

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**Tuesday, March 22, 2016**

**PRESENT:** Dawnafe Whitesinger, Supervisor; Steve Williams, Supervisor; Jesse Thompson, Vice-Chairman; and Jason Whiting, Chairman were present. Robert Black, Supervisor, was present at 9:35 a.m.

**9:08 a.m. Call to Order:** Pledge of Allegiance and Invocation led by **Supervisor Williams**.

**CALL TO THE PUBLIC:** **Chairman Whiting** spoke about the attack in Belgium this morning and asked all to keep them in our thoughts and prayers. David Newlin with the Little Colorado River RC&D presented **Supervisor Whitesinger** with a plaque for the kind donation to Rainbow Lake and spoke about the purpose of the RC&D. **Supervisor Whitesinger** presented Mr. Newlin with a check for \$5,000.00 for the Rainbow Lake Coalition. **Supervisor Whitesinger** and **Supervisor Thompson** thanked Mr. Newlin for his commitment to the citizens of Navajo County. Mr. Newlin spoke about the Trail of Many Tracks.

**CONSENT AGENDA:** a) Minutes: March 8, 2016 b) Constable Reports: Holbrook Precinct #1, February and Pinetop-Lakeside Precinct #6, February 2016 c) Juvenile Probation Report February 2016 d) Clerk of Superior Court Report February 2016 e) Justice Court Reports: Holbrook Precinct #1, February; Winslow Precinct #2, February; Snowflake Precinct #3, February; Kayenta Precinct #4, February; Show Low Precinct #5, February; and Pinetop-Lakeside Precinct #6, February 2016 f) Approval of 1 Back Tax Land Parcel sold over the counter in the amount of \$873.90 g) Memorandum of Understanding between the Sheriff's office and the Federal Bureau of Investigation for inter-agency cooperation for Northern Arizona Safe Streets Task Force operations h) Letter of Declaration to renew the Line of Credit for Navajo County i) CARE Bank Policy revision j) Letters to Legislators in support of ECO k) Sympathy letter to the family of Mike Monahan: **Supervisor Thompson made a motion** to authorize the Chairman to sign the items in the consent agenda; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**EMPLOYEE RECOGNITION:** Navajo County Recognizes **Julia Cook** (Facilities Management); **Jennifer Flake** (Emergency Management); and **Vicky Solomon** (Health District) for their excellence in personal performance far exceeding organization expectations: Shirley Hunt recognized Julia Cook, Jennifer Flake, and Vicky Solomon for their excellence in personal performance far exceeding organization expectations. A short video of the employee recognitions was shown. **Supervisor Williams** thanked those employees and extended his appreciation for what they do. **Chairman Whiting** stated that we have the cream of the crop in Navajo County and thanked those employees.

**ADMINISTRATIVE SERVICES:**

- a. **Personnel Service Awards:** Congratulations to the following employees for their continued service to Navajo County: **Anna Lesperance** (Winslow Justice Court) 20 Years; **Geoffrey Mullen** (Superior Court) 15 Years; **Peggy Saunders** (Public Works) 10 Years; **Amy Gomez** (Jail Operations) 5 Years; **Carla Fails** (Innovative Workforce Solutions) 5 Years; **Jennifer Ober** (Public Works) 5 Years; and **Amanda Kissling** (Clerk of Superior Court) 5 Years: Eric Scott recognized those employees for their continued service to Navajo County. **Supervisor Williams** thanked those employees for their continued service.
- b. **Consideration and possible approval of Personnel Actions:** Eric Scott reviewed the 24-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.

