

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**September 6, 2005**

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:05 a.m.

**PRESENT:** Jerry Brownlow, Chairman; Percy Deal, Vice-Chairman; David Tenney, Member; Jesse Thompson, Member; J.R. DeSpain, Member; James G. Jayne, County Manager; Mel Bowers, County Attorney; Darlene Fraley, Deputy Clerk of the Board.

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

**CALL TO THE PUBLIC:** No response

**CONSENT AGENDA:** 1) Voucher list for payment; 2) Tax Roll Corrections; 3) Authorize Deputy Clerk of the Board to apply to ADOT Special Investigations for undercover plates for Sheriff; 4) Appointment of Precinct Committee Persons: Christin Stinson, Lisa McKee, Phyllis Romo, Arnold Chee, Adrienne Lapella; 5) Name an existing road in the Pinetop/Lakeside area “Cary Court”; 6) Name an existing road in the Heber/Overgaard area “Saddle Ridge Road”; 7) Name an existing road in the Overgaard/Heber area “Sprig Lane”; 8) Approval to install YIELD signs at intersection of Monica Road and Wapiti Drive in the Forest Trails Subdivision in the Overgaard area to regulate traffic on Wapiti Drive; 9) Appointment of Mr. John Henling to the Navajo County Board of Adjustment from District III for a two-year term; 10) Sympathy letter for Robert Bohner; 11) Letter to the Governor expressing appreciation for Homeland Security Funds; 12) Board of Supervisors’ minutes: August 1, August 15, 2005; 13) Certify revenue collected by the Superior Court, Clerk of the Court and all Justice Courts in FY02/03 for A.R.S. 12-116.04H; 14) Certify revenue collected by Superior Court, Clerk of the Court and all Justice Courts in FY02/03 and FY03/04 along with 5% set aside funds for both years; 15) Renewal of existing IGA between Navajo County and Arizona Division of Emergency Management Intergovernmental Agreement for Homeland Security Funds with no changes from previously approved agreement; 16) Intergovernmental agreements to provide election services to Blue Ridge Unified School District 32, Whiteriver Unified School District #20, Holbrook Unified School District #3, and the Town of Snowflake; 17) Back tax land deed; 18) Proclamation declaring October 2-8, 2005 as National 4-H Week in Navajo County: **Mr. DeSpain made a motion** to approve the Consent Agenda and authorize the Chairman to sign the related documents; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**BOARD BUSINESS:** All Supervisors reported on activities and concerns in their Districts.

**SHERIFF:** Sheriff Gary Butler, Commander Bernard Huser

- 1) Presentation of Award to Navajo County Sheriff’s Office Employee: Sheriff Butler presented Sergeant Mark Jackson with the valor award for life-saving actions during a recent arrest.
- 2) Authorization for Navajo County Sheriff’s office to rehire former employee for minimal time needed to buy back former service: Sheriff Butler advised the Board that when David Barnes retired, his time in service was miscalculated resulting in reduced benefits. It will cost the County approximately \$16,000 to buy back this time and the employee must be employed by the County when the time is being purchased. He requests that the employee be re-hired and placed on unpaid leave until the issue is resolved. Mr. DeSpain made a motion to authorize the Navajo County Sheriff’s office to rehire David Barnes for the minimal time needed to buy back former service; motion seconded by Mr.

Thompson; vote unanimous approving the motion.

- 3) Authorization to enter into contract with Arizona State Parks for Law Enforcement and Boating Safety Fund grant in the amount of \$39,853.97 to partially fund one deputy's position: Commander Huser and Sheriff Butler explained this is a continuation of a grant to fund an officer in a program that combines boating safety, boat patrols and dive team. **Mr. DeSpain made a motion** to authorize the Sheriff's department to enter into a contract with Arizona State Parks for Law Enforcement and Boating Safety Fund grant in the amount of \$39,853.97 to partially fund one deputy's position; motion seconded by Mr. Tenney; vote unanimous approving the motion.
- 4) Acceptance of 2005 Homeland Security funds approved for Navajo County: Mr. Dunagan explained that his department has applied for four new projects in the funding cycle and was granted these awards which he is requesting that the Board accept. **Mr. Tenney made a motion** to accept the 2005 Homeland Security funds approved for Navajo County; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Thompson and Mr. Deal discussed efforts that have been undertaken to secure funding for Homeland Security on the Navajo Nation. In response to a question from Mr. DeSpain, Mr. Dunagan and Sheriff Butler discussed the recent catastrophic hurricane and emergency response procedures in Navajo County.

