

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

JULY 14, 2003

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00 a.m.

PRESENT: Pete Shumway, Chairman; J.R. DeSpain, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Mel Bowers, Jr., County Attorney; Dennis Miller, Interim County Manager; and Judy Jones, Clerk of the Board. (Mr. Brownlow was absent due to the Kinishba Fire, which is burning in his district)

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

Commander Dunagan provided a report on what is now the "Kinishba" Fire. The fire was started by lightning, on the White Mountain Apache Reservation, at approximately 1:00 p.m. on July 13, 2003. The fire, which had burned about 1500 acres last night, has not spread much overnight and is still within the fire lines. Today's weather is not good, with winds 10-20 mph and gusts up to 40 mph this afternoon. The telephonic notification system is in place and ready to go. All available law enforcement officers are ready for a possible evacuation. Commander Dunagan said that the worse case scenario would have the fire reaching Pinetop-Lakeside by tonight.

Emergency Services Director Paul Jaster provided further update to the Board. He reported that the fire has now burned approximately 2000 acres and is "bumping up" to the trigger point for evacuation for the communities of Jurassic Park and Cradleboard, north of Whiteriver. If that happens, it is estimated that 800 people will be evacuated to Cedar Creek. Mr. Jaster reported that currently, there is one air tanker, 9 dozer crews and 9 hot shot crews working the fire. The National Guard Armory in Show Low is being opened at the request of the Sheriff, and will serve as the Sheriff's Command Center. The Red Cross is on standby and State Emergency Management is sending 2 liaisons, one for the Sheriff's forward command and one for the Emergency Operations Center (EOC). The State Land Department is proceeding toward getting a FEMA designation, which will give us 100% funding. Mr. Jaster advised that there are currently no road closures; the fire will dictate any closures, but the first road affected will likely be SR 73 between HonDah and Whiteriver.

Mr. Shumway made a motion to declare an emergency action relative to a resolution on the Kinishba Fire; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. DeSpain made a motion to adopt Resolution #45-03, Ratifying a Proclamation of Emergency by the Director of Emergency Services concerning the Kinishba Fire, and authorizing the Chairman of the Board to proclaim an emergency pursuant to ARS §26-311 in recognition of the Kinishba Fire and the extreme fire danger in Navajo County and to exercise the powers vested in him by ARS §26-311; motion seconded by Mr. Thompson; vote unanimous approving the motion. County Attorney Mel Bowers noted that this resolution addresses the Kinishba Fire, although it acknowledges the extreme fire danger. This resolution should cover any subsequent fires.

CALL TO THE PUBLIC: CALL TO PUBLIC: Lewis Tenney said he was here a few months ago with a group of concerned citizens, asking for the Board to intervene in the Forest Conservation Council lawsuit. Navajo County, along with Apache County and several other entities, did enter the lawsuit as intervenors. Federal District Court Judge Martone issued a decision in favor of defendant US Forest Service. Mr. Tenney noted that this is a landmark decision which will allow action to be taken by the Forest Service. Mr. Tenney wished to thank the Board for their support in this issue. He added that it is very likely that the

environmentalists will file an appeal and we will be enjoined from taking any action until the appeal is heard.

CONSENT AGENDA: Mr. DeSpain made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Thompson; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Board of Supervisor Minutes: July 7, 2003; 3) Juvenile Justice System Report (June); 4) Justice Court Reports: (June) Holbrook; Pinetop; Kayenta; Snowflake; Show Low; Winslow; Pinetop; 5) Constable Reports: (June) Holbrook; Pinetop; Show Low; Winslow; Snowflake.

