

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

May 3, 2004

Supervisors' Chambers, Holbrook, Arizona - Time: 9:10 a.m.

PRESENT: J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Lance Payette, Deputy County Attorney; Jimmy Jayne, County Manager; and Kathy Hieb, Deputy Clerk of the Board. (Mr. Shumway was absent due to family trip)

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

CALL TO THE PUBLIC: There were no comments presented.

CONSENT AGENDA: Mr. Thompson made a motion to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Constable report (March): Pinetop #6; 3) Justice Court reports (March): Holbrook #1; Winslow #2; Snowflake #3; Kayenta #4; Show Low #5; Pinetop #6; 4) Public Works: To name an existing road in the Pinetop-Lakeside area, "Raintree Lane"; Name an existing road in the Pinetop-Lakeside area, "Autumnwood Road"; Name an existing road in the Pinetop-Lakeside area, "Basswood Road"; Name an existing road in the Pinetop-Lakeside area, "Dawnridge Road"; Name an existing road in the Pinetop-Lakeside area, "Golden Oaks Road"; Name an existing road in the Snowflake area, "Silver Hawk Trail"; 5) Back Tax Deeds: 105-09-198E; 105-34-158; 105-34-218; 105-09-141; 105-33-137; 105-33-136; 105-09-198F; 6) Liquor License-Extension of Premises Permit, requested by Rodney Buck for *Tom's Cabin*, Overgaard area; 7) Workforce Investment Board: Letter of Support for Department of Labor Grant; 8) **Resolution** regarding Reauthorization of Transportation Equity Act for 21st Century; 9) Cooperative Purchasing Agreement with the Cooperative Purchasing Network of Yavapai County Education Service Agency; 10) Superior Court: 1) Approve renewal of grant utilizing Fill the Gap and Local CJEF funds for a Field Trainer to train in all county courts; 2) Approve renewal of grant utilizing Fill the Gap funds for Interpreters and IA Masters/Justice of the Peace Pro Tempores; 11) Treasurer: Approval of bid from Transnation Title (sole bid) for Title Searches for 2004 Tax Foreclosures; 12) Letter approving the annexation, by the City of Show Low, of a portion of Cub Lake Road pursuant to City Ordinance No. 2003-05; 13) Approve appointment of Ruth Ann Smith to Planning & Zoning Commission for District IV, and accept the resignation of Frank Damato; 14) Development Services: **Resolution** approving Zone Change request for Ashgaalin Holdings, LLC, from I-1 to I-2, Joseph City area.

RETIREMENT PLAQUE: Jim Rickstrew, Appraiser II, given in appreciation for 13 years of service to Navajo County since May 16, 1990: Plaque presented.

CERTIFICATE OF APPRECIATION: Ramona Godinez, Courtroom Supervisor, given in appreciation for 17 years of service to Navajo County, from December, 1986 to April, 2004: Certificate presented.

ARIZONA GAME & FISH DEPARTMENT: John Cooley/Bruce Sitko: Presentation on impact of hunting & fishing in Navajo County: Mr. Cooley presented information regarding the economic importance of hunting and fishing on Navajo County. Wildlife is big business: sportsmen generate

six times more revenue each year than the top 40 movies of all time. There are five million more fisherman than golfers, and fisherman alone support more jobs than Ford, General Motors and Exxon combined. Hunters support over 500,000 jobs. The impact of hunting and fishing in Navajo and Apache Counties is considerable. In Navajo County, 543 jobs are created (1010 in Apache County), and tax revenues of \$1.3 million are collected (\$3.4 million in Apache County) For the State, the hunting/fishing industry provides 17,190 jobs; \$314 million in salaries; \$58.2 million in state tax revenue; and \$958 million in retail sales. On average, the fishermen spend \$78.45 per day pursuing their hobby. Small game hunters spend \$59.62/day and big game hunters spend \$74.85/day. In addition to hunting and fishing, wildlife watching is on the increase. This includes bird watchers, photographers, hikers, etc. In Navajo County, wildlife related activities are the third ranked industry, while in Apache County, they are ranked first. **No action taken; informational only.**

