

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

May 14, 2012

The Greenlee County Board of Supervisors met on this date in regular session in the Board Meeting Room, 2nd floor Courthouse Annex, Clifton, Arizona, with the following members present: Richard Lunt, Chairman; David Gomez, Member; and Ron Campbell, Member. Also present were Deborah K. Gale, County Administrator, and Yvonne Pearson, Clerk of the Board.

Chairman Lunt called the meeting to order at 8:00 a.m. and Supervisor Campbell led those present in the Pledge of Allegiance.

Ms. Gale asked that everyone keep the Yuma family who lost their soldier in a tragic accident. She stated that flags are flying half-mast today in his honor.

The Board of Supervisors convened as the Board of Directors of the Public Health Services District and upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the Public Health Services District Consent Agenda as follows:

1. Clerk of the Board: Approval of Public Health Services District expense warrants in excess of \$1,000.00
2. Health & County Services Director: Approval of the Intergovernmental Agreement with the Arizona Department of Health Services for Population Health Policy Initiative Program

The Board of Supervisor convened as the Board of Directors of the Flood Control District.

Ms. Hillary Badger, Finance Officer, requested approval of the remittance of an overpayment by the state to Greenlee County for the Stateline Project in the amount of \$101,778.79 with Flood Control District funds. The funds were deposited into this fund when received from the state. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented.

Mr. Lance Brown, Biologist, Clifton Ranger District, updated the Board on the following:

- The 4Bar Mesa prescribed burn has been implemented with phase 1 of 3 complete
- Fire restrictions will be implemented beginning May 18th
- Special Use Permits are being updated for Upper Eagle Creek and Juan Miller roads

- The next public information session is scheduled for June

Sheriff Steve Tucker requested approval to fill a budgeted vacant full time Detention Officer position in the Sheriff's Department. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Sheriff Tucker requested approval to fill a budgeted part-time Detention Officer position in the Sheriff's Department. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Mr. Philip Ronnerud, Planning & Zoning Director, requested approval of amendments to the Planning & Zoning Ordinance Regulation, Section 202 adding definitions, to amend Sections 1203(d), 11203(3), and 1906, to add Sections 1728 and 1729, to add Medical Marijuana Fees to Article 24, and to add Article 25 to provide zoning regulations to implement the Medical Marijuana laws. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the amendments as presented.

Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board adopted Resolution 12-05-01 regulating open burning in the unincorporated areas of Greenlee County during declarations of Fire Emergencies.

**RESOLUTION 12-05-01
GREENLEE COUNTY BOARD OF SUPERVISORS**

**REGULATING OPEN BURNING IN UNINCORPORATED
AREAS OF GREENLEE COUNTY DURING
DECLARATIONS OF FIRE EMERGENCIES**

WHEREAS, ARS 26-311 authorizes the county board of supervisors to declare that an emergency exists and to impose all necessary regulations to preserve the peace and order in the unincorporated areas of the county;

WHEREAS, ARS 26-307 authorizes counties to make, amend, and rescind orders, rules, and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said county orders, rules and regulations;

WHEREAS, ARS 49-501 prohibits open burning in unincorporated areas of the county with certain broad exceptions;

WHEREAS, both ARS 11-251.05 and ARS 11-251(31) authorizes counties to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the county and to prescribe punishment by fine, imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations established for a Class 1 misdemeanor;

WHEREAS, the Greenlee County Board of Supervisors is concerned about dry conditions, low humidity, increased winds, high temperatures, and the risk that manmade fires present to Greenlee County is great; and

WHEREAS, the United States Department of Agriculture and the United States Forest Service prohibit certain fires in areas designated by order; and

WHEREAS, the Greenlee County Sheriff and the Greenlee County Emergency Management Director recommend that the Board of Supervisors take action to prohibit all open burning in the unincorporated areas of the county during times of extreme fire danger;

IT IS NOW RESOLVED THAT:

OPEN OUTDOOR FIRE RESTRICTION/ORDINANCE SECTIONS:

1. **Definitions**
2. **Prohibition**
3. **Enforcement/Penalties**
4. **Applicability**
5. **Effective Date/Emergency Declaration**

DEFINITIONS:

- 1.1 **Open outdoor fire** means any burning, oxidation, or combustion of combustible material of any type in the open where the products of combustion are not directed through a flue.

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- 1.2 **Campfire** means a fire not within any building, mobile home, or living accommodation which is used for cooking, personal warmth, lighting, ceremony, or aesthetic purposes.
- 1.3 **Barbecue** means fixed or portable devices where food is cooked or reheated on a metal frame over a fire fueled by a propane or gas source.
- 1.4 **Charcoal fire** means an open outdoor fire which uses primarily charcoal as the combustible material, and which is used for the purpose of cooking or reheating food.
- 1.5 **Bonfire** means a fire built outdoors for burning rubbish, waste material, refuse, or brush.
- 1.6 **Fireworks** means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework or display firework as defined by ARS 36-1601(3) a.

