

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**September 13, 2004**

Supervisors' Chambers, Holbrook, Arizona – Time: 8:30 a.m.

**PRESENT:** J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; James G. Jayne, County Manager; Lance Payette, Chief Deputy County Attorney; Kathy Hieb, Deputy Clerk of the Board. **Mr. DeSpain** led the Pledge of Allegiance and offered the invocation.

**EXECUTIVE SESSION:** Pursuant to ARS §38-431.03(A)(3) for discussion or consultation for legal advice with the Board's attorneys, and pursuant to ARS §38-431.03(A)(4) for discussion or consultation with the Board's attorneys in order to consider the Board's position and instruct its attorneys regarding contemplated litigation or settlement discussions concerning the termination of an at-will employee: **Mr. Shumway made a motion** to enter into executive session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the executive session: Chairman J.R. DeSpain; Vice-Chairman Jerry Brownlow; Members Jesse Thompson, Pete Shumway, Percy Deal; County Manager James G. Jayne; Chief Deputy County Attorney Lance Payette; Deputy Clerk of the Board Kathy Hieb. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**CALL TO THE PUBLIC:** **Richard Jarenski** presented several concerns to the Board, including: Dial-a-Ride program; a Battered Women's Shelter; and an additional deputy sheriff in the Heber/Overgaard area. **Phyllis Anton and Bonnie Kinsey** expressed concerns regarding street lighting for the connector streets in the Heber/Overgaard area. Another concern was the reinstatement of the logging industry.

**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 unanimous approving the motion. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Assessments and Tax Roll Corrections; 3) Board Minutes: August 9, 23 & 24, 2004; 4) **Proclamation** – Proclaiming Week of September 12-18 “1404 Transportation Company, Arizona Army National Guard Week”; 5) Proclamation – Proclaiming Monday, September 27, 2004 as “Family Day” (National Center of Addiction and Substance Abuse at Columbia University); 6) **Resolution #93-04-** Zone Change request by Virgil Dysterheft from A-General to Commercial-Residential (Lakeside area); 7) **Resolution #94-04-** Special Use Permit request by Elwin Ellsworth to allow for a 200 foot wireless cellular tower on a portion of subject property (Show Low area); 8) **Resolution #95-04-** Special Use Permit request by Stephen Heckathorne to amend existing SUP for the Linden Mini Storage to allow for two small mini storage buildings to be added to the site plan in (Linden area); 9) **Resolution #96-04-** Special Use Permit request by Stephen Heckathorne acting as agent for owners P. Wendell & Virginia Allen, to allow for a mini-storage facility on subject property for rolling stock (Linden area); 10) Back Tax Land Deeds: RayJoe Enterprises, Marion Walther, Robert Mangrum, Wilburn and Jean Hickman, Mark Dodson, Stacy and Michael Tegan; 11) Name existing roads in Heber-Overgaard area “Mud Creek Road” & “Cherry Blossom Lane; name existing road in the White Mountain Lake area “Dupierre Circle”; name existing rods in the Sun Valley area “Petrified Forest Drive; 12) Approval to make Traffic Control Changes at various intersection on County roads located in the Heber-Oevergaard, Show Low and Joseph City area; 13) Justice

Court Reports: (July) Holbrook #1 - Kayenta #4; 14) Approval of Sub-contract for cost reimbursement between Arizona Board of Regents, University of Arizona and Navajo County; 15) Special Event Liquor License for America Culinary Federation in the White Mountains of Arizona for a charitable fundraiser to be held on September 21, 2004 at the Pinetop Country Club; 16) Special Event Liquor License for Cedar Hills Volunteer Fire Department, Inc. for a civic fundraiser (October Fest) to be held on October 9, 2004 at 9419 Concho Highway, Snowflake

**SEPTEMBER EMPLOYEE ANNIVERSARIES: 20 Years: Brett Schmitt; 15 Years: Barbara Hunt and Sergeant Tony Miller; 10 Years: Kristen Barrera; 5 Years: Carl Ericksen, Christine Frayer, Sheena Valdez, Donal Walker:** Certificates were presented by the Board.

