

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

APRIL 14, 2003

Supervisors' Chambers, Holbrook, Arizona - Time: 9:05 a.m.

PRESENT: Pete Shumway, Chairman; J.R. DeSpain, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Jerry Brownlow, Member; Mel Bowers, Jr., County Attorney; Eddie Koury, County Manager; and Judy Jones, Clerk of the Board.

Mr. Shumway led the Pledge of Allegiance and offered the Invocation.

CALL TO THE PUBLIC: There were no comments offered.

CONSENT AGENDA: Mr. Thompson made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. DeSpain; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Board of Supervisors Minutes: April 7, 2003; 3) Constable Reports: (March) Winslow #2; Snowflake #3; 4) Juvenile Justice System Report:

ADMINISTRATION/HUMAN RESOURCES: Gilbert Gonzales, Human Resource Director: Executive Session pursuant to ARS §38-431.03(A)(1) (consideration of personnel matters) for Board to hear Appeal by a Health Services District employee of denial of grievance as untimely and not within the scope of the Navajo County Grievance Policy: At 9:10 a.m., Mr. DeSpain made a motion to enter into Executive Session for legal advice; motion seconded by Mr. Thompson; vote unanimous approving the motion. Present in the Executive Session were: Deputy County Attorney Lance Payette; Chairman Pete Shumway; Vice-Chairman J.R. DeSpain; Members Jesse Thompson, Percy Deal and Jerry Brownlow. The Board reconvened in regular session at 9:25 a.m.. **No action taken**

At 9:42 a.m., Mr. Shumway made a motion to enter into Executive Session for consideration of personnel matters; motion seconded by Mr. Brownlow; vote unanimously carried. (Mr. DeSpain abstained from the session due to a County Attorney opinion and knowledge of the case prior to the appeal) Present in the Executive Session were: Deputy County Attorney Lance Payette; Chairman Pete Shumway; Members Jerry Brownlow, Percy Deal, Jesse Thompson; County Manager Eddie Koury; Human Resources Director Gilbert Gonzales; Navajo County Health Services District Director, Dr. Stanley Warner; Rachel McCormick and Clerk Judy Jones. Mr. Deal made a motion to return to regular session at 9:50 a.m.; motion seconded by Mr. Thompson; vote unanimously carried. At the request of Ms. McCormick, this session will be rescheduled to allow her counsel to be present.

BOARD OF SUPERVISORS: J. R. DeSpain, District IV Supervisor: Presentation of banner to Kelli Dastrup who has been selected as Mrs. Navajo County International 2003 and is qualified to compete for Mrs. Arizona International, May 10th and 11th, 2003: Ms. Dastrup advised she has been named Mrs. Navajo County International. She explained her platform: "Save the Music-Keep it in our Schools", and advised that she will be competing for the title of Mrs. Arizona International on May 10-11, 2003. Mr. DeSpain presented Ms. Dastrup with her banner.

DEVELOPMENT SERVICES: Dave Ashton, Director: Public Hearing: 1) Resolution approving a Zone Change for Jack Peterson from C-R (Commercial Residential) to R-3 (Multiple-Family Residential) on a portion of APN #212-26-084, Porter Mountain Road area: Planner Lissa Davis advised that the Planning

& Zoning Commission voted 7-0 to recommend approval at their meeting on March 20, 2003. The south half of the subject property is currently zoned R-3, and the north half is zoned C-R. Mr. Peterson would like to have the north half re-zoned to R-3 to allow for the development of a residential subdivision, and to insure that future owners will not try to have commercial activity in the subdivision. Ms. Davis said that no one appeared at the P&Z hearing to oppose the request, nor have any comments been received for or against this project. Staff recommends approval of the request. Mr. Shumway noted there were no public comments offered today. Mr. Brownlow made a motion to adopt Resolution #24-03, approving a Zone Change from C-R to R-3 on a portion of APN #212-26-084, Porter Mountain Road area, as presented; motion seconded by Mr. Shumway; vote unanimously carried.

