

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES**  
**MONDAY, OCTOBER 2, 2006**

**9:00 a.m. CALL TO ORDER:** Chairman Thompson led the Pledge of Allegiance and offered the invocation.

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

**CALL TO THE PUBLIC:**

Byron James of Arizona Department of Environmental Quality, liaison for northeastern Arizona, introduced WIFA Representatives, Judy Navarette and Tiffany Troyal. Information was provided regarding their responsibilities.

**CONSENT AGENDA:** a) Voucher list for payment; b) Justice Court Reports (August): Winslow #2, Snowflake #3, Kayenta #4, Show Low #5, Pinetop #6; c) Constable Reports (August): Holbrook #1, Winslow #2, Snowflake #3, Show Low #5 d) Juvenile Justice Report; e) Clerk of the Superior Court August report; f) Name an existing road in the Show Low area "Vaquero Road". The road is in Section 33, Township 10 North – Range 22 East; g) Name an existing road in the Snowflake area "Rae Trail". The road is in Section 29 Township 14 North – Range 22 East; h) Agreement with Swank Motion Pictures, Inc. Public Performance Licensing Agreement; i) Agreement with Apache-Sitgreaves National Forest FY 07 Financial & Operating Plan for Cooperative Law Enforcement: **Supervisor Brownlow made a motion** to approve the Consent Agenda items and authorize the Chairman to sign them; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**PRESENTATION OF PLAQUES:**

- a. Presentation of plaque to Stephen Ebert for over 25 years of service to Navajo County: Chairman Thompson presented a plaque of appreciation for the many years of service that Stephen Ebert has dedicated to Navajo County.
- b. Presentation of plaque to Joan Mickle for over 26 years of service to Navajo County: Chairman Thompson presented a plaque of appreciation for the many years of service that Joan Mickle has dedicated to Navajo County.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Gail Calisen reviewed her written report of forty items. **Supervisor DeSpain made a motion** to approve the Personnel Actions as presented and authorize the chairman to sign those items; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**PUBLIC WORKS/PLANNING & ZONING:**

- a. Consideration and possible approval of renewal of an existing IGA with the Town of Pinetop-Lakeside for the maintenance of roads that are divided by the Town and County Boundary: Dusty Parsons advised the center line is the boundary line of roads between the Town of Pinetop Lakeside and the county and approval today would continue the shared cost agreement. **Supervisor Brownlow made a motion** to approve the renewal of an existing IGA with the Town of Pinetop-Lakeside for the maintenance of roads that are divided by the town and county boundary; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible approval to extend the three temporary positions for a period of six (6) months, one position in the Administrative Area and two positions in the Show Low and Holbrook Road Yard: Dusty Parsons advised these employees are current summer temporary employees and he requests approval to continue their employment for six months, stating two are full-time temporary positions and one is a part-time temporary position. Supervisor DeSpain declared a conflict of interest on this since his stepson as one of the employees. **Supervisor Brownlow made a motion** to approve extending three temporary positions for a period of six (6) months, one position in the administrative area and two positions in the Show Low and Holbrook Road Yard; motion seconded by Supervisor Deal; vote 3 in favor with Supervisor DeSpain abstaining.
- c. Consideration and possible approval by **Resolution** No. \_\_\_\_-06 the Final Plat and the Financial Assurances for

the Elk Springs Subdivision: Bill Fraley advised this subdivision meets all subdivision requirements, was approved by the Planning and Zoning Commission and staff recommends approval with the typical development stipulation that improvements are substantially complete within 24 months. He advised the developer's agent is present to answer questions and reviewed the subdivision staff report as presented. He advised that all roads are private and paved to county standards. He pointed out the location of the development on a site map. He expressed appreciation for the developer's cooperation on this project. David Jacobs, representing the developer, advised there has been a quality working relationship with the planning and zoning staff. He thanked the supervisors, stating the whole process has been very professional. Supervisor Deal inquired why the entry off of 260 weaves around the way it does and if the name of a street is No-name Street. David Jacobs responded that the original design was straighter and ADOT requested the entrance be moved as it would create a conflict with the Webb Way entrance. He stated No-Name street will become Elk Springs Way. Supervisor Brownlow thanked Bill Fraley and Dusty Parsons as well as the developer for the way this project has been brought forward. **Supervisor Brownlow made a motion** to approve by **Resolution Number 86-06** the Final Plat and Financial Assurances for the Elk Springs Subdivision; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

