

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**February 2, 2004**

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

**PRESENT:** J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; and Judy Jones, Clerk of the Board. Mr. Brownlow led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** No comments.

**CONSENT AGENDA:** Mr. Brownlow 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 Minutes: January 20, 2004; January 26, 2004; 3) Assessment and Tax Roll Corrections; 4) Special Event Liquor License: St. Anthony School, 5314 Trail End Road, Lakeside; for fundraiser on February 14, 2004 at 6734 Country Club Drive, Pinetop; 5) Liquor License-Extension of Premises Permit: Hamilton Trading Post, Sun Valley, Arizona; 6) Clerk of Superior Court Report (December); 7) Justice Court Reports: (November) Holbrook #1; (December) Holbrook #1; Winslow #2; Snowflake #3; Kayenta #4; Show Low #5; Pinetop/Lakeside #6; 8) Constable Reports: (December) Holbrook #1; Winslow #2; Snowflake #3; Show Low #5; Pinetop #6; 9) Sheriff: Approval to use Federal Revenue Sharing Funds and Bureau of Prison Funds to purchase furniture for Jail Administration and support personnel.

**ARIZONA ELKS ASSOCIATION AMERICANISM COMMITTEE:** Bob Howell, Past State Committee Chairman: Proclaim February 16-21, 2004 as National Patriotism Week in Navajo County: **Mr. Thompson made a motion** to Proclaim February 16-21, 2004 as National Patriotism Week in Navajo County; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**SHERIFF:** Gary Butler, Navajo County Sheriff: 1) Approval of Cooperative Law Enforcement Financial & Operating Plan for cooperative law enforcement type activities occurring on National Forest lands within the Apache-Sitgreaves National Forest: \$5,000, 10/01/03 thru 09/30/04. **Mr. Shumway made a motion** to approve the Cooperative Law Enforcement Financial & Operating Plan within the Apache-Sitgreaves National Forest; motion seconded by Mr. Thompson; vote unanimous approving the motion. 2) Approval of Memorandum of Understanding (MOU) with Arizona Game & Fish to develop long-term solutions to manage off-highway vehicles (OHV) in Arizona: **Mr. Brownlow made a motion** to approve the MOA with Arizona Fish & Game to develop long-term solutions to manage off-highway vehicles (OHV) in Arizona; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**EMERGENCY SERVICES:** Commander Larry Dunagan: **Resolution** designating Larry Dunagan as contact for Cooperative Intergovernmental Agreement with Arizona State Land/Forestry/Fire Management: Commander Dunagan stated that the current Director's name was currently on file as the contact and State Land had requested a resolution designating the change. **Mr. Brownlow made a motion** approve **Resolution #09-04**, designating Larry Dunagan as contact for Cooperative IGA; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**BUREAU OF INDIAN AFFAIRS, FORT DEFIANCE AGENCY:** Franklin Sandoval, Agency Road

