PROCEEDINGS OF THE
COCHISE COUNTY BOARD OF SUPERVISORS SPECIAL MEETING
HELD ON TUESDAY, MARCH 13, 2012 @ 2:00 P.M.
IN THE BOARD OF SUPERVISORS CONFERENCE ROOM
LOCATED AT 1415 MELODY LANE, BUILDING G, BISBEE ARIZONA

Chairman Searle called the Special Meeting of the Board of Supervisors to order at 2:00 p.m. All three supervisors were present: Richard Searle, Chairman; Pat Call, Vice-Chairman; Ann English, Supervisor. Also attending were Mike Ortega, County Administrator; Britt Hanson, Chief Deputy County Attorney; Karen Riggs, County Engineer and Katie Howard, Clerk of the Board.

<u>ITEM 1</u>
Discuss the acquisition of parcels in the Sierra Vista Sub-watershed and in the San Pedro Basin for water conservation and flood control purposes.

This Executive Session is authorized under ARS 38-431.03, subsection (A) 7, discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Chairman Searle introduced the topic by commenting that Pomerene Road flooding has been a problem for some time. The issue was studied some time ago and the proposed solution was multi-million dollar solution, so nothing was done. Residents have put in berms to prevent flooding on their property. He showed a map of the area as he discussed the problem. The reason for this meeting, he said, is that the County road is at risk.

Karen Riggs, County Engineer, also pointed out that the County has no Right Of Way (ROW) on Old Pomerene Road. This means that the County cannot prevent people from creating berms which divert the water onto the County's road.

Vice-Chairman Call made a motion to go into Executive Session as authorized under the cited section. Supervisor English seconded the motion which passed unanimously. The Board convened in Executive Session at 2:06 p.m.

The Board came out of Executive Session at 2:34 p.m.

Vice-Chairman Call made a motion that the County Administrator is to proceed as directed during the course of the Executive Session. Supervisor English seconded the motion and it was approved, 3-0.

Ms. Riggs then provided the Board with an update on the Mansker property, another flood control project within the San Pedro Basin. She reminded the Board that in December, she obtained Board approval to proceed with that project for testing on the Mansker site, and also on channel near Palominas School. Testing has shown three areas that looked positive, as potential sites for detention basins. The Nature Conservancy (TNC) owns the Mansker site. She has discussed transfer options for that site and is working with the County Attorney's Office to draft a Memorandum Of Understanding (MOU). The funding, she said, has changed. The MOU between the County and TNC will lay out how the transfer will occur, how the property will be used, etc. She added that they need to have acquisition of the parcel by the end of this year, at the outside and explained the complexities of the property negotiations.

Mr. Hanson elaborated, saying the MOU has to be consistent with conservation goals.

Mr. Ortega stated that the discussion was that we would reserve some acreage for County facilities and if possible, allocate a portion to other owner(s) in order to get a portion of the parcel back on the County's tax rolls.

Mr. Hanson clarified, saying there is no controversy in the negotiations. Just trying to come up with what the ACUF funding requirements are, what TNC wants and what the County wants. Any restrictions will be minimal, he said. They are trying to build in as much flexibility as possible. TNC's MOU was drafted before ACUF money was in the works.

Vice-Chairman Call confirmed that the Board would have to approve the MOU before the purchase is done; Mr. Hanson concurred, saying that they are trying to make sure that County money is not needlessly expended, since there is now another funding source.

There being no further business before the Board, Chairman Searle adjourned the meeting at 2:45 p.m.

APPROVED: ______________________________
Richard Searle, Chairman

ATTEST: ______________________________
Katie A. Howard, Clerk of the Board