

**NAVAJO COUNTY BOARD OF SUPERVISORS**  
**March 13, 2006**

Vice-Chairman Percy Deal called the meeting to order at 9:05 a.m.

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

Supervisor Brownlow led the Pledge of Allegiance and Invocation.

**CALL TO THE PUBLIC:** Bonnie Kinsey of Overgaard, AZ read a letter of appreciation to County employees for their assistance during the incorporation process and requested the letter be put in these employee's personnel files: County Manager James Jayne, Director of Public Works Dusty Parsons, Finance Director James Menlove, Deputy County Attorney Lance Payette, Deputy Clerk of the Board Darlene Fraley, Recorder Laurette Justman, Elections Director Kelly Dastrup, Voter Registration Specialist Kimberly McAllester and Board of Supervisors' secretaries June and Janella Foard.

**CONSENT AGENDA:** a) Voucher list for payment; b) Minutes – February 6 and February 21, 2006; c) Back Tax Land Deeds; d) Letters of appreciation to: Byron James, Rebecca Followill, Arizona Department of Environmental Quality; Deputy Undersecretary of Natural Resources David Tenny; Undersecretary of Agriculture Mark Rey; Congressman Rick Renzi; e) Sympathy letters for Supervisor Percy Deal, Dan Hinz, and family of Senator Jarrett; f) Renewal of undercover plates for March 2006 through March 2007; g) Placement of a stop sign to stop traffic on Mallory Drive as it enters Bourdon Ranch Road; h) Modification # 2 to the cost reimbursable subcontract between Arizona Board of Regents, University of Arizona and Navajo County to increase funding to \$395,000; i) Justice Court Reports: Holbrook #1 November, December and January; Snowflake #3 January; Kayenta #4 January; Show Low #5 January; Pinetop #6 December; j) Court fees report—January; k) Juvenile Justice System Report—January l) Constable Reports— Holbrook #1 January; Winslow #2 January; Snowflake #3 January; Show #5 January; Pinetop/Lakeside, Whiteriver, Cibecue, HonDah #6 January: **Supervisor DeSpain made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Supervisor Deal requested that a letter of sympathy be directed to Lena Bedonie. **Supervisor DeSpain amended his motion** to reflect this change and Supervisor Tenney seconded the amended motion; vote unanimous approving the motion.

**BOARD OF SUPERVISORS:** Supervisor Tenney and Supervisor Brownlow: Consideration and possible approval of \$1,200 financial contribution to Channel 4 to provide County informational updates to County residents to be funded through District IV and District V special project funds: Mr. Jayne stated Supervisor Tenney and Supervisor Brownlow will host a County TV program starting this week to provide County information to County residents. He reported Channel 4 would have been here today but weather interfered with their presence. **Supervisor Tenney made a motion** to approve this item as presented; Supervisor Brownlow seconded the motion. Supervisor DeSpain requested that the Navajo County Fair be included as a program item next fall. Vote unanimous approving the motion.

**RECORDER:** Laurette Justman: Consideration and possible adoption of Resolution - 06, Certifying the Petition for the Incorporation of the Town of Heber-Overgaard and calling an election on the question of incorporation for May 16, 2006: Recorder Laurette Justman presented the Resolution Certifying the Petition for the Incorporation of the Town of Heber-Overgaard. She reviewed the chain of the certification

process, stating that there were 265 qualified electors certified which exceeds the 10% statutory requirement. **Supervisor Tenney made a motion** to adopt **Resolution 06 - 06**, Certifying the Petition for the Incorporation of the Town of Heber-Overgaard and calling an election on the question of incorporation for May 16, 2006; motion seconded by Supervisor DeSpain. Bonnie Kinsey discussed her previously read letter and stated that she would also like to thank Supervisor Tenney for his support. Supervisor Tenney congratulated the CHOICE group on their work and wished them well on their endeavors. Supervisor Deal invited public comment and there was none. Supervisor Deal reviewed the boundaries of the proposed incorporation. Vote unanimous approving the motion

