

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**October 18, 2004**

**Note: This Special Meeting was held at the Kayenta Unified School District Office in Kayenta, Arizona and began with a tour of the Kayenta Justice Court, led by the Honorable Evelyne Bradley, Justice of the Peace. Time: 8:00 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; June Foard, Secretary to the Board. Mr. Deal led the Pledge of Allegiance and the Invocation.

**RECORDER/ELECTIONS:** Kelly Dastrup, Elections Coordinator: Secretary of State presentation regarding the 2004 Ballot Propositions: Ms. Dastrup introduced Robert Florez from the Secretary of State's office. Following a video message from Secretary of State Jan Brewer, Mr. Florez presented the 2004 Ballot Measures. He explained the numbering system for Propositions: 100s are Amendments to the Arizona Constitution; 200s are Amendments to the Arizona Statutes proposed by an initiative petition; 300s are Amendments to the Arizona Statutes proposed by the Legislature, salary recommendations for legislators; 400s are local City and County jurisdiction. The Propositions on the ballot for the November 8<sup>th</sup> General Election include: Prop 100-Exchanges of State Land; Prop 101-Initiative & Referendum Expenditures; Prop 102-State Ownership of Securities; Prop 103-Justices of the Peace Pro Tempore; Prop 104-Initiative Petitions; Prop 105-State Board of Education Membership; Prop 200-Arizona Taxpayer & Citizen Protection Act, a.k.a. Protect Arizona Now; Prop 300-Legislators' Salaries.

**BOARD OF SUPERVISORS TOWN HALL:** Township Manager, Gary Nelson, presented a brief history of the formation of the Township. In the 1970's and early 1980's, the residents of Kayenta began to search for a way to form a city or town under Arizona law. They discovered that this was not possible because of the Navajo Nation's sovereign status and the fact that reservation lands are held in trust. Undaunted, the residents then looked for a way to form a "town" within the structure of the Navajo Nation government. In 1985, a concept paper was drafted by Dr. Gerald Knowles, endorsed by the Kayenta Chapter and presented to the Navajo Nation Council. Later that year, the Council approved a five-year Kayenta Township Pilot Project and a Township Plan of Operation. In 1986, the Council approved the withdrawal of 5.5 square miles for the township site. During the five-year pilot project, an appointed Kayenta Planning Board administered the township. Although the report on the pilot project was completed in 1991, it did not make it onto the agenda of the Navajo Nation Council until 1995. In 1996, the Council accepted the report and authorized the Kayenta Township Pilot Tax Project to give the Township authority to levy sales taxes. The first five-member Kayenta Township Commission was elected in 1997 and a Town Manager was hired later that year to implement a tax ordinance, which imposes a 2.5% sales tax on most businesses within the township. The Kayenta Township is the only such "municipality" within an Indian Reservation in the country. The township has basically the same authority as an Arizona city or town. In 2003, the Navajo Nation Council overrode the veto of President Shirley and gave the Kayenta Township permanent status (as opposed to the "pilot project" status).

In 1998, the Navajo Nation Council enacted the Local Governance Act. The purpose was to give individual chapters more authority over local affairs. Chapter Governments must be "LGA certified" before they exercise full powers under the Act, and must adopt a "Five Management System" consisting of policies and procedures for personnel, procurement, record-keeping, property management and accounting. Chapters must also develop a community based land-use plan, which must be certified by the Transportation and Community Development Committee of the Navajo Nation Council. As of this date, only a few of the 110 chapters have been LGA certified.

Mr. Becenti presented information about the BIA, Western Navajo Agency (WNA). The WNA encompasses 8,558 square miles and includes 18 Chapters and 15 schools. Within Navajo County, there are 50 miles of paved roads, 262 miles of unpaved roads and 9 bridges, which represents approximately 30% of the total roads and bridges under the WNA. Mr. Becenti explained that the Road and Bridge construction program is funded by the Federal Transportation Bill under the Indian Reservation Roads (IRR) program. In recent years, this fund has provided approximately \$45 million annually for the Navajo Nation. The Road and Bridge Maintenance program is funded by the Department of the Interior's annual appropriations. In the last several years, WNA has received annual funds of about \$1 million. The BIA Department of Transportation's Road Maintenance policy is to "preserve, repair and restore" its system of roadways, and does not allow for any improvements. Photos were presented, showing the current condition of some of the roads within the WNA, some of which were completely washed out by storms. The Board was presented with a list of needs, including: Property to establish satellite offices (the Agency maintenance office and yard is located in Tuba City...there are no other offices); replacement equipment (motor grader, etc.); materials-replacement culvert pipes, aggregate, etc.; drainage studies and skilled personnel.

