

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES**  
**TUESDAY, MAY 6, 2008**

**9:03 a.m. CALL TO ORDER:** Supervisor Brownlow led the Pledge of Allegiance and offered the invocation.

**PRESENT:** J. R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Supervisor; Jesse Thompson, Supervisor; David Tenney, Supervisor; Darlene Fraley, Clerk of the Board; and James Jayne, County Manager. Lance Payette of the County Attorney's office joined the meeting in progress.

**CALL TO THE PUBLIC:** Penny Pew of Congressman Renzi's office reported that three SAFETEA-LU projects have been approved for the Navajo Nation discussing the funding source and the reduction in the local share which is now at 5.7% down from 20%. Supervisor Deal expressed appreciation for the Congressman's efforts on this funding. He inquired if the county, Nation or BIA could make up the local share and was told that was the case. Supervisor Thompson inquired if she had any information on the Turquoise Trail and was advised she would research this.

**CONSENT AGENDA:** a) Ratification of contract as signed by County Manager for a citizen survey and focus groups conducted by Northern Arizona University; b) Letter of Support for the Southwest Navajo Tobacco Education Prevention Project; c) Acceptance of APN 208-19-008C for a deeded roadway easement for Old Highway 160 (Clay Springs Road) that runs through this parcel; d) Modification #1 to USDA Forest Service, Apache Sitgreaves National Forest Agreement #08-LE-11030121-005 to provide an additional \$5,000.00 Forest Service funding for FY08 for reimbursement for General Patrol activities; e) Grant a utility easement to APS across the Navajo County Fairgrounds; f) Authorization for Clerk of the Board to request new undercover plates; g) Minutes: April 1, 2008 and April 15, 2008; h) Addendum to 2008 Intergovernmental Agreement with the State of Arizona Department of Revenue for Data Processing Services to reflect language inserted by the Attorney General; i) Application for temporary Extension of Premises/Patio Permit for The Cabin Bar & Grill for June 6, 7, and 8, 2008; j) Appointment of Precinct Committee Persons: Carol Joe Davis, Dilcon I and Bernice Shone, Pinon I; k) Bad Check Quarterly Report—First quarter 2008; l) Justice Court Reports: Holbrook #1 March; Winslow #2 March; Snowflake #3 March; Kayenta #4 March; Show Low #5 March; Pinetop #6 March; m) Constable Reports: Winslow #2 March; Show Low #5 March; Pinetop #6 March; n) Clerk of Superior Court, March: **Supervisor Brownlow made a motion** to authorize the Chairman to sign the Consent Agenda items; motion seconded by Supervisor Tenney; vote unanimous approving the motion with Supervisor Thompson and Supervisor Deal absent for the vote.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session: HEALTH DISTRICT CONSENT AGENDA:** Action related to Contract #HG861452 with the Arizona Department of Health Services for the Community Nutrition Program for 7/1/08 to 6/30/09: **Supervisor Tenney made a motion** to enter into the Navajo County Public Health Services District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Thompson and Supervisor Deal absent for the vote. **Supervisor Tenney made a motion** to approve the Consent Agenda as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Thompson and Supervisor Deal absent for the vote. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous with Supervisor Thompson absent for the vote.

**ADMINISTRATION:** Update of Navajo County Strategic Planning: Lou Schmitt reviewed a power point presentation outlining the audit conducted in Planning & Zoning showing their progress on the Strategic Planning process. He discussed county departments' success in this process and advised that his role is complete with Dusty Parsons taking over his role in this process.

