

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, AUGUST 19, 2008
NAVAJO COUNTY BOARD OF SUPERVISORS' CHAMBERS

9:00 a.m. Chairman DeSpain called the meeting to order and Supervisor Deal led the Pledge of Allegiance and offered the invocation.

CALL TO THE PUBLIC: There was no response to the Call to the Public.

CONSENT AGENDA: a) Certificates of recognition of employee excellence; b) Letters of appreciation to Arizona legislators; c) Constable Reports: Holbrook #1 June and July; Winslow #2 June; Snowflake #3 July; Show Low #5 June and July; Pinetop/Lakeside #6 July; d) Justice Court Reports: Holbrook #1 July 2008, July 2007 Amendment; Winslow #2 July; Snowflake #3 July; Kayenta #4 July; Show Low #5 July; Pinetop #6 July; e) Juvenile Justice System July Report; f) Clerk of the Superior Court July Report; g) Authorization for Clerk of the Board to request undercover plates; h) Approval of WIA Board members to fill vacancies—Linda Nelson, Business Apache County; Matt Gaston, Business Navajo County; Dennis Hughes, Business Navajo County; i) Name an existing road in the Snowflake/Taylor area “Indigo Road” in Section 29, Township 14 North, Range 22 East; j) Amendment #4 of WIA/DES contract DE070300001 to approve rescission funding of \$945.00 to the State; k) Amendment #10 of WIA/DES contract E5706009 to approve rescission funding in the amount of \$3,071.00 to the State; l) Amendment #4 of WIA/DES contract E5706001 to approve rescission funding of \$1,614.00 to the State; m) Renewal of Swank Motion Pictures, Inc. Public Performance Agreement extending it to October 31, 2009 with funding of \$1,316.00 expensed from the Inmate Phone and Commissary Profit Fund; n) Consideration and approval of the appointment of Bob Hall to the Planning & Zoning Commission for District III as a replacement for retiring John Dalton; o) Approval of Request for Redemption of Waiver for parcel number 212-14-056; p) Letter affirming appointment of James G. Jayne as Navajo County representative to the Arizona Counties Insurance Pool board; q) Cooperative Extension annual appropriation of funds in the amount of \$27,000; r) Letters of sympathy for Shirley Hunt of the Public Defender’s office, Lisa Sample of Building and Grounds, Recorder Laurie Justman, Melissa Buckley of the Courts, Marlene Sample of the Assessor’s office, and Yvette Williams of the Holbrook Justice Court; s) Contracts signed by County Manager per Board of Supervisors resolution: Terra Genesis, Inc. for Web Page Development and Maintenance in an amount not to exceed \$49,500.00; Arizona Engineering Company for Lee Reese Detention Basin Concept study in the amount of \$11,900; Arizona Engineering Company for Pinetop Country Club Drainage Improvement study in the amount of \$21,112: **Supervisor Brownlow made a motion** to authorize the Chairman to sign the Consent Agenda items; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: CONSENT AGENDA: **Supervisor Tenney 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 Amendment #3 of Contract #HG661039 with the Arizona Department of Health Services for the Arizona Nutrition Network Program providing nutrition services in the amount of \$149,086.00 including classroom presentations to 2nd and 5th grades in low income schools on and off reservations from October 1, 2008 through September 30, 2009
- b. Consideration and possible approval of Amendment #1 of Contract #HG861085 with the Arizona Department of Health Services for WIC Program Services in the amount of \$356,855.00 effective October 1, 2008 through September 30, 2009

Supervisor Tenney made a motion to approve the health district consent agenda as presented; motion seconded by Supervisor Deal; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. American RV and Navajo County Recognizing Excellence: Commander Bob Sutton and Clyde Holyoak presented a certificate to Steve Pysz for his contribution to public safety through the signs he makes up and maintains for the county. County Attorney Mel Bowers recognized Robert Edwards for outstanding prosecutions in very difficult cases that he has conducted for the county and reported he has been recognized at the State level as prosecutor of the year by both the Arizona Narcotics Prosecutors and APAC. Supervisors presented an award to County Manager James Jayne recognizing his vision and determination that made the Mogollon Complex a reality.
- b. Personnel service awards: No recognition

HUMAN RESOURCES: Consideration and possible approval of Personnel Action report: Gail Calisen reviewed her 24-item written report. **Supervisor Brownlow made a motion** to authorize the chairman to sign the personnel action report; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

TREASURER:

- a. Presentation of Annual Report of Collections and Delinquencies: Treasurer Manuel Hernandez and Chief Deputy Jackie Koon addressed the board: reviewing all aspects of the Treasurer's annual report. Mr. Hernandez introduced Rick Sander who briefly discussed the need for safe investments as compared to higher interest yield. Mr. Hernandez advised the official report will be on file in the Treasurer's office noting for the record that the Treasurer's fund is \$9,000. In response to a question from Supervisor Deal, Treasurer Hernandez agreed to furnish him a report about tax payers in the Kayenta School District
- b. Pursuant to ARS §42-18002, consideration of and authorization for Chairman to sign acknowledging receipt of the Annual Report of Collections and Delinquencies: **Supervisor Brownlow made a motion** to authorize the chairman to acknowledge receipt of the Annual Report of Collections and Delinquencies; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- c. **Supervisor Deal made a motion** to authorize the Chairman to sign the authorization for the Treasurer to invest funds pursuant to ARS §35-327G; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

ELECTIONS: Consideration and possible approval to conduct an election for Heber/Overgaard Unified School District (USD) #6-Bond Election; Joseph City USD #3-Maintenance & Operations (M&O) Override; Holbrook USD #3-M&O Override; Snowflake USD #5-Bond Election and Blue Ridge USD #32-M&O Budget Override: Lisa McKee reviewed this request with the board advising of the change of two polling places for which Department of Justice approval is still pending. In response to a question from Supervisor Brownlow, Ms. McKee advised the polling place for Pinetop just moved across the parking lot but that still required Department of Justice preclearance. **Supervisor Brownlow made a motion** to authorize Elections to conduct elections for Heber/Overgaard Unified School District (USD) #6-Bond Election; Joseph City USD #3-Maintenance & Operations (M&O) Override; Holbrook USD #3-M&O Override; Snowflake USD #5-Bond Election and Blue Ridge USD #32-M&O Budget Override; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

PUBLIC WORKS:

- a. Navajo County Flood Control District Board of Directors' Session: Consideration and possible approval of **Resolution # _____-08** adopting the revised Navajo County Flood Damage Prevention Ordinance dated August 5, 2008: **Supervisor Tenney made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion. Homer Vela requested the board's approval on this item stating the

resolution related to the previously adopted ordinance. **Supervisor Tenney made a motion** to approve **Resolution # 52-08** adopting the revised Navajo County Flood Damage Prevention Ordinance dated August 5, 2008; motion seconded by Supervisor Thompson. Supervisor Brownlow thanked Mr. Vela for his efforts related to correcting problem drainage areas in his district. 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. Consideration and possible approval of a Mutual Cancellation of Road Easement and Maintenance Agreement for Section 27 on Territorial Road: Carol Fraley provided the history of this easement, advising Public Works surveyed the portion needed and Arizona Engineering surveyed the complete road. She reported that Aztec requested this easement be deeded back to them and then re-deeded with the correct survey. Chairman DeSpain stated the county had used this road for decades with no easement. **Supervisor Tenney made a motion** to approve the mutual cancelation of the road easement as presented; motion seconded by Supervisor Brownlow; motion unanimous approving the motion.
- c. Consideration and possible approval of a road easement and maintenance agreements:
 - i. Between Aztec Land and Cattle Company and Navajo County for easements on Territorial Road, Rock Art Ranch Road and Bell Cow Road: Carol Fraley reviewed this request advising that Rock Art Ranch Road and Bell Cow Road do not meet county standards and legal counsel advised the roads could be accepted as primitive roads with the understanding that the road grading to take place once a year would be considered purchase price for the road easements.
 - ii. Between Aztec Land and Cattle Company and Navajo County for easement on Territorial Road: **Supervisor Brownlow made a motion** to approve both items c-i and c-ii as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion
- d. Consideration and possible approval of Task Agreement Number Fifteen of MOU AGN003004 between Bureau of Indian Affairs, Navajo Region and Navajo County: Dusty Parsons advised this agreement is necessary in order for the county to purchase fuel not to exceed \$9,500.00 from District Road II special project funds. Supervisor Thompson advised the BIA is running short on diesel fuel and because school is in session, the equipment must keep moving. **Supervisor Thompson made a motion** to approve Task Agreement Number Fifteen of MOU AGN003004 between Bureau of Indian Affairs, Navajo Region and Navajo County with funding from District II Special Road Funds not to exceed \$9,500; motion seconded by Supervisor Deal. Supervisor Deal advised a similar request may be coming from Hopi. Vote unanimous approving the motion.
- e. Consideration and possible rejection of bid award of #B08-06-009 Hot Asphaltic Concrete Pavement Overlay and re-bid at a later date: Dusty Parsons advised that all bids came in higher than budgeted so now the only realistic project is the small Silver Lake Boulevard project. He stated it is staff's intent to re-bid in the spring reporting that he spoke to the low bidder who understands this issue. He said staff will specifically bid the Silver Lake Boulevard project when all easements are obtained. Supervisor Tenney advised the Pinedale Road project is being held up by the Forest Service because of the tension the county has caused the Forest Service through travel management planning, that something that was not an issue before has become an issue. He stated he is considering taking another trip for a visit with Corbin Newman to get past some of these problems. **Supervisor Brownlow made a motion** to reject the bid award of #B08-06-009 Hot Asphaltic Concrete Pavement Overlay; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- f. Consideration and possible authorization to submit SFY 09 LTAF II grant application in the amount of \$162,611.75: Dusty Parsons reviewed this grant application for transit only projects. **Supervisor Thompson made a motion** to authorize the submittal of the SFY 09 LTAF II grant application in the amount of \$162,611.75; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

