

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA
AUGUST 23, 2004**

Supervisors' Chambers, Holbrook, Arizona – Time: 9:05

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Lance Payette, Deputy County Attorney; James G. Jayne, County Manager; and

Judy Jones, Clerk of the Board. **Mr. Deal** led the Pledge of Allegiance and offered the Invocation.

CALL TO THE PUBLIC: Commander Mike Mitchell, U.S. Navy Retired made a presentation. A Citation for Conspicuous Service to Combat Wounded Veterans during Purple Heart Week, August 7 – 13, 2004 was presented

to each Board member from the Military Order of Purple Heart.

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. Voucher list for payment; Assessments and Tax Roll Corrections; Bingo License for Elk Pines RV Resort, Hwy 260, Overgaard, AZ; Justice Court Reports: (July)

Pinetop #6, Snowflake #3, Winslow #2, Show Low #5: (June) Pinetop #6 and Pinetop #6 addendums; Constable Reports: (July) Snowflake #3, Winslow #2, Holbrook #1, Show Low #5, Pinetop #6: (June) Holbrook #1, Winslow #2, Pinetop #6 (addendum); Juvenile Justice Report: June & July; Assessor: Redemption of Waiver Parcel # 203-67-013A/B; Attorney: Authorize County Attorney to sign grant agreement for the gang prosecution grant; Public Works: Name existing roads: Heber/Overgaard area “Desert Breeze Lane”; Joseph City area “Desert Rose Lane”; Pinetop/Lakeside area “Cartwright Way” and “US Forest Service 9708”; Name fifty existing roads in the Winslow area (road built as part of Chevelon Canyon Ranches III & IV (see attached list); Back Tax Land Deeds: Michael Stephens; Edward Stephens; Paul Sabesky; Wylie Consulting ; US Land Corp.; Andrea Cheszek; Gary Chaffin; Alan Walcott; John Hennessey; Paul Claywell; Lance Johnson

AUGUST EMPLOYEE ANNIVERSARIES: **20 Yrs:** Joel Ruechel; **15 Years:** Larry Green, Sharon Wheelock & Randall Whipple; **10 Yrs:** Lt. Dara Davis, Deborah White & Richard Young; **5 Yrs:** Robert Bohner, Tamara Pogue; Sandra Robinson & Richard Shirley

SPECIAL DISTRICTS: Leida Hatch, Coordinator and Bill Cox, Public Works Director: **Board of Directors Session: Madison Lane Circle Improvement District:** Open, examine and publicly declare bids received and refer bids for tabulation to the County Engineer: **Mr. Brownlow made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimously carried. The Clerk of the Board opened two bids. Surface Contracting \$49,625 and Linden Pearce \$38,675. Staff recommends award to lowest bidder. **Mr. Shumway made a motion** to award Contract #B04-03231 to Linden Pearce Construct \$38,675 motion seconded by Mr. Brownlow; vote unanimously carried. **Mr. Shumway made a motion** to return to regular session ; motion seconded by Mr. Thompson; vote unanimously carried.

Board of Directors Session: Roan Circle Improvement District: Open, examine and publicly declare bids received and refer bids for tabulation to the County Engineer: **Mr. Brownlow made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimously carried. The Clerk of the Board opened two bids. Surface Contracting \$29,200 and Linden Pearce \$23,848. Staff recommends award to lowest bidder. **Mr. Shumway made a motion** to award Contract #B04-03232 to Linden Pearce Construct \$23,848; motion seconded by Mr. Brownlow; vote unanimously carried. **Mr. Shumway made a motion** to return to regular session ; motion seconded by Mr. Thompson; vote unanimously carried.

CEDAR GROVE WATER: Mark Grapp, Owner and Judy Jones, Clerk of the Board: Accept Application for Franchise and publish Notice of Intention to Grant Non-Exclusive Franchise for public utility purposes at Public Hearing on October 4, 2004 at 10:00 a.m. **Mr. Thompson made a motion** to accept the Application from Cedar Grove Water and set a hearing on Intention to Grant Franchise for October 4, at 10:00 a.m.; motion seconded by Mr.