RECORDER/ELECTIONS: Laurie Justman, Recorder: Authorization to enter into a rental agreement with Indian Wells Chapter re: Second Satellite Office: Ms. Justman explained that Navajo County has entered into a Consent Decree with the US Department of Justice (DOJ), and they are now requiring us to have a second satellite location. Indian Wells has offered to rent us space in their Chapter House for \$300 per month. **Mr. Thompson made a motion** to approve the rental agreement with Indian Wells Chapter re: Second Satellite Office, as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

NAVAJO COUNTY WIA PROGRAM: Gail Sadler, Director: Approval for FY 2004-2005 Contract with Arizona Department of Economic Security to provide WIA services in Navajo County for period from April 1, 2004 to June 30, 2007: Ms. Sadler advised that this is the annual contract for WIA programs. Amendments will be added at later dates for each individual program. She noted that it appears there will be an increase in funding this year. **Mr. Thompson made a motion** to approve the FY 2004/2005 Contract with Arizona Department of Economic Security to provide WIA services in Navajo County for the period from April 1, 2004 to June 30, 2007, as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

SHERIFF'S OFFICE: Gary Butler, Sheriff: 1) Approval to hire former employee as Dispatch/Communications Specialist on a temporary basis: Commander Ebert explained this will be a temporary appointment only, to fill in for an employee who will be on maternity leave. **Mr. Brownlow made a motion** to approve the temporary hire of a former employee as Dispatch/Communications Specialist, as presented; motion seconded by Mr. Deal; vote unanimously carried.

2) Approval to enter into contract with U.S. Department of Justice, DEA, for law enforcement activities related to Domestic Cannabis Eradication/Suppression Program (DEA/SP): Sheriff Butler advised that this is an ongoing agreement, which will provide about \$8000 this year for cannabis eradication. **Mr. Brownlow made a motion** to approve the contract with the US Department of Justice, DEA, for law enforcement activities related to Domestic Cannabis Eradication/Suppression Program (DEA/SP); motion seconded by Mr. Thompson; vote unanimously carried.

EMERGENCY SERVICES: Gary Butler, Sheriff: Approval to enter into an Intergovernmental

Agreement (IGA) with Kayenta Township for equipment acquired with Homeland Security grant funds: Commander Larry Dunagan explained that this IGA with Kayenta is the same as all of the other agreements entered into by the other county entities (law enforcement, fire districts, etc). However, he noted that a new process will begin regarding the distribution of funds and equipment. Instead of the counties acting as the central point, regional committees will be formed. Each individual entity will now have to enter into an agreement with the regional committee. Commander Dunagan said he hoped this could be accomplished with amendments to the original IGAs instead of completely new agreements. He said he is unsure of how these regional committees will be formed, but we need to be diligent to make sure the rural counties are included. Mr. Deal requested that a letter be drafted, urging the state to honor this and all previous agreements regarding Homeland Security issues. **Mr. Deal made a motion** to approve the IGA with Kayenta Township for equipment acquired with Homeland Security grant funds; *and requesting a letter be drafted urging the state to honor this and all previous agreements regarding Homeland Security issues;* motion seconded by Mr. Brownlow; vote unanimously carried.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director:
Board of Directors Session: 1) Approval to grant extended leave without pay for Health District employee: **Mr. Thompson made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Ms. Tyler requested that the employee be granted the leave without pay due to a family member's illness. She added that the FMLA doesn't apply as the family member is not immediate family. A temporary employee will be hired in the interim; funds are available. **Mr. Brownlow made a motion** to approve the extended leave without pay for the Health District employee, and the temporary hiring of an employee in the interim, as presented; motion seconded by Mr. Thompson; vote unanimously carried.

2) Bioterrorism Program Staff introduction and update: Ms. Tyler introduced the Bioterrorism Program staff: Kevin Neill, Bioterrorism Program Manager; Ann Bailey, Public Information Officer/Training; Sherri Helton, Tribal Liaison; Tamica Serna, Clerk II. Ms. Tyler explained that the objective of the Program is to develop plans, including timetables and necessary activities, to ensure Navajo County Public Health Services District's ability to respond to a public health emergency. The Program will build the Health District's infrastructure and training to include emergency communication equipment, risk communication, workforce preparedness, disease surveillance and the ability to conduct mass vaccinations. **No action taken; informational only.**

