

COCONINO COUNTY ARIZONA

OFFICE OF THE COUNTY ATTORNEY

SEP 06 2011

We serve the public by advocating for justice.

August 29, 2011

DAVID W. ROZEMA
COUNTY ATTORNEY

MICHAEL J. LESSLER
CHIEF DEPUTY ATTORNEY

KIM MUSSELMAN
SENIOR MANAGER

JONATHAN C. MOSHER
SENIOR TRIAL ATTORNEY

JANE NICOLETTI-JONES
SENIOR CHARGING ATTORNEY

JEAN E. WILCOX
SENIOR CIVIL ATTORNEY

DEPUTY ATTORNEYS

AMMON BARKER

MICHELLE D'ANDREA

RUSSELL DESPAIN

BLAINE DONOVAN

STACY KRUEGER

TIMOTHY G. MCNEEL

HEATHER MOSHER

DAVID A. POWELL

ALEXIA SEDILLO

SERENA SERASSIO

BRYAN SHEA

MARIANNE E. SULLIVAN

DANIEL K. TOM

ANGELEE VAN HON

ROSE WINKLER

William J. Sims, III
Moyes, Sellers & Sims
1850 North Central Avenue #1100
Phoenix, Arizona 85004-4527

Re: Alleged violation of Tusayan Town Ordinance 2010-09-08-02

Dear Mr. Sims:

I am the senior charging attorney at the Coconino County Attorney's Office. I am writing to you because I understand that you are Town Attorney for the town of Tusayan, Arizona.

I recently received a request from the Coconino County Sheriff's Office (CCSO), on behalf of the Town of Tusayan, to bring misdemeanor charges pursuant to Tusayan Town Ordinance 2010-09-08-02 against the Grand Canyon Chamber of Commerce as a result of an alleged violation of a fire ban.

While CCSO has entered an Intergovernmental Agreement with the Town to provide law enforcement services within the Town (a copy of which is enclosed for your reference), no similar agreement exists with this Office to prosecute violations of Town Ordinances. Accordingly, I am forwarding this charging request to you for review.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Jane Nicoletti-Jones

**INTERGOVERNMENTAL AGREEMENT
TOWN OF TUSAYAN
LAW ENFORCEMENT SERVICES**

This agreement is entered into this 1st day of October 2010, by and between the Town of Tusayan, an Arizona municipal corporation (hereinafter the "Town"), and Coconino County, a political subdivision of the State of Arizona (hereinafter the "County").

RECITALS

Whereas, the County, through the Coconino County Sheriff's Office (hereinafter, the "Sheriff's Office"), provides law enforcement services in the unincorporated areas of Coconino County, including the areas surrounding the corporate boundaries of the Town;

Whereas, the Town wishes to provide for law enforcement services in order to protect persons and property within its municipal boundaries;

Whereas, the parties have determined that an Agreement whereby the Sheriff's Office provides law enforcement services within the Town's corporate limits will allow the Town to better protect persons and property within its municipal boundaries in a cost effective manner, and

Whereas, the parties are authorized pursuant to ARS § 11-952 to enter into agreements for joint or cooperative action:

Now, Therefore, the parties agree as follows.

1. **Law Enforcement Services.** For the consideration to be paid by the Town as specified herein, the County, through its Sheriff's Office, agrees to the following:
 - a. To furnish law enforcement services commensurate with the applicable standards of performance and at a level as was historically provided to the Town prior to its incorporation, during the initial term of this Agreement and any renewals thereof for the purpose of providing the law enforcement services as described herein.
 - b. Ancillary Services. In addition to the Sheriff's Patrol Services are specified in Section 1 of this Agreement, the County through the Coconino County Sheriff's Office shall provide the following ancillary services:

- Canine unit (as available)
- Special Response units (as provided through mutual aid agreements with other agencies)
- Mobile command post availability
- Search and Rescue Services

It is understood that specified ancillary services shall be provided at the levels which have been provided to Sheriff's Office Patrol Area 1 prior to the execution of this Agreement and are not subject to enhancement unless expressly provided herein.

- c. Support Services. The County through the Coconino County Sheriff's Office shall provide the following support services as needed to support the Patrol and Ancillary services at the levels specified herein:
 - First-line and command level supervision including administrative oversight
 - Crime investigation
 - Dispatch services
 - Clerical services and supplies
 - Patrol vehicles to include payment of all costs of operation
- d. To be responsible, except as expressly provided herein, for payment of all overhead costs associated with providing law enforcement services pursuant to this Agreement including, but not limited to, cost for personnel salaries/benefits, support/administrative services, capital equipment and facilities, supplies, vehicles, together with vehicle maintenance, repairs and operating costs.
- e. In the event the Town adopts ordinances with criminal penalties or civil citations, the Town will notify the County and the Sheriff. The Sheriff will evaluate whether the additional law enforcement service can be provided with existing resources or whether the Town ordinance imposes an additional burden on the Department's resources such that an amendment to this Agreement, including the payment provisions, is needed. The Sheriff may refuse to provide law enforcement services for Town ordinances upon concluding his evaluation and notifying the Town Manager.

2. **Service Standards.** With respect to the County's obligation to provide enhanced law enforcement services pursuant to this Agreement, the parties understand and agree:

- a. That the County's obligation to provide law enforcement services is expressly limited to the continuation of the Deputy Sheriff positions, the deployment of personnel in the manner provided herein and the Ancillary and Support services as set forth in sections 1.b. and 1.c. to this Agreement.
- b. That, by agreeing to provide law enforcement services, the County does not warrant or guarantee a specific response time for calls originating from within the Town's corporate limits.
- c. That officers assigned to patrol sectors pursuant to this Agreement may, at times, be required to respond to higher-priority calls originating outside the Town's corporate limits and may, under those circumstances, be required to delay response to calls originated from within the Town's corporate limits. However, any calls originating in the Town's corporate limits will be included in determining call priority.

3. **Payment for Services.**

- a. In consideration for the County's agreement to provide law enforcement services as described herein and the Ancillary and Support Services as set forth in sections 1.b and 1.c., the Town agrees to pay the annual sum of \$350,546 (the "Payment"). Payment shall be made in twelve (12) equal installments of \$29,212 with each installment to be due and payable no later than the fifteenth (15th) day of each month following each month of service. The cost is calculated as shown on the Law Enforcement Contract Worksheet in section 3.b. Notwithstanding the foregoing, for the initial term of this agreement, October 1, 2010 through June 20, 2011, the Town agrees to pay the sum of \$262,908 which shall be paid in nine (9) equal installments of \$29,212, due and payable no later than the 15th day of each month following each month of service.

b. **LAW ENFORCEMENT CONTRACT WORKSHEET:**

County General Fund Support to Sheriff	\$7,285,577
Tusayan support @ 4%	291,423
Plus Housing in Tusayan	9,600
Plus County Indirect Costs @ 4%	<u>49,523</u>

(Sheriff Indirects \$1,238,085)

Total Annual Cost of Tusayan **\$ 350,546**

Monthly Cost **\$ 29,212**

- c. In addition to the contract costs outlined above, the Town agrees to pay actual costs incurred in response to any single major criminal investigation or other unforeseen unplanned event by Sheriff's Office personnel in excess of a total initial deployment of one hundred (100) man hours. These costs will be billed in accordance with the rates as listed on the attached Law Enforcement Contract Proposal Worksheet, and will be due and payable on the next regularly scheduled monthly installment payment due.
 - d. The cost of additional personnel requested by Town leadership for planned events shall be negotiated at the time requested.
4. **Local Facilities.** The Town shall provide space within or near Town offices that will allow Sheriff's personnel to prepare and file reports, maintain records as needed and to meet as required with citizens and Town staff.
5. **Term of Agreement:** The term of this agreement shall commence on October 1, 2010 and shall terminate on June 30, 2011, unless automatically extended as follows. It shall thereafter be deemed renewed for up to five (5) successive one-year terms unless written notice of intent not to renew is given by either party to the other party no less than one hundred twenty (120) days prior to the expiration of the then-current term.
6. **Records.** Both parties will have access to the other party's records with respect to this Agreement for the period of three (3) years following the termination of this Agreement.
7. **Indemnification and Insurance.** The County shall save, hold harmless and indemnify the Town, its officers, employees or agents from claims, damages or other losses arising from the negligent acts or omissions of the County, its officers, employees or agents pursuant to this Agreement. The County shall obtain and maintain general liability insurance in such amounts as may be required to protect itself and the Town from claims, damages or other losses as described in this Section and shall designate the Town as an

additional insured on said policies of insurance with respect to such claims, damages or losses.

8. **Severability.** The invalidity of any provision of this Agreement as determined by a Court of competent jurisdiction, shall in no way effect the validity of any other provision hereof, so long as the original intent of the parties is not defeated thereby.
9. **Applicable Law.** The terms and conditions of this agreement shall be construed and governed in accordance with the laws of the State of Arizona.
10. **Termination for Breach.** In the event of a breach of any term or condition of this Agreement by either Party the Party claiming breach shall provide written notice to the other Party said notice setting forth the factual basis for the determination that a breach has occurred. If the breach is not remedied within fifteen (15) days of receipt of notice, the Party claiming breach may terminate this Agreement without further notice.
11. **Dispute Resolution.** The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through mediation. The parties shall mutually agree upon a mediator to conduct the mediation. The parties agree to attend a minimum of three (3) mediation sessions prior to considering mediation unsuccessful. The cost of mediation shall be shared equally by the parties. In the event mediation is deemed unsuccessful, then the parties shall have a right to such other remedies as may be available at law or in equity.
12. **Disputes: Attorney Fees.** The Parties expressly covenant and agree that in the event of litigation arising from this Agreement, neither party shall be entitled to an award of attorney's fees, either pursuant to the Contract, pursuant to ARS Section 12-341.01(A) and (B), or pursuant to any other state or federal statute.
13. **Entire Agreement and Amendment.** This Intergovernmental Agreement contains the entire agreement of the parties with respect to the subject matter hereof, and it may only be amended, modified, or waived by a written instrument upon approval of the governing bodies signed by the authorized signatories of the parties hereto.

