

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, January 13, 2009**

**PRESENT:** J.R. DeSpain, Chairman; David Tenney, Supervisor; Jesse Thompson, Supervisor; and Jerry Brownlow, Supervisor and Percy Deal, Supervisor are present.

**9:07 a.m. Call To Order:** Pledge of Allegiance and Invocation was led by Chairman DeSpain.

**CALL TO THE PUBLIC:** Chairman DeSpain recognized the elected officials of Navajo County and then turned the meeting over to Supervisor Thompson who then introduced Victor and Myrtle Begay, parents of Derrick Begay from the Teesto/Delkon area and presented a plaque from the county in recognition of his success in the Rodeo Nationals team roping events. Supervisor Nez congratulated Mr. & Mrs. Begay on raising a great son and then introduced his wife and son as well as Navajo Nation Council Delegate David Shondee. Mr. Shondee addressed the Board and stated 10 Chapters are currently in dire straits due to the weather. He indicated that coal is available from Peabody Coal but there is a problem with transportation and asked for help from the county. The County Manager recognized Gordon Terricina for his cost savings idea of curbing 411 calls which currently cost the county 50 cents each. Mr. Terricina received a \$10.00 Basha's gift card and a plaque.

**CONSENT AGENDA:** a) Accept training grant from Arizona Constables Ethics, Standards & Training Board for Constable, Precinct 1 for: i. Navajo County Constable Training Grant #4 in the amount of \$1,185.50 and ii: Navajo County Constable Training Grant #5 in the amount of \$612.70; b) Accept training grant from Arizona Constables Ethics, Standards & Training Board for Constable, Precinct 2 for, i. Navajo County Constable Training Grant #3 in the amount of \$1271.37 and ii. Navajo County Constable Training Grant #1 in the amount of \$585.11; c) Thank you letter to Holbrook Burger King; d) Letter of recognition for Phil Rhodes, Heber/Overgaard Chamber of Commerce; e) Letter to Rep. Kirkpatrick regarding current status of the economic stimulus package; f) Constable Reports: Holbrook #1; Winslow #2; November, 2008; g) Reappointment of Wendell DeCross to the Planning & Zoning Commission for District V; h) Reappointment of Carol Davis to the Planning & Zoning Commission for District II; i) Appointment of Robert K. Black to the Planning & Zoning Commission for District I; j) Update of the Cell Phone Stipend List, January 2009. **Supervisor Brownlow made a motion** to approve the Consent Agenda as presented; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 91 item Personnel Action Report. **Supervisor Thompson made a motion** to approve the Personnel Action Report as presented; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. Election of Chairman and Vice-Chairman for 2009: Supervisor Thompson thanked Chairman DeSpain for his service to the Board for the past year and **made a motion** to elect Supervisor Brownlow as Chairman for the next twelve (12) months; motion seconded by Supervisor Tenney. Vote unanimous approving the motion. Supervisor DeSpain passed the gavel to Chairman Brownlow and thanked the board and staff for their support. **Supervisor Tenney made a motion** to elect Supervisor Thompson as Vice Chairman; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- b. Presentation of Plaque of Appreciation for 2008 Service: Chairman Brownlow presented Supervisor DeSpain with a plaque expressing appreciation for his committed service to Navajo County. No action.
- c. Presentation of Plaque of Appreciation for Rusty DeSpain as Fair Board President: Chairman Brownlow asked Supervisor DeSpain to present a plaque of appreciation to his son, Rusty DeSpain, for his years of outstanding service to the county as Fair Board President. No action.

- d. Consideration and possible approval of Amendment No. 2 to Annexation/Sewer Agreement between Navajo County and City of Holbrook: Dusty Parsons discussed the item. **Supervisor DeSpain gave some background information and made a motion** to approve Amendment No. 2 of the Annexation/Sewer Agreement between Navajo County and the City of Holbrook; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- e. Quality Emulsions and Navajo County Recognizing Excellence: Juanita Mann, Clerk of the Superior Court, recognized Marc Russell, Courtroom Clerk, who she indicated is the “go to guy” for computer issues and presented him with a certificate of appreciation.
- f. Personnel Service Awards: Curlinda presented service awards as follows: Ryan Reinhold, 5 years; Christopher Young, 5 years; and Debra Jones, 10 years.
- g. Consideration and possible approval of Resolution \_\_\_\_\_-09 honoring the Hashknife Pony Express: Rod Ross discussed the item. Supervisor DeSpain presented some background on the 50<sup>th</sup> anniversary of the Hashknife Pony Express and **made a motion** to approve **Resolution 01-09**; Supervisor Thompson seconded the motion. Vote unanimous approving the motion.
- h. Consideration and possible approval of Resolution \_\_\_\_\_-09 endorsing the forest restoration/fire management consensus agreement: Rod Ross discussed the item and introduced Pascal Berlioux, President and CEO of Arizona Forest Restoration Products. Mr. Berlioux addressed the board and introduced Ethan Aumack, Co-Chair of the Governor’s Forest Health Council, who spoke to the board. **Supervisor Tenney voiced his support of the item and made a motion** to adopt **Resolution 04-09** endorsing the forest restoration/fire management consensus agreement; Supervisor Thompson voiced his support of the item and seconded the motion. 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 Nez; vote unanimous approving the motion.