SHERIFF'S DEPARTMENT: Gary Butler, Sheriff: Enter into Agreement with State of Arizona, Office of the Attorney General to fund position of clerk's salary performing mandated victims' rights services: (Sheriff Butler was not available due to the Kinishba Fire) Commander Dunagan advised that the department has had this grant for the last 4-5 years. The funds (\$16,400) pay a portion of the salary for the victim's rights clerk. Mr. DeSpain made a motion for approval to enter into an agreement with the State of Arizona, Office of the Attorney General, for the FY 2004 Victim's Rights Program (VRP), as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BUILDING AND GROUNDS: Rod Enders: Extend temporary employment for custodial support for 90 days: Mr. Enders explained that they currently have a temporary custodian, previously approved for a period of 30 days. He is requesting approval to extend that position for an additional 60 days. This funding is covered in the budget. Mr. Thompson made a motion to approve the extension of the temporary custodian for an additional 60 days as requested; motion seconded by Mr. DeSpain; vote unanimous approving the motion. (Mr. Shumway absent for the vote)

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Stanley Warner, Director: Board of Directors Session: 1) Roles, responsibilities and organizational structure of Health Services District and Bioterrorism Defense Office: Mr. DeSpain made a motion to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Dr. Warner requested that the bioterrorism department be moved permanently from the Health District. He recommended that it be made part of Emergency Services. Mr. DeSpain noted that this matter has been discussed previously and the Board asked Mr. Miller to take care of that assignment during the interim. Although he understands the recommendation, he believes the Board needs to be able to oversee the department due to the grants and technologies the department encompasses. He recommends that the position be left where it is under the interim county manager, until the reorganization of the health district is complete. Mr. DeSpain said that Dr. Warner's input regarding the bioterrorism grant is still needed. Mr. Miller could still be the liaison between the departments if needed. Mr. Shumway clarified that the bioterrorism department should be reassigned to the Board at this time, and this will be coordinated with the Mr. Miller. Mr. Shumway made a motion to move the Bioterrorism Department back under the direction of the Board of Supervisors; motion seconded by Mr. DeSpain; vote unanimously carried. (It was noted that Dr. Ray Nejeles had no objection to this move, and he stressed that the Board has his full cooperation)

2) Reclassify Public Health Nurses (2) and Public Health Nursing Supervisor: Ms. Tracy Letcher, Nursing Supervisor, advised that the nursing department is critically understaffed at this time. With the recent

resignation of a public health nurse, there are now only two nurses left to serve the county. They are carrying nine programs, in three offices over 100 miles apart, serving a population of approximately 100,000. In the past, these services were provided by a Director of Nursing and four Public Health Nurses. Now, it is with one Nursing Supervisor and one Public Health Nurse. These positions have not been reclassified in more than 12 years, and the salaries being offered are the lowest in the state. We are not competitive and cannot attract qualified applicants. One position has been advertised for the last 5 months, *and not one application has been received*. Ms. Letcher advised that the funds are budgeted; they are asking for Board support. She said that if there is no help soon, the Holbrook and Winslow clinics will have to be shut down until they can be staffed. Not only will this result in a public outcry, but it could jeopardize the grants we have. She stressed that we are at a critical point. Karen Bray, interim personnel director, said she is sympathetic, but recommended this matter be postponed until a new Human Resources Director is hired and can review the proposal. Ms. Letcher stated that the previous personnel director, Don Smith, had reviewed the proposal and it had his blessing. The Board advised that the final budget has not yet been adopted. Its position has been that there be no reclassifications because of the budget problems. Ms. Letcher asked if she could count on the Board's support after the budget has been approved. Mr. Shumway said they intend to stay focused on the Health District until the department is healthy. Mr. Deal noted that the final adoption of the budget is scheduled for August 11, 2003. He said the department has his full support, and he does not believe we need to wait for a Human Resources decision. He urged Ms. Letcher to bring this matter back to the Board after the budget has been adopted. No action taken at this time.

3) Public Health Nurse (County Prenatal Block Grant) to work part-time (2 days per week) until replacement is found: Ms. Letcher advised that one of the Public Health nurses has tendered her resignation to take a job with a local hospital. (She will work part-time at the hospital for the same salary she receives now, working full-time for Navajo County.) She has agreed to work two days a week until the end of July so that the Prenatal Block Grant program can continue while a replacement is found. Mr. Thompson made a motion to approve request for Public Health Nurse (County Prenatal Block Grant) to work part-time (2 days a week) until a replacement is found; motion seconded by Mr. Deal; vote unanimous approving the motion.

