

Minutes for Timberland Acres Special Road District #1

October 26, 2019 at TA Community Center on Juniper Ridge Road

Trustees in attendance: Russell “Rusty” Britt, Chair
 Charles “Charlie” Denham, Treasurer
 Rick Bowers, Culvert/Driveway Consultant
 Richard Wright, Clerk/Secretary

Call to Order, Confirmation of a Quorum:

Rusty called the meeting to order at 10:00 am, and confirmed the presence of a quorum. There four Board Members present, one Board position is vacant. Rusty led us in the Pledge of Allegiance.

Minutes & Approval from July 27, 2019 meeting:

The Minutes had been handed out to the audience and the Board Members. The Minutes are also posted on the website. Everyone spent a few minutes reading the Minutes. Charlie moved to approve the Minutes from July 27, 2019, second by Rick, unanimous aye vote.

Navajo County representative to address Chip Seal Partnership:

Rusty introduced Glenn Kephart, County Manager and John Osgood, Public Works Director and thanked them for coming. Rusty said that Supervisor Williams had really wanted to be here, but he had a family emergency. Rusty asked Mr. Kephart to speak on this issue. Mr. Kephart said thank you and read a statement from Supervisor Williams: Supervisor Williams apologized for not being able to be here due to the family emergency, that he appreciates the partnership that the Road Board and the County have had over the past few years, that he was frustrated because, due to legal issues the County was unable to come through and partner as we have in the past, but that any partnership that we do has to be done legally. Supervisor Williams wanted us to know that they think they have found a way to proceed in the IGA, and that if the Board found that it was beneficial the County would be committed to going in that direction. Rusty thanked them for the apology. Rusty explained that the Road Board had been expecting a \$75,000 contribution to the chip seal project, asked if that was still true that we would not be getting it, which was confirmed by the County Representatives. Mr. Osgood explained that the County has a special Road District Fund for each District and that it was partly his fault for assuming that the money could be spent. In the past the County had done the work using their equipment, but they had never paid money for work that was done. Mr. Osgood explained that the positive aspect is that this problem has lead to a solution for the future and they would be able to help us according to the IGA.

Navajo County Intergovernmental Agency (IGA) Agreement:

Rusty read the proposed draft IGA aloud for the audience:

“INTERGOVERNMENTAL AGREEMENT FOR ROADS DESIGNATED AS PRIMITIVE WITHIN THE
TIMBERLAND ACRES SPECIAL ROAD DISTRICT #1

This INTERGOVERNMENTAL AGREEMENT ("this IGA") is made and entered into as of _____2019 (the "Effective Date"), by and between NAVAJO COUNTY, a political subdivision of the State of Arizona acting by and through its Board of Supervisors ("the County"), and the TIMBERLAND ACRES SPECIAL ROAD DISTRICT#1, an Arizona special taxing district established pursuant to Title 48, Chapter 10 of the Arizona Revised Statutes and acting by and through its Board of Trustees ("the District"). The parties hereby agree as follows:

1. The parties are authorized by A.R.S. § 11-952 to enter into this IGA.

2. The County's Public Works Department is responsible for the maintenance and repair of County maintained public roads and highways. The County is authorized by A.R.S. § 34-201(D) to use its own forces for the maintenance and repair of public roads provided that the total cost of the work does not exceed a specified dollar limit.
3. Pursuant to A.R.S. 28-6706, the Board of Supervisors may designate a public road(s) within the Navajo County Maintained Road System as a primitive road if it was opened before June 13, 1990 and was not constructed in accordance with County standards and is not a County Highway. A designated primitive road is not regularly maintained by the County. Neither the County nor its employees are liable for damages or injuries resulting from the use of a primitive road except for intentional injuries or gross negligence caused by an employee acting within the scope of the employee's employment.
4. The public roads within the Timberland Acres Special Road District #1 are designated as primitive roads; the roads are identified on Exhibit 1 hereto (this will be a map showing and naming the roads).
5. The District is responsible for all maintenance, repair and snow removal operations on public roads within its geographic boundaries as identified in Exhibit 1. Nothing in this agreement shall obligate the County in any way to perform maintenance or snow removal operations on said roads.
6. The County may undertake routine or non-routine work on the primitive roads within the District's boundaries in compliance with A.R.S. 28-6705 when it is jointly determined by the County's Public Works Director or designee and the Chair of the Board of Trustees of the District to be in the best interest of the County, or to protect the health and safety of Navajo County residents.
7. The District shall indemnify, defend and hold harmless the County and its elected officials, officers, employees and agents from and against any and all claims arising out of or relating to the design, maintenance or repair of the primitive roads within the District's boundaries. The District's indemnity under this paragraph shall survive the expiration or termination of this IGA."

