

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

July 2, 2019
St. Johns, Arizona

Present were: Chairman Joe Shirley, Jr., Vice Chairman Travis Simshauser and Supervisor Alton Shepherd. Also present were County Manager/Clerk of the Board Ryan Patterson and County Attorney Michael Whiting.

Chairman Shirley called to order the Board of Supervisors meeting at 8:30 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

Timothy Hinton gave the invocation.

Robert Mackenzie led the Pledge of Allegiance.

Chairman Shirley called for the Public Health Services District items.

SueAn Stradling-Collins, Library Director, presented notification of the retirement of Library Specialist II, Christina Maennche, effective June 20, 2019 and recognition of her service. Mrs. Maennche was not present. No action was needed or taken.

SueAn Stradling-Collins, Library Director, requested approval of a lease agreement between Greer Community Facilities Association and the Apache County Library District from July 1, 2019 through June 30, 2020 at the rate of 849.40 per month. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval of a lease agreement between the Vernon Community Park Committee and the Apache County Library District from July 1, 2019 through June 30, 2020 at the rate of \$25.00 per month. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval of a lease agreement between the Vernon Domestic Water Improvement District and the Apache County Library District from July 1, 2019 through June 30, 2020 at the rate of \$25.00 per month. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval to authorize SueAn Stradling-Collins, or other library district employee, blanket authority for Fiscal Year 2019-2020 to accept donations to our libraries in amounts up to \$1,000. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval for Fiscal Year 2019-2020 to make discarded library materials and gift materials which are out of scope for our collections, available to the following entities located in Apache County: libraries, schools, senior centers,

assisted living facilities, nursing homes, Boys and Girls Clubs, Lions Clubs, the Apache County Historical Society and Museum, community food banks, jails and prisons, Veterans groups, and other non-profit organizations. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval for Fiscal Year 2019-2020 to dispose of materials that have been donated to or withdrawn from our library collections, by offering them for sale at each of our library facilities. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Library District meeting, seconded by Mr. Simshauser. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Chairman Shirley called for the presentation by Craig Sullivan, Executive Director, County Supervisors Association. Mr. Sullivan provided a report on recent County Supervisors Association activities including a discussion on the recent legislative session and budget. No action was needed or taken.

Chairman Shirley presented the item to sit as the Board of Directors for the Apache County Juvenile Jail District and public hearing for the Truth in Taxation notification of the property tax as presented, with tax rates to be set at the August 5, 2019 Board of Supervisors meeting. **Mr. Simshauser moved to sit as the Board of Directors and open the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. There was no one wanting to address the Board during the public hearing. **Mr. Shepherd moved to close the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. **Mr. Shepherd moved to approve the Apache County Juvenile Jail District for the Truth in Taxation notification of the property tax as presented, with tax rates to be set at the August 5, 2019 Board of Supervisors meeting, seconded by Mr. Simshauser.** Vote was unanimous.

Chairman Shirley presented the item to sit as the Board of Supervisors and public hearing, for the Truth in Taxation notification of the primary property tax levy as presented, with tax rates to be set at the August 5, 2019 Board of Supervisors meeting. **Mr. Simshauser moved to sit as the Board of Supervisors and open the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. There was no one wanting to address the Board during the public hearing. **Mr. Simshauser moved to close the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. **Mr. Simshauser moved to approve the Truth in Taxation notification of the primary property tax levy as presented, with tax rates to be set at the August 5, 2019 Board of Supervisors meeting, seconded by Mr. Shepherd.** Vote was unanimous.

Chairman Shirley presented the item to sit as the Board of Directors and public hearing, for the 2019-2020 Final Budgets for the Apache County Library District, the Apache County Public Health Services District, the Apache County Flood Control District, the Apache County Juvenile Jail District, Apache County Jail District, Junior College Tuition and Post-Secondary Education and corresponding tax rates as presented in the budget. **Mr. Simshauser moved to sit**

as the Board of Directors and open the public hearing, seconded by Mr. Shepherd. Vote was unanimous. There was no one wanting to address the Board during the public hearing. **Mr. Simshauser moved to close the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. **Mr. Shepherd moved to approve the 2019-2020 Final Budgets for the Apache County Library District, the Apache County Public Health Services District, the Apache County Flood Control District, the Apache County Juvenile Jail District, Apache County Jail District, Junior College Tuition and Post-Secondary Education and corresponding tax rates as presented in the budget, seconded by Mr. Simshauser.** Vote was unanimous.

Chairman Shirley presented the item to sit as the Board of Supervisors and public hearing regarding the adoption of the 2019-2020 Final Budget for Apache County. **Mr. Simshauser moved to sit as the Board of Supervisors and open the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. There was no one wanting to address the Board during the public hearing. **Mr. Shepherd moved to close the public hearing, seconded by Mr. Simshauser.** Vote was unanimous. **Mr. Shepherd moved to approve the 2019-2020 Final Budget for Apache County, seconded by Mr. Simshauser.** Vote was unanimous.

