

Board of Supervisors

Ann English
Chairman
District 2

Richard R. Searle
Vice-Chairman
District 3

Patrick G. Call
Supervisor
District 1



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

AGENDA FOR REGULAR BOARD MEETING

Tuesday, March 26, 2013 at 10:00 AM

BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of March 12, 2013.
2. Approve the appointments of the following persons as Precinct Committee person for the Republican Party of Cochise County: Precinct # 24 St. David, Leo M. Lesueur; and the following person as Precinct Committee person for the Democrat Party of Cochise County: Precinct #14 Greater San Pedro, Debbie Hickman.

Community Development

3. Approve the appointment of Mr. Joe Garcia to the Planning and Zoning Commission representing District 2, to fill a vacancy due to the resignation of Mr. Raul Montano, for the remainder of his term ending December 31, 2015.

County Attorney

4. Approve a Memorandum of Understanding (MOU) that provides for The Nature Conservancy to monitor a Military Conservation Easement annually at no cost to Cochise County.
5. Approve the proposed settlement of the Tax Appeal in Mario and Debbie Saldivar v. Cochise County, ST2012-000829 (Assessor parcel No. 02-408-120-30), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
6. Approve the proposed settlement of the Tax Appeal in James R. Thompson and Audrey M. Thompson v. Cochise County, ST2012-000564 (Assessor parcel No. 202-42-017), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Court Administration

7. Approve reappointments of Superior Court Judge Pro Tempore, Donna M. Beumler, pursuant to ARS 12-141; Juvenile Court Commissioners/Judges Pro Tempore Margaret Macartney, and Ann Battaglia-Roberts, pursuant to ARS 8-231 and 12-141; and approve authorization to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances pursuant to ARS 12-144; Justice Court Precinct Five Pro Tempore, Leslie Sansone and county-wide Justices of the Peace Pro Tempore Ann S. Lund, Gerald F. Till, Paul Julien, David Howe, William Lakosil and Frederick Thompson for emergency or temporary coverage, both pursuant to ARS 22-121; and approve authorization to call upon an appropriately-appointed Justice of the Peace Pro Tempore from another county in extenuating circumstances pursuant to ARS 22-122 for the period beginning July 1, 2013 to and including June 30, 2014.

Facilities

8. Approve the Agreement with State of Arizona for Broadband Technical Assistance in the amount of \$19,600 with in-kind match of \$4,900 to utilize the consultant services of KAED Consulting and One Random to complete a GAP Analysis for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.
9. Approve the Agreement with State of Arizona for Broadband Planning Assistance in the amount of \$30,000 with in-kind match of \$7,500 to utilize the consultant services of Systems Technology Staffing, LLC to create a broadband development plan for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.

Finance

10. Approve demands and budget amendments for operating transfers.

Fleet

11. Approve the award of Invitation for Bids (IFB) No. 13-28-FMD-04 to Lawley Motors for the purchase of eight 2013 Chevrolet Tahoe Patrol Vehicles for the Fleet Management Department in the amount of \$226,536 plus applicable tax.

Juvenile Probation

12. Adopt Resolution 13-06 electing Cochise County to participate in the Family Counseling Program and authorizing a Grant Match of an additional \$250.

PUBLIC HEARINGS

Community Development

13. Adopt Zoning Ordinance 13-02, approving Docket Z-13-01, conditionally amending the zoning district designation for Parcel 102-57-338, from TR-9 to MR-1, pursuant to the application of Ms. Maria Yesca.

ACTION

Community Development

14. Adopt Resolution 13-07 abandoning portions of 4th Street, Washington Avenue, Jefferson Avenue and alleyways adjoining Bowie School properties, as described therein.
15. Uphold or Deny the property owners appeal of the Notice and Order to Abate on parcels 107-19-005C, 107-19-005D, and 107-19-004B.

STATE & FEDERAL LEGISLATION

16. Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda and the proposed State budget.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Richard Searle

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603
(520) 432-9200 - Fax (520) 432-5016 - Email: board@cochise.az.gov
www.cochise.az.gov

"PUBLIC PROGRAMS, PERSONAL SERVICE"

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of March 12, 2013.

Background:

Minutes

Department's Next Steps (if approved):

Signed minutes routed for processing and posted on the internet.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Send to the Recorder's Office for microfiche purposes.

Attachments

Minutes

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR BOARD MEETING HELD ON
TUESDAY, MARCH 12, 2013**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 12, 2013 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona. In attendance were Ann English, Chairman; Richard Searle, Vice-Chairman; Patrick Call, Supervisor; Mike Ortega, County Administrator; Britt Hanson, Chief Civil Deputy County Attorney; and Gussie Motter, Deputy Clerk of the Board.

Chairman English called the meeting to order at 10:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL – All three supervisors present.

CALL TO THE PUBLIC – Chairman English moved the Call to the Public to the end of the agenda

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of February 26, 2013.
2. Approve a liquor license application for a series 16 (Wine Festival/Wine Fair) submitted by Mr. James H. Graham for Golden Rule Vineyard for a Wine Festival/Tasting to be held at 571 N Frontage Road, Sunsites, 85625 on March 24, 2013.
3. Approve the appointments of the following persons as Precinct Committee persons for the Republican Party of Cochise County: Precinct #1 Benson, Lona Jensen; Precinct # 16 Huachuca, Kara L. Harris; Precinct #19 Palominas, Iris D. Lynch; Precinct #30 SV Cloud, Gene Bodeen; Precinct #41 SV Village Meadows, Douglas J. Behnke; Precinct #44 Tombstone, A. Thomas Dushane.

County Attorney

4. Approve the proposed settlement of the Tax Appeal in Mark A. Vester v. Cochise County, ST2012-000254 (Assessor parcel No. 104-82-013-K2), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Facilities

5. Approve Renewal of Maneuver In-License Agreement for the Bisbee-Douglas International Airport, between Cochise County and the United States of America, for non-exclusive use of BDI airspace and associated lands for the purpose of conducting military training and operations by the 563 RQG, Davis-Monthan AFB, Arizona.

Finance

6. Approve demands and budget amendments for operating transfers.

Warrants Nos. 67662-67811, 67834-67858, and 67863-68018 were issued in the amount of \$921,023.42.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. The voided warrants are listed below:

<u>Fund</u>	<u>Vendor</u>	<u>Amount</u>
505	AZ State Prison Complex	\$361.12
109	Frank Tadeo's Chevron Svc	12.50

Issued warrants are listed as an attachment at the end of the minutes

Vice-Chairman Searle made a motion to approve items 1-6 of the Consent Agenda. Supervisor Call seconded the

motion and it carried unanimously. 3-0

PUBLIC HEARINGS

Community Development

7. Adopt Resolution 13-05 which would authorize Cochise County Elected Officers, Department Directors and Deputy Directors to waive Department application, inspection or service fees under particular circumstances and with limited extent.

Mr. Michael Turisk, Planning Manager, presented this item using a PowerPoint presentation. Mr. Turisk explained that this item was the result of a work session and the goal of the item is to establish one concise fee waive policy. He said that fees may be waived for all inspection and/or service fees associated with repair, rehabilitation or new construction of low to moderate-income affordable housing, as defined by the US Department of Housing and Urban Development (HUD), which is being provided assistance and/or whole or partial funding from the Housing Authority of Cochise County or tax-exempt, non-profit charitable organizations. Upon request, up to \$200 in inspection and/or service fees for any project proposed by an operator of a charitable nonprofit organization that is tax-exempt under 26 USC 501(c)(3) may be waived.

This Resolution will also establish procedure for the public to request waivers. Fee waiver requests outside of this policy shall be submitted through the affected department for consideration by the Board. Mr. Turisk said that staff is recommending approval.

After discussion and concerns expressed by Vice-Chairman Searle, Mr. Ortega recommended removing the reference to HUD. Mr. Hanson concurred that removing the reference to HUD was within the scope of the agenda item.

Chairman English opened the public hearing. No one chose to speak. Chairman English closed the Call to the Public.

Supervisor Call moved to adopt Resolution 13-05 deleting the section that says "as defined by the department of Housing and Urban Development – " which would authorize Cochise County Elected Officers, Department Directors and Deputy Directors to waive Department application, inspection or service fees under particular circumstances and with limited extent. Vice-Chairman Searle seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

ACTION

Community Development

8. Approve the King's Ranch at Coronado Right-of-Way Encroachment License Agreement between Cochise County and Kings Ranch, AZ LLC, effective immediately for a minimum of 5 years for the initial development phase.

This item was presented by Ms. Karen Riggs, Interim Community Development Director. Ms. Riggs reminded the Board that this subdivision, originally platted with private streets, has changed several times. The current owners, KE&G Construction, have worked closely with the County on a final plat amendment which provided for making the streets public. Prior to this plat and ownership change, one phase of the streets was built. This license agreement stems from that street and roadside drainage construction, as well as in response to the 2011 fires which had an impact on drainage across the site.

Ms. Riggs explained that the license agreement provides for the owners to temporarily maintain the shoulders and roadside drainage areas between the edge of the pavement and the edge of the right-of-way. The owner agrees to maintain (at no cost to the County) the roadway shoulders and drainage for five years in the initial development phase, allowing them to deal with roadside drainage that was not constructed to County standards and the damage caused by increased runoff after the fires. They will also mow the shoulder areas on a tighter schedule than the County is able to. Ms. Riggs called this a win/win for both parties.

Vice-Chairman Searle moved to approve the King's Ranch at Coronado Right-of-Way Encroachment License Agreement between Cochise County and Kings Ranch, AZ LLC, effective immediately for a minimum of 5 years for the initial development phase. Supervisor Call seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

9. Approve the Intergovernmental Agreement between Cochise County and Fairfield Estates Road Maintenance and Improvement District, effective immediately with automatic annual renewals.

This item was presented by Ms. Karen Riggs, Interim Community Development Director. Ms. Riggs explained that this district was formed pursuant to A.R.S. 48-1081 for the purpose of exercising their respective joint powers and contracting for services to complete paving and other public work projects. The special district has requested help from highways for completion of these projects.

Ms. Riggs assured the Board that priority would be given to County work and that the special districts would pay all costs, exactly like any other IGA.

Mr. Ortega volunteered to put together a report for the Board regarding the departments IGA work. After reading the report, the Board may decide to hold a work session and discuss a change in current policy regarding IGA work.

Supervisor Call moved to approve the Intergovernmental Agreement between Cochise County and Fairfield Estates Road Maintenance and Improvement District, effective immediately with automatic annual renewals. Vice-Chairman Searle seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

County Treasurer

10. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance 2013-01/13 through 2013-13/13 pursuant to A.R.S. 42-19118.

This item was presented by Ms. Cathy Traywick, County Treasurer. Ms. Traywick explained that her office is asking the Board to abate the taxes on personal property that is no longer on the property.

The Board thanked her for bringing this to their attention.

Vice-Chairman Searle moved to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance 2013-01/13 through 2013-13/13 pursuant to A.R.S. 42-19118. Supervisor Call seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

Facilities

11. Approve the Intergovernmental Agreement between Cochise, Graham, Greenlee, and Santa Cruz Counties to apply for funding for Broadband Local Assistance through the Digital Arizona Program, with Cochise County acting as the Grant Recipient and Fiscal Agent for a term ending December 31, 2015.

This item was presented by Ms. Lisa Marra, Grants Administrator. Ms. Marra explained that the IGA would allow the four counties to apply for funding for Broadband Local Assistance through the Digital Arizona Program with Cochise County acting as the Grant Recipient and Fiscal Agent. The Counties will contribute to the grant through in-kind funding. Ms. Marra will work with the Finance Department to come up with a form to ensure that reporting is uniform for each county.

Supervisor Call moved to approve the Intergovernmental Agreement between Cochise, Graham, Greenlee, and Santa Cruz Counties to apply for funding for Broadband Local Assistance through the Digital Arizona Program, with Cochise County acting as the Grant Recipient and Fiscal Agent for a term ending December 31, 2015. Vice-Chairman Searle seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

Human Resources

12. Approve the funding for the proposed schedule of benefits and rates adopted by the Cochise Combined Trust for fiscal year 2013-2014.

This item was presented by Mr. Mike Ortega, County Administrator. Mr. Ortega reminded the Board that this item involves the annual approval for funding for the County's healthcare for the coming year. Health costs are expected to go up by about 2% next year but the Trust decided not to increase rates for employees, only retirees and COBRA

users. At the end of the year, we will be spending more out of the Trust than we put into it but we will make up that amount by drawing down the Trust's reserves. Mr. Ortega warned of the potential for a 10% increase in premiums for fiscal year 2014-2015.

Vice-Chairman Searle moved to approve the funding for the proposed schedule of benefits and rates adopted by the Cochise Combined Trust for fiscal year 2013-2014. Supervisor Call seconded the motion.

Chairman English called for the vote and it carried unanimously 3-0.

STATE & FEDERAL LEGISLATION

8. Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda, the proposed State budget.

Chairman English did not have any specific items to discuss as there has been no progress on sales tax or the budget at the State level.

Supervisor Call reported that HB 2338 continues to be opposed and may not have a chance of passing.

Mr. Ortega reported on the effects that sequester could have on Fort Huachuca. He also discussed a new Senate bill to increase Constables salaries to \$23,000.

No action was taken on this agenda item.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Ortega reported that they had fruitful and productive meetings in DC and that immigration reform is the current hot topic.

SUMMARY OF CURRENT EVENTS BY BOARD MEMBERS

REPORT BY SUPERVISOR PAT CALL, DISTRICT NO. 1

Supervisor Call reported that the immigration reform seemed to center on a guest workers program and border security issues. The discussion is not as heated as it was years ago but there is still a great deal of finger pointing across the aisles. People are realizing that they need to work together and are frustrated by the divisions among the Legislators.

REPORT BY SUPERVISOR ANN ENGLISH, DISTRICT NO. 2

Chairman English deferred report.

REPORT BY SUPERVISOR RICHARD SEARLE, DISTRICT NO. 3

Vice-Chairman Searle reported on NACo educational opportunities. He and Mr. Ortega met with Congressman Barber to discuss the budget and impress upon him the importance of Payment In Lieu of Taxes (PILT) to Cochise County.

CALL TO THE PUBLIC

Chairman English opened the Call to the Public.

Jack Cook addressed the Board on matters of personal concern.

The Call to the Public was closed.

Chairman English adjourned the meeting at 11:00 a.m.

Ann English, Chairman

ATTEST:

Katie Howard, Clerk of the Board

((SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE) at (520) 432-9200, FAX (520) 432-5016, TDD (520) 432-8360, 1415 Melody Lane, Building G, Bisbee, Arizona 85603.