Rusty then said that the rest was just signatures. This was discussed at length by the Board members, the audience present, and the County Representatives. This IGA will allow the County to help us with some maintenance and repairs from this point forward. Mr Kepner said that Supervisor Willams and the County worked really hard to find this way forward. Rusty said he was glad that we finally have a formal IGA. Board members had specific questions that were answered. There as a discussion about calling our roads primitive, but that is the only way to be able to get the County to be able to partner with us, and it doesn't really change anything else. The roads are primitive in that they do not meet the County standards for a County Road, not being wide enough, etc. There was a discussion about roads in the District that are not used currently and may need work in the future; Rusty said that he thought the real promise of this IGA would be that we could get the County to help with the some of the base material and some construction help on a road like that in the future if it became necessary to repair those roads. Rusty said that he wanted everybody to know that this IGA will not mean that the tax override money is not necessary, that the County will not be helping us with routine snow plowing and other routine work we need to do. There was a discussion about Fieldy Road, off Wildcat South and North that goes to private land and the Forest Road 300. Fieldy Road exists because it is easements.

There was a discussion about how Timber Mesa Fire is responsible for identifying emergency exits, and a discussion about the other right-of-ways in the district that appear to lead out of the Road District to the surrounding areas, but outside of the Road District they are impassable or not needed. Richard said that there is through traffic that comes off County roads through our District to other County roads. There was a discussion about putting a sign up that indicated the status of the Roads, the Board said it was OK for the County to put up signs. With the IGA, the ownership of the roads will not change, but it will allow the County to do some work on our roads. Rusty said he was glad that Supervisor Williams had come up with the IGA because it makes working together possible. Charlie moved that “The Board approve the Draft IGA as written and ask the County to proceed”, second by Rick, unanimous vote.

Treasurer’s Report & Approval:

Copies of the Report had been handed out to the Board and the audience present. Charlie went over the data in the documents: the First Quarter Financial Report, July, August & September 2019, which included a detailed listing of all income and expenses, all checks written, income and expenses listed by categories, and reconciliations of the bank account. The balance in our account with the County at the end of June was \$35,178.70. Charlie explained that the Chip Seal project actual bill came in at \$188,722.85, less than the bid of \$213,000.00. He said that we should have sufficient money to maintain the roads, and that addition tax money should be coming to the District soon. He explained that Cameron has not raised his rate in the last 3 years. He asked if there were any questions. There was a discussion about the details in the report. Richard moved to approve the Reports as written, second by Rick, unanimous aye vote.

Culvert Report:

Rick said that he had no information to report. There was a discussion about responsibility for the culverts that enter onto a private lot in the District. This has always been the responsibility of the homeowner, and the culvert has to be the size and location required by the Board. The maintenance of these culverts to private lots is the responsibility of the homeowner. This is the policy and no motion is needed.

Announcement of Board Member Vacancy/Call to Election:

Richard again announced the Vacancy, and asked for a volunteer. No one volunteered. He said that if someone is interested to please talk to him or one of the Board members. Rusty and Richard said that either would resign if multiple new people wanted to be on the Board. Richard moved, “The Board make a Call of Election for March 2020 for the expiring terms of Rick Bowers, Richard Wright, and Charles Denham and notify the County of the Call of Election.”

Road Maintenance:

Rusty talked about recent maintenance. He explained that the Chip Seal install went well, there were multiple problems that the contractor solved. It came in under budget, was done in about 1 week, caused no traffic problems, and we got additional chip seal placed on Navajo. Audience members commented that the work looks good. The Board discussed how the IGA with the county will help us in the future.

Call to the Public:

Rusty asked if anyone from the public wanted to make comments. No one spoke. The audience had participated in the previous discussions..

Adjourn:

Rusty moved to adjourn the meeting at around 11:20 am, second by Charlie, unanimous aye vote.