**BOARD OF SUPERVISORS:** Presentation of the Volunteer Lawyers Program – Family Law Clinic: **Supervisor Williams** introduced Emery La Barge and spoke about the great job she has done for the Volunteer Lawyers Program. Emery La Barge spoke of her experience as an attorney and professional associations. She indicated that at least 30% of the Navajo County population is at or below poverty level and 60% of the people age 16 and above are unemployed, which means that most of those people do not have access to the Court system. She stated that up until recently for Navajo County, the self-service that was offered to the public was to hand them a packet and tell them to fill it out. She indicated that approximately 15 to 16 months ago, she, in conjunction with Southern Arizona Legal Aid, instituted a Volunteer Lawyer’s Program, which is open to everybody in the County at no cost to help people go through forms, fill them out, and take them to the Clerk’s Office to get papers filed. She indicated that Southern Arizona Legal Aid funded the pilot program, which ended last July. She indicated that the Superior Court judges are in support of the Volunteer Lawyers Program and that she has had no difficulties getting attorneys in the area to volunteer. She indicated that she has submitted a funding request and that Navajo County would be the first county in the state to help fund a legal aid program. Mike Sample, Docket Clerk Supervisor, Clerk’s Office, spoke about the packets which are handed to pro se litigants and that the Clerk’s Office cannot give legal advice and can only hand them the packet and explain the time constraints. He stated that the Clerk’s office fully supports the Volunteer Lawyers Program. Ms. La Barge provided packets describing how many people have been helped through the program, statistics regarding participant’s satisfaction, and a copy of an article about the program. She stated that the clinic is an advice-only clinic, but there are three volunteers who follow up with some of the clients. Kristopher Carter, Southern Arizona Legal Aid, appearing via Skype, spoke about the summary sheet which sets forth the benefits to the community. He stated that 80% of those who have participated in the program indicate that they have received a substantial benefit in their case, and 100% indicate that they received some benefit from the services. He stated that about 80% of domestic relations cases involve at least one party who is self-represented and that the Volunteer Lawyers Program is a great opportunity, a great service that is worthy of consideration for funding. **Supervisor Williams** inquired whether the program ties into other counties. Ms. La Barge indicated that they have seen several clients from Apache County and one client from Maricopa County and that Apache County has pledged some funds and will set up teleconferences so people from Apache County can appear at the clinics via Skype. She invited the Supervisors to speak to the Clerk’s Office about the program and to come to one of the clinics. **Supervisor Williams** spoke about how overwhelming being handed a packet would be to a pro se litigant and expressed support of the program and tipped his hat to Ms. La Barge and to other attorneys who have volunteered. **Supervisor Williams** stated that he will contribute what he can and will encourage his fellow supervisors to contribute if they feel they can. **Supervisor Thompson** thanked Ms. La Barge for her service and spoke about how difficult it is for those who cannot afford an attorney to get something through the legal system, some of whom cannot speak English. **Supervisor Whiting** thanked Ms. La Barge for the work the Program does.

**PUSH PROGRAM:** Presentation and update of the Navajo County PUSH (People United Supporting Health) Program: Eric Scott introduced members of the PUSH program. Mr. Scott stated that the PUSH program has been active since January, 2015. He presented a Power Point presentation highlighting those events which occurred in 2015, including the Nizhoni Walking Path, the Navajo County Gym, Healthy Resolutions, Weight Loss Winner Challenges, Duck Hunts, Hydration Challenge, Fitness Challenge, Couch to 5K, Wellness Wednesday newsletter, Weight Watchers at work, Get Your Steps on Route 66, Jacobs Ladder Challenge, Health Fair, Biometrics, Flu Shots, MOM, Men’s Health Lunch and Learns, POP, Color Me Strong 5k, Nutrition Demos, and Nutrition Challenge. Mr. Scott stated that he looks forward to continuing the PUSH program into 2016. Melissa Buckley stated that Navajo County employees lost 846.6 pounds in 2015 through Weight Watchers at work and weight loss winner challenges. She stated that during the weight loss lottery, which ended yesterday, 187 pounds was lost with 25 employees participating. Callie Jensen spoke about how participation is tracked during every challenge or event that Navajo County has and that she will work towards improving tracking for

