to approve **Resolution #64-04**, of intention declaring the intent to improve certain streets and rights of way within the District, and to assess the costs and expenses of such improvements upon benefiting lots and parcels within the District; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. DeSpain absent for the vote) **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. DeSpain absent for the vote)

2) Receive petitions for and approve Resolution forming Canyon Vistas Estates Improvement District: Mr. Cox advised that the petition for formation of this district has been signed by 100% of the landowners. It has been submitted along with a tentative plat. Mr. Cox noted that there is only one landowner in this district, and a title report has been received, providing sufficient assurance that the signatures on the petition represent all of the lawful owners and that there are no outstanding liens against the subject parcels. Per statute, since the petition has been signed by 100% of the property owners, it may be considered by the Board without scheduling and holding a public hearing. Mr. Cox advised the Board that the Planning & Zoning Commission has required that a traffic analysis be completed on Shumway Road prior to the proposed subdivision being populated, and the improvements shall be financially assured to the Board prior to approval of the final plat. John Otis, representing the developers, commented that they are only asking for the approval of the Improvement District, not for plat approval, at this time. **Mr. Shumway made a motion** to adopt **Resolution #65-04**, approving the formation of the canyon Vistas Estates Improvement District, with the caveat that the Final Plat approval is contingent upon the completion of improvements to Shumway Road; motion seconded by Mr. Deal; vote unanimous approving the motion. (Mr. DeSpain absent for the vote)

PUBLIC WORKS: Bill Cox, Director: 1) **Resolution** releasing the Financial Assurances in the Summer Place North Unit 2 Subdivision: Mr. Cox advised that the developer has completed all of the improvements and has corrected all punch list items. As-Built drawings have been submitted along with the required completion certificates according to the subdivision regulations. The subdivision will remain private and road maintenance will be performed by a Homeowner's Association. Staff recommends the release of the Financial Assurances. **Mr. Shumway made a motion** to adopt **Resolution #66-04**, releasing the Financial Assurances in the Summer Place North Unit 2 Subdivision; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. DeSpain and Mr. Deal were absent for the vote)

2) **Amendment #1 to Memorandum of Agreement #AG1N0000501 between the Bureau of Indian Affairs, Navajo Region, Fort Defiance Agency and Navajo County:** Mr. Cox explained that this MOU was entered into on April 1, 2001 to reimburse the BIA for funding two motor grader operator positions up to 36 months. The term of the agreement ended on April 1, 2004. The Agency is asking for an extension of the agreement through May 30, 2005, in an amount not to exceed \$54,700. All other terms and conditions of the MOA remain in full force and effect. **Mr. Thompson made a motion** to approve Amendment #1 to Memorandum of Agreement #AG1N0000501 between the Bureau of Indian Affairs, Navajo Region, Fort Defiance Agency and Navajo County, for a period of up to 36 months, and not to exceed \$54,700; motion seconded by Mr. Shumway; vote unanimous approving the motion.

3) **Approval of funds to purchase Aggregate Base Course (ABC) to repair several problem spots on roads in the Keams Canyon area:** Mr. Cox explained that this purchase will be made under our annual materials contract. **Mr. Thompson made a motion** to approve funding in the amount not to exceed \$93,000 from District II Special Road Funds to purchase Aggregate Base Course (ABC) to repair several problem areas on roads in the Keams Canyon area, as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

4) **Resolution** releasing the Financial assurances and accepting the Public Roads in the Linden Trails Subdivision into the Navajo County Maintained Road System: The Board was advised that all improvements have been completed, and the as-built drawings and Operations & Maintenance plans for the drainage structures have been submitted. The contractor has provided an extended warranty for the pavement that was placed late in the season. Staff recommends acceptance of the roads and release of the assurances. **Mr. Shumway made a motion** to adopt **Resolution #67-04**, releasing the Financial Assurances and accepting the Public Roads in the Linden Trails Subdivision into the Navajo County Maintained Road System as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

NAVAJO COUNTY LIBRARY DISTRICT: Geneva Durkee, Director: **Acceptance of Navajo County Library District's Internet Access Policy:** **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Ms. Durkee explained that the federal government enacted into law the Children's Internet Protection Act in June, 2003. This law mandates that all libraries and schools which receive E-rate funding and LSTA funding for computers and technology must filter all Internet workstations, and libraries must have an Internet policy. What must be filtered include child pornography, visual depictions that are obscene and visual depictions that are harmful to minors. The Internet policy and filtering must be in place by July 1, 2004 or the Library District will lose between \$40,000-\$100,000 in E-rate funds and will not be eligible for LSTA funding. Ms. Durkee noted that adopting the policy will cost nothing, but the filtering software costs