Brownlow; vote unanimously carried.

CLERK OF THE BOARD: Judy Jones, Clerk: Special Back Tax Land Auction held August 10, 2004: Ms. Jones reported to the Board that there were 19 bidders bidding on approximately 3550 parcels at the auction. Approximately 1400 parcels were sold for a total sales amount of approximately \$460,000.

PINETOP FIRE DEPARTMENT: Paul Watson, Fire Chief: User Fees: Chief Watson stated that there has been a shortfall of funding for the Fire Districts and that ARS 48-805(14) gives the Districts a tool in which they can charge a fee for their services. He stated that at this time all new construction commercial building permits are checked by their office and an inspection fee of \$0.25 per sq ft is charge and collected by Navajo County. He is proposing the Districts also be involved in inspections on new residential buildings at \$0.15 per sq ft. A lot of times the Fire Districts are not aware of new residential construction until there is an emergency. There needs to be a system in place where they are notified of new construction. The process is currently in place for new commercial construction and the same checking system could be used for new residential building permits. (*48-805. Fire district; powers and duties 14. Adopt resolutions establishing fee schedules for providing fire protection services and services for the preservation of life including emergency fire and emergency medical services, plan reviews, standby charges, fire cause determination, users' fees, facilities benefit assessments or any other fee schedule that may be required.*) Mr. DeSpain directed Mr. Ashton in the Planning and Building Department for coordination to work with Chief Watson to come up with a process for coordination.

SCHOOL SUPERINTENDENT: A.J. Brown, Superintendent: Recommendation to cancel the following school board elections for November 2, 2004: Holbrook USD #3, Pinon USD #4, Snowflake USD #5, Cedar USD #25, Blue Ridge USD #32, NAVIT and NATIVE Joint Techonolgy Districts with appointment to be made for vacancies: Ms. Brown stated that Arizona Revised Statutes (A.R.S.) 15-424 D was added in 2003 allowing the County Board of Supervisors to cancel elections where only one or no one files a nominating petition to fill a district office. Ms. Brown recommended with appointments to be made for vacancies. A.R.S. 302(A)3 allows the County School Superintendent to appoint governing board members to fill district vacancies. Canceling the elections saves the districts considerable amount of dollars as they are charged 50 cents for each voter registered in the district regardless of how many vote. For districts like NAVIT and NATIVE, this constitutes considerable dollars because they have members from many districts making up their board. If the elections are canceled Ms. Brown will do appointments late in 2004. **Mr. Deal made a motion** to cancel the school board elections as requested; motion seconded by Mr. Shumway; vote unanimously carried.

DEVELOPMENT SERVICES: Dave Ashton, Director: **Public Hearing: Resolution approving the adoption of an Ordinance establishing the Navajo County Technical Code Advisory and Appeals Board:** Mr. Ashton informed the Board that Pursuant to ARS 11-862, we need to establish a Building Code Advisory Board/Appeals Board for the unincorporated areas of Navajo County. The purpose of the Board is to give recommendations for amendments of the Building Code to the Board of Supervisors and act as an Appeals Board to those who dispute a decision of the Planning & Zoning Department Building Inspectors. The Advisory Board will consist of 5 to 7 members appointed by the Board of Supervisors who serve staggered four-year terms at the discretion of the Board. Membership of the Board consists of an architect, engineer, general contractor, mechanical/electrical/plumbing contractor and at least one citizen-at-large. The requested Resolution spells out the duties and functions of the Board so it can operate with support from Development Services. Manny Bowler spoke in support of the Ordinance and stated that it will assist consultants and allow active participation for the citizens. No one spoke in opposition. **Mr. Shumway made a motion** to approve **Resolution 88-04** adopting an Ordinance establishing the Navajo County Technical Code Advisory and Appeals Board; motion seconded by Mr. Brownlow; vote unanimously carried.

