

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

July 3, 2012

The Greenlee County Board of Supervisors met on this date in regular session in the Board of Supervisors 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 10:00 a.m. and Supervisor Gomez led those present in the Pledge of Allegiance.

David McCullar, citizen, responded to the Call to the Public stating that he wanted to advocate for the Town of Clifton regarding water that comes down Ward Canyon. He stated that the last time the water came down it cost \$49,000 to pave and that he understands that there have been studies by different agencies happening over the past three or four years. He said that he would like to advocate that the county enter into an IGA (Intergovernmental Agreement) with the Town of Clifton to pay for half of the cost to pave under the bridge because 90% of the traffic on the road are county residents and because the water comes from the county.

He also stated that he feels unease about a contract being on the Consent Agenda specifically item H and that the item doesn't state what the vehicles are used for or which budget year the cost is coming from.

The Board of Supervisors convened as the Board of Directors of the Greenlee County Public Health Services District.

Steve Rutherford, Health & County Services Director, requested approval to fill a vacant budgeted Public Health Nurse Position in the Health Department. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved the request as presented.

Mr. Rutherford stated that currently Greenlee County has a contract with Gila County for provision of the Woman, Infant, Child (WIC) Program which will end December 31, 2012. He has advocated that the program be operated by Greenlee County for which Greenlee County will receive \$130,000 from Arizona Department of Health Services requiring no matching funds. A stipulation of the grant is that a Nutritionist be on staff to run the program for which advertising will be done both locally and nationally. If approved, Greenlee County will begin running the program in January 2013. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented in the amount of \$130,000.00.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, 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 Payroll Change Notice: D. Wilkes, Youth Health Educator

The Board convened as the Board of Directors of the Greenlee County Flood Control District.

Ron Pearson, Public Works Manager, presented the site work and cost estimate proposals for the Ward Canyon Drainage project and requested approval to begin work on sites 5, 6, 7 & 8. The total cost of these sites is estimated to be \$8,511.40 and the total project estimated at \$49,826.30. He stated that work on these sites will be on existing dikes and that permission has already been received from the land permittee and from the state. Ms. Gale stated that she was part of a meeting with the Town of Clifton regarding Ward Canyon issues that was very productive. She also stated that going through the permit process is part of the due diligence the county undergoes to make sure that the County can do the work without any issues and once the permits are received the County can go forward with work on sites 1 – 4 of the plan. Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board approved work to begin on sites 5, 6, 7 & 8 on the Ward Canyon Drainage project.

The Board reconvened into regular session.

Carol Telles, Clifton District Ranger, was not present at this meeting.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board convened into Public Hearing regarding the implementation of an Outdoor Fire Ordinance establishing fire zones in the unincorporated areas of Greenlee County; establishing restrictions on certain outdoor fires; providing for the implementation of emergency restrictions; and specifying penalties for violations of the ordinance.

Ms. Gale stated that this is the final step in implementing an ordinance that gives the County authority to implement restrictions during dry conditions and when needed. No written comments have been received for or against the ordinance and no persons present spoke for or against the ordinance.

The Board reconvened into regular session.

Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board adopted Outdoor Fire Ordinance 13-01 – an ordinance by the Greenlee County Board of Supervisors establishing fire zones in the unincorporated areas of Greenlee County; establishing restrictions on certain outdoor fires; providing for the implementation of emergency restrictions; and specifying penalties for violations of the ordinance.

GREENLEE COUNTY BOARD OF SUPERVISORS

OUTDOOR FIRE ORDINANCE – 13-01

An ordinance of the Greenlee County Board of Supervisors; establishing fire zones in the unincorporated area; establishing restrictions on certain outdoor fires; providing for the implementation of emergency fire restrictions; and specifying penalties for violations.

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, 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.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF GREENLEE COUNTY AS FOLLOWS:

1. **Title**

This ordinance shall be known as the Greenlee County Outdoor Fire Ordinance.

2. **Effective Area/Fire Zones**

This Ordinance is effective in the unincorporated areas of Greenlee County, exclusive of areas under the jurisdiction of the United States, the State of Arizona or a federally recognized Indian tribe.

3. Purpose/Authority of Emergency Management Director

3.1 The purpose of this Ordinance is to help provide a uniform system for political subdivisions in Greenlee County to determine what fire restrictions are needed and when they are to be put into place during emergency fire conditions.

3.2 It is the duty of the Greenlee County Emergency Management Director, after consultation, as deemed appropriate, with the U.S. Forest Service, local fire districts, state or municipal fire officials, to initiate fire restrictions within any unincorporated areas of Greenlee County during emergency fire conditions as described in Section 6.

