

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, March 24, 2009

PRESENT: J.R. DeSpain, Supervisor; David Tenney, Supervisor; and Jerry Brownlow, Chairman; were present. Jonathan Nez, Supervisor, appeared telephonically.

9:07 a.m. Call To Order:

9:11 a.m. Jesse Thompson, Supervisor present.

CALL TO THE PUBLIC: No Response

CONSENT AGENDA: a) Juvenile Justice System February, 2009 report b) Constable reports: Holbrook Precinct#1, January-February; Winslow Precinct #2, February; Snowflake Precinct #3, February; Show Low Precinct #5, February; Pinetop Precinct #6, February, 2009 c) Appointment of Navajo County Democratic Committee Precinct Committeepersons: April Faye Dickens-Olivar, Precinct 79.00 d) Renewal of Undercover Plates for the Navajo County Sheriff's Office e) Name an existing road in the Heber/Overgaard area "Havenwood Circle" in Section 31, Township 12 North, Range 17 East f) Name an existing road in the Heber/Overgaard area "Morning Run Court" in Section 31, Township 12 North, Range 17 East g) Letter to Greenlee County in congratulations on its 100-year anniversary h) Revised Capital Asset Policy i) Navajo County Employee Benefit Trust Wellness Program Services Agreement j) Minutes: February 24, 2009 k) Letters to Senator Jon Kyl and Representative Ann Kirkpatrick l) Contracts signed by County Manager per Board of Supervisors resolution: i) Ironside Engineering agreement for Alta Survey of 9th Place property ii) Agreement with B.J. Tatro Consulting for \$7,500. to provide facilitation services for Health District iii) Professional services contract for economist services with Barnes & Associates for a not to exceed amount of \$5,000 including travel expenses iv) Navajo County Flood Control District and SWCA Environmental Consultants, for the Stormwater Pollution Prevention Plan for the Winslow Levee Rip Rap Project in an amount not-to-exceed \$5,990.00: **Supervisor DeSpain made a motion** to authorize the Chairman to sign the items on the Consent Agenda; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. Quality Emulsions and Navajo County Recognizing Excellence: Sgt. Sam Lujan was recognized for his outstanding contributions to the Sheriff's office.
- b. Navajo County Cost Cutting Awards: Christine Segovia was recognized for her efforts in identifying cost savings.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: **Supervisor DeSpain made a motion** to enter into Board of Directors Session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

- a. Consideration and possible approval of Amendment #2 of Contract #HG861085 with the Arizona Department of Health Services for WIC Program Services effective April 1, 2009 to September 30, 2009 for \$376,623.00; an increase of \$19,768.00 for this Federal Fiscal Year: Mary Tyler discussed the item and answered questions of the Supervisors. **Supervisor Thompson made a motion** to approve Amendment #2 of Contract #HG861085 with the Arizona Department of Health Services for WIC Program Services effective April 1, 2009 to September 30, 2009 for \$376,623.00; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- b. Consideration and possible approval of Contract Amendment to the County Pre-Natal Block Grant: Mary Tyler discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion** to approve Contract Amendment to the County Pre-Natal Block Grant; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

Supervisor DeSpain made a motion to return to regular session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

COUNTY ATTORNEY/SHERIFF: Consideration and possible approval of Intergovernmental Agreement for Mutual Aid in Homicide Investigations: Sheriff Clark discussed the item and answered questions of the Supervisors. **Supervisor Thompson made a motion** to approve the Intergovernmental Agreement for Mutual Aid in Homicide Investigations; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

ELECTIONS: Consideration and possible approval of the Official Canvass of the March 10, 2009 Spring Primary Election: Lisa McKee discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a**

motion to approve the Canvass of the March 10, 2009 Spring Primary Election; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

WORKFORCE INVESTMENT ACT: Consideration and possible approval of contract amendment between Arizona Department of Economic Security and Navajo County to increase WIA funds by approximately \$402,706 from the Federal Stimulus Package; Judy Bratcher advised that the information has not come in from the State and asked that this item be tabled until more information can be obtained.

BOARD OF SUPERVISORS/BOARD OF EQUALIZATION SESSION: Supervisor Tenney made a motion to enter into Board of Equalization Session; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

a. Discussion and possible action regarding Petition for Review of Notice of Claim APN 109-37-005C Partition Systems, Inc. of South Carolina: Jason Moore, Deputy County Attorney, gave each Supervisor a copy of the stipulation entered into with Michael G. Galloway, Attorney for Partition Systems, Inc. Cammy Darris, Assessor, discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion** to adopt the Assessor's recommendation as to evaluation of the property's full cash value at \$3,280,283.00 and the limited value at \$3,138,286.00; 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.

