

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, February 26, 2013

PRESENT: Sylvia Allen, Supervisor; Dawnafe Whitesinger, Supervisor; David Tenney, Supervisor; Jesse Thompson, Supervisor; and Jonathan M. Nez, Chairman were present in person.

9:04 a.m. Call To Order: Pledge of Allegiance and Invocation was led by **Supervisor Sylvia Allen.**

CALL TO THE PUBLIC: Comments from the public will be taken at the time of the Public Works Public Hearing agenda item.

CONSENT AGENDA: a) Minutes: February 7, 2013 Special Meeting and February 12, 2013 b) Constable Reports: Holbrook Precinct #1, December 2012; Winslow Precinct #2, January 2013; Snowflake Precinct #3, January 2013; and Pinetop-Lakeside Precinct #6, January 2013 c) Purchase of 2013 Dodge Crew cab pick-up truck from Avondale Automotive, Inc. in the amount of \$39,521.16 d) Appointment of Glen Johnson to the Navajo County Board of Adjustment from Supervisorial District III for a three (3) year term e) Name an existing road in the Heber/Overgaard area to "Misty Ridge Trail" in Section 25, Township 12 North, Range 16 East f) Quit Claim Deed to Robert Klingelhofer for APN 105-56-432: **Supervisor Allen** pointed out to the public that the purchase of the truck, item c is due to a vehicle being stolen and the money comes from insurance, rather than out of the budget. She also thanked Glen Johnson for sitting as a member on the Board of Adjustment. **Chairman Tenney made a motion** to authorize the Chairman to sign the items in the consent agenda as presented; motion seconded by **Supervisor Allen.** Vote unanimous approving the motion.

BOARD OF SUPERVISORS: Consideration and possible approval of a Proclamation declaring February 26, 2013 as "Day of the Cougars": Supervisor Tenney gave some background on the Show Low Junior High Wrestling team. The State Championship adds to the accomplishments of the team who were also crowned White Mountain League Tournament Champion for the 2nd consecutive year. Sixty two teams from every region were represented in the State tournament in Marana, AZ. The championship was won by a final team score of 227 to 226.5 points. Coach Brandon Clark who is also the resource officer indicated that this team has represented their families and the Show Low Cougars very well. He indicated the team went up against big schools and it was awesome they brought home the title. Supervisor Tenney read the Proclamation honoring the Show Low Junior High Wrestling team. **Supervisor Tenney made a motion** to approve the Proclamation declaring February 26, 2013 as "Day of the Cougars"; motion seconded by **Supervisor Allen.** Vote unanimous approving the motion. **Supervisor Whitesinger** spoke to the wrestlers and thanked them for bringing this honor and value to their parents, community and students of their school and she is grateful for their achievement. **Supervisor Nez** indicated that "today is your day". Coach Clark congratulated each wrestler individually for their personal achievements and recognized their State Championship victory. Coach Clark appreciated working with Coach Williams and Coach Koury. **Supervisor Nez** spoke to the boys about the importance of their victory and their dedication to the school. **Chairman Nez** indicated that this County is well represented in the State Tournaments and reported the Winslow Lady Bulldogs just won the State Division III Girls Basketball Championship.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Patrick Shinn reviewed the 16 items personnel action report. **Supervisor Thompson made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor Tenney.** 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 Services District Board of Directors Session**; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- a. Consideration and possible approval of a Grant Agreement with Delta Dental of Arizona Foundation for \$12,218.00 for a First Grade Fluoride Varnish Program for March 1, 2013 to February 28, 2014: Mary Tyler addressed the Board indicating that the Health Department will be doing the fluoride varnish for first grade students for the next school year. Some of these students are in Winslow, Joseph City, Holbrook, Snowflake, and Heber/Overgaard. Supervisor Allen asked where this is done. Mary Tyler indicated the work is done in the schools after the parents authorize permission. **Supervisor Tenney made a motion** to approve the Grant Agreement with Delta Dental of Arizona Foundation for \$12,218.00 for a First Grade Fluoride Varnish Program for March 1, 2013 to February 28, 2014; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- b. Consideration and possible approval of a Grant Agreement with Delta Dental of Arizona Foundation for \$14,985.00 for a Coordinator for the Navajo Apache Gila Oral Health Coalition for March 1, 2013 to February 28, 2014: Mary Tyler addressed the Board indicating that this will be used for a contractor who will coordinate for the Navajo Apache Gila Oral Coalition. **Supervisor Tenney made a motion** to approve the Grant Agreement with Delta Dental of Arizona Foundation for \$14,985.00 for a Coordinator for the Navajo Apache Gila Oral Health Coalition for March 1, 2013 to February 28, 2014; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- c. Consideration and possible approval of a Professional Services Agreement with Nida Lerch, RDH for Dental Hygiene services through the Arizona First Things First, Navajo Nation, Oral Health Fluoride Program effective February 1, 2013 to June 30, 2013 in the amount of \$45.00/per hour: Mary Tyler addressed the Board regarding the item indicating that this is a professional services agreement with a registered dental hygienist who is willing to work with the Health Department in providing fluoride varnish services within Navajo Nation in the 0-5 year old population. **Supervisor Thompson made a motion** to approve the Professional Services Agreement with Nida Lerch, RDH for Dental Hygiene services through the Arizona First Things First, Navajo Nation, Oral Health Fluoride Program effective February 1, 2013 to June 30, 2013 in the amount of \$45.00/per hour; 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.

