

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

March 29, 2004

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00 a.m.

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; and Judy Jones, Clerk of the Board.

Mr. Shumway led the Pledge of Allegiance and offered the Invocation.

CALL TO THE PUBLIC: **Jack Latham**, Representative Renzi's office informed the board that Mr. Renzi will be holding town hall meetings in Navajo County beginning April 8, 2004. **Robert Miles**, presented a proposal to the Board regarding purchase of the remaining parcels listed on the Back Tax ongoing list in the Sun Valley area. The Board asked Mr. Miles to give his proposal to the Clerk for placement on a future agenda.

CONSENT AGENDA: **Mr. Shumway made a motion** to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Assessment and Tax Roll Corrections; 3) Justice Court Reports:(February) Holbrook, Winslow, Snowflake, Kayenta, Show Low & Pinetop-Lakeside; 4) Constable Reports: (February) Holbrook, Winslow, Snowflake, Show Low & Pinetop-Lakeside; 5) Juvenile Justice Report: (February); 6) Clerk of Superior Court report (February); 7) Back Tax Deeds: 105-34-159; 8) Public Works: Name an existing road in the Joseph City area, "Cosby Road"; Name an existing road in the Sun Valley area, "Liberty Road"; Name an existing road in the Sun Valley area, "Kelly Road"; Name an existing road in the Sun Valley area, "Glen Road"; Name an existing road in the South Winslow area, "Flagstone Road"; Name an existing road in the South Winslow area, "Little Ridge Road"; Name an existing road in the South Winslow area, "Adobe Road"; Name an existing road in the South Winslow area, "Bandit Road"; Name an existing road in the South Winslow area, "Jasper Road"; Name an existing road in the South Winslow area, "Rattlesnake Road"; Name an existing road in the South Winslow area, "Smoke Signal Road"; Name an existing road in the South Winslow area, "Valley Vista Road"; Name an existing road in the South Winslow area, "Zuni Road"; Name an existing road in the South Winslow area, "Arrow Road"; Name an existing road in the Show Low area, "Shilo Road"; 9) Superior Court: Appointment of Duane P. Smith as Justice of the Peace Pro Tempore, effective April 1, 2004 through December 31, 2004; 10) Letter to NEPA, supporting Preliminary Alternative #3 of the *Scoping Report for Carlisle Complex Allotment Management Plan, Lakeside Ranger District, Apache-Sitgreaves National Forests*

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: **Mary Tyler, Interim Director Board of Directors Session:** 1) Approval of Amendment #1 to Contract #HG354355 with Arizona Department of Health Services for the Tobacco Education Prevention Program (TEPP) for the purchase of two (2) computers: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion Mr. Brownlow. Ms. Tyler stated that this amendment provides an additional \$3,000 in capital outlay for the purchase. **Mr. Shumway made a motion to approve** Amendment #1 to Contract #HG354355 with Arizona Department of Health Services for the Tobacco Education Prevention Program (TEPP) for the purchase of two (2) computers, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 2) Approve Northern Arizona Council of Governments (NACOG) Head Start Contract to provide Tuberculin Skin Testing and Hemoglobin Testing for Head Start students, for the period from June 1, 2004 to May 31, 2005: Ms. Tyler explained her request to the Board and informed them that there is no change in funding for the TEPP grant. **Mr. Brownlow made a motion** to approve Northern Arizona Council of Governments (NACOG) Head Start Contract to provide

Tuberculin Skin Testing and Hemoglobin Testing for Head Start students, for the period from June 1, 2004 to May 31, 2005; motion seconded by Mr. Shumway; vote unanimous approving the motion. Ms. Tyler added that the Health Fair is scheduled for April 16, 2004. **Mr. Brownlow made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimous approving the motion Mr. Brownlow.

MARCH MONTHLY ANNIVERSARY EMPLOYEE APPRECIATION: 20 Years-Marty McNeil (Public Works); 10 Years-Kimberly McAllester (Recorder): Certificates presented.