will be about \$1100 for three years (District's portion). **Mr. Shumway made a motion** to adopt the Navajo County Library District's Internet Access Policy as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director: **Board of Directors Session:** 1) Approval of Arizona Department of Health Services Contract #HG461021, Amendment #2, for Nutrition Services for the period from July 1, 2004 to June 30, 2008: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Ms. Tyler advised that this is a continuing contract to provide nutrition services to school children. She added that the funding for this year has decreased from \$15,835 last year to \$14,247 for this fiscal year. **Mr. Shumway made a motion** to approve ADHS contract #HC461021, Amendment #2, for Nutrition Services for the period from July 1, 2004 to June 30, 2008; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approval of Arizona Department of Health Services Contract #HG361280, Amendment #1, for Folic Acid Services for the period from April 26, 2004 to March 31, 2008: The Board was advised that the funding for this contract has increased \$16,032 in previous years to \$21,165 this fiscal year. **Mr. Deal made a motion** to approve ADHS contract #HG361280, Amendment #1, for Folic Acid Services for the period from April 26, 2004 to March 31, 2008 as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval of Arizona Department of Health Services Contract #HG354355, Amendment #2, for Tobacco Education Prevention Program (TEPP) for the period from July 1, 2004 to June 30, 2005: The Board was advised that the funding for this program has decreased \$61,187 for this fiscal year. **Mr. Shumway made a motion** to approve ADHS contract #HG354355, Amendment #2, for Tobacco Education Prevention Program (TEPP) for the period from July 1, 2003 to June 30, 2005 as presented; motion seconded by Mr. Deal; vote unanimous approving the motion.

4) Approval to purchase capital items, utilizing ADHS funds: Kevin Niell, Bioterrorism Program Manager, advised that Navajo County has \$109,735.93 in carryover funds from grant year 2002/2003. If these funds are not spent by August 1, 2004, the money will have to go back to the federal government. He explained that much of the equipment he is requesting is needed to bring Navajo County on par in communications ability with all other Arizona counties. This funding will also pay rental costs for Bioterrorism Program satellite offices in the Hopi, Navajo and White Mountain Apache nations. **Mr. Thompson made a motion** to approve the purchase of the capital items requested, utilizing ADHS funds; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

5) Presentation of information regarding Food Permit applications: Ms. Tyler presented current information on the status of the food permit applications. She noted that there are a total of 886 establishments in the county (tax exempt-83; closed-340; paid-463). Total collections to date for fiscal year 2003/2004: \$39,949.91.

6) Overview of Bioterrorism Program operations and plans: Mr. Niell presented his goals for the department, which include developing or enhancing the small pox mass immunization plan; building communication between the county and the communities, Tribes, medical practitioners and hospitals/health clinics; preparation, training and drills; special population outreach and workforce

preparedness. He said he is hoping for much progress in the coming year, and he hopes to see the funding levels remain about the same. Mr. Niell updated the Board regarding the meeting held in Hon Dah, which was sponsored by Navajo County. He noted there were representatives from the Navajo Nation, San Carlos and White Mountain Apache Tribes and others present. There will separate funding for 20 of the 21 tribes in Arizona and he encouraged all of them to sign the agreements. Mr. Niell was commended by the Board for the fine job is doing with the program. **No action taken; informational only. Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Pete Shumway, District IV: Approval of Cost-Share Agreement between the USDA Forest Service, Apache-Sitgreaves National Forests regarding the National Forest County Partnership Restoration (CPR) Program: Mr. Jayne explained that the Forest Service would like to work with the CPR program and are asking for a \$20,000 cost share from the county. The rest will come from the Forest Service. The County's match will come from ECO so there will be no General Fund monies used for this project. The County will oversee the contractor (M3 Research) and serve as the pass-through agent for the funds. **Mr. Shumway made a motion** to approve the Cost-Share Agreement between the USDA Forest Service, Apache-Sitgreaves National Forests regarding the National Forest County Partnership Restoration (CPR) Program, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: 1) Personnel Actions: **Mr. Shumway made a motion** to approve the personnel actions as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Worksession re Budget FY 2004/2005: Mr. Menlove advised that he had considered many different options over the last several months regarding employee increases. Some of these options were: merit increases; COLA; and a flat increase for everyone. After carefully consideration, his recommendation is to give a flat salary increase of \$1800 across the board. This would be considered a COLA because it is the same for everyone. This would result in a percentage increase from 2% to 12%, depending on the employee's current salary. The proposal is for all county employees, with the General Fund portion amounting to about \$700,000, including ERE's. If approved, this increase would take effect September 1, 2004. Mr. Menlove noted that if we took that same \$700,000 and gave everyone the same percentage COLA, it would amount to about 5-6%. He added that Administration wanted to do that which would help the greatest number of people right now. **No action taken at this time.**

NAVAJO COUNTY PERSONNEL COMMISSION: Mark Reynolds, Chairman: Approval of Personal Leave for the 2005 budget year: Mr. Reynolds presented the recommendation of the Personnel Commission for the employees to receive three total personal days for this fiscal year only (two by policy; one additional). **No action taken at this time.**

BOARD BUSINESS: Mr. Deal updated the Board regarding the West Nile Virus situation on the Navajo Reservation. Mr. Brownlow advised that he attended the Coalition of Counties meeting with Mr. Jayne. The full funding of PILT was discussed at length. The wolf management program was also discussed. Ms. Hieb advised the Board of a change in the meeting schedule for July and August. The new meeting dates are: July 6th and 26th; August 9th and 23rd. Mr. Menlove advised that the first of three financial audits has been received.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, July 6, 2004, upon a **motion made by Mr. Thompson**; motion seconded by Mr. Shumway; vote unanimously carried. The meeting adjourned at 3:05 p.m.

APPROVED:

J. R. DeSpain, Chairman

DATE:

ATTEST:

Judy Jones, Clerk of the Board