

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

November 8, 2004

South County Road Yard Conference Room, Show Low, Arizona – Time: 9:15 a.m.

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; James G. Jayne, County Manager; Lance Payette, Chief Deputy County Attorney; Kathy Hieb, Deputy Clerk of the Board. Mr. Shumway led the Pledge of Allegiance and the Invocation.

CALL TO THE PUBLIC: Bonnie Kinsey said she wanted to thank all staff members who helped her and her committee get the information and help they needed.

CONSENT AGENDA: 1) Voucher List for payment; 2) Board Minutes: September 13 & September 20, 2004; 3) Justice Court Reports: (September) Snowflake #3; 4) Constable Reports: (September) Winslow #2; Snowflake #3; Show Low #5; Pinetop #6; 5) Clerk of Superior Court Report: (September); 6) Juvenile Justice System Report: (September); 7) Back Tax Land Deeds: Promise Land Investments, Inc.; Abe Musa; James Beach & Lilly Lord; Wylie Consulting, LLC; GSC Holding, Inc.; Barry Nishman; Wilburn & Jean Hickman; Donald & Evelyn Gardner; Nick & Nichole DeBattista; Chris or Leslie Frazee; Cesar Palacios; Wesley & Nicole Lento; Keehan Family Trust; 8) Public Works: Name an existing road in the Sun Valley area “Railcar Drive”; 9) Public Works: Approve signing changes in the Blue Spruce Subdivision: Yield Sign on Big Pine Drive at intersection with Fir Drive; Stop Sign on primitive portion of High Drive at intersection with Rim Road; “Stop-Ahead” Sign on primitive portion of High Drive as it intersects Rim Road; 10) Sheriff’s Office: Approval of “Consent to Assignment” re: Qwest’s sale of Inmate Telephone System portion of their company to FSH Communications, LLC; 11) County Attorney: Approve Bad Check Program Quarterly Report for period from July 1, 2003 to October 1, 2004; 12) Appointment of Democratic Precinct Committee Person; 13) University of Arizona College of Agriculture & Life Sciences; Cooperative Extension: Appropriation of County Funds for Fiscal Year 2004/2005; 14) Public Works/Planning & Zoning: **Resolution #106-04** approving Zone Change from R1-43 to C-R, requested by Saguaro Acres Investment Properties, LLC., Linden area; 15) Appointment of Arnold Scott to the Navajo County Board of Adjustment from Supervisorial District III; 16) Superior Court: Approval of reappointment of Michala M. Ruechel, Dale K. Patton, Jr., and Robert Van Wyck as Superior Court Judge Pro Tempore for a twelve month period beginning January 1, 2005; 17) Public Works: Authorize the Interim County Engineer to continue providing uncompensated engineering services, on personal time, for the Bread of Life Mission. **Mr. Thompson made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director
Board of Directors Session: 1) Approve Amendment #3 of Contract #HG361082 with the Arizona Department of Health Services for WIC Program Services for fiscal year 10/1/04 to 9/30/05; **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. The Board was advised that this is an ongoing contract. It was noted that there is a reduction in funding, but this is due to a reduction in the T1 line

charges and will actually be a savings for the county. **Mr. Shumway made a motion** to approve Amendment #3 to Contract #HG361082 with ADHS for WIC services for FY 10/1/04 to 9/30/05; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approve IGA Contract #HG561143 with the Arizona Department of Health Services for the Arizona Dental Sealant Program for the period from 10/1/04 to 9/30/09: The Board was advised that this is a new contract, which will provide funding for a school-based preventative dental program. Navajo County will be reimbursed \$50 by ADHS for each child sealed. **Mr. Shumway made a motion** to approve Contract #HG561143 with ADHS for the Arizona Dental Sealant program as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Approve subcontract with Shirley Whitehead, R.N., CFNP for continuing services under the Family Planning contract: The Board was advised that this is an ongoing program. **Mr. Shumway made a motion** to approve the subcontract with Shirley Whitehead, R.N., CFNP for services under the Family Planning contract; motion seconded by Mr. Thompson; vote unanimous approving the motion.

