

GREENLEE COUNTY BOARD OF SUPERVISORS
CLIFTON, ARIZONA

October 27, 2014

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

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

Steve Rutherford, Health & County Services Director, responded to the Call to the Public and stated that Greenlee County is working closely with the Arizona Department of Health Services and Gila Health Resources preparing and training in handling Ebola infections should it arise.

Supervisor Campbell responded to the Call to the Public and stated that Freeport-McMoRan has employees in Morenci who travel to and from Africa and that those employees are restricted to stay home for 21 days upon their return to ensure they have not been affected with the Ebola virus.

The Board of Supervisors convened as the Board of Directors of the Greenlee County Public Health Services District, and upon motion by Supervisor Campbell, seconded by Supervisor Corbell, 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 Employee Transaction Form – V. Mendez, Youth Health Educator
3. Health & County Services Director: Approval of Amendment #2 of the Intergovernmental Agreement with the Arizona Department of Health Services for HIV Care and Services

Justin Thompson, Fire Manager, Clifton Ranger District, updated the Board on the following:

- He introduced Nancy Spencer-Morris the new Clifton Ranger District Wildlife Biologist
- Eric Breadaman has been hired as the new Clifton Ranger District Archaeologist
- Allen Graves has been hired as part of the Clifton Ranger District Range Staff
- The Ranger District is working on the NEPA for range grazing on the Wild Bunch Allotment
- The Travel Management Plan revision will wrap up this current fiscal year

BOARD OF SUPERVISORS MINUTES
OCTOBER 27, 2014
Page 2 of 6

- There were 14 fires this past fire season with the Sycamore Fire being the largest burning 3,000 acres
- Alpine District Ranger, Rick Davalos has retired

The Board thanked Mr. Thompson for his time and for the information.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board convened into Executive Session pursuant to Arizona Revised Statutes §38-431.03.A.03 for legal advice from the County Attorney regarding the development of legal strategy in response to the proposed 10j Rule change and draft environmental impact statement for the management of the non-essential, experimental Mexican wolf population.

The Board reconvened into regular session.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board tabled item #4, Karla Ellis, Fair Director, 2014 Greenlee County Fair update and results to the next meeting.

Philip Ronnerud, County Engineer, updated the Board on the status of the replacement of the Campbell Blue Bridge on Blue River Road. He stated that he expects the bridge to be complete within the next 18 months.

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board approved the Statement of Work Reimbursable Agreement with the Arizona Department of Transportation for a project delivery plan to the Federal Highway Administration, Central Federal Lands Highway Division on the Campbell Blue Bridge Project as presented.

A'kos Kovach, Economic Development Coordinator, updated the Board on the following:

- He will be looking at implementing the economic development strategic plan that is in place and educate the public and help in promoting events.
- He hopes to increase activities in Greenlee County in key areas including: history, music, visual arts, education, foods, theatre, science, and outdoor recreation

Upon motion by Supervisor Campbell, seconded by Supervisor Corbell, and carried unanimously, the Board adopted Resolution 14-10-02 requesting Congress to immediately provide full funding for the Payment in Lieu of Taxes (PILT) Program for fiscal year 2015 and find a solution for sustainable funding into the future.

RESOLUTION 14-10-02

A RESOLUTION OF THE GREENLEE COUNTY BOARD OF SUPERVISORS RESPECTFULLY REQUESTING THE CONGRESS OF THE UNITED STATES TO IMMEDIATELY PROVIDE FULL FUNDING FOR THE PAYMENT-IN-LIEU-OF-TAXES PROGRAM FOR FISCAL YEAR 2015 AND FIND A SOLUTION FOR SUSTAINABLE FUNDING INTO THE FUTURE.

WHEREAS, the Payment-In-Lieu-of-Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of federal lands located within a county, and

WHEREAS, the State of Arizona is comprised of 113,417 square miles of land, 42 percent of which is federally owned, non-tribal land unavailable for economic development and not part of the property tax base, while private land in Arizona comprises only 17 percent, and

WHEREAS, the national average PILT payment in Fiscal Year 2013 was \$0.72 per acre, far below the amount federal lands would return through both value based taxation and economic development, and

WHEREAS, counties are required to provide law enforcement, search and rescue, emergency services, road building and maintenance, and other community services on, or associated with tax-exempt federal public lands, and

WHEREAS, the PILT program was extended through the farm bill (P.L. 113-79) as a fully funded, mandatory program at \$425 million for Fiscal Year 2014, and

WHEREAS, without Congressional action to extend additional mandatory funding, the PILT program will revert to a discretionary program subject to the annual appropriations process, and

WHEREAS, a lack of PILT funding places the large, unsustainable burden of providing services on federal lands squarely on the backs of local county tax payers, while the presence of that federal land creates barriers to further economic opportunities, and

WHEREAS, failure to provide PILT funding to Arizona counties in a timely manner will critically impact the budget process and structural solvency of counties, and will substantially compromise the ability to provide essential services, and

NOW, THEREFORE, BE IT RESOLVED, the Greenlee County Board of Supervisors hereby respectfully requests that Congress provide full funding for the PILT program in Fiscal Year 2015 and that Congress develop a sustainable long-term approach to funding these essential local services in America's public land counties.

APPROVED AND ADOPTED this 27th day of October, 2014.