PUBLIC WORKS/PLANNING AND ZONING:

a. Consideration and possible adoption of Resolution Number 12-09 adding the Canyon Vista Estates Subdivision roads into the Navajo County Maintenance System: Carol Fraley discussed the item and answered questions of the Supervisors. **Supervisor Tenney made a motion to** adopt Resolution Number 12-09 adding the Canyon Vista Estates Subdivision roads into the Navajo County Maintenance System; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

b. North Whistle Stop Loop Improvement District Board of Directors Session: **Supervisor Thompson made a motion to** enter into North Whistle Stop Loop Improvement District; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

i. Receive a report from the Clerk concerning the bids for Contract #B09-02-002: Carol Fraley discussed the item, announced each bid received, submitted all bids to Superintendent of Streets for tabulation and asked for a recess.

Supervisor Thompson made a motion to return to regular session; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

ii. Reconvene: North Whistle Stop Loop Improvement District Board of Directors Session: **Supervisor Tenney made a motion to** enter into North Whistle Stop Loop Improvement District; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

iii. Announce the lowest and best bid received; award Contract #B09-02-002, by adopting Resolution Number 19-09 and direct the publication of a notice of award of contract: Carol Fraley announced the lowest bid received and requested to award the Contract #B09-02-002 by Resolution to Hatch Construction and Paving in the amount of \$76,347.50. **Supervisor Tenney made a motion to** award Contract #B09-02-002 to Hatch Construction and Paving in the amount of \$76,347.50, by adopting Resolution Number 19-09 and directs the publication of a notice of award of contract; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

Supervisor Thompson made a motion to return to regular session; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

c. Consideration and possible approval of Task Agreement No. 1 to Memorandum of Agreement (AGN00090001) between Fort Defiance Agency Division of Transportation and Navajo County, for the purchase of 4 motor grader tires and 1800 gallons of #2 Diesel fuel in an amount not to exceed \$5,900: Homero Vela discussed the item. **Supervisor Nez made a motion to** approve Task Agreement Number 1 to Memorandum of Agreement (AGN00090001) between Fort Defiance Agency Division of Transportation and Navajo County, for the purchase of 4 motor grader tires and 1800 gallons of #2 diesel fuel in an amount not to exceed \$5,900; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

d. Consideration and possible approval of funding in an amount not to exceed \$7,080 from District III Local Transportation Assistance Fund II (LTAF II) funds for the Holbrook Senior Citizens Association for their match on a lift equipment vehicle which has been applied for through Section 5310 Elderly Individuals and Individuals with Disabilities Transportation Program: Homero Vela discussed the item and answered question of the Supervisors.

Supervisor DeSpain made a motion to approve funding in an amount not to exceed \$7,080 from District III Local Transportation Assistance Fund II funds for the Holbrook Senior Citizens Association for their match on a lift equipment vehicle which has been applied for through Section 5310 Elderly Individuals and Individuals with Disabilities Transportation Program; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

- e. Consideration and possible approval of funding in an amount not to exceed \$2,500 from District II and \$2,500 from District III Local Transportation Assistance Fund II (LTAF II) funds for vehicle operating expenses for Alice's Place, Inc. (Domestic Violence Center): Homero Vela discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion** to approve funding in an amount not to exceed \$2,500 from District II and \$2,500 from District III Local Transportation Assistance Fund II funds for vehicle operating expenses for Alice's Place, Inc.; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- f. Consideration and possible approval of the purchase of a steel building (approximately 4600 square feet) in the amount of \$10,000.00 from Voyager Equipment: Homero Vela discussed the item and answered questions of the Supervisors. **Supervisor Tenney made a motion** to approve the purchase of a steel building in the amount of \$10,000.00 from Voyager Equipment; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

Supervisor DeSpain declared a conflict of interest because he owns one of the parcels that will be discussed in the next items to be taken up; items g, h, i, and j. He thus excused himself from the discussion and vote.