4) Approval of Intergovernmental Agreement for Cooperation between Navajo County Public Health Services District and Blue Ridge, Holbrook, Kayenta, Pinon, Cedar, Snowflake and Winslow School Districts during Health Emergencies: Mr. Neill advised that this IGA would allow the local schools to provide facilities for use in case of a biological/chemical attack. These schools were chosen because of their location close to populated areas, and available facilities (kitchen, showers, etc). Mr. Neill noted that he is still working with Alchesay and Hopi High School, and further noted that other schools such as Heber/Overgaard may be included at a later date. **Mr. Shumway made a motion** to approve the IGA as presented, with the caveat that Heber/Overgaard, Hopi and Alchesay schools have equal coverage with the rest of the county; motion seconded by Mr. Thompson; vote unanimous approving the motion.

5) Approval of Community Outreach Specialist: Ms Tyler advised that in order to be able to reach out to more of our citizens, she would like to create a Community Outreach Specialist position within the Health District. This position would work with the communities, including reservation communities, in order to assist in the coordination of public health goals, activities and programs. Ms. Tyler noted that the funding for this position would come from Health District funds. **Mr. Deal made a motion** to approve the Community Outreach Specialist position as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

6) Approve Navajo County Public Health Services District Pandemic Influenza Response Plan: Mr. Neill advised that although the plan is not due until the end of 2005, this is a timely subject. Should the State declare a flu pandemic, Navajo County would be ready with a plan for vaccine delivery. Ms. Tyler presented the Board with a flu update. She explained that last year, the health district provided about 600 doses of flu vaccine to county residents. This year, the district ordered approximately 2000 doses; however, due to the vaccine shortage, only a limited number of doses have been received from the Arizona Department of Health Services. Based upon CDC guidelines, these limited doses were given to residents of nursing homes, long term care facilities and emergency medical personnel. Ms. Tyler noted that the Indian Health Service facilities have received their own flu vaccine, and as of October 31, 2004, Kayenta had received 4050 doses; Hopi had received 3000 doses; Winslow received 600 doses; and White Mountain received 5500 doses. **Mr. Shumway made a motion** to approve the Pandemic

Influenza Response Plan as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

COUNTY ATTORNEY: Melvin R. Bowers, Jr., Navajo County Attorney: Presentation regarding the Task Force Board's decision to purchase tasers for the law enforcement agencies in Navajo County: Chief Deputy County Attorney Lance Payette explained that the Drug Task Force had requested funds to purchase tasers for the Sheriff's office as well as the local police agencies and DPS. Funds for this project are on hand from State and Federal RICO monies and there is no match required. At the request of Mr. Deal, Mr. Payette will follow up as to why the Navajo Nation is not included in the Task Force. **Mr. Shumway made a motion** to approve the purchase of tasers for law enforcement agencies in Navajo County as requested; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

PUBLIC WORKS DEPARTMENT: David Ashton, Deputy Director Planning & Zoning & Dick Young, Deputy Director Engineering: 1) Resolution approving the extension, by one year, of the commencement of construction of the Special Use Permit for Bill McKay's RV Park as previously approved by Board Resolution #81-02: Mr. Ashton advised that the Board approved a resolution (81-02) on November 4, 2002, allowing for a 51 space RV Park . Since then, the developer has been negotiating with Porter Creek Water Company to resolve issues that might be associated with a development of this size. One of the original stipulations (Res #81-02) was that construction had to be started within two years of the Board approval date. The developer's engineer has requested a one-year extension to allow for the final negotiations to be completed. Staff recommends approval of the request. **Mr. Shumway made a motion** to adopt **Resolution #107-04**, approving the one-year extension of the commencement of construction of the Special Use Permit for Bill McKay's RV park as previously approved; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approve a one-year extension to Contract #B00-08221, Hauling of Waste Tires: Mr. Ashton explained that this will be the last extension allowed under the contract. Staff recommends approval as the contractor has agreed to extend the contract at current prices. **Mr. Shumway made a motion** to approve the extension of Contract #B00-08221 for one year as requested; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Accept filing of petition requesting establishment of Shumway Road as a County Highway and set Public Hearing for December 6, 2004 at 10:00 a.m.; and approve funding from District III & District IV Special Road Funds for right-of-way survey, title report and initial in-house construction: Mr. Young noted that the petition was submitted with only two signatures, therefore at his request, this matter is rescheduled for Monday, November 15, 2004.