HUMAN RESOURCES/RISK MANAGEMENT: Tommy Price, Risk Analyst: 1) **Resolution** replacing Article 9, Navajo County Personnel Policies and Procedures dated July 1, 2000, with revised Article 9, dated April 1, 2004, regarding employee alcohol/drug testing: Mr. Price reported that the Arizona Counties Insurance Pool has incurred losses from two member counties that will total approximately \$8,000,000. Each of the two counties had fatal accidents and each county employee tested positive for drugs. After numerous meetings with ACIP and other member counties, the proposed Article 9 has been drafted for approval by each county. As each county has potential for liability for accidents, the proposed policy will allow for testing for employees in accidents beyond the CDL requirements. Filing of the proposed policy with the Industrial Commission of Arizona will further benefit the county on possible Industrial Injury claims. He added the fiscal impact of the CDL drug/Alcohol testing is currently funded through HURF. Other employee testing will be from department budgets at a cost of \$45 for drug test and \$30 for alcohol. Mr. Price stated that he had discussed this policy change with the departments. **Mr. Shumway made a motion** to adopt **Resolution #19-04**, approving the amendments to Article 9 of the Personnel Policies and Procedures concerning a Drug Free Workplace (replacing Article 9, Navajo County Personnel Policies and Procedures dated July 1, 2000, with revised Article 9, dated April 1, 2004); motion seconded by Mr. Brownlow; vote unanimous approving the vote.

2) Discussion and possible board action re: Approve Amendment to extend the term of the IGA for Worker's Compensation Pool to July 1, 2014: Mr. Price stated that the original IGA was filed on July 13, 1994 and this amendment will continue the IGA until July 1, 2014. **Mr. Shumway made a motion** to approve the amendment to extend the term of the IGA for Worker's Compensation Pool to July 1, 2014; motion seconded by Mr. Deal; vote unanimous approving the vote.

TREASURER'S OFFICE: Manny Hernandez, Treasurer: Approval of Application for Treasurer's Deeds for the State of Arizona: Jackie Koon from the Treasurer's office informed the Board that there are approximately 100 liens to be assigned. This a requirement pursuant to ARS 42-18261 (if a lien is not redeemed at any time beginning five years after the lien is assigned to this state, the county board of supervisors, acting on behalf of this state, may apply for and receive a treasurer's deed to the property under this article). **Mr. Shumway made a motion** Approve Application for Treasurer's Deeds for the State of Arizona; motion seconded by Mr. Thompson; vote unanimous approving the motion.

RECORDER'S OFFICE: Laurie Justman, Recorder: **Resolution** canceling the election for the White Mountain Summer Homes Domestic Water Improvement District, pursuant to ARS § 48-1012: Ms. Justman stated that this Resolution is appropriate because only one person (Thomas F. Knight) has filed a nomination

petition to fill one seat on the Board of Directors and the date for filing nomination petitions has expired. **Mr. Shumway made a motion** to approve **Resolution #20-04** canceling the election for the White Mountain Summer Homes Domestic Water Improvement District and appointing Thomas F. Knight to the Board of Directors; motion seconded by Mr. Thompson; vote unanimous approving the motion.

ASSESSOR'S OFFICE: Cammy Darris, Assessor: Approval to hire two (2) temporary employees, through June 30, 2004, utilizing vacancy savings: Ms. Darris stated that when the county goes online with the new system with Yavapai County, it will allow the drawings of the structures to be pulled up with the parcel information on the GIS system. With current staff inputting the drawings on current work is the only thing that can be done. There are about 40,000 plus drawings to be included in this data base and the office is in need of additional assistance to complete this task. Her request is to hire two part-time temps from NPC with CAD experience to assist in getting the drawings into the APEX data base. They will be hired the end of this budget year and the funds will come from the Administrative Assistance position vacancy that will not be filled this budget year. **Mr. Shumway made a motion** to approve hiring two employees as requested; motion seconded by Mr. Deal; vote unanimous approving the motion.

