

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

July 18, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:02 a.m.

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

Mr. Deal led the Pledge of Allegiance and the Invocation.

CALL TO THE PUBLIC: There was no response to the Call to the Public

BOARD BUSINESS

- Mr. DeSpain reported that the Coalition of Counties asked for this County's participation in arranging a meeting in the same time frame as the Supervisors' legislative summit. This meeting will take place in the Fish and Game conference room prior to Summit meeting.
- Mr. Tenney reported that the Little League team that was recognized at the last Board meeting took second place. He expressed appreciation of the players and their parents for the Board's recognition.
- Mr. Thompson reported that when the Navajo Nation was first established their leadership traveled to each community on horseback. He said that last week several of the Navajo Nation leaders rode to Window Rock visiting communities along the way and that he participated, visiting a few communities and sharing information. He reported that Thursday evening there was a range fire, mainly near the wash, in the Polacca area that was quickly controlled.
- Mr. Brownlow reported that the Natural Resources Working Group, comprised of private, federal, state, county, and city agencies, met recently. At that meeting, the Forest Supervisor from Springerville conducted a presentation on the White Mountain Stewardship thinning contracts, reporting that the operation is going well.
- Mr. Deal reported that earlier this year there was severe wet weather in his community and today they are experiencing the opposite of problems experienced then. He stated that many people on the reservation are hauling water and when pumping takes place, conflicts arise from the frustrations over the use of their most precious resource, water. He stated the contract for Peabody coal is coming up for renewal and the issue of their excessive use of pristine water for slurry operations must be addressed or brought to a halt. He stated several community members are walking and riding horses to Window Rock and he supports this fight to conserve natural resources.

CONSENT AGENDA: 1) Voucher list for payment; 2) Justice Court Reports; 3) Tax Roll Corrections; 4) Sympathy letters: Joan and John Mickle; Geneva Durkee; 5) "Request for Redemption of Waiver" signed by J. Andrew Bacon; 209-10-140; 6) Back Tax Land Deed: **Mr. DeSpain made a motion** to authorize the Chairman to sign the items on the Consent agenda; motion seconded by Mr. Tenney; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: Approval of Personnel Actions: Ms. Calisen reviewed personnel actions including the annual plan changes for the current year. **Mr. Tenney made a motion** to

approve the Human Resources items as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

RTA Hospice: Johnnie Rae Latham, Volunteer Coordinator, Explanation of the need for RTA Hospice volunteers throughout Navajo County: Ms. Latham provided a brief description of services offered through RTA Hospice ranging from providing items such as refrigerators and wheel chair ramps, to fulfilling more personal care needs and, when needed, to assisting the patient and family through the death process. She advised that many of the patients have Medicare or personal insurance but fund raising through the organization also assures that those who cannot pay are not turned away. She stated that while the center funds social workers, CNAs, nurses and home assistance programs there is also a tremendous need for the support of community organizations and volunteers. She stated that this is the only federal program that must have 5% volunteer participation and that currently there are 49 volunteers in the County. She said there isn't a volunteer in Holbrook and there are only two in the Heber Overgaard area. She appealed to the Board of Supervisors to assist in recruiting volunteers for the program, outlining the many areas where a volunteer can contribute and the training provided to them. She invited those present to tour the facility and meet the staff in an effort to assist in recruiting volunteers. Mr. DeSpain expressed appreciation for this program, advising how the center had assisted his family at the time of his father's death.