- d. Consideration and possible approval by Resolution No. \_\_\_\_-06 accepting Cherry Hills Drive, Meteor Drive, Continental Drive, Mercury Lane, Wellfield Road, and South Sagebrush Drive as County Highways: Carol Fraley advised there have been no written disputes for this action and staff recommends approval. Supervisor DeSpain advised the millings that the county puts on these roads did not stay down and approval today will be a step closer to holding maintenance costs to a minimum. **Supervisor DeSpain made a motion** to approve **Resolution Number 87-06** accepting Cherry Hills Drive, Meteor Drive, Continental Drive, Mercury Lane, Wellfield Road, and South Sagebrush Drive as County Highways; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. Consideration and possible approval of acceptance of road easement on Territorial Road from the Hopi tribe, for the purpose of construction, operation and maintenance of a public roadway: Carol Fraley advised this easement has been offered by the Hopi Tribe for the board's acceptance. Supervisor Brownlow inquired if there were other easement issues and Carol Fraley advised that in 1896 the road was accepted without deed action. Dusty Parsons advised they have a verbal agreement on the other easements with Aztec and will complete that written process. He advised they started with the section around the bridge to begin the rehabilitation efforts. Supervisor DeSpain reported the county has maintained this right of way for many years. Mr. Parsons advised that the county had an enhancement grant of \$500,000 and bids came in at \$1.2 million so they are currently re-evaluating the project and also applying for additional grant money. **Supervisor DeSpain made a motion** to approve acceptance of the road easement on Territorial Road from the Hopi Tribe for the purpose of construction, operation and maintenance of a public roadway; motion seconded by Supervisor Brownlow. Supervisor Deal asked where the referenced ranch is located and where the road leads. Supervisor DeSpain stated that for over 100 years this bridge has been in place on Territorial Road which was considered part of the main route going to the coast until Route 66 was built. Vote unanimous approving the motion.
- f. Bucking Horse Improvement District
- i. Consideration and possible approval by Resolution No. \_\_\_\_-06 to set a hearing for October 23 @ 9:00 a.m. for the formation of the Bucking Horse Improvement District: Carol Fraley stated the board has the petition to form this district and the assessor's office verified the signatures and there were sufficient property owner signatures requesting this district. **Supervisor Brownlow made a motion** to approve **Resolution Number 88-06** to set a hearing for October 23 @ 9:00 a.m. for the formation of Bucking Horse Improvement District
  - ii. Consideration and possible approval to set bond for associated costs for the formation of Bucking Horse Improvement District: Carol Fraley stated staff recommends a \$1,000 bond to cover initial costs in case the district does not form. **Supervisor Brownlow made a motion** to set the bond amount for the formation of Bucking Horse Improvement District at \$1,000; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**SHERIFF'S OFFICE**: Consideration and possible approval to authorize the Sheriff's Office to enter into a grant agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services Methamphetamine

