

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**January 3, 2005**

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:05 a.m.

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

**CALL TO PUBLIC:** No comments were presented.

**INDUCTION TO OFFICE CEREMONY FOR ELECTED OFFICIALS:** The Honorable Thomas L. Wing, Judge of the Navajo County Superior Court, introduced all of the newly elected officials and gave the Oath of Office. Those taking the Oath of Office included: Percy Deal, Supervisor-District I; Jesse Thompson, Supervisor-District II; J.R. DeSpain, Supervisor-District III; David Tenney, Supervisor-District IV; Jerry Brownlow, Supervisor-District V; Melvin Bowers, Jr., County Attorney; Gary Butler, Sheriff; A.J. Brown, Superintendent of Schools; Manny Hernandez, Treasurer; Cammy Darris, Assessor; Laurette Justman, Recorder; Dale Nielson, Judge of the Superior Court; Ryan Reinhold, Constable-Precinct #6.

**BOARD OF SUPERVISORS:** 1) Appointment of Chairman and Vice-Chairman for 2005: **Mr. Thompson made a motion** to appoint Jerry Brownlow as Chairman for 2005; motion seconded by Mr. Tenney; vote unanimous approving the motion. **Mr. DeSpain made a motion** to appoint Percy Deal as Vice-Chairman for 2005; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Appointment of Board members to represent Navajo County on various committees and organizations for 2005: Appointments were made to the following committees/organizations: AZ/NM Coalition of Counties-Mr. DeSpain; NACOG-Mr. DeSpain & Mr. Deal; CSA LPC-Mr. Brownlow; Navajo County WIB-Mr. DeSpain; Natural Resource Working Group-Mr. Tenney, Mr. Brownlow and Mr. Shumway (citizen member); Tri-State County Elected Officials-Mr. Thompson & Mr. Deal; AACo-Mr. DeSpain; EECO & ECO-Mr. Tenney; White Mountain Regional Development-Mr. Tenney; Little Colorado RC&D-Mr. Tenney; White Mountain Transportation Committee-Mr. Brownlow; NACOG Economic Development Committee-Mr. DeSpain, with Mr. Deal as alternate; 4CEC-Mr. Deal; Cooperative Extension Board-Mr. DeSpain; County Partnership Restoration-Mr. Shumway & Mr. Tenney; North Region Homeland Security Advisory Committee-Mr. Deal & Sheriff Butler (appointed by the Governor). **Mr. DeSpain made a motion** to approve the appointments as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

3) Appointment to fill vacant Constable position in Kayenta Justice Court, Precinct #4, pursuant to ARS § 16-240(A)(2) until next general election in 2006: One Letter of Interest was received by Christopher Claw. No other letters were received. **Mr. Deal made a motion** to appoint Christopher Claw to serve as the Constable in the Kayenta Justice Court, Precinct #4 as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**CONSENT AGENDA:** 1) Voucher list for payment; 2) Back Tax Land Deeds; 3) Justice Court reports (November): Holbrook #1; Snowflake #3; Kayenta #5; Pinetop #6; 4) Constable report (November): Holbrook #1; 5) Liquor License: Interim Permit/New License requested by Sheldean Cluff for “Cluff’s Quick Stop”, Show Low area; 6) Adoption of Navajo County Assessor Assessment Roll for Tax Year 2005; 7) Authorize appointment of Justice of the Peace Ralph Hatch, and the re-appointment of Justices of the Peace Alison Kolomitz, Fred Peterson, Stephen Price, David Widmaier and Evelyne Bradley as juvenile hearing officers; 8) Approval of letter to Senator John McCain requesting Congress reauthorize and fund the Indian School Bus Route Safety Reauthorization Act; 9) Assessments & Tax Roll corrections. **Mr. DeSpain made a motion** to authorize the Chairman to sign the items in the consent agenda; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**NAVAJO COUNTY HEALTH PUBLIC HEALTH SERVICES DISTRICT:** Mary Tyler, Interim Director: **Board of Directors Session:** 1) Flu update: **Mr. DeSpain made a motion** to enter into a Board of Directors session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Ms. Tyler advised that the Health District was able to provide 2100 doses of adult flu vaccine and 100 doses of children’s vaccine at no charge to county residents. The first shipment of 330 doses was administered to long-term care and nursing home residents. The second shipment of 1270 doses was administered to high-risk individuals through clinics held at the offices. These clinics were held over a two-day period, where up to 40 persons were seen in a ½ hour period. The Holbrook and Winslow clinics moved smoothly enough that there was almost no waiting; the Show Low clinic saw more patients, but there was less than a 10-minute wait. A third shipment of 500 doses was made available in mid-December and clinics were held until all doses were given. Ms. Tyler noted that we were the only county to provide flu vaccine to residents at no charge. The total cost for providing the vaccine was \$15,522.10. This included the vaccine, syringes and miscellaneous supplies, but not travel costs or staff time. **No action taken; informational only.**