CENTER FOR DESERT ARCHAEOLOGY: Anne Goldberg, Heritage Consultant, Presentation regarding and requested support for the creation of a Little Colorado River Valley National Heritage Area: Anne Goldberg conducted a Power Point presentation depicting the proposed Little Colorado River National Heritage Area, advising there are currently 27 National Heritage Areas in the United States, only two of which are in the west. She defined a National Heritage Area and provided a map of the proposed 27,000 square mile area that follows the watershed boundary of the Little Colorado River, stating that Heritage Areas normally follow natural features. She advised of funding opportunities to promote the area as well as the potential benefits to the area for economic development. She emphasized that control over the funding is local and stakeholders are local residents and organizations. Expressing appreciation to Ms. Goldberg for the efforts that are going into this project, **Mr. DeSpain made a motion** to authorize a letter of support to create a Little Colorado River Valley National Heritage Area; the motion was seconded by Mr. Thompson. In response to questions, Ms. Goldberg stated:

- A natural boundary normally determines a Heritage Area because those boundaries do not change as a road or railroad might.
- She has been in contact with the Navajo, Hopi and Zuni tribes and they have been receptive to further discussion.
- The White Mountain Apache Tribe is outside the boundary but they will also be consulted.
- Special care will be taken when discussing the project with the tribes that they understand this project will have no impact on water rights.
- Gathering many people together who have common concerns such as water can be very beneficial in other areas as well.
- After gathering letters of support from stakeholders, the next major step will be a feasibility study.

All Board members thanked Ms. Goldberg for her efforts. The motion carried unanimously.

ELECTION SERVICES: Kelly Dastrup, Elections Coordinator:

- 1) Approval for Navajo County Election Services to conduct an all mail ballot election for the Timberland Acres Domestic Water Improvement District for September 13, 2005: Ms. Dastrup

clarified with Mr. Bowers that the Intergovernmental Agreement for this item had not been included in the consent agenda folder as had been the intention and requested advice as to whether it could be approved at this point to conduct an all mail ballot or if it should be included in a future Consent Agenda folder. Mr. Bowers stated the authorization to conduct the ballot could also be authorization for the IGA to conduct it. Ms. Dastrup stated that normally District Board of Directors elections are conducted in May but this District did not make that deadline so in moving forward with a September election the term limits of the vacancies were adjusted to get them back on schedule for future May elections. She advised the Board that an all-mail ballot had been pre-cleared with the Department of Justice. **Mr. Tenney made a motion** to enter into an IGA to conduct an all mail ballot election for the Timberland Acres Domestic Water Improvement District for September 13, 2005; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Deal was not in the room.

- 2) Approval for Navajo County Election Services to conduct an all mail ballot election for the Silver Creek Flood Protection District on October 5, 2005: Ms. Dastrup advised the Board that the Silver Creek Flood Protection District has remained dormant for 20 years. She stated that in 2004 an effort was made to bring this district back into compliance but could not meet the October 2004 election deadline. Because it did not meet statutory compliance and after consulting with all affected parties, appointments were made by the Board of Supervisors to fill the Board vacancies so they could function until an election could be held. She advised this district did not fall under the consolidated elections requirement and statute requires its election is held on the first Wednesday in October. **Mr. Tenney made a motion** to approve conducting an all-mail ballot election for the Silver Creek Flood Protection District on October 5, 2005; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. DeSpain was not in the room.
- 3) Update on Proposition 200 ID at the polls: Ms. Dastrup advised the Board that it is her intent to present an overview of the identification at the polling place issue and to provide information regarding how other counties are addressing many of the concerns that also impact this county. She stated that in addition to what the Board has in their packet, she did receive a second version of the procedures after 5:00 on Friday. She discussed concerns expressed by some elected officials that the Secretary of State should not determine what is allowable at the County level, this issue should not be left to poll workers to resolve and that many electors would be barred from voting under the proposed procedures. Mr. Thompson stated that in his precincts the poll worker would actually know the person to be who they say they are. Ms. Dastrup said that this would be the case in most precincts but each poll worker has to sign an affirmation that they did obtain proof of ID even though they know the person and if they do not follow this procedure it is a misdemeanor offense. The example has been presented that if it is the poll worker's mother, that person must produce acceptable ID. Mr. Deal expressed the concern that every effort must be made on the reservation to assist the elderly citizen to vote and to educate those people who care for senior citizen programs to understand everything that is needed for that person to vote. He gave an example of an elderly person who could be physically provided with the required identification but could put it down and get to the polls without it. He said each poll worker would know that person yet that person would be denied the right to vote. Ms. Dastrup stated she shared the concerns that Mr. Deal had expressed and would forward all of these types of concerns in response to the request for comments on the procedures. She stated there is also concern about the poll worker liability for ID that is left at the polls. Ms. Dastrup stated that all procedures as established by the Secretary of State and approved by the Department of Justice must be followed and that until those new procedures are approved the current procedure of providing a provisional ballot will be followed. She stated she would keep the Board and administration aware of developments as they occur.

