

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
May 21, 2013
St. Johns, Arizona**

Present were: Chairman Tom M. White, Vice Chairman Barry Weller and Supervisor Joe Shirley. Also present, County Manager/Clerk of the Board Delwin Wengert and County Attorney Michael Whiting.

Chairman White called to order the Apache County Board of Supervisors meeting the Public Health Services District meeting and the Library District meeting at 8:32 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Chairman White called for a moment of silence for the victims of the Moore, Oklahoma tornado.

Michael Whiting led the Pledge of Allegiance.

Chairman White called for the Public Health Services District items.

Chris Sexton, Health Director, requested approval to create a new position of Medico-Legal Death Investigator range 43, salary range of \$36,673 – 55,009 and approval of the costs associated with the new position, and approval to advertise and fill the position. Mr. Sexton stated the costs are to be paid from Apache County Public Health Services District funds. Mr. Weller stated that he understands that something needs to be done but he has not seen an alternative presented that would not negatively impact the citizens tax structure and he had concerns with the funding of this position. A discussion was held regarding the tax rate and the funding costs. Mr. Sexton stated that this is a mandated position and is a county responsibility and this position can be handled within the Health District budget. Mr. Wengert stated that a couple years ago the tax rate in the Health District was .16 cents and through the management by Mr. Sexton, it has lowered to .12 and this position will impact the tax rate by ½ cent. Mr. Weller stated that the County has done a very good job in reducing taxes in a couple different areas, he just chooses not to assume ½ cent tax increase is any different than any other increase on the citizens and he thinks there are alternative ways to look at this. Mr. Weller stated that he isn't sure if this should come out of the general fund and increase the sheriff's budget to utilize deputies to do the job. Mr. Sexton stated that Navajo County has 1.5 Death Investigators and they have fewer deaths than Apache County. Mr. Wengert stated that the General Fund is the poor cousin of all of the funds and it is good that the law allows us to use the Health District to fund something like this and would not recommend using general funds and in his opinion, using Health District funds is the better way to go. Mr. Weller moved to disapprove until the Board is in agreement with the county manager of the funding that would not impact taxes and is supportive of utilizing the funding available to provide essential services. Mr. Weller stated that this is a mandated service that the County has to provide and to fund it may impact the raises that the County employees get, it is an essential service that we need to think about as a priority. Mr. Weller stated that every time we raise a tax we impact the economic values of the County and impact the new businesses into the area and providing jobs and will do everything he can to ask the Board not to impact the tax line and made the motion to disapprove. Motion died for lack of a second. Mr. Shirley moved to approve as presented by Mr. Sexton and stated that the funds are in place to meet the needs of the citizens so he has no problem using Health District funds because it is the citizens who are putting up these funds to service their communities needs and the services that cater to their needs. Mr. White seconded the motion. Motion passed 2-1 with Mr. Weller voting nay.

Chris Sexton, Health Director, requested approval to remove Eden Lerma, Health Educator I from probationary status effective May 5, 2013 with a 2.5% end of probation increase. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Weller moved to adjourn the Health District meeting, seconded by Mr. Shirley. Vote was unanimous.

Chairman White called for the Library District items.

Judith Pepple, Library Director, requested approval to renew the electronic subscription to Ancestry Library Edition in the amount of \$7,830 which will provide public access to this database at all of our libraries. Ms. Pepple provided an overview of the program and stated that the company indicated that if they renew and not lapse in service, the renewal rate would decrease to \$7,375. Ms. Pepple provided an overview of the database users and that if the subscription was not renewed, she would have to cancel 12 classes that have been scheduled. Mr. Weller and Ms. Pepple held a conversation regarding the utilization of the service. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Shirley moved to adjourn the Library District meeting, seconded by Mr. Weller. Vote was unanimous.

Chairman White called for the regular agenda items.

Sheriff Dedman recognized the retirement of Matrese Avila from the Sheriff's Office and thanked her for her 35 years of service. Recorder Lenora Fulton presented Matrese with a necklace and thanked her for her dedicated service to Apache County.

There was no one wanting to address the Board during Call to the Public.