14. **Notices.** Notices relating to this Intergovernmental Agreement shall be deemed to have been delivered upon personal delivery, or as of the second business day after mailing by United State postage prepaid, addressed as follows:

Tusayan: Town of Tusayan
 Town Manager
 PO Box 709
 Grand Canyon, AZ 86023

Coconino County: Coconino County
 County Manager
 219 E Cherry Ave
 Flagstaff, AZ 86001

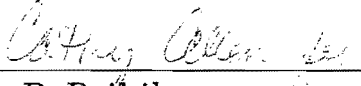
With Copy to: Coconino County Sheriff
 911 E Sawmill Rd
 Flagstaff, AZ 86001

These addresses may be changed by either party by giving notice in writing. Such changes shall be deemed to have been effectively noticed five (5) calendar days after being mailed to each party by the party changing the address.

15. **Recording.** This Agreement shall be recorded in the office of the Coconino County Recorder upon its proper approval and execution by the authorized signatory of each party.
16. **Conflict of Interest.** This Agreement is subject to the ARS §38-511 pertaining to conflicts of interest, the pertinent provision of which are incorporated by reference herein.
17. **Employees.** The employees of one party hereto will not for any reason be considered employees of the other party.
18. **Disposition of shared assets.** Upon termination of this Agreement, any personal property acquired pursuant to this Agreement will become the property of the County, and any real property acquired pursuant to this Agreement will become the property of the Town.

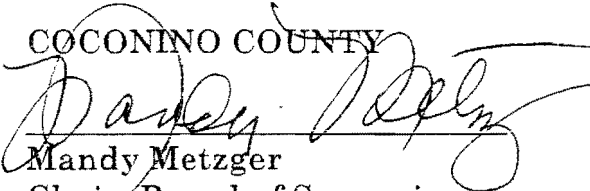
APPROVALS

COCONINO COUNTY


William B. Pribil
Sheriff

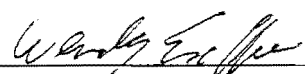
Date: 11-5-10

COCONINO COUNTY


Mandy Metzger
Chair, Board of Supervisors

Date: OCTOBER 19, 2010

ATTEST:

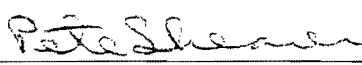

Clerk of the Board

Date: OCTOBER 19, 2010

Approved as to form and found to be within the authority of the Coconino County Board of Supervisors and Sheriff under Arizona law:

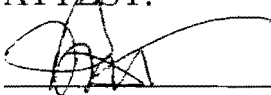

Deputy County Attorney
Coconino County

TOWN OF TUSAYAN


Pete Shearer
Mayor

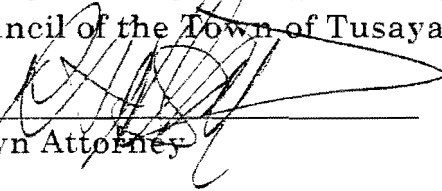
Date: 10-13-10

ATTEST:


Clerk of the Town

Date: 10-13-10

Approved as to form and found to be within the authority of the Town Council of the Town of Tusayan under Arizona law:


Town Attorney



Coconino County Sheriffs Office
Bill Pribil, Sheriff

911 E Sawmill Rd
Flagstaff, AZ 86001
928.774.4523
800.338.7888

Incident/Investigation Report

Case Number: S11-02610

Incident Information

Date/Time Reported 07/07/2011 17:21	Officer (1007015) MITCHELL, WILLIAM R	Supervisor (1066915) TOZER, BRIAN L		
Incident Location Tusa: @m236 Sr64, AZ		Location Comment : @TUSAYAN		
Case Status FURTHER INVESTIGATION (15)	Case Status Date 08/09/2011...	Location Type RESIDENCE/HOME	Felony/Misd/NC NON CRIME	DV Related N
Case Disposition	Disposition Date 07/11/2011...	Investigator Assigned (1007015) MITCHELL, WILLIAM R		

Charges

1	Charge Type Municipal	Description OFFICER INFORMATION	Statute OFFICER...	DV N	☐ Att ☒ Com
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Victims

Seq. # 1	Type VICTIM	Name(Last, First, M) TOWN OF TUSAYAN ARIZONA							AKA
Race	Sex	DOB	SSN	Height	Weight 0	Hair	Eyes	Age	Victim of Crimes 1
Address , TUSAYAN, AZ 86023							Cell Phone		Home Phone
Employer Name/Address								Business Phone	



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Notes/Narratives

NARRATIVE

PATROL-DR #: S11-02610
DEPUTY BILL MITCHELL #95
C201: 07-11-11

ASSIGNMENT:

On 07-07-11 at approximately 1400 hours, I was contacted by Tusayan Town Fire Chief Robert EVANS in regards to an investigation.

INVESTIGATION:

Chief EVENS advised he wanted to find out if the Coconino County Sheriffs Office was conducting any investigation into the possible violation of a town ordinance banning any fires in TUSAYAN, AZ. After speaking to Chief EVANS, I contacted Lt. Brian TOZER #17 and advised him of the inquiry. I advised Chief EVENS I would find out.

While en route to the Tusayan area, I contacted Tusayan Town Mayor Greg BRYAN. Mayor BRYAN advised that a preliminary investigation was to be conducted by the Town Manager, Enrique OCHOA, in regards to a Fourth of July celebration that included a "pit fire."

After speaking briefly to Mayor BRYAN, I then arrived at Papillion Helicopters where I met with OCHOA. As I entered OCHOA'S office, he advised that he was on the phone with Lt. TOZER. After their conversation via telephone, I then asked OCHOA for a copy of the ordinance so I could observe any information in it in regards to the fire ban.

He advised that he had been in contact with Commander Cathy ALLEN and Sheriff Bill PRIBIL of the Coconino County Sheriff's Office in regards to an investigation for the infraction of city ordinance banning fires within the town limits.

While speaking to OCHOA, he advised more than once he wished to have an internal investigation into the ordinance violation as to "Not have an outside agency investigate it so we can keep the outcome internal." OCHOA advised he did not desire to hire an outside agency to investigate the incident stating, "We can monitor the outcome."

While entering OCHOA'S office and listening to the conversation that he and Lt. TOZER were having, I also heard the same statement made by OCHOA in reference to the outcome of an investigation and being able to "monitor the outcome".

After receiving a copy of the ordinance and speaking briefly to OCHOA about persons present including Councilman Al MONTROYA, Councilman Robert BLASI, and Vice-Mayor Cecily MANIACHI, OCHOA himself advised that he was also present at the Fourth of July celebration and observed the fire.

I advised OCHOA that the Coconino County Sheriff's Office knew nothing of the ordinance. OCHOA advised that he believed it was not told to the Coconino County Sheriff's Office.

OCHOA advised the special use permit was purchased by the Tusayan Chamber of Commerce and listed the Chairman John TATUM as the responsible party for the event.

OCHOA advised he believed that if there was a statute or some legal term advising if the Fire Chief was present and he deemed it within perimeters to have the fire that that would be the best outcome for the community.

I advised OCHOA that I would contact Lt. TOZER and advise him of the situation and I would begin an investigation.



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It should be noted that I along with Sgt. John JAMISON #36, and Deputy Christie WENSTROM #110, were present for the Fourth of July celebration in Tusayan. While present at the event I observed an open fire pit with an active fire in it. The fire was started by volunteers at the request of the Chamber of Commerce sometime during the event.

INVESTIGATION CONTINUED:

On 07/11/11 I made contact with Josie BUSTILLOS with the Grand Canyon Chamber of Commerce & Visitor's Bureau. I asked to see the permit obtained for the Fourth of July special event from the Town of Tusayan. As JOSIE was looking for the permit, she began telling me of a conversation she had with Councilman Bob BLASI on the Second of July at the location where the event was being held. While looking at the permit I observed no provisions for a fire and no information about a fire ban ordinance. The temporary use permit that I observed was signed by John TATHAM of the Chamber of Commerce, the Tusayan Town Manager, and Julie ALDEZ the property manager.

The request section of the permit discussed the date and time of the event, the route of the parade and the location of the event but does not mention a fire pit.

She advised that while BLASI was in a Kaibab National Forest Service uniform and driving a marked Forest Service vehicle she asked him in regards to the fire pit "if this would be a problem", to which BLASI replied "no you should be fine it's on private property". I asked JOSIE to complete a written statement about any conversation that she had about the event.

JOSIE also mentioned that councilman Al MONTROYA and OCHOA were present for the festivities and didn't mention anything to her about a fire ban or city ordinance.

I retrieved a copy of the permit from JOSIE and began to talk to Norman (NORM) HANNAH, the Executive Director of the Grand Canyon Chamber of Commerce about his involvement in this matter. NORM advised that he was sent an email from OCHOA on 07/03/11 at 12:58 in the afternoon the day of the event but did not open his email that day as he was busy with the event. He advised that BLASI made the comment to him that the "fire might be illegal if Tusayan had a Police force, a Code Enforcement Officer, and a Judge". Norm advised that he was busy during that time that he didn't remember the exact wording.

NORM advised that OCHOA had a meeting with Michael (MIKE) ROCK at the Grand Hotel in Tusayan on 07/07/11. NORM stated that MIKE is the Chamber President and that he arrived at MIKE'S office when they started discussing the fire ban ordinance. I asked NORM to complete a written statement as to the conversations that he had about the special event. NORM stated he would email it to me when it was completed due to him having to leave the office and go out of town.

I went to MIKE'S office and asked him about the conversations that he had with OCHOA about the event, MIKE advised that as the conversation changed to the fire ban allegation OCHOA began to "drop F-bombs" and had become loud. MIKE advised that his assistant was in her office in an adjacent to his and while the door was shut she could have heard the conversation clearly. I asked to speak to her and MIKE and I located Anesthesia, his assistant, in the restaurant area of the hotel. I asked her what she had heard coming from MIKE'S office when OCHOA and MIKE were in there. She advised that the yelling was so loud that she left her office several times so that she would not have to listen to the conversation, but added that it was very loud.

Mike and I then returned to his office and I asked him to complete a written statement of his involvement and conversations with OCHOA and the fire ban. MIKE agreed to complete a statement and email it to me when it was completed.

INVESTIGATION CONTINUED:

On 07/14/11 JOSIE contacted me and advised me of a conversation that she had with Tom DePAULO. She advised that TOM is a member of the STILO Investment Group and had approached her about purchasing space in the Fourth of July event. She advised that TOM stated that he had talked to NORM on a prior occasion and was going to put a display up in one of the

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Notes/Narratives

event tents about the town housing. JOSIE told him that the event was not a "political event" knowing how volatile the housing issues are in Tusayan.