Cochise Co. Demands 3.12.13

67486	02/20/2013	AZ Department of Corrections - Douglas	\$180.00	67562	02/21/2013	Federal Express Corporation	\$103.84
67487	02/20/2013	AZ Department of Corrections - Douglas	\$69.75	67563	02/21/2013	Federal Express Corporation	\$22.11
67488	02/20/2013	AZ Water Company	\$4,628.04	67564	02/21/2013	Gale Group	\$27.19
67489	02/20/2013	B&S Supply Co, Inc	\$1,487.46	67565	02/21/2013	Hamilton, Linda T.	\$660.00
67490	02/20/2013	Benson, City of	\$289.78	67566	02/21/2013	Heinzl, Joe Lawrence Esq.	\$288.52
67491	02/20/2013	CenturyLink	\$62.24	67567	02/21/2013	Inter-State Investigative Services, Inc.	\$2,469.22
67492	02/20/2013	CenturyLink	\$95.94	67568	02/21/2013	Judicial Dialog Systems	\$6,292.85
67493	02/20/2013	Cochise Private Industry Council, Inc.	\$52,187.00	67569	02/21/2013	Keefe Supply Company	\$2,458.86
67494	02/20/2013	Copper Queen Community Hospital	\$2,387.92	67570	02/21/2013	Laundry & Cleaners Supply Inc	\$6,749.28
67495	02/20/2013	Desert Hawk Publications, Inc.	\$1,200.00	67571	02/21/2013	Manring, Donald Gene	\$9.58
67496	02/20/2013	Douglas, City of	\$96.48	67572	02/21/2013	Margo Borowiec Counseling	\$180.00
67497	02/20/2013	JCG Technologies	\$539.31	67573	02/21/2013	Matchett, Edward W.	\$180.00
67498	02/20/2013	Leffler, Linda	\$100.00	67574	02/21/2013	Merle's Automotive Supply, Inc.	\$1,011.86
67499	02/20/2013	Professional Records Management, Inc.	\$3,543.28	67575	02/21/2013	Merle's Automotive Supply, Inc.	\$1,811.57
67500	02/20/2013	Reilly, Carl	\$92.72	67576	02/21/2013	Nyander, Penny Sue	\$21.00
67501	02/20/2013	Saddle Gap Emergency Physician	\$874.00	67577	02/21/2013	Nyander, Penny Sue	\$36.40
67502	02/20/2013	Sierra Vista Emergency Physicians	\$250.00	67578	02/21/2013	Oertel, Brian	\$103.17
67503	02/20/2013	Sierra Vista Regional Health Center	\$951.65	67579	02/21/2013	Office Max	\$133.38
67504	02/20/2013	Southeast AZ Medical Center	\$999.56	67580	02/21/2013	Office of Vital Records	\$4,896.00
67505	02/20/2013	Southwest Gas Corporation	\$21,630.44	67581	02/21/2013	Palting, Renee V.	\$284.00
67506	02/20/2013	Sparkletts	\$94.59	67582	02/21/2013	Parent, Carol	\$28.50
67507	02/20/2013	Sparkletts	\$24.44	67583	02/21/2013	Penworthy Co	\$294.21
67508	02/20/2013	Sparkletts	\$118.42	67584	02/21/2013	Purcell's Western State Tire Company	\$3,218.30
67509	02/20/2013	Sparkletts	\$43.98	67585	02/21/2013	Recorded Books, LLC	\$280.20
67510	02/20/2013	Staples	\$216.75	67586	02/21/2013	Reed, Cynthia - Court Reporter	\$408.30
67511	02/20/2013	Sulphur Springs Valley Electric Coop, Inc.	\$2,436.63	67587	02/21/2013	Richardson's Mortuary	\$500.00
67512	02/20/2013	Sulphur Springs Valley Electric Coop, Inc.	\$6,180.68	67588	02/21/2013	Richardson's Mortuary	\$500.00
67513	02/20/2013	Target Commercial Interiors	\$93.45	67589	02/21/2013	Riviera Finance	\$1,809.09
67514	02/20/2013	Time Clock Sales & Service Co.	\$619.65	67590	02/21/2013	RWC International, LTD	\$89.48
67515	02/20/2013	ULINE	\$52.76	67591	02/21/2013	Safelite Autoglass Corp.	\$314.46
67516	02/20/2013	Valley Telephone Coop, Inc.	\$477.68	67592	02/21/2013	Schlesinger, Aaron	\$38.50
67517	02/20/2013	West, Ronald	\$424.75	67593	02/21/2013	Schlesinger, Aaron	\$192.00
67518	02/20/2013	Cochise County Finance Revolving Fund	\$50.00	67594	02/21/2013	Sierra Vista Emergency Physicians	\$367.66
67519	02/20/2013	Pitney Bowes Reserve Account	\$10,000.00	67595	02/21/2013	Sierra Vista Regional Health Center	\$414.02
67520	02/20/2013	Schneider, Carol	\$15.45	67596	02/21/2013	Sierra Vista Regional Health Center	\$733.59
67521	02/21/2013	JP Morgan Chase	\$36,855.67	67597	02/21/2013	Southwest Disposal LC	\$71.10
67522	02/21/2013	ACE Hardware - Bisbee	\$359.88	67598	02/21/2013	Sparkletts	\$9.77
67523	02/21/2013	AmeriPride Linen and Apparel Service	\$154.09	67599	02/21/2013	Sparkletts	\$27.46
67524	02/21/2013	AZ Department of Corrections - Douglas	\$1,146.00	67600	02/21/2013	Sparkletts	\$9.77
67525	02/21/2013	AZ Department of Corrections - Douglas	\$470.00	67601	02/21/2013	Sulphur Springs Valley Electric Coop, Inc.	\$597.59
67526	02/21/2013	AZ Department of Corrections - Douglas	\$29.75	67602	02/21/2013	Thomson West	\$3,989.65
67527	02/21/2013	AZ Department of Corrections - Douglas	\$46.75	67603	02/21/2013	Union Distributing Company of Tucson	\$9,439.70
67528	02/21/2013	AZ Department of Corrections - Douglas	\$59.50	67604	02/21/2013	USDA, APHIS	\$9,591.00
67529	02/21/2013	AZ Department of Corrections - Douglas	\$76.50	67605	02/21/2013	Valley Telephone Coop, Inc.	\$193.37
67530	02/21/2013	AZ Department of Transportation	\$50.00	67606	02/21/2013	VCA Apache Animal Hospital	\$63.43
67531	02/21/2013	AZ Homicide Investigators Association, Inc.	\$60.00	67607	02/21/2013	Verizon Wireless	\$568.43
67532	02/21/2013	AZ Range News	\$70.62	67608	02/21/2013	Versatile Information Products, Inc	\$1,512.69
67533	02/21/2013	AZ Supreme Court	\$616.00	67609	02/21/2013	Watch Guard	\$145.57
67534	02/21/2013	Armstrong Consultants, Inc.	\$8,518.20	67610	02/21/2013	Westlawn Chapel & Mortuary	\$500.00
67535	02/21/2013	Audio Editions	\$32.37	67611	02/21/2013	Westlawn Chapel & Mortuary	\$150.00
67536	02/21/2013	Baker & Taylor, Inc.	\$102.77	67612	02/21/2013	White, Michael	\$84.93
67537	02/21/2013	Benson Police Department	\$868.50	67613	02/21/2013	Williams, Nancy N.	\$50.16
67538	02/21/2013	Bisbee Observer	\$71.02	67614	02/21/2013	WR Ryan Company	\$107.54
67539	02/21/2013	Bourke, Nancy	\$1,115.00	67615	02/21/2013	AZ Fiduciaries Association, Inc.	\$700.00
67540	02/21/2013	Bruce Silva, MD & Kenneth Kacenga, DO, LLC	\$117.65	67616	02/21/2013	AZ Justice of the Peace Association	\$100.00
67541	02/21/2013	Carondelet Health Care Corp	\$1,492.87	67617	02/21/2013	AZ State Board of Technical Registration	\$195.00
67542	02/21/2013	CEMEX Construction Materials South, LLC	\$279.53	67618	02/21/2013	AZ State Board of Technical Registration	\$195.00
67543	02/21/2013	CenturyLink	\$273.17	67619	02/21/2013	Bell, Colin	\$1,037.58
67544	02/21/2013	CenturyLink	\$2,957.65	67620	02/21/2013	Bidgood, Kelley	\$5,000.00
67545	02/21/2013	CenturyLink	\$461.28	67621	02/21/2013	Bisbee Little League	\$300.00
67546	02/21/2013	CenturyLink	\$269.26	67622	02/21/2013	Cochise County Sheriff's Department	\$2,771.60
67547	02/21/2013	CenturyLink	\$731.62	67623	02/21/2013	Cochise County Sheriff's Department	\$43.87
67548	02/21/2013	CMI, Inc.	\$255.04	67624	02/21/2013	Hunter, Jackie Lynn	\$22.40
67549	02/21/2013	Copper Queen Community Hospital	\$37.04	67625	02/21/2013	Wendy L McCord dba Private Practice	\$910.00
67550	02/21/2013	Copper Queen Medical Associates	\$71.31	67626	02/21/2013	Brauchla, Gary	\$84.59
67551	02/21/2013	Dell Marketing LP	\$6,157.48	67627	02/21/2013	Cazares, Jeanette	\$88.96
67552	02/21/2013	Desert Scale & Weighing Equipment, Inc.	\$2,065.00	67628	02/21/2013	Cervantes, Tim	\$17.44
67553	02/21/2013	Diamond Drugs Inc.	\$227.24	67629	02/21/2013	Heeren, Joan	\$34.00
67554	02/21/2013	DiRoberto, Joseph	\$11,842.51	67630	02/21/2013	Honorable Joseph Knoblock	\$225.15
67555	02/21/2013	Dorado Personnel, Sierra Vista Personnel	\$3,139.50	67631	02/21/2013	Lynch, Jim	\$24.97
67556	02/21/2013	Douglas Police Department	\$3,767.65	67632	02/21/2013	Martzke, James	\$71.25
67557	02/21/2013	Douglas, City of	\$2.00	67633	02/21/2013	McIntyre, Jennifer Lin	\$12.32
67558	02/21/2013	Empire Homes, Inc.	\$803.25	67634	02/21/2013	Miller, Carmen	\$50.39
67559	02/21/2013	Empire Southwest LLC	\$5,223.90	67635	02/21/2013	Mostyn, Benjamin	\$51.00
67560	02/21/2013	Empire Southwest LLC	\$15,595.46	67636	02/21/2013	Mostyn, Benjamin	\$17.00
67561	02/21/2013	FasPsych, LLC	\$1,560.00	67637	02/21/2013	Rivera, Martha	\$17.00

67638	02/21/2013	Weissler, Liza Y.	\$22.12	67715	02/28/2013	CenturyLink	\$62.36
67639	02/22/2013	A Speedy Cash Car Title Loans, LLC	\$308.92	67716	02/28/2013	Copper Queen Community Hospital	\$195.00
67640	02/22/2013	AZ Department of Revenue	\$50.00	67717	02/28/2013	Crafo, Inc.	\$22,496.47
67641	02/22/2013	Burse & Associates, P.C.	\$423.42	67718	02/28/2013	CRM of America LLC	\$7,053.64
67642	02/22/2013	CitiFinancial-Chandler	\$48.94	67719	02/28/2013	Crop Production Service Inc	\$6,928.24
67643	02/22/2013	Colonial Supplemental Insurance	\$29.50	67720	02/28/2013	Dell Marketing LP	\$852.91
67644	02/22/2013	Correction Officers	\$250.53	67721	02/28/2013	Destiny Software, Inc.	\$1,450.00
67645	02/22/2013	DCS	\$343.28	67722	02/28/2013	Dorado Personnel, Sierra Vista Personnel	\$1,754.03
67646	02/22/2013	GMAC, c/o Jennifer A. Christie	\$20.72	67723	02/28/2013	ECCO Equipment Corp.	\$8,416.10
67647	02/22/2013	Guglielmo, Paul D.	\$191.64	67724	02/28/2013	Election Center (The)	\$200.00
67648	02/22/2013	NACO West	\$22,030.78	67725	02/28/2013	Elfrida Elementary School District #12	\$78.50
67649	02/22/2013	NYS Child Support Processing Center	\$516.10	67726	02/28/2013	Emily Loma Danies, Esq.	\$560.00
67650	02/22/2013	Pennsylvania SCDU	\$25.00	67727	02/28/2013	Enriquez, Aurora O.	\$190.00
67651	02/22/2013	Pre-paid Legal Services, Inc. dba LegalShield	\$1,224.12	67728	02/28/2013	EZ-Liner Industries	\$4,006.09
67652	02/22/2013	Public Safety Retirement Syst	\$1,001.80	67729	02/28/2013	Federal Express Corporation	\$50.73
67653	02/22/2013	Support Payment Clearinghouse	\$5,746.88	67730	02/28/2013	Fleet Management Special Services Section	\$34.38
67654	02/22/2013	TIAA-CREF as agent for JPMorgan Chase	\$4,230.00	67731	02/28/2013	Gale Group	\$134.88
67655	02/22/2013	U.S. Department of Education	\$160.79	67732	02/28/2013	Goen's Tow-En	\$105.00
67656	02/22/2013	United Way	\$80.00	67733	02/28/2013	Goodmans, Inc.	\$4,833.76
67657	02/26/2013	AOC Corrections Officer Retire	\$17,288.84	67734	02/28/2013	Granite Construction Company	\$8,557.44
67658	02/26/2013	Correction Officers	\$14,868.08	67735	02/28/2013	Hane Solutions	\$261.01
67659	02/26/2013	Public Safety Retirement Syst	\$77,090.24	67736	02/28/2013	Hello Direct, Inc.	\$1,153.94
67660	02/26/2013	Public Safety Retirement Syst	\$19,743.54	67737	02/28/2013	Hodges Glass Co Inc	\$2,306.62
67661	02/27/2013	JP Morgan Chase	\$215,106.53	67738	02/28/2013	KE&G Construction Inc.	\$44,811.04
67662	02/27/2013	AZ Department of Economic Security	\$9,690.12	67739	02/28/2013	Keefe Supply Company	\$1,350.90
67663	02/27/2013	AZ Public Service (APS)	\$4,429.35	67740	02/28/2013	Kelly, Peter A.	\$6,549.95
67664	02/27/2013	AZ State Prison Complex - Fort Grant	\$240.00	67741	02/28/2013	Law Offices of Ruben Teran S.	\$7,845.40
67665	02/27/2013	AZ State Prison Complex - Fort Grant	\$121.12	67742	02/28/2013	Legend Technical Services, Inc.	\$64.00
67666	02/27/2013	AZ Water Company	\$1,415.18	67743	02/28/2013	Levitt, Harriette P.	\$965.00
67667	02/27/2013	Benson, City of	\$331.54	67744	02/28/2013	Logicalis, Inc.	\$1,088.00
67668	02/27/2013	Cochise Private Industry Council, Inc.	\$42,253.00	67745	02/28/2013	Lowell A. Jensen, PLC	\$1,455.00
67669	02/27/2013	JJ Keller & Associates, Inc.	\$1,170.47	67746	02/28/2013	McEachern, Janelle Esq	\$587.50
67670	02/27/2013	New World Systems Corporation	\$600.00	67747	02/28/2013	McGowan, Mark J.	\$5,800.00
67671	02/27/2013	New World Systems Corporation	\$1,634.85	67748	02/28/2013	Merle's Automotive Supply, Inc.	\$430.65
67672	02/27/2013	Pueblo del Sol Water Company	\$14.04	67749	02/28/2013	Merle's Automotive Supply, Inc.	\$186.31
67673	02/27/2013	Southwest Gas Corporation	\$281.50	67750	02/28/2013	Natale, Gail Gianasi	\$346.26
67674	02/27/2013	Sulphur Springs Valley Electric Coop, Inc.	\$15,116.49	67751	02/28/2013	Newport 653 Graphic Design	\$42.50
67675	02/27/2013	Sulphur Springs Valley Electric Coop Inc.	\$551.10	67752	02/28/2013	OPEX Corporation	\$2,515.00
67676	02/27/2013	Thomson West	\$1,792.00	67753	02/28/2013	Owen, Allon	\$186.71
67677	02/27/2013	Valley Telephone Coop, Inc.	\$55.04	67754	02/28/2013	Parkin, Cheryl L.	\$100.00
67678	02/27/2013	AZ Secretary of State	\$43.00	67755	02/28/2013	PRAXIS Consulting, Inc.	\$10,215.70
67679	02/27/2013	Cochise County Finance Revolving Fund	\$535.00	67756	02/28/2013	Purcell's Western State Tire Company	\$4,017.84
67680	02/27/2013	Thrifty Car Rental Subrogation	\$901.26	67757	02/28/2013	Recorded Books, LLC	\$190.94
67681	02/28/2013	Cochise County Sheriff's Department	\$100.00	67758	02/28/2013	Reyes, Jose Garcia	\$103.08
67682	02/28/2013	Ortega, Michael J.	\$807.69	67759	02/28/2013	Richardson's Mortuary	\$775.00
67683	02/28/2013	AmeriPride Linen and Apparel Service	\$95.83	67760	02/28/2013	Ronald Zack PLC	\$1,233.48
67684	02/28/2013	AZ Department of Corrections ASPC-Tucson	\$134.50	67761	02/28/2013	RWC International, LTD	\$22,123.52
67685	02/28/2013	AZ Department of Weights & Measures	\$30.00	67762	02/28/2013	RWC International, LTD	\$4,010.82
67686	02/28/2013	AZ Machinery Company, LLC	\$2,664.65	67763	02/28/2013	RWC International, LTD	\$743.13
67687	02/28/2013	AZ Public Service (APS)	\$12,383.42	67764	02/28/2013	RWC International, LTD	\$3,219.18
67688	02/28/2013	AZ Public Service (APS)	\$1,101.25	67765	02/28/2013	S.V. Locks	\$60.00
67689	02/28/2013	AZ State Prison Complex - Fort Grant	\$265.00	67766	02/28/2013	San Simon Fire Department	\$1,111.25
67690	02/28/2013	AZ State Prison Complex - Fort Grant	\$2,128.62	67767	02/28/2013	Shoemaker, Brad	\$200.00
67691	02/28/2013	AZ State Prison Complex - Fort Grant	\$78.99	67768	02/28/2013	Sierra Vista, City of	\$15,111.30
67692	02/28/2013	AZ State Prison Complex - Fort Grant	\$347.19	67769	02/28/2013	Simmons, Sylvia	\$345.00
67693	02/28/2013	AZ State Prison Complex - Fort Grant	\$175.00	67770	02/28/2013	SOE Software Corporation	\$4,968.00
67694	02/28/2013	AZ Water Company	\$19.20	67771	02/28/2013	Solid Waste Assc of North America (SWANA)	\$239.00
67695	02/28/2013	Aztlan Language Services	\$400.00	67772	02/28/2013	Sparkletts	\$33.97
67696	02/28/2013	Aztlan Language Services	\$350.00	67773	02/28/2013	Sparkletts	\$34.21
67697	02/28/2013	Baker & Taylor, Inc.	\$2,729.00	67774	02/28/2013	Sparkletts	\$14.42
67698	02/28/2013	Bella Vista Water Company-Liberty Water	\$1,413.04	67775	02/28/2013	Sparkletts	\$9.77
67699	02/28/2013	Bisbee High School	\$2,160.00	67776	02/28/2013	Sparkletts	\$37.31
67700	02/28/2013	Bisbee Kiwanis Club	\$100.00	67777	02/28/2013	Sprint	\$67.34
67701	02/28/2013	Bisbee Observer	\$25.90	67778	02/28/2013	Stericycle Inc.	\$523.23
67702	02/28/2013	Bob Barker Company, Inc.	\$481.59	67779	02/28/2013	Sulphur Springs Valley Electric Coop, Inc.	\$371.44
67703	02/28/2013	Breaching Technologies, Inc.	\$12,020.00	67780	02/28/2013	Sulphur Springs Valley Electric Coop, Inc.	\$914.23
67704	02/28/2013	Brown & White Inc	\$20,932.28	67781	02/28/2013	Technical Resource Management, Inc.	\$826.45
67705	02/28/2013	Cable One	\$99.95	67782	02/28/2013	Thomson West	\$5,529.21
67706	02/28/2013	CEMEX Construction Materials South, LLC	\$289.17	67783	02/28/2013	Thomson West	\$221.48
67707	02/28/2013	Center for Disease Detection, LLC	\$98.00	67784	02/28/2013	Time Clock Sales & Service Co.	\$1,651.50
67708	02/28/2013	CenturyLink	\$66.67	67785	02/28/2013	TLC Moving Inc	\$2,515.00
67709	02/28/2013	CenturyLink	\$2,365.30	67786	02/28/2013	Union Distributing Company of Tucson	\$25,111.82
67710	02/28/2013	CenturyLink	\$613.92	67787	02/28/2013	University Physicians Healthcare, Inc.	\$500.00
67711	02/28/2013	CenturyLink	\$63.96	67788	02/28/2013	University Physicians Healthcare, Inc.	\$375.00
67712	02/28/2013	CenturyLink	\$141.11	67789	02/28/2013	Valley Telephone Coop, Inc.	\$287.40
67713	02/28/2013	CenturyLink	\$31.18	67790	02/28/2013	Valley Telephone Coop, Inc.	\$1,193.10
67714	02/28/2013	CenturyLink	\$1,748.00	67791	02/28/2013	Valley Telephone Coop, Inc.	\$102.14

67792	02/28/2013	Versatile Information Products, Inc	\$763.95
67793	02/28/2013	Vulcan Incorporated	\$2,850.00
67794	02/28/2013	Westlawn Chapel & Mortuary	\$580.00
67795	02/28/2013	WR Ryan Company	\$1,992.67
67796	02/28/2013	Zumar Industries Inc	\$8,166.37
67797	02/28/2013	Acosta, Santos	\$65.91
67798	02/28/2013	AZ Department of Health Services	\$898.73
67799	02/28/2013	Braclay, Mark	\$27.91
67800	02/28/2013	Estella Hodgson & Marcus Stokes	\$40.30
67801	02/28/2013	Meracle, Tim	\$100.00
67802	02/28/2013	Moen, Marcus	\$30.00
67803	02/28/2013	Walmart	\$40.00
67804	02/28/2013	Greenwood, Linda	\$51.33
67805	02/28/2013	Honorable Alma Vildosola	\$57.74
67806	02/28/2013	Honorable Alma Vildosola	\$30.84
67807	02/28/2013	Honorable David Morales	\$27.65
67808	02/28/2013	Kiesling, Rae Ann	\$139.08
67809	02/28/2013	Lueck, Elizabeth	\$54.00
67810	02/28/2013	Wyatt, Timothy L.	\$267.04
67811	03/01/2013	Alex Espinosa's Bisbee Funeral Home	\$13,574.50

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Republican/Democrat Precinct Committee Members

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

of PRESENTER:

TITLE n/a

of PRESENTER:

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the appointments of the following persons as Precinct Committee person for the Republican Party of Cochise County: Precinct # 24 St. David, Leo M. Lesueur; and the following person as Precinct Committee person for the Democrat Party of Cochise County: Precinct #14 Greater San Pedro, Debbie Hickman.

