

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
Tuesday, January 26, 2016

PRESENT: Dawnafe Whitesinger, Supervisor; Robert K. Black Jr., Supervisor; Steve Williams, Supervisor; Jesse Thompson, Vice-Chairman; and Jason E. Whiting, Chairman were present.

9:03 a.m. Call to Order: Pledge of Allegiance and Invocation led by **Supervisor Williams**.

CALL TO THE PUBLIC: Tom Poscharsky, Mayor of Snowflake addressed the Board about a letter that he previously sent to the Board regarding a possible Bill that would authorize a private corporation without taxing power. He indicated this bill would be an option to help the economic development in the county. He spoke of a redundancy in power for the county. He stated the County could approve this at a later date if the proposed legislation is passed. Mayor Poscharsky spoke about different companies and what they offer. Skyler Careaga, with SEC Power Corporation, addressed the Board regarding a proposed legislative bill regarding the possible formation of a power district. He spoke about the hours of downtime on the grid system and the possibility of a second option for power in the county. He asked the Board to write a letter in support of this possible legislation which he read aloud. Mr. Careaga indicated this would support bringing infrastructure to Navajo County to expand and provide increased availability for vital services like power, internet connectivity and first responder communication.

CONSENT AGENDA: a) Minutes: January 12, 2016 b) Juvenile Probation Report December 2015 c) Clerk of the Superior Court Report December 2015 d) Justice Court Reports: Holbrook Precinct #1, December; Winslow Precinct #2, December; Snowflake Precinct #3, December; Kayenta Precinct #4, December; Show Low Precinct #5, December; and Pinetop-Lakeside Precinct #6, December 2015 e) Constable Reports: Holbrook Precinct #1, December; Winslow Precinct #2, October, November, and December; and Pinetop-Lakeside Precinct #6, December 2015 f) 2016 Board Committee Appointments g) Conduct board member elections for The City of Winslow, Timberland Acres DWID and White Mountain Special Road District on May 17, 2016 h) Approval of the Arizona Attorney General's Office to represent Navajo County in SolarCity Corporation v. ADOR et. al. in connection with the 2016 complaint (TX2015-000240) i) Approval of the Arizona Attorney General's Office to represent Navajo County in UNS Energy/Tucson Electric Power v. ADOR/Navajo County et. al. in connection with (TX2015-000921) j) Right of Way Certification for SB448 Woodruff/Snowflake Bridge k) Name an unnamed existing road in the Heber-Overgaard area to "1st Avenue" in Section 13, Township 12 North, Range 16 East l) FY16 Field Trainer Grant Application m) Amended Intergovernmental Agreement for the Creation of Northeast Arizona Regional Dispatch Center (NARDC) n) Contracts signed by County Manager pursuant to Board of Supervisors Resolution: Contract with Roman Bitsui for consultant services for tribal liaison in the amount of \$1000 per month plus travel expenses; Professional Services Agreement with Tetra Tech for Hay Hollow Wash Crossing; Contract with Woodson Engineering & Surveying for Woodruff Rd/SR77 Intersection o) Congratulations Letter to Garrett Silversmith, newly appointed Executive Director of the Navajo Division of Transportation p) Letter to Congresswoman Ann Kirkpatrick regarding the Little Colorado River at Winslow, Arizona Flood Risk Management Feasibility Study q) Sympathy Letters to Randall DeClay Sr., the family of June Foard, and Cameron Crandell: **Supervisor Thompson made a motion** to authorize the Chairwoman to sign the items in the consent agenda; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

EMPLOYEE RECOGNITION: Navajo County Recognizes **Brit Ferguson** (Assessor); **Alysia Heward** (Superior Court); **Tony Peterson** (Clerk of the Superior Court); **Case Frick** (Sheriff); and **James Tyson Whiting** (Sheriff) for their excellence in personal performance far exceeding organization expectations; Olivia Todd, with the Care Committee recognized Brit Ferguson, Alysia Heward, Tony Peterson, Case Frick and James Tyson Whiting for their excellent service to Navajo County. A short video of the employee recognitions were shown. Ms. Todd thanked the employees and honored them with a certificate of recognition.

ADMINISTRATIVE SERVICES:

- a. **Personnel Service Awards:** Congratulations to the following employees for their continued service to Navajo County: **Doris Clark** (Health District) 25 Years; **Vicki Sutton** (Jail Operations) 20 Years; **Cammy Darris** (Assessor) 20 Years; **Toni Garver** (Sheriff) 20 Years; **Michelle Hunt** (Adult Probation) 15 Years; **Manuel Hernandez** (Treasurer) 15 Years; **Valerie Scott** (Jail Operations) 15 Years; **Tammie Begay** (Adult Probation) 10 Years; **Ivette Williams** (Holbrook Justice Court) 10 Years; **Nathan Christensen** (Sheriff) 10 Years; **Paul Saiz** (Health District) 5 Years; **Lita Dixon** (Kayenta Constable) 5 Years; and **Scott Tipton** (Show Low Constable) 5 Years; Eric Scott presented the personnel service awards to Doris Clark for her 25 years of service to Navajo County; Vicki Sutton, Cammy Darris, and Toni Garver for their 20 years of service to Navajo County; Michelle Hunt, Manuel Hernandez, and Valerie Scott for their 15 years of service to Navajo County; Tammie Begay, Ivette Williams, and Nathan Christensen for their 10 years of service to Navajo County; Paul Saiz, Lita Dixon and Scott Tipton for their 5 years of service to Navajo County.
- b. **Consideration and possible approval of Personnel Actions:** Eric Scott reviewed the 26 item personnel action report. **Supervisor Thompson made a motion** to approve the Personnel Action Report as presented; motion seconded by **Supervisor Williams**. 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 Black**. Vote unanimous approving the motion.

CONSENT AGENDA: Approve Contract Amendment No. 1 between Navajo County Public Health Services District and Public Health Partners, LLC, Wade Kartchner, M.D., MPH, Director for Public Health Medical Consultation and Alternative Medical Examiner Services for May 4, 2015 to June 30, 2016: **Supervisor Thompson made a motion** to approve the consent agenda as presented; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion. **Supervisor Williams made a motion** to return to regular session; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.

SHERIFF: Consideration and possible approval of an educational agreement between Northland Pioneer College and Navajo County: Sheriff K.C. Clark addressed the Board regarding the agreement between NPC and Navajo County. **Supervisor Whitesinger made a motion** to approve the educational agreement between Northland Pioneer College and Navajo County; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.

~~**COUNTY ATTORNEY:** Consideration and acceptance of FY16 DPS VOCA Grant Number 2015-VA-GX-0032 in the amount of \$132,448.00 (Lynda Young) Item pulled.~~

WHITE MOUNTAIN LAKES COUNTY RECREATION IMPROVEMENT DISTRICT: Board of Directors Session: **Supervisor Williams made a motion** to enter into the White Mountain Lakes County Recreation Improvement District **Board of Directors Session**; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- a. Consideration and possible approval of appointment of Jerry McGraw as Advisory Committee Chair; the appointment of Mark Silliman as Advisory Committee Vice-Chair; and appointment of Carl Erdmann as Advisory Committee Member: Jerry McGraw addressed the Board regarding the possible appointments. **Supervisor Williams made a motion** to approve the appointment of Jerry McGraw as Advisory Committee Chair; the appointment of Mark Silliman as Advisory Committee Vice-Chair; and appointment of Carl Erdmann as Advisory Committee Member; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.
- b. Consideration and possible approval to amend the By-Laws under Membership to read as follows: No member of the Advisory Board shall be employed by the White Mountain Lakes County Recreation District, The Irrigation District, or Navajo County to avoid Conflict of interest: Jerry McGraw addressed the Board regarding the White Mountain Lakes County Recreation Improvement District Bylaws. **Supervisor Williams made a motion** to approve to amend the By-Laws under Membership to read as follows: No member of the Advisory Board shall be employed by the White Mountain Lakes County Recreation Improvement District, The Irrigation District, or Navajo County to avoid Conflict of interest; motion seconded by **Supervisor Black**. Vote unanimous approving the motion. **Supervisor Williams made a motion** to return to regular session; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. Consideration and possible acceptance of the resignation of Madeline “Pauline” Hernandez, Navajo County Constable Winslow Precinct, effective January 31, 2016 and possible appointment of Suzanne Smith to fill the vacancy of Madeline “Pauline” Hernandez effective February 1, 2016: Melissa Buckley, Clerk of the Board read the resignation letter from Madeline Hernandez. **Supervisor Williams made a motion** to accept the resignation of Madeline “Pauline” Hernandez, Navajo County Constable Winslow Precinct, effective January 31, 2016 and the appointment of Suzanne Smith to fill the vacancy of Madeline “Pauline” Hernandez effective February 1, 2016; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion. Supervisors thanked Ms. Hernandez for her years of service to Navajo County. Constable Romo thanked Ms. Hernandez for her friendship.
- b. Swearing in of Suzanne Smith, Navajo County Constable Winslow Precinct: Judge Michaela Ruechel swore in Suzanne Smith as the Navajo County Constable in the Winslow Precinct.

PUBLIC WORKS:

- a. Consideration and possible approval of funding in an amount not to exceed \$10,541.88 from District V Special Road Funds for the Cibecue Community Street Lighting: Bill Bess addressed the Board. **Supervisor Black made a motion** to approve of funding in an amount not to exceed \$10,541.88 from District V Special Road Funds for the Cibecue Community Street Lighting; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.
- b. Consideration and possible authorization of the Woodruff/Snowflake Bridge cost increase: Bill Bess discussed the item. **Supervisor Thompson made a motion** to approve the authorization of the Woodruff/Snowflake Bridge cost increase; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.
- c. **NAVAJO COUNTY FLOOD CONTROL DISTRICT: Board of Directors Session: PUBLIC HEARING:** **Supervisor Thompson made a motion** to enter into the Navajo County Flood Control District of Directors Session; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion. Consideration and possible adoption of Ordinance No. FCD 01-16, amending Ordinance No. FCD 01-09, the Flood Damage Prevention Ordinance: Bill Bess discussed the item. **Chairman Whiting** opened the public hearing, there being no comments, closed the public hearing. Mr.