APACHE COUNTY RESOLUTION FOR THE ADOPTION OF
THE BUDGET FISCAL YEAR 2019-20
RESOLUTION NO 2019-11

WHEREAS, in accordance with the provisions of Title 42 Chapter 17, Articles 1-5, Arizona Revised Statutes (A.R.S.), the Board of Supervisors did, on June 4, 2019, make an estimate of the different amounts required to meet the public expenditures/expenses 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 Apache County, and

WHEREAS, in accordance with said sections of said title, and following due public notice, the Board met on June 4, 2019, at which meeting any taxpayer was privileged to appear and be heard in favor of or against any of the proposed expenditures/expenses or tax levies, and

WHEREAS, it appears that publication has been duly made as required by law, of said estimates together with a notice that the Board would meet on July 2, 2019, 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),

THEREFORE BE IT RESOLVED, that said estimates of revenues and expenditures/expenses shown on the accompanying schedules as now increased, reduced or changed by and the same are hereby adopted as the budget of Apache County for the fiscal year 2019-2020.

Passed and adopted by the Board of Supervisors of Apache County, this 2nd day of July 2019.

/s/ Joe Shirley, Jr.
Chairman, Board of Supervisors

ATTEST:
/s/ Ryan N. Patterson
Clerk of the Board

Chairman Shirley, on behalf of Emergency Management, presented the item for a public hearing to repeal Ordinance No. 2018-03 and possible adoption of the new Outdoor Fire Ordinance. **Mr. Simshauser moved to open the public hearing, seconded by Mr. Shepherd.** Vote was unanimous. There was no one wanting to address the Board during the public hearing. **Mr. Shepherd moved to close the public hearings, seconded by Mr. Simshauser.** Vote was unanimous. **Mr. Shepherd moved to repeal Fire Ordinance 2018-03 and adopt the new Fire Ordinance, seconded by Mr. Simshauser.** Vote was unanimous.

**ORDINANCE NO. 2019-10
OUTDOOR FIRE ORDINANCE**

An ordinance of the Board of Supervisors of Apache County, Arizona, repealing Ordinance No.2018-03 (Open Outdoor Fire Ordinance); establishing fire zones in the unincorporated area; establishing restriction on certain outdoor fire; providing for the implementation of emergency fire restrictions; and specifying criminal penalties for violations.

Preface

The purpose of fire restrictions is to reduce the risk of human-caused fires during periods of unusually high fire danger and/or burning conditions. Fire restrictions impose many limitations on the public, and therefore should be implemented only after all other prevention measures have been taken. These measures include, but are not limited to: increasing the number of prevention signs, public contacts, media campaigns, increased enforcement of restrictions, etc. Fire restrictions should be considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, firefighting resources available, high human-caused risk potential, live fuel moisture is at or approaching historic thresholds, no significant relief in fire weather potential in the immediate forecast, large fire activity occurring on a unit (within the county) or within the region, and fire preparedness levels so indicate. An appropriate level of preparedness to meet wildland fire management objectives is based upon an assessment of vegetation, climate, and topography utilizing the National Fire Danger rating system (NFDRS).

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

1. TITLE

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

2. REPEAL OF PRIOR ORDINANCE

Ordinance No.2018-03 the Open Outdoor Fire Ordinance is hereby repealed in its entirety.

3. EFFECTIVE AREA/ FIRE ZONES

This Ordinance is effective in the unincorporated area of Apache County, excluding areas under the jurisdiction of the United States, the State of Arizona, or a federally recognized Indian tribe. For the purpose of the Ordinance, the unincorporated area has been divided into two fire zones as depicted on the map attached hereto.

4. PURPOSE / AUTHORITY OF EMERGENCY MANAGEMENT DIRECTOR

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

4.2 It is the duty of the Apache County Emergency Management Director/Manager, (after consultation as the Emergency Management Director/Manager deems appropriate, with the U.S. Forest Service (“USFS”), local fire districts, state, or municipal Emergency Management Directors, National Weather Service, or other fire officials) to initiate fire restrictions within any fire zone (or zones) during emergency fire conditions as described in Section 7.

4.2.1 The Emergency Management Director/Manager shall utilize the National Fire-Danger Rating System (NFDRS) and Fire Preparedness level indicators (www.fs.fed.us) to help determine when such restrictions are necessary. As a general guideline, emergency fire restrictions should be considered when the Energy Release Components (ERCs) reading reaches 90% for at least 5 consecutive days.

4.2.2 The Emergency Management Director/Manager shall attempt to coordinate with other fire officials in the affected zone(s) a uniform date for implementing such restrictions.

4.2.3 When the Emergency Management Director/Manager determines that such restrictions are necessary, and the date of implementation has been determined, the Emergency Management Director shall recommend to the Chairman of the Board of Supervisors or designee, that such restrictions 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 Emergency Management Director shall promptly take appropriate steps to notify residents and visitors of the nature and extent of the restrictions and the effective date.

4.2.4 Upon issuance of the initial order, the County and Fire Departments/Districts shall suspend issuance of burning permits until the emergency fire restriction order is lifted.

4.2.5 Upon issuance of the initial order, the Chairman authorizes the Emergency Management Director/Manager to modify the restriction level or cancel the restrictions as conditions warrant per National Fire-Danger Rating System (NFDRS) and preparedness level indicators to determine the cancellation of restrictions

4.2.5.1 The Emergency Management Director/Manager shall immediately notify the Chairman and the County Manager of any changes in restriction and provide an update in restrictions at the next legally scheduled Board meeting.