Background:

Requested by the Cochise County Republican Committee/Democrat Committee and verified as eligible by the County Elections department.

Department's Next Steps (if approved):

Send letters to those approved with copies to Elections and to the Cochise County Republican /Democrat Party.

Impact of NOT Approving/Alternatives:

Vacancies will exist in these positions.

To BOS Staff: Document Disposition/Follow-Up:

Send letters to committee members.

Attachments

Precinct Committee



RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS

2013 MAR 14 A 10:57

Cochise County Democratic Committee
P.O. Box 3233
Sierra Vista, AZ 85636
March 12, 2013

Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ, 85603

Dear Supervisors,

Request you appoint the following qualified register Democrat to become Precinct Committee Members with the Cochise County Democratic Committee, at your earliest convenience.

Debbie Hickman
5681 S. Moson Rd.
Hereford, AZ 85615
Precinct Greater San Pedro

Respectfully,

Patricia V. Fleming
Chair, Cochise County Democratic Committee
H: (520) 378-4386
Email: pvfleming@cox.net

RECEIVED MAR 15 2013

MPR

Michael LeSueur
326 S. Apache Powder Road
Saint David, AZ 85630

Precinct # 24, St. David

Regards,



Casey Jones
Chairman, Cochise County Republican Committee
520-249-3487

ADD
NAME!
CMB
5-1-13

Precinct Committee Person Verification Form

LAST NAME	FIRST NAME	MIDDLE NAME	ADDRESS/PO BOX	PARTY	PRECINCT	# PC NEEDED	CURRENT # OF PC	APPROVE	DO NOT APPROVE	DATE	INITIALS
HICKMAN	DEBBIE		5681 S MOSON RD HEREFORD, AZ 85615	DEM	14 GREATER SAN PEDRO	4	1	X		3/15/2013	mdr
LESUEUR	LEO	MICHAEL	326 S APACHE POWDER ROAD ST. DAVID, AZ 85630	REP	24 ST DAVID	9	4	X		3/15/2013	mdr

The one in RED is the one I didn't see in the back. add.

Regular Board of Supervisors Meeting**Community Development****Meeting Date:** 03/26/2013

Appoint Mr. Joe Garcia to the Planning and Zoning Commission, District 2

Submitted By: Peter Gardner, Community Development**Department:** Community Development**Division:**

Planning & Zoning

Presentation: No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:****NAME of PRESENTER:** N/A**TITLE of PRESENTER:** N/A**Docket Number (If applicable):****Mandated Function?:** Federal or State Mandate**Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Approve the appointment of Mr. Joe Garcia to the Planning and Zoning Commission representing District 2, to fill a vacancy due to the resignation of Mr. Raul Montano, for the remainder of his term ending December 31, 2015.

Background:

The Planning and Zoning Commission consists of nine members, three members appointed by each County Supervisor and residing in the respective Supervisorial District. Planning and Zoning Commissioners serve staggered four-year terms.

With the resignation of Mr. Raul Montano, whose term expires on December 31, 2015, a vacancy exists from District 2. Supervisor Ann English is recommending the appointment of Mr. Joe Garcia to finish the term which ends on December 31, 2015.

Department's Next Steps (if approved):

The Planning Division will send Mr. Garcia the By-laws and training materials.

Impact of NOT Approving/Alternatives:

There will continue to be a vacancy on the Planning and Zoning Commission from District 2.

To BOS Staff: Document Disposition/Follow-Up:

Please send Mr. Garcia the standard letter from the Board's Office affirming his appointment along with the Oath of Office and Open Meeting Law documents.

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

MOU - Nature Conservancy to monitor military conservation easement

Submitted By: Britt Hanson, County Attorney

Department: County Attorney

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 1

Submitted for Signature:

**NAME
of PRESENTER:** Britt Hanson

**TITLE
of PRESENTER:** Chief
Civil
Deputy

Docket Number (If applicable):

Mandated Function?: Not Mandated

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve a Memorandum of Understanding (MOU) that provides for The Nature Conservancy to monitor a Military Conservation Easement annually at no cost to Cochise County.

Background:

In 2010, as part of a State program to provide "buffers" for military installations, the William S. Meigs Family Trust granted a military conservation easement on 377 acres near Ft. Huachuca to the Arizona Department of Emergency and Military Affairs ("DEMA"), protecting the property from development that might interfere with Fort operations. The Board of Supervisors then approved the assignment of the Easement to Cochise County. Because the County lacks the expertise to monitor these kinds of easements, the County agreed to the assignment on the condition that The Nature Conservancy ("TNC") monitor the easement on behalf of the County. TNC verbally agreed to do so and has been annually monitoring the property. This MOU formalizes the arrangement.

Department's Next Steps (if approved):

Sign the MOU

Impact of NOT Approving/Alternatives:

County personnel will need to take responsibility for monitoring the Military Conservation Easement.

To BOS Staff: Document Disposition/Follow-Up:

The Board Chair must sign one original of the MOU. The signed original should be delivered to the County Attorney.

Attachments

MOU

MEMORANDUM OF UNDERSTANDING
BETWEEN
COCHISE COUNTY
AND
THE NATURE CONSERVANCY

CONCERNING MONITORING OF MILITARY PROTECTION EASEMENT

I. Recitals.

- A. On July 27, 2010, the Arizona Department of Military Affairs (DEMA) acquired title to a Military Protection Easement (the Easement) over 377 acres, more or less, of property located in Cochise County, Arizona. The Easement was recorded on August 9, 2010 in the records of Cochise County, Arizona as document number 2010-17968. A copy of the Easement is attached hereto as Exhibit A and incorporated herein by reference.
- B. The purpose of the Easement is to assure the Property will be used in ways that do not hamper the mission of Fort Huachuca. To that end, the Easement establishes certain Preservation Values that restrict potential uses of the Property.
- C. On August 4, 2010, DEMA assigned the Easement to Cochise County (the County), a political subdivision of the State of Arizona. The Assignment of Military Protection Easement (the "Assignment") was recorded on August 9, 2010 in the records of Cochise County, Arizona as document number 2010-17969.
- D. Pursuant to the Easement and the Assignment, the County is responsible for monitoring compliance with the Easement, including an annual inspection of the Property, and taking such actions as are reasonably necessary to preserve and protect the Preservation Values of the Property, including enforcement of the terms of the Easement.
- E. The Nature Conservancy, a District of Columbia, non-profit Corporation (TNC), has considerable expertise in monitoring similar easements. Moreover, TNC prepared a Conservation Easement Documentation Report for the Property, as well as an update to it prior to closing on the Easement.
- F. The County desires that TNC perform the monitoring duties under the Easement, and TNC desires to do so. The Nature Conservancy (TNC) has considerable expertise in inspecting and monitoring similar easements. Moreover, TNC prepared a Conservation Easement Documentation Report for the Property, as well as an update to it prior to closing on the Easement. The purpose of this

Memorandum of Understanding is to set forth the terms on which TNC will perform the monitoring and inspection duties.

II. Terms of Understanding.

- A. TNC will inspect the Property at least once annually on or about the anniversary date of the Easement to determine that the Property is not used for any of the Prohibited Uses (as set forth in the Easement), is used only for the Permitted Uses (as set forth in the Easement), and is preserved consistent with the Preservation Values.
- B. Upon inspection, TNC will deliver a written report to the County stating the results of the inspection, highlighting any possible noncompliance with the Easement. Copies of any such report will be delivered to the County Administrator and Chief Civil Deputy of the County Attorney.
- C. In the event that the County pursues an enforcement action, TNC will be available to provide documentation and testimony in support of such action.
- D. Since protecting the Preservation Values of the Property is consistent with its mission, TNC does not require compensation for performing the terms of this MOU. If TNC anticipates incurring extraordinary expenses that it believes should be reimbursed, TNC will request permission of the County to incur and be reimbursed for such expenses.
- E. Each party, its agents and employees shall act in an independent capacity and not as officers or employees or agents of the other in performing of this MOU.
- F. This MOU shall run for a period of one year and shall automatically renew at the end of that period unless either party gives notice to the contrary. This MOU may be terminated by either party upon written notice from either party, with or without cause.
- G. Representatives of the parties during the term of this Agreement are the following (provided, that the contact information for either party may be changed by written notice to the other party):

For Cochise County:

Britt Hanson
Chief Civil Deputy
Cochise County Attorney
Drawer CA
Bisbee, AZ 85603
520/227-7000
bhanson@cochise.az.gov

For The Nature Conservancy:

Jody Daline
Land Acquisition and Easement Manager
The Nature Conservancy
1510 E. Fort Lowell Road
Tucson, AZ 85750
520/545-0186
jdaline@tnc.org

IN WITNESS WHEREOF the parties hereto have executed this MOU as set forth below.

THE NATURE CONSERVANCY



Patrick Graham
Arizona State Director

11-16-12

Date

COCHISE COUNTY

Richard Searle, Chair, Board of Supervisors

Date

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Approve Proposed Settlement of a Tax Appeal

Submitted By: Annette Weems, County Attorney

Department: County Attorney

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME
of PRESENTER: N/A

TITLE
of PRESENTER: N/A

Docket Number (If applicable):

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the proposed settlement of the Tax Appeal in Mario and Debbie Saldivar v. Cochise County, ST2012-000829 (Assessor parcel No. 02-408-120-30), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Background:

Taxpayer filed a civil action in Arizona Tax Court asking for a reduction in assessed value from \$33,110 to \$13,706 for Tax Years 2012 and 2013. The County filed a Motion to Dismiss Tax Year 2012 as being untimely (filed past the deadline) which the Court granted on 20 November 2012. After inspecting the property, reviewing the taxpayer's documentation and other market factors/comparables, the Assessor agrees that the property assessment for Tax Year 2013 should be lowered, and so recommended a settlement offer that lowers the full cash value to \$22,000. The taxpayer accepted the settlement offer.

Fiscal Impact & Funding Sources: Not applicable, no funding sources are required. Fiscal impact will be a slight reduction in the tax base.

Department's Next Steps (if approved):

Upon approval by the Board, Counsel for the County will sign a Stipulation for Entry of Judgment that has already been signed by the taxpayer, and will submit a form of Judgment to the Arizona Tax Court disposing of this matter pursuant to the settlement terms.

Impact of NOT Approving/Alternatives:

Additional litigation for the County, with the risk that the Arizona Tax Court would rule in the taxpayer's favor, reducing the assessed value of the subject property and subjecting the County to paying the Plaintiff's fees and expenses.

To BOS Staff: Document Disposition/Follow-Up:

Advise County Attorney's Office - Civil Division upon Board's approval.

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Approve Proposed Settlement of a Tax Appeal

Submitted By: Annette Weems, County Attorney

Department: County Attorney

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME
of PRESENTER: N/A

TITLE
of PRESENTER: N/A

Docket Number (If applicable):

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the proposed settlement of the Tax Appeal in James R. Thompson and Audrey M. Thompson v. Cochise County, ST2012-000564 (Assessor parcel No. 202-42-017), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Background:

Taxpayer filed a civil action in Arizona Tax Court asking for a reduction in assessed value from \$33,110 to \$13,706 for Tax Years 2012 and 2013. The County filed a Motion to Dismiss Tax Year 2012 as being untimely (filed past the deadline) which the Court granted on 20 November 2012. After inspecting the property, reviewing the taxpayer's documentation and other market factors/comparables, the Assessor agrees that the property assessment for Tax Year 2013 should be lowered, and so recommended a settlement offer that lowers the full cash value to \$22,000. The taxpayer accepted the settlement offer.

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Impact of NOT Approving/Alternatives:

Additional litigation for the County, with the risk that the Arizona Tax Court would rule in the taxpayer's favor, reducing the assessed value of the subject property and subjecting the County to paying the Plaintiff's fees and expenses.

To BOS Staff: Document Disposition/Follow-Up:

Advise County Attorney's Office - Civil Division upon Board's approval.

Court Administration

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Reappointments of Judges Pro Tempore

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

Source of Mandate
or Basis for Support?: 12-141,
8-231,
12-144,
22-121,
22-122

Information

Agenda Item Text:

Approve reappointments of Superior Court Judge Pro Tempore, Donna M. Beumler, pursuant to ARS 12-141; Juvenile Court Commissioners/Judges Pro Tempore Margaret Macartney, and Ann Battaglia-Roberts, pursuant to ARS 8-231 and 12-141; and approve authorization to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances pursuant to ARS 12-144; Justice Court Precinct Five Pro Tempore, Leslie Sansone and county-wide Justices of the Peace Pro Tempore Ann S. Lund, Gerald F. Till, Paul Julien, David Howe, William Lakosil and Frederick Thompson for emergency or temporary coverage, both pursuant to ARS 22-121; and approve authorization to call upon an appropriately-appointed Justice of the Peace Pro Tempore from another county in extenuating circumstances pursuant to ARS 22-122 for the period beginning July 1, 2013 to and including June 30, 2014.

Background:

Each fiscal year the court is required to reappoint judges pro tem. This reappointment includes the approval to call upon a Justice of the Peace from another county when there is a conflict for all of the Justices of the Peace in Cochise County. These reappointments do not constitute any change from past requests

Department's Next Steps (if approved):

Appointment of Superior Court Pro Tems by Arizona Supreme Court/Appointment of Justice of the Peace Pro Tems by Presiding Judge of Cochise County

Impact of NOT Approving/Alternatives:

Inability to run current pro tem division, no emergency coverage in Superior or Justice Courts

To BOS Staff: Document Disposition/Follow-Up:

Send Clerk's statement of outcome of item w/ BOS' vote.

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Approve Agreement with the State of Arizona for Broadband Technical Assistance

Submitted By: Lisa Marra, Facilities

Department: Facilities

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Lisa M. Marra

TITLE of PRESENTER: Grants Administrator

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Information

Agenda Item Text:

Approve the Agreement with State of Arizona for Broadband Technical Assistance in the amount of \$19,600 with in-kind match of \$4,900 to utilize the consultant services of KAED Consulting and One Random to complete a GAP Analysis for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.

Background:

An IGA was approved between the four Southeastern Counties of Cochise, Graham, Greenlee and Santa Cruz on March 12, 2013. This IGA authorizes Cochise County to apply for funds for Broadband Assistance in the region and act as fiscal agent. A work session was held on February 26, 2013, outlining the process to develop a plan utilizing the funds provided in the Digital Arizona Program. Other counties in the state have already begun using this funding with success in their areas.

Department's Next Steps (if approved):

Facilities will submit the agreement to the State of Arizona and work with Procurement to issue a contract with the consultant for work to begin.

Impact of NOT Approving/Alternatives:

We will not be able to utilize the funding to develop a regional broadband plan which could have a negative impact on our residents in the areas of education, employment, healthcare and public safety.

To BOS Staff: Document Disposition/Follow-Up:

Sign and return 2 original copies to Facilities for forwarding onto State. Upon their signature one original will be returned to BOS.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$): \$4,900

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

This match will be obtained by in-kind time contributions from the four southeastern counties of Cochise, Graham, Greenlee, and Santa Cruz.

Attachments

Broadband Tech Agreements

FORM DAP-AT

AGREEMENT TEMPLATE

FOR

BROADBAND TECHNICAL ASSISTANCE FUNDING TO

ARIZONA COMMUNITIES

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

¹ The DIGITAL ARIZONA PROGRAM (DAP) is funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), a federal grant to the State of Arizona. DAP is managed by Arizona Strategic Enterprise Technology (ASET) and its planning partner, the Arizona Telecommunications and Information Institute (ATI Institute).



AGREEMENT

This Agreement is made effective as of (date) by and between the Arizona Strategic Enterprise Technology office of the Department of Administration of the State of Arizona, (hereinafter "ASET", located at 100 N 15th Avenue, Phoenix Arizona, 85007; and **Cochise County Government** hereinafter "COMMUNITY ENTITY" located at **1415 W Melody Ln Bldg G - Bisbee, AZ 85603**. Hereinafter also known as the "Parties."

BACKGROUND:

Whereas, ASET has been awarded a federal grant from National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI) for mapping the broadband resources available in Arizona and for developing plans for increasing broadband availability and adoption in the state.

Whereas, the NTIA grant requires ASET to reach out to local regions and communities in the state and to enter into short-term contracts with regional and/or local entities in support of broadband planning and technical assistance by those regions or communities.

Whereas, ASET has contracted with ATI Institute, a non-profit organization, to manage the process of identifying eligible regional and/or community entities based on criteria established by ASET and has created a directory of qualified broadband planning and technical assistance consultants acceptable to ASET.

WHEREAS, COMMUNITY ENTITY has submitted a Request For Funds to ASET (attached hereto as Exhibit 1) and ASET has accepted the request.

NOW, THEREFORE, in consideration of the mutual undertakings herein contained and other good and valuable consideration, the PARTIES hereto acknowledge the consideration and agree as follows:

1. COMMUNITY ENTITY will retain a Consultant(s) to provide consulting work and deliverables on the terms described in COMMUNITY ENTITY's attached Request For Funds Letter.
2. Requester will utilize the requested funds to retain a Consultant(s) who will be selected from the ATI Institute Broadband Consultant Directory, or a qualified consultant selected by the entity, in order to create an effective broadband development plan for our region/community.

3. Requester understands that it must provide and document how it will provide Twenty Five Percent (25%) matching funds based on the amount of funds provided by ASET as required by the NTIA grant. Requester agrees that it will comply with all related NTIA grant requirements.
4. As Consultant(s) achieve billable Milestones under their Consulting Agreement(s) with COMMUNITY ENTITY, COMMUNITY ENTITY shall provide an Invoice to ASET for the amount owed to the Consultant(s) for the Billable Milestone and certified as successfully achieved by COMMUNITY ENTITY.
5. Invoices submitted by COMMUNITY ENTITY and approved by ASET shall be paid by ASET within 30 days of receipt.
6. COMMUNITY ENTITY shall pay Consultant(s) for Billable Milestones on within 30 days upon receipt of payment from ASET.
7. COMMUNITY ENTITY shall require retained Consultant(s) to provide COMMUNITY ENTITY with a summary report of their findings, results, and recommendations prior to payment of the Consultant(s) final Billable Milestone. The summary report shall be void of any copyright restrictions or other use restrictions on both COMMUNITY ENTITY and ASET. A copy of said report shall be provided to ASET with COMMUNITY ENTITY's final Invoice.
8. This represents the entire Agreement between the Parties.
9. Any modification to this Agreement must be made in writing and signed by the Parties.
10. Each of the Parties agrees to hold the other harmless from any liability or damages arising out this Agreement or the Consultants' work pertaining thereto.
11. Any dispute between the Parties shall be resolved by binding mediation using a mediator acceptable to both Parties.