**BOARD OF SUPERVISORS:**

- a. Quality Emulsions and Navajo County Recognizing Excellence: Supervisors presented certificates and fruit baskets as sponsored by Quality Emulsions to Peggy Saunders of the Public Works Department and Donna McMonigal of the Sheriff's office for their outstanding contributions to their departments and county operations.
- b. Personnel service awards: Delanna Caraway announced that Ralph Ellington, who was not present, would receive a longevity pin. Pins were presented to Don Murray and Mark Jackson for ten years of service.
- c. **PUBLIC HEARING:** Consideration and possible adoption of Ordinance Number \_\_\_\_\_ - 08 Prohibiting the Importation for Release in to the Wild, or the Release into the Wild, of a Certain Predatory Animals of the Genera Canis, Ursus and Felis; and Specifying Criminal Penalties for Violations: Chairman DeSpain referred to a newspaper article about cages built for children catching the bus on the Blue in Reserve, NM to protect them from wolves. He advised the deputy county attorney reviewed the proposed ordinance, stating the Board could pass it but there would not be a lot of enforcement capability. Jim O'haco, a resident of Winslow who ranches north and south of Winslow, stated he wanted to go on record as being against enlarging the wolf area due to several problems experienced in the Blue; that the Board's approach is correct addressing this as a safety issue; Game and Fish should be concerned that wolves are killers; the interstates are artificial barriers; reservations will be impacted and he would like to assist in making appropriate connections with Navajo and Hopi Tribes as they have concerns. No one spoke in opposition to passing the ordinance. Chairman DeSpain closed the hearing. **Supervisor Brownlow made a motion** to adopt **Ordinance Number 01 - 08** Prohibiting the Importation for Release in to the Wild, or the Release into the Wild, of a Certain Predatory Animals of the Genera Canis, Ursus and Felis; and Specifying Criminal Penalties for Violations; motion seconded by Supervisor Tenney. Supervisor DeSpain stated that when he first started attending Coalition meetings during the first five years of the wolf program it was projected it would cost US citizens \$25,000,000 to release 50 wolves into the Blue and at the end of last year only 38 had been released. He stated the funding projection did not allow for reimbursement for destruction of cattle and human life. He advised there has been some success in Yellowstone and one wilderness area in Idaho. Supervisor Deal inquired if Apache County has a similar ordinance and Supervisor DeSpain said that Navajo County has taken the first step of all counties in Arizona. Supervisor Deal stated that if the wolf is released in other counties it could easily wander into an area where there is a prohibition. He clarified that if the federal government was releasing wolves, this ordinance would have no impact so what the county is really doing is sending a message. Supervisor Deal discussed cultural reasons why the tribes may hesitate to support this resolution. He said he understands the safety issue and related a personal experience when his wife felt threatened by wolves. Supervisor Tenney stated he agrees a statement should be made against expanding the area; that he is concerned about spending about \$1,000,000 per wolf that has been released; and advised there have been sightings of collared wolves in the Snowflake Taylor area. Supervisor Brownlow stated that the White Mountain Apache Tribe have wolves on the reservation that have proprietary status but the San Carlos Apache Tribe did have wolves on their reservation but due to losing livestock have requested all wolves be removed. Vote unanimous approving the motion.
- d. Consideration and possible approval of **Resolution Number \_\_\_\_\_ - 08** in support of the Hardrock Council on Substance Abuse grant proposal to the US Department of Agriculture: Rod Ross reviewed this resolution of support. Supervisor Deal provided background regarding this grant proposal for a Hardrock community building advising the USDA has reviewed the proposal, and the Council is requesting support from the Congressman, Senator and Navajo County Board of Supervisors. He discussed the need for this first public building that the community would have. **Supervisor Deal made a motion** to approve **Resolution Number 28 - 08** in support of the Hardrock Council on Substance Abuse grant proposal to the US Department of Agriculture; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

**SHERIFF'S OFFICE:** Consideration and possible approval for Sheriff's Office to enter into Memorandum of Understanding with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives for use of their eTrace internet system as an investigative tool in crimes involving firearms: Commander K.C. Clark reviewed this MOU. **Supervisor Tenney made a motion** to authorize the Sheriff's Office to enter into a Memorandum of Understanding with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives for use of their eTrace internet system as an investigative tool in crimes involving firearms; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**EMERGENCY MANAGEMENT:**

- a. Discussion of future implementation of fire restrictions for Zones 2 and 3 in Navajo County: Tim Zaremba advised he has been meeting with fire chiefs in Navajo County and almost all fire chiefs in Zone 2 and Zone 3 are in favor of implementing fire restrictions, advising that all indicators are that conditions are similar to those during Rodeo Chediski. He discussed spring fires in the county; that county residents have burned on red flag days; and reported the Forest Service will implement restrictions the first week of June. There was discussion that the county should implement fire restrictions simultaneously with the Forest Service discussing the importance of a unified approach to fire restrictions and that this action will be brought back before the board. Mr. Zaremba recognized Kirk Webb, Lakeside Fire Marshall, and Brian Russell, Show Low Fire Marshall, who spoke on fire restrictions, campground regulations, and community residents preferring early restrictions in their community.
- b. Consideration and possible approval of Delegation Agreement with the Arizona Department of Environmental Quality giving Navajo County Emergency Management functions, powers and duties for the issuance of open burn permits: Tim Zaremba reviewed the agreement to allow Navajo County Emergency Management to issue burn permits through ADEQ. In response to a question from Supervisor DeSpain, Mr. Zaremba stated the general public can obtain a permit by calling emergency management for fire districts outside of communities. **Supervisor Tenney made a motion** to approve the Delegation Agreement with the Arizona Department of Environmental Quality giving Navajo County Emergency Management functions, powers and duties for the issuance of open burn permits; motion seconded by Supervisor Deal; vote unanimous approving the motion.