- g. Public Hearing: Consideration and possible adoption of **Resolution Number 13-09** approving the request by ANIBICO, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 104-03-006, located in Township 19 North, Range 21 East, Section 5, of the Gila and Salt River Meridian, in the Sun Valley area: Greg Loper, Deputy Director Planning & Zoning, discussed the item and answered questions. Jerry Holtry, citizen, made comments and asked questions regarding the blasting. Mr. Holtry indicated that he had no objection to the item. Mr. Loper introduced Scott Fischer from EcoEnergy, whom answered questions. **Supervisor Tenney made a motion** to adopt **Resolution Number 13-09** approving the request by ANIBICO, for a Special use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 104-03-006, located in Township 19 North, Range 21 East, Section 5, of the Gila and Salt River Meridian, in the Sun Valley area; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- h. Public Hearing: Consideration and possible adoption of **Resolution Number 14-09** approving the request by DeSpain LX Ranch, LLC, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 107-05-035B, located in Township 18 North, Range 19 East, Section 34, of the Gila and Salt River Meridian, in the Joseph City area: Greg Loper discussed the item and answered questions. **Supervisor Tenney made a motion** to adopt **Resolution Number 14-09** approving the request by DeSpain LX Ranch, LLC, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 107-05-035B, located in Township 18 North, Range 19 East, Section 34, of the Gila and Salt River Meridian, in the Joseph City area; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- i. Public Hearing: Consideration and possible adoption of **Resolution Number 15-09** approving the request by Land First Corporation, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 40 acre property known as APN: 110-25-009, located in Township 15 North, Range 20 East, Section 4, of the Gila and Salt River Meridian, in the Holbrook area: Greg Loper discussed the item and answered questions. **Supervisor Tenney made a motion** to adopt **Resolution Number 15-09** approving the request by Land First Corporation, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 40 acre property known as APN: 110-25-009, located in Township 15 North, Range 20 East, Section 4, of the Gila and Salt River Meridian, in the Holbrook area; motion seconded by Supervisor Nez. Vote unanimous approving the motion.
- j. Public Hearing: Consideration and possible adoption of **Resolution Number 16-09** approving the request by BOA Sorte Limited Partnership, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 105-10-021 located in Township 18 North, Range 21 East, Section 12, of the Gila and Salt River Meridian, in the Sun Valley area: Greg Loper discussed the item and answered questions. **Supervisor Tenney made a motion** to adopt **Resolution Number 16-09** approving the request by BOA Sorte Limited

Partnership, for a Special Use Permit to allow EcoEnergy, LLC to erect a tower for a 36 month period, with a total height of 199 feet to measure wind and solar elements for the potential of alternate power on the subject 1 acre property known as APN: 105-10-021 located in Township 18 North, Range 21 East, Section 12, of the Gila and Salt River Meridian, in the Sun Valley area; motion seconded by Supervisor Nez. Vote unanimous approving the motion.

Supervisor DeSpain returns to the meeting.

- k. Public Hearing: Consideration and possible adoption of **Resolution Number 17-09** approving the request by Heber-Overgaard Unified School District #6 for a Special Use Permit for a wireless cellular tower not to exceed 195 feet in height and related chain link ground equipment enclosure, on the subject 26.7 acre property known as APN: 206-25-047, located at 2181 W. Country Club Drive, in Township 12 North, Range 17 East, Section 32, of the Gila and Salt River Meridian, in the Heber-Overgaard area: Greg Loper discussed the item and answered questions. Carl Taskis spoke in support of the item. Monty Williams, principal for the site, spoke in support of the item. **Supervisor Tenney made a motion to adopt Resolution Number 17-09** approving the request by Heber-Overgaard Unified School District #6 for a Special Use Permit for a wireless cellular tower not to exceed 195 feet in height and related chain link ground equipment enclosure, on the subject 26.7 acre property known as APN: 206-25-047, located at 2181 W. Country Club Drive, in Township 12 North, Range 17 East, Section 32, of the Gila and Salt River Meridian, in the Heber-Overgaard area; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- l. Public Hearing: Consideration and possible adoption of **Resolution Number 18-09** approving the request by Daniel & Lorraine Morris for a Special Use Permit for a multiple carrier wireless cellular tower not to exceed 100 feet in height and related chain link ground equipment enclosure, on the subject 2.19 acre property known as APN: 206-27-014A, located at 2232 Hwy 260, in Township 12 North, Range 17 East, Section 33, of the Gila and Salt River Meridian, in the Heber-Overgaard area: Greg Loper discussed the item and answered questions. Danielle Webster, from SBA Towers, discussed the item and answered questions. **Supervisor Tenney made a motion to adopt Resolution Number 18-09** approving the request by Daniel & Lorraine Morris for a Special Use Permit for a multiple carrier wireless cellular tower not to exceed 100 feet in height and related chain link ground equipment enclosure, on the subject 2.19 acre property known as APN: 206-27- 014A, located at 2232 Hwy 260, in Township 12 North, Range 17 East, Section 33, of the Gila and Salt River Meridian, in the Heber-Overgaard area; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- m. Consideration and possible approval of the continuing the current four day work week schedule for Public Works Offices for the next four months: Homero Vela discussed the item and answered questions of the Supervisors. **Supervisor Tenney made a motion to approve continuing the current four day work week schedule for Public Works Offices for the next four months;** motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.