Mr. Wengert presented the request for approval of a firework permit for Alpine Fire District on July 6, 2013 and a firework permit for the Concho Fire Department on July 6, 2013 in conjunction with the 4th of July celebration. Chief Eagar stated that these events are well planned and has no issue and recommended approval. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert presented Consent Agenda. Mr. Weller moved approval, seconded by Mr. Shirley. **County Manager/Clerk of the Board:** **A.** Request approval of minutes dated May 7, 2013 and May 8, 2013. **B.** Request approval of demands dated May 7, 2013 to May 21, 2013. Payee Amount FORBES, DAVID C 1,010.00 HOUSTON, KAREN SUE 1,031.37 WAITE, MICHAEL CHAD 1,048.53 EMTAP ENTERPRISES 1,075.16 BILLS DISCOUNT AUTO PARTS (NAPA) 1,082.35 AZ DEPT OF REVENUE 1,085.86 COLONIAL LIFE AND ACCIDENT INS 1,100.36 WOODLAND BUILDING CENTER 1,162.32 MUTUAL OF OMAHA 1,190.78 FRONTIER 1,192.62 ROGERS, STEPHEN K 1,198.00 ST JOHNS CITY 1,244.51 BLUE HILLS ENVIRONMENTAL 1,245.34 SELECT MEDIA 1,281.00 MERITAIN HEALTH FLEXIBLE SPENDING 1,304.20 OFFICE DEPOT 1,329.88 EMBASSY SUITES 1,358.06 VERIZON WIRELESS 1,388.90 STAPLES CREDIT PLAN 1,389.21 MERCK SHARP & DOHME CORP 1,416.44 SECURUS TECHNOLOGIES INC 1,464.87 NATIONWIDE 1,515.00 ASHTON'S REPAIR INC 1,571.93 KTNM RADIO STATION 1,606.50 TETRA TECH INC 1,635.80 GRAVES PROPANE CO INC 1,726.22 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,760.01 NAVOPACHE ELECTRIC COOPERATIVE 1,792.82 SECURITY BENEFIT GROUP 1,796.00 SCHIFF, LAURENCE 1,800.00 INGRAM LIBRARY SERVICES

