

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, FEBRUARY 5, 2008

At 9:30 a.m. Chairman DeSpain called the meeting to order and Supervisor Tenney led the Pledge of Allegiance and offered the invocation.

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Jesse Thompson, Supervisor; David Tenney, Supervisor; Mel Bowers, County Attorney and Darlene Fraley, Clerk of the Board. Percy Deal, Supervisor, and James Jayne, County Manager, entered during meeting.

CALL TO THE PUBLIC: No response

CONSENT AGENDA: a) Rename existing road in the Holbrook/Joseph City area from “Smithson Road” to “Porter Canyon Road”, Section 10, Township 17 North, Range 20 East; b) Minutes—November 20, 2007 and January 8, 2008; c) Appointment of Navajo County Republican Committee Precinct Committeeperson: Kenneth Cole Davis, Precinct 3; d) Constable Reports: Holbrook #1, December; Winslow #2, November and December; Snowflake #3, December; Show Low #5, December; Pinetop-Lakeside #6, December; e) Justice of the Peace Reports: Holbrook #1, December; Winslow #2, November and December; Snowflake #3, December; Kayenta #4, December; Show Low #5, December; Pinetop #6, December; f) Clerk of the Superior Court Report – November; g) Juvenile Justice System Report – December. Chairman DeSpain announced item “a) Rename existing road in the Holbrook/Joseph City area from “Smithson Road” to “Porter Canyon Road”, Section 10, Township 17 North, Range 20 East” is continued from this agenda. **Supervisor Tenney made a motion** to approve and authorize the chairman to sign the documents on the Consent Agenda excepting item “a”; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Deal absent for the vote.

HUMAN RESOURCES:

- a. Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 31 item Personnel Action report and responded to questions regarding the new format. **Supervisor Brownlow made a motion** to authorize the Chairman to sign the Personnel Actions as presented; motion seconded by Supervisor Tenney; vote unanimous approving the motion with Supervisor Deal absent for the vote. Supervisor Deal entered at this point.
- b. Consideration and possible approval of revisions to the Personnel Policies Manual, Section 6.4 Commuter Use of County Vehicles (“Vehicle Take-Home Policy”) effective March 1, 2008: Gail Calisen reviewed the revisions to the Commuter Use of County Vehicles as presented to be effective March 1, 2008 stating the revision clarifies that the policy applies to everyone except certified police officers. **Supervisor Tenney made a motion** to adopt the revisions to the Personnel Policies Manual, Section 6.4 Commuter Use of County Vehicles (“Vehicle Take-Home Policy”) effective March 1, 2008; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. Personnel Awards: Supervisors presented pins to employees, recognizing the number of years employees had served with recognition going to others who could not be present. The following are recognized for their years of service: 5-years Terrie Farnes, Lorin Larson, Stephen Price, Ricardo Sander, Norma Willard, and Phyllis Romo; 10-years Martinez Mike and Allen Payne; 15-years Jesse Thompson; and 20 years Nancy Huser.

- b. American RV and Navajo County Recognizing Excellence: Supervisor Tenney introduced Larry Axtell of American RV who partners with the county to recognize excellence. Supervisors presented certificates and fruit baskets provided by American RV to Lola Sibcy, Deputy Assessor, and Rick Sander of the Treasurer's office for their outstanding contributions to the county.
- c. Informational presentation regarding White Mountain Roundup that will include Cowboy poetry, music and art to be held in Pinetop-Lakeside on July 25, 26, and 27: This item was continued.
- d. Consideration and possible approval of Resolution Number - 08 urging the Arizona State Legislature to adopt a Senate Joint Resolution establishing the Historic Hashknife Pony Express Post Route in recognition of the contribution that the Hashknife Posse has made to the tradition and culture of the great State of Arizona: Rod Ross advised that the Hashknife Posse requested assistance in this recognition project and Senator Jake Flake has agreed to introduce legislation recognizing these highways as the historic Hashknife Posse route. **Supervisor Brownlow made a motion** to adopt **Resolution Number 12 - 08** urging the adoption of legislation recognizing the historic Hashknife Pony Express Post Route in recognition of the contribution that the Hashknife Posse has made to the tradition and culture of the great State of Arizona; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

ASSESSOR: Consideration and possible approval of intergovernmental agreement with the Arizona Department of Revenue for Data Processing Products and Services for the period ending June 30, 2008: Cammy Darris, Assessor, advised this is the last year the county will have this agreement due to the installation of the new county software. She advised the cost for the proposed intergovernmental agreement is 0.95 per parcel for a total of \$78,892. **Supervisor Deal made a motion** to approve the proposed intergovernmental agreement with the Arizona Department of Revenue for Data Processing Products and Services for the period ending June 30, 2008; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. James Jayne commended Assessor Darris on her leadership as the first assessor among small counties to take the step to use the new software.