**CITY OF HOLBROOK:** Mary French-Jones: **Resolution** of support for the City of Holbrook's Economic Strength Project Application to the Arizona Department of Commerce: Mary French-Jones advised the Board that the City of Holbrook had applied for a grant through the Department of Commerce and is requesting the County's support of this project. **Mr. DeSpain made a motion** to approve **Resolution #55-05** of support for the City of Holbrook's Economic Strength Project Application to the Arizona Department of Commerce; motion seconded by Mr. Tenney; vote unanimous approving the motion with Mr. Thompson absent for the vote. Ms. French-Jones expressed appreciation on behalf of the city.

**ADULT PROBATION:** Ted Ryersbach: Move budget line item funding for administrative secretary from Juvenile Budget to Adult Budget: Mr. Jayne explained that the employee had been moved to adult probation from juvenile probation and Board action today would authorize the budget to be revised to reflect this action. **Mr. DeSpain made a motion** to move budget line item funding for administrative secretary from Juvenile Budget to Adult Budget; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT:** Dr. Wade Kartchner: **Board of Directors Session:** Approve expenditures for scales and office furniture from WIC Program grant vacancy savings: **Mr. Thompson made a motion** to enter into a **Board of Directors Session** for the Public Health Services District; motion seconded by Mr. Tenney; vote unanimous approving the motion. Ms. Tyler explained that the WIC program fiscal year runs from October to September and that at the end of the fiscal year purchases that do not total over \$5,000 can be made from vacancy savings. **Mr. Tenney made a motion** to authorize expenditures for scales and office furniture from WIC Program grant vacancy savings; motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. Thompson made a motion** to reconvene the regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**ELECTION SERVICES:** Kelly Dastrup, Elections Coordinator

- 1) Acknowledgement of Blue Ridge Unified School District #32, Whiteriver Unified School District #20 and Holbrook Unified School District #3 November 8, 2005 Bond elections and approval of recommended changes and ballot methods as presented: Ms. Dastrup explained the history of moving

precincts for voter convenience and explained the configuration of the voting precincts as submitted to the Department of Justice stating that voters would be notified of the change by certified mail and would be sent an early ballot. **Mr. Tenney made a motion** to acknowledge the Blue Ridge Unified School District #32, Whiteriver Unified School District #20 and Holbrook Unified School District #3 November 8, 2005 Bond elections and approve recommended changes and ballot methods as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

- 2) Approval for Navajo County Election Services to conduct November 8, 2005 Elections:
  - a. Town of Snowflake Bond Precinct Based Election and combine with Franchise Election: Ms. Dastrup explained that the Town of Snowflake will act on the franchise election at their September Board meeting. **Mr. DeSpain made a motion** to approve the Navajo County Election Services to conduct the November 8, 2005 Town of Snowflake Bond Precinct Based Election and combine with Franchise Election; motion seconded by Mr. Tenney; vote unanimous approving the motion.
  - b. City of Winslow Mail Ballot Recall Election: Ms. Dastrup advised the Board that the City of Winslow had passed two resolutions, one calling for the November 8 election and one to designate it as all-mail. Ms. Dastrup explained that all future City of Winslow elections will be all-mail except for those that are also County elections. **Mr. DeSpain made a motion** to approve Navajo County Election Services to conduct a November 8, 2005 election for the City of Winslow mail ballot recall election; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**PUBLIC WORKS: PUBLIC WORKS:** Dusty Parsons, Bill Fraley