CLERK OF SUPERIOR COURT: Juanita Mann, Clerk: Approval to hire temporary employee from April 1, 2004 through June 30, 2004, utilizing vacancy savings: Ms. Mann stated they are behind in a lot of data entry and filing. There is one position that has been frozen in the budget year and are short two additional positions. She added that even if these two positions can be filled, there will be the training period and they are already training a new clerk. The temp is needed to file, docket and do miscellaneous jobs around the office. **Mr. Thompson made a motion** to hire temporary employee as requested; motion seconded by Mr. Deal; vote unanimous approving the motion.

PUBLIC WORKS: Bill Cox, Director: 1) **Public Hearing: Resolution** abandoning Hibbard Road pursuant to ARS § 28-7205, reserving unto the County and the Navajo County Flood Control District an easement for the purpose of maintaining a stream gauge; and reserving roadway right of ingress and egress for public or emergency vehicles, all abutting property owners, property owner guests and invitees and persons lawfully conducting business on the land: Mr. Hieb, Flood Control Manager stated that Hibbard Road is a portion of the "Old Route 66" highway that was abandoned by the Arizona Department of Transportation to Navajo County. In 1983 a portion of this roadway, commonly known as Hibbard Road was accepted into the County Road Maintenance System by the adoption of Resolution No. 14-83 and is described in the Resolution as "Old Highway 66, frontage road, running easterly from the end of the State maintained frontage at the Second Mesa Interchange to the beginning of the State maintained frontage road at the Hibbard Interchange." In March of 2003 Mr. Marvin Hatch requested Hibbard Road be abandoned for the purpose to "prevent vandals." After having researched the properties abutting Hibbard Road it was found that vacation of Hibbard Road would eliminate legal access to parcels 103-22-034, 103-22-002 and 103-41-003. Therefore, the roadway could not be disposed of since abutting land would be landlocked. Also, it would eliminate access to the Navajo County Flood Control District for the purpose of maintaining

a stream gauge attached to the bridge crossing on Cottonwood Wash. However, since Hibbard Road has been restricted to access by the public for more than five years and there are no longer any inhabited residences who require regular maintenance of the road and since the road has not been maintained for more than five years. Mr. Cox, County Engineer recommends that it is in the best interest of Navajo County to vacate the roadway and that there be reserved in the Resolution the roadway rights of ingress and egress for abutting property owners as well as the Flood Control District to maintain a stream gauge. **Mr. Shumway made a motion** to approve **Resolution #21-04** abandoning Hibbard Road pursuant to ARS § 28-7205, reserving unto the County and the Navajo County Flood Control District an easement for the purpose of maintaining a stream gauge; and reserving roadway right of ingress and egress for public or emergency vehicles, all abutting property owners, property owner guests and invitees and persons lawfully conducting business on the land; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approval of Final Plat and Improvement Plans for Peterson Acres Subdivision: Mr. Cox stated that the Tentative Plat for Peterson Acres was approved by the P & Z Commission on March 20, 2003 and Improvement Plans have been submitted and paving was done in November and December. Mr. Brownlow thanked Mr. Young for working with the developer on this issue. **Mr. Brownlow made a motion** to approve the Final Plat and Improvement Plans as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: Approval of Personnel Actions. **Mr. Shumway made a motion** to approve the personnel actions as submitted; motion seconded by Mr. Brownlow ; vote unanimous approving the motion.