**FINANCE/PURCHASING:**

- a. Consideration and possible award of Contract B08-03-006 to Bug Snuffers for county pest control services: John Swanson advised Purchasing is requesting support for this award. **Supervisor Tenney made a motion** to award Contract B08-03-006 to Bug Snuffers for county pest control services; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- b. Consideration and possible approval of Intergovernmental Agreement to loan a grader to the City of Holbrook for use at the City's municipal golf course: Mary Springer advised this grader has been sitting idle and the City could benefit from its use with the understanding that when the County has a need for it that it would be available. **Supervisor Tenney made a motion** to approve the Intergovernmental Agreement to loan a grader to the City of Holbrook for use at the City's municipal golf course; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- c. Consideration and possible award of contract to Nationwide Retirement Solutions for 457 deferred compensation plan: Mary Springer advised there had been two deferred compensation providers in the county and through this award process there will only be one provider in the future. She stated that Lance Payette advised there is still some language to be included in the contract and that contract will come back to the board on the Consent Agenda. **Supervisor Tenney made a motion** to award the contract to Nationwide Retirement Solutions for the Navajo County 457 deferred compensation plan; motion seconded by Supervisor Thompson. In response to a question from Supervisor DeSpain, Ms. Springer stated that future employee 457 deductions would have to be made to Nationwide. Mr. Payette advised that if the employee wanted to leave their funds in their existing plan, they could do so or Nationwide would work

with the employee to transition it to a new account. Vote unanimous approving the motion with Supervisor Tenney absent for the vote.

- d. Consideration and possible approval of contract for occupancy of office space for the Arizona Department of Commerce at the McNeil complex: Mary Springer advised that this contract would run in the same time frame as the County's contract for McNeil Complex. **Supervisor Thompson made a motion** to approve a contract for occupancy of office space for the Arizona Department of Commerce at the McNeil complex; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Tenney absent for the vote.
- e. Consideration and possible approval of contract for occupancy of office space for the White Mountain Catholic Charities (NACOG service provider) at the McNeil complex: Mary Springer reviewed this request stating that the NACOG existing office is in McNary which is very inconvenient for their clients. **Supervisor Brownlow made a motion** to approve the contract for occupancy of office space for the White Mountain Catholic Charities (NACOG service provider) at the McNeil complex; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- f. Ratification of contract of purchase of National Bank of Arizona property located at 902 E. Deuce of Clubs, Show Low—APN 210-14-146A: Mary Springer stated that at the last board meeting there was a typo in the contract so Supervisor Brownlow requested it come back for ratification. **Supervisor Tenney made a motion** to ratify the contract for the purchase of the National Bank of Arizona property located at 902 E. Deuce of Clubs, Show Low—APN 210-14-146A; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

Mary Springer recognized employees John Swanson and Cris Parisot for their purchasing expertise.

#### **PUBLIC WORKS:**

- a. Navajo County Flood Control District Board of Directors' Session: **Supervisor Tenney made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
  - i. Consideration and possible approval to cost share payment with the City of Winslow for their efforts to re-certify the Ruby Wash and Ruby Wash Diversion levees as required by FEMA and the Map Modernization Program: Homero Vela advised this is a budget item, requesting approval to pay this invoice of \$137,238.95. **Supervisor Tenney made a motion** to approve the cost share payment with the City of Winslow for their efforts to re-certify the Ruby Wash and Ruby Wash Diversion levees as required by FEMA and the Map Modernization Program; motion seconded by Supervisor Brownlow; vote unanimous with Chairman DeSpain absent for the vote.
  - ii. Consideration and possible authorization for the Chairman to sign a letter to Senator Jon Kyl requesting his support to fund the Army Corps Feasibility Study for the Winslow Levee Rehabilitation: Homero Vela discussed a recent meeting with the Army Corps where the Colonel was anxious to initiate the cost share agreement and to continue with maintenance. He discussed the need for our congressman's support. Supervisor Thompson stated that the meeting with the Corps went quite well and the people attending were very impressed with the county's work on the levee. **Supervisor Thompson made a motion** to authorize the Chairman to sign a letter to Senator Jon Kyl requesting his support to fund the Army Corps Feasibility Study for the Winslow Levee Rehabilitation; motion seconded by Supervisor Tenney; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- b. Consideration and possible approval of Resolution Number - 08 accepting a portion of Sun Valley Road from Pinto Street to Pima Street and a portion of 16<sup>th</sup> Street from Prairie Street to Pima Street into the county road maintenance system: Carol Fraley reviewed the positioning of this street. **Supervisor Brownlow made a motion** to approve **Resolution Number 30 - 08** accepting a portion of Sun Valley Road from Pinto Street to Pima Street and a portion of 16<sup>th</sup> Street from Prairie Street to Pima Street into the county road maintenance system; motion seconded by Supervisor Tenney; vote unanimous approving the

motion.