all Navajo County sites. She stated that there is a gym challenge going on this month, including gyms for which employees have discounts. She spoke about Heroes of the Month, biometric data which is provided by Summit Healthcare, and the health fair coming up in June. Ms. Buckley spoke about how 128 employees participated in biometric screenings in 2014 when an incentive was offered and 150 employees participated in 2015 when no incentive was offered. She attributed this to a wellness culture for Navajo County. She spoke about the Wellness Calendar for 2016, which was prepared by Ms. Jensen and printed in-house by Myrtle Pizell. Copies of the calendar were provided to the Board and members of the public. Ms. Buckley spoke about the programs coming in 2016, including Weight Loss Lottery, Financial Wellness Programs, Gym Challenge, Hydration Challenge, Duck Hunt, Sue's Crew, Hiking Club, POP/Men's Health, MOM/Women's Health, Group Classes, Color Me Strong 5k, Mental Health Awareness, Health Fair June 14-16, and biometrics screenings, and that she will encourage elected officials and department directors to allow employees to attend the health fair. James Jayne, County Manager, thanked the PUSH team for what they are doing and stated how the program works internally. **Supervisor Thompson** spoke about his health and wellness. **Chairman Whiting** expressed his appreciation for the efforts of the PUSH program and spoke about his health and wellness and the steps that he has taken to increase his activity and improve his eating habits. He spoke about the benefit to the employees and the County for spending the dollars on health and wellness. He expressed appreciation for the Wellness Committee's vision, leadership and direction that they are going.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session: Supervisor Williams made a motion** to enter into the Navajo County Public Health Services District Board of Directors Session; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- a. Consideration and possible approval of a Professional Services Agreement with Tamra Cannon, RDH, for Dental Hygiene services funded through Delta Dental of Arizona Foundation, for the Navajo County 1st Grade Fluoride Varnish Program effective March 1, 2016 to December 31, 2016 in the amount of \$45.00/per hour: Mary Herring discussed the item. **Supervisor Williams made a motion** to approve the Professional Services Agreement with Tamra Cannon, RDH, for Dental Hygiene services funded through Delta Dental of Arizona Foundation, for the Navajo County 1<sup>st</sup> Grade Fluoride Varnish Program effective March 1, 2016 to December 31, 2106; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- b. Consideration and possible approval of a Professional Services contract with Candice Marissa Mathews-Penrod for Dental Hygiene services through the Arizona First Things First, White Mountain Apache Oral Health Fluoride Program effective February 1, 2016 to June 30, 2016 in the amount of \$45.00/per hour: Mary Herring discussed the item. **Supervisor Whitesinger made a motion** to approve the Professional Services contract with Candice Marissa Mathews-Penrod for Dental Hygiene services through Arizona First Things First, White Mountain Apache Oral Health Fluoride Program effective February 1, 2016 to June 30, 2016 in the amount of \$45.00/per hour; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.
- c. Consideration and possible approval of a Professional Services contract with Candice Marissa Mathews-Penrod for Dental Hygiene services through the Arizona First Things First, Navajo Apache Oral Health Fluoride Program effective February 1, 2016 to June 30, 2016 in the amount of \$45.00/per hour: Mary Herring discussed the item. **Supervisor Thompson made a motion** to approve the Professional Services contract with Candice Marissa Mathews-Penrod for Dental Hygiene services through Arizona First Things First, Navajo Apache Oral Health Fluoride Program effective February 1, 2016 to June 30, 2016; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion.
- d. Consideration and possible approval of a Professional Services contract with Pinnacle Prevention for nutrition and breastfeeding consultation for high-risk women, infants and children enrolled in the Navajo and Apache County WIC Programs as well as provide nutrition education for staff effective March 1,

2016 to September 30, 2016 for a fee not to exceed \$2,960.00 per month: Mary Herring discussed the item. **Supervisor Williams made a motion** to approve the Professional Services contract with Pinnacle Prevention for nutrition and breastfeeding consultation for high-risk women, infants and children enrolled in the Navajo and Apache County WIC Programs as well as provide nutrition education for staff effective March 1, 2016 to September 30, 2016 for a fee not to exceed \$2,960.00 per month; motion seconded by **Supervisor Black**. Vote unanimous approving the motion. **Supervisor Williams** commended Ms. Herring for all of these items being funded by grants.

