

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, July 14, 2009

PRESENT: J.R. DeSpain, Supervisor; Jonathan Nez, Supervisor; Jesse Thompson, Supervisor; and Jerry Brownlow, Chairman. Supervisor Tenney was absent.

9:04 a.m. Call To Order: The Pledge of Allegiance and Invocation were led by Supervisor DeSpain.

CALL TO THE PUBLIC: Chairman welcomed Supervisor Carl Taylor from Coconino County. Steve Burdick addressed the Board in favor of a 4-10 work week schedule. Teresa Aland addressed the Board regarding public notification.

CONSENT AGENDA: Warrants and Vouchers Report over \$1000: June 2009; Appointment of Navajo County Democratic Committee Precinct Committeepersons: Linda Morrow, Lakeside 1, #20; Brenda Clark, Holbrook 3, #11; Robert Gray, Hardrock 1, #07; Sympathy letter to Roger Beecroft; Cell Phone Stipend Changes; Letter to Governor Brewer in support of HB2236; Approval of FY10 Field Trainer Grant Application; Approval of FY10 Fill the Gap (FTG Project) Grant Application; Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant Agreement; Contract signed by County Manager per Board of Supervisors resolution: Additional Training from AZ Department of Revenue for Assessor's Office personnel in uniform valuation of all property for property tax purposes; Application for tax exemption "Request for Redemption of Waiver" for Ellen Buckmaster and Veta Jean Koonce; Clerk of Superior Court Report June, 2009; Justice Court Reports: Holbrook #1, June; Winslow #2, June; Snowflake #3, June; Kayenta #4, June; Show Low #5, June; Pinetop #6, June, 2009; Constable Reports: Holbrook Precinct #1, May and June; Winslow Precinct #2, June; Snowflake Precinct #3, June; Kayenta Precinct #4, April, May and June; Show Low Precinct #5, June; Pinetop Precinct #6, May and June, 2009; Juvenile Justice System Report: June, 2009; Application for temporary Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control for Dana Saar dba Campfire Hospitality, LLC for a Cornhole Tournament fund raiser to be held September 26, 2009; University Services Agreement (Cost Reimbursable) by and between Arizona Board of Regents on behalf of the University of Arizona and Navajo County-termination date extended for two (2) years to June 30, 2011; Minutes: June 23, 2009; Thank you letter to Iberdrola and Blattner for the donation of the Wind Farm Blade; Letter of recognition to Dustinn Craig for "We Shall Remain" documentary; Letter to Arizona Corporation Commission in support of Arizona Public Service reinstating the 1000 foot free line extension
Supervisor DeSpain made a motion to authorize the Chairman to sign the items on the consent agenda as presented; motion seconded by Supervisor Nez; Vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 22 item Personnel Action Report. Supervisor Thompson inquired about items 1 and 22; Ms. Calisen advised that those items have already been processed. **Supervisor DeSpain made a motion to** approve the Personnel Action Report as presented; motion seconded by Supervisor Nez; Vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session:

- a. **CONSENT AGENDA:** **Supervisor DeSpain 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.
 - i. Approval of contract #HG060014 with the Arizona Department of Health Services for Tobacco Education and Prevention Services for contract period 7/1/09 to 6/30/2014 for \$180,000
 - ii. Approval of Amendment #3 of Contract #HG861085 with the Arizona Department of Health Services for WIC Program Services effective 10/1/09 to 9/30/10 for \$363,816.00

Supervisor DeSpain made a motion to approve the Health District consent agenda as presented; motion seconded by Supervisor Nez; Vote unanimous approving the motion.

