

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, JUNE 10, 2008**

3:12 P.M. Chairman DeSpain called the meeting to order.

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

County Manager James Jayne reported:

- He was notified Sunday morning that Senator Flake, a friend of Navajo County, had passed away.
- He worked with the County Attorney's office on the process to fill the vacancy under State Statute and appreciates Mel Bowers' and Lance Payette's diligence and counsel.
- Yesterday it was reported in the Arizona Republic that Senator Flake died of a heart attack and that is not the case. The Sheriff's office is still determining the cause of death but it is important to the family that it is noted for the record that the death was related to the broken ribs and his fall.
- Statute offers guidance for two different scenarios:
 - If there are 30 elected Precinct Committeemen in the party of the deceased legislator then the Precinct Committeemen meet and bring a name forward. Navajo County has only 17 elected Precinct Committeemen.
 - Since Navajo County does not meet the 30 elected Precinct Committeemen threshold, there is a second scenario where the Board of Supervisors forms a Citizens' Panel. There is no guidance in statute for the formation of the panel. Supervisors of Districts III, IV and V fall within Legislative District Five and determine the size of the panel. Staff suggested these supervisors bring recommendations for the Citizens' Panel to this meeting.
- In a detailed county press release, it was reported the Citizens' Panel will meet Thursday morning at 9:00 a.m. in Taylor Town Hall, the center of the affected districts, and will agree upon three names of registered Republicans who reside in Navajo County. The Board will reconvene here Friday at 2:00 p.m. for review of the three names the Citizens' Panel submits.
- A supervisor had questioned the accelerated timing. Calls were received from the Senate President's office discussing critical issues that the legislature is addressing and the Secretary of State's office outlining the statutory timeline. The presented schedule meets statute and by selecting the person to fill the seat on Friday rather than next Tuesday, will allow the Senate to have a full work-week next week. The staff is sensitive to Senator Flake's legacy and knows that Jake Flake, also, would want the process to go on. Efforts are being made to act responsibly while being respectful of Senator Flake.

Mel Bowers explained that he also was concerned about the appearance of being insensitive by the short time frame but recognizes this process is governed by ARS 41-1202. He reiterated the two processes, acknowledging the precinct committeemen selection does not apply. He discussed the timeline as outlined in statute, stating that these are maximum timelines and the presented schedule meets these timelines. He advised the names submitted by the panel to the Board of Supervisors must be qualified electors of the district and county, reside in the county and be the same party as the deceased—Republican.

BOARD OF SUPERVISORS:

- a. Establishment of a Citizens' Panel with duties to include determining a recommendation of three registered Republicans who reside in the Navajo County portion of District 5 to fill the vacant Senate Seat in District 5 who will then submit this list to the Navajo County Board of Supervisors for their action: Chairman DeSpain explained that this panel will meet 9:00 a.m. Thursday June 12th in Taylor at the town hall. Mr. Jayne clarified the Citizens' Panel members do not have any requirements as to residency, party or being a registered voter but the three names brought forward by the panel have to be qualified electors, Republicans and reside in Navajo County. **Supervisor Tenney made a motion** to move forward with the staff recommendation that supervisors from Districts 3, 4, and 5 appoint up to three people to be on the Citizens' Panel; motion seconded by Supervisor Brownlow. Chairman DeSpain stated he consulted with Supervisor Thompson on one member's name and Supervisor Deal stated he agreed that Supervisor Thompson should have the right to select one of the three from District III since a portion of Winslow is in District II.

Vote unanimous approving the motion.

- b. Appointment of membership of the Citizens' Panel: Chairman DeSpain requested the Supervisors provide the names for the Citizens' Panel. Supervisor Thompson recommended Mayor Robin Boyd of Winslow. Chairman DeSpain recommended Holbrook Mayor Jeff Hill and Snowflake Mayor Kelly Willis. Supervisor Tenney recommended Alice Franco Anderson, Brad Click of Taylor/Shumway and Jack Latham of Show Low. Supervisor Brownlow recommended Karla Bowen, Greg Schalow and Larry Vicario. **Supervisor Tenney made a motion** to appoint these nine citizens to the Citizens' Panel to conduct a meeting on Thursday where they will determine three names to be submitted to the Board of Supervisors for Friday's meeting; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

Supervisor Deal discussed the Native American culture as related to respect for the deceased, especially those of extremely high profile, stating that the Friday meeting would fall within the time frame he would normally be holding tribute. He acknowledged there is also a need for expediency due to the critical position Senator Flake held and state statutes, stating that this creates a clash of culture and requested all non-Native members respect the conflict this creates for him and Supervisor Thompson. All Supervisors spoke of their respect for Senator Flake, the respect with which he treated others, the outstanding way the Senator represented rural counties, and the concern they have regarding the speed of this process while acknowledging they must comply with state statutes. Supervisor Tenney reported he, James Jayne, and Rod Ross are trying to meet with Mary Louise Flake this afternoon to convey the sympathy and support of the board. He said he will also inquire if there is anyone Senator Flake may have considered as a legislator.

Leeann Arganbright addressed the board advising that her mother, Senator Jarrett, passed away during the legislative session two years ago. She described the situation and how the Senate and staff treated her family with tremendous respect and kindness. She said that as a family they understood the process and with a heritage similar to Senator Flake's she is confident his family would like his work to continue as expeditiously as possible. She stated that through the Senator's leadership, as well as through the board's concern, the family will be well cared for.

Mr. Jayne reported the Clerk of the Board will be at the Citizens' Panel to take minutes as it is an open meeting and he intends to attend the beginning of the meeting and then let the panel deliberate. Supervisors requested the clerk notify each of the panel members to let them know the schedule and when the panel makes a selection of three names to invite those candidates to Friday's meeting.

ADJOURN: At 4:07 p.m. **Supervisor Tenney made a motion** to adjourn; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Chairman

July 15, 2008

ATTEST:

Darlene Fraley, Clerk of the Board