

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
SEPTEMBER 2, 2008
NAVAJO COUNTY BOARD OF SUPERVISORS' CHAMBERS HOLBROOK

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

PRESENT: J. R. DeSpain, Chairman; Jerry Brownlow, Vice-chairman, David Tenney, Supervisor; Mel Bowers, County Attorney; Dusty Parsons, Assistant County Manager, and Darlene Fraley, Clerk of the Board of Supervisors. Percy Deal, Supervisor, and Jesse Thompson, Supervisor, were not present.

CALL TO THE PUBLIC: Dusty Parsons introduced Workforce Investment Act Director Judy Bratcher who addressed the board thanking them for the opportunity to come to Navajo County.

CONSENT AGENDA: a) Request for redemption of waiver pursuant to ARS §42-11153—202-10-053F; b) Letter of appreciation to County Supervisors' Association for actions on behalf of Navajo County; c) Re-appointment of Rick Slone to the Navajo County Planning and Zoning Commission as an alternate; d) Forest Service letter of interest regarding Navajo County's participation in the Travel Management rules development; e) Minutes August 18, 2008 Mogollon Complex; f) Appointment of Homero Vela as Superintendent of Streets for all county improvement districts with the exception of water and wastewater improvement districts; g) Letter of support for AYSO Region 470 grant application for soccer field improvements; h) Constable Reports: Winslow #2, July; i) Sympathy letter for Ron and Diana Gates: **Supervisor Brownlow 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.

BOARD OF SUPERVISORS:

- a. Quality Emulsions and Navajo County Recognizing Excellence: Tina Gamboa and Dan Hinz presented certificates and fruit baskets as sponsored by Quality Emulsions to Valerie Abeyta of WIA and Jose Villarreal of Building and Grounds recognizing their outstanding contributions to county operations.
- b. Personnel service awards: Supervisors recognized employee years of service: 5 years—Martin Hopper, Samuel Lujan, Marita Gishi, Vickie Shirley and Robert Nabors; 10 years—Evan Amos and Tracy Letcher; 15 years—Leigh Kroeger; 20 years—Timothy Webster.

HUMAN RESOURCES: Consideration and action related to Personnel Action report: Gail Calisen reviewed her 26 item written report. **Supervisor Tenney made a motion** to approve the personnel action report as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

FAMILY ADVOCACY CENTER: Consideration and possible authorization for Navajo County Attorney's office to act as fiscal agent for a Children's Justice Task Force (CJTF) grant for the Family Advocacy Center with expenses to be paid by the county and reimbursed by the grant within 60 days: County Attorney Mel Bowers advised that his office has acted in this capacity before and he supports the establishment of the Family Advocacy Center. Dr. Hannah Rishel addressed the board describing this program and the partnerships that are developing to provide assistance when child abuse or neglect is suspected. **Supervisor Tenney made a motion** to authorize the Navajo County Attorney's office to act as fiscal agent for a CJTF grant for the Family Advocacy Center with expenses to be paid by the county and reimbursed by the grant within 60 days; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

ELECTIONS:

- a. Consideration and possible adoption of **Resolution Number** _____ - 08 canceling the election and appointing the persons listed on Exhibit A who filed nominating petitions or a nomination paper for a

write-in candidate for Governing Board for Joseph City Unified School District #2, Holbrook Unified School District #3 Ward 4 and 5, Snowflake Unified School District #5 (2-yr), Heber/Overgaard Unified School District #6, Show low Unified School District #10, Cedar Unified School District #25 (4-yr), Kayenta Unified School District #27, NAVIT – Winslow Unified School District #1, NAVIT – Joseph City Unified School District #2, NAVIT-Snowflake Unified School District#5, NAVIT-Heber/Overgaard Unified School District #6, NAVIT- Show Low Unified School District #10, NAVIT-Whiteriver Unified School District #20 and NATIVE- Kayenta Unified School District #27 because the number of candidates who filed were equal to or less than the number of positions open for each school district: Following review of this request by Darlene Fraley, **Supervisor Brownlow made a motion to adopt Resolution Number 53-08** as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