Signed:

COMMUNITY ENTITY

ASET

By: _____
Ann English

By: _____

Title: Chair, Board of Supervisors

Title: _____

Date: _____

Date: _____

FORM DAP-AT-E1

AGREEMENT TEMPLATE, EXHIBIT 1

FOR

BROADBAND TECHNICAL ASSISTANCE FUNDING TO

ARIZONA COMMUNITIES

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

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EXHIBIT 1

Request for:

Technical Assistance (TA) Funds thru the Digital Arizona Program

A Federally Funded Broadband Development Grant Program

Administered by the Arizona Strategic Enterprise Technology (ASET) Office

March 26, 2013

Cochise County

1415 W Melody Ln Building G
Bisbee, AZ 85603

Dear ASET Digital Arizona Program:

Cochise County, the funds requesting entity ("Requester"), requests Technical Assistance support by the Digital Arizona Program, funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), federal grant to the State of Arizona.

Requester requests \$19,600 ("Assistance") to fund a local project(s) to improve broadband availability and adoption planning and capacity building for the following communities:

- 1) Cochise County
- 2) Graham County
- 3) Greenlee County
- 4) Santa Cruz County

Requester will utilize the requested funds to retain a Consultant(s) who will be selected from the ATI Institute Broadband Consultant Directory, or a qualified consultant selected by the entity, in order to create an effective broadband development plan for our region/community.

Requester understands that it must provide and document how it will provide (up to) Twenty Five Percent (25%) matching funds based on the amount of funds provided by ASET as required by the NTIA grant. Requester agrees that it will comply with all related NTIA grant requirements.

ASET cannot pay for any travel expenses. However travel expenses paid for by Requester can be used as matching funds as can other "in-kind" costs we may incur subject to approval by ASET.

The following goals will be accomplished as a result of this Assistance:

1. Facilitation of technical assistance to areas and communities with broadband deficits, including:
 - a. Middle-mile infrastructure deficits
 - b. Last-mile broadband availability deficits
 - c. Broadband adoption deficits
2. Improve broadband capabilities, in the categories above, to enhance the prospects for an area's economic development, educational, health care, and quality of life.
3. Identification of the required resources, capital, and expenses required to deploy critical applications and missing infrastructure to support:
 - a. Economic Development/Jobs
 - b. Education and Distance Learning
 - c. Tele-health
4. Identification of a plan to accomplish the improvements listed above (may include new ways to increase adoption or improved middle mile capacity, new investment in last mile delivery, better redundancy etc.).

Requester requests authorization to utilize the following Consultant(s) selected from the ATI Institute Broadband Consultant Directory: *(number of consultants may vary)*

- **Jim Simms – KAED Consulting and One Random Act, LLC**

Requester understands that if its request for Technical Assistance funds is accepted by ASET, it will execute a binding Agreement with ASET (Agreement attached hereto).

The official name under which the Requester will execute the Agreement with ASET is:

1. **Cochise County Government**

Requester operates under the authority of:

1. **Cochise County Government**

Requester understands that the following Required Documents must be provided as exhibits incorporated into the Agreement with ASET and that ASET will provide templates for these documents:

1. A copy of the executed Consulting Contract with each selected Consultant(s) (exhibits 2 & 3 attached). The Consulting Contracts will be drafted so as not to become binding on Requester unless and until ASET has executed a binding Agreement with Requester. Exhibits 2 & 3 must be completed and attached with all information detailed.
2. The Consulting Contract(s) (exhibits 2 & 3) must include:
 - a. Statement(s) of Work including deliverables to be provided by the selected Consultant(s) (attached hereto as exhibit 2 & 3)

- b. The timeframe over which the consulting work will be accomplished
 - c. The "Not To Exceed" price quoted by the consultant(s)
 - d. The Billable Milestones to be completed by the consultant(s) and the percentage of the total Consulting Contract to be billed at each milestone. Up to fifteen percent (15%) of the total amount of the Consultant Contract(s) may be paid on signing of Requester Contract with ASET.
3. At each invoicing of ASET and at conclusion of the consulting work Requester will certify in the invoices to ASET that the consulting work and deliverables or milestones have been satisfactorily provided to Requester.
 4. Requester will require the Consultant(s) to provide a written report to us of their findings, results, and recommendations prior to payment of their final billing statement. Requester will provide a copy of this report to ASET with our final Invoice.
 5. Upon satisfactory conclusion of the consulting work Requester will provide an Invoice to ASET for the amount of payment that is due to the contracted Consultant(s)
 6. ASET will then pay Requester the amount due within 30 business days of receipt of the invoice
 7. Requester will then pay the Consultant's Invoice(s)

Requester appreciates ASET's support of our broadband development efforts and looks forward to working with ASET.

Requester Name Cochise County

By (Printed Name) Ann English, Chair, Board of Supervisors

Signature _____

Date of Acceptance _____

ASET Acceptance of Proposal for Technical Assistance Agreement

By (Printed Name) _____

Signature _____

Date of Acceptance _____

FORM DAP-AT-E2

AGREEMENT TEMPLATE, EXHIBIT 2

FOR

BROADBAND TECHNICAL ASSISTANCE FUNDING TO

ARIZONA COMMUNITIES

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

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EXHIBIT 2

Statement of Work

- A. Name of Program: **COCHISE COUNTY**
- B. Start Date of Program: March 26, 2013
- C. Estimated date of Program Close: July 31, 2013
- D. Major billable Milestones per agreement:
1. As per ATII list of services selected by Requester (see Exhibit 3 for detailed descriptions)
- E. Milestone timeframe required for each region: (Number of Days)
- 1) Cochise County
 - 2) Graham County
 - 3) Greenlee County
 - 4) Santa Cruz County
- F. The checked/selected deliverables will be generated in pursuit of the above stated goals for the program (see exhibit 1 for goals). Additional information on each item including pricing, hours required, specific deliverables associated thereto, etc. is available through ATI Institute. *Example Deliverables Listed Below, include/exclude or add additional, as appropriate.*

Region	Item:	Category:
	Complete ASET road segment decision matrix by specific regions (road segments within each region)	Implementation
	Grant writing for qualified grant opportunities (as identified through local planning efforts)	Implementation
	Rural Broadband Related Business Entity Formation	Economic Development
	Promoting rural broadband development by reducing ROW policy barriers	Policy
	Promoting rural broadband development by reducing permitting policy barriers	Policy
	Promoting rural broadband development by reducing easement policy barriers	Policy
	Promoting rural broadband development by improving local adjudication policies & procedures	Policy
1,2,3,4	Broadband services availability gap analysis (based on Local Planning & mapping efforts)	Gap Analysis
1,2,3,4	Broadband infrastructure availability gap analysis (based on local planning & mapping efforts)	Gap Analysis
	Regional rural broadband related job opportunities	Applications (Econ. Dev.)
	Comprehensive community workshop-stakeholder identification/engagement and prep time	Comm., Educ., Health
	E-Learning technology workshop & training	Comm., Educ., Health
	Tele-health technology workshop & training	Comm., Educ., Health
	Assessment of barriers within statutes and/or local charters that hinder deployment & use of broadband	Broadband barriers
1,2,3,4	Embed Broadband Planning as a part of the Transportation Planning requirements for COG based transportation planning	Implementation
	(other, add additional if necessary)	

- G. A description of the roles played and contributions expected by the Consultants. Technical Assistance Consultants can come from ASET/ATII's cadre of Consultants, or can be a local resource. If local, the individual(s) must be approved by ASET/ATII.

Name/Role or Contribution – Jim Simms will provide the implementation

1. GAP Analysis – Broadband Services Availability Gap and Broadband Infrastructure Availability.
2. Embed Broadband Planning as a part of the Transportation Planning requirements for county based transportation planning.

Any pertinent parsing of program costs, Milestones, Time on Task related to Consultants, etc., should also be explained in detail, here. There is a 50% parsing of the costs for the Embed Broadband Planning as part of the Transportation requirements for COG based transportation planning.

Schedule of Billing Milestones and Deliverables

The table below details the schedule of billing milestones and deliverables to be adhered to throughout this engagement. A total of **\$19,600** is awarded to **Cochise County**, to be distributed across the regions identified in this agreement. Entity shall provide ASET with examples of milestones listed below along with billing invoices per due dates of deliverables. Invoices must also report matching contributions as described below in order to facilitate ASET's reporting to NTIA.

R	Deliverable (add additional lines as needed)	Billing Milestone & Delivery to ASET Based Upon Approx. % Complete						
	(As indicated in section G)	Start	25%	50%	75%	DRAFT to ASET	100%	Total \$
1	GAP ANALYSIS – Broadband Services Availability - \$1,200 each For Regions 1, 2, 3, 4							\$9,600
2	IMPLEMENTATION – Embed Broadband Planning as part of Transportation Planning Requirements - \$2,500 each For Regions 1,2,3,4							\$10,000
3		Start	25%	50%	75%	DRAFT to ASET	100%	Total \$
		3/26/13	4/26/13	5/24/13	6/28/13	7/31/13	7/31/13	
	Region 1 - Billable Amount	735	1,041.25	1,041.25	1,041.25		1,041.25	\$4,900
	Region 2 - Billable Amount	735	1,041.25	1,041.25	1,041.25		1,041.25	\$4,900
	Region 3 - Billable Amount	735	1,041.25	1,041.25	1,041.25		1,041.25	\$4,900
	Region 4 – Billable Amount	735	1,041.25	1,041.25	1,041.25		1,041.25	\$4,900
	Total Billable to ASET	2940	4,165	4,165	4,165		4,165	\$19,600
	Entity's Total Matching *	0	1,225	1,225	1,225		1,225	\$4,900
	Total Budget \$	\$2,940	5,390	5,390	5,390		5,390	\$24,500

*Matching dollars are not required to be posted per this schedule; however, final total of **\$4,900** must be accounted for through report to ASET by the agreement end-date December 31, 2013.

Additional explanation of NACOG Broadband Technical Assistance:

Example entries

Amount of Technical Assistance funds Requested from ASET *	\$19,600
Region 1 – Cochise County	\$4,900
Region 2 – Graham County	\$4,900
Region 3 – Greenlee County	\$4,900
Region 4 – Santa Cruz County	\$4,900
Total Matching Contribution (25% of \$19,600)**	\$4,900
Total Proposed Budget	\$24,500

* Includes management and administrative costs such as ATI Institute consultant(s) or in-house staff as appropriate.

**Indirect costs should be limited to no more than 17% of the ASET funding and should be paid for as part of the \$4,900 matching contribution (travel expense qualifies as matching).

ASET Signatory Initials_____

Entity Signatory Initials_____

FORM DAP-AT-E2

AGREEMENT TEMPLATE, EXHIBIT 3

FOR

BROADBAND TECHNICAL ASSISTANCE FUNDING TO

ARIZONA COMMUNITIES

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

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EXHIBIT 3

Detailed Schedule of ATII Services/Deliverables Available to Requesters

A. Name of Program: **Cochise County**

B. Start Date of Program: **March 26, 2013**

C. Estimated date of Program Close: **July 31, 2013**

Indicate in the left column, which region/entity has chosen the respective deliverable/item as per exhibit 2. (i.e. 1, 2, etc.)

Region	Item	Category	Audience	Consultants	Unit Price
	Complete ASET road segment decision matrix by specific regions (road segments within each region) Consultant to complete matrix columns for road segments which impact the specific COG region requesting this assistance. This decision matrix will be utilized by the Digital Arizona Program in determining prioritization and staging of the statewide conduit buildout plan. Consultant will provide ASET and requester a digital copy of the completed rows and columns which correspond to the region specific road segments.	Implementation	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAIs	ATI Institute associates local subject matter experts, local and regional technical staff members	40 hours of research, study, and data input time at \$85 per hour. \$3,400 each
	Grant writing for qualified grant opportunities (as identified through local planning efforts) Consultant to review results of any Broadband Local Planning funded efforts to identify grant opportunities within the COG and regions. With this information (if available), the consultant will complete application(s) for applicable grant opportunities. Consultant will provide ASET a copy of the completed applications once finalized.	Implementation	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, COG director, planning 7 zoning, IT or communications, economic development director, workforce director	ATI Institute associates local subject matter experts, local and regional technical staff members	\$85 per hour
	Rural Broadband Related Business Entity Formation Includes kit for broadband related business formation, roadmap for determining type of broadband business entity that best suits the founder's needs, detailed steps leading to actual formation of rural services or product related business entity. Leave behinds include a business formation kit	Economic Development	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAIs	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each

Request for Broadband Technical Assistance Funding, Agreement Template, Exhibit 3

Form E3, Rev. B

2012.08.17

	Promoting rural broadband development by reducing ROW policy barriers Includes kit for identifying local rights of way policy barriers. Introduces high speed digital capacity as an essential economic growth vehicle and connects broadband services to underlying rights-of-way infrastructure. Leave behinds include model local rights-of-way policies and model local adjudication policies pertaining to longitudinal and vertical public and private resources.	Policy	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAls	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each
	Promoting rural broadband development by reducing permitting policy barriers Includes kit for identifying local permitting policy barriers and reducing processing times. Introduces high speed digital capacity as an essential economic growth vehicle and connects broadband services to underlying local permitting policies and procedures. Leave behinds include model local permitting policies and procedures, and model local adjudication means pertaining to permitting procedures.	Policy	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAls	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each
	Promoting rural broadband development by reducing easement policy barriers Includes kit for identifying local easement policy barriers. Introduces high speed digital capacity as an essential economic growth vehicle and connects broadband services to underlying local easement policies and procedures. Leave behinds include model local easement policies and procedures, and model local adjudication means pertaining to easement procedures.	Policy	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAls	ATI Institute associates local subject matter experts, local and regional technical staff members	6 hours of preparation time 6 hours of setup and presentation time \$900 each
	Promoting rural broadband development by improving local adjudication policies & procedures Includes kit for identifying alternative local adjudication procedures related to finding common ground more quickly developing high speed digital capacity within a community and in conjunction with state, federal, and tribal concerns. Leave behinds include model adjudication policies and procedures, promoting streamlined decision making among the broadband development parties.	Policy	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAls	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each
1,2,3,4	Broadband services availability gap analysis (based on Local Planning Business Case development & mapping efforts) Includes kit for identifying and querying potential groups of local users of high speed digital capacity including residential, businesses, and community anchor institutions. Introduces local organization to means of obtaining pertinent data, organizing the data and presenting the results in meaningful ways to related stakeholders both within and outside of the planning area.	Gap Analysis	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAls	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each

	Leave behinds include tools for organizing and querying potential high speed digital capacity user groups, storing and organizing the resulting data, and making various summations of the data available to stakeholders, grant funders, and other influential groups.				
1,2,3,4	Broadband infrastructure availability gap analysis (based on Local Planning Business Case development & mapping efforts) Includes kit for identifying and querying local users of high speed digital capacity and using available mappings of broadband infrastructure including residential, businesses, and community anchor institutions. Introduces local organization to means and methods of obtaining pertinent data, organizing the data and presenting the results in meaningful ways to related stakeholders both within and outside of the planning area. Leave behinds include tools for organizing and querying potential high speed digital capacity user groups, storing and organizing the resulting data, and making various summations of the data available to stakeholders, grant funders, and other influential groups.	Gap Analysis	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAIs	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of preparation time 8 hours of setup and presentation time \$1,200 each
	Regional rural broadband related job opportunities Jobs are created by employers, either working for a business or being self-employed. Broadband infrastructure provides the mechanism for a business to communicate with customers and suppliers. It is essential and a crucial element for business location requirements. ATI Institute will provide outreach and specially designed workshops to inform the rural community leaders on the cost/benefits of implementing and/or enhancing rural broadband to become more competitive, create jobs, and retain the current employed population	Applications (Econ. Dev.)	COG Director, planning and zoning, IT/Communications, economic development director, workforce director	ATI Institute associates local subject matter experts, local and regional technical staff members	\$800 per rural visit \$600 preparation (1 time cost) \$1,000 workshop delivery (1 time per month)
	Comprehensive community workshop-stakeholder identification/engagement and prep time This comprehensive community workshop will be designed to assure all essential players in the community participate. This workshop will use the nominal group process to list out all the critical broadband issues the workshop participants are addressing. A SWOT (strengths, weaknesses, opportunities, threats) framework will be developed from these inputs. Then a creative visioning process will result in a graphic representation of their long range goal for broadband development. Within these current mental contexts of issues and visions of the community, a gap analysis	Community, Educ., Health	Local community leaders including elected officials, local institutional CIO's, education and healthcare leaders, community infrastructure institution leaders, and other interested parties and stakeholders	ATI Institute associates local subject matter experts, local and regional technical staff members	12 hours of prep time 8 hours of setup and presentation time 6 hours of follow-up and reporting \$1,950 each

	of their understanding of the potential for broadband will be made. This workshop will then focus on education to fill the knowledge gaps, followed by the development of a community broadband plan. This will be followed by the organization design and creation of an implementation task team from the participants that are committed to five years of working together to transform their community.				
	E-Learning technology workshop & training Intended to maximize the use of broadband for education in the local and regional areas of Arizona. This workshop seeks to join the disparate education school districts in rural areas to work together to achieve economies of scale, distance learning and sharing, financial savings, and a coherent where shared resources can benefit students with maximum efficiency. This planning session will include best practices in education technology, exposure to the latest in broadband planning and capacity in their area including forthcoming federal broadband grants, and the creation of a coherent education strategy that will be the change agent for rural schools in Arizona.	Comm., Educ., Health	Local community leaders including elected officials, local education institutional CIO's, superintendents, principals, teachers, parents and community infrastructure institution leaders, and other interested parties and stakeholders	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of prep time 8 hours of setup and presentation time 4 hours of follow-up and reporting \$1,500 each
	Tele-health technology workshop & training Intended to maximize the use of broadband for healthcare in the local and regional rural areas of Arizona. This workshop seeks to join the disparate healthcare providers in rural areas to sources of support from outside the community and to work together to achieve economies of scale, and increased response times, access, efficiencies and effectiveness within the community including their outlying areas, financial savings and a coherent strategy where shared resources can benefit all. This planning session will include best practices in telemedicine implementation technology, exposure to the latest in broadband planning and capacity in their area including forthcoming federal broadband grants, and the creation of a coherent education, training and professional development strategy that will be the change agent for telecommunication supported healthcare in their rural community.	Comm., Educ., Health	Local community healthcare leaders including elected officials, local hospital and healthcare institutional CIO's, hospital administrators, physicians, and community infrastructure institution leaders, and other interested parties and stakeholders	ATI Institute associates local subject matter experts, local and regional technical staff members	8 hours of prep time 8 hours of setup and presentation time 4 hours of follow-up and reporting \$1,500 each
	Assessment of barriers within statutes and/or local charters that hinder deployment & use of broadband To support health care, education, and economic development implementation. A research and study task team will comb through the entire body of Arizona	Broadband barriers	State and local governance officials, local policy officials, legal advisors, and agency directors. The State legislature will be responsible to	ATI Institute associates local subject matter experts, local and regional technical staff members	300 hours of research time 200 hours of study time 100 hours of drafting statute change

	statutes to find all the statute sections that present a barrier to the broadband deployment and use in the education, healthcare, and economy of Arizona. This task team will study these statute sections and determine what will need to be changed and what these changes should be. The final work and report will deliver the recommended specifications for changes in current statutes and if needed, new statutes.		implement changes in statutes		specification time \$85 per hour
1,2,3,4	Embed Broadband Planning into the Transportation Planning documents, procedures and practices as a normal course of COG and related entities transportation planning efforts. COG Transportation Consultant/Experts to advance the practice of broadband planning into the COG transportation planning efforts, and relevant, overlapping Metropolitan Planning Organizations (MPO's) as needed to form a complete backbone broadband connected transportation planning process within the COG region as a permanent ongoing practice. Transportation Consultant/Experts will provide ASET a digital copy of approved procedural changes resulting from this effort that impact broadband planning as it relates to the transportation planning process.	Implementation	Community leaders, municipal officials interested in promoting broadband infrastructure and services development in their communities, service providers, local businesses, CAIs	ATI Institute associates local subject matter experts, local and regional technical staff members	118 hours of research, study, and data input time at \$85 per hour per COG. \$10,000 each 59 hours of research, study, and data input time at \$85 per hour per MPO within the COG region. \$5,000 each
	(other, add additional if necessary)				

