

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

June 21, 2011

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 was Yvonne Pearson, Clerk of the Board. Kay Gale, County Administrator was absent from this meeting.

Chairman Lunt called the meeting to order at 10:00 a.m. Supervisor Campbell led those present in the Pledge of Allegiance.

The Board of Supervisors convened as the Board of Directors for the Greenlee County 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 \$1,000.000
2. Health & County Services Director: Approval of Amendment #5 to the Intergovernmental Agreement with Arizona Department of Health Services for Proposition 201 Smoke Free Arizona Act
3. Health & County Services Director: Approval of Amendment #5 to the Intergovernmental Agreement with Arizona Department of Health Services for Tuberculosis Control Program
4. Health & County Services Director: Approval to apply for the retail Food Regulatory Program funds from the US Department of Health and Human Services, Food & Drug Administration to complete the Health Department Second Self Assessment

The Board of Supervisors reconvened into regular session.

Craig Sullivan, Executive Director, County Supervisors Association (CSA), presented the CSA Annual Report to the Board of Supervisors including:

- Efforts of minimizing and mitigating fiscal damage to counties by the state
- Advancement of county-initiated CSA-sponsored legislation
- Protection of county interests before the legislature

Mr. Sullivan stated that seven of eleven CSA-sponsored bills were enacted into law and that CSA presented legislation to amend 10 bills to address county interests. The state adopted the fiscal year 2012 budget with estimated fiscal impacts to counties in the amount of \$94.1 million in addition to fiscal impacts counties have already faced with previous state budgets. The impact to Greenlee County is \$133,345 for fiscal year

2012. The Board of Supervisors expressed their appreciation to Mr. Sullivan for his hard work and extended the sentiment to his staff.

Steve Rutherford, Emergency Management Coordinator, presented a slide show on the Wallow Fire. The slides included a map showing the daily advancement of the fire that began on May 29, 2011 and how rapidly it grew – as much as 60,000 in one day. As of June 20th the fire has burned 519,319 acres and is 56% contained. Also included in the slides were photos that were taken by firefighters during their fight against the fire.

Chairman Lunt expressed how proud he was of Greenlee County. He stated that the residents in Blue have shown true positive spirit while trying to prevent their homes from burning and watching their land, their livelihood burn. “They have had nothing but praise and thankfulness for the fire fighters who have been there helping them and always with a positive attitude.”

Chairman Lunt stated that the Board of Supervisors traveled to the Alpine and Springerville area on Saturday to attend a meeting with Senators Kyl and McCain and Congressmen Gosar and Flake and viewed the devastation. He said that it is a tragedy and awful destruction but that because of the Community Wildfire Protection Plan that was put in place several years ago and the forest thinning that has taken place, the communities of Alpine, Eager and Springerville were saved. Blue is now facing the fire. He stated that the Four Forest Restoration Initiative (4FRI) will allow profitable ways to put the forest in a position that will prevent catastrophic fires by allowing private industry into the forest. He thanked Mr. Rutherford for keeping the Board updated on the progress of the fire. Supervisors Gomez and Campbell echoed the sentiments of Chairman Lunt.

Carol Telles, Clifton Ranger, addressed the Board stating that she is now full staffed and will be able to work more closely with the county on forest related issues. She stated that the Wallow Fire has impacted 4 ranger districts including the San Carlos and White Mountain Apache Reservations. She stated that the forest thinning around the Alpine and Eager areas did help save those communities and that there have been no serious injuries.

The Board expressed concerns that have been received from Upper Eagle Creek residents that they are not getting much information on the fire. Chairman Lunt asked if communication to those residents could be increased. He thanked Ranger Telles for the cooperation of the Forest Service working with Greenlee County on water crossings and that her support is needed on Forest Service Resource Advisory Committee grants that have been submitted by Greenlee County for much needed material pits and road projects. Ranger Telles stated that the forest service has regular patrols at Upper Eagle

Creek handing out information and that she will make sure that more information is provided. Supervisor Campbell requested that a community meeting take place.

Ms. Pam Lieberenz, County Librarian, presented her annual library report to the Board. Her report included the grants that were received during the year totaling \$27,000. These grants were used to purchase reference materials and DVD's on Arizona for all libraries. The library is in partnership with Gila County Department of Education which makes GED preparation materials available at Clifton, Duncan, and Morenci Libraries. Other partnerships include Graham County-Safford Library, Dolly Parton Imagination Library, and the Arizona State Library. Total circulation in Greenlee County libraries increased from 26,413 last year to 29,198 this year.

Ms. Lieberenz will retire effective June 30, 2011 after 7 years of working with Greenlee County as the County Librarian. The Board congratulated Ms. Lieberenz on her retirement and expressed their appreciation for her very dedicated service. She will be missed.

Ms. Pearson reviewed the Calendar of Events.

Derek Rapier, County Attorney, reviewed the process of implementing a regulation of open burning in the unincorporated areas of Greenlee County. He stated that Resolution 11-06-01 will allow the Board to implement an immediate restriction but that an ordinance needs to be drafted to address general restrictions and emergency restrictions. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board adopted Resolution 11-06-01 – Regulation of Open Burning in Unincorporated areas of Greenlee County during declarations of Fire Emergencies.

**RESOLUTION 11-06-01
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.

- 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 21st day of June 2011.