5. Definitions

5.1 ‘Attendance’ Open burning, bonfires or recreational fires shall be constantly attended until the fire is completely and properly extinguished. Appropriate tools, equipment or approved devices and approved extinguishing agents such as dirt, sand, water or approved appropriate fire extinguishers shall be readily available for immediate utilization. A fire shall be considered “Unattended” if it is not constantly monitored with the appropriate

tools and equipment and properly extinguished.

- 5.2 'Authority Having Jurisdiction' (AHJ) Means an entity that has the authority and responsibility for developing, implementing, maintaining, and overseeing the qualification process within its organization or jurisdiction. This may be a state or Federal agency, training commission, NGO, private sector company, or a tribal or local agency such as a police, fire, or public works department. In some cases, the AHJ may provide support to multiple disciplines that collaborate as a part of a team (e.g., an IMT).
- 5.3 'Bonfire' means an outdoor fire utilized for ceremonial purposes and shall not be less than 50 feet (15,240 mm) from any structure.
- 5.4 'Charcoal Fire' means an open outdoor fire which uses primarily charcoal as the combustible material, and which is used only for the purpose of cooking food.
- 5.5 'Combustion Engines' means an engine which generates mechanical power from a fuel. This includes an engine in which combustion is intermittent such as four-stroke, two-stroke, gas turbines, and diesel engines.
- 5.6 'Deliberate or Negligent' burning means to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.
- 5.7 'Emergency Management Director' means the County official designated as such by the Board of Supervisors.
- 5.8 'Explosive or Reactive Targets' means targets that are reactive or explosive in nature and creates a big bang and/or a cloud of smoke.
- 5.9 'Factory Mutual' (FM) is the independent testing arm of the international insurance carrier, FM Global. FM approvals use scientific research and testing to make sure products conform to the highest standards for safety and property loss prevention.
- 5.10 'Firearms' means a weapon that launches one or more projectiles at a high velocity through the confined burning of a propellant.
- 5.11 'Fireworks' means any combustion or device consisting of a combination of explosives and combustible, detonated to generate colored lights, model rockets, pyrotechnic displays, smoke, and noise for amusement or entertainment purposes.
- 5.12 'Flue' means a pipe, tube, channel, duct or passage through which hot air, gas, steam, smoke or fire may pass, such as chimney, stovepipe or stack.
- 5.13 'LPG' - LPG is a type of fuel consisting of hydrocarbon gases in liquid form. LPG is an abbreviation for 'liquefied petroleum gas.'
- 5.14 '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 to include the use of fire for the purposes of weed/debris abatement.

- 5.15 ‘Outdoor Fireplace/ Commercial Smoker’ means devices that have been manufactured and or built to current, approved and tested standards (UL or FM listed or equivalent) or to approved building codes.
- 5.16 ‘Recreational Fire/Campfire’ means burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material.
- 5.17 ‘Red Flag Warning’ (or ‘Red Flag Conditions’’) means a determination by the National Oceanic and Atmospheric Administration to inform the County and other agencies of the imminent or actual occurrence of extreme fire danger or extreme fire conditions.
- 5.18 ‘Special Event’ means a one-time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing body.
- 5.19 ‘Underwriter Laboratories’ (UL) is a global safety science company, and the largest and oldest independent testing laboratory in the United States. Underwriters Laboratories tests the latest products and technologies for safety before they are marketed around the world.

6. NON-EMERGENCY FIRE RESTRICTIONS

The following restrictions are in effect at all times in all zones, except as they may be superseded by emergency fire restrictions pursuant to Section 7.

- 6.1 In it 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 through the Emergency Management Director, the applicable Fire District or Department, or the Arizona Department of Environmental Quality pursuant to Title 49, Chapter 3 of the Arizona Revised Statutes.

During “Red Flag Warning” conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires, agricultural burning or outdoor smoking are permitted on either public or private property within the unincorporated areas of the affected zone(s).

- 6.2 The following fires are exempt from this restriction:

EXEMPTIONS:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by exempted activity.

- 6.2.1 Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fire); 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.

- 6.2.2 Any fire set or permitted by any public official 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.
- 6.2.3 Fires set or permitted by authority of the director of the Arizona Department of Agriculture or by Apache County Agricultural agents for the purpose of disease and pest prevention.
- 6.2.4 Fire authorized by special permit issued by the Emergency Management Director/Manager or Fire Departments/Districts.
- 6.2.5 After coordination with the Emergency Management Director/Manager, fires set by or permitted by the federal government or any of its department, 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.
- 6.2.6 Fires permitted by any rule or regulation adopted pursuant to Title 49, Chapter 3, Article 3 of the Arizona Revised Statutes, by any special conditional permit issued by a hearing board established under said Article 3, 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 Apache County where the fire is located.
- 6.2.7 Fires permitted by Local Fire Chiefs within their jurisdiction.