Resolution approving Final Plan and Financial Assurances for the Quality Hills Phase IV Subdivision: Mr. Ashton stated that on June 19, 2003, the Navajo County Planning & Zoning approved the Tentative Plat for the Quality Hill Amended Phase II (Re-Plat of Amended Plat) subdivision with the recommendation that a Final Plat be prepared for presentation to the Board of Supervisors. Since that time staff has been reviewing the Improvement Plans, the Drainage Report, the Covenants, Conditions and Restrictions (CC&R's), the financial assurances along with the Engineer's Cost Estimate and have now found that they are complete for presentation to the Board. Also, the official name is Quality Hills Phase IV, to distinguish it from previous phases. The Subdivision has 16 units on 2.22 acres. drainage facilities to handle the run-off will be established on-site. Mr. Brownlow thanked Mr. Ashton and his staff for working with the developer to get this final approval and thanked the developer for working to complete the

requirements needed. Mr. Ashton added that there is one stipulation and that is the approval is conditioned upon all subdivision improvements being substantially completed within 24 months after the date of Final Plat recordation. **Mr. Shumway made a motion** to approve **Resolution 89-04**, Final Plan and Financial Assurances for Quality Hill Phase IV Subdivision with the stipulation; motion seconded by Mr. Thompson; vote unanimously carried.

HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director: **Board of Directors Session:** Update on West Nile Virus: **Mr. Shumway made a motion** to enter into a Board of Directors session; motion seconded by Mr. Brownlow; vote unanimously carried. Ms. Tyler stated that Arizona's West Nile Virus data includes: 67 Equine (Horses), 1 positive in Navajo County; 65 Avian (Birds), 1 positive in Navajo County; 157 Mosquitoes (2) in Navajo County (1) Police and (1) Winslow; 294 Human w/3 deaths (1) Navajo County that was from a possible blood transfusion (White river). She continued stating that Arizona currently leads the nation (43%) in human cases. Activities within the Health District include; human and animal surveillance, submitting dead bird specimens to the Arizona Veterinary Lab, submitting mosquito samples to ADHS, mosquito abatement and educating the public. She informed the Board and the public of ways to the public can assist. Eliminate standing water where mosquitoes can breed; change water in flower vases, birdbaths and animal watering pans at least twice weekly; repair leaky pipes and outside faucets and move air conditioner drain hoses frequently; avoid being bitten by mosquitoes when going outside at night by using insect repellent containing DEET; and, wear lightweight clothing that covers the arms and legs from dusk to dawn or in areas where mosquitoes are active. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimously carried. Update on upcoming Bioterrorism Meetings with Navajo Nation, White Mountain Apache and Hopi Tribes: Sherrie Helton, Tribal Liaison reported on a Agro terrorism Meeting scheduled for September 28 at Honda Conference Center. She stated that Navajo and Apache counties will sponsor the one-day session. Presenters will include Arizona Department of Health Services, Navajo nation, Fort Dodge Animal Health Company and Navajo/Apache County. The work session will provide information on zoonotic and vector borne diseases, prevention measures, surveillance and vaccinations. She went over the status of the contracts with the Tribes: Eleven tribes have signed. Mr. Deal asked what will happen to the Navajo Nation 's funding if they do not sign. Ms. Helton stated they will lose approximately \$341,000. Mr. Thompson asked if the Navajo Nation could get an extension. Ms. Helton stated they had already been given one extension, but she will check on it. Mr. Deal suggested a letter be written to the State asking that Magenta Township be allowed to receive a portion of the funding. **Mr. Deal made a motion** to submit a letter to be signed by the chairman to the Arizona Department of Health Services requesting that Magenta Township receive that portion of state Bioterrorism Planning and Preparedness funds earmarked for the Navajo Nation, which may then be administered through the Township in cooperation with the Nation's Bioterrorism; motion seconded by Mr. Brownlow; vote unanimously carried.