- e. Consideration and possible approval of a proclamation declaring April 4<sup>th</sup> – April 10<sup>th</sup>, 2016 “National Public Health Week in Navajo County”: Mary Herring spoke about what public health programs provide for all residents of Navajo County, ranging from animal control, immunizations, tobacco use prevention, etc. She spoke about Public Health partners internally within Navajo county, such as Emergency Management and Public Works, and agencies outside Navajo County, such as CCC, schools, hospitals, Head Start centers, and senior centers. Ms. Herring spoke about the mission of Navajo County Public Health Services District, which is to promote and protect public health through education, prevention and partnerships. Ms. Herring presented a video showing how Public Health Services District affects people. She invited members of the Board to attend the 4<sup>th</sup> Annual Fairy Tale Friday in Winslow at the Elk’s Lodge from 9:00 a.m. to 12:00 p.m., and that they are invited to dress up as their favorite fairy tale character. **Supervisor Thompson made a motion** approving a proclamation declaring April 4<sup>th</sup> - April 10<sup>th</sup>, 2016, “National Public Health Week in Navajo County”; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion. Ms. Herring read the proclamation which was previously approved.

**Supervisor Williams made a motion** to return to regular session; motion second by **Supervisor Thompson**. Vote unanimous approving the motion.

#### **EMERGENCY MANAGEMENT:**

- a. Consideration and possible approval of the modification to the Emergency Management Grant Program award: Mary Springer discussed the item. **Supervisor Thompson made a motion** to approve the modification to the Emergency Management Grant Program award; motion seconded by **Supervisor Williams**. Vote unanimous approving the motion.
- b. Consideration and possible approval of a proclamation declaring the week of March 27 – April 2, 2016 “Southwest Wildfire Awareness Week”: Catrina Jenkins discussed the item. She indicated that the first abandoned campfire of the season occurred this morning in the Vernon area and other fires which have already occurred in the area. Ms. Jenkins read the proclamation. **Supervisor Williams made a motion** to approve a proclamation declaring the week of March 27 - April 2, 2016 “Southwest Wildfire Awareness Week”; motion seconded by **Supervisor Black**. Vote unanimous approving the motion. Ms. Jenkins stated that Ready Navajo County sign-ups will take place on April 1, 2016 in Whiteriver and March 26, 2016 in Joseph City.

#### **ADMINISTRATIVE SERVICES:**

- a. Consideration and possible award of contract for Psychiatric Service for the Navajo County Sheriff’s Office Detention Division to Ellen P. Morse RFQ F-16-01-22: James Menlove addressed the item indicating that there is a typographical error in Section 15 of the contract whereby “count” should be changed to “court.” **Supervisor Williams made a motion** to approve the award of the contract for Psychiatric Service for the Navajo County Sheriff’s Office Detention Division to Ellen P. Morse RFQ F-16-01-22 with the amendment stated by Mr. Menlove; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- b. County Financial Update: James Menlove gave a financial update and indicated that local county sales tax is 2.86% below what it was a year ago. He spoke of the financial challenges in the County and how careful we are with the resources that we have. **Supervisor Williams** thanked Mr. Menlove for the update. **Supervisor Whiting** asked if we know of a reason for the deficit. Mr. Menlove spoke of the coal power plants and the challenges we face regarding that. Mr. Menlove answered questions of the Board.