- b. **PUBLIC HEARING:** Consideration and possible adoption of Resolution # ____-09 approving a temporary 25% reduction in license fees established by Ordinance No. PHSD 01-09 and declaring an

- emergency: Cris Parisot discussed the item. **Supervisor DeSpain made a motion to adopt Resolution Number 49-09** approving a temporary 25% reduction in license fees established by Ordinance No. PHSD 01-09 and declaring an emergency; motion seconded by Supervisor Thompson; Vote unanimous approving the motion.
- c. Consideration and possible renewal of contract with Midwest Cancer Screening to provide STD Testing and reproductive health screening services to Navajo County residents effective June 1, 2009 through May 31, 2010: Dr. Wade Kartchner discussed the item. **Supervisor DeSpain made a motion** to approve renewal of contract with Midwest Cancer Screening to provide STD Testing and reproductive health screening services to Navajo County residents effective June 1, 2009 through May 31, 2010; motion seconded by Supervisor Thompson; Vote unanimous approving the motion.
- d. Consideration and possible approval of Amendment #3 to Proposition 201 Smoke Free Arizona Act: Dr. Wade Kartchner discussed the item. Supervisor Thompson inquired about the effectiveness of this program. Dr. Kartchner advised that the program has been very successful. **Supervisor Thompson made a motion to approve Amendment #3 to Proposition 201 Smoke Free Arizona Act**; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- Supervisor DeSpain made a motion to return to regular session**; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. Quality Emulsions and Navajo County Recognizing Excellence: Susan Miller was recognized for her promotion of the health district in various community events and her work in obtaining an AHCCCS contract generating much needed funding for the nursing program and for being a true asset to the health department.
- b. Recognition of graduates from the FBI Academy at Quantico: Sheriff Clark recognized Cindy Cox, Heidi Person; and Larry Parks.
- c. Navajo County Cost Cutting Department Award: The Public Fiduciary's office was recognized for their contribution in cost savings.
- d. Personnel Service Awards: Krista Craig, Holbrook Justice Court, was recognized for five years of service.
- e. **PUBLIC HEARING**: Liquor License: Consideration and possible recommendation for approval of application for permanent Extension of Premises/Patio Permit for Liquor License #14090008 from Commander Mark W. Zimmerman, Licensee of American Legion Post 86, located at 2068 Lumber Valley Road, Overgaard, AZ: Lorinda Brown discussed the item. Commander Zimmerman addressed the Board regarding the extension of Premises/Patio Permit for Liquor License. **Supervisor DeSpain made a motion to approve application for permanent Extension of Premises/Patio Permit for Liquor License #1409000**; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- f. Consideration and possible approval of Resolution # -09 expressing support for Catalyst Paper Company, Snowflake Mill and urging the United States Senate and House of Representatives to promptly remove the "Black Liquor Tax Credit" from the Alternative Fuels Clause in the 2005 Highway Bill Allowing Fair Competition in the Paper and Pulp Producing Industry: John McKee, General Manager of Catalyst Paper Company, discussed the item. **Supervisor DeSpain made a motion to adopt Resolution Number 51-09** expressing support for Catalyst Paper Company, Snowflake Mill; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- g. Consideration and possible approval of adoption of a six (6) month pilot program for 4-10 work schedules to begin August 1, 2009 through February 28, 2010: Cris Parisot made a presentation, discussed the item and answered questions of the Board. Assessor Cammy Darris and Sheriff Clark spoke in favor of the 4-10 work schedules. **Supervisor Thompson made a motion to approve the adoption of a six month pilot program for 4-10 work schedules to begin August 1, 2009 through February 28, 2010**; Supervisor Nez made an inquiry as to the benefit of the constituents. County Manager James Jayne indicated that there has

not been a single complaint with the 4-10 work schedules for Public works that previously approved. Motion seconded by Supervisor Nez. Vote unanimous approving the motion.

- h. Northern Arizona Workforce Training Center Opinion Survey - Presentation Only: Supervisor Carl Taylor, Coconino County, discussed the item. Supervisor DeSpain thanked Supervisor Taylor for the presentation and indicated that he is quite excited about it. Supervisor Nez indicated that he believes that this is a great opportunity especially in our Northern Counties.