Supervisor Nez recognized the President of Greasewood Springs Chapter, Mr. Ron Gishie and thanked him for being with us.

SHERIFF: Consideration and possible approval of a Memorandum of Understanding between the Sheriff's Office/Major Crimes Apprehension Team and Immigration and Customs Enforcement for Reimbursement of Joint Operations Expenses: Lt. Randy Moffitt addressed the Board regarding this MOU which allows for reimbursement from the Treasury Forfeiture Fund for overtime and other law enforcement expenses related to joint investigations led by ICE and Homeland Security Investigations in the targeting of drug trafficking organizations that frequent the I-40 corridor. **Supervisor Thompson made a motion** to approve the Memorandum of Understanding between the Sheriff's Office/Major Crimes Apprehension Team and Immigration and Customs Enforcement for Reimbursement of Joint Operations Expenses; motion seconded by **Supervisor Allen**. Vote unanimous approving the motion.

Chairman Nez indicated that Sgt. Jonathon D. Davis, USMC was killed in Afghanistan in the line of duty. He was a member of the Kayenta community and Navajo Nation. The governor has asked that flags be flown at

half-mast today to honor Sgt. Davis's life and service to us all. Chairman Nez asked that we keep the family members of Sgt. Davis in our prayers.

EMERGENCY MANAGEMENT: Consideration and possible approval of two additional Homeland Security Projects: Catrina Roe addressed the Board regarding the two additional Homeland Security Grants. The two additional awards were reallocated funds from FY2011 and 2012 grant funds from the Arizona Department of Homeland Security that were not spent previously. Supervisor Allen asked about the specifics. Catrina indicated that the projects are for the Regional Dispatch Equipment which will allow for more recording capacity and Mobile Data Computers for Sheriff Office patrol units. Supervisor Allen indicated that she is really interested in emergency preparedness for our county. **Supervisor Allen made a motion** to approve two additional Homeland Security Projects; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

FINANCE: County Finance Budget Update/FY14 Budget Discussion: James Menlove reviewed the financial report. Mr. Menlove and James Jayne gave a presentation to the Board of Supervisors on the FY2014 budget impacts and projections and answered questions of the Board.