DEVELOPMENT SERVICES: Lissa Davis, Planner II: **Public Hearing:** 1) **Resolution** for reversion of a Zone Change from A-General to RU-1 (Rural-1 acre lot size) on APN 208-03-009A, 208-03-009G and 208-03-010 in Clay Springs area, due to non-fulfillment of condition: On September 17, 2001, the Board approved a conditional Zone Change for the Shadow Canyon Subdivision with the stipulation that the Final Plat for this subdivision be recorded within twelve months of the approval or the zoning revert to A-General. The property was damaged in the Rodeo-Chediski fire and the owners have indicated they will to pursue Final Plan and have asked the acreage to be reverted to A-General. No letters of opposition or support have been received and no one spoke in favor or opposition. **Mr. Brownlow made a motion** to approve **Resolution #26-04** reverting Zone Change from A-General to RU-1 (Rural-1 acre lot size) on APN 208-03-009A, 208-03-009G and 208-03-010 in Clay Springs area, due to non-fulfillment of condition; motion seconded by Mr. Shumway; vote unanimous approving the motion. 2) **Resolution** approving Special Use Permit, requested by Gary & Janice Bunger, to allow for a mini-storage facility on northern portion of APN 209-20-011, Linden area: On February 19, 2004, a Public Hearing was conducted by the P & Z Commission on an application for a Special Use Permit for a mini-storage facility on the subject property. After hearing the facts as presented by staff and the applicant, the Commission voted 6 to 0 to recommend approval of the application. The application is complete and consistent with commercial development along major commercial corridors. The following stipulations are included in the request for approval: 1) Prior to issuance if any building permits, an engineered site plan, including a drainage plan shall be submitted to, and approved by, the County; 2) Signs are to conform to the Navajo County Sign Ordinance; 3) Signs must be posted within

the facility prohibiting the storage of hazardous and flammable materials; 4) Property must be fenced and screened; 5) Security gating and/or on-site management must be provided; 6) Width between units to be a minimum of 25 feet; 7) Rolling stock are to be stored in a screened area; 8) A 20' landscape buffer along the east and north side shall be provided; 9) Label septic system primary area and show reserve area on the engineered site plan; 10) The buildings and structures shall utilize earth tone colors; 11) All stipulations shall be met within a 24-month period following Board approval. Failure to do so will result in review by the Board for possible revocation of the Special Use Permit. No letters of opposition or support have been received and no one spoke in favor or opposition. **Mr. Shumway made a motion** to approve **Resolution 27-04** approving Special Use Permit, requested by Gary & Janice Bunger, to allow for a mini-storage facility on northern portion of APN 209-20-011; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 3) **Resolution** approving Special Use Permit, requested by Mary Peterson, to allow for the construction of a 180-foot cellular communication tower on small portion of APN 208-19-001E, Pinedale area: On February 19, 2004, a Public Hearing was conducted by the P & Z Commission on an application for a Special Use Permit for construction of a 180-foot cellular communication tower and related facilities on subject property. Discussion was held regarding proper notice. Mr. Payette stated he was satisfied with the notification done regarding this hearing. This is a 75-acre parcel in the Pinedale area that Cellular One requesting to place a communication. The following stipulations are included in the request for approval: 1) This Special Use Permit shall authorize the construction of a wireless cellular communication tower, not to exceed 180 feet in height, and related facilities on the subject property; 2) The permitted Special Use is limited to the location shown on the approved site plan; 3) The Special Use Permit shall run with the land; 4) The subject tower shall not be constructed until a building Permit has been issued; 5) The applicant shall meet all State and Federal requirements concerning telecommunication towers, specifically including those of the FCC and FAA, prior to a Building Permit being issued; 6) If the tower is no longer being utilized for telecommunications purposes, all components shall be removed by the owner within 90 days after the tower ceases to be utilized; 7) The tower site shall be enclosed with a 6-foot protective fence. The following individuals spoke in **favor**: **Carl Wibel**, Cellular One stated, this tower will contribute to continuous wireless communication service along the Highway 60 corridor. **Tim Shaffery**, counsel for Cellular One, stated he would reserve his right to speak to answer any questions. **Jim Wortham** stated this tower is needed for additional cellular service. Those speaking in **opposition**: **Mickie Oliver** opposed the site location of the tower and suggested other locations on Ms. Peterson's 75 acre parcel might be less obtrusive to the residents. **Allen Oliver** had a concern with proper posting notice, misrepresentation by staff and confusion regarding this hearing. Additionally, he is concerned about money being an issue regarding the location of this tower and the hearing was not impartial. **Scott Bailey** opposed to site location not the antenna or cellular service. Needs to be assured this is the only location for this tower. Ms. Peterson is in this for the money and this is wrong. Need to protect the character and stability of the residential area. **Ken Baker** opposed to this tower being in a rural setting and feels this tower will damage the natural beauty of the area. **Scott Bailey** questioned the technical necessity of this site and is it necessary to exceed the height. He also questioned if the Fire Department tower could be raised and eliminate one tower. **Ken Burd** also questioned if the Linden Fire Department tower site could be used and the excessive height. **Richard Kloc** stated he is a real estate appraiser and his opposition is due to the economic obsolescence that would affect property value of homes in this area and how the placement of the tower will infringe on the views in the area. Discussion continued regarding site location, height and coverage. **Richard Watkins**, Cellular One Chief Operations Officer addressed the Board with answers to some of the concerns voiced by the public. He stated they are in the process of going to digital which will require about 6 additional sites then were required by the analog service. He stated that they have analyzed the sites and this site is perfect for optimum coverage for that area and it will