- b. Consideration and possible adoption of **Resolution Number _____ - 08** canceling the election and appointing the positions for the Heber Sanitary District and the Joseph City Sanitary District for which the number of candidates filed were equal to or less than the number of positions open: **Supervisor Brownlow made a motion** to adopt **Resolution Number 54-08** as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- c. Consideration and possible adoption of **Resolution Number _____ - 08**, canceling the election and appointing the positions for the Heber Domestic Water Improvement District, Joseph City Domestic Water Improvement District, Overgaard Townsite Domestic Water Improvement District, Ponderosa Domestic Water Improvement District, Porter Creek Domestic Water Improvement District, Three-O-Three Domestic Water Improvement District and Wonderland Acres Domestic Water Improvement District for which the number of candidates filed were equal to or less than the number of positions open for each District: **Supervisor Brownlow made a motion** to adopt **Resolution Number 55-08** as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- d. Consideration and possible adoption of **Resolution Number _____ - 08**, canceling the election and appointing the positions for the Navapache Hospital District for which the number of candidates filed is equal to or less than the number of positions open: **Supervisor Tenney made a motion** to adopt **Resolution Number 56-08** as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. Consideration and possible adoption of **Resolution Number _____ - 08** canceling the election and appointing the positions for the Clay Springs/Pinedale Fire District, the Linden Fire District, the Show Low Fire District, and Joseph City Fire District Chief and Secretary/Treasurer for which the number of candidates filed were equal to or less than the number of positions open for each District: **Supervisor Brownlow made a motion** to adopt **Resolution Number 57-08** as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

ADMINISTRATION:

- a. **PUBLIC HEARING:** Liquor license – Discussion and possible action regarding recommendation of application for Liquor License #12093067 for a New Individual License, APN 212-09-001, for Amparo Lopez Cava doing business as La Cabana Restaurant located at 4945 White Mountain Blvd. in Lakeside, Arizona: Darlene Fraley reviewed this request advising that all departments responded to the questionnaire indicating they had no objection to the recommendation for issuance of this license. Chairman DeSpain opened the public hearing and with no public response, immediately closed it. **Supervisor Brownlow made a motion** to recommend approval of this license as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- b. Hear and review results of countywide citizen survey conducted by the NAU Social Research Laboratory: Rod Ross introduced Dr. Jamie Bowie of Northern Arizona Social Research Laboratory who conducted the citizens' survey. Jamie Bowie conducted a comprehensive review of the questions

and compiled answers of the telephone survey as well as the results of focus groups made up of residents from Show Low and Holbrook. In response to questions from Mel Bowers, Dr. Bowie stated that he could conduct a qualitative analysis comparing Navajo County to other counties if the board would like him to do so and advised that he was somewhat surprised to see the residents' high level of satisfaction with the quality of life in Navajo County since surveys of other areas has not been this high. In response to questions about the results of the jail questions, Dr. Bowie said he could break down the data by North and South County.

- c. Consideration and possible amendment of the Navajo County Personnel Policy Section 5.15 through Section 5.17 to include the establishment of the Accident Review Board: Tim Norton reviewed this request stating it would standardize processes and subsequent recommendations following an employee accident. During discussion in which all supervisors participated, Mr. Norton explained the make up of the committee, the process and timing and advised that Lance Payette had reviewed and re-written portions of this policy. Mr. Bowers expressed concern regarding the lack of expertise of committee members, advising they may not understand something very technical or may not be knowledgeable about personal injury laws, causation, fault or estimations of economic liability, and confidentiality and 5th amendment issues. Supervisor Tenney pointed out a uniform policy and review board will provide that employees are treated more consistently for the same type of incident. It was agreed that this policy will again be reviewed by legal counsel and come back before the board at a later date.