2) Appointment of Health Director: Mr. Jayne announced that the Health Director position was offered to Dr. Wade Kartchner, and he has accepted the position effective April 1, 2005. Dr. Kartchner has contractual obligations, which prevent him from coming to Navajo County prior to that date. Mr. Jayne stated his appreciation to Ms. Tyler for her hard work and dedication this past year as she has held the position of Interim Director. **Mr. Tenney made a motion** to appoint Dr. Wade Kartchner as the Navajo County Public Health Services Director, effective April 1, 2005; motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**RECORDER:** Kelly Dastrup, Elections Coordinator: Approval to submit HHS grant for purchase of voting equipment to assist disabled voters: Ms. Dastrup presented a grant application, which will provide \$21,408, to be used at the discretion of the department as long as it conforms to the parameters set by the grant. In this case, the funds will be used to purchase cassette tape players and language programs to provide translation services at voting precincts; handicap accessible voting booths; and handicap parking designation signs. **Mr. DeSpain made a motion** for approval to submit HHS grant application to the Secretary of State; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**COOPERATIVE EXTENSION:** Steve Campbell, Extension Agent: Approval of proposed distribution of Navajo County’s allocation of ECO Fuel Reduction Grant funds: Mr. Campbell explained that in September, 2004, ECO voted to split \$65,000 between the five counties for fuel

reduction work. Navajo County was allocated \$13,000. It is proposed to utilize this money in the area south of Scotts Reservoir, west of Blue Ridge, north of Billy Creek, the incorporated area of Pinetop-Lakeside known as Pino Ridge, and east of Porter Mountain Road. There has been considerable fuel reduction work already done in adjacent sites within Pinetop-Lakeside and the adjacent National Forest. Additionally, 55 acres within the proposed site have been completed utilizing other grants. The funds would be made available to property owners on a cost-share basis similar to other grants we have in adjacent areas. The property owners would be compensated at the rate of \$350 per acre, or 50% of the cost associated with fuel reduction on their properties, whichever is less. The property owners would also have to meet certain standards to be eligible for the cost share program. These standards include: 1) Density of trees on the site will be reduced so that the average will be 60-80 trees per acre; 2) Basal area reduced to 50-70 sq. ft. per acre; 3) An evaluation of the property, based on current forest health and fire mitigation science, must meet the standards of keeping any wildfire on the property on the ground rather than in the crowns of the trees, either through active canopy movement or through torching and laddering; 4) Involved property owners must agree to maintain the property in this condition permanently. Mr. Campbell noted that 40 acres could be thinned to these standards if the grant is accepted by Navajo County. Mr. Deal noted that the same kind of program is needed on the reservation. Mr. Campbell said that we can build a community wildfire protection plan in cooperation with the Navajo Nation, but the process must begin by completing the plan, starting at the local level (i.e. Districts I & II) and working out from there. **Mr. DeSpain made a motion** to approve the proposed distribution of Navajo County's allocation of ECO Fuel Reduction Grant Funds; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**NAVAJO COUNTY LIBRARY DISTRICT:** Geneva Durkee, Director: **Board of Directors Session:** Approval of contract with consultant to fulfill District's obligations under LSTA Grant #2004-4130, "Planning Grant for Improving Accessibility to Local History Cultural Materials in Libraries and Museums in Navajo County": **Mr. DeSpain made a motion** to enter into a Board of Directors session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Ms. Durkee explained that we have received a planning grant in the amount of \$6000. This grant will be used to hire a consultant to conduct an inventory and assessment of the libraries and museums within Navajo County. This grant must be fully expended by August, 2005. **Mr. Deal made a motion** to approve the contract with consultant to fulfill the District's obligations under the LSTA grant as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. DeSpain made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**PUBLIC WORKS:** Dusty Parsons, Interim Co-Director: Approval of IGA with Coconino County for snow removal on South Highway 99 in Coconino County: Mr. Young, Interim Co-Director, advised that this is an IGA that has been in place with Coconino County for about 15 years. **Mr. Tenney made a motion** to approve the IGA with Coconino County for snow removal on South Highway 99 in Coconino County; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

