

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

February 22, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:00 a.m.

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

CALL TO PUBLIC: John Hager advised the Board that the heavy rains over the weekend flooded roads in the White Mountain Lake community. He is asking for assistance to alleviate the problems. Mr. DeSpain asked staff to look into the matter.

CONSENT AGENDA: 1) Voucher list for payment; 2) Assessment and tax roll corrections; 3) Name an existing road in the Linden area, “Wade’s Way”; 4) Name an existing road in the Linden area, “Nature’s Way”; 5) Name an existing road in the Snowflake area, “Rocking Chair Ranch Road”; 6) Approval to make Traffic Control Changes at various intersections on County roads located in the Joseph City area; 7) Approval to expend District IV Special Project funds in the amount of \$500 for Western Counties Partnership on Restoration (CPR) Summit, hosted by Otero County, New Mexico; the Mescalero Tribe; and the New Mexico State Forester; 8) Authorization for Chairman to sign Quit Claim Deed on behalf of Pinedale-Clay Springs Volunteer Fire District for parcel sold to Raymond and Dorothea Cox; 9) Letter of Support for Bill Bolin, Plateau Region Representative **Mr. Thompson made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: **Approval of Personnel Actions:** **Mr. DeSpain made a motion** to approve the personnel actions as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director/Tracy Letcher, Nursing Supervisor: **Board of Directors Session: Approval of Contract #HG354250, Amendment #2, with Arizona Department of Health Services (ADHS) for STD (Sexually Transmitted Disease) Services:** **Mr. Thompson made a motion** to enter into a Board of Directors session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Ms. Tyler explained that this is an ongoing contract. This amendment provides for changes in the Scope of Work and the budget. She noted that we are moving from a fixed price to cost reimbursement process. **Mr. DeSpain made a motion** to approve Contract #HG354250, Amendment #2 with ADHS for STD services as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.

COUNTY ATTORNEY: Murray Zeigler, Deputy County Attorney/Linda Yoskowitz, Grants Administrator/Lance Payette, Chief Deputy County Attorney: 1) **Authorization for the Arizona Attorney General’s office to represent Navajo County in Tax Court Case #TX2004-01000, Qwest Corporation v. Arizona Department of Revenue, et.al., and Case #TX2004-00999, Nextel West**

Corporation v. Arizona Department of Revenue, et.al.: Mr. Payette explained that the Attorney General's office routinely handles these types of cases for the counties. The Attorney General has the resources and the specialized knowledge necessary to handle this complex litigation. It will also help the chances of settling the matter prior to trial if the counties present a united position. **Mr. Thompson made a motion** to authorize the Arizona Attorney General's office to represent Navajo County in Tax Court Case #TX2004-01000, Qwest Corporation v. Arizona Department of Revenue, et.al., and Case #TX2004-00999, Nextel West Corporation v. Arizona Department of Revenue, et.al., as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

2) Acceptance of Local Law Enforcement Block Grant (ACJC Grant #LLBG-05-159) for FY 2005: Mr. Payette advised that this grant will pay the temporary wages of an attorney in the office. The grant requires a 10% match, which will be funded from the Criminal Justice Enhancement Fund. Mr. Payette noted that this is an ongoing grant we have had since 1999. **Mr. Tenney made a motion** to accept the LLEBG grant for FY 2005; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Approve use of Fill the Gap monies for overtime to allow the County Attorney's office to reduce backlog of closed case files: Mr. Payette explained that his office receives Fill-the-Gap monies on a quarterly basis, and they are to be used assist with case processing. These funds will be used for overtime for the attorneys to reduce its backlog of closed case files. **Mr. Deal made a motion** to approve the use of Fill-the-Gap monies for overtime as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

