

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, November 27, 2012**

**PRESENT:** David Tenney, Supervisor; Jesse Thompson, Supervisor; Jonathan M. Nez, Supervisor; Jerry Brownlow; Supervisor were present. J.R. DeSpain, Chairman was not present.

**9:00 a.m. Call To Order:** Pledge of Allegiance and Invocation was led by **Supervisor Nez**

**CALL TO THE PUBLIC:** There were no public comments

**CONSENT AGENDA:** (a) Constable Reports: Snowflake Precinct #3, October 2012 (b) Conduct Polling Place Election for Misty Mountain Domestic Water Improvement District on March 12, 2013 to conduct Election to elect 2 positions with a 4 year term beginning April 2013 and ending December 31, 2016 (c) Conduct Polling Place Election for Timberland Acres Domestic Water Improvement District on March 12, 2013 to conduct Election to elect 1 position with a 4 year term beginning April 2013 and ending March 2017 (d) Conduct All Mail Election for Timberland Acres Special Road District on March 12, 2013 to conduct Election to elect 3 positions with a 3 year term beginning April 2013 and ending March 2016 (e) Conduct an All Mail Election for Town of Pinetop-Lakeside on March 12, 2013 to conduct Election to elect 4 positions with a 4 year term (f) Conduct Polling Place Election for White Mountain Lake Special Road District on March 12, 2013 to conduct Election to elect 1 position with a 3 year term beginning April 2013 and ending March 2016 (g) Award Contract to Chapman Ford for purchase of 2013 Ford Expedition (h) Letter to Navajo County State Lawmakers requesting support for Navajo County's 2013 Legislative Priorities (i) Certify revenue collected by Superior Court, Clerk of the Court and all six Justice Courts: **Supervisor Tenney made a motion** to authorize the chairman to sign the items in the consent agenda with the correction of item e to read March 12, 2013; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Patrick Shinn presented the 12 item Personnel Action report. **Supervisor Tenney made a motion** to approve the Personnel Actions; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session:** **Supervisor Tenney made a motion** to enter into the **Navajo County Public Health District Board of Directors Session**; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

**CONSENT AGENDA:**

- a. Teen Pregnancy Prevention Contract ADHS 13-0344423 with the Arizona Department of Health Services for 1/1/2013 to 12/31/2017 in the amount of \$124,513.00
- b. Award Contract to Hatch Motor-Company in the amount of \$39,251.64 for purchase of 2013 GMC Yukon
- c. Award Contract to Tate's Auto Center in the amount of \$43,087.12 for purchase of (2) new Ford Fusions:

**Supervisor Tenney made a motion** to approve the Consent Agenda as presented; motion seconded by **Supervisor Nez**. 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.

## PLANNING & ZONING:

- a. **Public Hearing:** Consideration and possible adoption of **Resolution Number 38-12**, approving the proposed Special Use Permit for Overgaard Compassion Care for a Medical Marijuana Dispensary in the Heber/Overgaard area: Homero Vela presented the item. **Supervisor Thompson** commented on the item expressing his concerns regarding misuse. **Supervisor Brownlow** opened the Public Hearing. Mr. Jeff Quinn commented on the application. **Supervisor Tenney** asked Mr. Quinn about his comments regarding the availability of locations. Robert Fern 311 W Strafford, Chandler spoke in favor of the approval of the item. **Supervisor Thompson** asked the consequence regarding abuse of the system. Mr. Fern answered the question. **Supervisor Brownlow** inquired about letters/emails regarding this item, 5 in favor and 18 against were received. **Supervisor Brownlow** asked for those opposed. David Wheel who resides at Lot 2288 Airpark Circle, expressed his concerns regarding safety, liability and concerns regarding the runway near his home. June Call 1980 Little Overgaard expressed her concerns for the community safety. Jerry Call 1980 Little Rd, Overgaard expressed his concerns for the safety and general welfare of the community. Valerie Houseman 2351 Hellcat Circle, Overgaard inquired about the business plan and would like to know how they are backed financially as she is concerned they will not generate enough profit to support the business. **Supervisor Thompson** inquired if these concerns were brought to the planning and zoning meeting. Mr. Vela responded that many were and they were addressed. Record keeping is managed by the state not the county. David Houseman 2351 Hellcat Circle expressed that his concerns against this issue and the legality of it. Amanda McLaws 14898 Bigler Circle; business address of 2275 Hwy 260, Overgaard expressed her concerns regarding the dispensary as a mother, business owner and citizen. Scott McLaws 14898 Bigler Circle; business address of 2275 Hwy 260, Overgaard expressed his concerns regarding this item. Ed Meyer 2272 Hwy 260, Skyhawk Investments, spoke in opposition of this item and the impacts regarding his investments in property in the area. Bob Greco 2788 Constellation, Mogollon Airpark speaking as representative for Mogollon Airpark and opposed to the item. Lorin De Porter 3340 Buckskin Canyon Rd spoke in opposition to this item. Eric Duthie Town Manager of Taylor 425 Papermill Rd. expressed the opposition of this item on behalf of the Town of Taylor Town Council. Dr Seth Black is the director and will be relocating to the area. **Supervisor Tenney** advised he does have legal questions for the county attorney. **Supervisor Tenney made a motion** to enter into executive session; motion was seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- b. **EXECUTIVE SESSION** pursuant to A.R.S. §38-431.03(A)(3) for the Board to receive legal advice from its attorneys regarding possible adoption of **Resolution Number 38-12**, approving the proposed Special Use Permit for Overgaard Compassion Care for a Medical Marijuana Dispensary in the Heber/Overgaard area: **Supervisor Tenney made a motion** to adjourn from executive session; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- c. **RECONVENE** for Consideration and possible adoption of **Resolution Number 38-12**, approving the proposed Special Use Permit for Overgaard Compassion Care for a Medical Marijuana Dispensary in the Heber/Overgaard area: Homero Vela presented the item. **Supervisor Tenney** spoke to the item and stated that the use of marijuana is still a criminal act under national law. **Supervisor Nez** spoke on the item and advised that while there is a ban on this issue in his jurisdiction he shares the concerns of the citizens of Navajo County. **Supervisor Thompson** spoke on the item and mirrored the concerns of the citizens as well as Supervisors Tenney and Nez. **Supervisor Brownlow** also made a statement on this item. **Supervisor Tenney made a motion** to deny **Resolution Number 38-12**, approving the proposed Special Use Permit for Overgaard Compassion Care for a Medical Marijuana Dispensary in the Heber/Overgaard area; motion