TREASURER: Consideration and possible approval of Abatement of Personal Property Taxes per ARS §42-19118 - Clearing uncollectible tax and ARS §42-18353 - Certificate of removal and abatement; purging record of tax, penalty and interest: Jackie Koon discussed the item and answered questions of the Board. **Supervisor DeSpain made a motion to** approve Abatement of Personal Property Taxes per ARS §42-18353-Certificate of removal and abatement; purging record of tax, penalty and interest; motion seconded by Supervisor Nez. Vote unanimous approving the motion.

NAVAJO COUNTY FLOOD CONTROL DISTRICT Board of Directors Session: Supervisor Thompson made a motion to enter into the Navajo County Flood Control District Board of Directors Session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

- a. Consideration and possible adoption of the Emergency Action Plan for Lone Pine Dam: Homero Vela discussed the item. Supervisor DeSpain expressed appreciation to Mr. Vela and his staff for this essential plan. **Supervisor DeSpain made a motion to** adopt the Emergency Action Plan for Lone Pine Dam; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- b. Consideration and possible approval of expenditures to improve the low water crossing at Hutch Road and Black Canyon Wash estimated cost of improvements is \$40,000 of which the Navajo County Flood Control District will fund \$33,000. Additional costs will be shared by the Chevelon Canyon Ranch HOA, in the amount of \$7,000: Homero Vela discussed the item. Seymour Viscard, Vice President of the HOA and Sue Devine spoke in favor of the project. **Supervisor DeSpain made a motion to** approve expenditures to improve the low water crossing at Hutch road and Black Canyon Wash estimated cost of improvements is \$40,000 of which the Navajo County Flood Control District will fund \$33,000 and additional costs will be shared by the Chevelon Canyon Ranch HOA in the amount of \$7,000; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

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

PUBLIC WORKS:

- a. Consideration and possible approval of Amendment No. 4 to the professional services contract with Ritoch-Powell & Associates for the Post Design Services of the Lone Pine Dam Bridge Project in an amount not to exceed \$116,084.00: Homero Vela discussed the item. **Supervisor Nez made a motion to** approve Amendment No. 4 to the professional services contract with Ritoch-Powell & Associates for the Post Design Services of the Lone Pine Dam Bridge Project in an amount not to exceed \$116,084.00; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- b. Consideration and possible approval of funding in a total amount not to exceed \$8,040.00 from District III, District IV, and District V Local Transportation Assistance Fund II (LTAF II) to pay for Northland Pioneer College White Mountain Regional Connector transit cost share through June 2010: Homero Vela discussed the item. **Supervisor DeSpain made a motion to** approve funding in a total amount not to exceed \$8,040.00 from District III, District IV and District V Local Transportation Assistance Fund II to pay for Northland Pioneer College White Mountain Regional Connector transit cost share through June 2010; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- c. Consideration and possible approval of Contract Amendment No. 2 Supplying Barbed Wire Fencing:

- i. a price decrease in supplying Barbed Wire Fencing pursuant to contract #B07-04-030 with Pioneer Fence & Vinyl per bid tab as of June 19, 2009, and
- ii. extending Contract #B07-04-030 for one additional year from June 19, 2009 - June 18, 2010: Homero Vela discussed the item. **Supervisor Thompson made a motion to** approve Contract Amendment No. 2 Supplying Barbed Wire Fencing; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- d. Consideration and possible award to Brimhall Sand and Rock and Building Materials of Contract #B09-05-018 for Supply & Delivery of Roadway Materials to the Navajo Nation: Homero Vela discussed the item. **Supervisor Thompson made a motion to** award Brimhall Sand and Rock and Building Materials of Contract #B09-05-018 for Supply & Delivery of Roadway Materials to the Navajo Nation; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- e. Consideration and possible approval of Resolution ___-09 for a Special Use Permit for APN: 202-26-001 to allow Pacific Wind Development, LLC to erect a tower for a 36-month period with a total height of 197 feet: Linda Elliot and Greg Loper discussed the item and answered questions of the Board. **Supervisor DeSpain made a motion to** adopt **Resolution Number 52-09** approving Special Use Permit for APN: 202-26-001 to allow Pacific Wind Development, LLC to erect a tower for a 36-month period with a total height of 197 feet; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- f. Consideration and possible approval of Resolution ___-09 for a Special Use Permit for APN: 202-27-006 to allow Pacific Wind Development, LLC to erect a tower for a 36-month period with a total height of 197 feet: Linda Elliot and Greg Loper discussed the item. **Supervisor DeSpain made a motion to** adopt **Resolution Number 53-09**, approving Special Use Permit for APN: 202-27-006 to allow Pacific Wind Development, LLC to erect a tower for a 36-month period with a total height of 197 feet; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