LEGAL DEFENDER: Ben Cole, Legal Defender: Approval to hire temporary employee (20 hours per week for period not to exceed three months): Mr. Cole explained that they need a temporary employee to correct data that was entered into the Legal Edge Case Management System. Once this is accomplished, the problems with the closed case report can be corrected. This report must be submitted to the Arizona Commission on Criminal Justice in order for the county to receive its Fill-the-Gap monies. If the aging report is not submitted, the office could lose its funding. It is estimated that the temporary employee salary will be \$2640 for the 3-month period, and this cost will be covered by Fill-the-Gap funds. **Mr. Thompson made a motion** to approve the hiring of a temporary employee as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

NAVAJO COUNTY FAIR, INC: Sam Pogue, Director: Approval to relocate three metal buildings from Show Low to the Navajo County Fairgrounds in Holbrook: Mr. Pogue advised that there is a need to replace the commercial exhibit building at the fairgrounds. There is also a need to construct an agricultural building. Mr. Pogue has found several metal-skinned buildings that need to be removed from a piece of property in Show Low. He has had discussions with the owner, who has offered the buildings for free if we dismantle and remove them from the property. These buildings include a 70' x 100' building with a 30' x 100' extension, and a separate 30' x 100', freestanding building. If the Board accepts this proposal, these buildings will replace the old commercial building at the fairgrounds and provide a new agricultural building. Many organizations will be able to utilize these buildings. Mr. Pogue noted that the costs for this project are mostly "soft costs" for employees and equipment. The cost to the county will be wages and fuel. He noted that the property owner will cover the cost of concrete and asphalt disposal, and the City of Holbrook has volunteered to transport that material to the disposal site (Linden Pierce). Mr. Pogue said that most of the manpower for this project will be volunteers and jail inmate labor. He added that each of the volunteers must sign a liability waiver. Mr. DeSpain stated that many of the old fairgrounds building were built in the 1930's and

1940's. There is a real problem with flooding in the buildings each timer it rains. It could cost as much as \$150,000 in the next 10 years to put up new buildings. He added that the Board set aside funds in last year's budget for capital improvement projects, and this project may be a good use of those funds. Mr. Tenney expressed a concern that the total costs for this project may exceed what it would cost for new buildings. However, if he can be assured that the project will show a significant savings, he would support the project. **Mr. DeSpain made a motion** to table this matter until a later time to allow for specific cost projection can be presented; motion seconded by Mr. Tenney. Mr. Menlove said he believed the total "hard costs" would be less than \$1000, for fuel, etc. He assured the Board that the concrete and asphalt disposal costs will be covered by the property owner. Mr. DeSpain withdrew his motion and Mr. Tenney withdrew his second. **Mr. Tenney made a motion** to approve the relocation of three metal buildings from Show Low to the Navajo County Fairgrounds as proposed; to approve the use of inmate labor for the project, with costs *not to exceed* \$2000; motion seconded by Mr. Thompson; vote unanimous approving the motion.

ELECTIONS: Kelly Dastrup, Elections Coordinator:1) **Acknowledgement of Cedar USD and Whiteriver USD May 17, 2005 Election and approval of Precincts and ballot methods:** Ms. **Dastrup** explained that these elections are scheduled to be held in May. There are issues with both elections that she would like to take a proactive approach with and address them before they become issues. Regarding the Cedar USD issue, the Second Mesa Day School in the Toreva Precinct cannot guarantee its use due to a grant-funded construction project. Ms. Dastrup recommends relocating the polling place to the Sipaulovi Community Center. The school superintendent will include this change in their submission to the US Department of Justice for pre-clearance. **Mr. Thompson made a motion** to acknowledge the Cedar USD May 17, 2005 election and approve the Precincts and ballot methods as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. DeSpain and Mr. Deal absent for the vote)