**ELECTIONS:** Kelly Dastrup

- a) White Mountain Summer Home Domestic Water Improvement District: Consideration and possible adoption of **Resolution # \_\_\_\_\_ - 06** cancelling the May 16, 2006 election due to the number of candidates who filed is equal to the number of positions available and appointing T. Ed Woods and Gregory B. Dean to the Board of Directors: Kelly Dastrup reviewed the presented resolution and discussed the candidate filing process. **Supervisor Brownlow made a motion** to adopt **Resolution # 07 - 06** cancelling the May 16, 2006 election since the number of candidates who filed is equal to the number of positions available and appointing T. Ed Woods and Gregory B. Dean to the Board of Directors; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- b) White Mountain Lake Special Road District #2: Consideration and possible adoption of **Resolution # \_\_\_\_\_ - 06** cancelling the May 16, 2006 election due to the number of candidates who filed is equal to the number of positions available and appointing Roy Loeffler to the Board of Directors: Kelly Dastrup advised there was only one position available on the Board of Directors and only one candidate filed. **Supervisor DeSpain made a motion** to adopt **Resolution # 08 - 06** cancelling the May 16, 2006 election since the number of candidates who filed is equal to the number of positions available and appointing Roy Loeffler to the Board of Directors; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

**SHERIFF OFFICE:** Chief Greg Eavenson: Consideration and possible authorization for Sheriff's Office to enter into Memorandum of Understanding with the National Park Service, Navajo National Monument for cooperative law enforcement efforts and emergency incident response for five year period: Chief Eavenson reported there has been an MOU similar to this one with the National Park Service for the Petrified Forest for many years and the new Superintendent of the Navajo National Monument Park contacted him and requested this memorandum. **Supervisor Tenney made a motion** to authorize the Sheriff's Office to enter into a Memorandum of Understanding with the National Park Service, Navajo National Monument for cooperative law enforcement efforts and emergency incident response for a five year period; motion seconded by Supervisor DeSpain. Supervisor DeSpain inquired where this monument is and was advised it is near the Black Mesa mine. Supervisors clarified this MOU is only for emergency response. Vote unanimous approving the motion.

**EMERGENCY MANAGEMENT:** Larry Dunagan

- a) Consideration and possible approval by **Resolution # \_\_\_\_\_ - 06** acceptance of the Navajo County Multi-Hazard Mitigation Plan: Larry Dunagan displayed the 300 page document that makes up the multi-hazard mitigation plan and advised that the adoption of this document maintains the County's funding level for multi-hazard emergencies. **Supervisor Brownlow made a motion** to approve by **Resolution # 09 - 06 acceptance** of the Navajo County Multi-Hazard Mitigation Plan; Supervisor DeSpain seconded the motion. Supervisors asked for and received clarification that there is no current plan in place. Mr. Dunagan stated that September of last year was the deadline for plan submission and the State granted an extension and funded the development of the plan. He reported it takes FEMA approximately three to six weeks to review, approve and send the approved document back to the

counties. Mr. Dunagan provided an update of where various communities and tribes were in this process and explained this plan does not cross jurisdictional lines. Vote unanimous approving the motion.

- b) Consideration and possible approval of Resolution # \_\_\_\_ -06 Declaring a Snow Emergency: Mr. Bowers advised the Board they must declare an emergency to review this item. Mr. Parsons advised the Board that there was significant snowfall throughout the County and crews have been working about 18 hours per day. The main arteries are open and residential roads must be cleared. Some of the roads are not on the County road system and they are requesting an emergency session to approve a resolution to declare a snow emergency. **Supervisor DeSpain made a motion** to enter into an emergency session of the Board based on the facts presented regarding the recent snowfall; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.

