

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, SEPTEMBER 16, 2008**

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

**9:00 a.m. Call to Order:** Chairman DeSpain led the Pledge of Allegiance and offered the invocation.

**CALL TO THE PUBLIC:** Laree Saline, Chairman of the Personnel Commission, addressed the Board regarding the intergovernmental agreement with the City of Show Low that will be considered later on the agenda stating that Public Defender Emery LaBarge wanted the board to have more information about the issue. She discussed the excessive costs of defending these cases as related to the funding outlined in the agreement. She advised that there is a significant savings when the office receives attorney fees.

**CONSENT AGENDA:** a) Addition to list of cell phone stipends; b) US Department of Agriculture Forest Service, Apache Sitgreaves National Forests Cooperative Law enforcement agreement #09-LE-11030121-001 FY 09 financial and operating plan #09-LE-11030121-005; c) Sympathy letter for Lorinda Brown and Teri Softley; d) Letter to Governor Napolitano in opposition to the plan to shift large numbers of state prisoners to county jails; e) WIA amendment #11 to Contract #5706009 in the amount of \$46,000 for Business Outreach Services; f) Tax Roll Corrections; g) Natural Resource and Forest Health Youth Outdoor Education Project from November 1, 2008 –June 30, 2010 in the amount of \$133,538.90; h) Name an existing road in the Pinetop Lakeside area “Raindrop Lane” in Section 24, Township 9 North, Range 22 East; i) Name an existing road in the Heber Overgaard area “Rustic Court” in Section 21, Township 12 North, Range 17 East; j) Constable Reports: Precinct #3 Snowflake, August: **Supervisor Thompson made a motion** to authorize the Chairman to sign items on the Consent Agenda; motion seconded by Supervisor Brownlow. In response to a question from Supervisor Deal, Sheriff Butler advised the prison shift issue was laid to rest during the State’s last budget session but has come up again due to additional budget shortfalls. He and supervisors discussed the negative financial and public safety impact this would have on the county should the shift be imposed. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. **American RV and Navajo County Recognizing Excellence:** Through the American RV and Navajo County Recognizing Excellence program, Montana Slack recognized Servier Begay and Homero Vela recognized Montana Slack for their outstanding contribution to departmental and county operations.
- b. **Consideration and possible acceptance of the back tax land list and authorization to publish notice of the same scheduling the 2008 Back Tax Land Auction:** Darlene Fraley reviewed the back tax land list of 12 properties with the supervisors recommending that the auction be conducted at 1:30 on October 21<sup>st</sup>. **Supervisor Brownlow made a motion** to accept the back tax land list and authorize publication of the notice of the 2008 Back Tax Land Auction to be held at 1:30 on October 21<sup>st</sup> in the board chambers; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- c. **PUBLIC HEARING:** **Consideration and possible recommendation for approval of application for Bingo License for Our Lady of the Assumption Church, APN 206-34-026J, 3048 Highway 277, Overgaard, AZ from Reverend Gilbert Chacon, Pastor:** Lorinda Brown reviewed the proposed bingo license application advising these bingo games will be operated every Tuesday at 6:30 p.m. at the church listed. She reported the individuals signed affidavits of good moral character and the Sheriff’s office conducted background checks on these same individuals with no negative reports. Chairman DeSpain opened the public hearing for comments. Frank Damato of Overgaard expressed his appreciation for the board’s efforts, stating this is more than just a fund raiser for their church as it is a community activity

for citizens in the area with everyone welcome. There being no further comments, the Chairman closed the public hearing. **Supervisor Tenney made a motion** to recommend approval of the application for a Bingo License for Our Lady of the Assumption Church, APN 206-34-026J, 3048 Highway 277, Overgaard, AZ received from Reverend Gilbert Chacon, Pastor; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and action related to Personnel Action report: Shalice Cook reviewed her written report of 35 personnel actions. **Supervisor Tenney made a motion** to approve the Personnel Action report as presented authorizing the chairman to sign it; motion seconded by Supervisor Thompson. Supervisor Deal inquired about action 21 and Mr. Jayne stated the employee met with the Deputy County Manager two weeks ago and submitted his letter of resignation with no explanation. Vote unanimous approving the motion.