SHERIFF:

- a. Consideration and possible approval to enter into an agreement with Navajo County and the Motorola Amateur Radio Club Association, to utilize the smaller radio tower and existing green military communications box located on the butte behind the County Complex: Chief Deputy Bernard Huser reviewed the proposed agreement. **Supervisor Tenney made a motion** to approve entering into an agreement with Navajo County and the Motorola Amateur Radio Club Association, to utilize the smaller radio tower and existing green military communications box located on the butte behind the County Complex; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Consideration and possible approval of Modification #2 to US Department of Justice, Bureau of Prisons contract IGAC Number 0071-5 extending it to March 31, 2008: Bernard Huser, Chief Deputy reviewed this request. **Supervisor Deal made a motion** to approve Modification #2 to US Department of Justice, Bureau of Prisons Contract IGAC Number 0071-5 extending it to March 31, 2008; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session:
HEALTH DISTRICT CONSENT AGENDA: **Supervisor Tenney 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. **Supervisor Tenney made a motion** to approve the

Consent Agenda as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the agenda.

- a. Approval of Arizona Department of Health Services Contract #HG854290, Immunization Services Program to provide free immunization services to children up to the age of 18
- b. Approval of Arizona Department of Health Services Contract #HG854320 for STD Services from January 1, 2008 through December 31, 2008 to provide free testing services, counseling, education and treatments

Supervisor Tenney made a motion to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

ELECTIONS:

- a. Consideration and possible action related to Overgaard Townsite Domestic Wastewater Improvement District:

- i. Call for an election for Overgaard Townsite Domestic Wastewater Improvement District
- ii. Conduct the election for the Overgaard Townsite Domestic Wastewater Improvement District – 5 positions (3-4 yr: 2-2yr terms) to be held as a precinct based election May 20, 2008

Following discussion of these two items, **Supervisor Tenney made a motion** to approve the call for the Overgaard Townsite Domestic Wastewater Improvement District election and for Navajo County to conduct the election for the 5 positions (3-4 yr: 2-2yr terms) to be held as a precinct based election May 20, 2008; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.

- b. Consideration and possible approval to conduct a precinct-based election for Timberland Acres Domestic Water Improvement District – May 20, 2008: Following Lisa McKee's review of this request, **Supervisor Tenney made a motion** to approve conducting a precinct-based election for Timberland Acres Domestic Water Improvement District – May 20, 2008; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- c. Consideration and possible approval to conduct a mail ballot election for White Mountain Lake Summer Home Water Improvement District on May 20, 2008: Following Lisa McKee's review of this request, **Supervisor Brownlow made a motion** to approve conducting a mail ballot election for White Mountain Lake Summer Home Water Improvement District on May 20, 2008; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- d. Consideration and possible action to call a Recall Election for the recall of Robert Marshall, Board Member of the Sun Valley Fire District, with precinct based election to be conducted May 20, 2008: Lisa McKee advised that the required number of signatures had been received to conduct this recall. Supervisor DeSpain stated that there are only three positions on this board. Lisa McKee reviewed the procedures surrounding a recall election and that the election is to fill the position with either the sitting elected official or a candidate. **Supervisor Tenney made a motion** to call an election for the recall of Robert Marshall, Board Member of the Sun Valley Fire District, with precinct based election to be conducted May 20, 2008; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- e. Consideration and possible approval to conduct a precinct based election for the White Mountain Lake Fire District to adopt the 2006 International Fire Code and the 2006 International Wildland/Urban Interface Fire Code on May 20, 2008: Lisa McKee advised that this item was tabled at the last meeting and Dusty Parsons distributed and reviewed information, including a legal opinion, regarding this issue as related to the Planning and Zoning regulations. He reviewed the more restrictive regulations being presented for adoption as enforced by the fire district. Mr. Bowers explained that the first time a district adopts fire regulations they must go to an election. Supervisor Tenney expressed concerns in the conflicts between Planning and Zoning regulations and this board's advising it will require more discussion between the

district and the developer. Mr. Parsons stated that most districts review plans and this district would have to become more involved in the process to let developers know initially. **Supervisor Brownlow made a motion** to conduct a precinct based election for the White Mountain Lake Fire District to adopt the 2006 International Fire Code and the 2006 International Wildland/Urban Interface Fire Code on May 20, 2008; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