Engineer: approval of request for funding assistance from District II Special Road Funds to purchase culverts for N9860 and N604, Indian Wells Chapter: Mr. Sandoval stated that the only vendor contacted was Contech in Albuquerque and their quotation for (200) 36" 16 gage culverts' w/bands and (200) 24" 16 gage w/ bands including freight @\$6802.10. The Board requested Mr. Jayne to speak with Bill Cox, Public Works Director regarding this estimate prior to ordering the culverts to see if the quotation was correct. **Mr. Thompson made a motion** to approve funding request in the amount not to exceed \$6,802.10, from District II Special Road Funds, to purchase culverts for N9860 and N604, Indian Wells Chapter; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**NAVAJO COUNTY HEALTH SERVICES DISTRICT:** Mary Tyler, Interim Director; Tracy Letcher, Public Health Nursing Supervisor: **Board of Directors Session:** 1) Approval to allow part-time employee to work full-time from February through May, 2004: **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Ms. Tyler stated she would like to increase the current employees hours from 24 to 40 hours from February through May, 2004. The cost would be \$2128 and funding is available. **Mr. Brownlow made a motion** to allow part-time employee to work full-time from February through May, 2004; motion seconded by Mr. Thompson; vote unanimous approving the motion. 2) Approval of Immunization Contract #HG352200, Amendment #2 for period from January 1, 2004 to December 31, 2004: Ms. Letcher informed the Board that this Amendment was a \$6655 decrease from last years and that if the grants kept decreasing as they have been, we may want to look at an administrative fee fro those who could afford the services provided by the grants. **Mr. Shumway made a motion** to approve Immunization Contract #HG352200, Amendment #2, for period from January 1, 2004 to December 31, 2004; motion seconded by Mr. Brownlow; vote unanimous approving the motion. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**PUBLIC DEFENDER'S OFFICE:** Emery LaBarge, Public Defender: Approval to extend medical leave for employee for 30 days; extend temporary Receptionist position for 30 days; and extend Legal Secretary II temporary salary increase for 30 days: Ms. LaBarge stated the employee will be back to work by March 1, 2004. **Mr. Thompson made a motion** to approve the extensions as requested; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**HUMAN RESOURCES:** Gail Sandoval, Director: 1) Approval of Personnel Actions: **Mr. Brownlow made a motion** to approve the payroll actions as submitted; motion seconded by Mr. Thompson; vote unanimous approving the motion. 2) Approve job description for Grant Administrator position: Ms. Sandoval reviewed the job description with the board. Mr. Shumway expressed concerns that this position should be used to assist with obtaining grants in all areas for Navajo County not just for Criminal Justice grants. Mr. Bowers explained that \$200,000 had been approved out of the Southwest Border Prosecution Initiative (SWBPI) funding and since there are so many grants in the Criminal Justice area they want to make sure they don't overload this position and that it was clearly understood that time permitting, obtaining other grants would be part of the responsibility. Mr. Jayne added that this position would work under the Finance Director and their office would be in the Finance Department. When the funding of this position was approved (12/15/03) the Board was assured that the position is expected to be self-funding in two years and that would be an incentive to explore all available grant opportunities. (Range 26 @\$57,060-\$61,903). **Mr. Deal made a motion** to approve the Grant Administrator job description with the understanding that after a two-year period, this position would be self-funded and not

be a cost to the general fund; motion seconded by Mr. Shumway; vote unanimous approving the motion. 3) Approve job description for Parks, Recreation & Fair Manager position: Ms. Sandoval reviewed the job description with the board. Mr. Deal raised a concern regarding the increase in the salary as opposed to the previous director who had split responsibilities as the Emergency Services Director. Mr. Jayne explained that a few weeks ago the Board had approved the reorganization of the two departments and since 9-11 the Responsibilities for Emergency Services, as well as funding, have changed substantially and the Sheriff has taken over that responsibility. Additionally, the Parks & Recreation Director position has been redone to include the responsibilities of the Navajo County Fairgrounds. There is actually a cost-savings in combining the salary of the Fair Director with the Parks & Recreation Director. **Mr. Shumway made a motion** to approve the job description as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**FINANCE:** James Menlove, Director and Joan Mickle, Finance: 1) Monthly Finance Report: Ms. Mickle presented an update to the Board of the Budget and Expenditure Summary noting that we are at 59% into the year and the total general fund is at 49.81%. The net cash/fund balance as of 1/31/04 is \$3,772,44.72, budget revenue received is .54% over and the budget expense is at 9.19% under on expenses. She stated that there would be a more detailed report at the next meeting on February 17, 2004. 2) Approval of FY 2005 Budget Guidelines and Timelines: Mr. Menlove presented the board with a summary of the proposed Budget Process including Budget Authority; Budget Basis and a Budget Calendar. The proposed schedule for Budget Packets to be out to the departments is February 20; completion of packets by March 5; meeting with elected officials and department directors on March 8-19; budget package review and information compilation the week of March 22-26; meetings with elected officials and department directors the week of April 5-12; capital improvement project budgets prepared by April 16; compilation of general fund budget schedules by April 23; public hearing on preliminary budget on April 27-29; preliminary budget submitted to the Board of Supervisors by June 7; adoption and publication of preliminary budget by July 12; final budget completed and submitted to the Board by July 30; final adoption of the Budget, on August 6 and Adopt tax levy rates on August 16. **Mr. Deal made a motion** to approve the FY 2005 Budget Guidelines and Timelines as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion. (Clerk's Note: Back-up on file in Clerk's Office). 3) Approval to extend Account Clerk II Temp position until February 29, 2004: **Mr. Deal made a motion** to approve the extension of the Account Clerk II position until February 29, 2004; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**ADMINISTRATION:** Jimmy Jayne, County Manager: **County Manager's Report:** 1) Health Insurance Task Force: Mr. Jayne presented the following names of individuals who will serve on the Health Insurance Task Force: Karen Bray, Gail DeCross, Rob Edwards, Rod Enders, Carol Fraley, Sherri Hill, Jimmy Jayne, Mary Kelley, Debby Kester, James Menlove, Gail Sandoval, Randy Sullivan, Brent Turley and a possible appointment by the Sheriff's Office. He explained that Navajo County is currently self-insured under an administration contract with Mountain States. The current contract expires June 30, 2004 and includes a 90-day cancellation provision. This team has been appointed to explore all health insurance options for the upcoming plan year, beginning July 1, 2004. Please communicate your comments and suggestions to a member of the Health Insurance Task Force. The Task Force is scheduled to begin meeting on Wednesday, February 4 and will keep you informed of their progress. It is anticipated that there will be recommendation from the committee on Monday, March 29th.