**HEALTH SERVICES DISTRICT: Mary Tyler Director Board of Directors Session: 1) Approve agreement with Northern Arizona University for a Clinical/Internship Education experience for Bachelor of Science student nurses to work with the Public Health nurses on a project: 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 explained that having this type project would be mutually beneficial for both Navajo County and NAU. It will provide valuable experience for the student nurses, and additional help for our health district. **Mr. Shumway made a motion** to approve the agreement with Northern Arizona University for a Clinical/Internship Education experience for Bachelor of Science student nurses to work with Public Health nurses on a project, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approve agreement with Arizona Nutrition Network-Local Incentive Award: Ms. Tyler explained that the purpose of this award is to shape positive eating habits and promote healthy behavior. This can help reduce disease and promote a healthy lifestyle among the people in Arizona. **Mr. Shumway made a motion** to approve the agreement with Arizona Nutrition Network/Local Incentive Award as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Update on West Nile Virus: Ms. Tyler provided an update on the status of the West Nile virus in Arizona. There have been 2 positive cases of equine virus, 1 positive avian case, 9 positive mosquitoes and 1 human (1 death) in Navajo County. In addition, three squirrels were submitted by the health district and were found to be positive for the WNV. The health district is continuing its human and animal surveillance and submitting dead bird specimens to the Arizona Veterinary Lab. They are submitting mosquitoes to the Arizona Department of Health Services and are continuing with mosquito abatement and public education. **No action taken; informational only. Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**SHERIFF: Gary Butler, Sheriff: Administrative: Approval for Sheriff's Department to enter into an Memorandum of Understanding with Northeast Arizona Training Center (NTAC) as a statement of support and mutual assistance in sharing information and resources to training and education of emergency service personnel:** Sheriff Butler advised that by entering into the MOU, his office will be able to participate in quality training for emergency services personnel, not only in Navajo County but in conjunction with the surrounding counties as well. In addition, this agreement will allow the Sheriff's office to have a substation on the training center grounds, a benefit in and of itself. **Mr. Shumway made a motion to** approve the Memorandum of Understanding with Northeast Arizona Training Center (NATC) as a statement of support and mutual assistance in sharing information and resources to training

and education of emergency service personnel, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**Emergency Management:** Larry Dunagan, Director: 1) Approval of new members to the Homeland Security Task Force to fill vacancy for a Law Enforcement and Tribal Representative: Mr. Dunagan advised that two members of the task force have resigned and need to be replaced: Chief Greg Doneware of the Holbrook Police Department; and Director Sampson Cowboy of the Navajo Nation Department of Public Safety. Chief Steve Garnett of the Winslow Police Department has indicated his willingness to serve as the Law Enforcement Member. Mr. Cowboy has recommended Chief Larry Chee, Navajo Nation Fire & Rescue, as his replacement as Tribal Representative. It was noted that Mr. Cowboy has only verbally resigned his position; there has been no written resignation submitted as of this date. **Mr. Shumway made a motion** to approve the appointment of Chief Steve Garnett of the Winslow Police Department to fill the vacancy created by Chief Greg Donewar's resignation; and to leave the Tribal Representative position vacant until such time that a written resignation is submitted by Director Sampson Cowboy; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approval of Homeland Security Exercise and Terrorism Planning Contract with EG & G Technical Services for a three-year Exercise Program and Terrorism Plan: Mr. Dunagan explained that the Department of Homeland Security, through the Office for Domestic Preparedness has allocated \$225,000, and FEMA through the Arizona Department of Emergency Management has allocated \$65,815, for this exercise program. If the funds have not been expended by April of 2005, they will be re-allocated by the funding agencies. **Mr. Deal made a motion** to approve the Homeland Security Exercise and Terrorism Planning Contract with EG&G Technical Services for a three year Exercise Program and Terrorism Plan; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**KAYENTA VOLUNTEER FIRE DEPARTMENT:** Percy Deal, Supervisor District I : Request for funding assistance for emergency response Equipment for Kayenta Volunteer Fire Department: Mr. Deal presented this request from the Kayenta Volunteer Fire Department and asked Larry Dunagan if the county is ready to move ahead with Homeland Security funding for first responders, as he would like to get this process going. He noted that more of these kinds of requests are going to be coming and we need to have some type of process to deal with them. Chief Deputy County Attorney Lance Payette explained that he has spoken to the Coconino County Attorney about this issue, and they have reached the conclusion that the counties have no statutory authority to set up or fund fire districts. If Homeland Security funds are one way to go, if they are available. There are also state and federal grants which may be available. Mr. Dunagan added that FEMA has grant assistance for firefighters, as does Homeland Security. However, each individual fire department must request those funds themselves. The problem is that while the Navajo Nation did file an agreement for 2002-2003 equipment funding, the individual entities did not. Therefore, the funding would have to come through the Navajo Nation Fire Service. The question was asked whether Tribal Gaming funds could be used for these purposes. Mr. Payette informed the Board that these funds cannot be "passed through" the county to the fire/school districts. The entities must apply for these funds on their own behalf. Mr. Thompson asked Mr. Payette to provide to provide this information in writing to clarify the policies. **No action taken; informational only.**