EMERGENCY MANAGEMENT: Larry Dunagan, Director: Navajo County Hazardous Materials Response Plan: Mr. Dunagan informed the Board that the new Haz-Mat Emergency Response Plan for Navajo County was approved by the Navajo County Local Emergency Planning Committee on August 10 and that the old plan was never approved and/or adopted. Therefore, Navajo County does not currently have an approved Haz-Mat Plan and if the Plan is approved it will become the standard response plan for incidents within the county. Mr. Deal ask if this Plan had been shared with the Navajo Nation. Mr. Dunagan stated that the Nation doesn't have a plan, however they do have a copy of this one. Mr. DeSpain asked if the Fire Departments in the county area have Haz-Mat training. Mr. Dunagan stated the some of the Fire Departments have applied to the State for more training. The cost is about \$20K per person. Discussion was held regarding application to FEMA for funding to assist Fire Departments with training monies. **Mr. Thompson made a motion** to approve the Navajo County Hazardous Materials Response Plan; motion seconded by Mr. Shumway; vote unanimously carried. Award Contract to develop and facilitate the Navajo County Exercise and Terrorism Plan: Mr. Dunagan reported that 13 companies answered the RFP for the Contract. EG & G was the company that best met the needs, budget and timeliness required. Mr. Payette stated that he had not seen the RFP's nor the Contract. **Mr. Shumway made a motion** to have Deputy County Attorney, Lance Payette review the RFP and write the Contract to bring back before the Board for approval at a future board meeting; motion seconded by Mr. Thompson; vote unanimously carried.

PUBLIC WORKS: Bill Cox, Director: Approval to forgive cost for the Internet Mapping Services provided by the county under the IGA with cities and towns within the county for fiscal year 2003/2004: Mr. Box, informed the Board that in November of 2003 the county entered into IGAs with the various cities and towns within the county to provide Internet Mapping Services. Shortly after we entered into the Agreements our GIS staff resigned and went to

work for

the city of Show Low. Although we have fully complied with the requirements of the IGA, we were unable to keep the

parcel database up to date while we were without GIS staff. New GIS staff in June and we will be completely up to date with the parcel database in the near future. He stated that since we were unable to provide the level of service we had envisioned and since we had no GIS personnel, with associated cost from January thru May, it would be appropriate to forgive the city and town cost for the past fiscal year at \$7,000 per entities with a total of the forgiven cost to the cities and towns being \$ 42,000. The savings in the GIS personnel salaries would mostly offset this cost. **Mr. Shumway made a motion** to forgive the \$7,000 (total \$42,000) cost for the Internet Mapping Services with the cities and towns for the fiscal year 03-04 as requested; motion seconded by Mr. Brownlow; vote unanimously carried.

Funding assistance from District I Special Project Road Funds for maintenance of school bus routes in the Black Mesa Community School area: Mr. Cox stated that Supervisor Deal received a request for funding assistance for maintenance of School Bus Routes in the Black Mesa Community School area in the amount of \$41,520 . Funding will be on a reimbursable basis for work on legally established public roads. **Mr. Deal made a motion** to approve funding in the amount of \$41,520 from District I Special Project Road Funds for maintenance of school bus routes in the Black Mesa Community School area; motion seconded by Mr. Shumway; vote unanimously carried.

PUBLIC WORKS/BOARD OF SUPERVISORS: Sherri Hill, Fiscal Contract Administrator: Approve funding from LTAF II Funds: Ms. Hill explained that in 1998 HB 2565 was enacted to enable the ADOT Director to award funding to cities, towns, and counties to be used for local public transportation (transit) purposes. The program is now referred to as LTAF II. The intent of the LTAF II program is to provide additional local transportation funds throughout the state based on population. It is the intent of the LTAF II legislation to provide capital, operating, planning and administrative funds to communities and counties for the purpose of providing public transportation service that is open to the following populations: the general public, elderly persons, persons with disabilities, and welfare recipients and “low-income” persons engaged in employment activities. Funding in the amount of \$123,642.59 has been split equally between the five districts and must be expended prior to June 30, 2005. Total LTAF II Funding in the amount of \$123,642.59 has been split equally between the five districts as follows. District III, purchase a van for the Bread of Life Mission. **Mr. DeSpain made a motion** to allot funds in an amount not to exceed \$24,728 from District III to purchase a van for the Bread of Life Mission; motion seconded by Mr. Shumway; vote unanimously carried. District IV to assist Rim Country Senior Center and Silver Creek Senior Center for vehicle maintenance and to assist with the purchase of a van for Show Low Senior Center. **Mr. Shumway made a motion** allot funds from District IV in the amount of \$2,000 to Rim Country Senior Center and \$2,000 to Silver Creek Senior Center for vehicle maintenance and to assist with the purchase of a van for Show Low Senior Center up to \$12,000; motion seconded by Mr. Brownlow ;vote unanimously carried. District V to assist with the purchase of a van for the Show Low Senior Center and to assist with vehicle maintenance for Four Seasons Connection Public Transit System. **Mr. Brownlow made a motion** to allot funds from District V to assist with the purchase of a van for the Show Low Senior Center and to assist with vehicle maintenance for Four Seasons Connection Public Transit System in an amount not to exceed \$12,728.52; motion seconded by Mr. Shumway; vote unanimously carried. General Fund match in the amount of \$24,728.52 for LTAF II was approved during 04/05 budget.