3.2(a) The Emergency Management Director shall attempt to coordinate with other fire officials a uniform date for implementing such restrictions.

3.2(b) When the Emergency Management Director determines that such restrictions are necessary and the date of implementation has been determined, the Director shall recommend to the Chairman of the Board of Supervisors that such restrictions shall be ordered pursuant to the Chairman's emergency powers under Title 26, Chapter 2, Article 1 of the Arizona Revised Statutes. Upon the issuance of the Chairman's order, the Director shall promptly take appropriate action to notify residents and visitors of the nature and extent of the restrictions and the effective date.

4. Definitions

4.1 **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.

4.2 **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.

4.3 **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.

- 4.4 **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.
- 4.5 **Bonfire** means a fire built outdoors for burning rubbish, waste material, refuse, or brush.
- 4.6 **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).
- 4.7 **Flue** means a pipe, tube, channel, duct or passage through which hot air, gas, steam, smoke, or fire may pass, such as a chimney, stovepipe or stack.
- 4.8 **Emergency Management Director** means the County official so designated by the Greenlee County Board of Supervisors.

5. Non-Emergency Fire Restrictions

The following restrictions are in effect at all times in the unincorporated areas of Greenlee County, except as they may be superseded by emergency fire restrictions pursuant to Section 6:

- 5.1 It is unlawful for any person to start, ignite, cause or permit to be ignited, or allow or maintain any open outdoor fire except as allowed by permit via applicable fire district, Emergency Management Director, or the Arizona Department of Environmental Quality. The following fires are **exempt** from this restriction:
 - 5.1(a) Fires used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires); for the branding of animals; for the purpose of frost protection in farming or nursery; or for the disposal of flags pursuant to federal law.
 - 5.1(b) Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or such permission is given for the purpose of instruction in the methods of fighting fires or the control of an active wildfire.

- 5.1(c) Fires set or permitted by authority of the director of the Arizona Department of Agriculture or by Greenlee County agricultural agents for the purposes of disease and pest prevention/control.
- 5.1(d) Fires authorized by special permits as issued by the Emergency Management Director.
- 5.1(e) Fires set by or permitted by the federal government, or any of its departments, agencies or agents, or by the State or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.
- 5.1(f) Fires permitted by any rule or regulation adopted pursuant to Title 49, Chapter 3, Article 3 of the Arizona Revised Statutes, by any special or conditional permit issued by a hearing board established under said Article, or by any rule or conditional permit issued pursuant to Title 49, Chapter 3, Article 2, when pursuant to ARS §49-402, the Arizona Department of Environmental Quality has assumed jurisdiction of the portion of Greenlee County where the fire is located.

6. Emergency Fire Restrictions

- 6.1 In addition to the fire restrictions set forth in Section 5, the following emergency fire restrictions, when ordered and in effect pursuant to Section 3.2, shall apply:
 - 6.1(a) 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.
 - 6.1(b) Burn, start, ignite, build, attend, or use flammable or combustible materials.
- 6.2 **Exemptions:** The following fires are exempt from the prohibition:
 - 6.2(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 firefighting.

- 6.2(b) Fires used only for cooking of food conducted on a barbecue.
- 6.2(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.
- 6.2(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.
- 6.2(e) Fires permitted by the Emergency Management Director or designee. The conditions of any permit issued by the Emergency Management Director shall be stated on the permit.
- 6.2(f) 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.

7. Enforcement/Penalties

- 7.1 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.
- 7.2 Each violation pursuant to this Restriction/Ordinance shall result in a civil penalty of \$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.
- 7.3 If any violation of this Restriction/Ordinance is a continuing one, each day shall be deemed a separate violation.
- 7.4 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.

IT IS SO ORDAINED by the Greenlee County Board of Supervisors at Clifton, Arizona on July 3, 2012.

GREENLEE COUNTY BOARD OF SUPERVISORS

By /s/ Richard G. Lunt, Chairman

ATTEST: /s/ Yvonne Pearson, Clerk of the Board

APPROVED AS TO FORM: /s/ Derek Rapier, County Attorney

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

Ms. Gale reviewed the summary of major changes reflected in the proposed fiscal year 2012/2013 Tentative Budget as follows:

- General Fund budget increased 4.8% = \$10,233,159. The increase is due to 3% market adjustment on salaries and several large upcoming court cases.
- Total budget increased 11.6% = \$18,875,640

Assessed Values

- Primary – \$378,114,177 = increase of \$97,653,437
- Secondary - \$378,231,572 = increase of \$97,485,007

Tax Levies

- Primary – Tax levy \$2,349,223 = \$279,579 increase
- Secondary – Public Health Services District Tax levy \$699,728 = increase of \$179,207
- Secondary – Flood Control District Tax levy \$87,672 = increase of \$38,672