**SHERIFF'S OFFICE:** Consideration and possible acceptance of \$40,000 grant from Arizona Peace Officers Standards and Training Board to Navajo County Sheriff's office for repair and maintenance of the driver training track at the Northeast Arizona Training Center in Taylor: Sheriff Gary Butler reviewed this grant requesting board authorization for him to sign this agreement. He advised if the agreement is approved POST will send the funds to the Sheriff's office and they will be put it in an interest bearing account; the Sheriff will then initiate a contract with NATC; when NATC needs repairs they give 30 days' notice to Sheriff and then he will contact POST to get approval to spend that money to provide accounting for the funding. Supervisor Tenney expressed appreciation for the Sheriff's support of this project since without the \$800,000+ he obtained from AZ POST, the project would not have happened. **Supervisor Tenney made a motion** to accept the \$40,000 grant from Arizona Peace Officers Standards and Training Board to Navajo County Sheriff's office for repair and maintenance of the driver training track at the Northeast Arizona Training Center in Taylor; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**ADMINISTRATION:**

- a. Consideration and possible approval, as authorized by ARS §§ 11-951, 11-952 and 11-952(L), of an IGA between the City of Show Low and Navajo County for the county court collection staff to perform the collection duties for the City Magistrate Court; to continue the practice of the county adjudicating criminal misdemeanor cases that are filed by City police officers with the Show Low Justice Courts; and to provide for compensation from the City to help defray costs associated with the adjudication of these criminal misdemeanor cases: James Jayne addressed the board advising of the following: five of the six county justice courts also serve as city magistrates, saving money for taxpayers and creating efficiency; last year four of the five municipalities agreed to partner with the county to help defray costs of misdemeanor prosecution and defense and each agreed to provide \$15,000; the City of Show Low has requested a formal agreement to quantify the agreement that has been in place; Winslow has chosen not to pay a portion of the expenses; the Public Defender and County Attorney's office participates in the adjudication of these cases with funding from the general fund; the courts have agreed to act to quantify the current practice of collection services; Emery LaBarge had contacted him yesterday with the concern that this agreement does not charge attorney fees at the JP court level and the Clerk is setting up a meeting with the Presiding Justice of the Peace, him and Ms. LaBarge to address these issues. Mel Bowers clarified the fee issue is not the county attorney's issue but is for public defense. He discussed the history of involving municipalities when he and the County Manager negotiated with cities to see if they were willing to take back prosecution and defense of misdemeanors or assist with costs. He stated he felt the fee arrangement with Show Low was appropriate, that the city is getting more than its money's worth. He stated that since the City of Winslow, on advice of counsel, has not agreed to payment at some point the Board may have to make a decision of whether the county can provide services without a fee. He further stated that Navajo County is one of the last counties to provide this

service to municipalities within their jurisdiction and the cities can not provide services for what is being charged by the county. Laree Saline reported that the public defender is not opposed to the agreement but wanted the board to be aware of costs involved. She distributed statistics for the last two years as related to the public defender's office. Supervisors, Mr. Jayne and Mr. Bowers discussed the responsibilities attached to prosecuting offenses committed within municipality limits. **Supervisor Tenney made a motion** to authorize the intergovernmental agreement as presented between the City of Show Low and Navajo County; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- b. Consideration and possible adoption of **Resolution Number** \_\_\_\_\_ - **08** related to legislative proposal to state legislature through CSA process allowing counties to adjust hours and days of operation: Rod Ross reviewed this proposal that Yavapai county will bring forward to the CSA legislative summit advising that most entities around the country who are implementing alternative work schedules are implementing a 10 hour per day/4 day work week. In response to questions, Mr. Jayne stated that the proposal Yavapai County is putting forward and what the board would support in this resolution is to request the State give counties flexibility to adopt alternative work week schedules should they elect to do so, clarifying that no decision is being made today except to request support of the alternative work schedule concept. Supervisors discussed potential benefits of an alternative work schedule with the understanding that more information will be forthcoming from administration if the legislature supports such a proposal. **Supervisor Tenney made a motion** to adopt **Resolution Number 60 - 08** supporting a legislative proposal to the Arizona State legislature through the County Supervisors' Association legislative process allowing counties to adjust hours and days of operation; motion seconded by Supervisor Thompson. Following further discussion, vote unanimous approving the motion.