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

Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the public display of fireworks by Freeport McMoRan for the 4th of July only if under the direction of the Morenci Fire Department.

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

- A. Clerk of the Board: Approval of expense warrants in excess of \$1,000 - Voucher 1070; 1071
- B. Clerk of the Board: Approval of General Fund loans in the amount of \$14,487.26 to be reimbursed upon receipt of funds: Fund 140 - \$688.52; Fund 145 - \$1,639.98; Fund 150 - \$2,868.45; Fund 154 - \$983.24; Fund 205 - \$462.20; Fund 219 - \$7,844.87
- C. County Administrator: Approval of the Fiscal Year 2011/2012 SouthEastern Arizona Governments Organization Basic Service Contract
- D. County Attorney: Approval of the Fiscal Year 2011/2012 Arizona Criminal Justice Commission Crime Victim Assistance Grant Agreement
- E. Clerk of the Board: Approval of the Fiscal Year 2011/2012 Liquor License Renewal Application
- F. County Engineer: Approval of the C & S Engineers, Inc. Consulting Agreement for Professional Engineering and Planning Services for the Greenlee County Airport
- G. County Engineer: Approval of Authorization of Services #1 to C & S Engineers, Inc. for Greenlee County Airport Apron Rehabilitation
- H. Superior Court Judge: Approval of the Fiscal Year 2011/2012 AZTEC Trainer Grant Application
- I. Public Works Manager: Approval of Road Pavement Markings (Striping) services from Graham County in an amount not to exceed \$21,000.00 to be paid with Road Funds

Chairman Lunt reported the following:

- A. He attended the Four Forest Restoration Initiative (4FRI) meeting where discussion took place regarding the Requests for Proposals document that went out for wood harvesting. It is expected that contracts will be received in the fall to be analyzed by the Forest Service for companies to be allowed to go into forests to harvest wood.
- B. He attended the Arizona Association of Counties (AACo) Executive Board meeting. He stated that this organization does so much for counties and

commended Nicole Stickler, Executive Director of AACo, and her staff for their hard work and dedication.

The Board convened into Work Session on the fiscal year 2011/2012 Budget. Ms. Pearson reviewed the major budget changes with the Board as follows:

- General Fund – 6.7% increase - \$9,760,765
- Total Budget – 1.6% increase - \$16,911,943
- Primary Value - \$280,460,740
- Tax Levy increase of \$96,929
- Recommended tax rate increase from \$.7693 to \$.7736
- Secondary Value - \$280,746,565
- Public Health Services District – proposed tax rate of \$.1850 and levy of \$520,521
- Flood Control District – proposed tax rate of \$.1426 and levy of \$49,000
- State Budget impacts
- Sales/Severance taxes
- Proposed 5% market adjustment for all positions with an additional 5% for certified law enforcement
- Employee Related Expenses
- New Positions
- Position Changes

There being no further business to come before the Board of Supervisors, the meeting was adjourned at 12:35 p.m.

The following listed expense claims against the County in excess of \$1,000.00 to one vendor as reflected in Vouchers 1070 and 1071 were reviewed and approved for payment: A.R.S. §11-217)

ST SOURCE BANK \$3,271.63; ADVANCED AIR SYSTEMS 1,446.00; AVCOM COMPANY \$1,945.76; AZ STATE TREASURER \$15,892.00; BANKCARD CENTER \$8,046.75; CANYON STATE WIRELESS \$23,035.48; CATERPILLAR FINANCIAL SERVICES CORP \$25,017.70; CHIEF SUPPLY CORPORATION \$1,269.32; DOVETREE COUNSELING ASSOC, INC \$1,687.00; DUNCAN VALLEY ELECTRIC INC \$2,956.29; EMPIRE SOUTHWEST MACHINERY \$3,967.09; FELISA BERMUDEZ \$4,850.00; FLAGHOUSE \$1,530.00; GREENLEE COUNTY ADVANCE TRAVEL \$4,955.30; JEREMY J WAITE \$2,900.00; JOSI Y. LOPEZ \$1,200.00; KANSAS STATE BANK OF \$7,803.66; KEMPTON CHEVROLET-BUICK \$1,195.39; KIMBALL EQUIPMENT COMPANY \$14,776.14; MERLE'S AUTOMOTIVE \$6,580.99; MICHAEL D PETERSON, P.C. \$4,870.00; MORENCI WATER AND ELECTRIC \$4,594.81; MOTOROLA COMMUNICATIONS ENTERPRISE \$32,264.78; MOTOROLA

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SOLUTIONS, INC \$6,270.22; OFFICE DEPOT INC \$3,159.85; PARTNERSHIP FOR RURAL AMERICA \$1,219.00; RAYMOND W. PETERSON DPM \$1,300.00; SAFFORD ACE \$3,358.33; SYSCO FOOD SERVICES OF AZ \$2,061.79; THE AARONS COMPANY \$3,000.00; TRI COUNTY MATERIALS \$1,948.16; TUCSON MEDICAL CENTER \$9,901.30; VALLEY TELECOM GROUP \$2,770.25; VANGUARD TRUCK CENTER OF TUCSO \$1,808.46; WILLDAN HOMELAND \$42,800.00

APPROVED: /s/ Richard G. Lunt, Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board