**RECORDER:** Lauri Justman, Recorder: **Elections:** Kelly Dastrup, Coordinator: 1) Canvass the Primary results: Ms. Dastrup presented the election results. She noted that in the matter of the Kayenta Constable position, it was necessary to receive 139 write-in votes in lieu of signatures on a petition. The

constable received only 103 write-in votes; therefore the position will be vacant as of January 1, 2005. The Board will have to advertise the position and make an appointment for the next two years. **Mr. Shumway made a motion** to accept the Canvass of the Primary Election as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) **Resolution** Canceling the Navapache Hospital District Election: Ms. Dastrup explained there were three candidates who filed for the three open positions. She asked that the Board cancel the election and appoint those candidates. **Mr. Shumway made a motion** to adopt **Resolution #97-04**, canceling the election for the Navapache Hospital District and appointing Earl Owens, Darce Ridgley and Ralph Tenney; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**WHITE MOUNTAIN LAKE RECREATION DISTRICT:** John Hager, Vice-Chairman: **Board of Directors Session: 1) Approval of new committee member and alternates:** **Mr. Thompson made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimous approving the motion. Mr. Hager noted that the committee has been short a member for 4 months, and two positions expire in January. **Mr. Shumway made a motion** to appoint new committee member Don Bushnell, and two alternates: Ken Pringel and Barbara Karnath, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Mr. Deal absent for the vote)

2) **Approve pay increase for patrol personnel:** Mr. Hager explained that the patrol personnel have not had a salary increase in four years, and an increase was budgeted in the payroll account. The proposed increase amounts to \$1/hour. **Mr. Shumway made a motion** to approve the pay increase for the patrol personnel as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Mr. Deal absent for the vote)

3) **Request inmate work crew from Sheriff's Department for two days in October:** Mr. Hager stated that the lake is at its lowest level in October, and the work crew is needed to help remove rocks from the shoreline. He has already made arrangements with Lt. Burke in the Sheriff's office. The road district will supply the loader and dump truck, and funding for the inmate expenses will come from grounds maintenance funds. **Mr. Shumway made a motion** to approve the request for an inmate work crew from the Sheriff's Department for two days in October, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Mr. Deal absent for the vote) **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**PUBLIC WORKS: Highway Division:** Dusty Parsons, Deputy Director: 1) **Approve purchase of one motor-grader from Maricopa County Solicitation Serial #04107-C with Empire Machinery:** Mr. Parson explained that Maricopa County's contract specifications allow for us to purchase under the same contract. This process saves us staff time and the costs associated with bidding out this single item. The bid package meets our needs and the cost (\$177,252.37) was included in the budget for 2004/2005. Mr. Parsons noted that they would be trading in two pieces of equipment for an allowance of \$33,000. **Mr. Brownlow made a motion** to approve the purchase of one motor-grader from Maricopa County Solicitation Serial #04107-C with Empire Machinery, as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