#### **FINANCE:**

- a. Consideration and possible adoption of **Resolution** \_\_\_\_\_ - **08** approving Revised Navajo County Housing Rehabilitation Guidelines to utilize CDBG funding through the Arizona Department of Housing: Mary Jane Springer advised this is a process that must be completed to receive CDBG funding and distributed a Rim Country Senior Center article showing previous use of funds. Supervisors thanked Ms. Springer for her efforts in this area. **Supervisor Tenney made a motion** to adopt **Resolution Number 61 - 08** approving the Revised Navajo County Housing Rehabilitation Guidelines to utilize CDBG funding through the Arizona Department of Housing; motion seconded by Supervisor Brownlow. In response to a question from Supervisor Thompson, Ms. Springer stated these guidelines include not doing rehab in entitlement areas so there are no projects on the reservation and she discussed the need for a mutual benefit when funds are used in these areas. Supervisors expressed their appreciation for staff efforts on behalf of reservation residents and discussed the great need for rehab funding for these residents. It was requested that efforts continue to find ways to fund such projects. Vote unanimous approving the motion.
- b. Consideration and possible approval of contract with Sturgeon Electric Company for electrical service replacement and generator upgrade at the Holbrook Complex, Contract B09-07-014 in the amount of \$2,150,120.00: Mary Springer advised this project went to public bid for the electrical replacement and one generator upgrade and in reviewing the successful bid amounts stated this is a bonded project and the bid is below the bond amount so the balance will be spent for an IT upgrade **Supervisor Tenney made a motion** to approve a contract with Sturgeon Electric Company for electrical service replacement and generator upgrade at the Holbrook Complex, Contract B09-07-014 in the amount of \$2,150,120.00. In response to questions, Ms. Springer described this project advising there will be on-site management and OWPP will sign off on payment. A representative of Sturgeon Electric Company thanked the board for this opportunity, provided a brief history of their Arizona firm that has been in business since 1912 and advised there is a two year warranty on their work. Motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**WORKFORCE INVESTMENT ACT:** Consideration and possible approval of intergovernmental agreement between Arizona Department of Economic Security and Navajo County in the amount of \$3,645.00 to provide supportive services utilizing WIA Title V funds: Judy Bratcher advised this is a recurring agreement to provide supportive services for nursing participants. **Supervisor Deal made a motion** to approve the intergovernmental agreement between Arizona Department of Economic Security and Navajo County in the amount of \$3,645.00 to provide supportive services utilizing WIA Title V funds; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**PUBLIC WORKS:**