- 1) Public Hearing: Discussion and possible Board action approving a Resolution to revise the Master Development Site Plan for the previously approved White Mountain Lakes Airpark: Mr. Fraley advised the board that the Planning and Zoning Commission had addressed this issue and over 150 notification letters had gone out advising of the public hearings. He reviewed the staff report and advised staff recommends approval with the noted stipulations and without the stipulation inclusion would recommend denial. He displayed a site plan of today's recommendation, stating the air park will be gated and that airplanes and cars will co-mingle on the same street with private roadways to protect the public unfamiliar with this configuration. He advised of density changes and that currently the plan includes 300 lots on 418 acres with a decreased density to less than 1 lot per acre. The developer has conducted all related drainage, traffic, and water/sewer studies. He reported that Mr. Isaacson, the developer, and his staff are present to respond to questions. Mr. Brownlow announced this is a public hearing and requested that those who are opposed to the approval to step forward and speak first. David Bunker, Marcus Whetstone, Jim Cutler, Marilyn Blilie, and Charlie Fickle stepped forward to speak. Some indicated they were not opposed to this project but wanted specific concerns addressed. Their discussion points included:
  - Responsible growth and community input into the growth are major concerns.
  - The master plan for White Mountain Lakes has expired and should go through the entire planning process again.
  - Piece-meal growth has taken place that is disturbing as related to displayed maps of developed phases in the area.
  - The parcel density does not reflect rural development.
  - There are no green spaces and no separation between the parcels or subdivisions.
  - There are no plans for community infrastructure, schools, roadway maintenance, parks, libraries, recreational areas, indoor areas for youth and senior activities, as well as other types of facilities needed for a basic master planned community. The existing community members try to fill these needs but they do not have the land, ability to construct facilities nor a budget for long-term operation and maintenance costs.
  - If a master plan can be revisited by the developer, it should be revisited by the community to add in required amenities without additional taxation to the land owners since White Mountain Lakes will have the highest taxes in the County this year.

- Septic/sewer issues will develop due to density.
- Issues that existed 18 years ago are no longer pertinent and Voyager should address today's issues that include safety, cultural diversity, and wildlife preservation.
- The developer should be required to bring the plans to the community for approval and resolution of infrastructure issues.
- Since White Mountain Lakes is unincorporated they rely on the Board of Supervisors to protect their interests.
- Fences are being constructed, shutting off access to the beach.
- Wildlife will leave if the proposed density is approved.
- A motion passed in a recent White Mountain Lake Community meeting requested that no plans are approved without the approval of the community, emphasizing that the community was not necessarily opposed but wanted input.

Lem Cook, Bob Guthrie, Steve Kurth, and Kevin McQuade, spoke in favour of this project discussing the history of its development since 1964 and current issues. These discussion points included:

- All septic and/or sewer requirements will have to be addressed as per existing regulations with the majority of the parcels on sewer.
- The master plan developed in 1982 for White Mountain Lakes had much higher density than that which is being considered today. That master plan was approved in 1987 and the County Attorney reviewed the expiration issue and determined the master plan has not expired. The tentative plats that were approved later have expired.
- Navajo County is the government for White Mountain Lakes and is the vehicle to create improvement districts and recreation districts.
- In 1982, Mel Riddlebarger donated the land where the community center, library and post office are situated.
- The Recreation District created a park on Carr Circle and Snyder Circle with basketball, volleyball, playgrounds and swings and they are not used.
- There is an extraordinary amount of open space with the largest private lake in Arizona. The Silver Creek recreation district bought 12 acres of land open to everyone in the community who own fee title to the creek bottom.
- As acreage evolves to development more taxes will be generated and the White Mountain Lakes budget can increase to provide amenities.
- The development will be a tremendous credit to the White Mountain Lake area; Mr. Isaacson has brought quality development to his previous projects and is concerned about bringing a good quality of lifestyle to the community.
- Expansion and improvement below the dam is impressive.
- Mr. Isaacson's plan recommended for revision reduces the density from the original master plan.

Mr. Ike Isaacson of Voyager spoke to the proposed revision:

- The plans were proposed to all White Mountain Lake residents who attended a meeting and questions were addressed.
- The Cutlers proposed a buy-out of their property and an appraiser was to provide an appraisal and Mr. Isaacson had not heard back on that issue.
- Fish and Game requested public access to Silver Creek through their property and through the Cutler's property. Voyager made a commitment with Fish and Game to provide access above the dam and would work with the Cutler's to provide access.
- He is disappointed in the Home Owners Association as Voyager met with them and staff and agreed to provide open space.
- Delaying the project would be detrimental due to financial contingencies that must be met. Engineering fees of over \$100,000 have already been paid and they have committed over \$100,000 to enhance the

- community. Studies are being conducted to minimize flooding in the area.
- This master planned community will be a quality development.

In response to a question from Mr. Tenney, Mr. Fraley said that only the tentative plat time frame and site plans have expired. He requested confirmation and received it from Mr. Bowers that it takes Board of Supervisors action to create a zone change and it takes Board action to amend it so therefore the zoning is still in place. Mr. Fraley stated that open space will be addressed further in the process.