3) Update re: West Nile Virus: Ms. Tyler advised that on April 28, 2004, Governor Janet Napolitano announced an effort to increase public awareness about West Nile Virus. The Arizona Department of Health Services has issued an emergency order making West Nile Virus a reportable disease. Ms. Tyler presented several things the public needs to know: 1) Eliminate standing water outside the home where mosquitoes can breed; 2) Change the water in birdbaths, planters and animal water pans at least twice a week; 3) Repair leaky outside faucets and pipes; 4) Move air conditioner drain hoses frequently; 5) Wear insect repellent and lightweight clothing that covers arms and legs when going outside at night; 6) Horses should be vaccinated. Mr. Deal requested weekly updates on this issue. **No action taken; informational only. Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

PUBLIC DEFENDER'S OFFICE: Emery LaBarge, Public Defender: Request for expert witness fees on murder cases: Ms. LaBarge explained that the homicide rate in Navajo County is unprecedented; her office has three cases at this time. She is requesting funds for expert witnesses to testify for her clients. County Manager Jimmy Jayne recommended approval up to \$20,000 at this time. Funding would come from General Fund Contingency. **Mr. Deal made a motion** to approve funding up to \$20,000 to be used for expert witness fees in murder cases, with funding to come from General Fund Contingency; motion seconded by Mr. Brownlow; vote unanimously carried.

PUBLIC WORKS DEPARTMENT: Bill Cox, Director: Approve the purchase of a D6D Dozer from Arizona Department of Transportation (ADOT) Donee Sale: Mr. Cox advised that ADOT has a Donee sale twice a year. On April 29th, ADOT had a 1986 D6D Dozer that had only 6118 hours on it. If Public Works were to purchase this piece of equipment new, the cost would be at least \$180,000. This used dozer can be purchased for \$25,000. Funds are available in the construction equipment line item. **Mr. Thompson made a motion** to approve the purchase of a D6D Dozer from the Arizona Department of Transportation Donee Sale, with the purchase price of \$25,000 available in the construction equipment line item as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

SPECIAL DISTRICT: Bill Cox, Public Works Director & Joan Mickle, Accounting Supervisor: 1) Roan Circle Improvement District Board of Directors Session; Resolution Ordering the Work included in Resolution of Intention of the District (Res #24-04): **Mr. Thompson made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Mr. Cox advised that estimated cost for this district is \$35,000. It is proposed that the Improvement District Revolving Funds be used for the project, which will be repaid from the assessments against the benefiting properties. **Mr. Brownlow made a motion** to adopt **Resolution #47-04**, Ordering the Work included in Resolution of Intention of the District (Res #24-04); motion seconded by Mr. Thompson; vote unanimously carried. **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Madison Lane Circle Improvement District Board of Directors Session: Resolution Ordering the work included in Resolution of Intention of the District (Res #25-04): **Mr. Thompson made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. Mr. Cox advised that the estimated cost for this district is \$45,000. It is proposed that the Improvement District Revolving Fund be used for this project, which will be repaid from the assessments against the benefiting properties. **Mr. Brownlow made a motion** to adopt **Resolution #48-04**, Ordering the work included in the Resolution of Intention of the District (Res #25-04); motion seconded by Mr. Thompson; vote unanimously carried. **Mr. Brownlow 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 Final Plat and Financial Assurances for the Starlight Ridge Estates Unit I Subdivision, Lakeside area: Mr. Ashton advised that the developer has met all of the conditions set forth for the Final Plat. Staff

recommends approval with stipulations. **Mr. Brownlow made a motion** to adopt **Resolution #46-04**, approving Final Plat and Financial Assurances for the Starlight Ridge Estates Unit I Subdivision, Lakeside area, with the stipulation as follows: *Approval is conditioned upon all subdivision improvements being substantially completed within 24 months after the date of Final Plat recordation (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 24 months (or any extension thereof) the approval shall automatically be revoked and the Final Plat shall 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. Thompson; vote unanimously carried.