PUBLIC WORKS: Dusty Parsons, Dick Young, 1) Approve funding for the purchase of a Chevrolet Extended Van in the amount of \$20,000 and the amount of \$4,382.00 for operating expenses from District II, LTAF II funds: Mr. Thompson stated he had worked with Public Works to provide this purchase as listed and introduced Johnny Johnson, Mary Sage, and Herbert Manygoats who were here to request this van purchase for the aged as well as vehicle maintenance funds. Mr. Parsons stated that his department recommends approval of this purchase. Johnny Johnson addressed the Board stating that he represents many elders from the Navajo Nation who would very much appreciate this van and operating costs. **Mr. Thompson made a motion** to approve funding for the purchase of a Chevrolet Extended Van in the amount of \$20,000 and the amount of \$4,382.00 for operating expenses from District II, LTAF II funds; motion seconded by Mr. Tenney. Mr. Bowers inquired if this would be a State Contract purchase and Mr. Parsons said it would be. Mr. Deal stated that a few years ago the Board purchased vans for a senior citizens' program for the Navajo and Hopi reservations and while there were no problems delivering them to the Hopi, the delivery to the Navajo Nation was a very lengthy process due to some stalling at Window Rock. Mr. Johnson stated he has worked to assure that this does not happen this time because he has consulted with fleet management and risk management administrators and believes the documents will be in order. The vote was unanimous approving the motion and Mr. DeSpain was not in the room. Mr. Thompson expressed his appreciation to Mr. Jayne and Mr. Menlove for their support of this project.

SHERIFF OFFICE: Cmdr. David Burke, Authorization for Sheriff's Office to enter into agreement with Office of the Attorney General for grant for partial funding for one clerk for Victims' Rights Program: Commander Burke requested Board approval to enter into this agreement and responded to Mr. Deal's question that this is an ongoing program. **Mr. Tenney made a motion** to authorize the Sheriff's Office to enter into an agreement with the Office of the Attorney General for grant(s) for partial funding for one clerk for the Victims' Rights Program; motion seconded by Mr. Deal; vote unanimous approving the motion. Mr. DeSpain and Mr. Thompson were not in the room.

Mr. Brownlow recognized Mr. Ken Smith of Pinetop who was in the audience.

SUPERIOR COURT ADMINISTRATION: Marla Randall-Myers, Court Administrator, Approval to renew Fill the Gap funding grants and Field Trainer funding grant: Ms. Myers stated she is requesting approval to submit the listed grants, with no matching fund requirements. **Mr. Tenney made a motion** to approve the submittal to renew Fill the Gap funding grants and Field Trainer funding grant; motion seconded by Mr. Deal; vote unanimous approving the motion. Mr. DeSpain and Mr. Thompson were not in the room.