Mr. Cutler re-addressed the board discussing the 1987 zoning ordinance, stating the zoning was required to be implemented within one year and in eighteen years it has not been implemented and therefore by lack of attention should be expired. Mr. Bowers stated that currently, typically reversionary provision language is included in a zoning change but does not believe that was the case 18 years ago, acknowledging that this was before his time. Mr. Deal stated that he and Pete Shumway, who is in the audience, were on the Board at that time and in reading through the March 1987 minutes, reference is made to the developments that were to take place for the approval. He inquired which of those measures, which were part of the original package were actually built: roads, hangar, run-way, golf course, ADHS approval for sewer and water system. Mr. Fraley responded he did not believe any part of the plan was developed. Mr. Deal inquired what the timeline is for this revision and Mr. Fraley said the time lines would not be in the master site plan revision but will be on tentative and final plats. Mel Riddlebarger, the original developer of White Mountain Lakes, addressed the Board, stating he feels a great deal of gratitude to the developers who have bought out the properties and carried out his dream. He explained his firm got caught in the Savings & Loan turn down of the 1980's and even though he did not have to take bankruptcy, it took seventeen years to recover. He discussed the costs for the development including the sewer plant, golf course and Juniper Ridge development. He reported there is considerable open space along the creek. Mr. Deal stated he would like to see a map that shows open space with a color coded history of the development and one was presented. Mr. Isaacson reviewed the map, outlining the history of the acquisition of the property and how the property is dedicated and future plans for the areas. Mr. Riddlebarger stated that the creek frontage on the map is a green belt area that everyone can use and that there is seven miles of green belt in this development. Mr. Whetstone stated he appreciated the interest in the open space and invited anyone to walk along the creek in winter where there is nothing but mud. He expressed contempt for the basketball and volleyball courts placement. Mr. Cutler stated his residence is at the end of the runway so he is very aware of the condition of the runway. He stated all of the improvements that Mr. Riddlebarger outlined were on another master plan; consideration must be given to what is happening on this master plan. When Mr. DeSpain inquired if the airport was planned when he bought the property and Mr. Cutler responded he was aware there was a dilapidated runway with weeds that is used as a drag strip. He stated the time frame for developing the runway has passed. Mr. Shumway stated that the Board of Supervisors and staff were involved in bringing White Mountain Lakes from open space to this beautiful community. He said that along with those that have spoken today, staff and the Board want orderly growth. He reviewed the history of why the development didn't fully evolve and expressed support for the planning and zoning process. He maintained that the concerns of the people are to be addressed through the system that is in place. He expressed appreciation to Mr. Riddlebarger for his original development of White Mountain Lakes, stating that he considers this community a jewel for the White Mountains. He encouraged approval of this revision. Mr. DeSpain inquired if everyone has access to the lake and Mr. Isaacson stated it is a private lake and the Irrigation District owns the water. The Irrigation District made an agreement with the Recreation District where everyone pays \$50 to use the facility. He stated the private airpark is similar to the one in Overgaard and permission to enter is required. Planes are anchored through tie-downs and non-property owners will park their planes on the east side of the run-way. Mr. DeSpain confirmed with Mr. Fraley that the plane capacity would be established during the tentative and final plat process. Mr. DeSpain inquired if the Juniper Ridge development is gated and Mr. Isaacson stated it is and other residents can use it until 80% of the lots are sold and then it will be controlled by the Home Owners Association. **Mr. Tenney made a motion to approve Resolution #56-05 to revise the Master Development Site Plan for the previously**

approved White Mountain Lakes Airpark; Mr. DeSpain seconded the motion. All Board members encouraged the community members and developer to work together to address the concerns that have been raised. The vote was unanimous approving the motion.