I asked JOSIE why she was advising me of this, she stated that the conversation was "strange" and would like it documented in this report. JOSIE also advised that she would send me an email about the conversation with DePAULO.

INVESTIGATION CONTINUED:

On 07/17/11 I was contacted by Jerry BANKS with the Tusayan Fire Department and he advised that he was one on the volunteers that was helping the Chamber of Commerce set up for the event. He stated that he was standing with JOSIE while BLASI was talking to her about the fire pit. JERRY stated he heard JOSIE ask BLASI if the "fire ban effected the town of Tusayan". BLASI stated that he had "no authority in Tusayan". JOSIE then asked if the fire pit was going to be a problem, to which BLASI stated "no".

I asked JERRY to complete a written statement as to the conversation he had heard when standing by JOSIE. JERRY returned approximately ten minuets later with a hand written statement and a copy of that is attached to this report.

INVESTIGATION CONTINUED:

On 7/21/11 I contacted Robert (BOB) BLASI at the Kaibab National Forest Service Office and asked if I could get a statement from him about his involvement in the fire ban violation. At that time I began recording the interview on my department issued digital video camera.

I asked BLASI whom did he talk to about the possible fire ban for the event, he advised Norm HANNAH and Josie BUSTILLOS. He stated on the day of the event he spoke to NORM and advised him the fire ban was still in effect as the volunteers were constructing the fire pit and placing wood inside. He stated that he said to NORM that he should "clarify it with whomever" including Coconino County. He stated that NORM asked how the ban would be enforced, BLASI responded "there is no court, code enforcement, it's a moot point", advising that there is no way to enforce the ban. BLASI advised that the Town of Tusayan has a fire ban that "follows" the Kaibab National Forest. BLASI advised that he (NORM) knew what BLASI was conveying and norm said "ok".

BLASI stated that he came back to the event approximately 1600 and spoke to JOSIE stating to her that the Forest service was still in fire restrictions so the Town fire ban would still be in effect, even though over "a half an inch of rain" had fallen and stated that she needed to get the fire restriction clarified.

BLASI stated while at the event he said "if it were up to me, I saw absolutely no fire danger what so ever and would have immediately recommended it be lifted".

He stated that NORM ask for help in using the Forest service mobile electronic sign to place on Highway 64 advising vehicles to slow down, special event ahead. BLASI said he spoke to his boss and he allowed the use of the sign but wanted a fire prevention message on it as well. BLASI stated he prepared the sign and returned to show NORM the message on the sign including "please no camp fires and no fireworks".

BLASI advised that he told NORM and others about the message, and then stated "they kinda laughed at me". After talking to NORN he stated he received a call from OCHOA and stated he spoke to "them" about the fire ban 2 separate times on the day of the event.

BLASI then spoke about Department of Public Safety Officer Shaun SHIELDS #221 and him knowing details of the town counsel executive session and details that were discussed.

BLASI advised he asked the Mayor to amend the fire ordinance in an attempt to have more control in lifting the fire ban.



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BLASI stated that "there was absolutely no fire danger what so ever. and the ban should have been lifted as soon as that rain hit that afternoon. Somebody from the town counsel, probably the mayor or the town manager should have said we can immediately lift that restriction now".

BLASI advised that he spoke to NORM and JOSIE on the day of the event two times then showed them the marquee sign. He began to talk about several other issues with the town and stated that he was offered a bribe by "the Italians" and stated other people "took the money" and stated the money he was offered was \$5000-10,000 dollars was "a joke". He also stated he thought it was a test of his loyalties.

After hearing the comment that was made I made a mental note and continued the interview, knowing the implications that were made would require additional notifications to Lieutenant Brian TOZER #17.

I asked BLASI to write a statement as to his involvement in this matter and he stated that the first contact he made he was in a Forest Service capacity. He also advised that on 07/04/11 smoke was "billowing" up and he had to call it into Forest Service dispatch due to being on patrol and the tower had seen the smoke. He advised dispatch "the smoke was from the event the previous night, there is no danger, and it's perfectly secure".

BLASI started to speak about Town Counsel issues about ordinances and I concluded the interview.

ENCLOSURES:

- 1.Copy of Ordinance 2011-09-08-02
- 2.Copy of Statement From Josie BUSTILLOS
- 3.Copy of E-mail Statement From Michael ROCK (3 pages)
- 4.Copy of Email Statement from Josie BUSTILLOS
- 5.Copy of Written Statement From Jerry BANKS
- 6.Copy of E-mail Statement from Norman HANNAH (2 pages)
- 7.Copy of First Temporary Use Permit
- 8.Copy of Second/Signed Temporary Use Permit
- 9.Copy of Traffic Control Plan for Hwy 64 During the Event (2 pages)Copy of
- 10.Coconino County Health Department License for the Event
- 11.Copy of Certificate of Liability Insurance
- 12.Copy of State of Arizona Liquor License (6 pages)
- 13.Copy of E-mail From Tusayan Town Manager about Fire Restrictions (2 pages)
- 14.Copy of E-mail From Tusayan Town Manager about Proper permits (3 pages)
- 15.Coconino County Sheriffs Office Evidence/Property Receipt

DISPOSITION:

Pending County Attorney Review for Charging.

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Case Number: S11-02610

Supplement Information

Supplement Date 08/09/2011 09:42:57	Supplement Officer (1007015) MITCHELL, WILLIAM R	Supervisor (1007015) MITCHELL, WILLIAM R		
Contact Name		Location Comment : @TUSAYAN		
Case Status FURTHER INVESTIGATION (15)	Case Status Date 08/09/2011...	Location Type	Felony/Misd/NC NON CRIME	DV Related N
Case Disposition	Disposition Date 07/11/2011...	Investigator Assigned (1007015) MITCHELL, WILLIAM R		

Supplement Notes

DR # S11-02610
Lt. Brian Tozer #17

ASSIGNMENT:

On 07/07/2011 shortly after 1400 hours, I contacted Tusayan Town Manager Enrique OCHOA via telephone to speak with him about a possible fire ban violation in the Town of Tusayan.

INVESTIGATION:

Upon contacting Town Manager OCHOA I conducted an interview with him.

INTERVIEW: Enrique OCHOA

I advised OCHOA I received information from Deputy MITCHELL that a possible fire ban violation occurred on the 4th of July weekend. OCHOA stated there had in fact been a violation of the Town of Tusayan fire ban and he was wishing for an investigation to take place. OCHOA stated a violation of the Town Fire Ban Ordinance had in fact occurred on the 3rd of July and the Sheriffs Office was present during the event and the violation and did not take action. OCHOA went on to stated he was pondering contacting an "outside agency" to conduct the investigation as the Sheriffs Office was in violation of the ban for failing to take action. OCHOA stated however he would prefer the investigation be conducted internally (meaning the Sheriffs Office) as the town would have input and control over the out come of the investigation. OCHOA further stated the Town of Tusayan is paying the Sheriffs Office for services and they would expect we would investigation town ordinances.

I advised OCHOA at this time I was not familiar with the town fire ban ordinance and would appreciate receiving a copy as soon as possible. I asked OCHOA at this time if he or any other town official had contact Sgt. JAMISON, Deputy MITCHELL or Deputy WENSTROM who had been present at the event on the 3rd. OCHOA stated he had not however; he had sent out an email on the 3rd of July prior to the event to Mike ROCK with the Chamber of Commerce and several others, stating a fire ban was in effect and a fire would not be allow at the event that evening. I asked OCHOA if he had received a response to the emails he sent out. OCHOA stated he had not. OCHOA advised me the permit issued to the Chamber of Commerce did not state they could have a fire at the event. I asked if the permit prohibited the lighting of a fire or reference the fire ban which was in effect at the time of the event. OCHOA stated he did not believe the permit stated anything about the fire ban nor did it give permission for a fire at the event. I advised OCHOA I would like to get a copy of the permit issued to the Chamber of Commerce for review and to attach to the report.

At this time OCHOA stated on the date of the event (3rd of July, Sunday) he went to the event to meet with Roby EVENS (Town of Tusayan Fire Chief) to speak with him about the fire ban and advise him the fire was not permissible at the event. I asked OCHOA if he in fact had a conversation with Chief EVANS about the fire ban. OCHOA stated he did not as he had decided not to speak with anyone at the event as they were all with their families. I asked OCHOA if he was aware if any



Coconino County Sheriffs Office

Bill Pribil, Sheriff

911 E Sawmill Rd
Flagstaff, AZ 86001
928.774.4523
800.338.7888

Incident/Investigation Report

Case Number: S11-02610

Supplement Notes

town official had made contact either in person, or otherwise with the Chamber of Commerce or the fire department about the fire at the event. OCHOA stated not to his knowledge.

***Note: OCHOA mentioned several more times that the Town of Tusayan is paying "30,000.00 per mother" for Law Enforcement services from the Sheriffs Office and they expect us to investigate the incident. OCHOA also stated several time an internal investigation would allow town officials to have some say so as to the outcome of the investigation. I advised OCHOA that any investigation conducted by the Sheriffs Office would contain only the facts in the case and statements from involved persons and that the case would then be sent to the Coconino County Attorneys Office for review.

INVESTIGATION CONTINUED:

Deputy MITCHELL had arrived during my conversation with OCHOA to obtain further information. I advised OCHOA Deputy MITCHELL would be investigating the allegations. (See report by Deputy MITCHELL)

DISPOSITION:

Active by Deputy MITCHELL.

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Incident/Investigation Report

Case Number: S11-02610

Supplement Information

Supplement Date	Supplement Officer	Supervisor		
08/09/2011 11:07:42	(1007015) MITCHELL, WILLIAM R	(1007015) MITCHELL, WILLIAM R		
Contact Name		Location Comment		
		: @TUSAYAN		
Case Status	Case Status Date	Location Type	Felony/Misd/NC	DV Related
FURTHER INVESTIGATION (15)	08/09/2011...		NON CRIME	N
Case Disposition	Disposition Date	Investigator Assigned		
	07/11/2011...	(1007015) MITCHELL, WILLIAM R		

Supplement Notes

DR # S11-02610
Lt. Brian Tozer #17

ASSIGNMENT:

On 07/19/2011 at about 1100 hours, I met with Tusayan Town Manager Enrique OCHOA at the Best Western Squire Inn.

INTERVIEW: Enrique OCHOA

Upon meeting with OCHOA, OCHOA asked if the Sheriffs Office was investigating the fire ban violation. I advised him Deputy MITCHELL was in fact investigating the allegation by the Town of Tusayan involving a fire ban violation by the Chamber of Commerce. I further stated Deputy MITCHELL would be obtaining statements and questioning witnesses.