**BOARD OF SUPERVISORS:** 1) Appointment to fill remaining term of Navajo County Assessor, due to retirement of Frank Turley: Several letters of support as well as individual support was shown for the appointment of Chief Deputy, Cammy Darris. **Mr. Shumway made a motion** to appoint Cammy Darris to fill the remaining term of Navajo County Assessor due to retirement of Frank Turley; motion seconded by Mr. Deal; vote unanimous approving the motion.

2) **Resolution** to honor Congressman Rick Renzi for his support of H.R. 2673: Mr. Deal informed the Board that he had asked for this resolution to be prepared for Congressman Renzi's support of H.R. 2673 which contains specific appropriations designated for improvements of bridges and roadways in rural Arizona. Additionally, the appropriations include \$200,000 for Navajo Mountain Road and \$1,250,000 for the Turquoise Trail Project on the Navajo and Hopi Reservations. **Mr. Deal made a motion** to approve **Resolution #08-04**, honoring the Congressman for addressing the concerns of rural Arizonans with his support of H.R. 2673; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval of Agreement with the Arizona State Land Department for disbursement of monies appropriated by the Arizona State Legislature to Navajo County for environmental programs: Mr. Shumway explained that this agreement is to establish the terms and conditions under which the County monies shall be disbursed that have been appropriated by the Legislature for county environmental programs such as the CPR. (\$25,000 for Fiscal Year 03-04.) **Mr. Brownlow made a motion** to approve Agreement with the Arizona State Land Department as presented; motion seconded by Mr. Deal; vote unanimous approving the motion.

**COUNTY ATTORNEY'S OFFICE:** Mel Bowers, Navajo County Attorney: Worksession re Open Meeting Law and Special/Emergency Meetings: Mr. Bowers reviewed with the Board Statutory provision that need to be followed before requesting an *Emergency Meeting*: The major factor in determining an actual emergency exists is when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. Next, prior to the emergency discussion, consideration, or decision, the public body must announce in a public meeting the reasons necessitating the emergency action and must give "such notice as is appropriate to the circumstances" and must "post a notice within twenty-four hours declaring that an emergency session has been held" and setting forth the same information as is required in an agenda for a regular meeting. Finally, the minutes of the meeting must contain a statement of the reasons for the emergency. *Special Meetings:* Meetings that are held by a public body other than the meetings scheduled for a specified calendar period, on a regular day, date or event during such calendar period, and at a regular place and time and must contain a clear statement that the agenda for any such meeting will be available at least twenty-four hours in advance of the meeting and a statement as to where and how the public may obtain a copy of the agenda. Mr. Deal stated that he was the one that had asked for this item to be on the agenda and expressed his concerns for having so many special meetings in the recent months. He feels this does not give the public the notice it should have to be informed. Furthermore, he feels the policy of allowing these special meetings to be held telephonically is a disadvantage to the Supervisor that calls in as they do not have the privilege of being present and viewing materials that may be handed out. (Clerk's Note: Quorum Policy for Special Meeting is that at least one of the Supervisors must be present in the Board of Supervisors Chambers and at least two present telephonically.) He also voiced concerns that if there are only three members involved in the Special Meeting that if someone gets disconnected and