**NAVAJO COUNTY FLOOD CONTROL DISTRICT:** Tom Hieb, Deputy Director Flood Control: **Board of Directors Session:** 1) Approval of IGA with Silver Creek Flood Protection District for the Millet Swale Dam Improvement Project: **Mr. Thompson made a motion** to enter into a Board of Directors session; motion seconded by Mr. Tenney; vote unanimous approving the motion. Mr. Hieb advised that, in the past, flood control staff has assisted the Silver Creek Irrigation District in assessing the flood hazard and dam safety concerns at Millet Swale Dam. The Silver Creek Flood Protection District, a recently reactivated district is now addressing these concerns. The District would like to

develop improvement plans for the dam and has requested funds for this program from the Navajo County Flood Control District. During the most recent flood control district budget hearings, some of the flood control and dam safety problems related to Millet Swale Dam were discussed and the Board approved the inclusion of \$65,000 in the FY 04/05 Navajo County Flood Control District budget to address these concerns. Since that time, flood control and County Attorney staff have worked out the cost-share and cooperation terms in the proposed IGA. The IGA provides funds to develop improvement plans that address these dam safety and flooding concerns. Mr. Hieb noted that the Silver Creek Flood Protection District is not currently collecting taxes, but it does have funds in the bank. **Mr. DeSpain made a motion** to approve the IGA with Silver Creek Flood Protection District for the Millet Swale Dam Improvement Project; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approval of proposed plan of action for pursuing improvements to the Winslow Levee: Mr. Hieb advised the Board that there was a piping failure in the Winslow Levee on December 31<sup>st</sup>, which was possibly caused by: desiccation cracks, root channels, rodent burrows or structural flaws. Emergency repairs have been completed. Mr. Hieb presented a brief history of the levee, which is 7.2 miles long and owned by the Navajo County Flood Control District. While it is not known exactly when the levee construction was first begun, one early account of the levee activities is cited in the July 30, 1954 Winslow Mail newspaper. Navajo County first became involved in constructing levees and jetties along the river sometime in the early 1960's. Damaging floods occurred each year from 1968 to 1972, and again in 1978 & 1979. The levee construction completed during the 1960's and 1970's does not appear to have followed any master plan or design. In fact, a U.S. Army Corps of Engineers report in 1976 stated, in part: "...The levee is not yet complete, and it follows neither a set schedule nor standard design. For these reasons, the levee is not entirely effective." The first efforts to build an engineered levee came following a flood in December, 1978. This flood caused extensive damage in Ames Acres and Bushman Acres subdivisions. In 1989, the Winslow levee is completed for an estimated cost of more than \$5 million. In 1993, floodwaters overtopped the levee and flooded properties in Ames Acres, Bushman Acres and other areas. Temporary repairs were completed immediately on the levee. Affected property owners filed a lawsuit against the county and others. Permanent repairs to a 3000-foot section of the levee were completed in December, 1994. In 1997 & 1998, 2600 feet of the levee were improved by minor reshaping and the addition of filter fabric and rock rip-rap to both sides of the levee. In 2000, evidence from the studies done for the litigation indicated that the levee may not have the capacity to contain the 100-year flood. Evidence from a variety of sources also indicated that sediment might be building up in the river and reducing the capacity of the levee. Delph Engineering is hired to determine the capacity of the levee and re-delineate the flood hazard areas in the vicinity of the levee. Findings of the sediment study included: 1) During the period from 1940 to 1980, approximately 3-4 feet of sediment was deposited in the river along the reach from Holbrook to Winslow. This deposition was along the entire reach of the river, which indicated it was not related to any specific bridge, levee or structure. 2) Sometime after 1980, the river began to erode those sediments. Since 1980, the river has eroded 2-5 feet into the sediment, but the erosion is not expected to proceed much further because the river has reached bedrock in some places. At this point, the channel is stable ( $\pm 1$  foot within the next 50 years) along the most of the levee. However, 1-2 feet of aggradation is expected near the HWY 66 bridge and the railroad bridge. Reach-wide aggradation is not expected in the Winslow areas and therefore, sediment will not significantly impact the Winslow levee. No immediate action needs to be taken to influence sediment transport in the Holbrook and Winslow areas. However, a sediment-monitoring plan is recommended. The Floodplain Study conducted in 2002 concluded that the Winslow Levee does not meet FEMA requirements for 100-year flood protection. The levee does not have the capacity to contain the 100-

year flood, but can contain approximately the 50-year flood. Improvement options include tamarisk eradication, realignment of part of the levee, channel excavation, raising the levee and the purchase of flood prone properties. Mr. Hieb stated he believed that raising the levee is the most feasible option. Recommendations at this time: 1) Submit the flood plain delineation study to FEMA. This will begin the process of revising the flood plain maps. (*The Board would need to authorize the Chairman to sign the community acknowledgement form and any other necessary forms and documents needed to submit the study*) 2) Send out another letter to those property owners protected by the levee, advising them of the study results, the FEMA submittal and the recent emergency activities on the levee. 3) Schedule a public meeting so the property owners have a chance to review the proposed floodplain maps and ask questions about the levee, flood insurance, recent activities, etc.