/s/ David Gomez, Chairman
Greenlee County Board of Supervisors

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

Upon motion by Supervisor Corbell, seconded by Supervisor Corbell, the Board adopted Resolution 14-10-03 opposing the proposed U.S. Environmental Protection Agency's and U.S. Army Corps of Engineers' rule expanding the definition of "Waters of the U.S." under the Clean Water Act.

RESOLUTION 14-10-03

A Resolution Of The Greenlee County Board Of Supervisors Respectfully Opposing The Proposed United States Environmental Protection Agency's And United States Army Corps Of Engineers' Rule Expanding The Definition Of "Waters Of The United States" Under The Clean Water Act.

WHEREAS, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (COE) have released a 371 page draft regulation to clarify the definition of "Waters of the United States" (WOTUS) under the Clean Waters Act (CWA), and

WHEREAS, both agencies are seeking a rule change in order to allow the federal government more authority by expanding the definition of "navigable waters" under the CWA, and

WHEREAS, the rule change proposed by the EPA and the COE can be interpreted to subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, regardless of whether those features normally carry water, to the jurisdiction of the CWA, and

WHEREAS, if adopted, the proposed rule may cause significant harm to local farmers, businesses, and county-owned and maintained infrastructure such as roadside ditches, and flood-control channels by subjecting them to the lengthy Section 404 and Section 402 permitting process, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond, and dry wash that may have some tenuous connection, miles away, to a body of water currently defined as "navigable", and

BOARD OF SUPERVISORS MINUTES
OCTOBER 27, 2014
Page 5 of 6

WHEREAS, the publication of the proposed rule prior to the finalization of the science report, Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, that is to be used as the scientific basis for the proposed rule, is premature and goes against normal practices, and

WHEREAS, key terms used by the proposed rule, including tributary, adjacent waters, riparian areas, flood plains, uplands, and the exemptions listed, are inadequately explained, leads to a wide range of interpretations, and will result in further legal challenges, and

WHEREAS, the EPA and the COE believe the proposed rule will not apply to some of the definitions and issues above, however, third parties will likely not agree with the EPA and the COE interpretation creating an opportunity for third-party lawsuits that will force counties to use already limited resources on defenses against lawsuits, and

NOW, THEREFORE, BE IT RESOLVED, the Greenlee County Board of Supervisors hereby respectfully oppose the proposed EPA's and the COE rule expanding the definition of WOTUS under the CWA, and

BE IT FURTHER RESOLVED, that the Greenlee County Board of Supervisors urge the Arizona Congressional Delegation to appeal to the EPA and the COE to withdraw the proposed rule and work with state and local officials on any future regulation under the CWA.

APPROVED AND ADOPTED this 27th day of October, 2014.

/s/ David Gomez, Chairman
Greenlee County Board of Supervisors

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

Ms. Gale reported the following:

- Morenci Schools is holding a drawing contest for Red Ribbon Week and has asked the Board to assist with prizes
- The Town of Duncan is four (4) months past due on the new renegotiated Law Enforcement Agreement with the County. The County forgave \$375,000 that was past due in the previous agreement. As of this date no payments have been received with the past due amount being \$20,000.00. A Notice of Claim will be sent to each Town Council Member and the Town Manager requesting payment.
- The Animal Control Agreement with the Town of Duncan was discussed.

BOARD OF SUPERVISORS MINUTES

OCTOBER 27, 2014

Page 6 of 6

- County Supervisors Association (CSA) staff will be working on the eight (8) legislative proposals passed by Supervisors at the recent CSA Legislative Summit.

The Calendar of Events was reviewed.

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

- A. Clerk of the Board: Approval of minutes to previous meetings: 06/03/14; 09/17/14; 09/19/14 (Emergency); 09/19/14 (Special); 09/23/14; 10/07/14
- B. Clerk of the Board: Approval of expense warrants in excess of \$1,000.00 – Voucher 1017; 1018; 1019; 1020; 1021
- C. Chief Finance Officer: Approval of General Fund loans in the amount of \$85,888.03 to be reimbursed upon receipt of funds: Fund 139 - \$931.47; Fund 159 - \$71.63; Fund 167 - \$979.76; Fund 195 - \$1,327.88; Fund 219 - \$7,446.04; Fund 222 - \$34,308.42; Fund 239 - \$2,554.61; Fund 243 - \$8,045.03; Fund 601 - \$1,494.46; Fund 800 - \$28,728.73
- D. Justice of the Peace, Dist 1: Approval of Employee Transaction Form – M. Carbajal, full time Justice Court Clerk
- E. County Sheriff: Approval of Employee Transaction Forms – R. Diaz, Deputy Cadet; D. Gomez, Deputy Cadet; A. Wilson, Deputy Cadet
- F. Superior Court Judge: Approval of Employee Transaction Form – R. Guerena, Pre-Sentence & Pre-Trial Reporter/Bailiff

Chairman Gomez reported the following:

- A. He attended the Arizona Small Counties Forum meeting where the CSA Legislative proposals were discussed. He also announced the hiring of the new Economic Development Coordinator for Greenlee County at the meeting.
- B. He attended the CSA Legislative Summit which was hosted by Yavapai County in Prescott. The several legislative proposals presented by counties for the support of the CSA organization were reviewed and voted on with eight proposals being approved to be sent to the legislature with the support of CSA.

There being no further business to come before the Board of Supervisors, the meeting was adjourned at 9:49 a.m.

APPROVED: /s/ David Gomez, Chairman

ATTEST: /s/ Yvonne Pearson
Clerk of the Board