4) Professional Services Contract with White Mountain Radiology to perform X-ray services for persons in Navajo County (Tuberculosis): Ms. Letcher explained that this contract would provide for x-ray services in the TB program. Mr. DeSpain made a motion to approve the Professional Services Contract with White Mountain Radiology to perform x-ray services for persons in Navajo County (Tuberculosis) as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

5) Funding assistance from Health District Contingency to refurbish building to accommodate computers for use by Tribal Health Officials: This item was withdrawn at the request of Mr. Deal. Mr. DeSpain made a motion to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

LITTLE COLORADO FLOOD CONTROL DISTRICT: Bill Cox, Public Works Director and Tom Hieb, Flood Control: Board of Directors Session: 1) Joint Funding Agreement with the US Geological Survey to install and maintain streamflow gages at Winslow and Holbrook: Mr. DeSpain made a motion to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the

motion. Deputy Director Flood Control, Tom Hieb, stated this agreement will cover the costs of maintaining an existing gage site at Winslow and the installation and maintenance of a new site at Holbrook. The gages will provide real-time stream flow information that will be immediately available for monitoring, documenting and predicting flood flows in the river. The agreement is for the period from 10/01/02 to 09/30/05. Total cost to the Flood Control District for FY 03/04 is \$37,000, which has been budgeted for the project. Remaining costs will be budgeted in the 04/05 and 05/06 budgets. Mr. Deal requested that Mr. Hieb look at Birdsprings and see if it would be feasible for a gage to be placed there. Mr. DeSpain made a motion to approve the Joint Funding Agreement with the US Geological Survey to install and maintain streamflow gages at Winslow and Holbrook, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Request by the City of Holbrook to obtain flood control funds to design protection measures for the City of Holbrook Wastewater Treatment Plant: Mr. Hieb advised that the City of Holbrook is requesting flood control funds to develop design plans for a levee that will protect the City's wastewater treatment plant from floods in the Leroux Wash and the Little Colorado River. The treatment plant has flooded twice in the last several years. The first time, during construction, the clarifier was damaged and had to be replaced at considerable cost to the city. The second flood caused minor damage to the buildings and resulted in the release in untreated effluent into Leroux Wash. Following the second flood, the City contracted with Delph Engineering to complete a flood hazard study. This study concluded that the plant was not adequately protected. Therefore, the City has proposed to build a levee around the plant to protect it from flooding. Delph Engineering has been retained to design the levee. Providing adequate flood protection for the treatment plant is an urgent need and a reasonable use of flood control funds. Mr. DeSpain made a motion to approve the request of the City of Holbrook to obtain flood control funds to design protection measures for the wastewater treatment plant as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Request by the City of Holbrook to obtain flood control funds to design drainage improvements for Navajo Boulevard within the City of Holbrook: Mr. Hieb explained that the City of Holbrook is requesting funds to complete a drainage study of Navajo Blvd. This study is to develop proposed drainage improvements, which will then be coordinated with the roadway and drainage improvements that ADOT has planned for Navajo Blvd. The City has retained Delph Engineering to complete the study, and they have asked for funding in an amount not to exceed \$12,900. Mr. DeSpain made a motion to approve the request by the City of Holbrook to obtain flood control funds to design drainage improvements for Navajo Blvd., as presented; motion seconded by Mr. Thompson; 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.