OCHOA advised me at this time he believed the two of us (OCHOA and I) were on the same page, but he wished to express his thoughts about the investigation to me. OCHOA stated he believed that the investigation would find the members of the Chamber of Commerce and the fire department were in fact guilty of violating the fire ban and he believes they should all receive charges. OCHOA further stated with the Sheriffs Office investigating the allegations and the Town of Tusayan contracting with the Sheriffs Office, the town should have some input on the out come. I advised OCHOA that at this time we are looking into the matter however; the permit holder being the Chamber of Commerce is responsible for the event and other acting on their behalf were acting in good faith. I advised OCHOA that the allegations would be investigated and the report submitted to the county attorney's office for review.

At this time I spoke with OCHOA about the permit process the town was currently using. I advised OCHOA that the permit was very generic and they may wish to look at a permit which would have more detail, such as outlining any ordinances the Town of Tusayan has in place. This would be helpful to both the town and the permit holder. OCHOA stated they are currently working on the process.

I spoke with OCHOA about our inability to file charges on Town of Tusayan ordinances at this time as there is not an IGA in place with the court. Due to the fact Tusayan had not enacted a City Court of their own at this time, any town ordinances would have to be filed into the Justice Court in Williams. I advised OCHOA that had spoken with Judge KROMBEEN and was told by the judge he is currently working on the IGA (Inter Governmental Agreement) process with Coconino County Attorneys Office. I advised OCHOA that we would long form the report with the Coconino County Attorneys Office and should a complaint be filed it would have to remain with the county attorneys office until the completion of the IGA (Inter Governmental Agreement).

OCHOA told me at this time he believed the situation was becoming very volatile, as letters and flyers by town members had been post on bulletin boards around town calling him (OCHOA) a liar. I advised OCHOA I had received the photographs he sent me however; this was not criminal at this time. I advised OCHOA we would do our best to keep the situation from



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escalating and that any concerns he should have should be directed to me or Deputy MITCHELL.

CASE DISPOSITION:

Active by Deputy MITCHELL.

TOWN OF TUSAYAN

Contact information
Willdan Engineering

P (602) 395-7532
F (602) 870-7601

E (nbernoski@willdan.com)
(rbrooks@willdan.com, lstump@willdan.com)

TEMPORARY USE PERMIT APPLICATION

APPLICANT

Name Grand Canyon Chamber & Visitor's Bureau

Mailing Address PO Box 3077
Grand Canyon, AZ
86023

Contact Person John Tatham
Phone 928.638.5337 Fax 928.638.1106
Email johnjeep@q.com

PROPERTY INFORMATION

Assessor's Parcel # _____

Subdivision _____

Unit # _____ Lot # _____

Address/Location _____

Zoning _____

Existing Land Use _____

Lot Size _____

TEMPORARY USE PERMIT REQUEST

Please provide a detailed description of the request, including proposed dates and times of operation.

Fourth of July Parade
taking place July 3, 2011.
Parade will use Hwy 64
through Tusayan and
festivities will take place
on the parcel of land
between the McDonalds
and Grand Hotel.

SUBMITTAL CHECKLIST

☐ \$50 non-refundable filing fee.

A \$100 fee is required for requests necessitating a hearing before the Planning and Zoning Commission.

☐ Two copies of the proposed site plan—*scaled and adequately dimensioned*—detailing property boundaries; existing improvements and uses; proposed improvements and uses; method of sewage disposal; and any proposed signs.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Department of Community Development access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

[Signature]

Date 6-30-11

Signature of Property Owner (if not the applicant)

_____ Date _____

OFFICE USE ONLY

Received By _____ Date _____

Receipt # _____ Fee _____

Case # _____

Related Cases _____

DIRECTOR ACTION

☐ Approved with Conditions (see attachments) ☐ Denied

Action By _____ Date _____

Expiration _____

State of Arizona Department of Liquor Licenses and Control
800 W. Washington, 5th Floor
Phoenix, AZ 85007
www.azliquor.gov
(602)542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day for 1-10 day events only

A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
PLEASE ALLOW 10 BUSINESS DAYS FOR APPROVAL

****Application must be approved by local government before submission to
Department of Liquor Licenses and Control. (Section #20)**

DLLC USE ONLY
LICENSE #

1. Name of Organization: GRAND CANYON Chamber + Visitors Bureau
2. Non-Profit/I.R.S. Tax Exempt Number: 86-044-8247
3. The organization is a: (check one box only)
- ☒ Charitable ☐ Fraternal (must have regular membership and in existence for over 5 years)
- ☐ Civic ☐ Political Party, Ballot Measure, or Campaign Committee
- ☐ Religious
4. What is the purpose of this event? Chamber Fund Raiser
5. Location of the event: 313 State Rt 64N TUSAYAN Cocoma 85023
Address of physical location (Not P.O. Box) City County Zip
- Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)**
6. Applicant: Hannah Norman B 07/11/54
Last First Middle Date of Birth
7. Applicant's Mailing Address: Po Box 3007 GRAND CANYON AZ 86023
Street City State Zip
8. Phone Numbers: (928) 638-2414 (928) 638-2901 (928) 638-5387
Site Owner # Applicant's Business # Applicant's Home #
9. Date(s) & Hours of Event:

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>07-03-2011</u>	<u>SUNDAY</u>	<u>12 NOON</u>	<u>11:30 PM</u>
Day 2:				
Day 3:				
Day 4:				
Day 5:				
Day 6:				
Day 7:				
Day 8:				
Day 9:				
Day 10:				

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?

☐ YES ☒ NO (attach explanation if yes)

11. This organization has been issued a special event license for 1 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? ☐ YES ☒ NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Grand Canyon Chamber 100%
Percentage

Address PO Box 3007 Grand Canyon, AZ 86023

Name _____
Percentage

Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have
any questions regarding the law or this application, please contact the Arizona State Department of Liquor
Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

 # Police ☒ Fencing
☒ # Security personnel ☐ Barriers

16. Is there an existing liquor license at the location where the special event is being held? ☐ YES ☒ NO
If yes, does the existing business agree to suspend their liquor license during the time
period, and in the area in which the special event license will be in use? ☐ YES ☐ NO
(ATTACH COPY OF AGREEMENT)

Name of Business () Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors
under the provisions of your license. The following page is to be used to prepare a diagram of your special
event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control
measures and security positions.

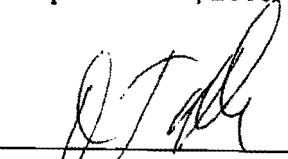
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ORDINANCE NO. 2010-09-08-02

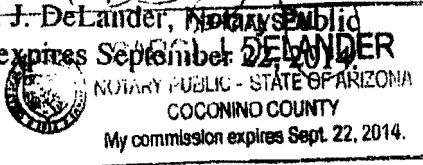
AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, imposing a ban on Private and Public Lands in the incorporated Town of Tusayan.
WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and WHEREAS, A.R.S. § 26-307 authorizes towns to make, amend and rescind orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.
NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:
Section 1: The Mayor and Town Council of the Town of Tusayan hereby impose a ban on all open fires, campfires, fireworks and other pyrotechnic displays within the incorporated boundaries of Tusayan, effective at any time and for such times in which Restrictions are declared in effect by U.S. Forest Service, Kaibab National Forest. Excepted from this ban are petroleum-fueled stoves or lanterns, enclosed charcoal barbecue grills operated in residential yards, and special events specifically approved by the Town Council.
Section 2: Any person found guilty of violating any provision of this ordinance shall be guilty of a class one misdemeanor. Each occurrence of a violation shall be a separate offense punishable as herein described. Violations of this ordinance shall be enforced under the same conditions and procedure as set forth in A.R.S. § 13-3903.
Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
Section 4: Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of public peace, health and safety of the Town of Tusayan, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of Tusayan.
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Tusayan, Arizona, this 8 day of September, 2010.
APPROVED this 8 day of September 2010 by the affirmative vote of three-fourths of the Town Council of the Town of Tusayan, Arizona.
APPROVED: /s/ Pete Shearer, Mayor
ATTEST: /s/ Pam Parsons, Town Clerk
APPROVED AS TO FORM: /s/ Russell A. Kolsrud, Town Attorney
9/22, 9/29/2010

Affidavit of Publication

I, Douglas F. Wells, Publisher of the WILLIAMS-GRAND CANYON NEWS, a newspaper of general circulation published at Williams, Coconino County, Arizona, do solemnly swear that a copy of this notice, as per clipping attached, was published weekly in the regular and entire issue of said paper and not in any supplement thereof, two (2) consecutive weeks, commencing with issue dated September 22, 2010 and ending with issue dated September 29, 2010.


Douglas F. Wells, Publisher

Subscribed and sworn to before me this 29th day of September 2010.


Carol J. DeLander, Notary Public
My commission expires September 22, 2014

NOTARY PUBLIC - STATE OF ARIZONA
COCONINO COUNTY
My commission expires Sept. 22, 2014.

ORDINANCE NO. 2010-ST-0802

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, IMPOSING A BAN ON PRIVATE AND PUBLIC LANDS IN THE INCORPORATED TOWN OF TUSAYAN

WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and

WHEREAS, A.R.S. § 26-507 authorizes towns to make, amend and repeal orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and

WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and

WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and

WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and

WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and

WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and

WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and

WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

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Section 2: Any person found guilty of violating any provision of this ordinance shall be guilty of a class one misdemeanor. Each occurrence of a violation shall be a separate offense punishable as herein described. Violations of this ordinance shall be enforced under the same conditions and procedure as set forth in A.R.S. § 13-3903.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of public peace, health and safety of the Town of Tusayan, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of Tusayan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Tusayan, Arizona, this 8th day of September, 2010.

APPROVED this 8th day of September, 2010 by the affirmative vote of three-fourths of the Town Council of the Town of Tusayan, Arizona.

APPROVED:

Pete Shearer
Pete Shearer, Mayor

ATTEST:

Pam Parsons
Pam Parsons, Town Clerk

APPROVED AS TO FORM:

Russell A. Kolrud
Russell A. Kolrud, Town Attorney

ORDINANCE NO. 2010-09-08-02

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, imposing a ban on Private and Public Lands in the incorporated Town of Tusayan.