PUBLIC WORKS:

- a. Navajo County Flood Control District Board of Directors Session: Consideration and possible authorization for the Chairman to sign a letter to the Army Corps of Engineers urging the Corps to participate in efforts to remediate flooding and rehabilitate the watershed in the Lower Silver Creek Area of Navajo County: **Supervisor Tenney made a motion** to go into the Navajo County Flood Control District **Board of Directors Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Homero Vela provided information from the Corps visit October 29, 2007 to Silver Creek. He advised that while Schoen's Dam has impressive flood protection the reduced flow eliminated flushing flows so the channel continues to accumulate a large amount of sediment. He distributed information regarding this project advising staff requests that a letter be sent requesting that the Corps assist in finding a way to remediate and stabilize the channel. Supervisor Tenney thanked Mr. Vela for his leadership with the Silver Creek Watershed Council. **Supervisor Tenney made a motion** to approve this letter as presented; motion seconded by Supervisor Thompson who thanked Mr. Vela for providing information to Bird Springs' residents. Mr. Vela reviewed the process to involve the Corps in a project advising staff will start working with Silver Creek area residents for the justification that must be provided to the Corps. Mr. Vela advised he would bring back a full report on dams in the south county area at a future meeting. Vote unanimous approving the motion. **Supervisor Deal made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Consideration and possible approval of Task Agreement #5 for Memorandum of Agreement CTH65T60880 between the BIA, Hopi Agency, Western Region and Navajo County: Dusty Parsons reviewed this request, advising that they did receive lower quotes for the rental of a motor grader for a month but the equipment is not available immediately. **Supervisor Thompson made a motion** to approve Task Agreement #5 for Memorandum of Agreement CTH65T60880 between the BIA, Hopi Agency, Western Region and Navajo County with \$9,179.00 coming from District II Special Road funds; motion seconded by Supervisor Deal. After some discussion, vote unanimous approving the motion.
- c. Hilltop Drive Improvement District: Carol Fraley reviewed the boundaries of the proposed Improvement District.
 - i. **PUBLIC HEARING** regarding the formation of Hilltop Drive Improvement: Chairman DeSpain opened the public hearing. Bob Bixby addressed the board stating he lives within the boundaries of the proposed district. He stated he is not against the district but he had heard several rumors and last week wrote a letter with many questions that he wanted answered. Mr. Parsons addressed each question in the letter and following discussion, Mr. Bixby stated his questions were answered and he does not object to the improvement district. Patricia Hamilton who stated she lives within the district inquired what an estimate of the cost would be and Mr. Parsons stated they will not have definite figures until engineering designs are drawn, that with county participation, normal costs range between \$3,000 and \$7,000 but costs could be added depending on homeowners' requests. Carol Fraley reviewed the formation process for those present and advised staff will have neighborhood meetings to keep them informed. Supervisor DeSpain

advised that there could be minimum costs for the homeowners because an engineer and attorney are being hired. There being no further comments, the Chairman closed the public hearing.

- ii. Discussion and possible approval of Resolution Number _____ - 08 establishing Hilltop Drive Improvement District of Navajo County: Supervisor Brownlow recognized Bill Bulicek for taking the initiative in this process and getting the support of his neighbors. **Supervisor Brownlow made a motion** to adopt **Resolution Number 13 - 08** establishing Hilltop Drive Improvement District of Navajo County; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

BOARD BUSINESS: Supervisors reviewed upcoming meetings, activities within their districts, the impact of the recent inclement weather on the reservation's seriously deteriorating roads, and thanked staff, Rod Ross and Dusty Parsons, for facilitating cooperation between all agencies to promote partnership agreements. James Jayne recognized the framed artwork commemorating the Hashknife Posse's 50th year ride expressing appreciation to Rod Ross for today's resolution to recognize the contribution this group makes to Arizona history.

At 11:36 a.m., **Supervisor Tenney made a motion** to recess into Executive Session pursuant to A.R.S. § 38-431.03 (A) (7) for discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

At 12:27 p.m. the Board reconvened and **Supervisor Deal made a motion** to adjourn; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Chairman

February 19, 2008

ATTEST:

Darlene Fraley, Clerk of the Board