DEVELOPMENT SERVICES: Dave Ashton, Director: Resolution approving the amended final plat and amended master development plan for Linden Trails Subdivision: Deputy County Attorney Lance Payette presented some history regarding this item so that the Board has a complete a record as possible. The resolution (#34-03) approving the Final Plat, adopted by the Board on May 5, 2003, included a stipulation that the property must be rezoned from A-Gen to R1-10. The developer has now submitted an Amended Final Plat. If the property is zoned A-Gen, it must be rezoned for subdivision and the stipulation is still required; if it is zoned R1-10, no rezoning is needed, only approval of the Amended Final Plat. Although staff recommended the stipulation at the meeting on May 5, they now believe the property is already

zoned R1-10 and has been since 1976. Therefore, no rezoning is necessary. The subject property, APN 209-16-001B, was rezoned from A-Gen to R1-10, via resolution #ZC 76-7. However, the language in that resolution was very confusing. Briefly, it stated that the applicant requested a zone change to permit the establishment of a subdivision; that the Board of Supervisors adopted an amendment to Navajo County Zoning Ordinance and the Zoning Map to change from A-Gen to R1-10 zone; and that the permit is "conditional upon the privileges being utilized within six months," and if not, the authorization would become void and "any privilege, permit or variance" granted would be deemed to have elapsed. The resolution did not say that the developer must file a plat or start construction within six months. He merely has to "utilize" the "privileges" within six months. It did not say that zoning reverts back to A-Gen after six months, it said the "permit" is deemed to have "elapsed." It did not say R1-10 zoning is conditional, it said "permit" is conditional. The only "permit" mentioned in the resolution is the permit to build subdivision. The stipulation #1 on resolution #34-03, adopted by the Board on May 5, 2003, was meant to clear up any confusion created by the 1976 resolution. Instead, it created problems for the developer. If the parcel is rezoned, this makes the project subject to a referendum.

Mr. Payette noted several reasons, both factual and legal, as to why staff now believes that the property is still zoned R1-10. Factual reasons: 1) The 1976 staff report did not say the rezoning should be conditional. 2) The 1976 P&Z Commission resolution did not have any conditions. 3) The 1976 Board of Supervisors minutes said the Board was adopting the P&Z Commission's recommendation. 4) The 1976 Board minutes did not mention any conditions. 5) The official zoning map from 1976 to 1989 said the parcel was R1-10; never reverted to A-Gen. 6) In 1989, the zoning map was updated and still showed the parcel as R1-10 per the 1976 resolution. 7) As of 2003, the zoning map continues to show the parcel as R1-10. 8) When the developer asked about zoning before he bought the property, staff told him it was R1-10 because that is what the official zoning map said. Legal reasons: 1) The 1976 resolution is confusing and the law says confusing language must be interpreted in favor of the property owner (developer). By this interpretation, "permit" to build subdivision might lapse after six months, but rezoning itself would not. 2) Officials in 1976 and 1989 did not change the zoning map or take any other action; they decided either the R1-10 zoning wasn't conditional or the condition had been met ("privileges" had been "utilized"). The law says that longstanding administrative interpretation is entitled to respect. We have no basis for changing what officials decided in 1976 and 1989. 3) The 1976 resolution was never recorded with the County Recorder; it was just put in the Department's file. The law says that "bona fide purchaser" can't be held to unrecorded requirements. The developer had no reason to know about the 1976 resolution, and staff told him the property was R1-10. 4) The official zoning map has said the parcel was R1-10 since 1976. No one who has bought property in the area from 1976 to 2003 would have had any reason to think that this parcel was zoned A-Gen.

Mr. Payette said this interpretation is not unfair to neighbors who oppose the subdivision. A referendum could have been held in 1976. Not only was there no referendum, the Board minutes say that there was no protest or objection. In fact, a majority of the neighbors in 1976 signed a petition in favor of the rezoning. They could not have thought the parcel was zoned A-Gen because the official zoning map said R1-10 and the confusion 1976 resolution was not recorded. Even A-Gen allows homes on less than an acre if lots "perc" or have sewer. The subdivision would not be an incompatible use even if the parcel was A-Gen. If the neighbors disagree, they can ask a court to interpret the 1976 resolution. Staff believes that the best factual and legal conclusion is that APN 209-16-001B is still zoned R1-10. This is also the fairest to the developer, who relied on the county zoning map and the information given to him by staff.

Mr. Payette advised that the two small parcels which were a part of the original Final Plat, which are zoned A-Gen, have been removed from the Amended Final Plat and won't be part of the subdivision. They are used only for access and open space. He noted that our policies and procedures allow minor amendments such as this. Also, access and open space areas are allowed in A-Gen.