2) Resolution approving a Special Use Permit for to allow for the operation of a timber processing business on APN #208-14-009, Clay Springs area: Planner Lissa Davis advised that the Parker family had previously operated the sawmill until the mid 1980's and would now like to reopen the facility. They will utilize the existing structures and no other construction will be necessary. The Planning & Zoning Commission vote 7-0 to recommend approval of the application at their meeting on March 20, 2003. One person appeared at that meeting to voice opposition to the request, citing concerns regarding the appearance of the property. Mr. Parker has indicated that clean-up of the property has already begun. Ms. Davis advised there have been no comments received for or against the project. Staff recommends approval with stipulations. Dick Young, Assistant County Engineer, voiced concerns regarding the posted weight limit on Sawmill Road, which is a maximum of 10 Tons GVW due to the unknown and inadequate base conditions. Other concerns were that the truck traffic not go through Clay Springs, but should use the west connection to SR 260. Don Perkins spoke in favor of the project, noting that Clay Springs needs to get some industry back. He said the requirement for the applicant to fence the entire area would be cost prohibitive and perhaps this could be modified. Mr. Ashton noted that the stipulation requires only the project area to be fenced. Deputy County Attorney Lance Payette suggested the language of the stipulation be changed to indicate that non-transparent fencing be installed as appropriate to lessen any impact to surrounding properties. Mr. Shumway made a motion to adopt Resolution #25-03, approving a Special Use Permit to allow for the operation of a timber processing business on APN #208-14-009, Clay Springs area, with stipulations as follows: *1) The permit shall run with the land. However, if the use is abandoned for more than 12 months, the permit shall lapse; 2) The hours of operation shall be from 7 a.m. until 5 p.m.; 3) The operator shall take appropriate measures to minimize dust, odor and noise on the property. This shall include measures to minimize residual materials such as chips, sawdust, etc. If staff receives complaints, they shall immediately notify the operator who shall take action to mitigate the complaints. Unresolved complaints will lead to Board of Supervisor review and possible revocation of the permit; 4) A 6-foot, non-transparent fence shall be installed as appropriate to minimize any impact to neighboring properties; 5) The operation shall be limited to five employees. An amendment to the permit shall be required if six or more employees are employed at the site; 6) The scope of the operation is limited to the attached site plan. Any expansion will require an amendment to the permit,* motion seconded by Mr. DeSpain; vote unanimously carried.

3) Resolution approving a Zone Change for David Day from C-R (Commercial Residential) to Ind-1 (Light Industrial) on APN #206-34-005, Heber Area: Planner Lissa Davis advised that the property is located on State Highway 277 in the Heber area. The lack of industrial land has been addressed in the Heber-Overgaard Specific Area Plan, which was prepared by citizens and County staff several years ago. Several areas of potential industrial zoned land was identified and this subject property is contiguous with

one of those areas. The Planning & Zoning Commission voted 7-0 to recommend approval of the application at their meeting on March 20, 2003. There were no persons present at the P&Z to oppose the request, although two letters were received in opposition. Staff has not received any comments for or against the application in conjunction with this hearing today. Staff recommends approval with stipulations. David Day stated he wants to reverse the trend of diminishment of family businesses, and expand family business in the White Mountains. Mr. Day advised that the family has an aggregate mine in Apache County, and the property in Heber-Overgaard will be used for landscape material. V.M. Nelson, whose property is adjacent to the subject property, spoke in opposition to the zone change. She voiced her concerns over dust, noise, truck traffic and decrease in property values. Mr. Shumway made a motion to adopt Resolution #26-03, approving a Zone Change from C-R to Ind-1 on APN #206-34-005, Heber Area, with the stipulation as follows: *1) A landscaped buffer area/yard of at least 20 feet in width shall be located along the entire south, east and west boundaries of the subject parcel*; motion seconded by Mr. Brownlow; vote unanimously carried.

NAVAJO COUNTY WORKFORCE INVESTMENT (WIA): Gail Sadler, Director: Approve Consortium Agreement to continue relationship with Gila County REPAC as provider of WIA Dislocated Worker Services: Ms. Sadler noted that the allocations, which have steadily decreased in the past five years (from \$75,000 five years ago to \$7400 last year), are being re-figured to provide us with more funding. She added that the REPAC consortium assures the proper funding will be received to carry on the program. Mr. DeSpain made a motion to approve Consortium Agreement to continue relationship with Gila County REPAC as provider of WIA Dislocated Worker Services; motion seconded by Mr. Brownlow; vote unanimously carried.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Dr. Stanley Warner, Director: Board of Directors Session: Approval to enter into contract with Norther Arizona Council of Government (NACOG) to provide hematocrit or hemoglobin screening and tuberculin skin testing for students at the Holbrook, Winslow, Snowflake, Show Low and Pinetop Head Start Program offices: Mr. Shumway made a motion to enter into Board of Directors Session; motion seconded by Mr. DeSpain; vote unanimously carried. Dr. Warner noted that this contract had previously reimbursed us at a much lesser percentage than other entities. The contract now reflects the higher reimbursement, which is 50% more than last year. Mr. DeSpain made a motion to approve contract with NACOG to provide hematocrit or hemoglobin screening and tuberculin skin testing for students at the Holbrook, Winslow, Snowflake, Show Low and Pinetop Head Start Program offices; motion seconded by Mr. Brownlow; vote unanimously carried. Mr. Brownlow made a motion to return to regular session; motion seconded by Mr. Shumway; vote unanimously carried.