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

SPECIAL DISTRICTS: : Public Hearing: Resolution and order establishing and organizing the Scott's Pine Tract A Improvement District, Lakeside area: Mr. Cox advised that approximately 66% of the property owners have signed petitions to form the improvement district. The roads are currently primitive and are flat, without adequate drainage. Kent Delph, of Delph Engineering, noted that this area was platted in the 1960's, prior to established drainage, etc. and was not built as a subdivision. The developer is responsible for paving ? of the road adjacent to the subdivision (one lane) and the improvement district would be responsible for paving the other half (lane). The best way to accomplish this is to do both halves at the same time. At this time, public comment was requested. Karl Davis presented petitions requesting road and flood control improvements. John McFail stated he supports, and has no objection to paying for, an improvement district. Jennifer Malkop, Gayle Orth, Leslie Horne, David Skousen, Wendy Skousen & George Hamann spoke in opposition to the district. Their concerns included drainage and flooding issues, the "retention pond" which they believe is a flood control structure, and the fact that they believe the homeowners do not want an improvement district (the developers do) They also voiced concerns about having to pay for the developers improvements. They believe the county is responsible for the drainage and flooding issues and have not taken the responsibility and fixed the problems. Mr. Cox presented some history. The area was platted in 1966 and at that time, the Board of Supervisors had absolutely no control over subdivision. They did not control the installation of roads or flood control devices. The roads were primitive and never built to standards. The retention pond that homeowners refer to was owned by a private party. The county had no control over it as it was not public property. The county cannot improve the roads; it can only maintain them in the condition they were in when the county began maintenance. By law, the county cannot improve roads which are not declared county highways. When asked why permits are being issued to build in a flood plain, Mr. Cox explained that one can build in a flood plain, but certain restrictions exist on the design. Tom Hieb, Deputy Director of Flood Control, explained that 1993 had a very wet winter, and several areas were identified as needing improvement. Scotts Pine Meadows was prioritized as #5 of 8 areas identified. The consultant's report indicated that roadside drainage systems would help. The consultant then looked at the entire Wagon Wheel area. The "retention pond" was called a lake, and

was never designed to be a flood control structure. Although this area is poorly drained, it does not qualify as a flood hazard area as defined by the state and the Federal Emergency Management Agency (FEMA). Mr. Hieb noted that while both studies indicated that the "pond" was not a flood control structure, roads and ditches would go a long way in mitigating the drainage problems. Further discussion followed. Deputy County Attorney Lance Payette explained that we are here today for the possible formation of a "county improvement district" and whatever work the district decides should be done, can be done at the district's expense. It is not a "road" district, or a "flood control" district, etc.; it is an "improvement" district. Mr. Brownlow stated that, in view of all the issues addressed here today, he is not in favor of forming this district today. **Mr. Brownlow made a motion to Dismiss the proceeding** and not go forward with the district formation at this time; motion seconded by Mr. Thompson; vote unanimously carried.

SPECIAL DISTRICTS:: Public Hearing: Resolution and order establishing and organizing the Scott's Pine North Improvement District, Lakeside area: Mr. Cox advised that this area is to the north of Tract A and approximately 58% of the land area, and the majority of the property owners, have signed the petitions requesting the formation of this district. Public comment was requested. Rik Broughton said he is actually in Tract A, but wants to amend the petitions for this district to include his property. (He was informed that he must petition the Board to amend the original petition to be included in this district). Joseph Merrill, Barbara Badger & Cynthia Johnson spoke in favor of the district as long as it includes drainage and flooding issues. Mr. Payette again stressed that this is simply a "county improvement district". The district can do any if the things set forth in the statute, including road improvements, drainage and flooding improvements, etc. They can decide to do one thing now, and a totally different thing in 20 years if they want. Following a brief discussion, **Mr. Brownlow made a motion** to adopt **Resolution #45-04**, and Order Establishing and Organizing the Scott's Pine North Improvement District. Lakeside Area; motion seconded by Mr. Thompson; vote unanimously carried.

BOARD BUSINESS: **Mr. Jayne** advised that budget hearings will begin on the afternoon of May 17th, continue all day on the 18th, and end on the morning of the 19th. He also provided an update on the remodeling of the Board Chambers. **Mr. Thompson** advised that Everett McCabe, Jr. passed away, and requested a letter of condolence be prepared. He further advised that he, Mr. DeSpain and Mr. Jayne attended the dedication of the Birdsprings Bridge last Friday. **Mr. Brownlow** noted that he will be representing Navajo County at the Inauguration for the White Mountain Apache Tribe on May 5th in Whiteriver.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, May 17, 2004, upon a **motion made by Mr. Thompson**; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 2:10 p.m.

APPROVED:

J. R. DeSpain, Chairman

DATE:

ATTEST:

Kathy Hieb, Deputy Clerk of the Board