7. EMERGENCY FIRE RESTRICTIONS

In addition to the non-emergency fire restrictions set forth in section 6, the following emergency fire restrictions when ordered and in effect shall apply to the zone(s) in which they have been implemented:

- 7.1 During 'Red Flag Warning' conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires, agricultural burning or outdoor smoking are permitted on either public or private property within the unincorporated areas of the affected zone(s).
- 7.2 When it has been determined by the Emergency Management Director/Manager that additional emergency fire restrictions are needed to assure the safety of the public in any zone(s), the Director shall recommend that the Chairman of the Board of Supervisors order additional emergency restrictions at the appropriate restriction stage level.
- 7.3 When it has been determined by the Emergency Management Director/Manager that additional emergency fire restrictions are needed to assure the safety of the public in any zone(s), the issuance of burning permits shall be suspended until the emergency fire restrictions are lifted.
 - 7.3.1 Burn permits issued prior to the emergency fire restrictions declaration shall be suspended until the fire restrictions have been lifted.

- 7.4 Unless otherwise provided by law, it shall be unlawful for any person to use fireworks when emergency fire restrictions are in effect. Prohibitions of fireworks include but are not limited to consumer or display fireworks, ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, tracer bullets and/or explosive targets in the unincorporated areas of Apache County.

STAGE I: Fire Restrictions- Minimal

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below.
2. Smoking outside of designated areas.
3. Use of any and all fireworks.
4. Use of explosive targets.
5. Use of tracer round ammunition.

Note: for the smoking provision, each agency/tribe must cite their actual regulations/laws; therefore, the wording for the prohibition may be slightly different.

Exemptions:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity. A person who commits an act in violation of this chapter that results in an appropriate emergency response or investigation and who is convicted of the violation may be liable for the expenses that are incurred incident to the emergency response and the investigation of the commission of the offense in accordance with *Arizona Revised Statute 13-1709; Emergency response and investigation costs; civil liability.*

1. Persons obtaining a written ‘Special Use Permit’ from the ‘‘Authority Having Jurisdiction’’ that specifically authorizes the otherwise prohibited act.
2. Fires used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires) in an area that is designated for that purpose and is barren or cleared of all debris for 3 feet in diameter around the device. Permissible items include propane fire rings, pellet stoves/smokers/grills that have UL or FM approval and are a contained unit. A person of appropriate age must always maintain a presence when in operation.
3. Smoking within enclosed buildings and inside vehicles is allowed. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire and all smoking materials are properly extinguished and disposed of. At no time is it allowed to discard lit cigarettes,

cigars, or other smoking materials from a vehicle, or from ones' possession in a public place (ARS 13-1603.a.1).

4. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices with UL and/or FM approval can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device. A person of appropriate age must always maintain a presence with the device when in operation.
5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
6. Emergency repairs of public utilities and railroads as per attached conditions.
7. After coordination with the Emergency Management Director/Manager, any Federal, State, local officer or member of an organized rescue or firefighting force in the performance of an official duty.
8. All land within a city boundary is exempted unless stated by city ordinance.
9. Other exemptions unique to each "Authority Having Jurisdiction".

STAGE II: Fire Restrictions- Moderate to Severe

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire, campfire, charcoal, coal, or wood including fires in developed campgrounds or improved sites.
2. Smoking outside of designated areas.
3. Outdoor Mechanical and Industrial Prohibitions:
 - a. Operating any electric device or internal combustion engine in the course of mechanical or industrial operations that would produce open flames or sparks.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.
4. Operating motorized vehicles off designated roads and trails.
5. Use of any and all fireworks.
6. Discharging a firearm.
7. Use of explosive targets.
8. Use of tracer round ammunition.

Exemptions:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity. A person who commits an act in violation of this chapter that results in an appropriate emergency response or investigation and who is convicted of the violation may be liable for the expenses that are incurred incident to the emergency response and the investigation of the commission of

the offense in accordance with *Arizona Revised Statute 13-1709; Emergency response and investigation costs; civil liability.*

1. Persons obtaining a written “Special Use Permit” from the “Authority Having Jurisdiction” that specifically authorizes the otherwise prohibited act.
2. Fires used only for the cooking of food or for providing warmth for human beings in an area that is designated for that purpose and is barren or cleared of all debris for 3 feet in diameter around the device. Permissible items include propane fire rings, pellet stoves/smokers/grills that have UL or FM approval and are a contained unit. A person of appropriate age must always maintain a presence when in operation.
3. Smoking within enclosed buildings and inside vehicles is allowed. Smoking may also be allowed in or on porches, carports, garages, parking lots and other areas or properties which are cleared of all combustible materials so long as the smoking does not create a substantial risk of fire and all smoking materials are properly extinguished and disposed of. At no time is it allowed to discard lit cigarettes, cigars, or other smoking materials from a vehicle, or from ones’ possession in a public place (ARS 13-1603.a.1).
4. Industrial operations where specific operations and exemptions are identified, and mitigation measures are implemented as outlined in an agency plan.
5. Persons operating equipment with UL and/or FM approval and spark arrestors such as chainsaws (electric or internal combustion engine), lawnmowers and landscaping equipment in maintained, landscaped space.
6. Welding, or operating acetylene or other torch with open flame in an enclosed or developed area designated for that purpose that is equipped with appropriate fire protection.
7. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. Such devices with a UL and/or FM approval can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device. A person of appropriate age must always be present with the device when in operation.
8. Operating generators with a UL and/or FM approval and an approved spark arresting device within an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
9. Operating motorized vehicles on designated roads and trails so long as you park in an area devoid of vegetation within 10 feet of the roadway.
10. Emergency repair of public utilities and railroads and mitigation measures are implemented as outlined in an agency plan.
11. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.