Bess indicated that there were no public comments. **Supervisor Williams made a motion** to adopt the **Ordinance No. FCD 01-16**, amending Ordinance No. FCD 01-09, the Flood Damage Prevention Ordinance; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion. **Supervisor Williams made a motion** to return to regular session; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.

ADMINISTRATIVE SERVICES: County Financial Update: James Menlove, Finance Director presented the County financial update to the Board.

BOARD OF SUPERVISOR/TREASURER:

- a. **EXECUTIVE SESSION** pursuant to A.R.S. § 38-431.03(A) (4) for the Board to receive legal advice from its attorney regarding Settlement Agreement in Snowflake Power/Novo Biopower v. Arizona Department of Revenue; Navajo County et. al., Re: Tax Appeals for tax years 2013, 2014, 2015 and 2016: Jason Moore discussed the item briefly. At 9:52 a.m. **Supervisor Thompson made a motion** to enter into executive session; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion.
- b. At 10:11 a.m. **Supervisor Thompson made a motion** to return to regular session; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion. **RECONVENE:** for possible action regarding Settlement Agreement in Snowflake Power/Novo Biopower v. Arizona Department of Revenue; Navajo County et. al., Re: Tax Appeals for tax years 2013, 2014, 2015 and 2016: Jason Moore, Deputy County Attorney, addressed the Board of Supervisors and recommended approval of the Settlement Proposal which was submitted by the Arizona Attorney Generals office. **Supervisor Williams made a motion** to approve the settlement agreement in Snowflake Power/Novo Biopower v. Arizona Department of Revenue; Navajo County et. al., Re: Tax Appeals for tax years 2013, 2014, 2015 and 2016; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager: **Supervisor Whitesinger** stated she attended a partnership meeting with the White Mountain Apache Tribe Transportation Department and the BIA Transportation Department regarding snow removal and road assistance in the communities. She indicated she attended the CSA Board of Directors meeting in Phoenix regarding the legislation which impacts the counties. She reported that the Safe House is having a fundraiser on Saturday night at the Honda Casino in Pinetop for the Annual Robert Burns Dinner. **Supervisor Whitesinger** stated she presented to the State Board of First Things First, regarding the resources that are provided to the parents and young children from ages 0 to 5 years. **Supervisor Black** gave a report from District I, regarding the Chapter meetings he attended, where they addressed the school bus routes and various roads safety issues. He indicated he attended the Tribal Water Rights Conference in Phoenix. **Supervisor Williams** indicated he went to visit the Cibecue community. He reported he met with staff from the governor's office which included the Speaker of the House, the President of the Senate, Senator Carlyle Begay and Senator Sylvia Allen, regarding issues relevant to the area. **Supervisor Williams** spoke of a meeting with Brian Savage of the Timber Mesa Fire District. He reported he met with Ron McArthur, Chief Executive Officer of Summit Healthcare. He stated he attended the White Mountain Women's group where Mary Springer and Catrina Jenkins presented "Ready Navajo County." **Supervisor Thompson** met with the Winslow Chamber of Commerce to discuss the Little Colorado River update and he presented a map from Birdsprings Chapter regarding a graveling project along the reservation line for new road construction, from Park Drive in Winslow to Birdsprings. He stated he attended the Tribal State Legislative Day in Phoenix where Russell Begaye, Navajo Nation President spoke about a bill which he sponsored with Representative Albert Hale, Representative Jennifer Benally and Senator Carlyle Begay, regarding funding for a road from Polacca to Low Mountain. **Supervisor Thompson** stated that the meeting with Congresswoman Kirkpatrick and the U.S. Army Corp. in Washington D.C. had to be rescheduled because of weather. **Supervisor**

Whiting spoke about meeting with legislators regarding the legislative session. He reported on his meetings with the Forest Service and indicated that the Apache-Sitgreaves National Forest hired a new District Supervisor for three months. **Supervisor Whiting** stated the Real AZ Corridor is working to bring new business opportunities to the county.

ADJOURN: At 10:33 a.m. **Supervisor Williams made a motion** to adjourn; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

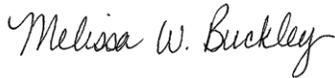
APPROVED:

DATED: February 9, 2016



Jason E. Whiting, Chairman
Navajo County Board of Supervisors

ATTEST:



Melissa W. Buckley, Clerk
Navajo County Board of Supervisors