Mr. Ashton advised that this is an amendment to the original plat which was approved by the Board on May 5, 2003. The developer has amended the Final Plat and Master Development Plan to exclude the two small parcels at the northeast area of the subdivision. The amended final plat is properly done and is acceptable to staff. All other items in the original final plat remain in effect, including the drainage report, improvement plans, Engineer's Cost Estimate, etc. He noted that 45 of the lots have been perc tested and the results have been good. There are some rocky ledges in the area, but if there are problems, the lots are large enough for alternative systems. Staff recommends approval of the Amended Final Plat and Master Development Plan as presented.

The hearing was opened for public comment. Karl Winther, Tony Roach, Sandy Roach, Dale Schicketanz, Carole Moore and William Faurot all spoke in opposition. Their concerns included increased traffic, safety issues for the children, density, pollution, exploitation of available resources, decrease in surrounding property values, zoning issues and failure to comply with state and federal regulations. A comment was made that the Navajo County Assessor lists the parcel as zoned A-Gen. Mr. Payette explained that the Planning & Zoning department has the *official* zoning map, which lists the parcel as R1-10. He also explained that whether the perc tests on the property failed in prior years, the recent tests were approved by ADEQ. Assistant County Attorney Dick Young addressed the traffic/road issues, indicating that Lone Pine Dam Road will have the priority movement of traffic. He advised that the corrections in roadways should be completed in the next several months.

Jeff Vitale, the developer of the project, addressed the issues presented by the public. Regarding the perc tests, he advised that ADEQ was "pleasantly surprised" with the results of the recent tests. There were none which were considered problems. He said he met with the Fire Marshall for input, and there are 17 hydrants within the 80 acre development, with pressure to have 750 gallons/minute from each hydrant. There is also a 150,000 gallon storage tank. He added that ADEQ will be coming this week to run tests on the water supply pipes to determine whether the existing galvanized pipes, or stainless steel pipes, will be required. The actual testing of the water is completed and passed ADEQ's tests. Mr. Vitale explained that the water system will be turned over to Linden Water. Many of the roads in the subdivision have been graded and although he conceded that there will be dust from these roads, dust is also raised by the 4-wheelers running on the adjacent land. As to the zoning issue, Mr. Vitale said that the For-Sale sign on the property clearly stated "R1-10" for at least three years. Anyone could see that and, if they felt it was a problem, could have had it changed then.

Mr. Shumway made a motion to enter into an Executive Session, pursuant to ARS § 38-431.03.A3, for legal advice on the above item; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Present in the Executive Session were: Chairman Pete Shumway; Vice-Chairman J.R. DeSpain; Members Percy Deal and Jesse Thompson; County Attorney Mel Bowers and Deputy County Attorney Lance Payette; Interim County Manager Dennis Miller; Development Services Director Dave Ashton and Clerk Judy Jones. Mr. Shumway made a motion to return to regular session; motion seconded by Mr.

DeSpain; vote unanimous approving the motion.

At the request of Mr. Shumway, County Attorney Mel Bowers explained the requirements of the open meeting law regarding Executive Sessions. Mr. DeSpain made a motion to adopt Resolution #46-03, approving the Amended Final Plat and Amended Master Development Plan for the Linden Trails Subdivision, with the stipulation as follows: *That such approval is conditioned upon all subdivision improvements being substantially completed within 24 months after the date of recordation of the Amended Final Plat (or any extension thereof which may be granted by the Board of Supervisors, as evidenced by the recordation of a resolution of extension in the office of the Navajo County Recorder). If the improvements are not substantially completed within the 24 months (or any extension thereof), the approval shall automatically be deemed unapproved. This condition shall be conclusively deemed to have been satisfied unless the Board of Supervisors causes a notice of revocation to be recorded in the office of the Navajo County Recorder within 30 days after the expiration of the 24 month period (or any extension thereof);* motion seconded by Mr. Shumway; vote unanimous approving the motion.