1,908.51 AZ DEPT OF RISK MANAGEMENT 1,939.59 WILSON, MICHAEL J 2,000.00 BARNES, PARTICIA M 2,060.00 MADRID, ESTEVAUN JUDE 2,122.60 POWERS, ASHTEN BROOKE KAY 2,122.60 HUGHES SUPPLY INC (LAKESIDE) 2,188.99 BANK OF THE WEST 2,281.43 SUPPORT PAYMENT CLEARINGHOUSE 2,368.44 UNIVERSAL FLEET CARD 2,378.50 HILLYARD INC 2,388.20 NAVAJO TRIBAL UTILITY AUTHORITY 2,417.20 QUILL CORP 2,486.46 TJP COMMUNICATIONS 2,622.63 VERITAS RESEARCH CONSULTING 2,655.00 QUALITY CARQUEST 2,686.75 TOWN OF EAGAR 2,690.56 COUNTY MOUNTAIN AIRWAVES LLC 2,692.80 SLADE RANCH LLC 2,970.00 THE AARONS COMPANY LLC 3,000.00 SMITH, JOHN R 3,015.00 DIAMOND DRUGS INC 3,038.37 QUILL CORP 3,045.24 HILLYARD INC 3,053.60 FRONTIER 3,084.43 PROFORCE LAW ENFORCEMENT 3,148.37 CRISS CANDELARIA LAW OFFICE 3,372.83 HIGHWAY TECHNOLOGIES INC 3,449.10 FRONTIER 3,499.45 DOYLE, WILLIAM 3,739.01 CORRECTIONS OFFICER RETIREMENT PLAN 520 3,868.66 PACIFIC PONDEROSA CO INC 4,122.08 PLATT, MARCOR B 4,160.00 NACOG 5,000.00 TOWN OF EAGAR 5,000.00 GOLIGHTLY TIRE 5,195.37 TASER INTERNATIONAL INC 6,189.84 THE UNIVERSITY OF ARIZONA 6,250.00 CORRECTIONS OFFICER RET PLAN 7,814.10 SUG ROGERS CONSTRUCTION LLC 7,846.13 WILLIAMS LAW GROUP PLLC 8,500.00 CREATIVE DESIGN TS INC 8,973.06 HOPI TRIBE 9,000.00 PCS MOBILE 10,660.00 TASER INTERNATIONAL INC 11,615.44 PUBLIC SAFETY PERSONNEL 401 12,135.07 COMMUNITY COUNSELING CENTERS INC 12,320.00 NAVOPACHE ELECTRIC COOPERATIVE 17,858.66 BRADCO 22,517.84 PUBLIC SAFETY SHERIFF RET 24,157.17 SOUTHERN COUNTIES OIL COMPANY 24,465.73 BRADCO 42,450.35 AZ STATE RETIREMENT SYSTEM 77,624.61 APACHE COUNTY TAX WITHHOLDING 120,231.87 APACHE COUNTY MEDICAL 144,193.00 AZLGEBT 276,757.28 NORTHLAND PIONEER COLLEGE 300,000.00 Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. **C. Finance Department:** Request authorization to transfer budgeted contingency money to those general fund budgets that have overrun at the close of FY2012, and request to transfer budgeted contingency money to those general fund budgets which will be overrun at the close of FY2013, based on auditor's recommendation. **Personnel Items:** **D. Human Resources:** Request authorization to convert the currently vacant Administrative Assistant position from part-time (19) hours to a part-time (20 hours with benefits) position. Financial concerns have been addressed in the 2013-2014 budget. **E. District II:** Request authorization to hire a temporary Facilities & Construction Worker I and a Facilities & Construction Worker II, effective May 20, 2013 to July 20, 2013. **F. District II:** Request authorization to remove Administrative Assistant II, Lahomah Bahe from probationary status effective May 27, 2013 with the 2.5% end of probation increase utilizing her temporary employment. **G. District I:** Request authorization to hire a temporary (full-time) Administrative Assistant II at \$11.58 per hour, from May 28, 2013 to August 31, 2013. **H. Assessor's Office:** Request authorization to remove Ruben Aranda from probationary status effective May 14, 2013 with the 2.5% end of probation increase utilizing his temporary employment. **I. Sheriff's Office:** Request authorization to payout the accumulated sick leave for Matrese Avila as outlined in Human Resources Policy Section 3.25. **Community Development Department:** **J.** Request approval of a Conditional Use Permit for Smith Bagley, LLC (dba) CellularOne to build a Telecommunications Tower next the Fire Station in Nutrioso, and to also place a temporary tower onsite during the building process. Vote was unanimous. Chief Deputy Sheriff Brannan Eagar requested approval of all unincorporated Apache County exempt tribal & federal lands into fire restrictions under Ordinance 2003-21 to be effective May 23, 2013. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Chief Deputy Sheriff Brannan Eagar requested authorization to enter into a one (1) year lease agreement with Sanders Unified School District #18 ending June 30, 2014 for the use of the Apache County Sheriff's Office Substation. Mr. Shirley moved approval, seconded by Mr. Weller. Vote was unanimous.

Malena Bazarro, Grants Manager, requested approval of a contract between Apache County and Northern Arizona Council of Governments (NACOG) to complete environmental assessment at the Apache County Fairgrounds for the 2012 Community Development Block Grant (CDBG) Project. Cost is not to exceed \$5,000 and will be paid using 2012 CDBG funds assigned to the Fairgrounds Project. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Malena Bazarro, Grant Manager, requested approval of Agreements between State Forestry and Apache County to utilize Conservation Crews in Southfork, Alpine and Nutrioso. These Agreements will amend the Wildland Fire Hazardous Fuels 2009 and Wildland Fire Hazardous Fuels 2012 Grant contracts. Mr. Weller moved approval, seconded by Mr. Shirley. Vote was unanimous.

Mr. Wengert requested approval of the contract with the Springerville-Eagar Chamber of Commerce regarding economic development. Mr. provided an overview of what the Chamber would provide for the County. Mr. Weller moved to approve, seconded by Mr. Shirley. Becki Christensen, Chamber Director addressed the Board and stated that she is excited for the opportunities to bring in business to the County and looks forward to working up north to promote Canyon De Chelly, Monument Valley and Window Rock. Vote was unanimous.

Mr. Wengert presented notification of the 2013 National Association of Counties (NACo) Western Interstate Region Conference May 22, 2013 through May 24, 2013 at the High Country Conference Center, 201 W. Butler Avenue, Flagstaff, Arizona. No action was needed or taken.

Chairman White opened the Floor for a public meeting regarding the possible implementation of future predatory animal regulations and approval of an ordinance regarding predatory animals and the increasing threat to the safety, health and welfare of people.