BOARD OF SUPERVISORS: Pete Shumway, District IV: Funding from District IV HB2565 Funds to assist the Silver Creek Senior Center in the costs for gas, oil and maintenance for the Meals on Wheels Program: Mr. Shumway advised he received this request from the Silver Creek Senior Center. Mr. Shumway made a motion to provide funding from District IV HB2565 Funds in the amount of \$1103 to assist the Silver Creek Senior Center in the costs for gas, oil and maintenance for the Meals on Wheels Program; motion seconded by Mr. Brownlow; vote unanimously carried.

NAVAJO COUNTY PROBATION: Ted Ryersbach, Director: Approval of lease with the Heber-Overgaard Fire District of a vacant mobile home to house the Heber-Overgaard Probation Office (lease

amount \$1 per year plus utilities and maintenance): Mr. Ryersbach explained that the Probation Department is currently leasing one room within the Heber-Overgaard Firehouse. The DPS is leasing the single-wide mobile home on the same property under the same contract as Navajo County has with the fire department. The DPS will be moving into a new facility in May, 2003, and the trailer will be available. Mr. Ryersbach requested approval to move the probation department into the trailer, which will not only give them much more room, but will also allow Judge Peterson to hold court proceedings there. The lease for the trailer is \$1 per year, plus utilities and maintenance. There will be a minimal cost incurred in moving the office equipment from the old office to the trailer, but all expenses will be paid out of probation service fees. Mr. Shumway made a motion to approve lease with the Heber-Overgaard Fire District house the H/O Probation Office; motion seconded by Mr. DeSpain; vote unanimously carried.

SHERIFF'S DEPARTMENT: Gary Butler, Sheriff: Formation of a Homeland Security Advisory Committee: Sheriff Butler advised that he and Emergency Services Director Paul Jaster have attended several meetings in Phoenix with the State Emergency Services and Homeland Security. They advised us that, on notification of terrorist activities that might affect our county, they would make two phone calls: one to our Emergency Services Department and one to the Sheriff. Because of this, it was decided to create a system within the county to disseminate this information. Therefore, a Homeland Security Advisory Committee will be formed. The committee will be kept as small as possible, with members as follows: Sheriff Butler (Sheriff's office); Paul Jaster (Emergency Services); Dusty Parsons (Public Works); Paul Watson (Fire Chief). Also on the committee will be representatives (as yet unnamed) from the Police Chiefs, the Health Services District, a citizen member from APS and one representative for the three tribes. Sheriff Butler noted that each tribe will have its own task force, as will each city and town in the county. In addition to its responsibility to disseminate information, the committee will also make recommendations to the Board of Supervisors as to how grant monies received by the county should be spent. Mr. Shumway asked that the Sheriff provide the Board with the list of names to be appointed to the committee. The Sheriff requested the Board approve the formation of the committee today, and he will provide the specific names as soon as they are known. He added that the committee membership could be expanded should it become necessary. Mr. Shumway made a motion to form a Homeland Security Advisory Committee with the names of the specific members to be provided as soon as they are known; motion seconded by Mr. Deal; vote unanimously carried.

NAVAJO NATION DEPARTMENT OF TRANSPORTATION: Lee Bigwater, Director: Request for funding assistance from Reservation Roads Funds for additional culverts for completion of the Johnson-Baldwin Road Project (Bird Springs): (Mr. Bigwater was not present) Mr. Thompson explained that the Navajo Nation borrowed 60 lineal feet of culvert pipe from the Navajo County Public Works Department to complete the Johnson-Baldwin Road Project. This request is for funding to pay the Public Works Department for those culverts. Mr. Thompson made a motion to approve funding assistance in the amount of \$918 from Reservation Roads Funds for additional culverts for completion of the Johnson-Baldwin Road Project; motion seconded by Mr. Brownlow; vote unanimously carried.

COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG): Clinton Shreeve, Deputy County Manager: Prioritize CDBG Applications for funding and set date for the Second Public Meeting for May 5, 2003 @10:00 a.m. to adopt Resolution pertaining to FY2003 CDBG Applications: Mr. Shreeve provided a summary of those projects submitted for funding at the last two public meetings. He advised that, in order to be considered, the projects must meet at least one National Objective (must benefit low/moderate

income persons-at least 51% of the persons who benefit; must solve an urgent need health hazard; or must aid in the prevention or elimination of blight or slums). The projects must be completed within 18 months, and must not be speculative in nature. Mr. Shreeve advised that there will be another public hearing scheduled for the Board to adopt resolutions regarding the selected projects.

Mr. Shreeve reviewed the projects as follows: 1) Rim Country Senior Citizens Center (Rebuild)-*The project is eligible, however without firm funding commitments, it will be considered speculative;* 2) Third Street Renovation-*This project has been withdrawn by the City of Holbrook;* 3) County Wide Housing Rehabilitation-*This project is eligible. The project meets the National Objective of serving low/moderate income recipients, and would be implemented under the guidelines the county has successfully used over the past ten years;* 4) Children's House School-*This project, as submitted, would be deemed speculative and is not eligible;* 5) White Mountain Passenger Lines Bus Service-*This project, as submitted, would be deemed speculative and is not eligible;* 6) Back-up Generator for Village Store-*Since the store would be open to the general public, it is questionable whether it would meet the low/moderate income requirement. There is no firm commitment for financing in the application. At this time, the project will not meet the Anti-Speculation requirements. The project is not eligible.* 7) White Mountain Elder Builders-*This project is eligible.* 8) Multipurpose building on Hopi-*The project is considered speculative as the additional financing for the completion of the project has not been secured. The project is not eligible.* 9) Purchase of five vans-*The primary concern is if the addition of these vans would increase the number of clients served (requirement that a minimum of a 25% increase in the terms of the clients served). The eligibility of this project is questionable.* 10) Planning grant for Community Services Building-*This is a speculative project in that there are no other funds committed. In addition, it does not appear that the total building project could be completed in 18 months. The project is not eligible.* 11) Archaeological clearance of a power line right-of-way-*There has not been enough information provided to determine if this project is speculative and if it can be completed in 18 months. The project is not eligible.*

Fern Larson and Spike Simmons, from the City of Holbrook, advised they have withdrawn their application as they have worked out an alternate solution. Dr. Bob Wilderman stated he believes he can justify the 25% increase in clients served for his proposal (purchase of five vans). He said that in the last several years, there has been a steady increase in the transportation services. He noted that his service area is primarily off-reservation, and he said he has enough handicap-accessible vans to meet the standards. The new vehicles would not have to be handicap accessible.

The Board began discussion in order to prioritize the projects, and the County-Wide Housing Rehabilitation project was #1 priority. Mr. DeSpain requested that the Purchase of Five Vans be listed as #2 priority for District III. Mr. Shreeve suggested that if there are funds remaining after all housing rehab applications in District III have been processed, an amendment to the application will be submitted for the vans.

Mr. Thompson made a motion to prioritize the CDBG Applications as follows: #1-County-Wide Housing Rehabilitation; if funds are available in District III after all housing rehab applications have been processed, the Purchase of Five Vans for the Community Counseling Center will be submitted as an amendment to the application, as discussed; motion seconded by Mr. Deal; vote unanimous approving

the motion.

RECORDER/ELECTIONS: Mary Kelley, Elections Coordinator: Approval for Sky Hi Water District to conduct all future elections by all mail ballot beginning with the September 2003 Election: Ms. Kelley advised that she received a letter from the District Board, requesting all mail ballots for all future elections. Mr. Brownlow made a motion to approve Sky Hi Water District to conduct all future elections by all mail ballot beginning with the September 2003 Election; motion seconded by Mr. DeSpain; vote unanimously carried.

SUPERIOR COURT: Marla Randall-Myers, Court Administrator: Extend temporary clerk position in Show Low Justice Court until June 30, 2003: Ms. Randall-Myers advised that the extension of the clerk position will allow the court to clear up its backlog. The funding will come from vacancy savings and local JCEF funds. Mr. DeSpain made a motion to extend temporary clerk position in Show Low Justice Court until June 30, 2003; motion seconded by Mr. Thompson; vote unanimously carried.