FINANCE/PURCHASING: Mary Springer, Purchasing Agent

- 1) Approval to authorize Finance to take steps necessary to adopt the Arizona State Procurement Code and related State procurement regulations to replace the current Navajo County Procurement Policy: Ms. Springer advised the Board that many counties have adopted the Arizona State Procurement Code and related procedures to achieve purchasing consistency. In response to a question from Mr. Tenney, Ms. Springer stated the final document will be brought to the Board for approval when appropriate references to Arizona have been replaced with Navajo County. **Mr. Tenney made a motion** to authorize Finance to take the steps necessary to adopt the Arizona State Procurement Code and related State procurement regulations to replace the current Navajo County Procurement Policy; Mr. DeSpain seconded the motion; vote unanimous approving the motion.
- 2) Approval to adopt new general terms and conditions for Invitation for Bids (IFB) request for Qualifications (RFQ), and Request for Proposals (RFP): Ms. Springer advised the Board that the terms and conditions as presented are proposed to provide more appropriate insurance

requirements and bring the language in the terms and conditions to meet the nuances of different procurement methods. Mr. DeSpain stated he recognized the work that has gone into this project and expressed his appreciation to Ms. Springer. **Mr. Tenney made a motion** to adopt new general terms and conditions for Invitation for Bids (IFB) request for Qualifications (RFQ), and Request for Proposals (RFP); motion seconded by Mr. DeSpain; vote unanimous approving the motion.

- 3) Approval to authorize Finance/Purchasing to request Invitation for bids (IFB) for purchase or lease of office copy equipment and extended maintenance service agreement of office copy equipment: Ms. Springer stated that the County currently has seven leased copiers, some on month-to-month and with all due to be off lease by November. In response to a question from Mr. DeSpain, Ms. Springer stated that all affected departments have been informed of this IFB and Mr. Jayne stated that Ms. Springer would further follow up on this with the departments. Ms. Springer stated the intent of this IFB is to develop a relationship with one company, under contract for one service technician. She stated Bob Heming and John Hager have identified copier needs with elected officials and department heads and this IFB should meet those needs. **Mr. Tenney made a motion** to authorize Finance/Purchasing to request Invitation for Bids (IFB) for purchase or lease of office copy equipment and extended maintenance service agreement of office copy equipment; motion seconded by Mr. DeSpain. Mr. Deal inquired if this bid will also cover additional copier purchases as necessary and Mr. Jayne responded it would do so in an effort to standardize machines and supplies. He said that under the new budget proposal copier issues would be under the stewardship of MIS who will also have centralized supplies. The vote was unanimous approving the motion.
- 4) Approval to authorize Finance/Purchasing to issue a request for proposal (RFP) for organizational development specialist as a consultant to the Public Works Department: Ms. Springer advised that the Public Works department has experienced a significant turnover in the past few months, which has disrupted the normal course of business. The intent of this proposal is to select an organizational and development specialist to conduct strategic planning sessions with Public Works staff in order to clarify department direction and to unify staff efforts. Mr. Deal inquired if the goals are for the employees or the department and Mr. Parsons responded that they would be for both. Mr. Deal inquired if this is one of the measures the Board requested to be designed and implemented for employees and Mr. Parsons responded this is the interpretation of what the Board wanted. In response to a question from Mr. Thompson, Ms. Springer stated the funds are budgeted for this item. **Mr. Tenney made a motion** to authorize Finance/Purchasing to issue request for proposal (RFP) for organizational development specialist as a consultant to the Public Works Department; motion seconded by Mr. Thompson. Mr. Jayne stated this is coming to the Board in response to the direction the Board gave him, that this proposal will address the relational aspect as well as the structural basis. Mr. DeSpain inquired if this would be an agreement with a firm or a consultant and Ms. Springer stated that it would be; that a County employee would not provide this service. The vote was unanimous approving the motion.

Mr. Jayne expressed his appreciation to the Board for approval on all of these items. He stated that one of the Board members had asked him about changes regarding procurement and that the most effective change has been hiring Ms. Springer. He said she has worked very well with the County Attorney's office to clarify policies and procedures and has kept department heads, elected officials and administration informed of issues. Mr. Brownlow expressed the Board's appreciation to Ms. Springer.

LIBRARY DISTRICT: Geneva Durkee, Library District Director, Board of Directors Session: **Mr. Thompson made a motion** to enter into a **Board of Directors Session** for the Library District; motion seconded by Mr. Tenney; vote unanimous approving the motion.