### **PUBLIC WORKS:**

- a. Consideration and possible award of Contract #B16-01-004, Purchase of Two Backhoe Loaders to Empire Southwest, LLC: Bill Bess discussed the item. **Supervisor Williams made a motion** to approve the award of Contract #B16-01-004, Purchase of two backhoe loaders to Empire Southwest, LLC; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.
- b. Consideration and possible award of Contract #B16-02-006 Supply of Various Roadway Materials to Brimhall Sand and Rock and Building Materials, Inc., Hatch Construction and Paving, Inc., Perkins Cinders, Inc., and Dyna Rock & Sand, Inc. effective March 28, 2016: Bill Bess discussed the item. **Supervisor Williams made a motion** to approve the award of Contract #B16-02-006, Supply of various roadway materials, to Brimhall Sand and Rock and Building Materials, Inc., Hatch Construction and Paving, Inc., Perkins Cinders, Inc., and Dyna Rock & Sand, Inc., effective March 28, 2016; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- Mr. Bill Bess presented Mr. Eric Oscarson with a going away gift, sign made up by the Sign Department. Mr. Oscarson thanked the Board, he spoke of the organization of Public Works and Navajo County as a whole. **Supervisor Thompson** thanked Mr. Oscarson for his work with the Winslow Levee and for all of his help with the projects in his District. **Supervisor Black** thanked Mr. Oscarson for his work with the Red Dog project. **Supervisor Williams, Supervisor Whitesinger and Chairman Whiting** thanked Mr. Oscarson for his service to Navajo County and wished him well. Mr. Jayne thanked Mr. Oscarson.
- c. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 03-16, approving/denying a Special Use Permit Amendment to allow Kompo Care to expand their current growing facility**: David Whittaker addressed the item and indicated that the Planning and Zoning Commission approved the special use permit with a vote of seven to one and presented pictures of the area where Kompo Care is located. Mr. Whittaker indicated that the process was originally started back in Feb, 2015, and it became apparent that the applicants did want to propose an expansion at that time; however, rather than do it at that time, staff suggested that they table that to the original application, otherwise, the applicants would have had to start the application process over again, and the applicants chose to continue forward with the original application. **Supervisor Whitesinger** asked about whether expansion was as to a processing center rather than an outdoor grow facility. Mr. Whittaker indicated that the outdoor grow facility is a consideration in this amendment. Discussion and questions were answered regarding the outdoor grow facility. **Supervisor Thompson** inquired regarding the concern of the one dissenting member of Planning and Zoning. Mr. Whittaker stated that the concern was whether or not there was a forthright presentation presented the first time. Mr. Oscarson gave some clarification on the additional space asked for. **Chairman Whiting** opened the public hearing. Mr. Clyde Ballard, resident of Navajo County, addressed the Board in favor of the amendment to the Special Use Permit. Jeff Quinn, PO Box 1782, Overgaard, Arizona, and Michael DeCarlo, PO Box 511, Overgaard, Arizona, addressed the Board as the applicants of Kompo Care and offered to answer questions of the Board. **Supervisor Williams** asked if Kompo Care plans to come back next year talking about expanding again. Mr. DeCarlo and Mr. Quinn stated that they would be coming back in another year if the program is increasing. **Supervisor Williams** asked about how much material Kompo Care needs and what they can produce in a 6,000 square foot building. Mr. DeCarlo and Mr. Quinn stated that they produce about 20 to 30 pounds right now. Mr. DeCarlo and Mr. Quinn answered questions of the Board regarding marketing and how much space they

need to meet the demand. **Supervisor Williams** asked Mr. Whittaker about the discussion at the Planning and Zoning meeting regarding the change in the Planning and Zoning Commission's vote from last year. Mr. Whittaker stated that the staff recommended that the special permit amendment not be approved, and the Commission had a discussion in executive session regarding their vote. Mr. Quinn indicated that he believes the vote by Planning and Zoning was economically driven. Mr. DeCarlo indicated that he believes that the Commission has a better understanding now of what Kompo Care's vision is. **Supervisor Thompson** asked about any challenges that Kompo care faces. Mr. DeCarlo and Mr. Quinn indicated that Kompo Care has not had any legal or police issues. **Chairman Whiting** thanked the applicants for their professionalism. **Chairman Whiting** closed the public hearing.