PROHIBITION:

- 2.1 All open burning including: open fires, campfires, fireworks, bonfires, and other pyrotechnic displays on public and private lands in unincorporated areas of Greenlee County are prohibited. This prohibition supersedes the exceptions stated in ARS 49-501.
- 2.2 **Exemptions:** The following fires are exempt from the prohibition:
 - a) Fires set or permitted by any public officer, federal, state, or local in the performance of the officer's official duties, including, but not limited to: weed abatement, prevention of fire hazard or instruction in the methods of fire fighting.
 - b) Fires used only for cooking of food conducted on a barbecue.
 - c) Fires set or permitted by the Director of the Department of Agriculture of County Agricultural agents of Greenlee County for the purpose of disease and pest prevention.
 - d) Fires set or permitted by the Federal Government or any of its departments, agencies or agents of the state or any of its agencies, departments or political subdivisions.

e) Nothing in this Restriction/Ordinance shall be construed to prohibit the deployment of a public display of fireworks in the unincorporated areas of the county as approved by the Board of Supervisors.

ENFORCEMENT/ PENALTIES:

- 3.1 This Restriction/Ordinance may be enforced by the Emergency Management Director, and/or any peace officer acting within the officer's area of jurisdiction, a firefighter or other officer of a Fire District acting within the officer's area of jurisdiction.
- 3.2 Each violation pursuant to this Restriction/Ordinance shall result in a civil penalty not to exceed \$500.00 for each violation. A person found to have violated this Restriction/Ordinance shall pay restitution for any medical treatment required and property damage or other economic loss suffered by any person as a result of such violation.
- 3.3 If any violation of this Restriction/Ordinance is a continuing one, each day shall be deemed a separate violation.
- 3.4 Failure to obey the lawful order by the Emergency Management Director, peace officer, firefighter or other officer of a Fire District shall be a distinct and separate violation of this Restriction/Ordinance.

APPLICABILITY:

- 4.1 This Restriction/Ordinance applies within all unincorporated areas of Greenlee County.

EFFECTIVE DATE/ EMERGENCY DECLARATION:

- 5.1 The Board of Supervisors having determined, by unanimous vote, that expedited enactment of this Restriction/Ordinance is necessary for the preservation of the public peace, health and safety of the County of Greenlee, Arizona, an emergency is hereby declared to exist and, therefore, this Restriction/Ordinance shall be effective immediately upon its passage, approval and adoption.

DATED this 14th day of May 2012.

GREENLEE COUNTY BOARD OF SUPERVISORS

/s/ Richard G. Lunt, Chairman

ATTEST:

/s/ Yvonne Pearson, Clerk of the Board

APPROVED AS TO FORM:

/s/ Derek Rapier, County Attorney

Ms. Gale requested approval of the Letter of Intent to the Arizona Department of Economic Security to merge with the Cochise County Local Workforce Investment Area for the provision of Workforce Investment Act Services in Greenlee County. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Ms. Gale reported the following:

- She had Ms. Karla Ellis, Fair & Racing Director, report on the Spring Rampage. Ms. Ellis reviewed the revenues and expenses of the event and also reviewed the several events that took place. The weather turned bad the day of the event causing low turnout. The Board expressed their appreciation to Ms. Ellis and the Public Works Department for their hard work and efforts.

The Calendar of Events was reviewed.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the Consent Agenda as follows:

- A. Clerk of the Board: Approval of minutes to previous meeting - 05/01/12
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 - Voucher 1051; 1052
- C. Clerk of the Board: Approval of General Fund loans in the amount of \$33,525.85 to be reimbursed upon receipt of funds: Fund 145 - \$862.09; Fund 152 - \$807.53; Fund 195 - \$3,027.29; Fund 243 - \$5,000.00; Fund 255 - \$23,828.94
- D. Jail Commander: Approval of Payroll Change Notice - J. Moses, Part-time Detention Officer; J. Smerglass, Temporary Part-time Detention Officer
- E. Superior Court Clerk: Approval of Appointment of Deputy - P. Campos, Deputy Court Clerk
- F. Clerk of the Board: Approval of Health and Human Services Election Assistance Funds Letter of Agreement to be used for the purchase of polling place signs in the amount of \$1,850.00

Supervisor Gomez reported the following:

- A. He attended the Bureau of Land Management meeting which was set up to meet the new director Ray Suaza. He stated that the Director is from New Mexico and will be good for our area.

The Board convened into Work Session on the fiscal year 2012/2013 budget.

Ms. Gale reviewed the following budget items with the Board:

- State budget impacts to Greenlee County
- Fiscal Year 2012/2013 project revenues including Sales/Severance Tax report, County ½ cent Sales Tax report, Secure Rural Schools funding
- Fiscal Year 2012/2013 Assessed Valuations including the Arizona Department of Revenue abstract and values comparison for taxing authorities
- Fiscal Year 2012/2013 Property tax/levy options
- Salary information including raise options, retirement rates, Arizona State Retirement System refund to employees as a result of legislation and lawsuit, and healthcare rates
- Debt Service
- Personnel Policy modifications including the travel policy, phone stipend, premium pay, and vacation/sick leave policy - the Board directed Ms. Gale to look at the feasibility of a Personal Time Off (PTO) Policy to be considered for implementation for fiscal year 2013/2014.
- Greenlee/Graham Community Foundation

There being no further business to come before the Board of Supervisors, the meeting was adjourned at 11:46 a.m.

APPROVED: /s/ Richard G. Lunt, Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board