2) Approval of Amendment #3 to extend the Memorandum of Agreement with Kayenta Unified School District for the salary of a heavy equipment operator to assist with maintenance of school bus routes and heavy equipment maintenance expenses out of District I Special Project Road Funds: Julius Young, II, Operations Director for the Kayenta Unified School District, asked for a third extension of the original MOA entered into on August 6, 2001. He asked that the amendment be made effective July 1, 2004. **Mr. Deal made a motion** to approve Amendment #3 to extend the Memorandum of Agreement with the Kayenta as presented, in the amount of \$30,284.48 for operator salary and benefits, and \$10,000 for equipment maintenance and repair; for a total of \$40,284.48 from District I Special Road Funds; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**Public Works/Planning & Zoning:** Approve expenditure of General Fund monies for the area of the Public Works building to be used by Planning & Zoning: Mr. Jayne explained that the Public Works Department and what is now known as Development Services will be combined into one department with four divisions: Engineering, Highways; Flood Control and Planning & Zoning. Under this proposal, Planning & Zoning would be utilizing 1/3 of the space in the new Public Works building. Therefore, the Board is being asked to approve the reimbursement of 1/3 of the total construction cost (\$303,000) from the Capital Improvement Fund to the HURF Fund. In response to questions from the Board, Mr. Jayne explained that under the proposed reorganization of the Public Works Department, Dave Ashton would be named Deputy Director, Planning & Zoning; Dusty Parsons would be Deputy Director, Highways; Tom Hieb would be Deputy Director, Flood Control; and Dick Young would be Deputy Director, Engineering. Mr. Young would also be named Interim County Engineer. Per Board request, Mr. Jayne would be named Interim Public Works Director until such time as a new Director is hired. **Mr. Shumway made a motion** to accept the recommendations of the County Manager for the reorganization of the departments as presented, and to appoint the County Manager as the Interim Public Works Director; and to approve the reimbursement of \$303,000 to the HURF Fund as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**Flood Control Division:** Tom Hieb, Director: Navajo County Flood Control District: **Board of Directors Session:** Approve the Locally Led Contracting Cooperative Agreement with (USDA) Natural Resources Conservation Services: **Mr. Brownlow made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimous approving the motion. Mr. Hieb advised that in March of 2004, the Board approved the Navajo County Flood Control District acting as local sponsor and providing the local cost share funds needed to construct emergency protective measures along Buckskin Wash and Black Canyon Wash in the Heber area. (75% federal funding; 25% local) Originally, the contracting was to have been done by the NRCS, but staff shortages at the NRCS have delayed the design of the projects. As a result, federal contracts cannot be secured by the end of the NRCS fiscal year, which is necessary to ensure that federal funds remain available. By having the county be the contracting agent, these funds can be secured. The contract and construction management work which will be done by the county will also reduce the time needed to finish the construction and provide the opportunity to obtain additional in-kind cost credit, which will reduce the district's cash outlay for these projects. **Mr. Shumway made a motion** to approve the Locally Led Contracting Cooperative Agreement with (USFA) NRCS as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**BOARD OF SUPERVISORS:** 1) CSA Legislative Proposals for 2005: The Board presented and discussed Legislative Proposals for 2005, including fire district funding assistance and levy limit changes. It was

noted that our levy limit was set in 1980 and was intended to be in place for no more than 5 years. Here we are, 24 years later and the limit is still the same. This has created a severe hardship for the smaller counties. There is legislation being written to address this inequity and lift the limit.

2) Accept the back tax land list, publish and advertise the sale for the 2001 Back Tax Auction (Suggested date **October 25, 2004 @ 10:00 a.m.**) **Mr. Shumway made a motion** to accept the back tax land list, publish and advertise the sale for the 2004 Back Tax Land Auction for Monday, October 25, 2004 at 10:00 a.m.; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**ADMINISTRATION: Finance:** James Menlove, Director: 1) Re-adopt the Navajo County Property Tax Rate for 2004: Mr. Menlove presented the Corrected Property Tax Rates for Navajo County. The correction is necessary due to a correction made by a municipality within the county. If not approved, the city would not be in compliance with the State's Truth in Taxation Statutes. **Mr. Shumway made a motion** to re-adopt the Navajo County Property Tax Rates for 2004 as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Monthly Finance Report: Mr. Menlove presented the unaudited FY 2001/2002 financial statements. Staff is working on the 2003 statements now. He said he anticipates having the final 2001/2003 statements as soon as the auditors are done. **No action necessary.**

**Human Resources:** Gail Calisen, Director: 1) Approve revised job description and change in grade for Health Director position: (Ms. Calisen was unavailable; Risk Analyst Tommy Price stood in for her) Mr. Price noted that the Health Director Position has been advertised several times both within and outside the County and State. So far, there have been no applicants who have the required experience and educational background. Based on salary comparisons with other counties within the state, an increase in the grade is necessary to be competitive in attracting a well-qualified candidate. The proposed salary range, DOE, is \$60,694-\$74,017/year. **Mr. Deal made a motion** to approve the revised job description and change in grade and salary for the Health Director position as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