Regarding the Whiteriver USD election, Ms. Dastrup explained that a portion of Show Low Precinct #2 within the school district boundary contains 6 registered voters. Cibecue would be their closest polling place. However, per ARS 15-403, the department is working with Gila County Elections, Gila County School Superintendent's office and the Whiteriver School District Governing Board about the possibility of moving these voters to the Carrizo Precinct because of location. She said that her department will send each of those voters a letter notifying them of this change. In addition, an Early Ballot request form will be sent to those voters to minimize and inconvenience to them. The School Superintendent will include this change in his submission to the US Department of Justice for pre-clearance. **Mr. Thompson made a motion** to acknowledge the Whiteriver USD May 17, 2005 election and approve precincts and ballot methods as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. DeSpain and Mr. Deal absent for the vote)

2) **Approval of Precinct-based election for White Mountain Lake Special Road District #2 on May 17, 2005:** Ms. Dastrup explained that the Board of Trustees of the White Mountain Lake Special Road District #2 has asked that the election department prepare a submission for pre-clearance to the US Department of Justice to change the method of election back to precinct based as authorized by ARS 48-1404(B). The Board of Trustees and the election department believe this change will decrease voter confusion and significantly reduce the expense to the district. **Mr. Tenney made a motion** to approve a precinct-based election for the White Mountain Lake Special Road District #2 on May 17, 2005, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal absent for the vote)

PUBLIC WORKS/PLANNING & ZONING: Dave Ashton, Deputy Director: 1) Public Hearing: Resolution approving Master Development Site Plan Update #7 for Bison Ranch, Overgaard area (APN 206-49-989A & B): Mr. Ashton explained that this matter was taken to the P&Z Commission on January 20, 2005. The developer has submitted a plan showing the development of Parcel B6 for a condominium of 86 single family residential units all located in one building, for a subdivision called Bison Ranch Resort Suites Condominiums. This use is not identified in the Master Development Site Plan, therefore the approval must go through the review process. The P&Z Commission recommended approval of Update #7, with one stipulation. No public comments opposing the project were received. Staff also recommends approval. The developer, Gary Martinson, was present to answer any questions. Phyllis Anton noted that Bison Ranch has grown quite a bit, and will continue to grow. She asked if Navajo County collects enough impact fees, i.e. fire department, schools, etc. Mr. Tenney responded to her question, noting these fees will be handled through property taxes. No comments were offered in opposition. **Mr. Tenney made a motion** to adopt **Resolution #10-05**, approving the Master Development Site Plan Update #7 for Bison Ranch, with the following stipulation: *1) A 20 foot landscaped buffer for all commercial frontage*; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

2) Public Hearing: Resolution approving request Special Use Permit by John McFall for storage building, Wagon Wheel area (APN 212-10-049 & 050): Mr. Ashton advised that this matter was taken to the P&Z Commission on January 20, 2005. There were no public comments offered in favor of, or in opposition to, the proposal. The Commission voted unanimously to recommend approval with stipulations. Staff also recommends approval with stipulations. The applicant was present and advised he had no objections to the stipulations. There were no public comments offered. **Mr. DeSpain made a motion** to adopt **Resolution #11-05**, approving request for Special Use Permit by John McFall for storage building in the Wagon Wheel area, with stipulations as follows: *1) This Special Use Permit shall permit a 48' x 72' storage facility on the subject property; 2) The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan; 3) This Special Use Permit shall run with the land; 4) The area to the north and west shall be enclosed with a 6-foot high block wall, as shown on the site plan; 5) The driveway shall line up with Trout Drive and have a "STOP" sign; 6) Provide drainage plan and design with the floor being at least 24 inches higher than the adjacent existing grade or roadway, whichever is greater, prior to obtaining a building permit; 7) Right-of-Way Use Permit shall be obtained prior to any work starting on the lots; 8) The hours of operation shall be limited to 8 a.m. to 5 p.m., Monday through Friday*; motion seconded by Mr. Tenney; vote unanimous approving the motion.