Mr. Dunagan stated that many essential employees could not get to Navapache Hospital so the Sheriff's posse in conjunction with deputies assisted in getting staff to the hospital. He said emergency vehicles were not able to get out in some areas and the snow depth varied from 24" to 48". Larry Dunagan presented the resolution declaring the snow emergency and a letter to Governor Napolitano requesting assistance from the State that may include hiring private contractors. He said this action is necessary for residents and for emergency vehicles. Supervisor DeSpain inquired if the Governor has to declare an emergency and Mr. Dunagan stated the letter is from the BOS requesting the State to provide assistance and the Governor has the option of approving or disapproving. He advised he contacted State Emergency Management and if approved they will take it to the Governor. He reported Apache County anticipates this action but he has not heard from the other Counties. Mr. Parsons stated the declaration of this emergency gives the crews the authority to respond and the County would get reimbursement for this action if the Governor approves it. Supervisor Deal expressed appreciation to the staff for their dedication to County residents. Supervisor Deal requested that an addition be made to the letter to the Governor in the second paragraph, 4<sup>th</sup> line down, insert the words "and Bureau of Indian Affairs." **Supervisor Tenney made a motion** to adopt **Resolution # 10 -06** declaring a Snow Emergency; Supervisor Brownlow seconded the motion. Supervisor Brownlow thanked the Public Works and Emergency Services for their immediate response to this snow emergency and requested that County residents be patient. Supervisor Tenney stated he was at the Show Low office to monitor what was happening in the County and thanked everyone for their hard work. Supervisor Deal displayed photos of the Black Mesa area taken yesterday. Vote unanimous approving the motion.

**PUBLIC HEALTH DISTRICT: Dr. Wade Kartchner, Don Walker: Board of Directors Session:** **Supervisor Tenney made a motion** to enter into the Public Health District Board of Directors Session; motion seconded by Supervisor DeSpain; vote unanimous approving the motion. Dr. Kartchner advised that scheduled presenters were not here because of the snow.

- a) Consideration and possible approval of Bio-Terrorism 2005-2006 revised budget: Dr. Kartchner discussed this item and advised that there is an additional \$125,000 funding incorporated into the budget. **Supervisor Tenney made a motion** to approve the 2005-2006 Bio-Terrorism revised budget; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b) Consideration and possible approval of a professional services contract between "Language Line Services" and Navajo County Public Health Services District to provide language interpretation and translation in over 150 languages: Dr. Kartchner stated this contract would fall under the Bio-Terrorism program to assist people in an emergency whose first language is not English. He advised costs are not incurred until the program is used and these are reimbursable costs. **Supervisor Tenney made a motion** to approve a professional services contract between "Language Line Services" and Navajo County Public Health Services District to provide language interpretation and translation in over 150 languages; motion seconded by Supervisor Brownlow; vote unanimous approving the

motion.

- c) Consideration and possible approval of Arizona Department of Health Services Contract #HG354250, STD Contract, Amendment #3: Supervisor Tenney made a motion to approve the Arizona Department of Health Services Contract #HG354250, STD Contract, Amendment #3; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**PUBLIC WORKS/PLANNING & ZONING:** Dusty Parsons; Carol Fraley; Bill Fraley

- a) Consideration and possible approval by Resolution # \_\_\_\_\_ - 06 to accept Bear Cave Circle in Timberlake Pines Unit # 3 into the County road maintenance system as a Primitive Road: Carol Fraley reviewed this request and stated this road is used as access for several property owners and the maintenance of this road would benefit emergency vehicles that serve this area. **Supervisor Tenney made a motion** to adopt **Resolution # 11 - 06** to accept Bear Cave Circle in Timberlake Pines Unit # 3 into the County road maintenance system as a Primitive Road; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b) Consideration and possible approval of a road maintenance agreement with Timberland Acres Special Road District #1: Mr. Parsons discussed the recent history of Timberland Acres Special Road District. **Supervisor Tenney made a motion** to approve a road maintenance agreement with Timberland Acres Special Road District #1; Supervisor Brownlow seconded the motion; vote unanimous approving the motion. It was clarified that this agreement is temporary.
- c) Consideration and possible approval by Resolution # \_\_\_\_\_ - 06 to authorize an Intergovernmental Agreement with the Town of Pinetop/Lakeside for the improvement of Woodland Road: Mr. Parsons stated that when these improvements are in place the Town will annex the half of the road for which the County is currently responsible. **Supervisor Brownlow made a motion** to adopt **Resolution # 12 - 06** to authorize an Intergovernmental Agreement with the Town of Pinetop/Lakeside for the improvement of Woodland Road; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

Mr. Parsons reported that ADOT has just called and offered road assistance due to the snow emergency.