ASET Signatory Initials _____

Entity Signatory Initials _____

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Approve Agreement with the State of Arizona for Broadband Planning Assistance

Submitted By: Lisa Marra, Facilities

Department: Facilities

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Lisa M. Marra

TITLE of PRESENTER: Grants Administrator

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Information

Agenda Item Text:

Approve the Agreement with State of Arizona for Broadband Planning Assistance in the amount of \$30,000 with in-kind match of \$7,500 to utilize the consultant services of Systems Technology Staffing, LLC to create a broadband development plan for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.

Background:

An IGA was approved between the four Southeastern Counties of Cochise, Graham, Greenlee and Santa Cruz on March 12, 2013. This IGA authorizes Cochise County to apply for funds for Broadband Assistance in the region and act as fiscal agent. A work session was held on February 26, 2013, outlining the process to develop a plan utilizing the funds provided in the Digital Arizona Program. Other counties in the state have already begun using this funding with success in their areas.

Department's Next Steps (if approved):

Facilities will submit the agreement to the State of Arizona and work with Procurement to issue a contract with the consultant for work to begin.

Impact of NOT Approving/Alternatives:

We will not be able to utilize the funding to develop a regional broadband plan which could have a negative impact on our residents in the areas of education, employment, healthcare and public safety.

To BOS Staff: Document Disposition/Follow-Up:

Sign and return 2 original copies to Facilities for forwarding onto State. Upon their signature one original will be returned to BOS.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$): 7,500.00

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

This match will be obtained by in-kind time contributions from the four southeastern counties of Cochise, Graham, Greenlee, and Santa Cruz.

Attachments

Broadband Planning Agreements

FORM DAP-AT

AGREEMENT

FOR

BROADBAND LOCAL PLANNING ASSISTANCE TO

ARIZONA COMMUNITIES

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

¹ The DIGITAL ARIZONA PROGRAM (DAP) is funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), a federal grant to the State of Arizona. DAP is managed by Arizona Strategic Enterprise Technology (ASET) and its planning partner, the Arizona Telecommunications and Information Institute (ATI Institute).



Agreement

For Agreements between Regional and Local Entities and ASET For Funding of Broadband Local Planning

AGREEMENT

This Agreement is made effective as of 3/26/2013 by and between the Arizona Strategic Enterprise Technology office of the Department of Administration of the State of Arizona, (hereinafter "ASET"), located at 100 N 15th Avenue, Phoenix Arizona, 85007; and **the Cochise County Government**, hereinafter "COMMUNITY ENTITY" located at **1415 W Melody Ln – Building G - Bisbee, AZ 85603**. Hereinafter also known as the "Parties."

BACKGROUND:

Whereas, ASET has been awarded a federal grant from National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI) for mapping the broadband resources available in Arizona and for developing plans for increasing broadband availability and adoption in the state.

Whereas, the NTIA grant requires ASET to reach out to local regions and communities in the state and to enter into short-term contracts with regional and/or local entities in support of broadband planning and technical assistance by those regions or communities.

Whereas, ASET, and/or its designated contractor where applicable, will manage the process of identifying eligible regional and/or community entities based on criteria established by ASET to which may be awarded broadband planning and/or technical assistance funds.

WHEREAS, COMMUNITY ENTITY has submitted a Request for Funds to ASET (attached hereto as Exhibit 1) and ASET has accepted the request.

NOW, THEREFORE, in consideration of the mutual undertakings herein contained and other good and valuable consideration, the PARTIES hereto acknowledge the consideration and agree as follows:

1. COMMUNITY ENTITY will provide deliverables on the terms described in COMMUNITY ENTITY's attached Request for Funds Letter.
2. Requester will utilize the requested funds to create an effective broadband development plan or business case for our region/community.

3. Requester understands that it must provide and document how it will provide (up to) Twenty Five Percent (25%) matching funds, including in-kind funds, based on the amount of funds provided by ASET as required by the NTIA grant. Requester agrees that it will comply with all related NTIA grant requirements.
4. COMMUNITY ENTITY shall provide an Invoice to ASET for the amount owed to the Entity for the Billable Milestone(s) and certified as successfully achieved by COMMUNITY ENTITY.
5. Invoices submitted by COMMUNITY ENTITY and approved by ASET shall be paid by ASET within 30 days of receipt.
6. COMMUNITY ENTITY shall provide ASET with a FINAL DRAFT of their findings, results, report(s) and/or recommendations prior to payment of the final Billable Milestone. The FINAL DRAFT report shall be void of any copyright restrictions or other use restrictions on both COMMUNITY ENTITY and ASET. A copy of said report shall be provided to ASET with COMMUNITY ENTITY's final Invoice.
7. This represents the entire Agreement between the Parties.
8. Any modification to this Agreement must be made in writing and signed by the Parties.
9. Each of the Parties agrees to hold the other harmless from any liability or damages arising out this Agreement or the work pertaining thereto.
10. Any dispute between the Parties shall be resolved by binding mediation using a mediator acceptable to both Parties.

Signed:

COCHISE COUNTY

ASET

By: _____

Ann English

By: _____

Title: Chair, Board of Supervisors

Title: _____

Date: _____

Date: _____

FORM DAP-AT-E1

EXHIBIT 1

FOR

**BROADBAND LOCAL PLANNING ASSISTANCE TO
ARIZONA COMMUNITIES**

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

¹ The DIGITAL ARIZONA PROGRAM (DAP) is funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), a federal grant to the State of Arizona. DAP is managed by Arizona Strategic Enterprise Technology (ASET) and its planning partner, the Arizona Telecommunications and Information Institute (ATI Institute).



EXHIBIT 1

Request for:

Broadband Local Planning Funds from the Digital Arizona Project
A Federally funded Broadband Development Grant Program
Administered by the Arizona Strategic Enterprise Technology (ASET) Office

March 26, 2013

Cochise County Government

1415 W Melody Ln Building G
Bisbee, AZ 85603

Dear ASET Digital Arizona Project:

Cochise County Government, the funds requesting entity, ("Requester"), requests Broadband Local Planning Assistance support by the Digital Arizona Project, funded by National Telecommunications and Information Administration (NITA) State Broadband Development Initiative (SBDI), federal grant to the State of Arizona.

Requester requests \$30,000 ("Assistance") to fund the activities associated with Local Community Planning and Outreach to improve broadband availability and adoption planning and capacity building for the following communities:

1. Region 1 – Cochise County, AZ
2. Region 2 – Graham County, AZ
3. Region 3 – Greenlee County, AZ
4. Region 4 – Santa Cruz County, AZ

Requester will utilize the requested funds in our efforts to organize, develop and promulgate an effective broadband development for our region/communities.

Requester understands that it must provide and document how it will provide (up to) twenty-five percent (25%) matching funds based on the amount of funds provided by ASET as required by the NITA grant. Requester agrees that it will comply with all related NITA grant requirements.

ASET cannot pay for any travel expenses. However, travel expenses related to the activities that are paid for by **Cochise County Government** can be used as matching funds as can other "in-kind" costs that may incur subject to approval by ASET.

The following Goals will be accomplished as a result of this Broadband Local Community Planning Assistance:

1. Development of business case(s), including: broadband enabled retention and expansion of Jobs/Employment; improvements in Education including, electronic curricula, assessment and distance learning; improvements in Tele-Health applications and processes between and among the patient, clinic, hospital and physician; and general enhancement of quality of life. These applications are aligned with the Digital Arizona Program and a complete system proposal will be prepared for digital capacity expansion in the counties of Cochise, Graham, Greenlee and Santa Cruz (four county region).
2. Assistance with grant writing support in Cochise County's efforts to apply for funding of broadband infrastructure buildouts.
3. Creation of regional sub-committees of within the four county region.
4. Creation of web pages on the Cochise County website to communicate progress and foster community interest in the activities listed above.

Requester understands that if this request for Local Community Planning funds is accepted by ASET, it will execute a binding Agreement with ASET.

The official name under which the Requester will execute the Agreement with ASET is:

1. **Cochise County Government.**

Requester operates under the authority of:

1. **Cochise County Government**

Requester understands that Required Documents must be provided as exhibits incorporated into the Agreement with ASET and that ASET will provide templates for these documents:

1. A copy of the Contract with each entity will be drafted so as not to become binding on Requester unless and until ASET has executed a binding Agreement with the Requester.
2. This Local Planning Assistance Contract(s) must include:
 - A. Detailed Statement(s) of Work including deliverables.
 - B. The timeframe over which the work will be accomplished.
 - C. The Billable Milestones and percentage of total Contract to be billed at each milestone. (Up to fifteen percent (15%) of the total amount of the Contract(s) may be paid on signing of Contract with ASET.
3. At each invoicing of ASET and at conclusion of the work, Requester will certify in the invoices provided to ASET for Review and Approval that the work and deliverables or milestones have been satisfactorily provided to Requester.
4. Requester will provide a copy of the agreed upon Final Deliverables to ASET, once approved, prior to payment of final billing statement.

5. Upon satisfactory conclusion and ASET Approval of the Work, Requester will provide an invoice to ASET for the amount of payment that is due (final invoice).
6. ASET will then pay Requester the amount due within 30 business days of receipt of the final invoice.
7. If Cochise County elects to retain a consultant(s) to assist their planning activities such consultant should possess demonstrated Local Community Planning skills as distinct from broadband Technical Assistance skills.

Requester appreciates ASET's support of our broadband local planning efforts and looks forward to working with ASET.

Cochise County Government

By:

Signature: _____
Ann English, Chair, Board of Supervisors

Date: _____

ASET Acceptance of Proposal for Local

By: _____

Signature: _____

Date of Acceptance: _____

FORM DAP-AT-E2

EXHIBIT 2

FOR

**BROADBAND LOCAL PLANNING ASSISTANCE TO
ARIZONA COMMUNITIES**

PROVIDED BY

DIGITAL ARIZONA PROGRAM¹

MARCH 26, 2013

¹ The DIGITAL ARIZONA PROGRAM (DAP) is funded by National Telecommunications and Information Administration (NTIA) State Broadband Development Initiative (SBDI), a federal grant to the State of Arizona. DAP is managed by Arizona Strategic Enterprise Technology (ASET) and its planning partner, the Arizona Telecommunications and Information Institute (ATI Institute).



Exhibit 2

Statement of Work

- A. Name of Project: **Cochise County Government**
- B. Start date of Project: **March 26, 2013**
- C. Estimated date of Project Close: **July 31, 2013**
- D. Major billable Milestones as per agreement:
 - 1. Completion of Business Case Analysis (BCA) for broadband expansion for regions within the Northern Arizona Council of Governments four county areas of Cochise, Graham, Greenlee and Santa Cruz counties (four county region).
 - 2. Identification of feasible Grant opportunities. (actual grant writing to be accomplished through technical assistance dollars)
 - 3. Creation of Regional Broadband sub-committees within four county region.
 - 4. Completion of broadband webpage(s) on county government sites to communicate progress and foster community interest in activities.
- E. Milestone completion-time allocation plan for all billable milestones listed above (by region):
 - **Region 1** – Cochise County
 - **Region 2** – Graham County
 - **Region 3** – Greenlee County
 - **Region 4** – Santa Cruz County

All Deliverables will be completed in 4.0 months ending **July 31, 2013**

- 1. Preparation of a Business Case Analysis:
 - I. Work with the four identified regions to assess the Inventory of broadband services and infrastructure currently available.
 - II. This Inventory will utilize such data resources as the Broadband Community Map, City-Data, ACA, DES, USA Reference and other applicable data resources to determine the current broadband capabilities and resources for targeted regions.
 - III. A Systems Requirement document will be prepared. It will present what is required to meet standard and above standard broadband capacity to adequately provide a competitive infrastructure to support Jobs/Economic Development, Education and Tele-Health within each of the four regions. The distinctions between the Broadband Inventory and the Systems Requirements will become the basis of the Business Case analysis for determining the levels of investment the private sector will be encouraged to make by the regions listed for meeting their broadband development goals.

- IV. An analysis of potential demand aggregation and its incentive value for private sector broadband investment in each region will be created as part of the business case analysis.
- V. A survey to gather data to be utilized in generating a report on current adoption of broadband services by educational and healthcare entities, businesses and private citizens including expectations from the communities for what would constitute desired levels of broadband capacity and services.

2. Grant opportunity identification

- I. Research, identify and qualify feasible grant opportunities for funding or partial funding of middle mile conduit buildouts utilizing SB1402 or other digital capacity (broadband) improvement projects to support availability of increased capacity to the target regions, will be completed (actual grant writing to be accomplished through technical assistance dollars).

3. Broadband Committees

- I. Create Regional Broadband sub-committees within the four county region. These Committees' formations are scheduled to occur by or before March 31, 2013. The subcommittees will serve as a voice for the local communities within the four county region in driving the availability of broadband capacity and services.

4. Broadband focused Webpage(s)

- I. Publication of pages is expected to occur at the inception of the approved activities. There will be periodic updates to include major milestone reporting on Broadband Local Planning efforts. These webpages will reflect community involvement and items of interest relating to the Digital Arizona Program and activities of the newly established Broadband Committees within the four country region. The Web links will identify the specifics of the Digital Arizona Program administered by ASET, the Regions assisted by Broadband Local Planning funds, and the Goals of these efforts.

F. As Stated in our Request for Funds application, the following goals will be accomplished as a result of Local Broadband Planning Funding.

- 1. A Business Case Analysis (BCA) that defines broadband expansion requirements for communities/regions within the four county region. This analysis will account for existing broadband services and infrastructure, define what is desired by the communities in question as improvements in digital capacity and services and describe practical and feasible approaches for aggregating broadband demand as an incentive to private sector investment in improving digital capacity. This BCA will include a Report on current adoption of broadband services by educational and healthcare entities, businesses and private citizens including expectations from the communities for what would constitute desired levels of broadband capacity and services.
- 2. Identification of one or more feasible grants opportunities which can support increased digital capacity.

3. Working and effective Broadband sub-committees which act as an ongoing voice for the local communities in driving the availability of better broadband services.
 4. Website pages to be an ongoing communication tool for the communities to foster citizen and stakeholder involvement in better broadband.
- G. The following deliverable(s) will be generated in pursuit of the above stated goals for the program. (Explain the deliverables; indicate which goals the deliverables support). These deliverables will be provided to ASET with Executive Summaries, Tables of Contents, Body of Report per Tables of Contents, Additional appendices as needed.
1. A Business Case Analysis (as described in section E & F above)
 2. Identify feasible grant opportunities and summary of results (as described in section E & F above)
 3. Regional Broadband sub-committees within Counties (as described in section E & F above)
 4. Webpages within current County websites (as described in section E & F above)

Any pertinent parsing of program costs, Milestones etc., should also be explained in detail, here.

Schedule of Billing Milestones and Deliverables

The table below details the schedule of billing milestones and deliverables to be adhered to throughout this engagement. A total of \$30,000 is awarded to Cochise County, to be distributed equally across the four regions identified in this agreement. Entity shall provide ASET with examples of milestones listed below along with billing invoices per due dates of deliverables. Invoices must also indicate matching contributions as described below in order to facilitate ASET's reporting to NTIA.

	Deliverable <i>(As Detailed in Section G)</i>	Billing Milestone & Delivery to ASET Based Upon Approx. % Complete						
		Start	25%	50%	75%	DRAFT to ASET	100%	Total \$
1	Business Case Analysis	3/26/13	4/26/13	5/24/13	6/28/13	7/31/13	7/31/13	
2	Grant Identification	3/26/13	N/A	N/A	N/A	N/A	7/31/13	
3	Regional BB Subcommittee	3/26/13	N/A	N/A	N/A	N/A	7/31/13	
4	Webpage Publication	3/26/13	N/A	N/A	N/A	7/31/13	7/31/13	
	Region 1 - Billable Amount	\$1125	\$1593**	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 2 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 3 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Region 4 - Billable Amount	\$1125	\$1593	\$1593	\$1593	\$0	\$1593	\$7,500
	Total Billable to ASET	\$4,500	\$6,375	\$6,375	\$6,375	\$0.00	\$6,375	\$30,000
	Entity's Total Matching *	\$0	\$1,875	\$1,875	\$1,875	\$0.00	\$1,875	\$7,500
	Total Budget \$	\$4,500	\$8,250	\$8,250	\$8,250	\$0.00	\$8,250	\$37,500

*Matching dollars are not required to be posted per this schedule; however, final total of \$7,500 must be accounted for through report to ASET by the agreement end-date (12/31/13)

**Figure rounded down.

Additional explanation of Cochise County Broadband Local Planning Budget:

Amount Requested from ASET *	\$30,000
Region 1 – Cochise County	\$7,500
Region 2 – Graham County	\$7,500
Region 3 – Greenlee County	\$7,500
Region 4 – Santa Cruz County	\$7,500
Total Matching Contribution (25% of \$30,000)**	\$7,500
Total Proposed Budget	\$37,500

* Includes management and administrative costs such as non-ATI Institute consultant(s) or in-house staff in the development and support of Business Case Analysis, web page integration into existing website(s) and Regional Broadband Sub-Committee.