12. After coordination with the Emergency Management Director/Manager, any Federal, State, local officer or member of an organized rescue or firefighting force in the performance of an official duty.
13. All land within a city boundary is exempted unless otherwise stated by city ordinance.
14. Discharging firearms is permissible while engaged in a lawful hunt pursuant to state, federal or tribal laws or regulations or in an agency designated shooting range.
15. Other exemptions unique to each 'Authority Having Jurisdiction'.

8. FIRES EXEMPT FROM EMERGENCY RESTRICTIONS

The following fires are exempt from the provisions of the emergency fire restrictions set forth in Section 7.

EXEMPTIONS:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

- 8.1 Fires set or permitted by an authorized public, federal, state, or local official in the performance of the officer's official duties.
- 8.2 Fires set or permitted by the State Entomologist or Apache County Agricultural agents for the purpose of disease and pest prevention.
- 8.3 After coordination with the Emergency Management Director/Manager, fires set or permitted by the United States, the State of Arizona or any federally recognized Indian tribe, or any of their respective departments, agencies or political subdivisions, for the purpose of fire prevention or control, or watershed rehabilitation or control through vegetative manipulation.
- 8.4 Fires permitted by the Emergency Management Director/ Manager or designee. The conditions of the permit, including permitted date(s) and the nature of the burning, shall be clearly stated on every such permit issued.
- 8.5 Fire permitted by the Local Fire Chiefs within their jurisdiction.

9. FAILURE TO OBEY LAWFUL ORDER

The failure to obey a lawful order by the Emergency Management Director/Manager, a certified peace officer, a firefighter or other officer of a Fire District/Fire Department, or uniformed personnel or certified peace officer of the USFS or failure to comply with the requirements of this Ordinance (including without limitation an order to extinguish or put out any lit, burning or smoldering materials during emergency fire restrictions) shall be a distinct and separate violation of this Ordinance.

10. ENFORCEMENT/PENALTIES

- 10.1 This Ordinance may be enforced by the Emergency Management Director/Manager or designee, any certified peace officer acting within the officer's area of jurisdiction, a firefighter or other officer of Fire District/Fire Department acting within the authorized officials' area of jurisdiction, or uniformed personnel of the USFS acting within their area of jurisdiction.
- 10.2 Civil Violation. Except as set forth in Section 10.3, when a violation of this Ordinance is undesignated or is designated a first offense by the enforcement official or prosecuting attorney, a person found to have violated this Ordinance shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than one hundred dollars (\$100) or more than seven hundred and fifty dollars (\$750) plus surcharges, fees and court costs, plus restitution for any medical treatment required, reimbursement for emergency response personnel and equipment and any property damage or other economic loss suffered by any person as a result of such violation.
- 10.3 Criminal Violation. When a person convicted of a violation of this Ordinance has previously been charged with a violation of this Ordinance during the preceding 12 months, or has refused to obey the lawful order of an officer as set forth in Section 9, the person shall be deemed to have committed a Class 2 misdemeanor and shall be subject to a fine of not less than two hundred and fifty dollars (\$250) or more than seven hundred and fifty dollars (\$750) for each violation or count, plus surcharges, fees and restitution for any medical treatment required, reimbursement for emergency response personnel and equipment and any property damage or other economic loss suffered by any person as a result of such violation.
- 10.4 Continuing violations. If any violation of this Ordinance is a continuing one, each day shall be deemed a separate violation.

SO ORDAINED by the Apache County Board of Supervisor at St. John's, Arizona on July

2,2019. /s/ Dr. Joe Shirley Jr., Board Chairman /s/ Ryan Patterson, County Manager

Mr. Simshauser moved to open the public hearing regarding the Apache County GIS Department Fee Schedule, pursuant to ARS §11-251.08, seconded by Mr. Shepherd. Vote was unanimous. There was no one wanting to address the Board during the public hearing. Mr. Simshauser moved to close the public hearing, seconded by Mr. Shepherd. Vote was

unanimous. **Mr. Simshauser moved to approve the Apache County GIS Department Fee Schedule, pursuant to ARS §11-251.08, seconded by Mr. Shepherd.** Ferrin Crosby, County Engineer, stated this is to establish GIS data fees for companies to use in their software. Vote was unanimous.