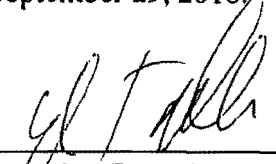
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without you.
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and continuation of their work ethic, goo
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their children (Anna, John, Jess,

Affidavit of Publication

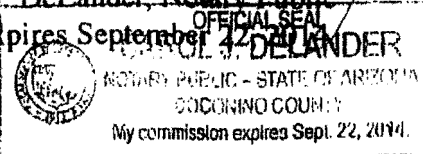
I, Douglas F. Wells, Publisher of the WILLIAMS-GRAND CANYON NEWS, a newspaper of general circulation published at Williams, Coconino County, Arizona, do solemnly swear that a copy of this notice, as per clipping attached, was published weekly in the regular and entire issue of said paper and not in any supplement thereof, two (2) consecutive weeks, commencing with issue dated September 22, 2010 and ending with issue dated September 29, 2010.


Douglas F. Wells, Publisher

Subscribed and sworn to before me this 29th day of September 2010.


Carol J. Delander, Notary Public

My commission expires September 22, 2014.



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ORDINANCE NO. 2010-09-08-02

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, imposing a ban on Private and Public Lands in the incorporated Town of Tusayan.

WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and WHEREAS, A.R.S. § 26-307 authorizes towns to make, amend and rescind orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1: The Mayor and Town Council of the Town of Tusayan hereby impose a ban on all open fires, campfires, fireworks and other pyrotechnic displays within the incorporated boundaries of Tusayan, effective at any time and for such times in which Restrictions are declared in effect by U.S. Forest Service, Kaibab National Forest. Excepted from this ban are petroleum-fueled stoves or lanterns, enclosed charcoal barbecue grills operated in residential yards, and special events specifically approved by the Town Council.

Section 2: Any person found guilty of violating any provision of this ordinance shall be guilty of a class one misdemeanor. Each occurrence of a violation shall be a separate offense punishable as herein described. Violations of this ordinance shall be enforced under the same conditions and procedure as set forth in A.R.S. § 13-3903.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of public peace, health and safety of the Town of Tusayan, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of Tusayan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of
Tusayan, Arizona, this 8 day of September, 2010.

APPROVED this 8 day of September 2010 by the affirmative vote of three-fourths of the Town Council of the Town of Tusayan, Arizona.

APPROVED: /s/ Pete Shearer, Mayor

ATTEST: /s/ Pam Parsons, Town Clerk

APPROVED AS TO FORM: /s/ Russell A. Kolsrud, Town Attorney
9/22, 9/29/2010

Affidavit of Publication

1, Douglas F. Wells, Publisher of the WILLIAMS-GRAND CANYON NEWS, a newspaper of general circulation published at Williams, Coconino County, Arizona, do solemnly swear that a copy of this notice, as per clipping attached, was published weekly in the regular and entire issue of said paper and not in any supplement thereof, two (2) consecutive weeks, commencing with issue dated September 22, 2010 and ending with issue dated September 29, 2010.

Douglas F. Wells, Publisher

Subscribed and sworn to before me this 29th day of
September 2010.

Carol J. DeLander, Notary Public

My commission expires September 22, 2014



NOTARY PUBLIC - STATE OF ARIZONA

COCONINO COUNTY

My commission expires Sept. 22, 2014.

RE: email

norman hannah [nhannah@grandcanyonchamber.com]

Sent: Wednesday, July 20, 2011 3:16 PM

To: Mitchell, William

I have pasted my earlier e-mail below

Regarding the fire pit I had 2 conversations of relevance

- The day of July 3rd (mid-afternoon) Bob Blasi came and offered the use of the forest dept mobile sign machine to promote the event and to get traffic to slow down. In the course of that discussion he also made an offhand comment that the fire might be illegal if tusayn had a police force to enforce things, code enforcement officers, and a judge. I honestly was so busy I only dimly remember the conversation.

- On July 7 - I visited Mike Rock at the Grand and he was already in a meeting with Enrique - the town manager regarding the fire. During that meeting a number of things were said

- I told Enrique I didn't get his Sunday mid-day e-mail until Monday and I wish he had something when I saw him on the 3rd (or called me as it was important) about it (Mike made the same comment) - Enrique response was that it wasn't his place to say it and that he didn't want to ruin the evening.

- Mike made the comment that during the party both Blasi and Montoya were there and didn't say anything either. Enrique made the comment that as a forest service person he didn't have jurisdiction - however I made the comment that in his role as on the Town Council he had some type of jurisdiction

- Enrique made several comments that he thought the fire dept had screwed up

- Enrique said that he would either hire an outside investigator to look into it or go to the sheriff's dept as they had deputies there on the 3rd and have some culpability as well because of that

- There were several comments by Enrique about the recall petition and the rotary event that I didn't follow or understand their relevance

- I asked Enrique at the end of the day who he thought was responsible - and he said from his perspective the fire dept was - as they knew the regulations - in the process of this Enrique did drop a few f-bombs and was agitated

Norman Hannar
Executive Director
Grand Canyon Chamber of Commerce
And Visitors Bureau
PO Box 3007
Grand Canyon AZ 86023
TEL: 928-638-2901
FAX: 928-638-4095
CELL: 480-797-2043

-----Original Message-----

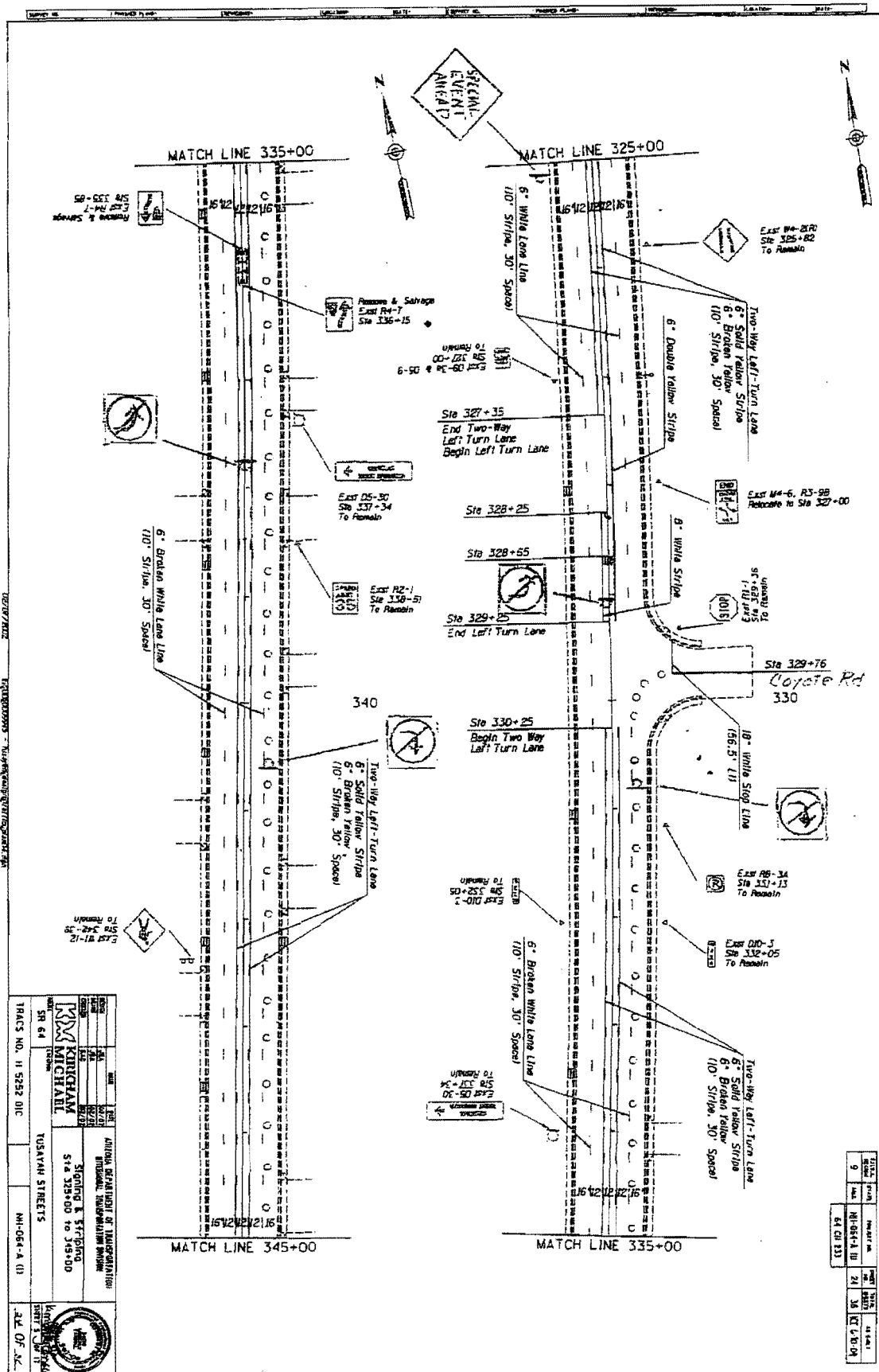
From: Mitchell, William [<mailto:wmitchell@coconino.az.gov>]
Sent: Wednesday, July 20, 2011 2:51 PM
To: nhanna@grandcanyonchamber.com
Subject: FW: email

From: Mitchell, William
Sent: Wednesday, July 20, 2011 2:48 PM
To: nhanna@grandcanyonchamber.com
Subject: email

just incase you dont have my email.

Deputy Bill Mitchell
District 3/4
Coconino County Sheriffs Office
928-607-6590

RECEIVED
JAN 1 1964



Coconino County
Environmental Services 007
2500 North Fort Valley Road Bldg 1
Flagstaff, AZ 86001

LICENSE



This certifies the the below establishment has complied with the requirements of the Coconino County Health Department and the laws of the State of Arizona pertaining to the operation and to the location listed below. This license is revocable by the Director of Coconino County Health Department for any faliure on the part of the licensee to meet such requirements.