Tax Rates

- Primary – Tax rate \$.6213 – decrease of \$.1523
- Secondary – Public Health Services District Tax rate \$.1850 = no change
- Secondary – Flood Control District Tax rate \$.1426 = no change

Total Combined Tax Rate

- \$.9489 – a decrease of \$.1523

Revenues

- Sales/Severance Tax estimate = \$4,200,000 (Department of Revenue estimate \$5,400,000)
- ½ Cent Sales Tax estimate = \$1,000,000
- Payment in Lieu of Taxes (PILT) = \$891,000 = increase of \$74,977
- Secure Rural Schools (Forest Fees) – Congress approved a one-year extension, which enables Greenlee county to receive approximately \$600,000 – distribution will follow the same formula previously established (Road Fund - \$300,000,

Accommodation School - \$250,000, Blue School - \$40,000, Eagle School - \$5,000, balance to school districts base on 100th day student count).

- Community College Tuition - \$792,887 (decrease of \$154,352) – will receive \$382,800 state subsidy to offset formula inequity

Expenditures

- Salary adjustments – 3% market adjustment for all positions; increase effective September 1st - increased pay scale by ½% plus shifted employees one grade (2.5%); employees must be employed on July 1, 2012 to receive salary adjustment
- Employee related expenses (ERE's):
 - Arizona State Retirement System increase to 10.9%
 - Public Safety Personnel Retirement System increase from 14.76% to 16.22%
 - Elected Official Retirement Plan increase from 17.96% to 20.87%
 - Corrections Officers Retirement Plan remains level at 13.12%
 - Healthcare – no increase
 - Workers Compensation – no increase
- New Positions: WIC Program (Nutritionist and Case Worker)
- Position Changes
 - Promotion of Operations Tech I to Operations Tech II in Public Works
 - Promotion of Operations Tech IV to Assistant Public Works Manager
 - Combine Court Administrator position and Judicial Assistant Assistant
 - Reclassify Account Clerk II position in Recorder's Office to Administrative Assistant
 - Reclassify Finance Clerk position in Board of Supervisors Office to Administrative Assistant
 - Market adjustment for Appraiser II
- Reduction in positions:
 - Merged Workforce Investment Act Program with Cochise and Graham Counties – reduction of one full time employee
 - Converted the Assistant Health & County Services Director to a part-time contract employee
- Indigent Defense – four major cases pending including one murder and one attempted murder, restoration to competency case
- Inmate medical remained on budget
- Elections Summary
 - Fiscal Year 2011/2012
 - Duncan & Morenci School District Budget Override Election
 - Presidential Preference Election
 - Town of Clifton Primary Election
 - Town of Clifton General Election

- Fiscal Year 2012/2013
 - Primary Election
 - General Election
- Projects
 - Replacement of Duncan Annex
 - Courtroom renovation and installation of audio visual equipment
 - Guthrie Peak tower
 - Airport improvements of drainage, apron, taxiway through FAA Grants
 - Ward Canyon Flood Control project
 - Wildfire Hazardous Fuels Mitigation Grant

Ms. Gale expressed her appreciation for the efforts of all the elected officials for helping keep their budgets realistic and in line with what they need to operate their offices. She expressed appreciation to the Board for the many hours they spent working on the budget.

The Board reconvened into regular session.

Upon motion by Supervisor Gomez, seconded by Supervisor Campbell, and carried unanimously, the Board adopted the Fiscal Year 2012/2013 Tentative Budget in the amount of \$18,875,640.

RESOLUTION FOR THE ADOPTION OF THE FINAL BUDGET
FISCAL YEAR 2012-2013

WHEREAS, in accordance with the provisions of Title 42 Chapter 17, Articles 1-5, Arizona Revised Statutes (A.R.S.), the Board of Supervisors do make an estimate of the different amounts required to meet the public expenditures for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of Greenlee County, and

WHEREAS, in accordance with said chapter of said title, and following due public notice, the Board will meet on August 6, 2012, at which meeting any taxpayer is privileged to appear and be heard in favor of or against any of the proposed expenditures or tax levies, and

WHEREAS, it appears that publication will be duly made as required by law, of said estimates together with a notice that the Board will meet on August 20, 2012, at the Office of the Board for the purpose of hearing taxpayers and making tax levies as set forth in said estimates, and

WHEREAS, it appears that the sums to be raised by taxation, as specified therein, do not in the aggregate amount exceed that amount as computed in A.R.S. 42-17051(A);

NOW, THEREFORE, BE IT RESOLVED, that the said estimates of revenue and expenditures/expenses shown on the accompanying schedules as now increased, reduced or changed, are hereby adopted as the tentative budget of Greenlee County for the Fiscal Year 2012-2013.