**CONSENT AGENDA:** The following item(s) are considered to be of a routine or administrative nature and will be approved as group unless a member of the Board wishes to discuss a particular item:

- a. Consideration and possible approval of amendment to Intergovernmental Agreement Contract No. HG861256 for the Teen Pregnancy Prevention Grant to extend the existing contract to December 31, 2009:
- b. Consideration and possible approval IGA Amendment #11 of Contract # HG354355 for Tobacco Education and Prevention with the Arizona Department of Health Services for July 1, 2008 to June 30, 2009 in the amount of \$180,000.00. This amendment will continue funding the program for an additional \$41,000 for the remainder of the fiscal year:

Dr. Wade Kartchner discussed the items. **Supervisor Thompson made a motion** to approve the items as presented; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.

**SHERIFF’S OFFICE:** Consideration and possible approval of purchase of replacement jail transport van and cage insert for \$43,102 from state contract using Department of Corrections funds in lieu of budgeted Jail Enhancement funds: Chief Bernard Huser discussed the item. **Supervisor Thompson made a motion** to approve the purchase of a replacement jail transport van and cage insert in the amount of \$43,102 using Department of Corrections funds; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

**PUBLIC WORKS:**

- a. Consideration and possible action related to North Whistle Stop Loop Improvement District **Board of Directors' Session: Supervisor Thompson made a motion** to enter into the North Whistle Stop Loop Improvement District **Board of Directors' Session**; motion was seconded by Supervisor DeSpain; vote unanimous approving the motion.
  - i. Consideration of protests/objections to the Resolution of Intention: Carol Fraley discussed the item and stated there was only one letter of objection out of the 39 parcels. She introduced Fred Rosenfeld, Attorney for the Improvement District.
  - ii. Adoption of Resolution Number \_\_\_\_-09 Ordering the Work as described in the Resolution of Intention: **Supervisor DeSpain made a motion** to adopt **Resolution Number 02-09** ordering the work described in the Resolution of Intention; motion seconded by Supervisor Tenney. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.
  
- b. Consideration and possible action related to Hilltop Drive Improvement District **Board of Directors' Session: Supervisor DeSpain made a motion** to enter into the Hilltop Drive Improvement District **Board of Directors' Session**; motion was seconded by Supervisor Tenney; vote unanimous approving the motion.
  - i. Consideration of protests/objections to the Resolution of Intention: Carol Fraley discussed the item and indicated ten (10) protests were received and displayed them on a map. Fred Rosenfeld, Attorney, further discussed the item and indicated that the protesters should address their concerns to the board. Howard (Bob) Bixby, 3856 Pioneer Lane, stated that one of the problems with the district is some of the lots are as small as ¼ of an acre and some as large as 10 acres. He stated the only fair way would be for the county to pay for the entire thing which will not happen. His recommendation would be to pave Hilltop Drive since that is the most used and in the worst shape. Mr. Rosenfeld stated that a number of the protesters have requested that Hilltop Lane be deleted from the project. He indicated if the board sees fit to do that it would have to abandon the current proceedings and request that a new Resolution of Intention be brought back and start over. The current options are; 1) rule that the protests are insufficient and go forward and act on the resolution ordering the work or 2) determine that the project should be reviewed and any changes made would take an abandonment of the work and direct a new Resolution of Intention. Homero Vela indicated it has been a difficult improvement district to distribute the costs due to the size of the parcels. Dusty Parsons recommended the board move forward because the citizens have made the decision.
  - ii. Adoption of Resolution Number \_\_\_\_-09 Ordering the Work as described in the Resolution of Intention: **Supervisor DeSpain made a motion** to adopt **Resolution 03-09** to adopt the Resolution of Intention ordering the work; motion seconded by Supervisor Thompson. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
  
- c. Navajo County Flood Control District **Board of Directors' Session: Consideration and possible approval of an IGA in support of a Town of Taylor project for design of flood control detention basins: Supervisor Tenney made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. Homero Vela discussed the item. **Supervisor Tenney made a motion** to approve an IGA supporting the Town of Taylor project for design of flood control detention basin; motion seconded by Supervisor

DeSpain. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

**ADMINISTRATION:** Consideration and possible approval of a one-time modification to Medical, Dental and Vision benefits to enact a half-year (6 month) benefit schedule covering the period January 1 – June 30, 2009: Gail Calisen, Director of Personnel, discussed the item and indicated that the estimated cost of implementing the proposal would be \$90,000 and will be drawn from the Trust Reserve fund. She introduced Erin Collins who summarized the proposal and responded to questions from the board. **Supervisor Tenney made a motion** to approve a one-time modification to Medical, Dental benefits to enact a half-year benefit schedule covering the period January 1 – June 30, 2009; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