Chairman Shirley presented the Consent Agenda items A-H. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** County Manager/Clerk of the Board: A. Request approval of demands as distributed to the Apache County Board of Supervisors between June 4, 2019 and July 2, 2019. Demands are payments made, or to be made, by the County. Payee Amount A & E REPROGRAPHICS 1,998.00 A & M GRAPHICS LLC 2,177.74 AMAZON CAPITAL SERVICES INC (IT DEPT) 1,244.94 JUDITH A BENDER 1,275.00 CONTINUANT INC 1,015.20 EMPIRE MACHINERY 2,441.32 FARONICS TECHNOLOGIES USA INC 3,207.12 FRONTIER 1,821.88 GMCO CORPORATION 4,015.30 HATCH CONSTRUCTION 2,014.30 INGRAM LIBRARY SERVICES 5,674.34 JONES SKELTON & HOCHULI PLC 7,438.90 LAWSON PRODUCTS INC 3,819.70 NATIONAL BANK 3,338.92 NATIONAL BANK OF ARIZONA 0085 2,068.75 NATIONAL BANK OF ARIZONA 0186 1,878.76 NAVAJO TRIBAL UTILITY AUTHORITY 2,535.24 PACIFIC PONDEROSA CO INC 42,497.92 QUEST ENTERPRISES INC 2,584.20 QUILL CORP 2,927.82 R AND B TREE REMOVAL 1,600.00 RDO EQUIPMENT CO 1,070.79 RHINEHART OIL CO 2,022.21 PATRICK J SANDOVAL 2,456.64 SKY BLUE HVAC LLC 1,543.00 SW ECOLOGY LLC 1,360.19 THE AARONS COMPANY LLC 3,000.00 TRINITY SERVICES GROUP INC 17,441.33 VERITAS RESEARCH CONSULTING 4,250.00 VERIZON WIRELESS 2,991.34 TAMMI JO WILKINS 1,817.64 YAVAPAI COUNTY GOVERNMENT 15,000.00 APACHE COUNTY HSA 3,679.57 APACHE COUNTY MEDICAL 169,142.47 APACHE COUNTY TAX WITHHOLDING 139,334.37 ASRS LEGACY EORP 5,933.16 AZ STATE RETIREMENT SYSTEM 107,382.52 COLONIAL LIFE AND ACCIDENT INS 1,430.20 CORRECTIONS OFFICER RET PLAN 9,001.54 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,891.18 EORP LEGACY 2,723.78 NATIONWIDE 2,169.11 NATIONWIDE TRUST FSB 3,205.22 PUBLIC SAFETY PERSONNEL 401 15,987.81 PUBLIC SAFETY SHERIFF RET 43,012.31 SUPPORT PAYMENT CLEARINGHOUSE 1,741.14 A TO Z THE TIRE LADY INC 1,577.05 AMAZON CAPITAL SERVICES INC (IT DEPT) 1,568.78 ARIZONA STATE FORESTRY DIVISION 21,746.55 AZ COUNTIES INSURANCE POOL 10,250.00 AZLGEBT 328,791.14 BLUE HILLS ENVIRONMENTAL 1,323.97 BOB BARKER COMPANY INC 1,014.23 BROWN'S PARTSMASTER INC 1,198.09 CDW GOVERNMENT LLC 7,691.24 CELLEBRITE USA INC 4,018.20 CIVIL & ENVIRONMENTAL CONSULTANTS INC 19,344.17 VICTOR J CLYDE 1,081.93 EMPIRE MACHINERY 1,604.08 GALLUP LUMBER & SUPPLY 9,748.47 GUARDIAN TRACKING 3,711.00 MOUNTAIN LEGAL PLLC 1,468.50 NAVOPACHE ELECTRIC COOPERATIVE 6,148.00 PACIFIC PONDEROSA CO INC 2,906.02 PIMA COUNTY MEDICAL 5,137.74 PSYCHOLOGICAL AND CONSULTING SERVICES 4,000.00 QUILL CORP 4,200.91 RHINEHART OIL CO 36,475.87 RUSH TRUCK CENTER 1,590.85 LAURENCE SCHIFF 1,800.00 SECURUS TECHNOLOGIES INC 2,904.86 ST JOHNS EMERGENCY SERVICES 1,024.09 TORRISON CONSULTING LLC 10,645.00 US CORRECTIONS LLC 3,277.00 VALLEY AUTO PARTS 1,779.54 VERITAS RESEARCH CONSULTING 9,500.00 WHITE MOUNTAIN COMMUNICATIONS 1,178.64 WILSON INVESTIGATIVE