PUBLIC WORKS:

- a. Consideration and possible approval of easement agreement for Aztec Land and Cattle Company for an 85' x85' right of way to provide access to their property from Section 19 to Section 17, T17N, R21E in exchange for an easement across Section 19, T17N, R21E for an alternate route to the county complex: Carol Fraley advised she had a request from Aztec Land and Cattle Company for an 85' x 85' easement to go from Section 19 to Section 17 of the presented map and that staff is in negotiation for an easement in return for a secondary access from the county to SR 77. Supervisor DeSpain explained the history of this request as an Emergency Services issue for a secondary access and he outlined where the future access for the county would be. **Supervisor Tenney made a motion** to approve the easement agreement for Aztec Land and Cattle Company for an 85' x 85' right of way to provide access to their property from Section 19 to Section 17, T17N, R21E in exchange for an easement across Section 19, T17N, R21E for an alternate route to the county complex; seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Navajo County Flood Control District **Board of Directors' Session:** Consideration and possible approval of amendment to the Navajo County Flood Control District Five Year Capital Improvement Plan to include re-allocation of funding to Lone Pine Dam Bridge project from the Winslow Levee Accrual: **Supervisor Brownlow made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Dusty Parsons congratulated Homero Vela on being named Acting Public Works Director. Mr. Parsons stated that last week they received a document concerning the IGA with the State of Arizona requesting the \$3,952,697.00 that the State will require before authorizing this project. He said that this funding amount may be adjusted lower before it is sent but to authorize the funding they must adjust the five year capital plan. He said this request had been reviewed by Lance Payette who advised it is legal to take this action. **Supervisor Brownlow made a motion** to approve the amendment to the Navajo County Flood Control District Five Year Capital Improvement Plan to include re-allocation of funding of \$402,697.00 to Lone Pine Dam Bridge project from the Winslow Levee Accrual as presented; motion seconded by Supervisor Tenney. Supervisor Tenney thanked staff for their diligence on this project and fellow supervisors for their support and especially Supervisor Brownlow for contributing money from District V. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to

- regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- c. Consideration and possible approval of amendment to the Public Works Five Year Capital Plan to include re-allocation of funding to Lone Pine Dam Bridge project: Dusty Parsons advised there is a change to the plan as presented to reflect Mr. Deal's willingness to commit the \$400,000 from Turquoise Trail to this project that would result in reducing the \$1,000,000 commitment from Obed Bridge to \$600,000. In response to a question, Mel Bowers agreed this action is acceptable related to the way the item was worded on the agenda as it is all part of the re-allocation of the capital plan. **Supervisor Tenney made a motion** to approve the amendment to the Public Works Five Year Capital Plan as presented with the change to include re-allocation of funding to Lone Pine Dam Bridge project with the understanding the Obed Bridge and District I contribution may change as presented; motion seconded by Supervisor Brownlow. Mr. Parsons advised Brandy Tomhave verified the federal contribution issue at \$4.5 million so the county's responsibility for this project should be reduced. Vote unanimous approving the motion
 - d. Consideration and possible approval of **Resolution Number** - **08** entering into an Intergovernmental Agreement with the Arizona Department of Transportation for the Lone Pine Dam Road project with total county expenditure of \$3,952,697.00: Dusty Parsons advised that in order to assure funding happens before the end of the fiscal year, this IGA must be approved and submitted to the State. He advised the department does not agree with the engineer's estimate since on August 18th the estimate was at \$6.1 million and when the department received it last week it was \$6.7 million. He reported that if the project comes in under the amount anticipated the funding will be returned to the county. The presented re-allocation from all funds is as follows: Lone Pine Dam Bridge \$700,000; Vehicle Wash-Holbrook Complex \$650,000; Pinedale Road overlay \$400,000; Joseph City Bridge (Obed) \$600,000; Turquoise Trail \$400,000; BOS Special Road Funds (District IV and V) \$800,000; and Flood Control (Winslow Levee Funds) \$402,697. **Supervisor Tenney made a motion** to adopt **Resolution Number 58-08** entering into an Intergovernmental Agreement with the Arizona Department of Transportation for the Lone Pine Dam Road project with total county expenditures not to exceed \$3,952,697.00; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