- 2) **Public Hearing and Resolution to approve adopting building and septic fees as presented:** Mr. Parsons reported the proposed fees have been advertised and there have been no calls or letters of opposition. He stated that if approved today these fees will be implemented on October 1. He provided examples of how the fees would apply to construction of homes. He advised a re-inspection fee of \$35.00 will be brought for later action and these fees will be re-evaluated over the next period of time and a report will be brought back to the Board. Chairman Brownlow announced this is a public hearing and invited public comment. There were no comments. **Mr. Tenney made a motion** to approve **Resolution #57-05** to adopt the building and septic fees as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.
- 3) **Approve a Resolution accepting Beek Lane in the Linden area into the County road maintenance system as a primitive road:** Mr. Parsons displayed a map showing Beek Lane as a small residential road east of Lone Pine Dam and advised it meets the criteria to be accepted into the County road system. **Mr. DeSpain made a motion** to approve **Resolution #58-05** accepting Beek Lane in the Linden area into the County road maintenance system as a primitive road; motion seconded by Mr. DeSpain; vote unanimous approving the motion.
- 4) **Approve a Resolution accepting West Ramada Road in the Sun Valley area into the County road maintenance system as a primitive road:** Mr. Parsons displayed a location map of West Ramada Road and advised it meets the criteria to be accepted into the County road system. **Mr. DeSpain made a motion** to approve **Resolution #59-05** accepting West Ramada Road in the Sun Valley area into the County road maintenance system as a primitive road; motion seconded by Mr. DeSpain; vote unanimous approving the motion.
- 5) **Approve a contract with Ironside Engineering (James H. Matteson, P.E.) for County Engineering Services not to exceed \$25,000:** Mr. Parsons advised the Board that he is in the process of advertising for a County Engineer and in the meantime the department needs contractual support for a couple of days a week. **Mr. DeSpain** made a motion to approve a contract with Ironside Engineering (James H. Matteson, P.E.) for County Engineering Services not to exceed \$25,000; motion seconded by Mr. Tenney; vote unanimous approving the motion.
- 6) **Public Hearing: Discussion and possible Board action approving a Resolution to amend the Navajo County Zoning Ordinance to adopt a new Article 16 designating zoning districts wherein an adult oriented business may be located and regulating site criteria:** Mr. Fraley reported this ordinance is modelled after others around the State that have been challenged in court and successfully met the challenge. He stated the ordinance is defensible and still allows a business to operate. He discussed location and site regulating criteria contained in the ordinance. Mr. Brownlow invited comment for this public hearing and there was none. Expressing appreciation to staff, **Mr. Tenney made a motion** to approve **Resolution #60-05** to amend the Navajo County Zoning Ordinance to adopt a new Article 16 designating zoning districts wherein an adult oriented business may be located and regulating site criteria; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Parsons and Board members expressed appreciation to Mr. Fraley and Mr. Reckling for an excellent job on putting this ordinance together.
- 7) **Public Hearing: Discussion and possible Board action approving a Resolution to adopt a licensing process for adult oriented businesses located within the unincorporated areas of Navajo County:** Mr. Brownlow invited comment for this public hearing and there was none. **Mr. Tenney made a motion** to approve **Resolution #61-05** to adopt a licensing process for adult oriented businesses located within the unincorporated areas of Navajo County; Mr. Thompson seconded the motion; vote unanimous approving the motion with Mr. DeSpain out of the room. Mr. Deal inquired if incorporated areas in the County have similar ordinances and Mr. Parsons and Mr. Tenney stated Show Low and Pinetop-Lakeside do have similar ordinances.

- 1) Navajo County Fair Board presentation: Mr. Pogue presented VIP passes to the Board of Supervisors and selected staff for the upcoming Navajo County Fair and Rodeo. He thanked the Board, Mr. Jayne and Mr. Menlove for their support for the improvement to the fair buildings. He advised all present that Mr. Martinez of Payson is donating a lot of equipment from their McDonald's remodel to the fairgrounds. He invited everyone to the fair and rodeo which will run September 14-18 and provided fliers and fair packets. He advised that the Fair Board has upgraded the fair this year, bringing song and dance by the Spencer family who assisted in hosting a PowWow.
- 2) Crowning of Navajo County Fair Rodeo Queens: Mina Henning, Navajo County Rodeo Queen Director, introduced the attending past and present Rodeo Queens. Mr. DeSpain crowned the reigning Queens and encouraged everyone to attend the Fair that is being held in conjunction with the City of Holbrook Old West Days.

At 12:37 p.m., the meeting recessed for lunch and a tour of the jail. The meeting reconvened into regular session at 2:13 p.m.