2) Personnel Actions: **Mr. Thompson made a motion** to approve the personnel actions as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**Special Districts:** Leida Hatch, Coordinator: 1) **Board of Directors Session: Madison Lane Circle Improvement District:** Approve Resolution, to approve the assessment diagram for the Madison Lane Circle Improvement District, fix the time for the hearing on the assessment for the district, and order giving notice of such hearing: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Brownlow made a motion** to adopt **Resolution #98-04**, approving the assessment diagram for the Madison Lane Circle Improvement District, fixing the time for hearing on the assessment for the district for Monday, October 4, 2004 at 10:30 a.m., and order giving notice of such hearing; motion seconded by Mr. Shumway; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Board of Directors Session: Roan Circle Improvement District: Approve **Resolution** to approve the assessment diagram for the Roan Circle Improvement District, fix the time for the hearing on the assessment for the district, and order giving notice of such hearing: **Mr. Shumway made a motion** to

enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Brownlow made a motion** to adopt **Resolution #99-04**, approving the assessment diagram for the Roan Circle Improvement District, fixing the time for the hearing on the assessment for the district for Monday, October 4, 2004 at 10:30 a.m., and order giving notice of such hearing; motion seconded by Mr. Shumway; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Name a new Superintendent of Streets for all improvement districts for Navajo County: Ms. Hatch advised that Bill Cox was the former Superintendent of Streets for all Improvement Districts in Navajo County. Since he has left county employment, it is her recommendation that Dusty Parsons be named the Superintendent. **Mr. Shumway made a motion** to name Eugene L. (Dusty) Parsons as the Superintendent of Streets for all Improvement Districts in Navajo County; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**ARIZONA STATE TRANSPORTATION BOARD:** Bill Jeffers, District 5 Representative: Update on Transportation Board activities and introduction of Robert Montoya, Candidate to fill vacancy for District 5: Mr. Jeffers introduced Mr. Robert Montoya, candidate to fill the District 5 vacancy. Mr. Montoya spoke briefly, and asked for a letter of support from the Board. Mr. Jeffers presented information on several projects planned for 2004/2005: 1) The mid-town I-40 interchange in Winslow; 2) The widening project in Holbrook, which has been planned since the by-pass was constructed; 3) 14 Mile Hill on SR 77 will be widened; 4) The Little Colorado Bridge on SR 87 will be replaced; 5) The Laguna Wash pedestrian bridge north of Kayenta will be redone; 6) The Cottonwood Wash bridge will be scoured and retrofitted (between Heber & Show Low). Other projects include: Chevelon Creek historical bridge rehab; Timber Mesa Extension Trail; the Historic Gardens at La Posada; Old Route 66, Phase II Renaissance in Winslow; Porter Mountain Road; Woodland Road; State Route 77/Navajo Blvd in Holbrook; SR 260, Red Lupe Trail of Heroes; and the Holbrook Train Depot. Discussion followed regarding these projects, as well as others. **Mr. Shumway made a motion** to approve a letter of support for Mr. Montoya; motion seconded by Mr. Deal; vote unanimous approving the motion.

**DEDICATION of the “CODE TALKERS” Conference Room at the Navajo County Governmental Complex:** Dedication Ceremony held.

**NAVAJO COUNTY FAIR, INC:** Sam Pogue, Fair Director: Introduction and Crowning of Navajo County Rodeo Queens 2004-2005: The Board presented crowns to the following: Janna Cloyd, Rodeo Queen; Nikki Pogue, Rodeo Teen Queen; Amber Hruska, Rodeo Teen Queen 1<sup>st</sup> Attendant; Dee Dee Davis, Rodeo Teen Queen 2<sup>nd</sup> Attendant; Natalie Ozment, Rodeo Jr. Teen Queen; Halle Fry, Rodeo Jr. Teen Queen 1<sup>st</sup> Attendant; Ruth Tubbs, Lil’ Buckaroo Rodeo Queen.

**BOARD BUSINESS:** **Mr. Deal** noted there was a retreat held with the Hardrock Chapter and South Tucson for Project EXPORT. This is the second year of the five year program. The Board wished Judy Jones the best in her retirement. Her last day is September 15<sup>th</sup>.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, September 20, 2004, (Special Meeting) upon a **motion made by Mr. Shumway**; motion seconded by Mr. Thompson; vote unanimous approving the motion. The meeting adjourned at 4:20 p.m.

**APPROVED:**

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**Chairman**

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**Date**

**ATTEST:**

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**Kathy Hieb, Deputy Clerk**