PUBLIC WORKS: Public Hearing: Reconsideration and possible adoption of Resolution Number 07-13, approving a Special Use Permit to include the stipulations presented by staff, for Overgaard Compassion Care to operate a Medical Marijuana Dispensary in the Heber/Overgaard area: Trent Larson gave a brief presentation on the request from Overgaard Compassion Care for a Special Use Permit to operate a Medical Marijuana Dispensary in an existing commercial office building located on Hwy 260 in Overgaard. This is a second attempt by the applicant to attain a Special Use Permit. The Board previously denied the Special Use Permit on November 27th, 2012. Mr. Larson stated that the site which the applicant selected for their establishment met all State and local requirements and was in compliance with AZDHS security and inspection rules, zoning and site location as required in the Zoning Ordinance which was adopted by the Navajo County Board of Supervisors on February 22, 2011. James Jayne indicated that the Sheriff's Office does not support the medical marijuana policy; however they will follow the law as set forth. Adam Trenk gave a presentation on behalf of the applicant, Overgaard Compassion Care. The Supervisors asked questions of Mr. Trenk in which he addressed their concerns. **Chairman Nez** opened the meeting for public comment. In the Public Hearing the following spoke against the item; Don Brown, June Call, Jerry Call, Scott McLaws, Amanda McLaws, David E. Weil, David Hausmann, Valorie Hausmann, Lorin Porter, and Paul Kulas. Heather DeCarlo spoke in favor of the item. Mr. Trenk spoke of this issue in length and addressed the concerns of the community and concluded with statements regarding the regulations and the State law which has been passed. **Chairman Nez** thanked the applicant and the comments from the public, then closed the Public Hearing. The Supervisors discussed the issue. **Supervisor Tenney made a motion** to deny the adoption of **Resolution Number 07-13**, approving a Special Use Permit to include the stipulations presented by staff, for Overgaard Compassion Care to operate a Medical Marijuana Dispensary in the Heber/Overgaard area; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager: **Supervisor Thompson** gave an update from District II where he has been visiting various chapters and giving them updates and listening to their concerns. He expressed appreciation to the County Manager and Assistant County Manager for attending several chapter meetings. He attended a historic meeting in Window Rock with the Federal Highway Administration and the Navajo Nation which will now allow direct funding to the Navajo Division of Transportation. He indicated he will be attending NACo. **Supervisor Thompson** congratulated the Lady Bulldogs and also spoke of the Senator Jackson bill. **Supervisor Tenney** gave an update on his meetings

at the Legislature in regards to the state restoring some of the HURF funding back to the counties. He will also be attending the NACo conference in DC and will discuss forest issues while there. **Supervisor Whitesinger** is enjoying learning her duties as a supervisor. She served as a spelling bee judge. She thanked Norman Cody and Bill Bess for the work done at the McNary Library which should be established by June 30. She is concerned with the White Mountain Apache Tribe who is facing a lot of financial challenges. They are facing layoffs of up to 30% of their staff. **Supervisor Allen**, District III, reported on the intoxication bill which she and Senator Jackson have been working on for 2 years which will support needed treatment facilities and those people who may use the help. She indicated the Town Hall meeting was a big success with about 500 people attending and thanked Sheriff Clark for participating. She will be attending a meeting in Cedar Hills on how to form a fire district. **Chairman Nez** expressed appreciation to the staff and board members. The Chairman spoke of the meeting with Congresswoman Kirkpatrick and the issues discussed. He congratulated Brad Carlyon and Sheriff Clark for the Cross Commissioning Agreement with the Navajo Nation. He indicated that it passed two Navajo Nation committees and President Ben Shelley signed the agreement in the same afternoon. Jimmy Jayne welcomed and introduced Eric Descheenie as the Tribal Government Affairs Director. Mr. Descheenie spoke of the opportunity to work in a fast paced intimate group and looks forward to contributing to an already successful group. **Chairman Nez** also welcomed Eric Descheenie to the Navajo County team and looks forward to his expertise.

Navajo Word of the Day: Dii'Ghaa' meaning we can do it.

ADJOURN: At 1:14 p.m. **Supervisor Tenney made a motion** to adjourn; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

APPROVED:

DATE: *March 12, 2013*

Jonathan M. Nez, Chairman

ATTEST:

Melissa W. Buckley - Clerk of the Board