seconded by **Supervisor Nez. Supervisor Nez, Supervisor Thompson and Supervisor Tenney voted in favor of the motion. Supervisor Brownlow voted against the motion.** Item did not pass.

**STRATEGIC PLANNING TEAM:** Presentation of the Navajo County Leadership Academy: LaRee Price and Luanne Garbini gave a presentation on the new Navajo County Leadership Academy. **Supervisor Tenney** inquired about the time frame of the classes and how it would work in employee schedules. Mr. Jayne commented on the item and the teamwork of the Strategic Planning Team. **Supervisor Thompson** commented on the item and how it might be shared with other partners outside of Navajo County.

**ADMINISTRATION:**

- a. Consideration and possible adoption of **Resolution Number 39-12**, supporting Navajo County's 2013 Legislative Priorities: Hunter Moore presented the item. **Supervisor Tenney made a motion** to adopt **Resolution Number 39-12**, supporting Navajo County's 2013 Legislative Priorities; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- b. ~~Consideration and possible award of contract for preconstruction services to FCI Constructors in an amount not to exceed \$25,830 and a service fee in the amount of 6.5% of the project cost for the new Jail facility construction and retrofit (Commander Garcia/James Menlove)~~ The Chairman advised that this item has been pulled.

**PUBLIC WORKS: NAVAJO COUNTY FLOOD CONTROL DISTRICT Board of Directors Session:** **Supervisor Nez 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.

- a. Consideration and possible award of a two year contract with three 1 year renewal options to The Tomhave Group for legislative advocacy services to support the Winslow Levee and school bus routes initiatives for an amount not to exceed \$50,000 per year: Homero Vela presented the item. **Supervisor Tenney made a motion** to award of a two year contract with three 1 year renewal options to The Tomhave Group for legislative advocacy services to support the Winslow Levee and school bus routes initiatives for an amount not to exceed \$50,000 per year; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion
- b. Consideration and possible approval of a Professional Services Agreement with Johnson Walzer Associates, LLC for Architectural/Engineering services for the Navajo County Public Works and Holbrook Road Yard Facility in an amount not to exceed \$100,000 from District III Special Road Funds and \$54,000 from Navajo County Flood Control budget: Homero Vela presented the item. **Supervisor Tenney made a motion** to approve a Professional Services Agreement with Johnson Walzer Associates, LLC for Architectural/Engineering services for the Navajo County Public Works and Holbrook Road Yard Facility in an amount not to exceed \$100,000 from District III Special Road Funds and \$54,000 from Navajo County Flood Control budget; motion seconded by **Supervisor Thompson**. 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.

**FINANCE:**

- a. Consideration and possible approval of a donation of a used printer to Pinetop-Lakeside Senior Center: James Menlove presented the item. **Supervisor Thompson made a motion** to approve a donation of a used printer to Pinetop-Lakeside Senior Center; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- b. County Finance Update: James Menlove gave a brief update.

- c. Discussion and possible action regarding employee compensation: James Menlove presented the item. **Supervisor Tenney** inquired to verify that this would not increase anyone employee's base pay and that it would be a one-time payment and expressed his approval. **Supervisor Tenney made a motion** to approve the employee compensation; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**COUNTY BUSINESS UPDATE:** Report from Board members, County Attorney and County Manager: **Supervisor Tenney** spoke about the visit to the Tree Lighting at the State Capitol and will continue to push the 2013 Legislative Agenda. **Supervisor Thompson** advised he enjoyed his trip to the AACo conference and learned a lot. He also encouraged everyone to keep up the efforts on behalf of citizens and especially veterans. Mr. Carlyon spoke about his attendance to the AACo conference and spoke about several awards presented to his office. **Supervisor Brownlow** also enjoyed his trip to the AACo conference and reported that the fire grant in the south county areas seems to be going well. **Supervisor Nez** spoke about his trip to New York and wished everyone well on their holidays. Mr. Jayne reminded the board that there is only one BOS meeting in December on the 11<sup>th</sup>.

**ADJOURN:** At 12:28 p.m. **Supervisor Nez made a motion** to adjourn; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

**APPROVED:**

**DATE:** December 11, 2012

*J.R. DeSpain, Chairman*

**ATTEST:**

*Melissa W. Buckley - Clerk of the Board*