- 1) Approve acceptance of three federal LSTA Grants awarded to the Library District
a. Integrating County Museum Collection catalogs to be spent by August 1, 2006: Ms. Durkee stated the seven museums currently have different methods of cataloging the

items they house. She stated the intent of this grant was to furnish each museum with a computer and software so that ultimately virtual museums could be available on line. She stated that at the same time she applied for this grant, the State library had purchased a software package that might do the same thing. She said that she had originally requested over \$32,000 and she was only funded \$13,790 and was asked to work with only two museums as a pilot project. She said that while she is grateful for these funds, it was her desire to work with all seven museums and move forward as a County. She said she is working with the other museums, applying for other grants to fund them to provide on-line tours of over 50 digitized artifacts.

- b. Online Tutorials for Training and Orientation of Public Library Users: Ms. Durkee stated that the grant of \$10,885 that funds this software will provide on-line tutorials for training and orientation of public library users that staff can not currently provide in person.
- c. Raising Crime Victims' Rights Awareness through Programs and Library Resources and authorizing entering into IGA, if necessary: Ms. Durkee introduced Beth Miner, the prison librarian, who has worked with her on this project to raise the awareness of crime victims rights and increase the sensitivities of incarcerated persons for the traumas endured by victims. Ms. Miner stated that the prison warden wanted to be here but her schedule changed and she was unable to attend. She said this warden has the reputation for and a proven record in Missouri of reducing recidivism rate with part of the strategic goal being to develop sensitivity to the victim's trauma. Through this grant of \$18,425, materials will be provided to libraries and programs will be established within the prison.

Mr. Tenney made a motion to accept the three grants as presented; motion seconded by Mr. Thompson with the comment that care should be exercised that people using the tutorials should not experience the same frustrations that some on-line classes produce. Ms. Durkee thanked him for that observation. She advised the Board that in addition to acceptance of these grants they may need an IGA to administer the grant with the prison and she is seeking a determination through the County Attorney and the State. Mr. Deal stated there are almost no public libraries in the Navajo Nation and inquired if these grants could be introduced to the school libraries. Ms. Durkee stated she would investigate that. The vote was unanimous approving the motion. Mr. DeSpain was not in the room.

Mr. Thompson made a motion to reconvene into regular session; motion seconded by Mr. Tenney; vote unanimous approving the motion. Mr. DeSpain was not in the room.

PUBLIC WORKS: Dusty Parsons, Dick Young

Item 1 addressed earlier in this session.

- 2) **Board of Directors Session: Sutter Drive Improvement District**: **Mr. Tenney made a motion** to enter into the Sutter Drive Improvement District Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. DeSpain was not in the room.
 - a. **Approval of Resolution to perform the improvements of Sutter Drive Improvement District**. Mr. Young stated that Harry Rosenfeld, legal counsel, has approved this agreement and staff requests approval. **Mr. Tenney made a motion** to approve **Resolution #50-05** to perform the improvements of Sutter Drive Improvement District; motion seconded by Mr. DeSpain; vote unanimous approving motion. Mr. Deal was not in the room. Mr. Brownlow expressed his appreciation to Mr. Young on behalf of the people in that area. Mr. Young advised that the estimated costs would be \$370,000.