ADMINISTRATION:

- a. Presentation regarding local government involvement with 2010 census: Gail Sadler made a presentation to the Board regarding local government involvement with 2010 census.
- b. Consideration and possible adoption of **Resolution Number 20-09** naming 2009 "Census Awareness Year" and establishing a "Complete Count Committee" to help create an awareness of the need for all residents in the unincorporated portions of Navajo County to participate in the 2010 census: Gail Sadler discussed the item and answered questions of the Board members. Gail introduced Norman Begay and Dana Russell from tribal census. Jason Moore discussed the item and the amendment to the resolution. **Supervisor DeSpain made a motion to adopt Resolution 20-09** naming 2009 "Census Awareness Year" and establishing a "Complete Count Committee" to help create an awareness of the need for all residents in the unincorporated portions of Navajo County to participate in the 2010 census; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.

HUMAN RESOURCES:

- a. Consideration and possible approval of Personnel Actions: Gail Calisen summarized the 11 item Personnel Action report. Supervisor Tenney made a motion to approve the Personnel Action Report as presented; motion seconded by Supervisor Thompson. Vote unanimous approving the motion.
- b. Consideration and possible approval of Section 3.3 Family and Medical Leave Revision to the Personnel Policies Manual: Shalice Cook discussed the item and answered questions of the Supervisors. Mrs. Cook advises that right now our comp time policy does not allow the use of comp time for Family Medical Leave, however, indicates that Section 2.2 needs to be changed and this change will allow for that. **Supervisor DeSpain made a motion to approve Section 3.3 and Section 2.2 Family and Medical Leave Revision to the Personnel Policies Manual;** motion seconded

- by Supervisor Thompson. Vote unanimous approving the motion.
- c. Consideration and possible action to approve joining the Verde Valley Employee Benefit Pool (VVEBP) and authorizing the Board of Supervisors Chairman or County Manager to take any and all such additional or further action to accomplish this: Shalice Cook discussed the item and answered questions of the Supervisors. Shalice introduced Aaron Poloski and John Ashton from Ashton & Tiffany. Aaron Poloski gave a presentation to the Board members. John Ashton gave a brief overview of VVEBP and the members of the pool. Cammy Darris, Assessor, asked questions on behalf of the Elected Officials. Mr. Poloski and Mr. Ashton answered questions. James Jayne indicated the measures that were made to get information out to county employees, Department Directors and Elected Officials. Shalice indicated that the Personnel Commission has also recommended approval. **Supervisor Tenney made a motion to** approve joining the Verde Valley Employee Benefit Pool and authorizing the Board of Supervisors Chairman or County Manager to take any and all such additional or further action to accomplish this; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- d. Consideration and possible adoption of **Resolution Number 21-09**, terminating the Navajo County Employee Health Benefits Trust as of midnight June 30, 2009, subject to final winding-up of the Trust by the Trustees in accordance with the Agreement and Declaration of Trust, and authorizing the Board of Supervisors Chairman or the County Manager to take any and all such additional or further actions as may be required to accomplish the termination and final winding-up: Gail Calisen discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion to** adopt **Resolution Number 21-09** terminating the Navajo County Employee Health Benefits Trust as of midnight June 30, 2009, subject to final winding-up of the Trust by the Trustees in accordance with the Agreement and Declaration of Trust, and authorizing the Board of Supervisors Chairman or County Manager to take any and all such additional or further actions as may be required to accomplish the termination and final winding-up; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.
- e. Consideration and possible action to approve two premium holidays for employees for the months of July and December 2009 and authorizing the Board of Supervisors Chairman or County Manager to take any and all such additional or further action to accomplish this: Shalice Cook discussed the item and answered questions of the Supervisors. **Supervisor DeSpain made a motion to** approve two premium holidays for employees for the months of July and December 2009 and authorizing the Board of Supervisors Chairman or County Manager to take any and all such additional or further action to accomplish this; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

BOARD BUSINESS: Report from Board Members: Supervisor DeSpain gave a report from District III and invited everyone to the Winslow Levee Open House meeting tonight at 5:00 pm in Winslow. Supervisor Tenney gave a report from District IV. Supervisor Tenney reports about the NACo Conference in Washington D.C. and the meeting with Chief of Forest Service Gail Kimmel. Supervisor Thompson gave a report from District II. Supervisor Nez gave a report from District I. Chairman Brownlow gave a report from District V and spoke about the Governor's visit.

ADJOURN: **Supervisor Thompson made a motion to** adjourn; motion seconded by Supervisor Tenney. Vote unanimous approving the motion.

APPROVED:

DATE: April 14, 2009

Jerry Brownlow, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board

**Electronic recording of the Board of Supervisors Meeting
is available for review upon a Public Records Request**