- d. **EXECUTIVE SESSION** pursuant to A.R.S. § 38-431.03(A) (1) for the Board to receive legal advice from its attorney regarding consideration of the Special Use Permit for Kompo Care: **Supervisor Whitesinger made a motion** to enter into executive session to receive legal advice from its attorney regarding consideration of the Special Use Permit for Kompo Care; motion seconded by **Supervisor Black**. Vote unanimous approving the motion. The Board retired into executive session at 11:27 a.m. **Supervisor Thompson made a motion** to come out of executive session and return to regular session; motion seconded by **Supervisor Black**. Vote unanimous approving the motion.
- e. At 11:52 a.m., **Supervisor Thompson made a motion** to come out of executive session and return to regular session; motion seconded by **Supervisor Black**. Vote unanimous approving the motion. **RECONVENED: for action related to the consideration and possible adoption of Resolution Number 03-16, approving/denying a Special Use Permit Amendment to allow Kompo Care to expand their current growing facility: Supervisor Williams** stated his concerns that the applicants will come back to expand eight or nine months later. He stated that he has concerns about the health, safety, and general welfare of the area and that he has not seen anything of substance that would support that Kompo Care needs extra space over what has already been approved. **Supervisor Williams made a motion** to deny the adoption of Resolution Number 03-16, a Special Use Permit Amendment to allow Kompo Care to expand their current growing facility; motion seconded by **Supervisor Whitesinger**. Vote unanimous approving the motion.

**COUNTY BUSINESS UPDATE:** Report from Board members, County Attorney and County Manager: **Supervisor Whitesinger** spoke about the new Chief of Police of the White Mountain Apache Tribe, Tim Webster, and the celebration held yesterday. She spoke about a meeting with the White Mountain Apache Tribe and the Housing Department regarding meth cleanup. She thanked Bill Bess for a tour of District V of the projects and expressed appreciation for the partnerships that have been established. **Supervisor Black** reported on the Red Dog Gravel project and thanked staff. **Supervisor Williams** spoke about attending the Heber Chamber Meeting where the Mogollon Robotics Club was recognized for winning the State competition. He stated he went to the Senior Center with the fire chief and spoke about some issues there. He stated that he spent a day with the Show Low Police Department as part of White Mountain Leadership. He spoke about his family and the Navajo County Connection and the topic was National Women's History Month. He stated that he had an opportunity to be in the Natural Resources Working Group with **Chairman Whiting** and **Supervisor Whitesinger**. He expressed appreciation to Paul Watson and Adam Wolfe for assisting in putting on a presentation for economic development at the White Mountain Round Table Discussion in Show Low. He spoke about attending CSA with fellow supervisors. He spoke about a community fundraiser in Heber for Jesse Horn, a firefighter in Heber. He stated that he will be attending a Cattle Growers Association meeting today and a Webelos den meeting tonight in Clay Springs. He stated that later this week, he will be meeting with Senator McCain and Senator Flake. **Supervisor Thompson** spoke about an appreciation dinner held by the Indian Wells Senior Center and thanked all those who attended. He spoke about a meeting with Carlyle Begay regarding two bills that he has been pushing for several years, one of which is for School Bus routes on the reservation and the other is the TPT bill, taxes paid by non-

Native Americans. He spoke about a meeting in Jeddito and Teesto presenting to them April as National County Recognition Month. He spoke about April 1 teaming up with the Navajo Nation staff at Dilcon to co-host the Navajo Nation Law and Justice Day and encouraged elected officials and department heads to be present. Mr. Jayne spoke about a Neil Diamond tribute at the Show Low School Auditorium on Friday, April 8, at 7:00 p.m., for \$12.00 per ticket. **Supervisor Thompson** thanked Bill Bess, Homero Vela and Rebecca Petersen for their help with the meeting with the Army Corps of Engineers. **Chairman Whiting** presented the Board with the Hashknife plaque that was given to the Board. He further spoke about the Joseph City Founders Day celebration and encouraged all to attend this weekend in Joseph City. He further thanked both papers that were present today.

**ADJOURN at 12:16 pm.**

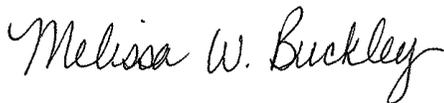
**APPROVED:**

**DATED: March 22, 2016**



**Jason E. Whiting, Chairman**  
**Navajo County Board of Supervisors**

**ATTEST:**



**Melissa W. Buckley, Clerk**  
**Navajo County Board of Supervisors**