Gerald Scoot, a resident of Eagar, Arizona stated he is local rancher and is concerned with the wolves and predator issues and commended the Board for their work.

Wink Criegler, a resident of Eagar, Arizona expressed her concerns with the predator issue and has had significant economic losses from predation and asked the Board approve the ordinance.

John Bennett, a resident of Springville, Arizona and is president of the organization called Citizens for Multiple Use and Access and have been fighting the overreach of the federal government for the past 7 years regarding the travel management and forest plan and what the forest service is trying to do to so he is happy to see the Board of Supervisors support the predatory issue. Mr. Bennett stated that he has supported this Board of Supervisors for the past 6 years because they have received a lot of help from the Board and will do whatever they can to help the Board.

Gary Finch, a resident of Eagar, Arizona stated that animals are here for peoples benefit and not the other way around and if wolves are going to be reintroduced, somebody has to be responsible for what happens.

Corwin Hulsey, a rancher from Luna, New Mexico and stated that he has had a bad run with the wolf problem and could show where he has lost \$80,000 to the wolves over the past three years. Mr. Hulsey stated that he used to move his cattle depending on where the feed was; now he moves his cattle as far away as he can from the wolves and in March, he still lost two calves to wolves.

Marshall Sawyer, a rancher from Quemado, New Mexico and stated his ranch is within one mile from Apache County and the ranching is on the decline and the wolves are part and parcel for it.

Tom Macnab, a resident of Blue, Arizona stated he is hoping for an end to the wolf program.

Jason Wenz, a resident of Springerville, Arizona stated that he is a rancher and has had loses from wolves and need help keeping these small ranches going.

Mr. Weller made the motion to go into executive session for legal advice, pursuant to ARS 38-431.03 (A)(3) for legal advice regarding the possible implementation of future predatory animal regulations and ordinance regarding predatory animals and the increasing threat to the safety, health and welfare of people. Mr. Shirley seconded the Motion. Vote was unanimous.

Executive Session was held.

Chairman White called the meeting back to order. Mr. Weller made the motion to come out of executive session, seconded by Mr. Shirley. Mr. Weller asked Doyel Shamley to comment on the ordinance since he helped write it. Doyel Shamley stated that all of the bases are covered and is it based on science and had conferred with 5 Ph.D.'s so they felt that this was written damn near perfect. Mr. Weller made the motion to approve the ordinance, seconded by Mr. Shirley. Vote was unanimous.

Ordinance # 2013-07
AN ORDINANCE SETTING FORTH EMERGENCY
PREDATOR-HUMAN INCIDENT PROTECTIVE MEASURES

WHEREAS, the Apache County Board of Supervisors finds and determines that the increase of dangerous predators, including introduced, experimental and managed species, will result in an increase in human-predator encounters that can result in threats, attacks, injuries and death to humans, especially vulnerable, handicapped, elderly and children throughout the county; and,

WHEREAS, the Apache County Board of Supervisors finds and determines that predatory animals, including introduced, experimental and managed species, and predator-human encounters pose serious threats to human settlements, family households, expose children to health and safety risks, and threaten the economic well-being of families and businesses within the County; and,

WHEREAS, the Apache County Board of Supervisors has received numerous testimonials from those affected by predators, including introduced, experimental and managed species; and,

WHEREAS, disease and spread of disease by predators including introduced, experimental and managed species and rodents is not being addressed sufficiently/effectively by the agencies at hand; and,

WHEREAS, increasing pressure on livestock from predatory animals, including introduced, experimental and managed species, has shown to impact and have detrimental affects to yearling operations; and,

WHEREAS, increased pressure from predatory animals, including introduced, experimental and managed species,

has led to drastic and negative impacts on big game animals throughout the western U.S.; and,

WHEREAS, psychological impacts and damages have been proven and testified to, by licensed mental health professionals, concerning the impacts of predators, including introduced, experimental and managed species such as the wolf, with no relief forthcoming; and,

WHEREAS, many experts on predators, including introduced, experimental and managed species, have legitimate concerns and suspicions about the genetic purity of introduced and/or

protected/specially-protected species, deeming in the case of the Mexican Gray Wolf, a wolf-dog hybrid; and,

WHEREAS, Apache County questions the legality and viability of introduced and experimental species of questionable historic or genetic lineage; and,