not hand off and get back to Show Low unless the tower is at the 180' height. It is absolutely necessary for this site to be at the location that is being requested. Mr. Shumway encouraged Cellular One to work together with the other towers in the area and consider moving the others to one tower. **Mr. Shumway made a motion** to approve **Resolution 28-04** approving the Special Use Permit for construction for a 180-foot cellular communication tower on a portion of APN 208-19-001E in the Pinedale area; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

SPECIAL DISTRICTS: Joan Mickle, Accounting Supervisor: 1) **Resolution** Fixing amount and approving the bond; fixing time and place of hearing on the Question of Formation of Scott's Pine North Improvement District: **Mr. Shumway made a motion** to approve Resolution #22-04 fixing the amount of \$500 from District V Special Road Funds and set the hearing for May 3, 2004 @10:20 a.m.; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 2) **Resolution** Fixing amount and approving the bond; fixing time and place of hearing on the Question of Formation of Scott's Pine Tract A Improvement District: **Mr. Shumway made a motion** to approve Resolution #23-04 fixing the amount of \$500 from District V Special Road Funds and set the hearing for May 3, 2004 @10:15 a.m.; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 3) **Board of Directors Session- Roan Circle Improvement District:** **Resolution** declaring intention to improve streets and declaring that the cost of said work will be assessed upon the District: **Mr. Shumway made a motion** to enter a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Shumway made a motion** to approve Resolution #24-04 declaring intention to improve streets and declaring that the cost of said work streets (six lots - Engineers estimate: \$35,000) will be assessed upon the District; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 4) **Board of Directors Session-Madison Lane Circle Improvement District:** **Resolution** declaring intention to improve streets and declaring that the cost of said work will be assessed upon the District: **Mr. Shumway made a motion** to enter a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Shumway made a motion** to approve Resolution #25-04 declaring intention to improve streets (eight lots - Engineers Estimate: \$45,000) and declaring that the cost of said work will be assessed upon the District; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

SHERIFF'S OFFICE/EMERGENCY SERVICES: Gary Butler, Sheriff: 1) **Approval to purchase high density file storage system for jail and medical records, with funding from Federal Bureau of Prisons (FBOP) funds;** Lieutenant Burke stated that storage space is limited for jail and medical records and the only feasible solution is to purchase high capacity storage units. The units from ATD-American are GSA approved in addition to meeting HIPPA compliance requirements. The cost for the cost is approximately \$8770 and will come out of FBOP funding. **Mr. Shumway made a motion** to approve the purchase of file storage system as requested; motion seconded by Mr. Brownlow; vote unanimous approving the motion. 2) **Request for rescission of past action re Terrorism Planning Grant, and approval to re-issue a Request for Qualifications (RFQ) rather than a Request for Proposal (RFP):** This action is requested to correct an error in the original request by the Homeland Security Task Force (HSTF) regarding Terrorism Planning grant. The HSTF recommends that the past Board action to reject all bids be reheard and that rather than an RFP being issued, an RFQ be issued instead. **Mr. Shumway made a motion** to rescind action for RFP (funding from the grant will be \$65,815 to complete the project); motion seconded by Mr. Thompson; vote unanimous approving the

