

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, JULY 1, 2008**

**9:04 a.m. Call to Order:** Supervisor Brownlow led the pledge and offered the invocation.

**PRESENT:** J.R. DeSpain, Chairman; Jesse Thompson, Supervisor; Jerry Brownlow, Vice-Chairman; Dusty Parsons, Assistant County Manager; and Darlene Fraley, Clerk of the Board. Supervisor Percy Deal, and Mel Bowers, County Attorney, joined the meeting in progress. Supervisor David Tenney was absent.

**CALL TO THE PUBLIC:** No response

**CONSENT AGENDA:** a) Constable Reports: Holbrook #1, May and June; Winslow #2, May; Snowflake #3, May and June; Kayenta #4, May; Show Low #5, May and June; Pinetop-Lakeside #6, May and June; b) Justice Court Reports: Holbrook #1, May and June; Winslow #2, May and June; Snowflake #3, May and June; Kayenta #4, May and June; Show Low #5, May and June; Pinetop #6, May and June; c) Clerk of the Superior Court Reports: May and June; d) Juvenile Justice System June Report; e) Minutes—May 19, May 20, May 23, May 29, 2008; f) Special event liquor license for July 5<sup>th</sup> and 6<sup>th</sup>, 2008, with event to be held at 2068 Lumber Valley Road, Overgaard, AZ as requested by the Sons of the American Legion Squadron #86; g) Tax exemptions filed pursuant to A.R.S. §42-11153 as a Request for Redemption of Waiver for 23 properties; h) Ratification of contracts as signed by the Navajo County Manager as per Board resolution: Amendment to Provider Network Management Agreement as contracted with Blue Cross and Blue Shield of Arizona, Inc., Stop Loss Proposal with HM Life Insurance Company, Agreement for Office Sharing Between Navajo County and the Teesto Chapter; i) Amendment Number One with the Arizona Department of Corrections for and on behalf of the Arizona State Prison—Complex Winslow extending the contract to June 30, 2013; j) Arizona Criminal Justice Commission Crime Victim Assistance Grant Agreement—ACJC Grant # VA-09-026; k) Arizona Criminal Justice Commission Edward Byrne Justice Assistance Grant DC-09-014 totaling \$282,080 to fund personnel operating the Major Crimes Apprehension Team for the FY 08-09; l) Letter of appreciation to Senator Jon Kyl for his support of funding for the Winslow Levee: **Supervisor Thompson made a motion** to authorize the chairman to sign the Consent Agenda; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session:** **Supervisor Thompson made a motion** to enter into the Navajo County Public Health Services District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- a. Consideration and possible approval of intergovernmental agreement #HG861553 between the Arizona Department of Health Services and Navajo County Public Health Services District to be the lead agency for a local Child Fatality Review Team: Dr. Wade Kartchner advised the county has participated in this program since the 1990's but the agency that had administered this program no longer does so he is requesting board support for the health district to administer this program. He responded to questions from Supervisor Thompson and Supervisor Brownlow regarding this program. Supervisor Deal entered the meeting at this point. **Supervisor Thompson made a motion** to approve the intergovernmental agreement #HG861553 between the Arizona Department of Health Services and Navajo County Public Health Services District to be the lead agency for a local Child Fatality Review Team; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.
- b. CONSENT AGENDA: Arizona Department of Health Services Contract #HG861125, Amendment #1, Folic Acid Services Program: **Supervisor Brownlow made a motion** to authorize the Chairman to sign the item in the Consent Agenda; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