WHEREAS, many experts on predators, including introduced, experimental and managed species to include wolves, demonstrate that habituated predators may cause danger to the citizens of Apache County because these predators may have lost their fear of humans; and,

WHEREAS, many of these experts have documented that the very practices indulged in by the United States Fish and Wildlife Service (USFWS) lead to habituation and fearlessness; and,

WHEREAS, the Board desires to increase its ability to protect humans, the general well being of humans, livestock and domesticated animals from predatory animals, including introduced, experimental and managed species; and,

WHEREAS, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people."; and,

WHEREAS, the states and their political subdivisions, the counties, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as Police Powers Of The State; and,

WHEREAS, the counties under these 10th Amendment and subsequent state powers has the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Board has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents; and, the County reserves the right to take whatever actions necessary to do so; and,

WHEREAS, pursuant to Arizona law, the Apache County Board of Supervisors has the authority to "Adopt provisions necessary to preserve the health of the county, and provide for the expenses thereof," and "Make and enforce all local, police, sanitary and other regulations not in conflict with general law" all according to A.R.S. § 11-251; and,

WHEREAS, pursuant to Arizona law, the Director of Agriculture "may also enter into cooperative agreements with other governmental agencies and counties of the state to promote the control and destruction of predatory wildlife, noxious rodents and related animals", which does not include big game animals as defined in section 17-101, except:

1. Bear and mountain lion taken pursuant to section 17-302.

2. To protect public health and safety, all according to ARS 3-2401; and,

WHEREAS, pursuant to Arizona law, the Director of Agriculture "may approve expenditures for equipment, materials, supplies, transportation and other expenses, including personal services, necessary to discharge the powers imposed by this article" all according to ARS 3-2402; and,

WHEREAS, pursuant to Arizona Law, "The boards of supervisors of the several counties may within their respective counties:

1. Control and destroy predatory wildlife, noxious rodents and related animals as defined by ARS Section 3-2401.

2. Enter into cooperative agreements with the department and the animal and plant health inspection service of the United States department of agriculture.

3. Make necessary expenditures from any special, contingent or general county fund available for the purposes specified in this section." All according to ARS Section 3-2405; and,

WHEREAS, the cooperation and participation with the USFWS is not sufficient to address the needs of the County health, safety and welfare; and,

WHEREAS, multiple attempts have been made by Apache County to coordinate with Arizona Game and Fish Department (AZGFD) and the USFWS, to no avail; and,

WHEREAS, there has been a rise in political posturing and intimidation, including blackmail, surrounding predatory, introduced, experimental and managed species; and,

WHEREAS, there has been an increase of threatening rhetoric and conjecture concerning predatory, introduced, experimental and managed species; and,

WHEREAS, information critical to local governing bodies to fulfill their obligations to protect safety, health, welfare and morals has not been forthcoming from management agencies; and,

WHEREAS, the USFWS final rule implementing the introduction of the experimental wolf population allows Mexican Gray Wolves ("wolf") to be "taken" in certain instances. See 63 C.F.R. §§ 1752, 1759; This process is ineffective, protracted in time and to which the USFWS is non-responsive; and,

WHEREAS, the USFWS, Arizona Game and Fish Department, New Mexico Game and Fish Commission, USDA-Animal and Plant Health Inspection Service (APHIS), the U.S. Forest Service and others, in a document called Mexican Wolf Encounter Safety Tips, states that "if in imminent danger, do what is necessary to protect yourself, your family, or the lives of others"; and,

WHEREAS, on January 2, 2013, Arizona Game & Fish along with the U.S. Fish and Wildlife Service announced another Mexican Gray Wolf would be released into Apache County; and,

WHEREAS, previous documents prepared by U.S. Fish and Wildlife and Arizona Game and Fish Department show the intent to introduce more wolves into Apache County and surrounding areas, including the proposal of a "Southwestern Gray Wolf" management plan announced on December 18, 2012; and,

WHEREAS, the Apache County Board of Supervisors finds and determines that the USFWS actions to address Mexican Gray Wolf threats to human settlement's, households and residents of the County are not sufficient to reduce and eliminate these threats to human populations; and,

WHEREAS, the Board determines that measures used by other counties have provided some relief to predator-human encounters; the County realizes that as human incidents with wolves and other predations are increasing rather than decreasing; that the risk of wolf and other predator attacks on humans has become more likely as human/wolf incidents increase, certain measures are necessary for the protection of the safety, health, welfare and morals of the residents and businesses in Apache County; and, these escalating incidents include human suffering, possible loss of life, loss of income, loss and damage to private property, and disruption of the normal functioning of government and communities in Apache County; and,