**Indirect costs should be limited to no more than 17% of the ASET funding and should be paid for as part of the \$7,500 matching contribution.

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve demands and budget amendments for operating transfers.

Background:

Auditor-General's requirement for Board of Supervisors to approve.

Department's Next Steps (if approved):

Return to Finance after BOS approval.

Impact of NOT Approving/Alternatives:

Board of Supervisors will not be in compliance with State law.

To BOS Staff: Document Disposition/Follow-Up:

Return to Finance after BOS approval.

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Award of Bids for Eight 2013 Chevrolet Tahoe Patrol Vehicles

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

**NAME
of PRESENTER:** N/A

**TITLE
of PRESENTER:** N/A

Mandated Function?: Federal or State Mandate

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the award of Invitation for Bids (IFB) No. 13-28-FMD-04 to Lawley Motors for the purchase of eight 2013 Chevrolet Tahoe Patrol Vehicles for the Fleet Management Department in the amount of \$226,536 plus applicable tax.

Background:

IFB No. 13-28-FMD-04 was released on February 27, 2013. The bid was advertised in the Arizona Range News on March 6 and March 13, 2013 and posted on the County website. Bid notices were mailed to 28 vendors. Three bids were received prior to the bid closing date and time of September 13, 2012 at 4:00 p.m. Although Courtesy Chevrolet of Phoenix had a lower bid price than Lawley Motors of Sierra Vista, when the 3% credit was applied, Lawley Motors became the lowest bid. A bid tabulation is attached.

Department's Next Steps (if approved):

Issue purchase order, inspect vehicles upon delivery.

Impact of NOT Approving/Alternatives:

The vehicles that these are replacing will exceed the designated replacement mileage which is 155,000 miles for law enforcement vehicles. Running the law enforcement vehicles past the recommended 155,000 replacement will result in higher maintenance costs and may represent some liability issues.

To BOS Staff: Document Disposition/Follow-Up:

No action required.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$):

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

The Fleet Management Department has budgeted sufficiently for this expenditure in the FY 2013-14 budget in fund line 109-1760-9 454.100

Attachments

Bid Tabulation

COCHISE COUNTY

PROCUREMENT DEPARTMENT

IFB NO: 13-28-FMD-04

Fleet Vehicles

Opening Date: 3-14-2013

Buyer: Terry Hudson

O'Reilly Chevrolet,
Tucson, AZ

Lawley Motors
Sierra Vista, AZ

Courtesy Chevrolet
Phoenix, AZ

Bid Item 1. Chevrolet Tahoe, Model CK10706

\$31,048.00 each

\$29,923.00 each

\$29,665.80 each

Local Vendor Preference 3%

(\$897.69)

\$29,025.31

Bid Item 2. Chevrolet Tahoe, Model CC10706

\$27,304.75 each

\$26,711.00 each

\$26,453.80 each

Local Vendor Preference 3%

(\$801.33)

\$25,909.67

Quantity: Four (4) each

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Family Counseling: Additional Funding

Submitted By: Denise Caraballo, Juvenile
Probation

Department: Juvenile Probation

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2
Submitted for Signature:

NAME
of PRESENTER: Denise A. Caraballo

TITLE
of PRESENTER: Probation
Services
Division
Director

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 13-06 electing Cochise County to participate in the Family Counseling Program and authorizing a Grant Match of an additional \$250.

Background:

The Administrative Office of the Courts (AOC) has previously provided Cochise County with \$16,097 for family counseling services to families of court-involved youth in Cochise County for this fiscal year, with the County providing a match of \$4,024. This funding will be insufficient to continue offering family counseling services through the end of the year. AOC is offering an additional \$1,000 for the remainder of the fiscal year if the County provides an additional match of \$250. This Resolution commits the County to an additional \$250 match.

Department's Next Steps (if approved):

Utilize additional monies to provide family counseling services through June 30, 2013.

Impact of NOT Approving/Alternatives:

Will not be able to provide family counseling services through June 30, 2013.

To BOS Staff: Document Disposition/Follow-Up:

Please call Tracey Rocco or Irma Marmolejo at (520) 432-7523 for pick up and mailing to AOC.

Fiscal Impact

Fiscal Year:	2013
One-time Fixed Costs? (\$\$\$):	0
Ongoing Costs? (\$\$\$):	0
County Match Required? (\$\$\$):	\$250.00
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):	0

Source of Funding?:

Arizona Supreme Court

Fiscal Impact & Funding Sources (if known):

Please approve additional \$250.00 as budgeted matching funds for fiscal year 2013.

Attachments

Certification

Resolution

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
JUVENILE JUSTICE SERVICES DIVISION**

FAMILY COUNSELING: ADDITIONAL FUNDING

**FISCAL YEAR 2012-2013
Court Certification**

- I. The Juvenile Division of the Superior Court in Cochise County certifies that the amount expended by the county for purposes of determining matching funds has been utilized to supplement, not supplant, county or state funds that would otherwise be made available for family counseling services.
- II. The Juvenile Division of the Superior court in Cochise County certifies that the amount of aid provided by the state and county to a family counseling program pursuant to this article does not exceed 70% of the program's annual operating budget.
- III. (Complete if information is not contained in the Annual Resolution of the Board of Supervisors.)

The Juvenile Division of the Superior Court in Cochise County certifies that the *additional* matching funds as required in A.R.S. §§ 8-261(4) and 8-265(A) have been provided by the county for fiscal year 2012-2013 as follows (include amounts and explanation):

The Cochise County Board of Supervisors FY2013 budget approved for Juvenile Court Services includes the additional amount of: \$250.00 for matching funds.

DATED: _____

Donna M. Beumler
Presiding Juvenile Court Judge

Please file with:
Arizona Supreme Court
Administrative Office of the Courts
Juvenile Justice Services Division
Attention: Holli Sanger-Alarco, Program Specialist
1501 West Washington Street, Suite 337
Phoenix, Arizona 85007-3231

RESOLUTION 13-__

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
JUVENILE JUSTICE SERVICES DIVISION**

FAMILY COUNSELING: ADDITIONAL FUNDING

FISCAL YEAR 2012-2013

WHEREAS, the Cochise County Board of Supervisors hereby elects to have the County participate in the Family Counseling Program as provided for in A.R.S. §§ 8-261 through 8-265 for fiscal year 2012-2013,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors resolves that \$250.00 in *additional* matching funds will be provided by this county's Board of Supervisors for Cochise County, Arizona.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this ____ day of _____, 2013.

Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Katie A. Howard,
Clerk of the Board

Britt W. Hanson,
Chief Civil Deputy County Attorney

RESOLUTION 13-__

Re: Family Counseling: Additional Funding (Fiscal Year 2012-2013)

Page 2

Please file with:

**Arizona Supreme Court
Administrative Office of the Courts
Juvenile Justice Services Division
Attention: Holli Sanger-Alarco, Program Specialist
1501 West Washington Street, Suite 337
Phoenix, Arizona 85007-3231**

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Docket Z-13-01 (Yesca) - Request to Rezone Property in Naco from TR-9 to MR-1

Submitted By: Peter Gardner, Community
Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 1

Submitted for Signature:

NAME of PRESENTER: Michael Turisk

TITLE of PRESENTER: Planning
Manager

Mandated Function?: Not Mandated

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable): Z-13-01 (Yescas)

Information

Agenda Item Text:

Adopt Zoning Ordinance 13-02, approving Docket Z-13-01, conditionally amending the zoning district designation for Parcel 102-57-338, from TR-9 to MR-1, pursuant to the application of Ms. Maria Yesca.

Background:

APPLICATION FOR A REZONING

The Applicant seeks to rezone a 12,915-square foot parcel from TR-9 (residential, one dwelling per 9,000-square feet) to MR-1 (Multiple household, one dwelling per 3,600-square feet) for the purpose of completing the conversion of an existing 850-square foot garage into a single-family home on the property. The current TR-9 Zoning designation does not allow two dwellings on this parcel as its size (12,915-square feet) is insufficient.

The property (Parcel #102-57-338) is located at 3790 S. Geisler Avenue in Naco, AZ. The Applicant is Maria Yesca, represented by Ernest Rogers.

I. PLANNING AND ZONING COMMISSION

On Wednesday, March 13, 2013, the Planning and Zoning Commission voted 7-1 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 12, 915-square feet

Zoning: TR-9 (Residential, 1 dwelling per 9,000-square feet)

Growth Area: Category C (Rural Community Area)

Area Plan: Naco Community Plan

Comprehensive Plan Designation: High-Density Residential

Existing Uses: Single Family Residence

Proposed Uses: Addition of one small single-family dwelling

Surrounding Zoning
Relation to Subject Parcel Zoning District Use of Property
North TR-9 Valenzuela Street, Single-Family Residential
South TR-9 Single-Family Residential
East TR-9 Giesler Avenue, Naco School
West GB Single-Family Residential

III. PARCEL HISTORY

There are three structures on the subject parcel: the principal dwelling, a small outbuilding, and a wood-frame garage. The garage was recently demolished, and construction begun on a second dwelling, atop the concrete pad which served as the floor of the garage.

There are no records for any permits for the structures on the property, which have existed on site since 1942. In November of 2012, staff issued a Stop Work Order, followed by a Zoning Violation, for construction without a permit.

IV. NATURE OF REQUEST

The Applicant, Maria Yesca, has a home and accessory garage on her property. She has employed Ernest Rogers to convert the garage into a small dwelling. In late 2012, it came to staff's attention that the construction was taking place, whereupon the Zoning Violation was opened.

Construction cannot continue, nor can a permit be issued, unless and until the property can be rezoned as the parcel is zoned TR-9, which allows one dwelling per 9,000-square feet. Because the property is smaller than the 18,000-square feet which would be required for two dwellings, a rezoning is required if the Applicant's plans are to be realized. If the Applicant is successful, the Violation can be closed, a building permit issued, and construction of the new dwelling can be completed.

V. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category "C"—Rural Community Area and is considered a "High Density Residential" land use designation area per the Naco Community Plan. Section 402 of the County Zoning Regulations allows owners of property lying within this designation to request a rezoning to MR-1 (Multiple household, one dwelling per 3,600-square feet), as MR (Multiple Residential) serves as the County's high-density residential District.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request, which, as submitted, complies with 10 of the 11 applicable factors.

1. Provides an Adequate Land Use/Concept Plan. Complies.

The attached Concept Plan is adequate for the proposed rezoning. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed.

That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

2. Compliance with the Applicable Site Development Standards—Does Not Comply.

The structures on the property, including the detached garage, were constructed in 1946, before the County adopted Zoning Regulations. The existing home and accessory building are thus considered legally-nonconforming. In 2012, when the Applicant demolished the garage, and began constructing a new masonry structure on the remaining concrete pad, the legal non-conforming status also ceased: any new structure built on the pad would have to conform to current Zoning regulations. The garage was sited four-feet, two-inches from the southern property line, and six-feet, eight-inches from the western property line. The setback for structures on the property today is 10-feet, the standard for the TR-9 District. If the

property were rezoned to MR-1, the minimum setback would change to 20-feet along the south property line (due to the abutting TR-9 District), and five-feet from the west property line (due to the adjacent GB District).

In 2011, the Board of Supervisors approved changes to Article 22 of the Zoning Regulations to grant themselves the authority to deem existing structures as legal-nonconforming as part of a rezoning approval. In this case, the proposed second dwelling on the property would not be eligible for such consideration, as it is a new structure and a change from an accessory to a principle land use. The Applicant has submitted an application to the District 2 Board of Adjustment for a Variance to the setback along the south property line for the proposed dwelling. The Board will consider this request at their regular meeting of Wednesday, April 3, 2013.

3. Adjacent Districts Remain Capable of Development – Complies.

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development –Complies.

The immediate area is characterized by a variety of single family dwellings of various sizes on a variety of lot sizes and types. Small-scale commercial uses, as well as public facilities such as the adjacent Naco school are also within the neighborhood. A number of the parcels and land uses, in the Naco Townsite pre-date County regulations and are legal-nonconforming.

6. Rezoning to More Intense Districts—Complies.

The Zoning Regulations provide several criteria for compliance with this factor, including the extent to which the rezoning “provides a transition between an existing less intense district and a more intensive district.” The MR-1 District allows one dwelling per 3,600-square feet. The surrounding TR-9 District provides for one dwelling per 9,000 square feet; the General Business District, to the immediate west of this parcel, allows for high-density residential development (one dwelling per 3,600-square feet). Section 2208.02 of the Zoning Regulations provides a scale of intensity for established Districts within the County. On this scale, the MR Districts are considered to be of a similar intensity to the TR-9 District, with only the SR-8 (Single-Household Residential) between them. Moreover, as stated above, residential development at densities higher than one dwelling per 9,000-square feet already exists throughout the existing TR-9 District. The property immediately south, for instance, is a non-conforming TR-9 parcel of approximately 6,500-square feet.

7. Adequate Services and Infrastructure – Complies.

The home is served by community water and sewer services. APS provides electric power and the Naco Fire Department provides emergency services. The property is also served by County-maintained streets with adequate rights-of-way.

8. Traffic Circulation Criteria – Complies.

Rezoning to MR-1 to facilitate an additional dwelling on the property would result in a small increase in traffic. The parcel is bordered on two sides by County-maintained roads, with existing, wide rights-of-way for each. These streets are adequate for the proposed increase in residential use of the property. A right-of-way permit would be required to legitimize the existing driveway onto Valenzuela Street if the owner is allowed to move forward with a residential permit for the second dwelling.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and is therefore not applicable.

11. Unique Topographic Features – Complies.

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation—Not Applicable.

As a proposal to allow one additional dwelling on a parcel smaller than one acre, this factor is not applicable. The property is served by the Arizona Water Company.

13. Public Input—Complies.

The Applicant completed the required Citizen Review process and received positive responses by telephone from seven individuals, and one positive response in writing. Staff posted the property on February 26, 2013, and published a legal notice in the Bisbee Observer on February 14, 2013. The Department also mailed notices to property owners within 1,000-feet of the site. To date, staff has received two statements of support from neighboring property owners, and from two neighbors (one representing two parcels) opposing the request (See Attachment D – Citizen Review and Public Comment).

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of the development plan.

15. Compliance with Area Plan - Complies

The property is within the boundaries of the Naco Community Plan area, and carries a Plan Designation of “High Density Residential.” High-density residential is defined, per the Area Plan, as a density of one dwelling unit per 3,100 to 9,000 square feet. Allowing two dwellings on the 12,915-square foot property would result in a density of approximately 6,500-square feet per dwelling – a density compatible with Area Plan policies as well as the character of the Naco Townsite, which includes a number of non-conforming TR-9 parcels, some as small as 3,500-square feet.

VI. SUMMARY

The rezoning request is for a parcel of 12,915-square foot in the Naco Townsite. The rezoning is necessary in order for the Applicant to proceed with a building permit to complete a second, small dwelling on the property. This item has come forward due to a Zoning Violation for beginning construction of this dwelling without a permit.

The neighborhood is home to a large number of legal nonconforming properties, land uses, and lot sizes; many of the TR-9 parcels throughout the town are smaller than the 9,000-square foot minimum. The Naco Community Plan designates the site for High Density Residential; this designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a higher-density District, constituting a major factor in favor. A rezoning to the MR-1 District would therefore reflect the policies of the Plan, as well as the character of the surrounding neighborhood. Additionally, residential densities allowed in the adjacent General Business District are the same as the MR-1 allows, and as such, the request is a reasonable extension of an existing Zoning District.

Staff's recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of development in the area;
2. The Naco Community Plan policies prescribe a high density of residential development in this area, and the request would facilitate such a density.
3. The Applicant's Citizen Review effort yielded eight positive responses from neighboring property owners; and

4. The subsequent County mailing resulted in two neighboring property owners expressing support for the proposal.

Factors Against Approval

1. The request comes as a result of a Zoning Violation for building without a permit;
2. The rezoning, if approved, would result in increased setbacks, from the current TR-9 standard of 10-feet, to the MR-1 standard of 20-feet along abutting residential Districts. The proposed second dwelling, built on the existing concrete pad, will be non-conforming with the setback standards along the south property line; and
3. Two neighboring property owners oppose the request.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends conditional approval of Docket Z-13-01, subject to the following standard conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Madame Chair, I recommend we approve Docket Z-13-01 subject to the two conditions recommended by staff.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Location Map
- D. Citizen Review and Public Comment

Department's Next Steps (if approved):

If the Board approves the Zoning Ordinance, the next step would be for the Chair to sign it.

Impact of NOT Approving/Alternatives:

If the Board does not approve the Zoning Ordinance, the parcel subject to the request will retain the current TR-9 zoning designation and the second dwelling cannot be constructed.

To BOS Staff: Document Disposition/Follow-Up:

After the Chair signs the Zoning Ordinance, Board staff would return a recorded copy of the same to the Planning Department for our files.

Attachments

Memorandum

Z-13-01 Attachments

PowerPoint

Legal Notice

Zoning Ordinance

Exhibit A



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Supervisors
Through: Michael J. Ortega, County Administrator

FROM: Keith Dennis, Planner II
For: Beverly J. Wilson, Deputy Director Planning Division

SUBJECT: Docket Z-13-01 (Yesca)

DATE: March 14, 2013, for the March 26, 2013 Meeting

APPLICATION FOR A REZONING

The Applicant seeks to rezone a 12,915-square foot parcel from TR-9 (residential, one dwelling per 9,000-square feet) to MR-1 (Multiple household, one dwelling per 3,600-square feet) for the purpose of completing the conversion of an existing 850-square foot garage into a single-family home on the property. The current TR-9 Zoning designation does not allow two dwellings on this parcel as its size (12,915-square feet) is insufficient.

The property (Parcel #102-57-338) is located at 3790 S. Geisler Avenue in Naco, AZ. The Applicant is Maria Yesca, represented by Ernest Rogers.