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

**BOARD OF SUPERVISORS:**

- a. Quality Emulsions and Navajo County Recognizing Excellence: Supervisors presented certificates and gift baskets to Marlene Sample of the Assessor's Office and Versi Connesero of the Health Department for their outstanding contributions to their departments and county operations.
- b. Personnel service awards: The Board recognized the following for their years of service: Jeffrey Pullin, 5 years; Andrew Brooks, 10 years; Robert Heming, 10 years; Barbara Cook, 10 years; Diana Serna, 10 years; Kelly Palmer, 20 years; Percy Deal, 25 years; Carolyn Castillo, 30 years; and Tracy Young, 30 years.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Action report: Gail Calisen reviewed her 22 item written report. **Supervisor Thompson made a motion** to approve the Personnel Action report; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**ELECTIONS:** Consideration and possible adoption of **Resolution Number - 08** canceling the elections for Precinct Committeemen in Precincts where the number of candidates who have filed nominating papers is equal to or less than the number of positions to be filled with candidates to be appointed and deemed elected: Rayleen Richards reviewed this request. Chairman DeSpain clarified that the time frame for write-in candidates is past. **Supervisor Brownlow made a motion** to adopt **Resolution Number 45 - 08** canceling the elections for Precinct Committeemen in Precincts where the number of candidates who have filed nominating papers is equal to or less than the number of positions to be filled with candidates to be appointed and deemed elected as outlined in the resolution; motion seconded by Supervisor Thompson; vote unanimous approving the motion. In response to a question from Supervisor Deal, Ms. Richards clarified that Exhibit B reflects those precincts for which there are no committeemen. Vote unanimous approving the motion.

**WIA:**

- a. Consideration and possible approval of the 2008-2009 intergovernmental agreement between the Arizona Department of Economic Security and the Navajo County Board of Supervisors for the Navajo and Apache Counties Workforce Partnership: Dusty Parsons advised this is an extension of the existing agreement. **Supervisor Brownlow made a motion** to approve the intergovernmental agreement between the Arizona Department of Economic Security and the Navajo County Board of Supervisors for the Navajo and Apache Counties Workforce Partnership as presented; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- b. Consideration and possible designation of Eugene Parsons as the signer of all WIA documents necessary for the effective performance of the program: **Supervisor Deal made a motion** to designate Eugene Parsons as the signer of all WIA documents necessary for the effective performance of the program; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**PUBLIC WORKS:**

- a. Navajo County Flood Control District Board of Directors' Session: **Supervisor Thompson made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
  - i. Consideration and possible authorization for the Chairman to sign a letter to the Army Corps of Engineers requesting the Corps' participation in rehabilitating the Winslow Levee: Homero Vela reviewed this request stating the Corps is putting together a preliminary project management plan and this letter indicates the board's support of a feasibility study. In response to questions, Homero Vela stated that before the feasibility study can be conducted the project management plan has to be in place which still needs approval by the Corps and the Board of Supervisors and that plan will clearly designate the responsibilities and funding of the partners. Chairman DeSpain and Mr. Parsons discussed this

process to date including a recent meeting with the Corps and other partners. **Supervisor Thompson made a motion** to authorize the Chairman to sign a letter to the Army Corps of Engineers requesting the Corps' participation in rehabilitating the Winslow Levee; motion seconded by Supervisor Brownlow. In response to a question from Supervisor Deal, Mr. Vela stated the county cost share for the feasibility study could be more than \$500,000 but is to be funded on a 50/50 basis and some of those contributions can be in-kind contributions. He cautioned that federal funding is still to be obtained. Mr. Parsons clarified that the \$500,000 he referenced are Corps costs and Senator Kyl submitted this as a priority project, expressing appreciation for the Senator's support. Mr. Vela stated that if the \$500,000 funding doesn't come through the project would come to a halt. Supervisors expressed appreciation for Mr. Vela's and his staff's work on this critical issue. Vote unanimous approving the motion.

- ii. Consideration and possible setting of Public Hearing on August 5, 2008 to consider the adoption of a revised Navajo County Flood Damage Prevention Ordinance: Mr. Vela distributed the Flood Damage Prevention Ordinance reviewing the changes in the ordinance in detail, stating this ordinance confirms the current practices within this department. He advised his staff can help the citizens with the elevation certificates that would not require a survey. **Supervisor Thompson made a motion** to set the Public Hearing at 9:00 a.m. on August 5, 2008 to consider the adoption of a revised Navajo County Flood Damage Prevention Ordinance; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