motion. **Mr. Shumway made a motion** to re-issue an RFQ for the grant; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Executive Session: Pursuant to ARS §38-431.03 (A)(1) for Personnel Matters Re: Interviews for the Parks, Recreation and Fairgrounds Director: **Mr. Shumway made a motion** to enter into Executive Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Those present were: Board Members: DeSpain, Brownlow, Deal, Thompson and Shumway; Clerk, Judy Jones; Deputy County Attorney, Lance Payette; County Manager, Jimmy Jayne; Human Resource Director, Gail Calisen; Fair Board Members: Ken Larson (Vice President), Myna Henning (Treasurer) and Christin McNeil (member). **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. Deal made a motion** to go with the recommendation of the Navajo County Fair Board Inc to hire Sam Pogue as the Navajo County Fair Manager at 82% of Range 23 at \$40,965; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

HEALTH INSURANCE TASK FORCE: Report from Task Force: Task Force members Randy Sullivan, Carol Fraley and Gail DeCross gave a power point presentation regarding the activities of the task force over the last two months. The task force was formed to assess the health care needs of Navajo County employees, develop options for addressing those needs and to present this information to the Board. They presented the results of the employee survey (almost 50% returned), which indicated that 11% of county employees have their children enrolled in AHCCCS or "Kids Care". The survey showed that employees would like more choices, ie. a tiered program with different options and/or buy-ups. They would also like to participate in an annual preventative health program, and would be willing to go to Phoenix or Tucson for pre-planned surgical procedures if given a financial incentive (county would pay 90% instead of 80%, for example). Presentations were made to the Task Force by Erin P. Collins & Associates; Segal; Mountain States (county's current program administrator); and Colonial.

Doug Adelberg and Gail Schumann, of Mountain States Administrative Services, presented the current insurance plan with proposed changes, and a dual option plan. The proposed changes to the current plan would include: \$500 individual/\$1000 family deductible; co-insurance 80/20 (in-network) and 65/35 (out-of-network); \$15 co-pay for office visits; in or out-patient hospital-80% after deductible; and prescription benefits-\$25 individual/\$75 family deductible and copays of \$7-generic, \$15-brand, with no generic available, and \$30-brand with generic available. Costs for this proposal would be: employee only-\$383.96; employee+spouse-\$734; employee+child(ren)-\$572.34; employee+family-\$969.50. The dual option proposal would include a base plan and a buy-up plan. Highlights of the base plan include: \$1000 individual/\$3000 Family deductible; co-insurance-70/30 in network; \$30 co-pay for office visits; Prescription co-pays-\$10, \$20, \$40. Costs for the base plan: employee-\$309.62; employee+spouse-\$575.47; employee+child(ren)-\$452.69; employee+family-\$754.33. Highlights for the buy-up plan include: \$250 individual/\$750 family deductible; Co-insurance-80/20; \$10 co-pay for office visits; prescription co-pay (same as base plan). Costs for the buy-up plan: employee-\$380.77; employee+spouse-\$727.21; employee+child(ren)-\$567.22; employee+family-\$960.29.

A suggested course of action was to establish a Trust and Board of Trustees, and to establish a Trust Reserve Fund. There would be a 3 year plan to build a mandatory \$600,000 reserve, which is necessary to bring us into compliance with the statutes, give us the ability to explore other options and to safeguard us against bankruptcy. It was also suggested that the eligibility for retiree insurance be increased from 5 continuous years

to 10 continuous years. We should continue with Mountain States as our Third Party Administrator and have on-going employee benefit education.