Initiative, awarding \$197,446 which includes two personnel positions and operating costs related to the major Crimes Apprehension Team for the period 11-05 thru 11-07: Chief Deputy Greg Eavenson advised this grant will fund a secretary, a surveillance compliance task force officer and equipment. Supervisor Deal inquired what the compliance officer would do and Chief Eavenson advised they will conduct education outreach, prevention, and urinalysis testing. He advised the probation department is taxed and this officer will work directly with drug court clients. Supervisor Deal inquired if the presentations are taken to schools and inquired if they are on the reservation and Chief Eavenson stated they are. Chairman Thompson advised education outreach took place at Indian Wells and Supervisor Deal responded these are resources that come together to address the problems rather than education. Chief Eavenson stated he will get a list of where presentations have taken place at schools. Supervisor Deal stated he would like the prevention education to become more intense. Chairman Thompson suggested a schedule is developed to contact the schools for staff to make the presentations. **Supervisor DeSpain made a motion** to authorize the Sheriff's Office to enter into a grant agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services Methamphetamine Initiative, awarding \$197,446 which includes two personnel positions and operating costs related to the major Crimes Apprehension Team for the period 11-05 thru 11-07; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**HEALTH DEPARTMENT: BOARD OF DIRECTORS SESSION:** **Supervisor DeSpain made a motion** to enter into the **Navajo County Public Health Services Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- a. Consideration and possible approval of Amendment #1 of Contract #HG661039 for the Arizona Nutrition Network Program with the Arizona Department of Health Services for fiscal year 10/01/2006 to 9/30/2007 in the amount of \$108,989: Mary Tyler introduced Cherilyn Yazzie to address this item. Cherilyn Yazzie advised that this program targets second and third grade students in low income schools on and off the reservation. Supervisor Deal stated that this is the first time he has seen a contract come in dedicated to both on and off the reservation and stated this is the way it should be county-wide. **Supervisor Deal made a motion** to approve Amendment #1 of Contract #HG661039 for the Arizona Nutrition Network Program with the Arizona Department of Health Services for fiscal year 10/01/2006 to 9/30/2007 in the amount of \$108,989; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible approval of rental agreement between Baldwin Jones Properties and Navajo County Public Health Service District WIC and Arizona Nutrition Network programs for 10/01/2006 to 9/30/2007: Mary Tyler advised this agreement provides rental space for the WIC program in Snowflake with a very small increase over prior years. **Supervisor Brownlow made a motion** to approve the rental agreement between Baldwin Jones Properties and Navajo County Public Health Service District WIC and Arizona Nutrition Network programs for 10/01/2006 to 9/30/2007; motion seconded by Supervisor DeSpain; vote unanimous approving the motion. **Supervisor Brownlow made a motion** to return to regular session seconded by Supervisor DeSpain; vote unanimous approving the motion.

**JUVENILE PROBATION:** Consideration and possible approval to hire a former probation officer with salary range to reflect applicant's training and experience: Arno Hall advised that this former employee has outstanding experience and the recommended salary would be a continuation of what she was receiving when she left the county. He stated they spoke with administration management and justified this salary. Chairman Thompson clarified that the salary would be funded by 75% budget and 25% Diversion Intake funds. **Supervisor DeSpain made a motion** to approve the employment of a probation officer at a 96% rate to reflect applicant's training and experience; motion seconded by Supervisor Brownlow. Supervisor Deal inquired how long the position has been open and Arno Hall stated it has been open six months due to an officer's illness with the position filled by other officers and safe schools' officers and they have now run out of resources to fill the position. He stated the person they would like to bring in is already trained and there would be a savings in that area to the county; that the position was recently advertised and there were three applicants with this person being the most qualified. Supervisor Deal inquired why this one is singled out for board action and Mr. Hall responded it was due to the recommendation for employment at the 96% level. Vote unanimous approving the motion.

**ELECTIONS:** Consideration and possible approval to conduct elections on behalf of the City of Show Low for their Franchise Renewals for Arizona Public Service and Navopache Electric Cooperative Franchise Agreements to be held in conjunction with the General Election on November 7, 2006: Kelly Dastrup advised the City of Show Low has approved conducting this election. **Supervisor Brownlow made a motion** to approve conducting elections on behalf of the City of Show Low for their Franchise Renewals for Arizona Public Service and Navopache Electric Cooperative Franchise Agreements to be held in conjunction with the General Election on November 7, 2006; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**BOARD BUSINESS:**

Supervisor Brownlow reported four supervisors were in Prescott for the CSA legislative summit. He thanked the chairman for the meeting held on the Hopi Reservation that provided a good discussion forum. Supervisor DeSpain thanked Representative Brown for his representation of the rural and small counties, stating he is pleased to be on the Governor's SWAG committee for water and appreciates the Brown law firm guidance on this critical issue to create a plan for water use. He thanked David Newlin for his efforts on getting the detox center.