FINANCE: Consideration and possible award of three year contract B08-001-008 with two (1) year renewal

periods to CableOne for Wide Area Network for Winslow connection: Mary Springer advised this project has taken longer than anticipated because they were hoping to put a tower in Winslow for wireless but with prohibitive costs involved determined a wide area network is the best solution. **Supervisor Tenney made a motion** to award the three year contract #B08-001-008 with two (1) year renewal periods to CableOne for a Wide Area Network for the Winslow connection; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

BOARD BUSINESS: Chairman DeSpain advised there is no August CSA meeting; the Senate Ad Hoc Task Force on Forest Management will be August 28th from 8:30-3:00 in the Show Low Council Chambers; and the Apache Sitgreaves National Forests Open House Public Meeting in the Show Low Public Library is scheduled on September 4th from 2:00 to 7:00 p.m. Supervisors reported on activities and meetings that impact their districts and Navajo County that included: Forest service travel management meeting where it was agreed Navajo County would have a seat at the table; the State Treasurer will provide a prospectus of what to expect with the State economy; the OSB plant is still in the developing stages; wolf meetings are ongoing and county representatives are present at them and Environmental Impact Statement meetings begin next month; the Mogollon Complex grand opening was a successful event and everyone who contributed to its success is appreciated; the ground break ceremony for the Community Counseling Center and grand opening for the Stabilization Centers were well attended; architects visited the site for the proposed Pinon and Dilkon transportation yards; efforts are being coordinated with the schools, Navajo County, BIA, and NDOT for a partnership approach to maintaining school bus routes and responding to emergencies; the BIA has an emergency response plan that all partners should work together to update; and last week there was a successful Incident Site Command training session that was contracted through AZ Indian Tribal Association.

County Attorney Mel Bowers advised that there are criminal justice issues that will have a serious fiscal impact on counties and municipalities. He discussed the impact of the DPS lab fees that were imposed after local budgets were established and the impact photo radar will have on county judicial systems with minimal financial support. He expressed concern that APAC funds were swept by the legislature and these funds provide mandatory training for county personnel. He said the criminal justice system is taking a serious hit and cities and counties must absorb the impact, requesting that these impacts be monitored. Mr. Jayne thanked Mr. Bowers for his comments, agreeing with the points that he made. He further discussed the financial impact of State budget shifts especially as related to the prisoner shift issue that will come back before the board.

Supervisor Tenney announced Laurie Frost is getting married and the supervisors congratulated her.

The board recessed at 10:50 a.m. and reconvened at 11:35 a.m. with all present. Chairman DeSpain welcomed legislators and representatives from CSA.

LEGISLATIVE UPDATE: Rod Ross addressed Craig Sullivan of County Supervisors' Association and his staff, reading a letter of appreciation from the Board of Supervisors.

- a. Review of recently completed legislative session: Craig Sullivan, Executive Director of CSA, reviewed the 2008 legislative session and bill impacts. He expressed appreciation for the supervisors' and legislators' support related to the successful passage of legislation. He reviewed the proactive legislative agenda that will be addressed in the upcoming session. Supervisors thanked him for his and his staff's efforts on behalf of the county.
- b. Introduction of Arizona State legislators: Rod Ross introduced Senator Albert Hale, Senator Sylvia Tenney Allen, Representative Bill Konopnicki, and Representative Jack Brown. He reviewed the support each legislator has provided to rural counties. Senator Hale, Representative Konopnicki, Representative Brown and Senator Allen addressed the board reviewing activities in the past session

especially as related to budget issues and concerns about upcoming issues related to telecommunications, budget cuts, the prisoner shift proposal, gravel pits in rural Arizona, Chevron School District, and working together with cities and towns for the most effective action. Supervisors expressed appreciation to each lawmaker.

ADJOURN At 12:30 p.m., **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Chairman

October 7, 2008

ATTEST:

Darlene Fraley, Clerk of the Board