- c. Consideration and possible acceptance of the filing of the petition requesting the establishment of Silver Lake Boulevard as a County Highway and set the public hearing at 9:00 a.m., May 20, 2008: Carol Fraley advised the county received a petition with the required number of signatures to accept this road. Dusty Parsons stated Silver Lake Boulevard is a major arterial, built quite some time ago and appeared to be built to county standards. He said the road is in need of maintenance that the county can provide if the board accepts it. He said there is still a question about the portion staff is not recommending taking in because there is no right of way dedicated and this will come back to the board once the right of way issue is resolved. In response to a question, Ms. Fraley stated the road is 0.75 mile long. **Supervisor Tenney made a motion** to accept the filing of the petition requesting the establishment of Silver Lake Boulevard as a County Highway and set the public hearing at 9:00 a.m., May 20, 2008; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d. Consideration and possible acceptance of the filing of the petition requesting the establishment of White Antelope Road as a County Highway and set the public hearing at 9:00 a.m., May 20, 2008: Carol Fraley oriented the board to this road stating she had received the petition with the required number of signatures to accept the 6.25 miles of White Antelope Road. Mr. Parsons stated traffic on both of these roads exceed the number of cars required for acceptance into the system. **Supervisor Tenney made a motion** to accept the filing of the petition requesting the establishment of White Antelope Road as a County Highway and set the public hearing at 9:00 a.m., May 20, 2008; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- e. Bucking Horse Improvement District Board of Directors' Session: **Supervisor Brownlow made a motion** to enter into the Bucking Horse Improvement District **Board of Directors' Session**; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Carol Fraley advised the objection period has ended for this action.
  - i. Receive the Treasurer's return: **Supervisor Tenney made a motion** to accept the Treasurer's return; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
  - ii. Consideration and possible approval of Resolution Number \_\_\_\_\_ - 08 authorizing the issuance of Improvement Bonds: **Supervisor Brownlow made a motion** to approve **Resolution Number 31-08** authorizing the issuance of Improvement Bonds as presented for Bucking Horse Improvement District; motion seconded by Supervisor Tenney; vote unanimous approving the motion.**Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- f. Hilltop Drive Improvement District Board of Directors' Session: Consideration and possible approval of a professional services contract with Tetra Tech, Inc. for the engineering services for Hilltop Drive Improvement District in an amount not to exceed \$122,735.00: **Supervisor Tenney made a motion** to enter into the Hilltop Drive Improvement District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Dusty Parsons reviewed this item and requested support for this request. **Supervisor Deal made a motion** to approve a professional services contract with Tetra Tech, Inc. for the engineering services for Hilltop Drive Improvement District in an amount not to exceed \$122,735.00; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- g. Consideration and possible approval of LTAF II funding: Dusty Parsons reviewed each item, requesting approval.
  - i. An amount not to exceed \$11,064 from District II and \$11,064 from District III LTAF II Funds for the purchase of a minivan for the Winslow Council on Aging [Winslow Senior Center]: **Supervisor Thompson made a motion** to approve LTAF II funding in an amount not to exceed \$11,064 from District II and \$11,064 from District III for the purchase of a minivan for the Winslow Council on Aging; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- ii. An amount not to exceed \$11,064 from District III and \$11,064 from District IV LTAF II Funds for the purchase of a minivan for the Silver Creek Senior Citizens Center: **Supervisor Tenney made a motion** to approve LTAF II funding in an amount not to exceed \$11,064 from District III and \$11,064 from District IV for the purchase of a minivan for the Silver Creek Senior Citizens Center; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- iii. An amount not to exceed \$10,000.00 from District V LTAF II funds to help with transportation costs for the White Mountain Apache Tribe/Temporary Assistance for Needy Families (TANF) program: **Supervisor Brownlow made a motion** to approve LTAF II funding in an amount not to exceed \$10,000.00 from District V to help with transportation costs for the White Mountain Apache Tribe/Temporary Assistance for Needy Families (TANF) program: motion seconded by Supervisor Thompson: vote unanimous approving the motion.