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

- b. Victory Heights Road Maintenance District Board of Directors' Session: Consideration and possible approval of Contract #B07-03-140 with Perkins Cinders, Inc. to extend that contract an additional year ending June 18, 2009 at the revised unit prices set forth in the presented Bid Tab: **Supervisor Thompson made a motion** to enter into the Victory Heights Road Maintenance District **Board of Directors' Session;** motion seconded by Supervisor Brownlow; vote unanimous approving the motion. James Matteson reviewed the history of this district advising the Citizens' Advisory Committee has asked that the Perkins contract be extended with additional unit prices. He stated no additional dollars have been added to this \$16,000 annual budget but additional activities have been included to stay within the budget. He described the work plan process. **Supervisor Thompson made a motion** to approve Contract #B07-03-140 with Perkins Cinders, Inc. to extend that contract an additional year ending June 18, 2009 at the revised unit prices set forth in the presented Bid Tab; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- c. Consideration and possible award of Contract #B08-05-022 Supply of Various Roadway Materials to the lowest bidders for each item: James Matteson advised the low bidders for this contract are Brimhall Sand and Rock and Building Materials, Cholla Ready Mix and Perkins Cinders, Inc. **Supervisor Thompson made a motion** to approve the award of Contract #B08-05-022 as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d. Consideration and possible award of Contract #B08-05-014 Supply & Delivery of Roadway Materials to the Navajo Nation to Brimhall Sand and Rock and Building Materials: **Supervisor Thompson made a motion** to award Contract #B08-05-014 for Supply and Delivery of Roadway Materials to the Navajo Nation to Brimhall Sand and Rock and Building Materials; motion seconded by Supervisor Deal; In response to a question from Supervisor Deal, Mr. Parsons stated that these materials came in under the anticipated costs and he anticipates the projects to begin as soon as the BIA issues are resolved for N8031. He said staff anticipates resolving BIA issues but if that does not happen, the project will be done with NDOT. In response to a question from Supervisor Deal, Mr. Parsons clarified that the projects the BIA is holding up is the profiling of these roads and widening of curve areas and culverts. Supervisor Deal expressed appreciation to Mr. Parsons and Mr. Jayne for their hard work on these projects, recognizing that they hope

to get an agreement with the BIA. Mr. Matteson stated bids came in \$100,000 less than estimates. Vote unanimous approving the motion.

- e. Consideration and possible approval of agreement with Citizens Telecommunications Company of the White Mountains, Inc., dba Frontier Communications, for the fiber optic line relocation along Porter Mountain Road in the amount of \$62,974.89: James Matteson reviewed this request stating that this agreement will save about \$100,000 on the project and they anticipate starting the fiber optic construction on July 7, 2008, planning to end construction by the end of September. Mel Bowers entered at this point. **Supervisor Brownlow made a motion** to approve the agreement with Citizens Telecommunications Company of the White Mountains, Inc., dba Frontier Communications, for the fiber optic line relocation along Porter Mountain Road in the amount of \$62,974.89; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- f. Consideration and possible approval of final plat for Summer Place North Unit 3B: Bill Fraley reviewed the history of this project, stating they have submitted the mylars and CCRs for Unit 3 and the financial assurances were established with Chase Bank. He recognized Paul Cleaveland who is representing the developer. Mr. Fraley reviewed the staff report for the 79.2 acres of 46 lots with a minimum lot size of 10,000 square feet, with septic or alternative septic systems on each lot. He discussed variances that were granted and approved by the Planning and Zoning Commission. **Supervisor Deal made a motion** to adopt **Resolution #46-08** approving the final plat for Summer Place North Unit 3B; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**BOARD BUSINESS:** Chairman DeSpain outlined upcoming special board meetings—September 2 at the Mogollon Complex at 1:30 p.m., and September 11 and November 13 at 1:30 p.m. in the chambers. Supervisors discussed meetings and issues impacting their districts including the drought and the anticipated resulting disagreement over available water on the reservation; studies being conducted on water availability and the resulting domino effect when flooding occurs that included a meeting with county representatives, U of A, NAU, USGS, Navajo Nation Council Delegates, and Dilkon and Teesto officials; the opening of detox centers in Holbrook and Winslow; and appreciation for staff's facilitation of road improvement districts and new development. Mr. Parsons reported that the county general fund was negatively impacted less than anticipated by the State budget with the big hit coming to HURF funds, a little less than \$1,000,000. He discussed other budget impacts. Supervisor DeSpain requested staff submit a written overview of the State budget. Mr. Parsons reported slurry seal will begin on North Park and six miles of the Navajo County portion of SR 99, stating there is no longer a shared maintenance agreement with Coconino County but Navajo County does continue to do snow removal.

**ADJOURN:** At 10:45 a.m., **Supervisor Thompson made a motion** to adjourn; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**J. R. DeSpain, Chairman**

**July 15, 2008**

**ATTEST:**

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**Darlene Fraley, Clerk of the Board**