BOARD OF SUPERVISORS/BOARD OF EQUALIZATION SESSION: **Supervisor Brownlow made a motion** to enter into the Board of Equalization Session; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

- a. Swearing in of Assessor, Appraisers and Petitioners: Darlene Fraley swore in the assessor, appraisers and petitioners.
- b. Discussion and possible action regarding Petition for:
 - i. Review of Taxpayer Notice of Proposed Correction for APN 208-17-002A for Carla Jean Wheeler: Chris Frayer of the Assessor's Office reviewed the positioning of the subject property, advised it was missed for the 2009 re-valuation and the error was discovered after the 2009 notices were sent. She reviewed comparable properties and their sales prices advising the Assessor must consider equity among properties when valuing the whole area and that in order to be equitable a notice of correction was sent. Cammy Darris advised that statute determines limited values. Mr. Wheeler protested the proposed correction notice since ARS statute states that Notices of Correction are limited to prior years and that staff of the State Board of Equalization had advised him that he believed this was an illegal notice. Ms. Darris stated that the Clerk of the Board and she had a telephone conversation with the State Board of Equalization staff member who spoke with Mr. Wheeler and he retreated from that position. Since county legal counsel was not available to provide advice on this issue, Ms. Darris stated that her office will pull the notice and re-send it after January 1, 2009, conducting the same hearing in February of next year if legal counsel advises this is an option. **Supervisor Tenney made a motion** to maintain the value

(\$45,390) listed on the original notice for APN 208-17-002A pending the County Attorney’s opinion about a future hearing; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- ii. Review of Personal Property Petition for Review of Valuation for 9300399-018 for John and Doris Moore: Assessor Cammy Darris advised she had communicated with Mr. and Mrs. Moore and agreed to reduce the valuation on the travel trailer to \$8,181.00 and that they are agreeable to this. **Supervisor Tenney made a motion** to adjust the Personal Property Petition for Review of Valuation for 9300399-018 for John and Doris Moore to \$8,181.00; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

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

BOARD BUSINESS: Chairman DeSpain advised of upcoming events including the September 4th Apache Sitgreaves National Forests Open House Public Meetings at the Show Low Public Library from 2:00 to 7:00 p.m.; September 11th Special Board meeting at 1:30 p.m. here at the complex; and September 17th and 18th Small Counties and CSA meetings in Phoenix. He invited all to participate in the opening ceremonies of the fair on September 10th at 6:00 p.m. Supervisor Tenney stated that he was a member of the Senate’s ad hoc committee as invited by President Bee and requested that Rod Ross or James Jayne arrange for the entire board to participate in the same State Treasurer’s presentation regarding the budget crunch. He said he will be attending the meeting on forest health issues and is taking testimony to be entered into the Travel Management plan and reported that funding for ECO was unexpectedly pulled so the choice is to either sunset the program or for each county to fund the committee without help from state. Supervisor Brownlow reported that Rod Ross had followed up on the wolf EIS statement participation and that the letter sent earlier this year suffices for the county to have a voice in this process.

NAVAJO COUNTY FAIR: Presentation of events and ceremonial crowning of the Navajo County Rodeo Queens: Mina Henning invited all to the County Fair and opening ceremonies to be held at 6:00 p.m. on September 10, 2008. She then introduced the outgoing Queens and introduced the following reigning queens: Little Buckaroo—Mackenzie Isaacs; Junior Teen—Jessie Muha; and Navajo County Rodeo Queen—Nicole Pogue. The Queens thanked the board and expressed their pride at representing Navajo County.

ADJOURN: At 12:02 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

October 7, 2008

ATTEST:

Darlene Fraley, Clerk of the Board