WHEREAS, the Board desires an emergency response/measures that is/are more effective, direct and immediate, when residents ask for assistance when the residents are threatened by predator encounters (including wolves), and the Board desires to establish expectations of law enforcement within the County when responding to such dangers, to include livestock predation;

NOW THEREFORE, BE IT RESOLVED, the Board of Supervisors of Apache County hereby adopts this Apache County Ordinance No. 2013-007: An Ordinance Setting Forth Emergency Predator-Human Incident Protective Measures. Procedures for implementing the emergency measures for this proclamation shall have the force and effect of law.

BE IT FURTHER RESOLVED, the purpose of this ordinance is to set forth and specify emergency response to resident requests for help to remove threatening predators (including wolves) in order to protect families and the lives of others. In implementing this ordinance, priority response will be to requests from disadvantaged or vulnerable individuals and families, including but not limited to children, elderly, mentally or physically handicapped, other impaired individuals as defined by the Americans with Disabilities Act.

BE IT FURTHER RESOLVED, Apache County predator protection management objectives are to:

1. Prevent human death and injury;
2. Assist County residents who encounter predators and fear for their lives;
3. Provide rapid response to residents who cannot safely protect themselves from predator encounters that present a threat, as described above;
4. Prevent loss of livestock and any other property that may be damaged or destroyed by predators;
5. Reduce predator-human interactions; and,
6. Reduce habituated predators from human encounters.

BE IT FURTHER RESOLVED, impeding the Apache County Sheriff, any designated Apache County Deputy, any designated Officer or other designee or contractor of Apache County who is performing the task of protecting the safety, health, welfare and morals of humans from predatory animals is

hereby designated a Class 2 Misdemeanor and punishable pursuant to Title 13 of the Arizona Revised Statutes.

BE IT FURTHER RESOLVED, it is illegal to translocate, introduce or allow to be introduced, any predatory, experimental, non-native, or any other species into Apache County, without either fully coordinating with the County prior to any planning efforts, or ensuring compliance with all applicable federal laws and regulations.

BE IT FURTHER RESOLVED, that this Ordinance be called immediately to the attention of Governor Jan Brewer, Arizona Game and Fish Department, United States Fish and Wildlife Service, Arizona Congressional Delegation and the Arizona Legislature, and meetings will, as needed, be coordinated as soon as possible.

BE IT FURTHER RESOLVED, the County will, as needed, enter into coordinated agreements with the Arizona Agricultural Department and Director.

BE IT FURTHER RESOLVED, the County will, as needed, enter into coordinated agreements with the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

BE IT FURTHER RESOLVED, the Apache County Board of Supervisors may, as needed, contract with a qualified predator officer, from either another county or another agency, to provide an instructional course on predatory animal behavior, identification and familiarization for the Apache County Sheriff's Office's deputy first-responders.

BE IT FURTHER RESOLVED, since response time is critical, the County Sheriff or designee may issue a dispatch order, to lethally remove a predator(s), when there's an imminent threat of serious bodily injury to members of the effected household(s).

BE IT FURTHER RESOLVED, the Board specifies the following procedures in responding to immediate assistance from requests by county residents, as described above.

SECTION 1:

Procedures are hereby established for responding to complaints or need for immediate assistance to remove predators that are threats or danger to humans, including children or other defenseless persons, domestic animals and/or livestock. The County responding sheriff deputy will quickly respond to any of the following predator-related activities:

- 1.1 Frequently approaching people or domestic animals and/or livestock;
- 1.2 Frequently entering human developments;
- 1.3 Behavior indicating habituation to humans and human food items;
- 1.4 Acquiring human foods on more than one occasion;
- 1.5 Attacking, injuring or showing aggressive behavior towards a human;
- 1.6 Where and when residents are unable or disadvantaged to protect themselves from predators, the County may intervene as a third party to assist said residents in removing threatening predators.

SECTION 2:

The Investigating Office of the Sheriff's Department shall assume the following actions:

- 2.1 Upon receiving a request for assistance, the designated Deputy of the Sheriff's Department will make the determination to respond to the request;
- 2.2 The designated Deputy of the Sheriff's Department will immediately respond to the scene of the threat and check the resident(s), and make an initial observation for obvious physical effects and/or danger to humans, livestock or domestic animals.