Owner/Representative

GRAND CANYON CHAMBER OF COMMER CE
PO BOX 3007
GRAND CANYON, AZ 86023

Establishment: GRAND CANYON CHAMBER OF COMMER CI

Address:

License #: EH-11-0745

District:

Fee Paid - Date: \$18.00 - 06/03/11

Expiration Date: 12/30/2011

Authorized Signature: *Debra A. Morgan*

THIS LICENSE IS NOT TRANSFERABLE AND MUST BE POSTED IN A CONSPICUOUS PLACE

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/29/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Arizona, Inc. 11201 N. Tatum Blvd., Suite 300 Phoenix, AZ 85028 602 787-6117	CONTACT NAME: Paula E. Colon	
	PHONE (A/C, No, Ext): 602 787-6000	FAX (A/C, No): 602-787-8040
	E-MAIL ADDRESS: paula.colon @willis.com	
INSURED Grand Canyon Chamber of Commerce P.O. Box 3007 Grand Canyon, AZ 86023	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Philadelphia Indemnity Ins	
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
		NAIC # 18058
		INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		PHPK713306	05/01/2011	05/01/2012	EACH OCCURRENCE \$1,000,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$5,000
						PERSONAL & ADV INJURY \$1,000,000
						GENERAL AGGREGATE \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COM/PROP AGG \$2,000,000
	☒ POLICY ☐ PROJECT ☐ LOC					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO					BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB	☐ OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	☐ CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					IWC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y/N	N/A			OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: July 3 Parade. AZ Dept of Transportation and State of Arizona shall be included as additional insureds for General Liability per form PI-SE-001. Waiver of Subrogation is included in form PI-GLD-HS. This certificate supersedes the certificate dated 6/23/11.

CERTIFICATE HOLDER

CANCELLATION

AZ Dept of Transportation and State of Arizona 1801 S. Milton Road Flagstaff, AZ 86001	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Paula E. Colon</i>

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JULY 2ND - BOB BLASI CAME ON THE PROPERTY AROUND 11AM TO CHECK ON WHAT TIME HE NEEDED TO BE AT THE EVENT THE FOLLOWING DAY FOR THE DUNK TANK. HE ARRIVED IN HIS COMPANY TRUCK AND IN UNIFORM., AT THAT TIME THE FIRE PIT WAS BEING BUILT AND I SPECIFICALLY ASKED HIM IF THIS WOULD BE A PROBLEM AND HE SAID **NO YOU SHOULD BE FINE IT'S ON PRIVATE PROPERTY AND YOU HAVE THE FIRE GUYS TO TAKE CARE OF IT.**

BOB WAS ON THE PROPERTY THE NEXT DAY BEFORE AND AFTER THE EVENT STARTED AND THE FIRE WAS BURNING AND HE NEVER ONCE SAID ANYTHING ABOUT A FIRE VIOLATION OR DID HE MENTION ANYTHING ABOUT A FIRE SAFETY ISSUE.

AL MONTOYA WAS ON THE PROPERTY THE DAY OF THE EVENT AND DURING OUR CONVERSATION NOT ONCE DID HE MENTION ANYTHING ABOUT ANY TYPE OF FIRE VIOLATION

THE TOWN MANAGER WAS ON PROPERTY THE DAY OF THE EVENT WITH HIS FAMILY AND SPOKE TO ME AND AT NO TIME MENTIONED THE FIRE PIT OR ANY SAFETY ISSUE'S. HAD WE KNOW THE FIRE WOULD HAVE BEEN PUT OUT.

IF THIS WAS SUCH A FIRE DANGER WHY DID NONE OF THE ABOVE MENTION IT TO US.

JOSIE BUSTILLOS

Josie Bustillos 7/11/2011

[Signature] 7/11/2011

Statement

07/12/11

RE: July 3, 2011 Event

Michael Rock

On July 7, 2011 I, Michael Rock, received a call from Mayor Greg Bryan at 8:08am informing me that a complaint was filed in regards to a fire pit that was at the Grand Canyon Chamber Event on July 3. Mayor Bryan informed me that since a complaint was filed that an investigation would take place. Mayor Bryan had asked was I aware that the Chamber was not allowed to have a fire based on a Town Ordinance. I told him that I was not aware until the day after the event but if somebody had told me I would have put the fire out. I informed the Mayor that I had a conversation with Enrique Ochoa, Town Manager, in a close proximity of the fire, around 20 feet from the fire pit. Our conversation took place underneath a small pop up tent where the food and non alcoholic beverages were being served. Chef Ray Greene at the Grand Hotel was present during my conversation with Enrique. Enrique introduced me to his wife and two children. Enrique and I had an informal conversation about his family and what they do. During my conversation with Enrique, he never mentioned anything about the fire or the Ordinance. I asked Greg worst case scenario what are the possible implications, he replied with Misdemeanor 1 which could result in a \$2500 fine.

About 30 minutes after my conversation with Mayor Bryan, Enrique arrived to my office to discuss the fire pit from the event 4 days prior. The first part of my conversation with Enrique was about his family and thanking him for introducing them to me. We also had informal conversations about items not related to the July 3 event. Just as we started talking about the July 3 event Norman Hannah, Executive Director for the Chamber, arrived to my office. Enrique invited him in. Enrique informed us of the Town Ordinance and stated that somebody broke the law.

I asked Enrique, we talked at the event, why didn't you say anything?

Enrique replied with, I had my family present and it wasn't my place to say – It was a good event and I didn't want to be the reason that it got put out.

I asked - Bob Blasi and Al Montoya were present, they are town councilors, why didn't they say anything? Blasi works for the National Forest service? If we were in violation why didn't he say anything? I talked with him to side of the stage by the beer garden during the trophy presentation for the parade awards. I had a quick conversation with Montoya? He didn't say anything.

Enrique – Bob Blasi doesn't have jurisdiction –

I said – if fire safety was such a concern, why didn't somebody put the fire out? Shame on every person that attended and that was copied on email addressed to Norm Hannah on the day of the event and sent at 12:58pm. They are all to blame.

Enrique – the fire department and the sheriff knew of the ordinance they are the people to blame. This ordinance was passed because Robbie Evans and Kaibab National Forest pushed this through last year.

The fire department help build the fire pit and also assisted lighting the fire. They fucked up. They knew better.

Enrique continued – I will be turning this over for investigation and bringing somebody on to assist.

I replied – Great, use tax payer money and waste our resources. Enrique, if you or somebody else told us about the fire we could have avoided all of this.

Enrique – It will not be taxpayer money, it will be the judge and the sheriff's department conducting the investigation. There is one possible conflict of interest – You had several sheriffs present and they were aware of the ordinance, so we might have to get a third party.

I replied that I disagree with this and that this would have a negative impact on the community efforts and bridging any gaps. I also stated that for the 1st time in my 3 years in Tusayan this was the first time, that I saw people working together that either supported or opposed the incorporation for the common good of the community.

Enrique responded – the Rotary event was that too but the recall of the election is in process, so there don't let the event fool you to what is happening behind the scenes.

I replied – I understand and know that these things are happening in the community but the Rotary Event and our Chamber events are one of many steps this community needs to take move forward.

Norm made some comments and questions similar to mine and then asked who is responsible the Chamber, Fire Department? others

Enrique commented – Robbie fucked up, The sheriffs were present they knew. We have to investigate. You guys don't know all the ordinances, they do. Robbie fucked up, one of the firefighters lit the fire. Blasi took pictures around 7:15 am the following morning and it was still smoldering – Robbie's team knew better and should not have allowed that to happen – they fucked up.

Enrique asked me if I disagreed with him about who fucked up – I didn't give him a straight answer – My response, I understand where you are coming from but the temporary use permit was with the Chamber. I understand the reason for the investigation but I didn't agree with him that Robbie fucked up. I also mentioned that Tusayan fire were our biggest support by volunteering with set up of the function for setup and breakdown.

On July 7, 2011 – Enrique called me at 6:01pm – I was just pulling into my neighborhood in Flagstaff – We talked for 6 minutes and 41 seconds – Enrique called me to tell me that he and Pete Shearer had a conversation and that it confirmed a prior conversation that he had with Bob Blasi. Pete informed me that Norm had prior knowledge that we couldn't have the fire pit – I didn't ask specifics to what time Norm found out but from my understanding that it was some time during the event. Enrique informed me that it would be investigated. The reason, I didn't ask is because Enrique said it would be investigated.

I replied if that is the case the Chamber should be responsible and not the Fire department. Enrique responded, No, I already told you who I am going after. Chief Evans fucked up. He pushed for this ordinance and the reason we have it now.

I replied, but if you are saying that Norm may have known why wouldn't the Chamber be responsible?

Enrique – Robbie knew the ordinance, the sheriff's department knew the ordinance.

I replied – If fire safety is truly the number one concern, why wasn't the fire put out – Every single person that attended the event is to blame that knew of the ordinance.

Enrique responded that he agreed and that he trying to the change the community we live in, and now that we are a town – we have laws that we have to abide by

I replied every single person that was at that event and didn't say a thing is a coward. Regardless the fire was not put out and shame on everybody for not stepping up and doing what was right.

Enrique told me that he would keep me posted. I informed him that I was not in Tusayan on Friday, July 8, and if he needed to contact me to call me on my cell.

Other Notes:

- Norm received an email from Enrique at 12:58pm the day of the event. I don't know if it the email went to Norm's phone or not; regardless, we had a couple dozen people volunteering at the time and that is the time the down pour of rain began. It was all hands on deck moving all the items outside the tents underneath – We were moving pallets to put ply wood on top of the mud. It was 4 hours of hard work due to the rains. I was not checking emails on my phone during this time either nor was I copied on this email. All somebody had to do was inform us and we would never have asked for the fire to be lit.
- While we were setting up on July 2, I saw Councilor Blasi when he was walking around the property in his Forest Service Uniform –He had his Forest Service Vehicle with an ADOT sign in tow by the Sysco Truck. He was informing us that he was going to put his ADOT signage on the road to read – "slow down - Special Event" by the Airport Road on Highway 64. He did not say anything about the fire pit. The fire pit was in the process of being built and close to completion when he was on property. Nothing was said.
- On July 11, I was informed by Norm about a possible issue with a permit – Enrique replied to an email Norm sent that there were no issues with our town permit but with our Special Event Liquor License. He stated that we had the wrong dates, our application had 04/3/11 and not 07/3/11. The permit is in the Chamber office and from my understanding has the correct date of 07/03/11. I will be visiting the Chamber office to see section 9 where Enrique stated we had the error. Enrique signed the application. Norm drove the application to Phoenix for approval since our first application was lost in the mail. Mayor Bryan informed me in late June that he found the original. We were already in the process of submitting the new application and the reason Norm had to drive to Phoenix to get the proper approval.

from josie bustillos

Josie Bustillos [jbustillos@grandcanyonchamber.com]

Sent: Thursday, July 14, 2011 6:50 AM

To: Mitchell, William

The day that Mr. Tom De Paulo came in to the office, that was the first time we had met I had no idea who he was when he walked through the door.