Chairman Thompson acknowledged the presence of Representatives Jack Brown and Ann Kirkpatrick, Attorney Brown, City Manager David Newlin, and City Councilmen Spike Simmons and Charlie Houseman. He advised that the supervisors have met with the Hopi Tribe and will meet with the Navajo Tribe this month and later the White Mountain Apache Tribe. He encouraged the public to learn more about Proposition 400. Supervisor Deal welcomed all those present. He stated he enjoyed the Hopi Tribal meeting and appreciates the County Manager's assistance in setting up meetings outside these various communities.

**LEGISLATIVE UPDATES:** Comments and Legislative updates by attending legislators:

Representative Jack Brown, Representative Ann Kirkpatrick and Senator Jake Flake addressed the Board, expressing appreciation for the board's support. They provided information about themselves and their interaction with other legislators on behalf of the rural counties. They discussed the need for the recently approved detox centers. Supervisors expressed appreciation for the efforts of these legislators on behalf of Navajo County. Supervisor Deal thanked the legislators for their representation of the tribes and their support of the legislation to return shared revenues to the tribes and urged their continued support when it is re-introduced. He thanked Representative Kirkpatrick for her recognition of the methamphetamine problem on and off the reservation and requested the legislators' continued support in that area.

**PRESENTATION:** Presentation by the Honorable Janet Napolitano, Governor of Arizona: Governor Napolitano invited Director Owens, Representative Brown, Senator Flake, and Representative Kirkpatrick to join her in presenting a \$35,000 check from WIFA to the residents of the Fawnbrook Wastewater Improvement District, a district that serves residents in Show Low, Lakeside and the county. Governor Napolitano discussed projects that are ongoing that will enhance water resources in rural Arizona. Chairman Thompson expressed appreciation to the Governor for Summer Youth Employment, Senior Centers and many other projects including the return of HURF dollars to the county. Supervisor DeSpain thanked the Governor for Director Owens' hard work on behalf of this county, stating that 21 orphan tanks have been removed in Holbrook at no cost to the City of Holbrook. He expressed appreciation that the Governor's staff worked with AACo on integrating records so county treasurers can provide better services to our residents. Supervisor Brownlow thanked the Governor for coming to Navajo County and for her leadership on the budget. He expressed appreciation for the Governor's staff including Brent Brown who acts on rural concerns. Governor Napolitano stated that Brent Brown has been invaluable on issues related to rural areas. Supervisor Deal expressed appreciation to the Governor for travelling throughout state and particularly Navajo County, stating she has been on the reservations on numerous occasions. He expressed appreciation for funding to communities and chapters directly to address the drug problems. He stated the system to work directly with rural communities is outstanding and he commended her on that. He congratulated her on getting the Navajo Nation endorsement because she understands tribal issues and addresses those issues. Governor Napolitano reported they are establishing local amphetamine prevention centers including sites on the reservations and they secured additional funding during the budget process this year for meth prevention, interdiction and treatment.

The Board recessed at 11:00 a.m. and reconvened at 1:30 p.m. with Supervisor Brownlow, Supervisor DeSpain, and Chairman Thompson present.

**BOARD OF SUPERVISORS/BOARD OF EQUALIZATION:** Discussion and possible board action re: **Supervisor DeSpain made a motion** to enter into the **Board of Equalization Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Darlene Fraley swore in the Assessor, Appraisers and Petitioners. Petitions for Review of Real Property Valuation:

**Property Tax Professionals:** Show Low Apartments 210-07-057A: Assessor Cammy Darris advised the \$1,001,809.00 value of this property was determined on the cost approach based on information provided by the petitioner. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Ronald & Marilyn Cook 209-04-038:** Cammy Darris advised the comparable sales are all higher than the equity comparable provided by the petitioner. She advised it was located in a fire area but the sales show that the market has recovered. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation of FCV\$142,399 and LPV\$135,412; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Park Pineway Professionals 202-23-013D:** Chari Blossert reported this property is the Silver Creek Inn, now the Roadway Inn, and that the assessor feels the \$948,997 is a fair and equitable value for the property. She advised there were discrepancies in the daily rates that were submitted by the owner as compared to information listed on the website and on their sign. She further reported that in considering all factors related to this property, the recommended value is \$20,003 less than the purchase price of the motel in 1998. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation of \$948,997; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Meritax Property Tax Consultants Ponderosa Meadows LP209-58-045:** Cammy Darris reported the methods used to determine the assessed value of the property and advised that after reviewing the valuation by using all methods, the assessor is not recommending a change on the valuation. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation of \$1,852,195; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Meritax Property Tax Consultants Arizona I LP 210-08-034:** Cammy Darris reported the methods used to determine the assessed value of the property, stating that after reviewing the valuation by using all methods, the assessor is not recommending a change on their valuation. **Supervisor DeSpain made a motion** to uphold the assessor's recommendation of \$1,852,676; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**Richard L. Coquillard 206-28-223:** Peggy Corey reviewed her valuation of this property, stating she recommends a FCV valuation of \$112,741. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation of \$112,741; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**Neil R. Wolfe, LLC 210-08-025F and 025G:** Cammy Darris distributed information as submitted by Neil Wolfe. She discussed the methods used to determine the assessed value of the property and stated that after reviewing the valuation by using all methods, the assessor is recommending a change on their valuation to FCV of \$3,675,813 and LPV of \$3,617,750. **Supervisor DeSpain made a motion** to uphold the assessor's recommendation; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**Randy Murph 109-02-184A:** Randy Murph provided a written opinion as developed by his mother, a realtor in

Holbrook, that his property has no market value. Cammy Darris advised this is a commercial property and is included on the ADEQ UST removal list. Mr. Murph stated that he finds that after removal of all of the tanks, he will owe approximately a quarter of a million dollars to clean up a site for which he paid less than \$7,000. He advised that the only way to get out of the ADEQ 10% co-payment is to have the value of the property set at \$1,000 advising he is not requesting a permanent adjustment, just until the UST issue is resolved by 2010. He said if he can not find resolution and he walks away from the property and it remains contaminated it will again revert to the county who will have to deal with the situation. Cammy Darris advised that \$31,289 is the assessor's recommendation. Supervisor DeSpain discussed the history of this property, stating that Randy Murph bought problems that should have been addressed by Whiting Brothers. Supervisor DeSpain stated this property is a liability, not an asset. He inquired if Randy Murph knows for a fact that the value set at \$1,000 will solve his problems and Mr. Murph responded he had been verbally advised of this. Cammy Darris stated that lowering the value to get under the ADEQ's radar is a problem as she would have to lower all such properties and that includes a long list of properties. Mr. Murph discussed the differences between the programs to clean up the property. Supervisor DeSpain advised that he knows of no other situation that fits Randy Murph's situation and if Navajo County and the City of Holbrook is ever to put closure to this property they must consider an alternative approach. Mr. Murph advised that when he bought the property he was told by ADEQ that it would be cleaned up at no expense to him. **Supervisor DeSpain made a motion** to table the matter until the county attorney can give an explanation of the relationship between the value of the property and the clean up cost of the UST of ADEQ; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**1:55 Deloitte Tax LLP:** Twice Markets 212-03-157F; 212-03-147C; 212-03-148; 212-03-149; 212-03-150; 212-03-151; 212-03-152; 212-03-157E; 212-03-157G; and 212-03-159F: Cammy Darris advised she and the petitioner had reached an agreement to set the FCV at \$6,000,000 and LPV at \$5,829,172. **Supervisor Brownlow made a motion** to uphold the assessor's recommendation; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

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

**ADJOURN:** **Supervisor Brownlow made a motion** to adjourn at 2:32 p.m.; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**Jesse Thompson, Chairman**

**ATTEST:**

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**Clerk of the Board**