BOARD OF SUPERVISORS: 1) Establish procedure for hiring process for the Human Resources Director: Mr. Miller made the following recommendation: Form a panel to screen the applications (70-80 at this time) received. The panel would consist of Doug Muhl from (ACIP), Mike Arnold (Pinal County) and Dennis Miller. The panel would then bring five unranked applications to the Board for review. (All applications would be made available to the Board at their request. The Board could then decide which applicants to interview. He noted that the advertisement indicated that the job was open until filled. He said they could close the applications by next Tuesday or Wednesday, and the panel could hopefully convene the week of July 28th. The five unranked applications could be in the Board's hands the next week. Interim Personnel Supervisor Karen Bray agreed with the recommendations. Mr. DeSpain made a motion to proceed with the hiring process as recommended by Mr. Miller; motion seconded by Mr. Thompson; vote unanimously carried. (Mr. Shumway absent for the vote)

2) Establish procedure for hiring process for the County Manager: Mr. Miller made the following recommendation: A panel would be formed to eliminate those applications (72 received to date) which do not meet the minimum qualifications. The Board would then appoint a committee consisting of two county managers, two Navajo County elected officials, and Dennis Miller as an ex officio member who would vote only in the case of a tie. The committee would select five or six unranked applications for the Board to review. The Board would decide which applicants to interview and those applicants would undergo background checks prior to the interviews. When asked, Mr. Miller said he would recommend any of the following county managers: Terry Cooper, Jim Holst, Ron Walker or Terry Doolittle. Mr. Deal recommended that the elected officials get together and decide which two would like to serve on this committee. He also recommended that the screening panel begin the elimination process as soon as possible. Mr. Deal made a motion to adopt the selection process as outlined by Mr. Miller; Mr. Miller shall choose the two county managers, and the elected officials shall designate two members, to sit on the committee; Mr. Miller shall be the 5th, non-voting, member (Unless there is a tie); the committee shall bring 5 or 6, unranked applications to the Board for review; motion seconded by Mr. Thompson; vote unanimously carried. (Mr. Shumway absent for the vote)

3) Extension of contract with Miller & Associates: It was noted that Mr. Miller's existing contract expires today. Mr. Miller said he does not necessarily require a contract; he will be here as long as needed, or

until a new county manager has been hired. He would like some flexibility in the days off, however. Mr. Deal made a motion to extend contract with Miller & Associates until August 29, 2003 or until such time that a new county manager is hired, whichever comes earlier; the same payment schedule shall be followed, although the three days may be of his choosing, except that he must be here on Board days; motion seconded by Mr. Thompson; vote unanimously carried.

4) Possible FY 03/04 Budget Discussions: Mr. Miller advised that the tentative budget should be ready for adoption by July 21st. There is less contingency than originally thought, but we should still be healthy. He did not have the exact amount which will be in contingency, but he said we should spend it only for those things that are absolutely necessary. He noted that this budget will fully pay the \$865,000 judgment from the PTOC lawsuit. No action taken at this time.

COUNTY ATTORNEY: Mel Bowers, Attorney: Approval to accept awarded funds from the Arizona Criminal Justice Commission for attorney's salary: County Attorney Mel Bowers advised that this has been a continuing grant for the last 6-8 years. It provides funds which are used to pay a portion of a juvenile prosecutor's salary. This year's funding totals \$3016 and there is no match required. Mr. DeSpain made a motion for approval to accept awarded funds from the Arizona Criminal Justice Commission as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

PUBLIC WORKS: Bill Cox, Director: 1) Amend Contract Bid #B03-04291, Hot Asphaltic Concrete installation of pavement fabric: (Mr. Cox was unavailable as he was attending the NACo Conference) At the request of Assistant County Engineer Dick Young, this item is continued until further notice.