3) Public Hearing: Resolution approving Zone Change from A-General to R1-10, Lakeside area, requested by Sabre Development Company (APN 212-31-182E): Mr. Ashton advised that this item was presented to the P&Z Commission on January 20, 2005. The Commission and several area residents expressed concerns regarding the density of the proposed development (25 single family homes on approximately 9 acres) Staff reminded the Commission that this is merely a request for a zone change at this time. Density issues would be addressed in the Tentative Plat process. Many letters, as well as a petition signed by 13 persons, was presented in opposition to the request. After much discussion, the Commission vote 6-1 to recommend approval of the zone change. Staff also recommends approval. Julian Wells, representing Sabre Development Company, was present to answer any questions. Owen Layton stated he objects to the density of the development, as well as increased dust on the roads and the fact that there is only one entrance to the property. Mr. Payette reminded the Board and the audience that this procedure today is *only* in regards to the zone change; it is not regarding a specific project. **Mr. DeSpain made a motion** to adopt **Resolution #12-05**, approving Zone Change from A-

General to R1-10 as requested by Sabre Development Company, with stipulation as follows: 1) *Pursuant to ARS 11-832, the Zone Change is conditioned on the development of the residential use for which the Zone Change has been requested within 24 months after the recordation of this resolution in the office of the Navajo County Recorder. If at the expiration of this period a Final Plat for the proposed residential development has not been approved by the Board of Supervisors, the Board, after notification by registered mail to the owner and applicant, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development or cause the property to revert to its former zoning classification;* motion seconded by Mr. Tenney; vote unanimous approving the motion.

ARIZONA DEPARTMENT OF COMMERCE: Bill Bolin, Northeast Arizona Regional Representative: Report on activities and latest developments with the Plateau Region's Economic Plan: Mr. Bolin introduced the key stakeholders for the Plateau Region. They include: Amber Hill-Finance Director for City of Holbrook; Mary French-Jones-Grant Writer for City of Holbrook; David Newlin-Holbrook City Manager; Joe Papa-Economic Development Director for White Mountain Regional Development; Doug Ressler-NPC, Business & Training; Vaughn Wilhelm-Apache County Economic Development Director; Scott Flake-City of Payson; Bill Bolin-Arizona Department of Commerce. Mr. Bolin stated that Arizona has many challenges, including low industrial diversity and declining ratio to US per capita income. The Plateau region is made up of Northern Gila County, Southern Navajo & Apache Counties, and the cities/towns of Holbrook, Snowflake, Taylor, Show Low, St. Johns, Eagar, Springerville, Payson and Pinetop-Lakeside. The Arizona Department of Commerce provides many programs and services for our region, including Main Street programs in Holbrook, Payson, Show Low and Pinetop-Lakeside; Enterprise Zones in Gila, Apache and Navajo Counties; Job training and Work Force Investment Board participation from the rural representatives.

The Plateau Region is one of 11 Regions formed following a state-wide economic study. Six of the eleven regions were eligible for the Regional Economic Plan Grant. Amber Hill and Mary French-Jones prepared the Plateau Region's grant and we were awarded \$48,000 to create a Plateau Region inventory assessment. The funds will be used to build and deliver inventory assets: socio-economic data, education, infrastructure, transportation taxes and regulatory climate, sites and support services. It will also be used to create industrial profiles: population, labor force, education, employment by industry, major industries, key employers, utilities, incentives, land/property, etc. **No action taken; informational only.**

SHERIFF'S OFFICE: Commander David Burke: Authorization to enter into a one year agreement with Arizona Department of Corrections on behalf of the Correctional Officer Training Academy (COTA) to provide training for Navajo County Detention Officer Cadets: Commander Burke explained that this agreement has been in place for a number of years. The only change this year is that there is an increase in the cost from the current rate of \$750, to \$850 per cadet, and an increase in the length of the course, from 8 to 9 weeks. **Mr. DeSpain made a motion** to approve the agreement with Arizona Department of Corrections on behalf of the COTA to provide training for Navajo County Detention Officer Cadets; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent)