- b. Approve Notice of Proposed Improvements and direct Clerk of the Board to publish and distribute the notice as required: Mr. Young requested the Board review and approve the proposed notice. **Mr. Tenney made a motion** to approve the Notice of Proposed Improvements and direct the Clerk of the Board to publish and distribute the notice as required; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Deal was not in the room.
- Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Deal was not in the room.
- 3) Approval of Professional Services Contract with Absolute Surveying and Mapping: Mr. Tenney inquired if there were specific projects identified and Mr. Young stated that initially work would begin on Shumway Road. **Mr. Tenney made a motion** to approve a Professional Services Contract with Absolute Surveying and Mapping; motion seconded by Mr. DeSpain. Mr. Brownlow inquired if there is money in the budget for this project and Mr. Young stated there is on the professional services line. The vote was unanimous approving the motion. Mr. Deal was not in the room.
- 4) Approval for Professional Services Contract with Miller Brooks Environmental Inc. be approved as presented: Mr. Young stated that staff recommends this professional services contract to provide Storm Water Pollution Prevention Plan (SWPPP) for the Buckskin Wash/Black Canyon Wash Emergency Watershed Project. In response to a question from Mr. Brownlow, Mr. Young stated this firm was selected because they were familiar with their work through the Woodland Road Project and the firm is immediately available. **Mr. Tenney made a motion** to approve the Professional Services Contract with Miller Brooks Environmental Inc. be approved as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Deal was not in the room.

The Board recessed at 11:20 a.m. and reconvened at 11:50 a.m.

ADMINISTRATION: James Menlove, Discussion and possible action re: entering into an Economic Development Agreement with a tissue manufacturing company: Joseph Papa advised the Board that the land cost for the Trinity facility has increased by \$150 per acre. He inquired if the County is willing to offset that additional cost of the land acquisition as an option within the agreement. He said this would increase the County payment to \$1,200,000 over 20 years from the previously proposed \$1,000,000. He said they are requesting the Board consider approving the development agreement not to exceed \$1,200,000 with the attorneys for the County and the private entity and staff to work out details and bring that agreement back to the Board for approval. Mr. Tenney inquired if there is a way to tie the funds to a conversion facility in addition to the parent facility. Mr. Papa advised a transportation analysis would determine if the company could locate a conversion facility in the county. Mr. Papa discussed the benefits of locating the conversion facility to the county as generating over \$900,000,000 revenue in the County over the next 20 years. He stated that the original plant study was for 150 jobs with 350 jobs created subsequently. He advised that this entity uses only 1,000,000 gallons of water per day as opposed to Abitibi's use of 15,000,000 gallons per day. Mr. Papa stated that the formula for water management is acres in relation to water pumped and the company needs 640 acres to protect that formula. He said the County's approval of the additional funding would send the message to Trinity that it wants to proceed. Mr. Tenney stated he sees the benefits of this plant to the County and he would like to move forward. Mr. DeSpain stated the chance of getting the secondary plant is tied to having the parent company located in the area. He stated there are options available for locating the second plant near I-40 and the railroad. Mr. DeSpain asked if the final price of the land is set at this point and Mr. Papa stated it is. He said the six-month delay in closing this deal has allowed for additional land acquisitions that drove the price up. Mr. Papa stated if

the County settled today for the additional price there would be approximately \$80,000 comfort level for closing costs. Mr. Deal inquired if the company would look at other sites for the second plan and Mr. Papa stated that if Trinity doesn't reach an agreement on this site they would consider other sites if they were ideal for water and transportation. Mr. Deal stated he could support the new amended agreement with a recommendation to keep doors open for another site within the County. Mr. Papa advised there has been no new hydrology study since 1982 so there is no way of knowing what other industries have done to the water supply. Mr. DeSpain stated the Board is not rebating taxes but is using a General Budget line item to accumulate monies to pay this agreement over a 20-year period. He asked if the Board can bind future Boards. Mr. Bowers stated that whoever drafted the agreement has a sense of that because it gives the developer the right to cause of action and he didn't know how that would play out. **Mr. Tenney made a motion** to approve the expenditure capped at \$1,200,000 over a twenty year period with an agreement to be drafted with the County Manager and Attorney working out details; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Board members expressed their appreciation to Mr. Papa and his group for being instrumental in moving this forward in Navajo County.

ADJOURN: **Mr. Tenney made a motion** seconded by Mr. DeSpain to adjourn. Motion unanimously approved and the meeting was adjourned at 12:35 p.m.

APPROVED:

DATE:

Jerry Brownlow, Chairman

ATTEST:

CLERK/DEPUTY CLERK OF THE BOARD