Richard Skaggs, from the Indian Health Services in Shiprock, New Mexico, presented information on motor vehicle crashes and injury prevention within the Kayenta Service Unit. He advised that 22.7% of Navajo-BIA roads are in the WNA. Of the 1405 total miles of roadway, there are: 164 paved miles; 16 graveled miles; 511 improved dirt miles and 685 unimproved dirt miles. Of the non-BIA roads, there are 452 miles of Arizona State Highway; 10 mile of Navajo County roads and 19 miles of paved tribal roads. Mr. Skaggs expressed concern regarding the motor vehicle accidents on the Navajo Nation. He said that from 1999 to 2002, there were 4208 accidents. Of these, 41.3% happened on BIA roads and 0.7% happened on other tribal roads. These accidents resulted in 185 fatalities, of which 17.35% were Native American. These statistics indicate that speeding, alcohol and driver inattention are the leading causes of accidents, but alcohol is responsible for 50-60% of the fatalities. The concern is that the accidents on the roads result in increased costs for medical care. Kayenta has 24-hour clinic, but no hospital. Any patient with serious injuries must be flown to Flagstaff or San Juan.

Lt. Thien of the Navajo Nation Police Department advised that his department covers 4600 square miles and is responsible for law enforcement, first responder rescues, domestic violence problems and problems with bad roads. The department's funding from the Navajo Nation covers only personnel, not equipment or maintenance. The Board was advised that there is a desperate need for more cooperation between the Navajo Nation Police Department, Navajo County Sheriff's office and the State Patrol. There has been an increase in assaults on Native Americans by non-Native Americans and, oftentimes, the county and the state decline prosecution. This results in having to resort to federal prosecution. Other problems facing the Navajo police are juvenile crime and the methamphetamine problem. Methamphetamine, unfortunately, is not illegal on the reservation because the criminal code does not

include it. There are measures being taken to correct this problem, but in the meantime, officers are inexperienced in this issue. There is a meth task force in place in Kayenta which has been meeting for 2-3 months. Public education is an ongoing project because meth is in the communities and the schools. Lt. Thien advised that although he is very grateful for the equipment received through Homeland Security funds, he said he has yet to receive the radios he requested.

Judge Evelyne Bradley expressed concern regarding the lack of presence of the DPS. She wanted to know why the officers are not patrolling the areas where they are assigned.

Beverly Becenti-Pigman expressed concern that there is no Sheriff presence on the reservation. Why aren't there any deputies there? She also expressed concern regarding Highway 160 as it passes the schools. It is a narrow roadway, with no sidewalks, and she is concerned that children will be hurt. She asked for funding for a carseat program and for a K-9 drug detection dog for use on the reservation.

Julius Young (Kayenta USD Transportation Program) presented information regarding the road maintenance for the school district. Kayenta USD is funded via an IGA with Navajo County for \$40,284.80 for an operator and equipment parts. They have an MOA with Western BIA Agency to maintain the BIA roads, and unlimited Red Dawg gravel from Peabody Coal, sand gravel from Sarah Smallcanyon and treated wastewater from NTUA. Kayenta USD provides two operators and heavy equipment to maintain roads, along with heavy equipment supervisor, and five other personnel. The community relies on the school district to maintain the roads, including roads that are not school bus routes. There are 38 bus routes, carrying 1608 students over 2304 miles of paved roads and 1538 miles of unpaved roads every day. A total of 74 culverts, provided by Navajo County, have been installed and maintained by the school district. Mr. Young presented the many dilemmas facing the district, including: washed out roads due to inclement weather; washboard roads; increased wear and tear on the buses because of the bad roads; increased probability of accidents because of road conditions; students absent from school due to road conditions; limited funding for parts and equipment repair; no funding for additional heavy equipment staff; limited funding for emergency situations which affect staff hours and budget. Mr. Young noted that in the past, the Navajo Tribal Land Management built reservoirs throughout the reservation to control water runoff and erosion. However, the reservoirs were never maintained and have filled with dirt and debris, and the water is damaging the roads. Right-of-way procedures limit road repairs outside the school district boundaries. For example, archaeological studies and clearances present access to areas needing maintenance. Mr. Young presented some slides, showing the conditions on some of the school bus routes, including road wash-outs, diversion dams, etc. Recommendations presented to the Board included: build permanent structures at wash-out areas; extend the IGA to include another heavy equipment operator; repair reservoirs or establish channels for runoff that directly affect bus routes; provide funding to establish outside service contracts; get more BIA involvement; establish a policy/rules/steering committee to bring together all entities; establish a schedule with all agencies/maintenance road programs; establish a local Branch of Roads similar to Apache County's; continue to support the current IGA with Navajo County; establish an MOA between Western Navajo Agency BIA BR and Apache County, similar to Shiprock Agency, with fees to be negotiated on maintaining unpaved roads.

**TOUR OF MONUMENT VALLEY:** Mr. Deal escorted the Board on a brief tour of Monument Valley.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, November 8, 2004, upon a **motion made by Mr. Thompson**; motion seconded by Mr. Deal; vote unanimous approving the motion. The meeting adjourned at 4:30 p.m.

**APPROVED:**

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**Chairman**

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**Date**

**ATTEST:**

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**Kathy Hieb, Deputy Clerk**