RECORDER/ELECTIONS: Kelly Dastrup, Coordinator: Approval of the Second Mesa Day School to once again be the Polling Place of the Toreva Precinct on the Hopi Reservation. **Mr. Thompson made a motion** to approve Second Mesa Day School as the polling place for Toreva; motion seconded by Mr. Deal; vote unanimously carried. Approve **Resolution** canceling the elections and appointing the persons who filed nominating petitions for the Board of Directors or Fire Chief and Secretary/Treasurer of the Joseph City, Lakeside and Woodruff Fire Districts because the number of candidates who filed were equal to or less than the number of positions open for each district: Mr. Brownlow stated that Lakeside would not be cancelled. The following candidates have filed: Joseph City Fire Chief: Allen Bushman Secretary/Treasurer: Layne Miller and Woodruff Fire; Dennis “Doc” Nielson and Sandra Heward. **Mr. Brownlow made a motion** to approve **Resolution #92-04** canceling the Joseph City and Woodruff elections and appoint the persons who have filed nominating petitions as recommended; motion seconded by Mr. Shumway; vote unanimously carried. Approve **Resolution** canceling the elections and appointing the persons who filed nominating petitions for the Board of Directors of the Heber, Joseph City, Overgaard, 303 and Wonderland Acres Domestic Water Improvement Districts because the number of candidates who filed were equal to or less than

the number of positions open for each district: The following candidates have filed: Heber DWID - Michael Barnett and Matthew Webber; Joseph City DWID - Blaine Bushman and R. Wayne Solomon; 303 DWID - Richard Galvan, Rosalyn Galvan,

and Evelyn Walker; Overgaard DWID - Harold Crandell and Ben DeSpain; Wonderland acres DWID - Larry Ratcliff and Kelly S. Wood. **Mr. Brownlow made a motion** to approve **Resolution #91-04** canceling the Heber, Joseph City, Overgaard, 303 and Wonderland Acres Domestic Water Improvement District elections and appoint the persons who have filed nominating petitions as recommended; motion seconded by Mr. Shumway; vote unanimously carried. Approve **Resolution** canceling the elections and appointing the persons who filed nominating petitions for the Board of Directors the Heber/Overgaard and Joseph City Sanitary Districts because the number of candidates who filed were equal to or less than the number of positions open for each district: The following candidates have filed: Heber-Overgaard Sanitary, Melville S. Bauers and Randall Delong; Joseph City Sanitary - Blaine Bushman and R. Wayne Solomon. **Mr. Thompson made a motion to Resolution #90-04 Resolution** canceling the elections and appointing the persons who filed nominating petitions for the Board of Directors the Heber/Overgaard and Joseph City Sanitary Districts as recommended; motion seconded by Mr. Brownlow; vote unanimously carried.