**FINANCE:**

- a. Consideration and possible approval of award of contract for Benefits Consultant to The Segal Company: Mary J. Springer discussed the item and introduced Aaron Polkoski of The Segal Company who addressed the board. **Supervisor Tenney made a motion** to award the contract to The Segal Company as presented; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- b. Report of Navajo County financial status: James Menlove updated the board on the financial status of the county and discussed the budget shortfall within the State of Arizona and subsequent impact on the county. Dusty Parsons indicated that the departments are tracking expenditures and highlighted areas of concern such as increased utility costs. Homero Vela has been asked to do a detailed analysis of Highway User Revenue Funds (HURF). Supervisor Thompson asked for a clarification on the prisoner shift issue and County Attorney Brad Carlyon responded that Class 6 felons would be sent back to the county jail and possibly aggravated DUI felons which would have a huge impact on the county. No action.

**ELECTIONS:**

- a. Consideration and possible adoption of **Resolution Number** \_\_\_\_\_ - **09** cancelling the election for one position to the Board of Directors of the McLaws Road Fire District scheduled for March 10, 2009 and declaring the position vacant as there were no candidates that filed for the position as of the statutory deadline: Lisa McKee discussed the item. **Supervisor DeSpain made a motion** to adopt **Resolution 05-09** cancelling the election for one position to the Board of Directors of the McLaws Road Fire District scheduled for March 10, 2009 and declaring the position vacant as there were no candidates that filed for the position as of the statutory deadline; Supervisor Thompson seconded the motion. Vote unanimous approving the motion.
- b. Consideration and possible adoption of **Resolution Number** \_\_\_\_\_ - **09** cancelling the election for White Mountain Lake Special Road District #2 scheduled for March 10, 2009 and appointing Roy Loeffler with a three (3) year term to the Board of Directors as he was the only candidate who filed nomination papers for the one (1) vacant position: Lisa McKee discussed the item. **Supervisor DeSpain made a motion** to adopt **Resolution 06-09** cancelling the election for White Mountain Lake Special Road District #2 scheduled for March 10, 2009 and appointing Roy Loeffler with a three (3) year term to the Board of Directors as he was the only candidate who filed nomination papers for the one (1) vacant position; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS**

- a. Open Meeting Law briefing: Brad Carlyon, County Attorney, addressed the board regarding Open Meeting Law. No action.

- b. **Board Business:** The Supervisors gave reports from their districts and welcomed Jeff and Brandy Tomhave from the Tomhave Group. The County Manager thanked Supervisor DeSpain for his efforts the past year as Chairman of the Board and welcomed the new board member, Supervisor Nez.

**CALL TO THE PUBLIC (reopened):** Jacob Henry from Cibicue addressed the board and requested being placed on an upcoming agenda regarding unemployment and housing issues on the Fort Apache Indian Reservation.

**RECESS FOR LUNCH AND WORKSESSION** at 2:00 p.m. Pursuant to ARS § 38-431.02 and ARS § 38-431 (3), notice is hereby given to the members of the Navajo County Board of Supervisors and to the General Public that a quorum of the Board of Supervisors may be present for lunch in the Board Chambers area for discussion with the Tomhave Group regarding legislative updates. No official action was taken.

**Supervisor DeSpain made a motion to adjourn to Executive Session for agenda items 13 and 14;** motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

**EXECUTIVE SESSION** pursuant to A.R.S. § 38-431.03(A) (1) for personnel discussion to conduct the annual performance evaluation of the County Manager and employment contract for the County Manager (Item 13)

**EXECUTIVE SESSION** pursuant to A.R.S. § 38-431.03(A) (1) regarding interviews for Clerk of the Board position (Item 14)

**RECONVENE** for action related to the County Manager contract and employment of Clerk of the Board. **Supervisor Thompson made a motion** to return to regular session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. **Supervisor DeSpain made a motion** to offer the position of Clerk of the Board of Supervisors to Melissa Buckley at entry level salary with a 90-day probation period; Supervisor Nez seconded the motion. Vote unanimous approving the motion. The employment contract for the County Manager will be addressed at the January 27, 2009 meeting.

**ADJOURN:** At 2:55 p.m. **Supervisor DeSpain made a motion to adjourn;** motion seconded by Supervisor Nez. Vote unanimous approving the motion.

**APPROVED:**

**DATE: August 11, 2009**

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**Jerry Brownlow, Chairman**

**ATTEST:**

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**Melissa W. Buckley, Clerk of the Board**

**Electronic recording of the Board of Supervisors Meeting  
is available for review upon a Public Records Request**