- d) Consideration and possible approval by Resolution # \_\_\_\_\_ - 06 the Amended Final Plat for the Overgaard Springs Ranch Units 1 and 2 subdivision: Mr. Fraley reported the names of the streets within the subdivision must be changed so as not to duplicate existing names. **Supervisor Tenney made a motion** to approve by **Resolution # 13 - 06** the Amended Final Plat for the Overgaard Springs Ranch Units 1 and 2 condominium subdivision in the Overgaard area; Supervisor DeSpain seconded the motion. Supervisor Tenney inquired if this developer is moving ahead with ADEQ and Mr. Fraley stated they are and Financial Assurances are being held until completion. Vote unanimous approving the motion.
- e) Consideration and possible approval by Resolution # \_\_\_\_\_ - 06 Amendment #2 of the Final Plat of the Bison Ranch Subdivision located in Overgaard: Mr. Fraley stated the primary reason for this amendment is to re-align four or five lots to facilitate lot access and utility and draining easements. He stated he is in possession of certification of all property owners that they are in agreement with these minor changes. **Supervisor Tenney made a motion** to approve by **Resolution # 14 - 06** Amendment #2 of the Final Plat of the Bison Ranch Subdivision located in Overgaard; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- f) Consideration and possible approval by Resolution # \_\_\_\_\_ - 06 the Amended Final Plat for the Wolf Pines Unit 2 Subdivision located in Lakeside: Mr. Fraley stated the change on this final plat is that the

developer is now requesting that manufactured homes and site built homes be allowed rather than only manufactured homes as originally approved. **Supervisor Brownlow made a motion** to approve **Resolution # 15 - 06** of the Amended Final Plat for the Wolf Pines Unit 2 Subdivision located in Lakeside; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

Mr. Fraley advised he is cooperating with Lance Payette to handle future minor changes such as these administratively.

**HUMAN RESOURCES:** Gail Calisen: Consideration and possible approval of Personnel Actions: Ms. Calisen reviewed her written report, stating item #7 is being removed and will be placed on the agenda of the next meeting. **Supervisor Tenney made a motion** to approve the Personnel Actions as presented with the withdrawal of item #7; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**FINANCE/PURCHASING:** James Menlove; Mary Springer: At the County Manager's request the following items were moved to the March 20<sup>th</sup> agenda:

- a) Consideration and possible approval of five-year renewal of lease agreement between Navajo County and the Town of Pinetop-Lakeside for lease of Justice Court facilities
- b) Consideration and possible approval to enter into Inter-Governmental Agreement with the City of Show Low for transfer of SLIF grant equipment
- c) Report regarding the public auction of surplus equipment that was held on February 25, 2006
- d) Monthly review of Master Facility Planning

**BOARD BUSINESS:** Supervisors reported on their Washington trip expressing appreciation for Congressman Renzi's support and reported they received a commitment from the Forest Service to continue funding for White Mountain Stewardship contract. Supervisor Tenney expressed appreciation to staff and James Jayne for assistance in setting up the meetings.

Supervisors DeSpain and Tenney expressed appreciation for the response to the snow issue by staff and community assistance groups.

Supervisor Deal stated Chairman Thompson is absent due to a death of a college student friend of the family. Supervisor Deal stated that he flew home from Washington early due to a death in his family and thanked the Supervisors and James Jayne for their prayers and flowers.

Supervisor Deal advised there is a major BIA road with about two feet of snow and the families asked him to do whatever he can to open the roadways in that area. He stated that based on last year's experience, the BIA does not have emergency money and inquired since an emergency has been declared if Public Works could pass through some of existing funds to the BIA to open those roads. Mr. Jayne stated he would explore this with Dusty Parsons. Supervisor Tenney stated the resolution included roads that are not normally maintained by the County with Public Works to prioritize the situations. Mr. Bowers inquired if the BIA is exploring emergency resources and Supervisor Deal said he did not know but is aware that in the past they sent a letter stating they had no emergency funds. Supervisor Deal expressed appreciation to the County Manager and Public Works for their willingness to explore this issue. Supervisor Brownlow expressed his frustration with the way the BIA works.

Vice-Chairman Deal recognized Pete Shumway, past Supervisor, in the audience.

Mr. Jayne announced that rural Arizona lost a friend early Friday morning when Senator Jarrett died.

ADJOURN: At 10:59 p.m. **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**Jesse Thompson, Chairman**

**ATTEST:**

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**Clerk/Deputy Clerk of the Board**