**WIND FARM DEVELOPMENT:** Bill Fraley, John Gaglioti: Presentation regarding Wind Farm development in Navajo County: Mr. Fraley introduced John Gaglioti of Windfinders who provided brochures and information regarding proposed wind farms. He discussed the benefits from property taxes, income to the land owner and 400 construction jobs for four months. He reviewed the 12-step process to setting up a wind farm. He discussed the wind velocity needs, marketability of the product, and that his firm has about 10,000 acres under control with 4,000 to be used. The Board expressed appreciation to Mr. Gaglioti for his attendance.

**BOARD OF SUPERVISORS:**

- 1) Designate a member of Board of Supervisors to represent Navajo County on the County Supervisors Association Legislative Policy Committee, Jerry Brownlow: **Mr. DeSpain made a motion** to designate Percy Deal as the 2006 Board of Supervisors member to represent Navajo County on the County Supervisors Association Legislative Policy Committee; motion seconded by Mr. Thompson; vote unanimous approving the motion.
- 2) Sponsorship of Project Arizona Civic Education at \$500.00 per designated eighth grade class, James Menlove: After a description of the program by Mr. Menlove and discussion by the Board, **Mr. Tenney made a motion** to approve the expenditure of up to \$1,000 from each of Districts 3, 4, and 5 to sponsor Project Arizona Civic Education at \$500.00 per designated eighth grade class; motion seconded by Mr. DeSpain. Mr. Deal expressed concern that tribal government was not included in the curriculum and stated he and Supervisor Thompson would be willing to commit funds from their districts if this information was included. It was agreed that Mr. Menlove would convey this suggestion. Vote unanimous approving the motion.
- 3) Acceptance of the back tax land list and authorize publication of the same with notice of the 2005 Back Tax Auction to be scheduled October 17, 2005 at 1:30 p.m., Jerry Brownlow: **Mr. DeSpain made a motion** to accept the back tax land list and authorize publication of the same with notice of the 2005 Back Tax Auction to be scheduled October 17, 2005 at 1:30 p.m.; motion seconded by Mr. Tenney. Mr. DeSpain recounted the multiple problems related to the land that is up for sale that could create a hardship for buyers, cautioning that every care should be made at the time of the auction to make the buyers aware of these issues. The vote was unanimous approving the motion.
- 4) Request of financial contribution from District II special project funds for repair and maintenance to the Dilkon/livestock/fairgrounds, Jesse Thompson: Mr. Thompson reviewed the request of the Dilkon/livestock/fairgrounds request for \$41,000, stating that it will take about \$15,000 to make desired repairs with the ultimate goal to be similar to the Navajo County fairgrounds. **Mr. Thompson made a motion** to provide financial assistance in the amount of \$500.00 with a manual warrant; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**ADMINISTRATION/FINANCE:** James Menlove, Dennis Miller, Mary Springer:

- 1) Financial Status Report: Mr. Menlove reported that in addition to the regular financial activities, progress has been made on previous years' financial activities. The 2000-2001 expenditure limitation report has been issued; the 2001-2002 field work has been done, reviewed by the Auditor general once and sent back to Walker & Armstrong with an anticipation to be issued in a couple of weeks; the 2002 expenditure limitation report draft has been prepared; the 2003-2004 client schedule provided with field work completed; lots of work has been done on the 2004 audit reports. He anticipates by June 2006 to have all financial reports recorded and up to date, including expenditure limitation reports. He reported that capital asset tracking is still a challenging area and transfers and demotes must still be completed. Chairman Brownlow commended Mr. Menlove and his staff on bringing resolution to the backlogged financial area.
- 2) Discussion and possible Board action approving a **Resolution** to enter into an Inter-Governmental Agreement with the City of Show Low for cooperative purchasing: Ms. Springer advised that this is a renewal of a previous agreement with the City of Show Low. **Mr. Tenney made a motion** to approve by **Resolution #62-05** entering into an Inter-Governmental Agreement with the City of Show Low for cooperative purchasing; motion seconded by Mr. Thompson; vote unanimous approving the motion with Mr. DeSpain absent for the vote.