BOARD OF SUPERVISORS: Kathy Hieb, Deputy Clerk of the Board: 1) Report re Back Tax Land Auction held on October 25, 2004: Ms. Hieb reported that 17 bidders appeared at the auction, where 136 parcels were available. Sixty of the parcels were purchased for a total of \$57,806. **No action taken; informational only.**

2) Approve funding assistance from District II Special Project Funds for Indian Wells Senior Citizen Center; Dilkon Veteran's Organization; and Teesto Veteran's Organization: **Mr. Thompson made a motion** to approve funding assistance in the amount of \$100 to Indian Wells Senior Center; and \$150

each to Dilkon Veteran's Organization and Teesto Veteran's Organization, with funding to come from District II Special Project Funds; motion seconded by Mr. Shumway; vote unanimous approving the motion.

3) Accept resignation of John Lamb, Justice of the Peace, Holbrook Precinct #1, effective January 2, 2005, and outline procedure for appointment of replacement: The Board was advised that Judge John Lamb has submitted his resignation as Justice of the Peace, as he was elected to the Superior Court, Division III. Mr. Jayne summarized the proposed procedure for the appointment of the replacement. It is proposed that a committee be created, with 7 members, who will then review the applications submitted by interested parties. The committee will recommend three applicants for the Board of Supervisors to interview. The Board should then be ready to make an appointment at either the December 6th or December 20th meeting. **Mr. Shumway made a motion** to accept the resignation of Justice of the Peace John Lamb, effective at midnight on January 2, 2005; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

MIS: Robert Heming, Director: Approval of Porter Mountain Tower and Building Agreement with Mountain Top Communications: Mr. Heming explained that this tower rental is needed to complete the wireless network connection from Holbrook to Show Low. The Porter Mountain site is a repeater/mid point site, which completes the connection to the south county complex. Budgeted through the DS3 Project, it will increase the overall cost by \$100 per month. **Mr. Brownlow made a motion** to approve the Porter Mountain Tower and Building Agreement with Mountain Top Communications; motion seconded by Mr. Shumway; vote unanimous approving the motion.

SHERIFF'S OFFICE: Cmdrs. Bernard Huser, Steve Ebert & David Burke: 1) Approval to submit application to Arizona State Parks, Law Enforcement and Boating Safety Fund (LEBSF) for funding for one deputy position, and Resolution authorizing the Sheriff to act on behalf of Navajo County in conducting all negotiations related to LEBSF project: Commander Huser explained that this will provide funding for one deputy position. He noted that because of this funding, the Sheriff's office has the necessary equipment to allow the dive team to patrol the waterways of Navajo County. **Mr. Thompson made a motion** to approve the submittal of a funding application to Arizona State Parks, Law Enforcement and Boating Safety Fund (LEBSF), and adopt **Resolution #108-04**, authorizing Sheriff Gary Butler to act on behalf of Navajo County in conducting all negotiations related to the LEBSF project; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approval to accept grant award from Bureau of Justice Assistance for 50% of cost of bulletproof vests over 4-year period: Commander Ebert explained that this grant will pay 50% (or up to \$695) for each vest. The deputies will pay the remaining cost out of their uniform allowance. The total amount we will receive from this grant is \$18,765. **Mr. Deal made a motion** to accept the grant award from the Bureau of Justice Assistance for 50% of the cost of bulletproof vests over a 4-year period, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval to enter into agreement with Swank Motion Pictures as authorized distributor of copyrighted DVDs and Videocassettes and licensing the Navajo County Detention facility to allow for the exhibition of movies for the inmate population: The Board was advised that without this agreement, the detention facility will be in violation of copyright law by showing these movies to the inmate population. Funding for this agreement will come from the Inmate Commissary and Phone Fund. **Mr.**

Shumway made a motion to approve the agreement with Swank Motion Pictures as authorized distributor of copyrighted DVDs and Videocassettes, and licensing the Navajo County Detention Facility to allow for the exhibition of movies for the inmate population; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

SHOW LOW FIRE DEPARTMENT: Ben Owens, Chief: Presentation of information regarding HazMat Equipment purchased with Homeland Security Funds: The Board toured the HazMat Vehicle, which was purchased with Homeland Security Funds. This vehicle has two separate units: the command unit and the HazMat unit. The Chief noted that he is applying for additional grant funds to allow the purchase of additional equipment. **No action taken.**

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

BOARD BUSINESS: **Mr. Thompson** advised that there will be an Alcohol Detox Legislative Committee meeting next week in Dilcon.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, November 15, 2004, upon a **motion made by Mr. Thompson;** motion seconded by Mr. Deal; vote unanimous approving the motion. The meeting adjourned at 11:45 a.m.

APPROVED:

Chairman

Date

ATTEST:

Kathy Hieb, Deputy Clerk