PASSED AND ADOPTED BY THE GREENLEE COUNTY BOARD OF SUPERVISORS, THIS 3rd DAY OF JULY, 2012.

ATTEST:

/s/ Yvonne Pearson, Clerk of the Board

APPROVED:

/s/ Richard G. Lunt, Chairman

Steve Tucker, Sheriff, requested approval to fill three (3) full time Detention Officers and two (2) part time Detention Officers Positions in the Sheriff's Department and to authorize the County Administrator to approve the Payroll Change Notices for these positions and for one (1) part time Control Room Operator position previously approved to be filled. All positions are budgeted and will begin at the starting salary. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented.

Philip Ronnerud, County Engineer, requested consideration of a letter of support to the Bureau of Land Management for the Southline Transmission Project a proposed transmission line designed to collect and transmit electricity across southern Arizona and New Mexico. The proposed route follows Interstate 10. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request as presented.

Mr. Ronnerud requested consideration of a letter of support to the Bureau of Land Management for the SunZia Southwest Transmission Project which is a proposed transmission line similar to the Southline Transmission Project with a more northerly route which will also deliver electricity across southern Arizona and New Mexico. Upon motion by Supervisor Campbell, seconded by Supervisor Gomez, and carried unanimously, the Board approved the request.

Ms. Gale reported the following:

- Congress has passed a reauthorization bill for surface transportation programs covering the remaining three months of the current federal fiscal year and the next two years and includes Secure Rural Schools Act and Payment in Lieu of Taxes (PILT) funding for another year.

- The rotation for the next representative on the State Transportation Board is slated to come from Greenlee County to serve the 6 year term. The position is appointed by the Governor.

The Calendar of Events was reviewed.

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 minutes to previous meeting: 06/18/12
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 - Voucher 1057; 1058
- C. Public Works Manager: Approval of Payroll Change Notice: T. Hines, Assistant Public Works Manager
- D. Elections Director: Appointment of Precinct 3 - Clifton 1 Democratic Precinct Committeeman: Armida McCullar
- E. County Attorney: Approval of fiscal year 2012/2013 Arizona Criminal Justice Commission Crime Victim Compensation Grant Agreement
- F. County Attorney: Approval of fiscal year 2012/2013 Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant
- G. County Administrator: Approval of the Environmental Program Assistance Agreement with the Arizona State Forestry Division
- H. Clerk of the Board: Approval of the Kansas State Bank Finance Agreement for financing the purchase of three (3) 2012 Chevrolet Tahoe Patrol Vehicles and one (1) 2012 Freightliner Dump Truck for a term of 36 months
- I. County Sheriff: Approval of fiscal year 2012/2013 Arizona Criminal Justice Commission Drug, Gang and Violent Crime Control Grant (Byrne's Grant)
- J. Superior Court Judge: Approval of the Contract for Provision of Indigent Representation for attorney, Benjamin Brewer beginning June 13, 2012 and ending June 30, 2013
- K. Health & County Services Director: Approval of the annual Wireless Communications Maintenance Services Agreement with Canyon State in an amount not to exceed \$26,043.10 with budgeted Emergency Services Grant Funds
- L. Health & County Services Director: Approval of the annual Communications Equipment Maintenance Service Agreement with Motorola in an amount not to exceed \$37,020.84 with budgeted Emergency Services Grant Funds
- M. County Sheriff: Approval of the purchase of 35 sets of hand sights for guns in an amount not to exceed \$2,940.00 with General Funds

Supervisor Campbell reported the following:

- A. He attended the Forest Service Information Session on June 21st which is the 4th session that the Forest Service has conducted in an effort to educate the public on

the different facets of forest management. He stated that this session was on Wildlife Management and was very informative.

Supervisor Lunt reported the following:

- A. He attended the Environmental Economic Communities Organization Planning Session where discussion took place regarding exploring the possibility of re-organization. Over the past 10 years the member counties have been in the same legislative district which has been beneficial in addressing economic stimulation and natural resource issues. With the redistricting that has taken place counties are now in four different legislative districts and different transportation COG's (council of governments) districts.
- B. He met with Pioneer Products Associates which is the business that was awarded the Four Forest Restoration Initiative contract. The contract includes working 30,000 acres per year for 10 years and includes forest thinning, forest restoration, will create jobs and improve fire suppression.

There being no further business to come before the Board of Supervisors, the meeting was adjourned at 11:17 a.m.

APPROVED: /s/ Richard G. Lunt, Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board