- iv. An amount not to exceed \$7,334.91 from District IV LTAF II funds for vehicle operating costs for the Rim Country Senior Center: **Supervisor Tenney made a motion** to approve LTAF II funding in an amount not to exceed \$7,334.91 from District IV for vehicle operating costs for the Rim Country Senior Center; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- h. Consideration and possible approval of Resolution Number \_\_\_\_\_ - 08 in support of an application to the Navajo Hopi Land Commission and approval of letters of support that will be submitted with the application: Dusty Parsons advised this is a matching grant with the cost to come out of special district funds for Districts I and II. **Supervisor Thompson made a motion** to approve **Resolution Number 32 - 08** in support of an application to the Navajo Hopi Land Commission and approval of letters of support that will be submitted with the application; motion seconded by Supervisor Tenney. Supervisor Deal thanked Mr. Parsons for his effort and Supervisor Thompson for delivering the proposal on time. He advised that federal cuts would impact the Chinle agency and if the budget is approved as-is, he has been told the BIA may have to cut staffing, reducing the operator to half time for the entire area, dramatically impacting road maintenance. He said he strongly supports this effort and thanks the board for their support. Vote unanimous approving the motion.
- i. Consideration and possible of expenditure in an amount not to exceed \$175,000 for the overlay of Brown Trout Drive in the Silver Lake Estates area from District IV Special Road Funds: Dusty Parsons oriented the board to Brown Trout Drive stating that by paving it, there will be a maintenance cost payback over the years as well as an improvement to the area. **Supervisor Tenney made a motion** to approve the expenditure from District IV Special Road funds in an amount not to exceed \$175,000 for the overlay of Brown Trout Drive in the Silver Lake Estates area; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- j. Consideration of position on T.I.M.E Coalition initiative and possible authorization of a letter reflecting that position: Dusty Parsons provided the background of this Coalition that was formed several months ago to address transportation issues around the state. He advised he does not believe this is a good plan for rural counties, discussing the fact that the latest version returns \$180,000,000 over 30 years when the county portion of the tax would generate over \$300,000,000 over that same time period. He introduced Jack Husted who serves on this Coalition. Mr. Husted said that it was the intent for him to represent rural counties on this Coalition and due to his stand of protecting rural county interests he has become persona non grata. He outlined the history of this Coalition and the planning process it went through. He discussed the diminishing returns to the counties and not being able to review the final plan as it keeps changing. He stated substantial funding goes to Maricopa County while the bulk of the Arizona highway miles are in the rural counties. He stated the initiative will only include the language separating the percentage of funding rather than projects and expressed concern regarding the funding distribution that would include a voter protected wildlife conservation fund that has not yet been studied that would be administered through ADOT. He reported that through formula funding Maricopa County will get additional funding. He stated he advised the Coalition he could not support this proposal because it damages rural counties. The Board, Mr. Husted and Mr. Parsons discussed the negative impact of the plan as it is now written as compared to