BUREAU OF INDIAN AFFAIRS (BIA): Franklin Sandoval, BIA Supervisor: Funding assistance from District II Special Project Road Funds for road base material: Mr. Clarence Tsosie appeared in place of Mr. Sandoval. He explained that he is requesting funding assistance for gravel and culverts for a road improvement project on Routes N9901 & N9844. These roads are school bus routes and need to be improved and maintained to provide safe travel for the students. Mr. Tsosie provided a sole source quote from Brimhall for the road material. Mr. Thompson requested this matter be continued to next week to see if there may be a better price. Mr. Payette noted that this is a quote to BIA, and the county is only the funding mechanism. However, there is no problem in determining if there is a better price out there. At the request of Mr. Thompson, this matter is continued to Monday, April 21, 2003.

ADMINISTRATION: Eddie Koury, County Manager: Budget Discussions - FY 2003/2004: Mr. Koury advised he attended the Manager's meeting last week and there was no new information given regarding the budget. There is still no agreement between the Governor and the Legislature. He advised that Representative Jake Flake will be visiting with all of the counties individually regarding the budget. There is no light at the end of the tunnel yet.

Mr. Koury reported that there is potential for further impact to the counties. SB 1577, 45th Legislature, stipulates in part, that "if the tobacco settlement payments are less than 66% of the original part owed in any fiscal year and the state has used previous settlement payments for indigent health care, counties shall contribute an amount equaling 33% of the difference in the following fiscal year". In light of the recent ruling against Phillip Morris USA, the company may not be able to make its \$38 million payment to Arizona in FY02/03. The potential impact on the counties is \$7 million.

Mr. Koury presented the amount of dues we pay to various organizations, including: National Association of Counties (NACo)-\$1435, County Supervisors Association (CSA)-\$21,400; Arizona Association of Counties (AACo)-\$10,130; Eastern Arizona Counties (ECO)-\$5000; White Mountain Regional Development-\$5000; Little Colorado RC&D-\$510; Coalition of Counties-\$2600; Arizona Rural Water Association \$1500; NACOG Economic Development-\$2200. These dues (total-\$49,775) are paid from the Miscellaneous budget. A suggestion was made that we look at a 15% reduction in the amount of dues we pay, just as we are reducing other parts of the budget by 15%.

PAYROLL ACTIONS: Gilbert Gonzales, Human Resource Director, presented a list of payroll actions. Mr. DeSpain made a motion to approve the payroll actions as submitted; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

BOARD BUSINESS: Mr. Deal advised he attended the funeral services for Lori Piestewa. He requested that the Board adopt a resolution recognizing her service to her country at the next meeting. He also requested a resolution supporting the Governor's petition to rename Squaw Peak. Mr. Deal advised the Board of problems within the 4CEC organization, and he will keep the Board apprised of the situation as it progresses. Mr. Brownlow reported on a Local Emergency Response Commission meeting he attended in Whiteriver last week. Mr. DeSpain asked if there is a way, that the Board be informed of any military personnel from Navajo County who are injured or killed in Iraq.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, April 21, 2003, upon a motion made by Mr. DeSpain; motion seconded by Mr. Deal; vote unanimously carried. The meeting adjourned at 12:40 p.m.

APPROVED:

Pete Shumway, Chairman

DATE:

ATTEST:

Judy Jones, Clerk of the Board

The following Navajo County demands were audited, approved and ordered paid by the Board: APS\$9218.98;Bradco\$2165.30;Chevron\$1063.23;CitizensAzGas\$3948.08;CtyWnslw\$4722.74;Diamor dPharmSrvs\$7163.23;DiazitCo\$2695;DynaRock&Sand\$4532.22;FleetSolutions\$2200;FountainsVentEl ctrc\$16400;FrntrComm\$1951.09;GallsInc\$1073.60;GFabok\$6522.20;HolbCathChrty\$4058.95;HughesC alihan\$12103.74;J&MWhls\$5410.86;LasonSystem\$1654.51;NCRF\$1031.34;PageSteel\$1300.27;PetrIrr Trdrs\$9306.33;Photomark\$1763.28;RDOEqpt\$8107.23;ReidheadSnd&Rck\$2439.53;SOrtegaJr\$1500; SpcltyLdrs\$9498;AzAudGen\$7000;SunStatesWirePrd\$2179.21;PrintPlace\$3606.92;TranscorAmrca\$1 479.86;TrnsprtnSpl\$1573.70;tubeliteColnc\$2157.73;VikingOfcPrd\$1846.80;VisionBsnsPrd\$1374.17; WhtMtnCathChrty\$5136.26;WMH\$3205.42;WnslwSalvtnArmy\$6099.93;ACIP\$104852.18;AzDeptAdmin \$12625.82;StateCompFnd\$1598.