PUBLIC WORKS/PLANNING & ZONING: Dusty Parsons, Interim Director/Dave Ashton, Deputy Director Planning & Zoning: 1) **Resolution** approving installation of fencing pursuant to the right-of-way policy, in exchange for title to portion of McLaws Road: Mr. DeSpain advised there are some problem areas along McLaws Road and with the property owned by Clifford & Tammie Finch. Mr.

and Mrs. Finch have requested that the County install fencing on both sides of McLaws Road within their property. In exchange, they will give the County a Warranty Deed to that portion of the roadway within their property. Staff has reviewed the request, and since the counties' Right-of-Way Fencing Policies and Procedures allow for reasonable modification depending on circumstances, it has been determined that this request to trade fencing for property meets the intent of the reasonable modification clause. Mr. Parsons stated that the cost of the fencing should not exceed \$15,000. **Mr. DeSpain made a motion** to adopt **Resolution #13-05**, approving the installation of fencing pursuant to the right-of-way policy, in exchange for title to portion of McLaws Road, not to exceed \$15,000; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal absent)

2) Approval of expenditure from District I Special Road Funds for the Public Road portion of the Hardrock Chapter Parking Lot and Service Road Project : Mr. Parsons stated that he has received a request from the Hardrock Chapter for funding assistance for the public road portion of the Chapter parking lot and the improvement of the public roadway in front of the Chapter House. The Chapter has received a grant for the parking lot, which cannot be used on the roadway. HURF monies cannot be used on the parking lot. Two quotes were received and the one from Absolute Surveying and Mapping seems to be the most reasonable. **Mr. Deal made a motion** to approve an amount not to exceed \$1400 from District I Special Road Funds for the public road portion of the Hardrock Chapter parking lot and service road project; motion seconded by Mr. DeSpain; vote unanimous approving the motion. (Following the action on this item, Mr. Deal asked for an update on the FEMA issue since the President signed the Declaration of Emergency for the flooding in Arizona. The Board was advised that FEMA will be here tomorrow to determine how and what we will be reimbursed for, including those areas on the reservation. Lone Pine Dam is filling up (52 feet now) and will reach the spillway level at around 62 feet. Schoens Dam is about 8 feet below the recharge box, and releases could begin at 54 feet. There was another problem with the Winslow Levee this past weekend when the river cut off a meander loop. There has been a lot of bank erosion and there is concern about the river's new direction hitting the levee. Rock was added to the base of the levee in that area this weekend. Mr. Deal advised that Peabody Coal has notified President Shirley that they want to use some of their volcanic cinders outside their lease area. President Shirley agreed, however Peabody would like some of their royalty fees waived in exchange. Although the President agreed, the Resources Committee said it could not be done. Now the issue is being referred back and forth among the various committees. Percy is asking that the County to work on some of these issues instead of waiting for the Navajo Nation to sort things out. Mr. Thompson noted that the recent storms have created more flooding in the Birdsprings area; many families are being affected)

3) Update re: draft of ordinance to regulate "adult" or "sexually oriented" businesses: Mr. Ashton presented information regarding the ordinance, as previously directed by the Board. The communities of Holbrook, Show Low, Taylor and Pinetop-Lakeside utilize the licensing approach. This includes: registration, permit fees, location restrictions, definitions, etc. Graham, Mohave and Yavapai Counties utilize the zoning approach to locate any proposed AOB operation, including limitations on location, size, and occupation of viewing rooms, room lighting, illumination of parking areas, access doors, hours of operation, etc. Mr. Payette noted that this approach does not get into fingerprinting, licensing, etc. Staff recommends moving forward with the licensing approach, although Mr. Payette felt this approach places more of a burden on staff. He also noted that by the way our statutes read, we may have to amend our comprehensive plan, but at least we can get started on process. Mr. Jayne asked staff to have some kind of draft ready to present to the Board by 14th of March, as the P&Z Commission meets on March 17th. **No action taken at this time.**