I. PLANNING AND ZONING COMMISSION

On Wednesday, March 13, 2013, the Planning and Zoning Commission voted 7-1 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size:	12, 915-square feet
Zoning:	TR-9 (Residential, 1 dwelling per 9,000-square feet)
Growth Area:	Category C (Rural Community Area)
Area Plan:	<i>Naco Community Plan</i>
Comprehensive Plan Designation:	High-Density Residential
Existing Uses:	Single Family Residence
Proposed Uses:	Addition of one small single-family dwelling

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-9	Valenzuela Street, Single-Family Residential
South	TR-9	Single-Family Residential
East	TR-9	Giesler Avenue, Naco School
West	GB	Single-Family Residential

III. PARCEL HISTORY

There are three structures on the subject parcel: the principal dwelling, a small outbuilding, and a wood-frame garage. The garage was recently demolished, and construction begun on a second dwelling, atop the concrete pad which served as the floor of the garage.

There are no records for any permits for the structures on the property, which have existed on site since 1942. In November of 2012, staff issued a Stop Work Order, followed by a Zoning Violation, for construction without a permit.



South view of the Yesca residence, seen from Valenzuela Street.

IV. NATURE OF REQUEST

The Applicant, Maria Yesca, has a home and accessory garage on her property. She has employed Ernest Rogers to convert the garage into a small dwelling. In late 2012, it came to staff's attention that the construction was taking place, whereupon the Zoning Violation was opened.

Construction cannot continue, nor can a permit be issued, unless and until the property can be rezoned as the parcel is zoned TR-9, which allows one dwelling per 9,000-square feet. Because the property is smaller than the 18,000-square feet which would be required for two dwellings, a rezoning is required if the Applicant's plans are to be realized. If the Applicant is successful, the Violation can be closed, a building permit issued, and construction of the new dwelling can be completed.

V. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category "C"—Rural Community Area and is considered a "High Density Residential" land use designation area per the *Naco Community Plan*. Section 402 of the County Zoning Regulations allows owners of property lying within this designation to request a rezoning to MR-1 (Multiple household, one dwelling per 3,600-square feet), as MR (Multiple Residential) serves as the County's high-density residential District.



The proposed second dwelling and storage building. Existing residence at left.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request, which, as submitted, complies with 10 of the 11 applicable factors.

1. Provides an Adequate Land Use/Concept Plan. Complies.

The attached Concept Plan is adequate for the proposed rezoning. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed.

That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

2. Compliance with the Applicable Site Development Standards—Does Not Comply.

The structures on the property, including the detached garage, were constructed in 1946, before the County adopted Zoning Regulations. The existing home and accessory building are thus considered legally-nonconforming. In 2012, when the Applicant demolished the garage, and began constructing a new masonry structure on the remaining concrete pad, the legal non-conforming status also ceased: any new structure built on the pad would have to conform to current Zoning regulations. The garage was sited four-feet, two-inches from the southern property line, and six-feet, eight-inches from the western property line. The setback for structures on the property today is 10-feet, the standard for the TR-9 District. If the property were rezoned to MR-1, the minimum setback would change to 20-feet along the south property line (due to the abutting TR-9 District), and five-feet from the west property line (due to the adjacent GB District).

In 2011, the Board of Supervisors approved changes to Article 22 of the Zoning Regulations to grant themselves the authority to deem existing structures as legal-nonconforming as part of a rezoning approval. In this case, the proposed second dwelling on the property would not be eligible for such consideration, as it is a new structure and a change from an accessory to a principle land use. The Applicant has submitted an application to the District 2 Board of Adjustment for a Variance to the setback along the south property line for the proposed dwelling. The Board will consider this request at their regular meeting of Wednesday, April 3, 2013.



Southeast view of the partially-constructed second dwelling.

3. Adjacent Districts Remain Capable of Development – Complies.

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development –Complies.

The immediate area is characterized by a variety of single family dwellings of various sizes on a variety of lot sizes and types. Small-scale commercial uses, as well as public facilities such as the adjacent Naco school are also within the neighborhood. A number of the parcels and land uses, in the Naco Townsite pre-date County regulations and are legal-nonconforming.

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The Zoning Regulations provide several criteria for compliance with this factor, including the extent to which the rezoning “provides a transition between an existing less intense district and a more intensive district.” The MR-1 District allows one dwelling per 3,600-square feet. The surrounding TR-9 District provides for one dwelling per 9,000 square feet; the General Business District, to the immediate west of this parcel, allows for high-density residential development (one dwelling per 3,600-square feet). Section 2208.02 of the Zoning Regulations provides a scale of intensity for established Districts within the County. On this scale, the MR Districts are considered to be of a similar intensity to the TR-9 District, with only the SR-8 (Single-Household Residential) between them. Moreover, as stated above, residential development at densities higher than one dwelling per 9,000-square feet already exists throughout the existing TR-9 District. The property immediately south, for instance, is a non-conforming TR-9 parcel of approximately 6,500-square feet.

7. Adequate Services and Infrastructure – Complies.

The home is served by community water and sewer services. APS provides electric power and the Naco Fire Department provides emergency services. The property is also served by County-maintained streets with adequate rights-of-way.

8. Traffic Circulation Criteria – Complies.

Rezoning to MR-1 to facilitate an additional dwelling on the property would result in a small increase in traffic. The parcel is bordered on two sides by County-maintained roads, with existing, wide rights-of-way for each. These streets are adequate for the proposed increase in residential use of the property. A right-of-way permit would be required to legitimize the existing driveway onto Valenzuela Street if the owner is allowed to move forward with a residential permit for the second dwelling.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and is therefore not applicable.

11. Unique Topographic Features – Complies.

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation—Not Applicable.

As a proposal to allow one additional dwelling on a parcel smaller than one acre, this factor is not applicable. The property is served by the Arizona Water Company.

13. Public Input—Complies.

The Applicant completed the required Citizen Review process and received positive responses by telephone from seven individuals, and one positive response in writing. Staff posted the property on February 26, 2013, and published a legal notice in the *Bisbee Observer* on February 14, 2013. The Department also mailed notices to property owners within 1,000-feet of the site. To date, staff has received two statements of support from neighboring property owners, and from two neighbors (one representing two parcels) opposing the request (See Attachment D – Citizen Review and Public Comment).

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of the development plan.

15. Compliance with Area Plan - Complies

The property is within the boundaries of the *Naco Community Plan* area, and carries a Plan Designation of “High Density Residential.” High-density residential is defined, per the Area Plan, as a density of one dwelling unit per 3,100 to 9,000 square feet.

Allowing two dwellings on the 12,915-square foot property would result in a density of approximately 6,500-square feet per dwelling – a density compatible with Area Plan policies as well as the character of the Naco Townsite, which includes a number of non-conforming TR-9 parcels, some as small as 3,500-square feet.

VI. SUMMARY

The rezoning request is for a parcel of 12,915-square foot in the Naco Townsite. The rezoning is necessary in order for the Applicant to proceed with a building permit to complete a second, small dwelling on the property. This item has come forward due to a Zoning Violation for beginning construction of this dwelling without a permit.

The neighborhood is home to a large number of legal nonconforming properties, land uses, and lot sizes; many of the TR-9 parcels throughout the town are smaller than the 9,000-square foot minimum. The *Naco Community Plan* designates the site for High Density Residential; this designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a higher-density District, constituting a major factor in favor. A rezoning to the MR-1 District would therefore reflect the policies of the Plan, as well as the character of the surrounding neighborhood. Additionally, residential densities allowed in the adjacent General Business District are the same as the MR-1 allows, and as such, the request is a reasonable extension of an existing Zoning District.

Staff’s recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Naco Community Plan* policies prescribe a high density of residential development in this area, and the request would facilitate such a density;
3. The Applicant's Citizen Review effort yielded eight positive responses from neighboring property owners;
4. The subsequent County mailing resulted in two neighboring property owners expressing support for the proposal; and
5. The Planning & Zoning Commission voted 7-1 to forward a recommendation of conditional approval.

Factors Against Approval

1. The request comes as a result of a Zoning Violation for building without a permit;
2. The rezoning, if approved, would result in increased setbacks, from the current TR-9 standard of 10-feet, to the MR-1 standard of 20-feet along abutting residential Districts. The proposed second dwelling, built on the existing concrete pad, will be non-conforming with the setback standards along the south property line; and
3. Two neighboring property owners oppose the request.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends **conditional approval** of Docket Z-13-01, subject to the following standard conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Madame Chair, I recommend we approve Docket Z-13-01 subject to the two conditions recommended by staff.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Location Map
- D. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

Z-13-01
(Vesca)
\$415.00
RCD
1/24/13

1. Applicant's Name: ERNEST D. ROGERS

2. Mailing Address: 1590 W. MULEDEER ST.

BISBEE AZ 85603
City State Zip Code

VD
CHECK
#2301

3. Telephone Number of Applicant: (520) 895-8892

4. Telephone Number of Contact Person if Different: (520) 432-3861

5. Email Address: _____

6. Assessor's Tax Parcel Number: 102-57-338 (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- Sole owner: ☒
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: ☒
- If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): ☒

8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No ☒

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No ☒

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: _____

14. Indicate proposed Zoning District for Property: _____

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: _____ (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: HOUSE (MAIN DWELLING)

SMALL GARAGE, SHOP

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: SEE SITE PLAN

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

GIEBLER / VALENZUELA

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? NONE

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	NACD WATER	
Sewer/Septic	NACD SEWER DISTRICT	
Electricity	APS	
Natural Gas	SOUTHWEST	
Telephone	INTERNET	
Fire Protection	NACD VOLUNTEER	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

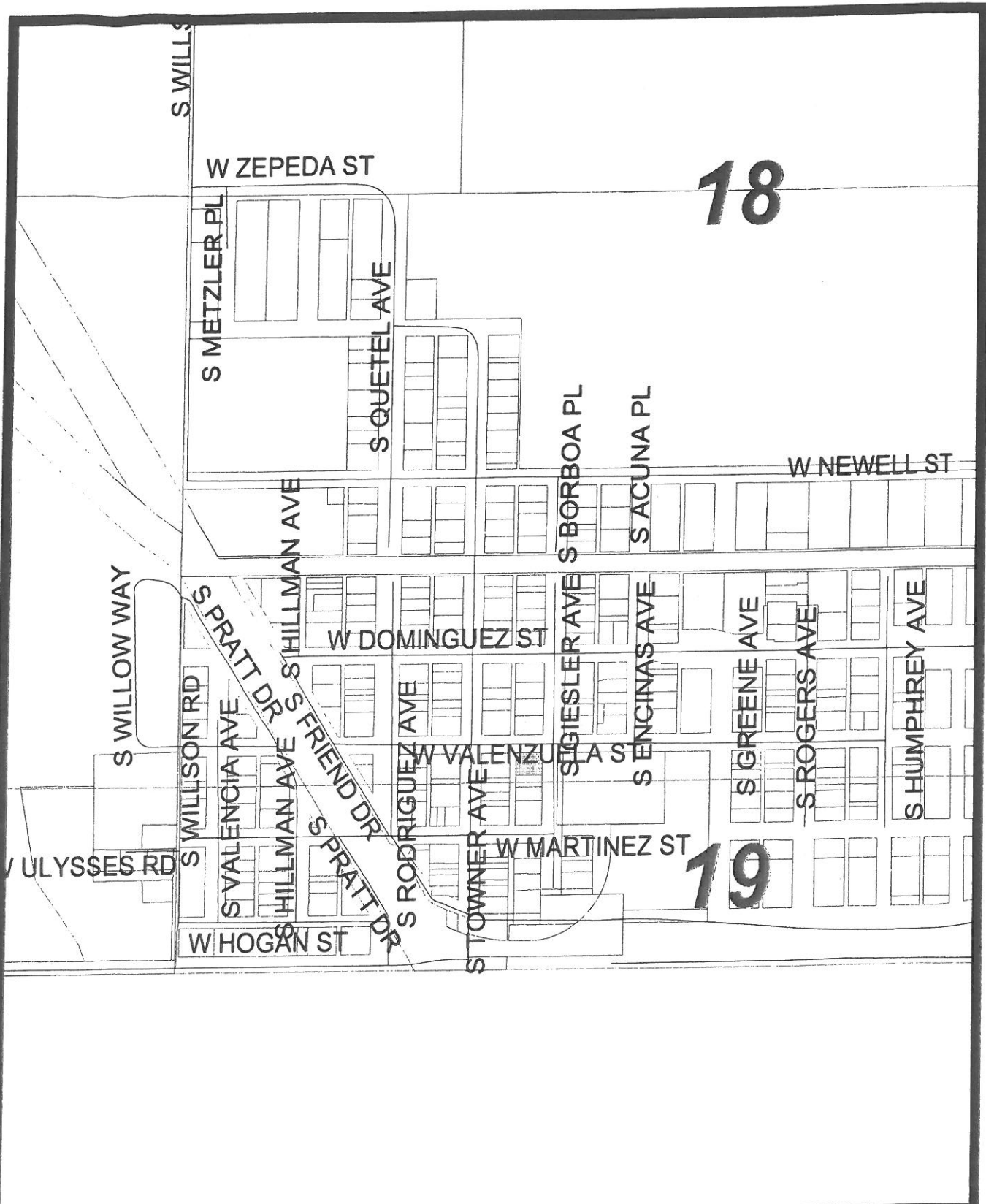
① NEED TO USE AS HOUSING ② FAMILY & MOTHER
IN-LAW QUARTERS) ③ (NACD PLAN CALL FOR
THIS USE)

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____

Date: 01/10/12



Docket Z-13-01
(Yesca)
Location Map

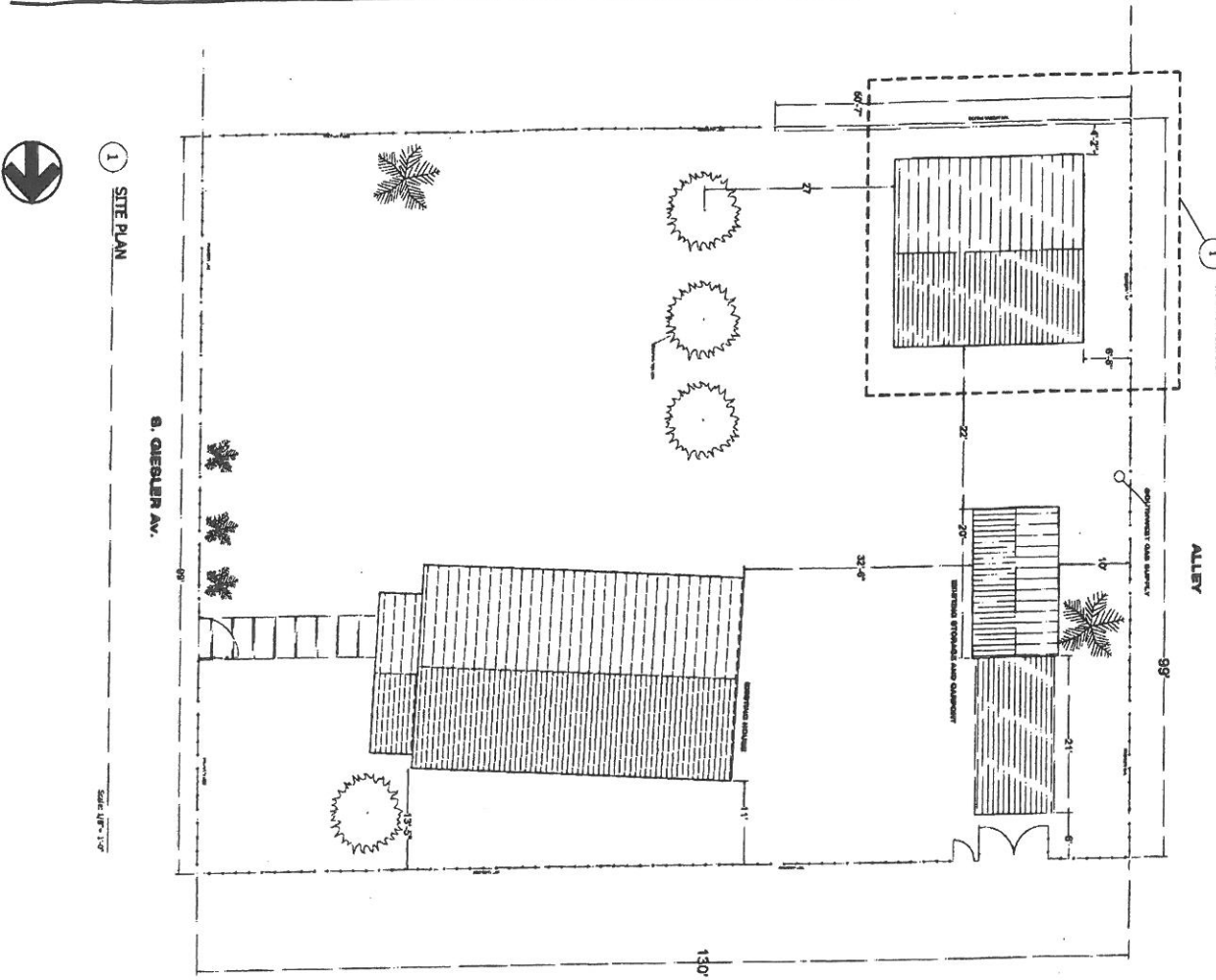
This map is a product of the
Cochise County GIS



12

PROPOSED BUILDING

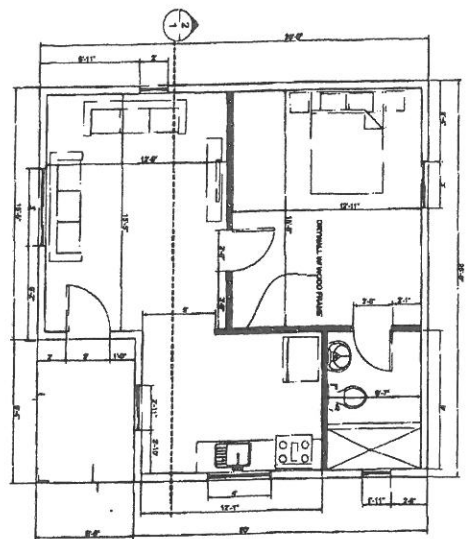
1



SITE PLAN

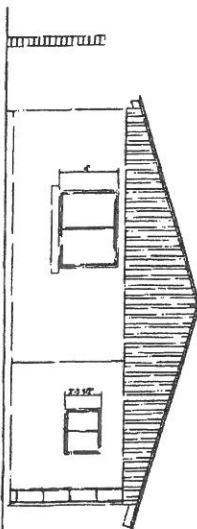
Scale 1/8" = 1'-0"

B. QUEBLER AV.

VALENZUELA St.