FINANCE:

- a. Consideration and possible adoption of the proposed budget for fiscal year 2009-2010 for Navajo County: James Menlove discussed the item and answered questions of the Board. Supervisor DeSpain thanked staff for all their hard work and extended his appreciation. Supervisor Nez asked for a scanned copy of the Budget documents to be emailed to each member of the Board. **Supervisor DeSpain made a motion to** adopt the proposed budget for fiscal year 2009-2010 for Navajo County; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- b. *Board of Directors Sessions for consideration and possible adoption of tentative 2009-2010 budgets: James Menlove discussed the item and answered questions of the Board.
 - i. Silver Creek County Road Improvement District: **Supervisor Thompson made a motion to** enter into the Silver Creek County Road Improvement District Board of Directors Session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
 - ii. White Mountain Lakes Recreation District: **Supervisor DeSpain made a motion to** enter into the White Mountain Lakes Recreation District Board of Directors Session; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Thompson. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
 - iii. Victory Heights Road Maintenance District: **Supervisor DeSpain made a motion to** enter into the Victory Heights Road Maintenance District Board of Directors Session; motion seconded by

- Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** return to regular session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- iv. Navajo County Library District: **Supervisor DeSpain made a motion to** enter into the Navajo County Library District Board of Directors Session; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- v. Navajo County Public Health Services District: **Supervisor Thompson made a motion to** enter into the Navajo County Public Health Services District Board of Directors Session; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor Thompson made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- vi. Little Colorado River Flood Control District: **Supervisor Thompson made a motion to** enter into the Little Colorado River Flood Control District Board of Directors Session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- vii. Navajo County Flood Control District: **Supervisor DeSpain made a motion to** enter into the Navajo County Flood Control District Board of Directors Session; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** adopt the tentative 2009-2010 budget; motion seconded by Supervisor Nez. Vote unanimous approving the motion. **Supervisor DeSpain made a motion to** return to regular session; motion seconded by Supervisor Nez. Vote unanimous approving the motion.

COUNTY BUSINESS UPDATE: Report from Board Members, County Attorney and County Manager:
Supervisor DeSpain gave a report from District III. He indicated that the Fair Committee Meeting is scheduled for today at 3:00 pm in the Board Chambers. Supervisor Nez gave a report from District I. He invited all elected officials to the Navajo Nation Agency Caucuses and the Navajo Nation Council Meeting in Window Rock next Monday. Supervisor Thompson gave a report from District II. He advised about the water shortage problem in District II. Chairman Brownlow thanked Finance, Elected Officials and Department Directors for their help with the budget. James Jayne gave an update on Supervisor Tenney. He indicated that Supervisor Tenney extends his appreciation for the notes, cards etc.

ADJOURN At 11:31 a.m. **Supervisor Nez made a motion to** adjourn; motion seconded by Supervisor Thompson; Vote unanimous approving the motion.

APPROVED:

DATE: July 28, 2009

Jerry Brownlow, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board

Electronic recording of the Board of Supervisors Meeting is available for review upon a Public Records Request