SILVER CREEK COUNTY ROAD IMPROVEMENT DISTRICT: John Hager: **Board of Directors Session:** Approve additional funding for road maintenance and improvements: **Mr. Thompson made a motion** to enter into a Board of Directors session; motion seconded by Mr. Tenney; vote unanimous approving the motion. Mr. Hager said that he came before the Board in December to ask for funds to do road improvements, which was approved. While that work was in progress, there was substantial rain in the area and additional fill material and grader time was needed to complete the work. He is requesting an additional \$2000 at this time. **Mr. Tenney made a motion** to approve additional funding in the amount of \$2000 for road maintenance and improvements; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Mr. Deal absent for the vote)

ADMIN/FINANCE/SPECIAL DISTRICTS: Leida Hatch, Special Districts Accountant: 1) **Shumway Road Improvement District: Board of Directors Session:** Appointment of District Engineer for the Shumway Road Improvement District: **Mr. Tenney made a motion** to enter into a Board of Directors session. Ms. Hatch advised that the improvement district was formed on January 18, 2005. At this time, a district engineer needs to be appointed to do the planning and design work for the district improvements. Staff recommends that the Public Works Department be appointed as they have expressed the willingness to perform this duty, and have the time and capacity to do this. Michael Daggett requests that Murphy Engineering be appointed because he believes the County staff is overburdened at this time. Murphy Engineering is ready and able to begin immediately. He stated he has no complaints about county staff; he just doesn't want to make the situation worse. Mr. Parsons admitted his department is very busy, but firmly believes that the department should be named, as then there will be only one engineer for the entire project. He added that Murphy Engineering is very good, but he does not believe they can do the project any faster than the department. Mr. Tenney asked what the cost difference would be, as he does not want to pass along any more cost to the property owners than necessary. Mr. Parsons assured the Board that it will cost less for the department to do the engineering. Mr. Daggett disagreed, saying he believes the cost difference is negligible. Ms. Hatch said she was cautioned by the bond counsel to be objective with an engineer who has ties to the developer. **Mr. DeSpain made a motion** to appoint the Navajo County Public Works Department as District Engineer for the Shumway Road Improvement District; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent) **Mr. Tenney made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approval of **Resolution** and Order Establishing and Organizing Canyon Vistas Estates Improvement District: **Petition withdrawn by Michael Daggett. No action taken.**

NAVAJO COUNTY EMPLOYEE BENEFITS TRUST: Karen Bray, Payroll Supervisor: 1) **Establish term limits for Trust Board Members:** Following a brief discussion, **Mr. DeSpain made a motion** to establish the term limit for the Trust Board members as the term of the appointing Supervisor; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent)

2) **Appoint Benefits Trust Board Member from Supervisorial District II:** **Mr. Thompson made a motion** to appoint Virgil Nez to the Benefits Trust Board from Supervisorial District II; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent)

3) **Re-Appoint Benefits Trust Board Member from Supervisorial District IV:** **Mr. Tenney made a motion** to re-appoint Leigh Cox to the Benefits Trust Board from Supervisorial District IV; motion seconded by Mr. Thompson; vote unanimous approving the motion.

4) Update on status of the Employee Benefits Trust: Ms. Bray advised that our medical plan is working very well from the employees standpoint, in that they have choices. Financially, the medical plan is doing well, with a beginning balance of \$266,631.88 in July of 2004. The total balance (checking account and trust fund) as of February 16, 2005 is \$1,025,295.03. The dental plan shows a balance of \$19,916.08 as of February 16th. Ms. Bray noted that many of the employees who previously declined the insurance coverage are now coming back. **No action taken; informational only.**