The Task Force presented the following recommendation to the Board: 1) Adopt the current plan with proposed changes; 2) Approve a flexible spending account option; 3) Establish a Trust Reserve Fund of \$200,000 for FY 2004/2005; 4) Have an employer contribution for dependent coverage be 50-70% of the total premium, which would bring us into alignment with other counties of our size.

Mr. Menlove noted that no board action is needed today. **Mr. Shumway made a motion** to allow the HITF to stay in force and work with the County Manager in this process; and to send a letter of appreciation to Mountain States Administrative Services for the years of service to Navajo County; motion seconded by Mr. Deal; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Intergovernmental Agreement (IGA) with Navajo Nation for purchase of equipment with Homeland Security grant Funds. The Board may meet in executive session pursuant to ARS § 38-431.03(A)(3) for legal advice from its attorneys and/or ARS § 38-431.03(A)(4) in order to consider its position and instruct its attorneys regarding this IGA: Mr. Deal stated he has been pushing to Navajo Nation to get on board with filing the IGA for Homeland Security Grant Funds. The committee met and drafted an agreement to protect their sovereignty. Mr. Deal requested that Mr. Payette contact the person from the Nation that drafted the new agreement and negotiate the wording so they could participate in meeting the requirements to apply for the available funding. Mr. Payette stated there are federal guidelines that must be followed in submitting for these funds for equipment. The way the Nation has worded their IGA is for them to be the first responder and the federal guidelines require this has to be the emergency management agency. Mr. Deal suggested we look into what Apache and Coconino counties are doing with regards to their IGA's for the Homeland Security Funds. Mr. Payette stated he would look into it, however, Navajo County's position may still differ from those counties. Sheriff Butler stated that he had spoken to Apache County Sheriff who stated that President Shirley had not seen the proposed agreement. Mr. Deal again asked that Mr. Payette contact the attorney that drafted this IGA. This item was continued until some of the issues could be resolved.

COUNTY ATTORNEY'S OFFICE: Mel Bowers, County Attorney: Approval of reorganization of the County Attorney's victim program and budget to result in net savings to general fund budget: Mr. Bowers stated that this reorganization would result in the elimination of one grant-funded position, more appropriate use of the victim grant funds and net a savings of \$4262 to the general fund budget. **Mr. Shumway made a motion** to approve the reorganization as requested; motion seconded by Mr. Brownlow ; vote unanimous approving the motion.

SKY-HI DOMESTIC WATER IMPROVEMENT DISTRICT: re Worksession with members of the Board of Directors of the Sky-Hi DWID, concerning legal, financial and administrative issues related to the operation of the District: At the request of Mr. Brownlow, this item is continued to April 5, 2004.

DEVELOPMENT SERVICES: Dave Ashton, Director: Approval of compensation to a citizen for expenses incurred in reliance on a Building Permit issued erroneously for a lot (Lot 108, Scotts Pine Meadows, Wagon Wheel area) in the floodway: Pursuant to ARS § 38-431.03(A)(3), Mr. Brownlow made a motion to enter

into an **Executive Session** for legal advice; motion seconded by Mr. Shumway; vote unanimous approving the motion. Present in the Executive Session were: County Manager Jimmy Jayne; Board members J.R. DeSpain, Pete Shumway, Jesse Thompson and Jerry Brownlow; Public Works Director Bill Cox; Development Services Director Dave Ashton; Deputy Director, Flood Control Tom Hieb; Deputy County Attorney Lance Payette; Deputy Clerk Kathy Hieb. (Member Percy Deal was not present) **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. **No action taken at this time.**

BOARD BUSINESS: Commander Larry Dunagan updated the Board on the progress of the “Weber” Fire. There are currently about 500 acres burning in an area of dead pine trees. The fire started 6-7 miles northeast of Pine, approximately 40 miles from the Navajo County line. It is unknown exactly how the fire started,, but it was not lightening.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, April 5, 2004, upon a **motion made by Mr. Thompson**; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 5:25 p.m.

APPROVED:

J. R. DeSpain, Chairman

ATTEST:

Kathy Hieb, Deputy Clerk of the Board

DATE: _____