SERVICES 2,778.00 YAZZIE'S AUTO PARTS INC 1,242.26 JAY YELLOWHORSE
1,026.50 RTW LLC 2,405.35 PROFORCE LAW ENFORCEMENT 1,733.02 ABEITA
GLASS CO 1,700.00 ADHS AZ HEALTH CARE COST 22,400.00 AMAZON CAPITAL
SERVICES INC (IT DEPT) 5,000.06 ARIZONA COALITION FOR VICTIM SERVICES
1,350.00 AZLGEBT 1,025.00 B & H PHOTO VIDEO PRO AUDIO 11,971.92 BAUMAN
HOME AND AUTO INC 2,307.31 BI2 TECHNOLOGIES LLC 11,758.00 BIHN &
MCDANIEL PLC 20,000.00 BREWER LAW OFFICE PLLC 8,500.00 CDW GOVERNMENT
LLC 1,458.77 CHANGEPOINT INTEGRATED HEALTH 6,920.00 COURTESY
CHEVROLET 32,192.35 CRIBS FOR KIDS INC 1,081.97 DELL COMPUTER
CORPORATION 1,684.57 DIAMOND DRUGS INC 6,011.45 EASTERN ARIZONA
COUNTIES ORGANIZATION EAC 6,000.00 EM HALE LAW 2,700.50 EMPIRE
MACHINERY 7,843.99 FRONTIER 1,242.15 FULLERFORM SYSTEMS INC 1,582.00
HAMBLIN & ASSOCIATES LLC 2,650.00 HAMBLIN LAW OFFICE PLC 8,500.00
HILLYARD/FLAGSTAFF 2,556.27 HISTORICSTREETSCAPES PLLC 10,327.50
KATHLEEN M MCGUIRE PSY D LLC 1,825.00 LEGATE, PENROD & ASSOCIATES
8,500.00 STEPHANIE MCCARTHY 5,837.87 MESA ENTERPRISES INC 3,106.99
MOUNTAIN COMFORT HEATING AND COOLING 21,987.20 MULTICARD
5,064.50 NAVAPACHE CHEM DRY 2,935.60 NAVOPACHE ELECTRIC COOPERATIVE
12,606.10 NEWMAN SIGNS INC 2,207.29 NICK D PATTON ATTORNEY AT LAW PLLC
1,149.50 OFFICE OF THE AUDITOR GENERAL 9,500.00 ORACLE ENGINEERING
GROUP INC 2,100.00 DANA BRYCE PATTERSON 8,500.00 PITNEY BOWES
3,761.76 QUILL CORP 5,583.36 RELIAS LLC 2,425.99 RHINEHART OIL CO 44,194.28
RITE OF PASSAGE INC 1,861.20 SANDSTONE PUBLIC RELATIONS 1,500.00
SECURUS TECHNOLOGIES INC 2,264.22 SIERRA PROPANE 1,167.09 SOUTHWEST
RUBBER & SUPPLY CO INC 2,864.09 ST JOHNS CITY 2,306.77 SW ECOLOGY LLC
1,100.00 SYSTEM EXCHANGE CORPORATION 5,800.00 TABLE TOP TELEPHONE
COMPANY INC 1,092.31 TJP COMMUNICATIONS 1,305.03 TYLER TECHNOLOGIES
INC 15,259.24 US POSTMASTER 4,487.06 VERITAS RESEARCH CONSULTING
2,000.00 WEBGROUP MEDIA LLC 3,672.00 WRIGHT EXPRESS FSC 6,444.63
APACHE COUNTY HSA 4,696.24 APACHE COUNTY MEDICAL 174,269.35
APACHE COUNTY TAX WITHHOLDING 137,726.94 ASRS LEGACY EORP 5,933.16
AZ STATE RETIREMENT SYSTEM 107,785.36 COLONIAL LIFE AND ACCIDENT INS
1,430.20 CORRECTIONS OFFICER RET PLAN 9,980.21 CORRECTIONS OFFICER
RETIREMENT PLAN 520 4,560.54 EORP LEGACY 2,723.78 NATIONWIDE 2,102.38
NATIONWIDE TRUST FSB 3,173.00 PUBLIC SAFETY PERSONNEL 401 15,987.81
PUBLIC SAFETY SHERIFF RET 40,614.18 SUPPORT PAYMENT CLEARINGHOUSE
1,741.14 4IMPRINT 1,109.32 AMAZON CAPITAL SERVICES INC (IT DEPT) 2,644.55 AU
EQUIPMENT LLC 15,889.09 AZ DEPT OF HEALTH SERVICES 1,290.00 AZ DEPT OF
TRANSPORTATION 9,634.01 BALLARD TRUSS LLC 1,338.00 BEACON FIRE AND
SECURITY LLC 1,562.51 BOB BARKER COMPANY INC 1,273.56 BUFFALO FENCE &
BARN CO 6,192.45 BURNHAM MORTUARY 1,148.50 CDW GOVERNMENT LLC 4,471.45
CELLULAR ONE NE AZ 1,074.30 COCONINO COUNTY 1,860.00 DELL COMPUTER
CORPORATION 6,700.01 DKP & CO CONCRETE REPAIR 3,874.50 DKP & CO
CONCRETE REPAIR 3,874.50 GENES FRAME & ALIGNMENT INC 3,636.17 HATCH
CONSTRUCTION 2,101.46 KIMBALL EQUIPMENT COMPANY 2,573.90 LARRY H
MILLER FORD MESA 37,116.68 MOUNTAIN COMFORT HEATING AND COOLING