there is no longer a quorum, the meeting can't be continued. Mr. Jayne responded that we do everything we can to avoid Special and Emergency Meetings and the last thing we want to do is keep anything from the public. Ms. Jones added that we notify everyone via e-mail and fax of Special Meetings at the very least within the 24-hour requirement. Mr. Deal closed by saying that he would like for us to be more aware of the disadvantages to holding Special Meetings and if we need to go back to three meetings a month we can do so. However, he would prefer the two meetings as they are now and just be very careful not to abuse the use of Special Meetings.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: Worksession re: Draft Navajo County Comprehensive Plan: Lissa Davis, Planner presented to the Board some changes that had been made since the last meeting. **1.1** The following language was removed: *Navajo County was required by state law to prepare a comprehensive plan "to conserve the natural resources of the county, to insure efficient expenditure of public funds, and to promote the health, safety, convenience, and general welfare of the public" (ARS §11-806).* **1.2** Add: "*Subdivision*" means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or in the future, into six or more lots. **4.1** Add to third paragraph: "*Other considerations of air quality and access to incident solar and wind energy may be included in the standards.*" Add to fifth paragraph: *Proposed land uses (i.e. Residential, Rural, Commercial, Industrial, Agricultural, Open Space).* **4.2** Add to second paragraph: "*... to ensure provision of light and air quality for all development...*" **4.3.4** Add to fourth paragraph: "*For example, a landowner in any character area wishing to pursue...*" **4.3.8** Add to first paragraph: "*...it is possible that the Park will be extended into the PFNPO area sometime in the near future.*" Delete from fifth paragraph: "*...This overlay is depicted on the Comprehensive Plan Land Use Map as a hatched area over the character area with which it is being combined...*"

The following members from the Planning and Zoning Commission were present: Drew Shumway (District III); Wendell DeCross (District V) and John Dalton (District III). Supervisor Shumway summed up his concerns by stating that he thought the roads that were in the maps at the last meeting should remain on the maps. If this is a "Plan" we need to use it to plan for the future and without the roads we are not planning. The decision to remove the roads were not made by this Board and the roads needed to remain. Commissioner Wendell DeCross stated that if the roads are shown, the Realtors will start selling the property along those proposed roadways, however, if they are not shown we won't show that we are planning for the future. Commissioner Dalton stated that he thought the roads need to remain the "Plan." Scott Higginson of Swaback Partners of Scottsdale added that the only concerns of the communities of Holbrook and Winslow were the projected route from Highway 277 across Potter's Mesa into Apache County and the proposed regional airport. If the Board can make those cities comfortable, everything else could be left in as dotted lines. This might take care of some of the concerns that were out there. Chairman DeSpain requested that the maps could be ready and brought back to the Board prior to going to Public Hearings. The Board requested that Public Hearings be held throughout the County. Staff has made arrangements to hold hearings in Cedar Hills, Pinetop-Lakeside/ Holbrook, Linden, Heber and Snowflake. These hearings will give the public plenty of opportunities to attend one of the meetings to be informed about the Comprehensive Plan and to voice any concerns they might have. Another worksession with the Board will be held at 1:30 on February 17, 2004.

**BOARD BUSINESS:** Mr. Thompson stated he would be at the Legislature on Wednesday to testify on

behalf of HB2427 (Fire District; **Mr. Deal** reported that a Multipurpose Court for Youth in Hardrock had received funding through the U of A and they now had a Liaison between Hardrock Community and the university on board.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, February 17, 2004, upon a **motion made by Mr. Shumway**; motion seconded by Mr. Thompson; vote unanimously carried. The meeting adjourned at 3:20 p.m.

**APPROVED:**

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**J. R. DeSpain, Chairman**

**DATE:**

**ATTEST:**

**Judy Jones, Clerk of the Board**

**The following demands were audited, approved and ordered paid by the Board:**

WhtMtnSchDntl2500;  
AWHardy3500;ABLMngmnt35,949.84;AZTreas25,898;BBarkerCo1941.17;Cannon2134.07;CellOne261  
0.49; CSK3068.71;WnslwCty11013.20-  
8841.44;CCC1740.20;Comcom1290.48;DJones6350.41;DAR1837.59;  
DMartin2916.67;DMcCoy3234.26;DFrame1965;DrakeTrk1029.69;Empire4036.72;Galls10590.29;Gooc  
mans  
2681.20;GRosenfeld3948.40;HarrisPrntr5888.68;HlbrkExtCare2378;WntMtnHum2320;KSSStBnk1628.03  
;  
GForsyth2916.67;MRatner4140;MGolightly1100.87;NCSOUfrm6000;PetTrdrs14310.38;PtntyBwes2385  
;ROlson3104;SHeckathrone2515;SaulsEngnrg10080;SpltyLdrs8637.16;SrbyrsInst1549.51;HopiTribe18  
036.27;Transcor1835.90;Unisrce2525.64;Viking1459.75;WestGrp6539.11;WoodLaw6947.67;YavapaiC  
o40000;Youngs  
2094.96