2) Amend Contract #B01-07231, Pavement Striping: 2) Mr. Young explained that this amendment to the contract will allow the department to try an epoxy-based striping material to evaluate its durability in the higher volume traffic areas where the water-based paint has worn off in less than a year. He noted that the cost is approximately 2.5 times higher, but it has at least 5 times the lifespan. Mr. Young requested the contract be amended in an amount not to exceed \$27,000. Mr. Thompson made a motion to approve the amendment to contract Bid #B01-07231, Pavement Striping, in an amount not to exceed \$27,000, as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

NAVAJO NATION/TEESTO CHAPTER: Tommy Joe, Chapter Coordinator: Funding assistance from District II Special Project Funds for fencing materials for the Head Start and Chapter Tract fencing projects: (Mr. Joe was not present; Virgil Nez appeared in his place) Mr. Nez explained that the requested funding will be used for fencing along the BIA right-of-way to ensure the safety of the children at the Head Start facility. He said that the Chapter will provide the labor; the funds will purchase the materials. Mr. Nez noted that he did request quotes from three vendors; one in Gallup, one in Flagstaff and one in Show Low. He said the American Fence quote was the lowest. County Attorney Mel Bowers advised that we must have documentation indicating that three quotes were received. Mr. Thompson made a motion approve \$1376 from District II Special Project Road Funds for fencing materials for the Head Start and Chapter Tract fencing projects; motion seconded by Mr. Deal; vote unanimously carried.

BUREAU OF INDIAN AFFAIRS: Joan Greiser, Engineer: Memorandum of Agreement #AGN00030004 with BIA, Navajo Region to provide maintenance of public roads and bridges within the Navajo Nation (funding from District I Special Project Road Funds): Ms. Greiser advised the Clerk that she could not be

here today. Mr. Deal requested this matter be continued to a time when Ms. Greiser can be present. No action taken at this time.

PAYROLL ACTIONS: Karen Bray, Payroll Supervisor, presented a list of payroll actions. Mr. DeSpain made a motion to approve the payroll actions as submitted; motion seconded by Mr. Thompson; vote unanimous approving the motion.

BOARD BUSINESS: Commander Dunagan presented an updated report on the Kinishba Fire. He said that evacuations were in progress for the communities of Cradleboard and Jurassic Park. The fire has burned over 2200 acres and at noon jumped the trigger point for Whiteriver. Patients in the hospital at Whiteriver have been evacuated to an IHS hospital in Phoenix. The fire is now pushing toward trigger point two. Once that point is hit, there will be a recommendation for evacuations from HonDah, McNary and Pinetop-Lakeside. This could happen as early as tonite. Mr. Brownlow, present by conference call, advised that the communities are ready for evacuation should it become necessary. He noted that the current evacuation centers are at the school in East Fork, the school at Seven Mile, the Cedar Creek Community and at Cibecue. He noted that the Whiteriver Activity Center is being saved as a last resort at this time. Should Pinetop-Lakeside have to evacuate, the residents will go to Snowflake first. The Red Cross is gearing up there, as well as south of Whiteriver. The second option for the evacuees will be the Holbrook NPC campus. Other options being considered are Heber-Overgaard and Winslow. He added that they will not use the Dome at Eagar at this time due to the amount of smoke. Lastly, Mr. Brownlow advised that the Public Works Department already has dozers and operators helping to build fire lines. Mr. Shumway advised that he has been in contact with the Governor, who has offered any help we need.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, July 21, 2003, upon a motion made by Mr. Deal; motion seconded by Mr. Thompson; vote unanimously carried. The meeting adjourned at 3:50 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:
CellOne\$1000;Comm1stBnk\$1658.88;APS\$33442.69;CWagner\$3909.25;CtyHlbrk\$2012.34;FarmPlan
\$1234.28;FrontierComm\$1333.78;SpicersPaper\$1357.60;Sprint\$3999.35;TransourceComptr\$1048.57
;Walmart\$2067.50;WhtMtnCnsIng\$1025;GGonzales\$1500;HandyPage\$13530.48;LearningXprs\$1164.6
0;M&MProfCln\$5639.11;NCSRF\$1000;SilverCreekIrrgtnDist\$5000