ADMIN/HUMAN RESOURCES: Gail Calisen, Human Resources Director: 1) Approve revisions to Articles 22 and 23 of the Personnel Policies and Procedures regarding employees required to work on a holiday during a declared emergency, and compensation for such work: Ms. Calisen advised that the current personnel policy has no provision for employees who work on a holiday during a declared emergency. If such a situation occurs, as it did on December 31st, an employee's pay would depend on how many hours he/she worked within that workweek. If they had worked 40 hours or less, they would only receive straight time. If they had worked 40 hours, they would be eligible for overtime. Compensation for work on a holiday is limited to 8 hours. Under the proposed revision, compensation would be more equitable and would not be limited to 8 hours. Employees required to work on a holiday during a declared emergency would receive their regular holiday pay plus 1 ½ times their regular rate of pay for all hours worked, regardless of the total hours worked during that workweek. Ms. Calisen advised that the Personnel Commission reviewed the proposed revisions and approved them at their last meeting. When asked if this policy revision would be retroactive to December 31st, the Board was advised that it could not be retroactive. Mr. DeSpain said he likes the changes, but feels it does not cover all possibilities. He asked to be able to add additional language to cover those instances that are not declared emergencies. **Mr. DeSpain made a motion** to approve revisions to Articles 22 and 23 of the Personnel Policies and Procedures as presented, with the modification to the language as follows: "...or other exceptional circumstances as declared by the Board of Supervisors, or the County Manager with the concurrence of the Board of Supervisors..."; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent)

2) Grievance Appeal regarding the finding of untimeliness of grievance request: Ms. Calisen provided background for this matter as follows: The employee is appealing the rejection of his grievance on the basis of untimeliness. She noted that the only issue before the Board at this time is the timeliness, not the substance of the grievance. The facts are that the employee was transferred from Public Works to the MIS department in July of 2004, with changes in title and salary range, but no change in salary. The changes were effective July 1, 2004. A PAF was processed and the changes were included on the report and presented to the Board on July 6, 2004. The employee filed a grievance regarding the change in his salary range on January 31, 2005. The Personnel Policies and Procedures, Section 2804(B)(1)(a) state that a request for grievance must be filed within 10 working days after the incident. The Human Resource Director is responsible for determining whether the grievance is timely. In this case, the grievance should have been filed no later than July 20, 2004, which was 10 working days after the PAF was approved by the Board. Even if given a reasonable grace period, the filing of the grievance on January 31st was clearly untimely.

The employee advised that he did not receive the PAF notifying him of the salary range change until December, and then it was from a former employee of the Public Works Department. He stated he never did receive the notification from Human Resources or his Department Director. Discussion followed regarding "official notice", and the regular grievance procedure. The Board stated that the employee should be given the benefit of the doubt, and **Mr. DeSpain made a motion** to allow the

grievance to proceed according to the Personnel Policies and Procedures; motion seconded by Mr. Thompson; vote unanimous approving the motion.

FINANCE DEPARTMENT: James Menlove, Director: 1) Authorization to issue a Request for Proposal (RFP) for County banking services for period from July 1, 2005 through June 30, 2009: **Mr. DeSpain made a motion** to authorize the issuance of a Request for Proposal (RFP) for County banking services as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion. (Mr. Deal absent)

2) Finance Director's Report: Mr. Menlove advised that we are fiscally sound. He advised that they are working with one accountant to meet the commitments for the 2002, 2003, and 2004 audits. He said that the 2002 and 2003 audits should be completed by the end of June. **No action taken.**

3) Budget Presentation: **At the request of Mr. Menlove, this matter is continued to March 14, 2005.**

BOARD BUSINESS: Mr. DeSpain advised that long-time Apache County Supervisor, Art Lee, passed away.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, March 14, 2005, upon a **motion made by Mr. Thompson;** motion seconded by Mr. DeSpain; vote unanimous approving the motion. The meeting adjourned at 5:05 p.m.

APPROVED:

Chairman

Date

ATTEST:

James G. Jayne, Clerk of the Board