- a. **Consideration and possible adoption of Resolution Number \_\_\_\_\_ - 08 for the approval of the Final Plat and Financial Assurances for the Northwood Pines, Phase I subdivision:** Bill Fraley recognized Frank DaMato stating this is an important project for the county and this subdivision will be the first user of Mogollon Domestic Water Improvement District. He oriented the board to the project site through the use of maps. He reviewed the staff report and the history of the process stating they are ready to request that the board act on Phase I of the final plat. He advised this phase encompasses 126 lots on 91.17 acres. Andy Romance of Mountain Standard, project engineer, reviewed the variances the developer is requesting. He stated that three requested variances relate to private streets within the phase as included in the staff report. Mr. Fraley stated these variances still comply with emergency services requirements, provide adequate, safe and comfortable streets for primary users, and address the innovation needed to respect the topography of the varied terrain. He said the final variance pertains to the plat, deviating from the requirement of a subdivision having consecutive lot numberings. He advised the tentative plat did have consecutive lot numbering for the lots and advised that even though that is no longer the case because of the phase construction, emergency services depend on addressing rather than lot numbers so staff is comfortable with this variance. In response to questions, Andy Romance discussed code requirements as related to the topography and pointed out the vertical relief the developer had to contend with in this area when developing roads. In response to a question from Supervisor Tenney, Bill Fraley confirmed that the board has granted such variances in the past. Supervisors expressed concern that residents will come back in the future, as some have recently, to request the county take these roads in that are not up to county standards. Mr. Fraley stated that this is a gated community that will have a Home Owners' Association and the roads are paved and private. Mr. Romance advised that the tentative plat was approved prior to the new subdivision code being in place, that they had tried to bring everything up to the new code standards to support county goals and found it would be extremely difficult to comply with the new code fully. Mr. Fraley introduced the developer, John Prescott, who advised the Home Owners' Association will be in place with dues dedicated to upgrades and maintenance of the roads. Supervisor Tenney said that he believes this will be a very good project and is an integral part of the new sewer system that is going in since it will help the sewer system work. **Supervisor Tenney made a motion** to adopt **Resolution Number 62 - 08** for the approval of the Final Plat and Financial Assurances for the Northwood Pines, Phase I subdivision with stipulations as listed in the staff report; motion seconded by Supervisor Deal; vote unanimous approving the motion. Homero Vela thanked Bill Fraley and Linda Elliot for their efforts in bringing this project forward.
- b. **Consideration and possible approval of expenditure of \$60,000.00 from District IV Special Road funds to defray the cost for the Timberland Acres double chip seal project:** Homero Vela reviewed this request for approval subject to the review and approval of the county attorney. He advised this is one mile that is heavily travelled and the district is contributing \$30,000. Supervisor Tenney stated that the county has been able to work with this board in the past; that he appreciates Brian Shields and those serving on the board and hopes the county attorney can find a way for the county to partner in this. **Supervisor Tenney made a motion** to approve the expenditure of \$60,000.00 from District IV Special Road funds to defray the cost for the Timberland Acres double chip seal project contingent on approval

of the county attorney; motion seconded by Supervisor Deal. Mr. Bowers stated he will address this issue right away and Supervisor Tenney expressed his appreciation. Brian Shields, Chairman of Timberland Acres Road District Board, thanked Supervisor Tenney for his assistance on this project. He stated: the board appreciates the partnership with the county advising their board has reciprocated during bad weather when their contractor helps the county pull equipment up when it slides off the road; the people in his district can't believe how good the road is now and because of these types of projects they have been able to get resident approval to increase budgets to improve roads in the future; and he had submitted the district's five year project for roads based on the amount of use and money spent yearly to maintain certain roads to Mr. Jayne and Mr. Parsons. Vote unanimous approving the motion.

**BOARD BUSINESS:** Chairman DeSpain reviewed upcoming events including Small Counties/CSA September 17 & 18 in Phoenix and the PLAAD Summit tomorrow at Silver Creek Campus. Supervisors reported on activities within their district or activities that will impact their district or the county including: there is an upcoming work session with the BIA, NDOT, Navajo County and impacted schools that will concentrate on snow removal and flooding as related to updating the BIA emergency response plan; funding is coming in from the USDA for a Hard Rock multi-purpose building for public use including a small administrative portion; recent meetings with the forest service were productive and participating staff are appreciated; Supervisor Thompson participated in a KTNN interview on partnerships for road improvements on school bus routes; the Winslow activities commemorating 9-11 demonstrates people are still coming together talking about how it impacted them; an IGA is being considered by the Gallup regional office to remove snow on roads leading into the reservation and will be forthcoming to the Board of Supervisors for their action and Chairman DeSpain expressed appreciation to Supervisor Tenney for assisting opening night of the fair. Supervisors expressed disappointment in the District I election results and thanked Supervisor Deal for his dedication to Navajo County over the past 25 years.

**ADJOURN:** At 11:30 a.m. **Supervisor Tenney made a motion** to adjourn; motion seconded by Supervisor Thompson, vote unanimous approving the motion.

**APPROVED:**

**DATE:**

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**J. R. DeSpain, Chairman**

**October 7, 2008**

**ATTEST:**

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**Darlene Fraley, Clerk of the Board**