**HUMAN RESOURCES: Gail Calisen, Director**

- 1) Approval of Personnel Actions: Ms. Calisen reviewed her written personnel action report with the Board. Mr. DeSpain declared a conflict of interest on this item. **Mr. Tenney made a motion** to approve the personnel actions as presented; motion seconded by Mr. Thompson; vote 4-0 with Mr. DeSpain abstaining from the vote.
- 2) Case # HR-05-045-001  
Presentation of Advisory Decision re: Case #: HR-05-045-00: Ms. Calisen reviewed the history of Mr. Ottman's hearing appeal. She referred the Board to the hearing officer's decision not to hear testimony from either party as outlined in the letter from Ron Wood, dated July 21. She explained that the Personnel Commission had found that Mr. Parsons did retaliate against Mr. Ottman and that the Board did impose discipline on Mr. Parsons. She stated that Mr. Ottman is appealing the Board's discipline imposed on Dusty Parsons. She advised that Mr. Ottman has 29 minutes to present his appeal and that Mr. Ottman did request the hearing be conducted in open session.
  - a. Presentation and Consideration of Appeal by Don Ottman: Mr. Ottman addressed the Board making the following points:
    - ◆ He has worked for Navajo County for ten years installing, repairing and maintaining road signage, supervises one person, saved the County lots of money in the liability area, received an excellent rating from ACIP and has never had a disciplinary action imposed.
    - ◆ The concern he is bringing to the Board relates to retaliation, discipline double standards and leadership.
    - ◆ Mr. Parsons retaliated against him over a long distance phone call and the retaliation was confirmed by an independent committee as confirmed through a letter he read.
    - ◆ Mr. Parsons continued to retaliate by going to the Show Low Road Yard and reviewing prior long distance phone records to prove that Mr. Ottman made other personal calls; he probably has and will reimburse the County if he has not already done so.
    - ◆ He questions why, if Mr. Parsons maintains the committee findings are not valid and violated his rights when finding against him, he did not file an appeal.
    - ◆ The discipline imposed by the Board is not consistent with the personnel policy and Mr. Parsons was not properly disciplined, reading from sections in the personnel manual—704, 705 & 706.
    - ◆ The Board should review Mr. Parson's phone records for violations that should lead to disciplinary action.
    - ◆ He reviewed the May 5 Board of Supervisors minutes related to the discipline incident.
    - ◆ Lack of leadership skills is the root of the problem. He cited his experience in the US Air Force where he learned appropriate leadership skills.
    - ◆ The high turn-over in Public Works has been going on for a number of years, long before the

whistleblowers' letter. The work environment has been intimidating and hostile in violation of Article 703.

- ◆ He wants the retaliation and hostile work environment to end and wants the Board to adhere to policies and procedures.
- b. Ms. Calisen stated the Board can vote to uphold the advisory decision, reject it or modify its findings. In response to a question, Mr. Bowers stated that he does not know the benefit of delaying a decision but the Board can choose to take this matter under advisement. He cautioned that any discussions regarding the issue must take place as a Board in open session. Mr. Tenney inquired if there is an opportunity to hear from Mr. Parsons today and Ms. Calisen stated that Mr. Parsons did not file an appeal. Mr. Bowers stated there are three components to the appeal: the decision found that there was retaliation, the relief sought by Mr. Ottman for the removal of the letter from his file and that disciplinary action should be taken with respect to Mr. Parsons. He stated he has a serious reservation as to whether Mr. Parsons' discipline is a proper subject for an appeal. He stated Mr. Ottman was awarded the relief he sought and Mr. Parsons' discipline is outside his control. Mr. Tenney inquired if, under this appeal, Mr. Ottman is entitled to ask for Mr. Parsons to be reprimanded. Mr. Bowers stated he is entitled to bring attention to it, but the items that directly affected him were addressed. He stated the nature of the appeal hearing should be limited to the record established below and the relief. He said it appears Mr. Ottman would like disciplinary action taken against Mr. Parsons for an infraction that otherwise wouldn't stop. Mr. Deal requested clarification that the only person who could appeal Mr. Parsons' disciplinary action is Mr. Parsons himself and Mr. Bowers stated he believes that is true. Mr. Tenney stated that Ms. Calisen had advised that Mr. Ottman requested open session and inquired at what point an employee other than the one filing an appeal have the right to request executive session and Mr. Bowers said that in this case that could not happen. Mr. Bowers reiterated that normally in an appellate situation no information outside the record is considered. He cautioned that allowing information that was not part of the original proceedings record at each stage of the appeal process doesn't provide an avenue to consider if the appropriate decision was made based on the information known at the time. Mr. Tenney stated he agreed with this and felt the Board should only consider whether there should be a reversal of the action taken. Mr. Thompson inquired if the directives that were made by the Board to re-establish the relations between staff could be considered and Mr. Bowers said they could not. Mr. Bowers reiterated the three issues as previously listed for consideration in this appeal. Mr. Tenney stated that since Mr. Parsons' counseling was done in executive session there should be no way for anyone to know the extent of that counseling. Mr. Parsons stated that since this issue is being addressed in a public meeting he would like to respond and Mr. Bowers advised that this goes back to the main issue that the fact finding or determination must be based on the record as it exists. Mr. Parsons stated that at the hearing he was told both sets of information would be forwarded and they were not; even when he requested that the information be included for the Board it was not. He stated that he requested that the Board follow statutes and if they had they would not be in this situation. Mr. Bowers stated no information was presented that was not already part of the record. Mr. Brownlow inquired why both sets of documents were not forwarded as the hearing officer said they would be. Mr. Parsons stated he brought documentation to the hearing officer and the same documents Mr. Ottman presented were included and his were not. He said his documents are part of the record that was forwarded to Ms. Calisen and should be part of this record. Mr. Bowers stated that Mr. Parsons had never appealed his discipline decision to the Board and Mr. Parsons stated he had and that Mr. Bowers had been present in that executive session. Mr. Deal stated that it is clear Mr. Ottman did appeal certain decisions made directly impacting him in his prior appeal and those have been satisfied. He stated that it seems according to existing policies that the appeal over the discipline imposed on Mr. Parsons should be made by Mr. Parsons rather than Mr. Ottman. He stated he believed if the Board goes beyond that and allows Mr. Parsons to submit his documentation it will open up the whole case again. He said he believed that this is not an area to appeal. Mr. Thompson stated that there is a provision for handling disciplinary actions and it was up to the Board to determine the nature of that discipline. Mr. DeSpain advised it is difficult for the Board to be open because much of what happened