the initial roll out that was presented and an example was provided of a dramatic reduction of funding in the first phase for Navajo County simply because a request was made to replace a Highway 260 project with projects identified in the regional transportation study. Mr. Husted advised the Coalition has not taken language for the ballot to the Secretary of State and when that happens it will be the time to collectively oppose it. Supervisor Brownlow thanked Mr. Husted for his involvement in the T.I.M.E. Coalition and for being the voice for rural Arizona. **Supervisor Tenney made a motion** for the Board of Supervisors to take the position that it is in opposition of the proposed plan; motion seconded by Supervisor Deal. During discussion it was agreed that the letter should indicate this opposition would be to the plan as it is currently presented which doesn't mean the county will be opposed if the plan addresses the needs of rural counties. Vote unanimous approving the motion.

- k. **PUBLIC HEARING: Consideration and possible approval by Resolution Number - 08 of a Special Use Permit request by Lee Larsen for the proposed expansion/development of self storage units of approximately 10,300 square feet and 13,700 square feet for a display area of trailers and boats on APN 212-18-001A in the Pinetop Lakeside area:** Bill Fraley oriented the board to the property, reviewed the staff report, the existing zoning, staff recommendations and the Planning & Zoning's unanimous recommendation for approval with stipulations as listed in the resolution. He pointed out the emergency access with a gate, and discussed the existing access. He reported that prior to this issue coming to the board, staff checked with the county attorney's office to determine if the board could grant this change when CCRs preclude it and was advised the board does not enforce CCRs. Mr. Fraley stated that letters and petitions regarding this issue are included in board packets. Chairman DeSpain opened the Public Hearing. Douglas Howard of 3556 Sunset Lane, Lakeside, Janet Johnson of 3368 Mulholland Drive, Lakeside, and Terry Kohner of 3557 Mulholland Drive, Lakeside addressed the board in opposition to this action. Mrs. Johnson displayed pictures of the subject property showing water and erosion issues, referred to a letter from Martha Thomas voicing opposition and said she had the authority to speak for her brother Robert Paris. Points made during residents' discussion: Mr. Larsen has not yet put up an 8' block wall to mitigate the view and noise; the water coming off the property must be taken care of because it has been directed to the street, which is a dirt road so it creates ruts and holes with water running a foot deep; there used to be a buffer of forestry but Mr. Larsen cut the trees down so all properties are exposed to boats, old tires, discards, and all the noise of the highway; the posting was on both ends of Sunset but there was no posting on the property. Mr. Fraley stated it is typical that until the Board of Supervisors grant permission there is no requirement to meet the commission stipulations; a drainage study would be submitted prior to issuance of permits, and that an employee did go out to post the property so he will check into this issue. Lee Larsen of 3600 White Mountain Boulevard, Lakeside, stated the drainage the residents are citing as coming from his property actually comes off ADOT land; his property is walled and contains his drainage; and his property actually takes water from other people's property and that the drainage study will address these issues. He stated that a requirement for paving would be a hardship due to the expense; that with the gravel surface there should not be a problem with dust especially with screened fencing; he could install screen fencing 8' high but not a block wall. Dusty Parsons stated that one of the reasons the commission requested paving is that the owner is requesting to build buildings over 10,000 square feet and the department requests paving at that time. Mr. Howard re-addressed the board stating that most drainage comes from Mr. Larsen's property through an opening in the block wall; water comes off the roof of that building and then through the hole in wall as pictured; some water does come off Highway 260 but none of the wall is cemented in so the whole road carries the water. Mr. Parsons discussed the drainage study of this area that has a long history of drainage problems with both gentlemen being right with some water coming from ADOT and some from this property, stating there is a required drainage report prior to any permits being issued. Mrs. Johnson re-addressed the board pointing out her brother's property showing there is no buffer because Mr. Larsen clear cut the trees; with more storage there will be more lights and if the property is just screened, light and dust will come through; since the property was built up about five feet, tires and junk were built up and residents are asking for an 8' wall instead of a 6' wall and block instead of screening. Chairman DeSpain closed the

public hearing. Supervisor Tenney inquired about the dust proof surfacing and Mr. Larsen stated the front portion on the west side and the driveway within the self storage is a combination of cinder base with three quarter inch crushed gravel on top, which has proven adequate. Mr. Parsons stated the surfacing depends on the business function but when there is a lot of traffic they require paving and without a lot of traffic, such as with storage, crushed aggregate will probably work. Mr. Larsen pointed out there could be a problem by blocking all water from the west as it could create a big ice pond. Supervisor Tenney stated they should require part of the drainage study address the impact of a block wall instead of another type of 8' high screened fence. Mr. Larsen stated he needs the use of the property fairly quickly and the drainage study will take several months. Supervisor Brownlow reviewed the commission recommendation for an 8' block wall stating he could support this action with stipulations. **Supervisor Brownlow made a motion** to approve, by **Resolution Number 29 – 08**, a Special Use Permit request by Lee Larsen for the proposed expansion/development of self storage units of approximately 10,300 square feet and 13,700 square feet for a display area of trailers and boats on APN 212-18-001A in the Pinetop Lakeside area; motion seconded by Supervisor Tenney. Following discussion regarding the timing of trailer sales, with input from Lance Payette, Supervisor Brownlow amended his motion to include all of the original motion and to revise stipulation #12 to read: "Trailers shall not be placed on site until full improvements have been made on site, provided however applicant is allowed to bring trailers and boats for sale on the property for the period of June 1<sup>st</sup> through September 1<sup>st</sup> 2008; amended motion seconded by Supervisor Tenney; vote unanimous approving the motion. Through discussion it was agreed that after the September deadline everything comes off that lot and will remain off the lot until appropriate stipulations are met.

At 12:35 p.m., the board recessed for lunch and reconvened at 1:14 p.m.