SHERIFF: Commander David Burke: Approval to create a new part-time position for the jail to administer adult GED and Life Skills programs funded out of Commissary/Inmate Phone Commission: Commanded Burke stated that there is a need for a new part-time position for the jail to administer adult GED and Life Skills. HOPE school is no longer able to provide our adult GED and Life Skills programs due to limited funding. A part-time (19 hrs) Teachers Aide can be funded out of Commissary and Inmate Phone Commissions. In the past, these programs have reduced recidivism by approximately 56%. **Mr. Shumway made a motion** to approve the position as requested; motion seconded by Mr. Brownlow; vote unanimously carried. Approval to enter an Agreement with Arizona State Parks Law Enforcement and Boating Safety Fund, (LEBSF) Project #20407, for one deputy to patrol Navajo County waterways: Commander Huser requested approval to enter into contract with Arizona State Parks for funding in the amount of \$41,933 for one deputy. The LEBSF fund supports the man-hours needed to patrol Navajo County waterways. **Mr. Brownlow made a motion** to approve the LEBSF Project #20407 Agreement as requested; motion seconded by Mr. Shumway; vote unanimously carried. **FINANCE:** Linda Yoskowitz, Grants Administrator: Authorization for Chairman to sign Grant Agreement with Arizona Criminal Justice "Drug Control and System Improvement Grant" to fund an attorney, two legal secretaries and one part-time data entry position within the County Attorney's Office and for matching funds to be paid from State RICO monies: **Mr. Thompson made a motion** to authorize the Chairman to sign the Grant Agreement with Arizona Criminal Justice "Drug Control and System Improvement Grant", as presented; motion seconded by Mr. Shumway; vote unanimously carried.

FINANCE/ADMINISTRATION: James Menlove, Finance Director; James G. Jayne, County Manager; Dan Hines, Building & Grounds Director and Keith Payne: South County Complex expansion project: Mr. Hinz presented a brief history of the South County Complex, explaining that the original intention was to have a centralized "hub" with several "spokes" extending from it. The "hub" is there now, along with a portion of one "spoke". These areas contain a lobby/waiting room and health department offices. Mr. Hinz explained that this proposal would include building out two additional "spokes". One would be used to provide office space for the Sheriff's department, and the other would be general office space for Development Services, and for other departments to utilize as needed. Mr. Hinz noted that the approximate cost for the project would be \$80 per sq.ft. Inmate labor will be used and this will result in minimal labor costs for the project. Other funding which would be used includes MCAT funds (to pay for a portion of the Sheriff's wing), grant funding and any proceeds from the sale of the county's Deuce of Clubs property. Mr. Hinz said he would like to see a groundbreaking on the project about the first of November, and he anticipates completion within 18-24 months. He did note that with enough inmate labor, the project could be finished in 12-14 months. Mr. Deal commented that he is in favor of this project, but would like to see more attention paid to the court complex in Kayenta. He noted that the inside is in fairly good shape, but it is in desperate need of landscaping. **Mr. Shumway made a motion** to authorize staff to proceed with the project as presented, with the financing to be worked out and brought back to the Board for final approval; motion seconded by Mr. Brownlow; vote unanimously carried.

BOARD OF SUPERVISORS: James G. Jayne, County Manager: Update on recommended changes for Board

Meeting locations through November, 2004 as follows: September 13, Regular Meeting in Board Chambers; September 20, Special Board Meeting at the Petrified Forest National Park; October 4, Regular Meeting in Board Chambers; October 18, Special Meeting and Town Hall Meeting in Kayenta; November 1, Regular Meeting at the South County Road Yard in Show Low, with Ground Breaking Ceremony at the South County Complex at 1:30 p.m;

November 15, Regular Meeting in Board Chambers. December’s schedule will remain the same. **No action taken, informational only.**

HUMAN RESOURCES: Gail Calisen, Director: Personnel Actions: **Mr. Brownlow made a motion** to approve the personnel actions as presented; motion seconded by Mr. Thompson; vote unanimously carried. (Mr. Brownlow declared a conflict as to item #18 and did not vote on that item)

BOARD BUSINESS: **Mr. Deal** advised that the Hardrock Chapter, in conjunction with the University of Arizona, will be holding a second Project EXPORT meeting tomorrow. **Mr. Jayne** advised there will be a county surplus equipment and vehicle auction at the complex, tentatively scheduled for Saturday, October 23, 2004. He will update the Board when further information is available.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, September 13, 2004, upon a **motion made by Mr. Thompson;** motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 3:20 p.m.

APPROVED:

J. R. DeSpain, Chairman

DATE: _____

ATTEST:

Judy Jones, Clerk of the Board