1,110.00 NATIONAL BUSINESS FURNITURE 3,049.32 NAVAJO TRIBAL UTILITY AUTHORITY 3,486.32 NAVOPACHE ELECTRIC COOPERATIVE 2,753.16 NORCHEM DRUG TESTING LABORATORY 1,234.40 NORTHLAND PIONEER COLLEGE 276,932.62 PIMA COUNTY MEDICAL 2,300.00 QUILL CORP 7,149.10 SANDERS UNIFIED SCHOOL DISTRICT 3,900.00 SECURUS TECHNOLOGIES INC 1,001.20 SOUTHWEST TRANSMISSION OF SHOW LOW 1,044.80 SW ECOLOGY LLC 1,110.00 THOMSON REUTERS WEST 1,521.73 TRUCK PRO DBA AZ BRAKE & CLUTCH SUPPLY 1,509.54 US CORRECTIONS LLC 1,177.50 VERITAS RESEARCH CONSULTING 2,500.00 WHITE MOUNTAIN AMBULANCE SERVICE INC 1,526.06 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,509.47 YAZZIE'S AUTO PARTS INC 1,124.06 PITNEY BOWES RESERVE ACCOUNT 5,000.00 Specific details of the demands may be requested through the County public record request process. B. Request approval of the minutes dated June 4, 2019. C. Request approval to designate Timothy Hinton as the Chief Fiscal Officer responsible for the county's expenditure limitation report in accordance with A.R.S. §41-1279.07(E). Probation Services: D. Request appointment of Timothy Hinton, Finance Director, as the Chief Fiscal Officer for both the Adult and Juvenile divisions in accordance with A.R.S. §12-68A and the AZ Code of Judicial Administration Part 6, Sections 6-206 and 6-301. Human Resources: E. District III: Request approval to create an Equipment Operator 1 (Range 34) position. F. District II: Request approval to increase the salary of District Manager Gabriel A. Freeland to \$71,713.00. Community Development: G. Request approval of a Conditional Use Permit allowing Kemper Burt with Gorilla FarmCo, Inc to develop an Industrial Hemp Farm on a portion of a 1,474-acre parcel. The farm would include two 24'x 80' hoop houses within a fenced enclosure and irrigated fields. Property is located off highway 180 & Apache County Road 5152 in Hunt, Arizona; A.P.N. 204-01-012 & 204-01-007E. The Planning & Zoning Commission unanimously approved on June 6, 2019 with conditions. H. Request approval of a Conditional Use Permit application allowing Navopache Electric Cooperative to construct a 160-foot communications tower. Property is located on TV Hill north of highway 61 between St. Johns and Concho. A.P.N. 203-01-005D. The Planning & Zoning Commission unanimously recommended approval on June 6, 2019. Vote was unanimous approval on consent items A-H.

Malena Bazurto, on behalf of District III, requested approval of an agreement between Vernon Fire and Apache County for Vernon Fire Department to work on mitigation projects under the already executed WFHF 14-211 grant contract for hazardous fuels reduction. Costs associated with the agreement will be paid utilizing WFHF 14-211 funds. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ada Guinn, on behalf of Probation Services, requested approval of an ongoing Family Counseling Grant. Apache County will provide \$2,494.00 in matching funds and the State of Arizona will disburse \$9,981 for a total of \$12,475. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ada Guinn, on behalf of Probation Services, requested approval to eliminate three (3) vacant Juvenile Detention Officer positions (range 31) and create three (3) Probation Officer II positions (range 43). Mrs. Guinn stated these positions are funded by the Arizona Office of Courts (AOC) and will not impact county funds. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ada Guinn, on behalf of Probation Services, requested approval to increase the salary for Paul Hancock, Chief Probation Officer to mid-range. Mrs. Guinn stated this is an increase of \$13,406.53. Probation will be able to sustain this increase without impacting the County's general fund. Mrs. Guinn stated since his appointment, Chief Hancock has completed his master's degree, taken on a leading role in the Apache County Youth Council and is the Director of the Teen Legacy Centers and with the additional responsibilities, feel this is justified. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Stephanie McCarthy, Human Resources Manager, on behalf of the Clerk of the Court, requested authorization to eliminate two vacant Courtroom Clerk I position (Range 27) and one vacant Courtroom Clerk III position (Range 35) and create three Deputy Legal Assistant I position (Range 30); convert an Accounting Specialist III position (Range 30) to a Judicial Account Specialist III position (Range 32); and convert an Office Manager position (Range 36) to a Deputy Legal Assistant III position (Range 40). Ms. McCarthy stated these changes will result in a cost of approximately \$5,000 and have been budgeted for FY20 and is within their budget. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Bowen Udall, Chief Deputy Recorder, requested approval of an agreement between the Arizona Secretary of State and the Recorders Office for participation in the Systematic Alien Verification for Entitlements (SAVE) program. Mr. Udall stated the cost is minimal and is on an as needed basis. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

David Romero, Chief Deputy Treasurer, requested approval of a "Certificate of Removal and Abatement of Taxes" pursuant to ARS 42-18351(1). Total tax to be abated; \$1,478.48, total interest to be abated; \$1,826.63, total fees to be abated zero, for a total of \$3,305.11. Mr. Romero stated a list of parcels included in the abatement are available in the Treasurer's Office or in the agenda backup material on the County website. **Mr. Shepherd moved approval, seconded by Mr. Simshauser.** Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to replace the current fuel delivery system using Eaton Sales and Service LLC., utilizing State Contract #ADEQ17-143565. **Mr. Simshauser moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

There was no one wanting to address the Board during call to the public.

Mr. Shepherd moved to adjourn the meeting, seconded by Mr. Simshauser. Vote was unanimous.

Approved this 5th day of August 2019.

/s/ Joe Shirley, Jr.
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board