#### **HUMAN RESOURCES:**

- a. Consideration and possible approval of Personnel Action report: Gail Calisen reviewed her written report of 37 items. In response to a question from Supervisor Tenney about the special duty assignments, Ms. Calisen advised they resulted from an emergency situation on the reservation. **Supervisor Tenney made a motion** to authorize the chairman to sign the Personnel Action report; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Thompson and Supervisor Deal absent for the vote.
- b. Consideration and possible approval of FY 2008-09 employee health benefit plan rates and funding level of employer contributions: Gail Calisen introduced Erin Collins of Erin Collins and Associates who introduced Justin Sullivan, the ECA group benefits analyst. Mr. Collins reviewed the renewal proposal advising a design change was made to Plan A and B switching deductibles over to co-pay; the medical had no increase which is important when trends are running from 8-11% increases; the dependent dental did increase slightly; and there is a 1.5% increase in the budget. He said that through tightening up the administrative side during the time with ECA, the trust went from a \$250,000 deficit, repaid the loan and went to a substantial cash surplus, advising this is a dramatic turn around. He discussed past accounting errors that impacted the claim data. He advised Navajo County membership was turned down for AZLGEBT based on claims and plan blending, stating there is a substantial increased cost of delivery of service in northern AZ with an 18 point spread. He said administration will encourage employees to move health care services that can be moved out of Flagstaff Medical but that this still may not close the gap. He discussed possible membership in RAGHT as there is only a six point spread. Supervisors expressed disappointment in not being accepted by Arizona Local as the board was initially told they could try for membership at the two year point and if the county met certain benchmarks they would be included, that the board felt they had done all that was asked. Supervisor Tenney stated the county had expressed willingness to fund a reserve to close the gap on the funding issues. Mr. Collins stated this is strictly an issue of administration and he discussed an error he had made in projecting increases that contributed to the decision. Supervisors requested their disappointment be relayed to the county managers who make up the Arizona Local board,



especially considering different funding options the Navajo County manager provided. Supervisor Tenney stated that while he is offended at not being able to join the group, the county is in a much better position than it was two years ago and he appreciates Erin's group's assistance and county staff's work in this process. Gail Calisen requested the board review the changes in medical and dental, which include change in the county contribution, with all information available in the Clerk's office. Supervisor Brownlow stated he believes this is a good health plan and the county has done well in the past two years. **Supervisor Tenney made a motion** to approve the FY 2008-09 employee health benefit plan rates and funding level of employer contributions as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Deal absent for the vote

- c. **EXECUTIVE SESSION** for legal advice pursuant to A.R.S. §38-431.03(A) (3) regarding amendment or rescission of Section 1.24 A (10 & 11) and Section 1.28(D) and related references of Navajo County Personnel Policies regarding pre-employment drug testing: At 1:36 p.m., **Supervisor Tenney made a motion** to go into Executive Session for the reasons as listed above; motion seconded by Supervisor Thompson; vote unanimous approving the motion. At 1:50 p.m., the board returned to regular session with all present.

Chairman DeSpain acknowledged former Supervisor Lewis Tenney's attendance.

- d. **Consideration and possible amendment or rescission of Section 1.24 A (10 & 11) and Section 1.28 (D) of Navajo County Personnel Policies regarding pre-employment drug testing: Supervisor Tenney stated** that based on what was learned in executive session, **he would move** to rescind Section 1.24 A (10 & 11) and Section 1.28 (D) of the Navajo County Personnel policies regarding pre-employment drug testing; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**BOARD BUSINESS:** In the interest of time, this item was not addressed.

Discussion of Board of Supervisors' support of the designation of the Little Colorado River Heritage Area and possible authorization of a letter reflecting the Board's position: Chairman DeSpain reviewed the history of the board's relationship with the Little Colorado River Heritage Area (LCRHA). He recognized Linda Marie Golier and stated there has been support of this designation expressed by Bill Jeffers, Babbitt Ranch, Winslow area residents, and the park service. He discussed his participation in the Santa Cruz panel where he had mixed emotions about the projects and discussed the changes in the Yuma designation that made it acceptable. Linda Marie Golier stated this project was funded through Arizona State Parks. She reviewed the summary of the draft legislation. She stated the Yuma case was instructive, and since it was designated in 2000, the proposal has become much more specific as related to private property rights, zoning, water rights, etc. In response to a question from Supervisor DeSpain about the watershed boundaries, Ms. Golier stated many heritage areas are organized around a water corridor and it does not follow political boundaries. She discussed the developmental process of the designation of LCRHA stating the Center for Desert Archaeology has a history of working on sites along the Little Colorado River, that after the development of the map when it was shown to local people, it received an initial positive response. She advised that following considerable community input and buy-in, they hope to have the final version of the draft by the end of this year so it can be introduced in 2009. She said they will form a board of people from the watershed area and then will convert it to a non-profit organization. In response to questions from Supervisors Thompson and Deal, she stated a number of Navajo chapters have passed resolutions of support but no tribal support resolutions have been forthcoming. These supervisors discussed the impact of the designation that could be difficult for local chapter members to understand as many residents would not take the time to read the package making it difficult to make a reasonable judgment. Supervisor Thompson reported the Hopi Tribe would like a more in-depth presentation of this issue. Supervisor Deal requested a copy of a sample resolution that was submitted to the chapters for their action. In response to a question from Supervisor Brownlow, Ms. Golier stated the alternative map was developed when Coconino County and Catron County, NM opted out. In response to a question from Supervisor Tenney, she stated that if Navajo County opts out there would be a serious impact review as several Navajo County communities do