When he walked in he asked for Norm Hannah and said he was here to give Norm a check for \$5,000. It was at that time that I asked him who he was and that was when he introduced himself.

I told him that Norm was not in the office. But, if I could help him I would. I then asked him what the \$5,000 was for and he said it was to pay for the tent that he had been promised by Norm for the 3rd of July event. Since I was the lead for the event I was very confused by this and told him I had no idea about what tent he was talking about. He said that Norm had told him that we had two event tents on the property and that he could have one of them. I told him I was sorry but, that was not true. I took out my map of the event and showed it to him. I at that time explained that all spot's were taken. He asked me to call Norm, they had a brief conversation over the phone, he hung up and said Norm would be having a meeting with Andy(he works for him) on Wednesday. That was the end of our conversation. The Chamber board voted to not allow him to set up his items on the property and so he pulled his sponsorship of \$5,000.

Josie Bustillos 7/13/2011

Josie Bustillos

7-17-11

On July 2nd 2011, I Terry Banks was standing next to Josie, the lady in charge of the Chamber of Commerce. Josie asked Bob Blasi, who was in his Forest service uniform and work truck, on the service road between the Grand Hotel and the location of the fourth of July event. Josie asked Mr. Blasi if the fire ban effect the town of Tusayan. I heard Mr. Blasi state that the fire ban was only in the forest and that he had no authority in Tusayan. Josie also asked Mr. Blasi if the fire pit was going to be a problem, Mr. Blasi stated no problem.

Jerry Banks

DOB 4-10-58

P.O. Box 3001

Tusayan, AZ 86023

PH 928-638-3050

Jerry Banks

7-17-11

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.

N↑

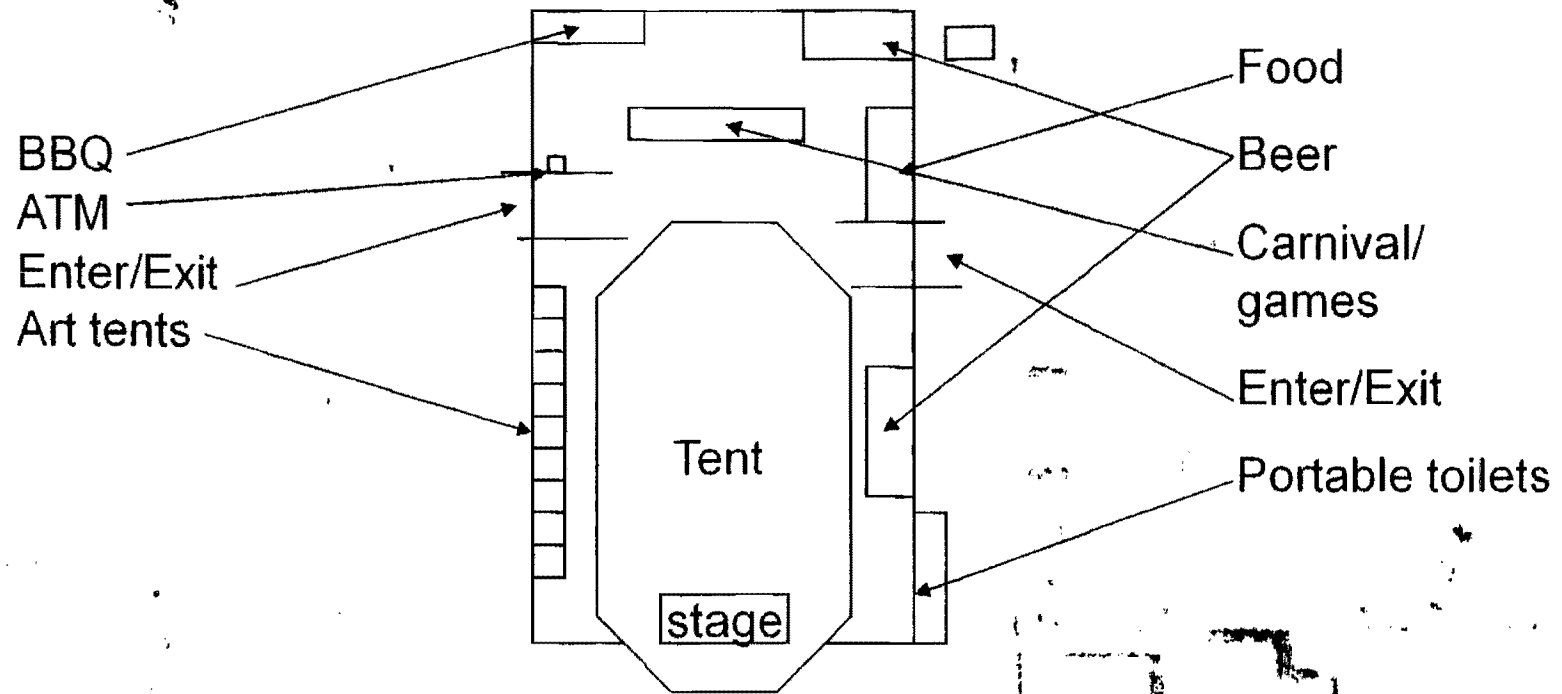
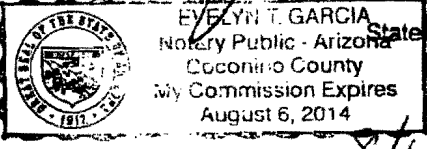


Image © 2011 DigitalGlobe
© 2011 Google

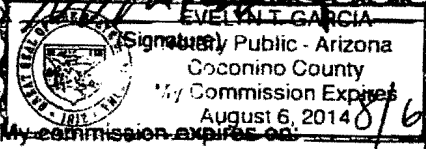
THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I Michael Rock declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] President 6/9/11 928 707-1907
(Signature) (Title/Position) (Date) (Phone #)
 Arizona County of Coconino
The foregoing instrument was acknowledged before me this 9 June 2011
Day Month Year
Evelyn T. Garcia
(Signature of NOTARY PUBLIC)
My Commission expires on: 8/6/2014
(Date)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I NORMAN B Hannah declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

[Signature] Arizona County of Coconino
(Signature) (Title/Position) (Date) (Phone #)
 Arizona County of Coconino
The foregoing instrument was acknowledged before me this 9 June 2011
Day Month Year
Evelyn T. Garcia
(Signature of NOTARY PUBLIC)
My Commission expires on: 8/6/2014
(Date)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, ENRIQUE MEDINA OCHOA Town Manager hereby recommend this special event application
(Government Official) (Title)
on behalf of Town of TUSAYAN 6-8-11
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

☐ APPROVED ☐ DISAPPROVED BY: _____
(Title) (Date)

STATE OF ARIZONA
DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 15034378

Issue Date: 6/10/2011

Special Event

Issued To: HANNAH, NORMAN
Event Name: CHARITABLE
Sponsor: GRAND CANYON CHAMBER OF COMMERCE
TaxID: 86 0448247

Event Dates: 7/3/2011

Location:
313 STATE RT 64N
TUSAYAN, AZ 85023

Mailing Address:
HANNAH, NORMAN
P O BOX 3007
GRAND CANYON, AZ 86023

POST THIS LICENSE IN A CONSPICUOUS PLACE

Mitchell, William

From: Josie Bustillos [jbustillos@grandcanyonchamber.com]
Sent: Tuesday, July 12, 2011 6:13 AM
To: 'norman hannah'
Subject: RE: Permit
Importance: High

Yes. I have the license and the form in which Enrique signed and clearly line 9 has the date 07-03-2011 (for the event date) and also the application does have the event map attached to it. The Temporary use permit application does say pending. So there is no doubt they are trying to hang us for anything they possibly can.....

I'm not sure what they call this in Tusayan, but in anywhere else in this country it is called harassment. This is never going to stop until they have someone's head on the chopping block. It might be time for the Chamber to looking to some legal advice. Just my personal opinion

Josie

p.s. I will bring this in with me today.

Josie Bustillos

Executive Assistant

Grand Canyon Chamber of Commerce & Visitor's Bureau

P.O. Box 3007

Grand Canyon, AZ 86023

jbustillos@grandcanyonchamber.com

(928) 638-2901-Office

(928) 890-4001-Cell

"The glories and the beauties of form, color and sound unite in the Grand Canyon - forms unrivaled even by the mountains, colors that vie with sunsets, and sounds that span the diapason from tempest to tinkling raindrop, from cataract to bubbling fountain."

From: norman hannah [mailto:nhannah@grandcanyonchamber.com]
Sent: Monday, July 11, 2011 8:58 PM
To: jbustillos@grandcanyonchamber.com
Subject: FW: Permit

Josie - do you have the alcohol permit I gave you

Norman Hannah
Executive Director
Grand Canyon Chamber of Commerce
And Visitors Bureau
PO Box 3007
Grand Canyon AZ 86023
TEL: 928-638-2901
FAX: 928-638-4095
CELL: 480-797-2043

From: Tusayan Town Manager [mailto:tusayantownmanager@gmail.com]
Sent: Monday, July 11, 2011 8:46 PM
To: norman hannah
Cc: Greg Bryan; Mike Rock
Subject: Re: Permit

7/18/2011

Norm,

I looked at the copies of the documents, special permit applications and special event liquor license application, that I signed in support of the July 4 Celebration events. I also looked at the docs that were originally given to the Mayor for his signature.

I did find a possibly problem with the special event liquor license application to the State Liquor Licenses and Control Board, it lists 04-03-2011 in the answer to question number 9 as the date of the event. I signed line 20 of that application for Mr. Mike Rock on June 8, 2011. He gave me copies of the signed docs minus the mapping of the event site.

Later, Mayor Bryan found the same docs which contained the map of the event site and the checks submitted for payment. I returned one of the checks to you. The other \$50 check will be deposited for the payment of the Temporary Use Permit application that I signed for you on June 28, 2011 in your office. At that time, I wrote "pending" on the payment line since I had not yet received the checks from the Mayor.

On the Town of Tusayan Temporary Use Permit Application the dates of the Parade and Festivities are correct.

Again, the only discrepancy I found was on the Application for Special Event License that the Chamber submitted to the State Liquor Licenses and Control Board.

Good luck with them.