occurred in executive session. He expressed concern that he had foreseen the undermining would continue. He said if there has been continued retaliation, discrimination or harassment this should have been reported to the appropriate authorities. He inquired if Ms. Calisen, Human Resources Director, Mr. Bowers, County Attorney, or Ms. Fraley, Deputy Clerk of the Board, had received any such report and all responded they had not. He advised Mr. Ottman if any of this activity occurs he must get it in writing and submit it to the proper authorities. Mr. Tenney stated that it appears the Board is not going to allow Mr. Parsons to speak and he does understand why; however in the future when an appeal occurs he would like the Board made aware of the ground rules. He said he does understand Mr. Parsons' desire to address the issue and a lot has been said about him here and in the newspapers and he has not opportunity to respond. He stated he feels that a line was crossed today and in the future all need to be aware of what they can and can not address. Mr. Brownlow concurred.

- c. Final Action: **Mr. Tenney made a motion** to deny Mr. Ottman's appeal and uphold the decision previously brought to the Board by the County Manager and adopted by the Board; motion seconded by Mr. Deal. Mr. Thompson inquired what counseling was done and Ms. Calisen stated that she is only aware of what was contained in the Board action report advising that Mr. Parsons was counseled and she believes that this is what Mr. Ottman is appealing. Mr. Thompson inquired if that reduced the tension in the department and Ms. Calisen stated she is not aware of day-to-day operations in that department. Mr. Tenney inquired if the communications training occurred and Ms. Calisen advised administration is scheduled to review the response to an RFP for this service. Mr. DeSpain encouraged the County Manager and staff to move forward on this counseling as quickly as possible. Mr. Tenney stated he would like to address the issue of the phone call itself and let Mr. Ottman know how fortunate he is that the investigative panel felt the way they did. He said he knows that most companies would impose much more severe consequences, that there is the loss of productivity during the 74 minutes and loss of taxpayer money for the salary. Mr. Tenney and Mr. DeSpain encouraged the department to revisit the practice of allowing employees to make these types of calls. Mr. Parsons stated it is not the policy to allow this activity in Public Works and he has the documentation to support that. The motion carried unanimously. Mr. DeSpain and Mr. Thompson both stated they would like to have had the additional information but recognize that because of legal advice can only consider the information contained in the record.

**ADJOURN:** At 4:28 p.m., **Mr. DeSpain made a motion** seconded by Mr. Tenney to adjourn; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

\_\_\_\_\_  
**Jerry Brownlow, Chairman**

**ATTEST:**

\_\_\_\_\_  
**CLERK/DEPUTY CLERK OF THE BOARD**