support this issue and could remain in. Bob Flake of 820 W. Flake Ave. Snowflake, Farm Bureau President, Gary Finch of Citizens for Multiple Land Use and Access of Eagar AZ in Apache County, Gherald Flake, 1020 W. Flake Ave. Snowflake representing NRC and himself as a rancher, Lewis Tenney 3485 Gibson Lane Heber, businessman and former Supervisor, Sylvia Allen PO Box 952 Snowflake, a candidate for the Arizona Legislature and Doyle Schamley P.O. Box 990 Eagar, addressed the board in opposition to this issue. Opinions expressed included: This designation will give entities a chance at a “pot of money” that was not available to them before; it would be better to have separate Heritage Areas for each entity—tribes, cities, county, etc.; it is difficult to balance the needs of people stretching from the White Mountains to the Utah border; ranchers and farmers expressed mixed emotions and some recognized this will be more red tape to get through to run their cattle; Yellowstone National Park was designated in 1978 as a world heritage site including a buffer zone of six national forests where they now request there is no human habitation; it is fiscally irresponsible to use citizens’ tax dollars to create an entity that we don’t need to survive; the funding that is being promised is not yet available and the General Accounting Office report advises there is little accountability for the funding that heritage areas do have; this rancher could opt out his deeded land but the lands surrounding him are a checkerboard lease that would not opt out creating the effect that he could manage his ranch but the surrounding lands would control it; the sixteen member board that would be created has only one appointment for agriculture yet about 90% of the impacted land is agricultural; many conservatives supported the Endangered Species Act in the 1970’s to protect the bald eagle and now that act has a stranglehold on the land; there is hope that people would fight Heritage Areas with all the gusto they have citing an example of Precision Pines being in federal court for almost 12 years in an issue over logging; over a period of time, logging on the national forest as we knew it, was taken from us through actions such as this; the federal government has no control over sovereign nations so tribes are not concerned about this issue; if a resident doesn’t like action taken by the board, they can recall the supervisors but there is no recall of this type of designation; it’s easy to see what today’s law will do but wise law makers must look through time to see the consequences of the law; this action would go in concert with the National Park system that is already \$17 billion in debt—not a good business decision; Heritage area is in the middle of the area including the Petrified Forest that has expanded from 93,000 acres to 125,000 acres; when people signed into a public meeting they were reported as supportive of the initiative and even after emailing a request to have names removed from the support list it did not happen. Supervisor DeSpain expressed concern about the water control issue. He was also concerned that this initiative was promoted as a grass roots effort yet it actually came from a firm in Tucson and from someone from Flagstaff. He also stated that once this issue is in Congressional hands local control is gone; there is concern about the size of the area that runs with the watershed and it would be his preference that anyone wanting to be in the Heritage Area would have to opt in. Supervisor Tenney thanked everyone for their statements and Ms. Golier for her attendance. He said he stands by the remarks he made two weeks ago that he is opposed to this and that the county needs to withdraw the letter of support as he believes it will put another level of bureaucracy over this area.

**Supervisor Tenney made a motion** to withdraw support of this effort requesting staff draft a letter of opposition; motion seconded by Supervisor Brownlow. Supervisor Thompson and Supervisor Deal discussed the reservations within the Heritage area. Supervisor Deal expressed concern that the appendix designates specific Native American cultural issues and it gives the appearance it is pitting Native American interests against others. He stated past supervisors and the existing board have worked to bring harmony and respect for all communities in the county in Northern Arizona. He stated it is important to continue on that road of respect for one another with no reason to put another layer of so-called preservation on top of that to gain a specific interest for another party. Vote unanimous approving the motion with instruction for a letter to come back for the Consent Agenda at the next meeting.

**ADJOURN—AT 3:12 p.m., Supervisor Tenney made a motion** to adjourn; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

**APPROVED:**

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**J. R. DeSpain, Chairman**

**DATE:**

**June 3, 2008**

**ATTEST:**

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**Darlene Fraley, Clerk of the Board**