Enrique

On Mon, Jul 11, 2011 at 11:36 AM, Tusayan Town Manager <tusavantownmanager@gmail.com> wrote:

I recall, what's the problem.

E

Sent from my i-Phone

On Jul 11, 2011, at 11:08 AM, "norman hannah" <nhannah@grandcanyonchamber.com> wrote:

<image001.gif>

Enrique - there seems to be some question about the timing of the event permit, if you remember you returned it to me at the special town council meeting on Tuesday June 28, 2011

Norm

Norman Hannah
Executive Director
Grand Canyon Chamber of Commerce
And Visitors Bureau

7/18/2011

PO Box 3007
Grand Canyon AZ 86023
TEL: 928-638-2901
FAX: 928-638-4095
CELL: 480-797-2043

--
Town Manager
Town of Tusayan
928-637-4297 cell
928-638-9909 office

7/18/2011

To: 'Mike Rock'

Subject: FW: Fire Restrictions in Tusayan per Ordinance No. 2010-09-08-02

Importance: High

Norm,

Received this on Sunday

Josie Bustillos

Executive Assistant

Grand Canyon Chamber of Commerce & Visitor's Bureau

P.O. Box 3007

Grand Canyon, AZ 86023

jbustillos@grandcanyonchamber.com

(928) 638-2901-Office

(928) 890-4001-Cell

"The glories and the beauties of form, color, and sound unite in the Grand Canyon - forms unrivaled even by the mountains, colors that vie with sunsets, and sounds that span the diapason from tempest to tinkling raindrop, from cataract to bubbling fountain."

From: norman hannah [mailto:nhannah@grandcanyonchamber.com]

Sent: Monday, July 04, 2011 12:56 AM

To: jbustillos@grandcanyonchamber.com; 'Mike Rock'

Subject: FW: Fire Restrictions in Tusayan per Ordinance No. 2010-09-08-02

Norman Hannah

Executive Director

Grand Canyon Chamber of Commerce

And Visitors Bureau

PO Box 3007

Grand Canyon AZ 86023

TEL: 928-638-2901

FAX: 928-638-4095

CELL: 480-797-2043

From: Tusayan Town Manager [mailto:tusayantownmanager@gmail.com]

Sent: Sunday, July 03, 2011 12:58 PM

To: Norman Hannah

Cc: Rob Evans; Rob Evans; Allen, Cathy; Steve Peru; Al Montoya; Bob Blasi; Cecily Maniaci; Greg Bryan; John Rueter; Bill Sims

Subject: Fire Restrictions in Tusayan per Ordinance No. 2010-09-08-02

Mr. Hannah, Executive Director of the Tusayan Chamber of Commerce,

I have been informed that plans are in the works and may be completed for the construction of a fire pit to have a bon fire as part of the celebration of the July 4, 2011 Special Event Festivities that were permitted by the Town of Tusayan. Note that the permit does not mention or include anything to do with fire or fireworks. The map provided for the permit does not have a specific place or location for a fire pit nor bon fire activities.

Please find enclosed pdf copies of Ordinance No. 2010-09-08-2 adopted by the Tusayan Town Council

7/18/2011

and copies of certification of publication in the appropriate newspapers per state statute requirements.

The Ordinance was adopted in compliance with Arizona laws and sanctions, penalties for violations are specifically set out in statute.

The Town Ordinance ties fire restrictions to those of the National Forest Service. Those restrictions are at their highest at this time and can be read on the NFS website and in various publications and official posting sites.

Thanks for your attention to this matter.

Enrique Medina Ochoa
928-637-4297 cell

--

Town Manager
Town of Tusayan
928-637-4297 cell
928-638-9909 office

7/18/2011

ORDINANCE NO. 2010-0902

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, IMPOSING A BAN ON PRIVATE AND PUBLIC LANDS IN THE INCORPORATED TOWN OF TUSAYAN.

WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and

WHEREAS, A.R.S. § 26-307 authorizes towns to make, amend and repeal orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and

WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and

WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and

WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and

WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and

WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and

WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and

WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1: The Mayor and Town Council of the Town of Tusayan hereby impose a ban on all open fires, campfires, fireworks and other pyrotechnic displays within the incorporated boundaries of Tusayan, effective at any time and for such times in which Restrictions are declared in effect by U.S. Forest Service, Kaibab National Forest. Excepted from this ban are portable fuel stoves or lanterns, enclosed charcoal barbecue grills operated in residential yards, and special events specifically approved by the Town Council.

Section 2: Any person found guilty of violating any provision of this ordinance shall be guilty of a class one misdemeanor. Each occurrence of a violation shall be a separate offense punishable as herein described. Violations of this ordinance shall be enforced under the same conditions and procedure as set forth in A.R.S. § 13-3503.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of public peace, health and safety of the Town of Tusayan, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Town Council of Tusayan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Tusayan, Arizona, this 8th day of September, 2010.

APPROVED this 8th day of September, 2010 by the affirmative vote of three-fourths of the Town Council of the Town of Tusayan, Arizona.

APPROVED:

Pete Shearer
Pete Shearer, Mayor

ATTEST:

[Signature]
Pam Parsons, Town Clerk

APPROVED AS TO FORM:

Russell A. Kolsrud
Russell A. Kolsrud, Town Attorney

ORDINANCE NO. 2010-09-08-02

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, imposing a ban on Private and Public Lands in the incorporated Town of Tusayan.

WHEREAS, A.R.S. § 26-311 authorizes the Town Council of the Town of Tusayan to declare that an emergency exists and to impose all necessary regulations to preserve peace and order in the incorporated boundaries of the Town of Tusayan; and WHEREAS, A.R.S. § 26-307 authorizes towns to make, amend and rescind orders, rules and regulations necessary for emergency functions not inconsistent with orders, rules and regulations promulgated by the governor and to suspend any regulation or law in conflict with said town orders, rules, and regulations; and WHEREAS, A.R.S. § 49-501 prohibits open burning in incorporated areas of the Town with certain broad exceptions; and WHEREAS, towns have the authority under A.R.S. § 11-251.05 to adopt ordinances necessary or proper to carry out the duties, responsibilities, and functions of the town and to prescribe punishment by fine or imprisonment, or both, for the violation of the ordinance, not to exceed the maximum limitations for a Class 1 misdemeanor; and WHEREAS, a very high fire danger exists from time to time within the boundaries of the incorporated Town of Tusayan based on persistent high winds, increased red flag warnings, high temperatures and increasingly high Energy Release Component, a measurement of the fuel moisture, relative humidity and temperature, as determined by the U. S. Forest Service; and WHEREAS, the Kaibab National Forest, and Grand Canyon National Park from time to time implement State 1 fire restrictions ("Restrictions") due to high fire danger and deem such Restrictions as being necessary to protect public health and safety and prevent human-caused wildfires; and WHEREAS, the Mayor, Town Council and the Tusayan Fire Chief recommend the Town Council take action to prohibit all open burning in the Town of Tusayan incorporation boundaries during times of high and extreme fire danger; and WHEREAS, rather than making independent determinations on varying fire conditions from time to time, the Mayor and Town Council intend to adopt by reference those Restrictions imposed from time to time by the Kaibab National Forest, and Grand Canyon National Park and apply the same to the Town of Tusayan; and WHEREAS, penalties for violations shall be enforced under the same conditions and procedure as set forth A.R.S. § 13-3903 and set forth in this ordinance.

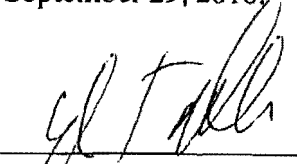
NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1: The Mayor and Town Council of the Town of Tusayan hereby impose a ban on all open fires, campfires, fireworks and other pyrotechnic displays within the incorporated boundaries of Tusayan, effective at any time and for such times in which Restrictions are declared in effect.

Trans and Hannah Rötter
without you.
Thank you Bonnie and Bill for the opportunity
and continuation of their work ethic, good
up with a lot to learn. Bonnie and Bill please
their children, Emma, John, Jess,

Affidavit of Publication

I, Douglas F. Wells, Publisher of the WILLIAMS-GRAND CANYON NEWS, a newspaper of general circulation published at Williams, Coconino County, Arizona, do solemnly swear that a copy of this notice, as per clipping attached, was published weekly in the regular and entire issue of said paper and not in any supplement thereof, two (2) consecutive weeks, commencing with issue dated September 22, 2010 and ending with issue dated September 29, 2010.


Douglas F. Wells, Publisher

Subscribed and sworn to before me this 29th day of September 2010.


Carol J. Delander, Notary Public

My commission expires September 22, 2014.



TOWN OF TUSAYAN

Contact information
Willdan Engineering

P (602) 395-7532
F (602) 870-7601

E (nbernoski@willdan.com)
(rbrooks@willdan.com, lstump@willdan.com)

TEMPORARY USE PERMIT APPLICATION

APPLICANT

Name Grand Canyon Chamber & Visitor's Bureau

Mailing Address PO Box 3077
Grand Canyon, AZ
86023

Contact Person John Tatham
Phone 928.638.5337 Fax 928.638.1106
Email johnjt@q.com

PROPERTY INFORMATION

Assessor's Parcel # _____

Subdivision _____

Unit # _____ Lot # _____

Address/Location _____

Zoning _____

Existing Land Use _____

Lot Size _____

TEMPORARY USE PERMIT REQUEST

Please provide a detailed description of the request, including proposed dates and times of operation.

Fourth of July Parade
taking place July 3, 2011.
Parade will use Hwy 64
through Tusayan and
festivities will take place
on the parcel of land
between the McDonalds
and Grand Hotel.

SUBMITTAL CHECKLIST

☐ \$50 non-refundable filing fee.

A \$100 fee is required for requests necessitating a hearing before the Planning and Zoning Commission.

☐ Two copies of the proposed site plan—*scaled and adequately dimensioned*—detailing property boundaries; existing improvements and uses; proposed improvements and uses; method of sewage disposal; and any proposed signs.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Department of Community Development access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

[Signature]

Date 6-28-11

Signature of Property Owner (if not the applicant)

[Signature]

Date 6-28-11

OFFICE USE ONLY

Received By [Signature] Date 6/28/11

TOWN MANAGER

Receipt # _____ Fee PENDING!

Case # _____

Related Cases _____

DIRECTOR ACTION

☒ Approved with Conditions (see attachments) ☐ Denied

Action By [Signature] Date 6/28/11

TOWN MANAGER

Expiration _____