SECTION 3:

The Investigating Officer of the Sheriff's Department will assume the following actions:

- 3.1 Confirm the threatening incident;
- 3.2 Identify and document the presence of predator(s) and determine if such presence is causing an imminent threat of physical or bodily danger or harm;
- 3.3 If there is an imminent threat of serious bodily harm to any human, the Sheriff's Deputy may act in defense of others to alleviate the threat if such actions are reasonably necessary to protect such

person from death or serious bodily injury. Further, Lethal take of a predator is only appropriate if the officer determines that (1) there is an apparent, danger of death or bodily harm to others, (2) the apparent danger would have caused a reasonable person to act the same way in the same circumstances;

3.4 Provide comfort and apply first aid, if necessary.

3.5 Contact EMS and County Sheriff to treat and investigate as necessary;

3.6 Complete investigation;

3.7 Document incident;

3.8 Notify Apache County Board of Supervisors and County Sheriff;

3.9 In the case of a lethal take of a predator that is not threatened or endangered, as can be reasonably determined by the designated Deputy with available resources according to the Endangered Species Act, the designated Deputy will contact the Arizona Fish and Game Department within 24 hours;

3.10 In the case of a lethal take of a confirmed or perceived predator listed as threatened or endangered, according to the Endangered Species Act, the designated Deputy will preserve the site with the minimum of disturbance and call the USFWS as soon as possible, but in all cases within 24 hours;

3.11 Inspect and document physical effects;

3.12 Photograph all scenes where physical effects occurred;

3.13 Measure canine spread in millimeters;

3.14 Prepare incident report including all non-confidential information described above and transmit to the Apache County Board of Supervisors, FWS and US Wildlife Service and Arizona Fish and Game Department within seven (7) days.

SECTION 4:

Definitions:

Habituated Predator: A predator that more than once approaches people and/or repeatedly visits human use areas in the presence of people without displaying an avoidance response; an habituated predator that stands, looks at people in a fearless manner, cannot be scared off by yelling, clapping hands, waving arms, throwing objects and/or discharging a firearm. Habituation is a decreasing response to a repeated, non-consequential stimulus; the loss of a fear response to people, which arises from frequent non-consequential encounters.

Problem Predator: A predator that:

(1) Has depredated lawfully present livestock; or any other domestic animal;

(2) As some predators, can be a member of a group or pack (including adults, yearlings, and young-of-the-year) that were directly involved in livestock depredations;

(3) Was fed by or are dependent upon adults involved with livestock or domestic animal depredations (because young animals will likely acquire the pack's livestock or domestic animal depredation habits);

(4) Has depredated domestic animals other than livestock on private or tribal lands, two times in an area within one year; or,

(5) Is habituated to humans, human residences, or other related or similar facilities.

Predation: Orientation towards the prey followed by: stalking, chasing, catching, biting, shaking the prey, carrying or dragging off. The predator may not show prior threat display or vocalization; it may continue attack on targeted prey, even with interference. Children are particularly susceptible to predation.

Predator: Any animal including but not limited to mountain lions, black and Grizzly bears, jaguars, wolves and coyotes, that live by preying on other animals, to include introduced, experimental and managed species, as well as those defined by ARS 3-2401.

Predator-Human Interaction: Any incident in which the behavior of a predator has a direct physical or mental effect upon a human.

Threat: Any predator-related circumstance or event with the potential for adverse physical or psychological impact upon a human. A predator is considered to be a threat to a human any time the

predator demonstrates menacing or fearless behavior while in proximity to a human
Wild Predator: A predator with wild characteristics; not tame or domesticated. A wild predator is free ranging exclusively in the wild and has an avoidance response to humans and human use areas.

PASSED, APPROVED AND ADOPTED this 21st day of May 2013.

/s/ Tom M. White, Jr., Chairman
BOARD OF SUPERVISORS
APACHE COUNTY, ARIZONA

ATTEST:

/s/ Delwin Wengert
Clerk of the Board

Mr. Shirley moved to adjourn, seconded by Mr. Weller. Vote was unanimous.

Approved this 4th day of June, 2013

/s/ Tom M. White, Jr. /s/ Delwin Wengert
Chairman of the Board Clerk of the Board