Mr. Hieb advised that the cost for the emergency repairs completed on the levee this past weekend are unknown at this time, but may approach \$50,000-\$75,000. He asked that the Board approve this from the Flood Control contingency fund. He also recommended that an advisory committee be formed to study where we need to go with the Winslow Levee. **Mr. DeSpain made a motion** to approve the expenditure of up to \$100,000 in Navajo County Flood Control District contingency funds to be used for the temporary repair of the Winslow levee and for any professional services needed to move forward on the permanent repair of the levee; and that the Public Works Department provide an update on the status of the levee repairs at the January 18<sup>th</sup> Board meeting, and that any permanent repairs be brought to the Board for approval; motion seconded by Mr. Thompson; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

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

**PUBLIC WORKS/PLANNING & ZONING:** Dave Ashton, Deputy Director Planning & Zoning: **1) Approve appointments to the Navajo County Technical and Appeals Board:** Mr. Ashton stated he has the names of the two final appointments to the recently created Technical and Appeals Board: Mike Burr and Mike Valichnac. **Mr. DeSpain made a motion** to appoint Mike Burr and Mike Valichnac to the Navajo County Technical and Appeals Board as presented; motion seconded by Mr. Deal; vote unanimous approving the motion.

**2) Worksession regarding level of regulation of sexually oriented businesses and possible changes to the Navajo County Zoning Ordinance:** **This matter was tabled until the February 7, 2005 meeting.**

**FINANCE:** James Menlove, Director: **1) Authorization to enter into contract for purchase of administrative computing software:** Mr. Menlove noted that our current computing software does not meet our needs; it is an inefficient, paper driven accounting system that creates a duplication of effort. It was never meant for county application. A committee was formed to select the new software. The committee consisted of representatives from Human Resources, Payroll, Grant Management, Asset Management, Permits, GIS, etc. An RFP was prepared and sent to 20 public sector software companies and we received 3 sealed bids: Protean; Munis; and New World Systems. The committee reviewed each of the bids, and the committee members spoke briefly regarding their recommendation. The consensus was to select New World Systems because it seemed to provide everything we asked for. The cost comparison: Protean-\$497,886, plus annual fee for upkeep and insurance; Munis-

\$482,745; New World Systems-\$403,100. Mr. Menlove noted that the cost for the new software has been budgeted from the capital improvement fund, and his recommendation is to award the contract to New World System. He also noted that New World's base price includes 700-800 hours of training. **Mr. Tenney made a motion** to approve the award of the contract for administrative computing software to New World Systems as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

2) Approval to increase travel mileage reimbursement per Arizona Department of Administration: Mr. Menlove advised that the Arizona Department of Administration has increased the state employee's mileage reimbursement from 34.5 cents/mile to 37.5 cents/mile, and the lodging rates from \$55/night to \$60/night. These increased became effective December 16, 2004. Navajo County has historically matched the state's rates for reimbursement and hotel lodging. He noted that because these increases were not anticipated, the departments will have to work within their current budgets. **Mr. Deal made a motion** to approve the increase in mileage reimbursement and lodging rates as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

**BOARD BUSINESS:** **Mr. Deal** advised there will be a Homeland Security Advisory Council meeting here at the County complex on January 12, 2005 at 10:00 a.m. **Mr. Thompson** advised that Navajo Nation officials will be taking their oaths of office this week, with the Ft. Defiance Agency officials taking their oaths tomorrow at Ganado. **Mr. Brownlow** noted that all flags are flying at half-staff to honor those who lost their lives in the Christmas Eve tsunami. The Board wished welcomed Mr. Tenney and wished him a Happy Birthday.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, January 18, 2005, upon a **motion made by Mr. DeSpain**; motion seconded by Mr. Tenney; vote unanimous approving the motion. The meeting adjourned at 4:30 p .m.

**APPROVED:**

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**Chairman**

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**Date**

**ATTEST:**

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**Kathy Hieb, Deputy Clerk**