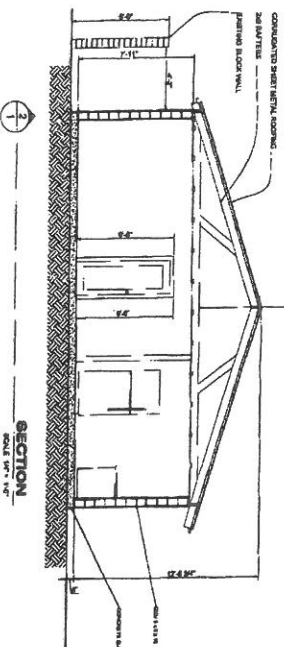
LAYOUT
SCALE 1/4" = 1'-0"

Q-1 = 1.5



ELEVATION

SCALE 1/6" = 1'-0"



SECTION

SCALE 100 = 100%

01/10/2013

Hello:

For those who don't already know me, my name is Ernest Rogers, resident, property owner and business owner in Naco, Arizona.

I'm attempting to have a small property rezoned in Naco, Az., Years ago this was George Valenzuela's home across from Naco Elementary School, on the property there is an existing building which we are converting to a mother-in-law apartment.

This structure has been in existence for a number of years but will only be converted to a livable space, I see no negative impacts because of our efforts.

Please send any written correspondence whether you're for or against this to David Rogers who is managing this for me 1598 W Muledeer st Bisbee, Az. 85603

We will also take notes on any phone calls regarding this matter.

Please call 520 895-8892 with all concerns.

Thank you for your consideration regarding this matter.


David Rogers

1-14-2013

I have
no objection
to your
efforts. It
does not
interfer
with me.
Good
Luck
Pamela
Lopez

3723
S. Gower
ave.
Naco

14

Rezone Pro Calls

- ① ANDY CITY MANAGER 249 5404
- ② MAIRO FLORES RESIDENT / NEIGHBOR
- ③ ED COTTINGHAM TREASURER COCHISE BAPTIST ASSOCIATION 378 3176
- ④ ROSE COOPER 520 398 7013
- ⑤ CLARA MARTINEZ 970 533 7805
- ⑥ PAMELA LOESCH SEE ATTACHED LETTER
- ⑦ LUIS VALENZUELA & FAMILY 486 5320

Rezoning: Docket Z-13-01 (Yesca)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

There is not enough low income rental housing available in Naco, especially near the Naco school. additional housing in this lot would be helpful.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

TERRY CHAMBERS

SIGNATURE(S):

Terry Chambers

YOUR TAX PARCEL NUMBER:

3792 S. TOWNER AVE,
NACO

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.** **NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

16

Rezoning: Docket Z-13-01 (Yes) COCHISE COUNTY

FEB 25 2013

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

PLANNING

IF ITS good for The Community, ITS A good thing.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Rose M. SUPER

SIGNATURE(S):

Rose M. Super

YOUR TAX PARCEL NUMBER: 103-57-171-5 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

17

Rezoning: Docket Z-13-01 (Yesca)

COCHISE COUNTY

FEB 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

If the property is not big enough for two family buildings why should you rezone for them? Then you would have to rezone for anybody that wants to build for rent buildings on their property. Exceptions should not be made if the property is not big enough.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Anthony P. Garcia

SIGNATURE(S):

Anthony P. Garcia

YOUR TAX PARCEL NUMBER: 102-57-142C 8 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.** NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis, Planner II

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

18

Rezoning: Docket Z-13-01 (Yesca)

COCHISE COUNTY
COCHISE

FEB 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The property is not big enough for two family buildings. Why should you re-zone for them. Then you would have to re-zone for anybody that wants to build for rent buildings on their property. Exceptions should not be made if the property is not big enough.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Anthony Patricia Garcia

SIGNATURE(S):

Anthony P. Garcia

YOUR TAX PARCEL NUMBER: 102-57-142A (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.** **NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

19

Rezoning: Docket Z-13-01 (Yesca)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

If all the residents of Naco, Ar. have to follow your zoning rules, regulations and codes it is only fair that Mrs. Yesca and Mr. Ernest Rogers follow the same zoning rules, regulations and codes as the rest of the citizens & residents of Naco, Ar. and not try to pass that an 850 sq ft building (made of block) already existed on the property. Additional sheet enclosed.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Aguero Jose F. & Berta A.

SIGNATURE(S):

Berta A. Aguero

YOUR TAX PARCEL NUMBER: 102-57-001 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.** **NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E

20

March 1, 2013

Re: Docket Z-13-01 (Yesca)

Dear Mr. Keith Dennis:

The property (Parcel no. 102-57-338) located at 3790 S. Geisler Avenue in Naco, Az. has never had an 850 square foot block garage in the far left corner in the back yard or any where else on this property. The building that was on the left side corner of the property when Ms. Yesca and Mr. Ernest Rogers bought this property was an 120 square foot tin shed (made out of tin sheets and 2x 4's).

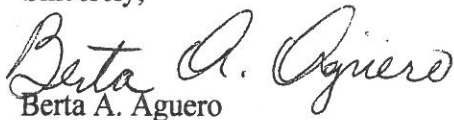
The reason I know that the tin shed (the one torn down) and what the other buildings that exist on this property are is because my brother lived on this property for 20 years and because I had a few pieces of furniture stored in that tin shed (on the far left side corner of the back yard) and in the tin shed on the right side corner of the backyard (this one still stands). When my brother moved out of this property a few months later is when Ms. Yesca and Mr. Ernest Rogers acquired this property and a few months after that is when they had the 120 square foot tin shed torn down and started building the 850 square foot block building.

If you have been on the property you can see that the 850 square foot block building that is in the 120 square foot tin sheds place is a new building and new material and 7 times larger than the tin shed that existed on the property when it was acquired by Ms. Yesca and Mr. Rogers.

If all the residents of Naco, Az. have to follow your zoning rules, regulations and codes it is only fair that Ms. Yesca and Mr. Ernest Rogers follow the same zoning rules, regulations and codes as the rest of the citizens and residents of Naco, Az.

If you have any questions regarding this matter, please do not hesitate to contact me at (520) 432-9111.

Sincerely,


Berta A. Aguero

List of ~~Corrections~~
Corrections / Changes

-) Article 14 fix SUP numbers
-) PE Question re: site plans
-) Double bituminous (chipseal) in Category A
-) Water conservation (what is small operation?)
 -) JL recommends pulling H₂O to separate issue (contractors/developers)
-) Defn 19
-) 2204.02.D. (remove "be prepared")

Adj
CM
JM?



Docket Z-13-01 (Yesca)

**A Request to Rezone a Parcel from
TR-9 to MR-1**

Board of Supervisors, 3/26/2013



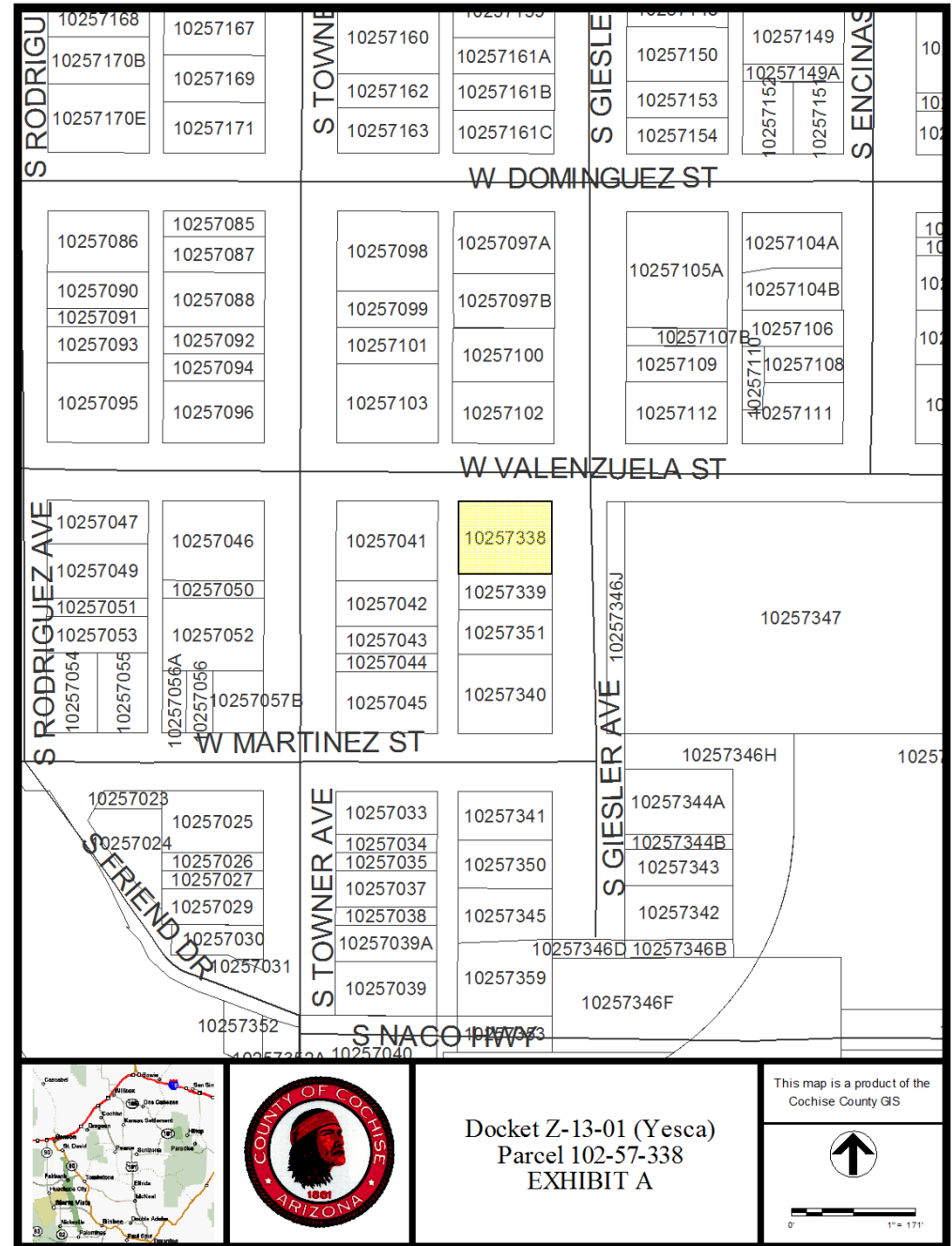
Docket Z-13-01 (Yesca)

- Request to rezone a 12,915 sq-ft parcel from TR-9 (Residential, one dwelling per 9,000 sq-ft) to MR-1 (Multiple household, one dwelling per 3,600 sq-ft) for the purpose of completing the conversion of an existing garage into a single-family home.
- Current TR-9 Zoning designation does not permit two dwellings on this parcel.
- The property is located at 3790 S. Geisler Ave in Naco. Applicant is Maria Yesca, represented by Ernest Rogers.
- On March 13, the Planning & Zoning Commission voted to forward a recommendation of conditional approval (7-1).



Location

The property is located
at the corner of
Valenzuela St and
Giesler Ave, adjacent
to the Naco School





W VALENZUELA ST

W MARTINEZ ST

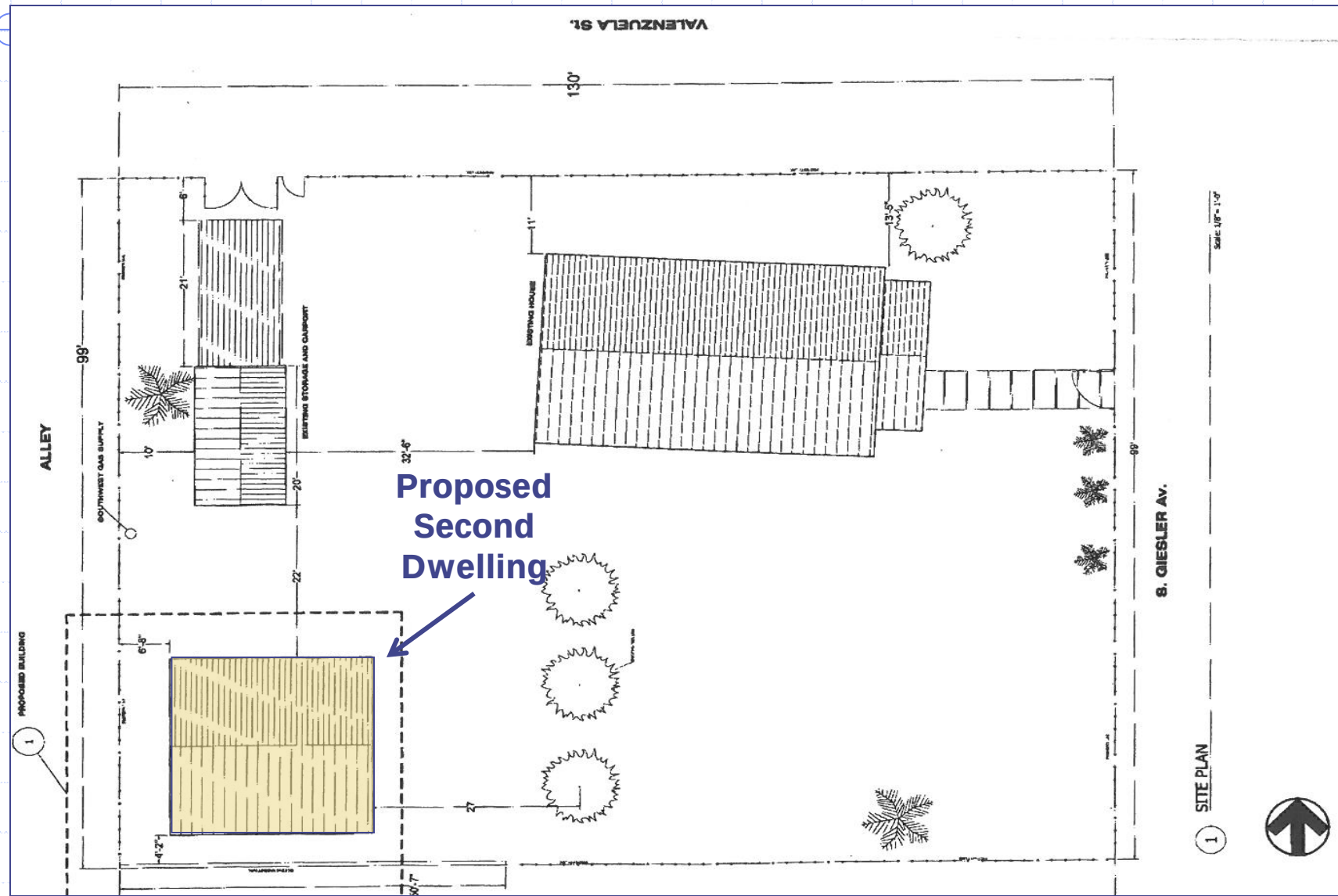
GIESLER AVE

↑
N

4

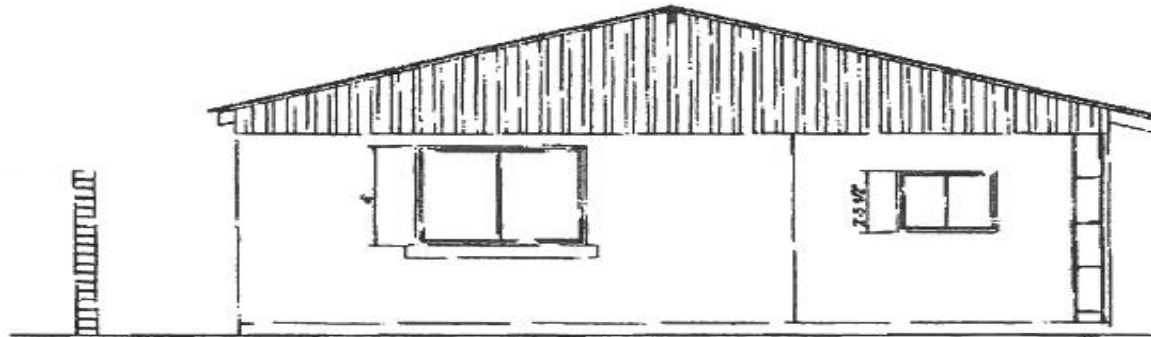


Concept Plan



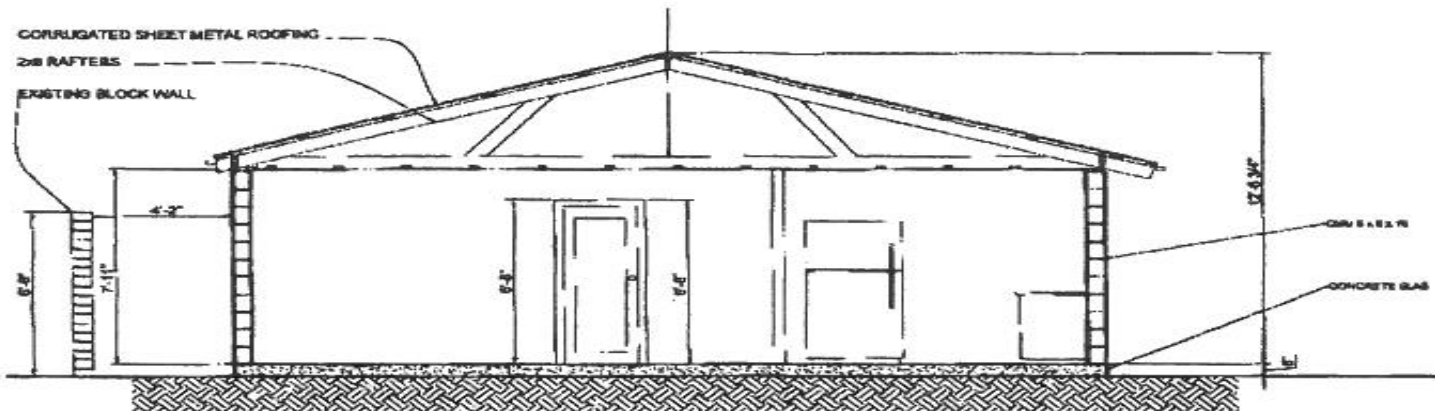


Concept Plan



ELEVATION

SCALE 1/4" = 1'-0"



SECTION

SCALE 1/4" = 1'-0"



South view of the Yesca residence



**The partially-constructed second dwelling sits
at the rear of the property**



Southeast view of the proposed second dwelling



Site Photos



The original garage was demolished, and the second dwelling has been partially constructed on the existing pad.

The new structure would be non-conforming with the required 20-ft setback for MR-1 sites abutting a Residential Zoning District.



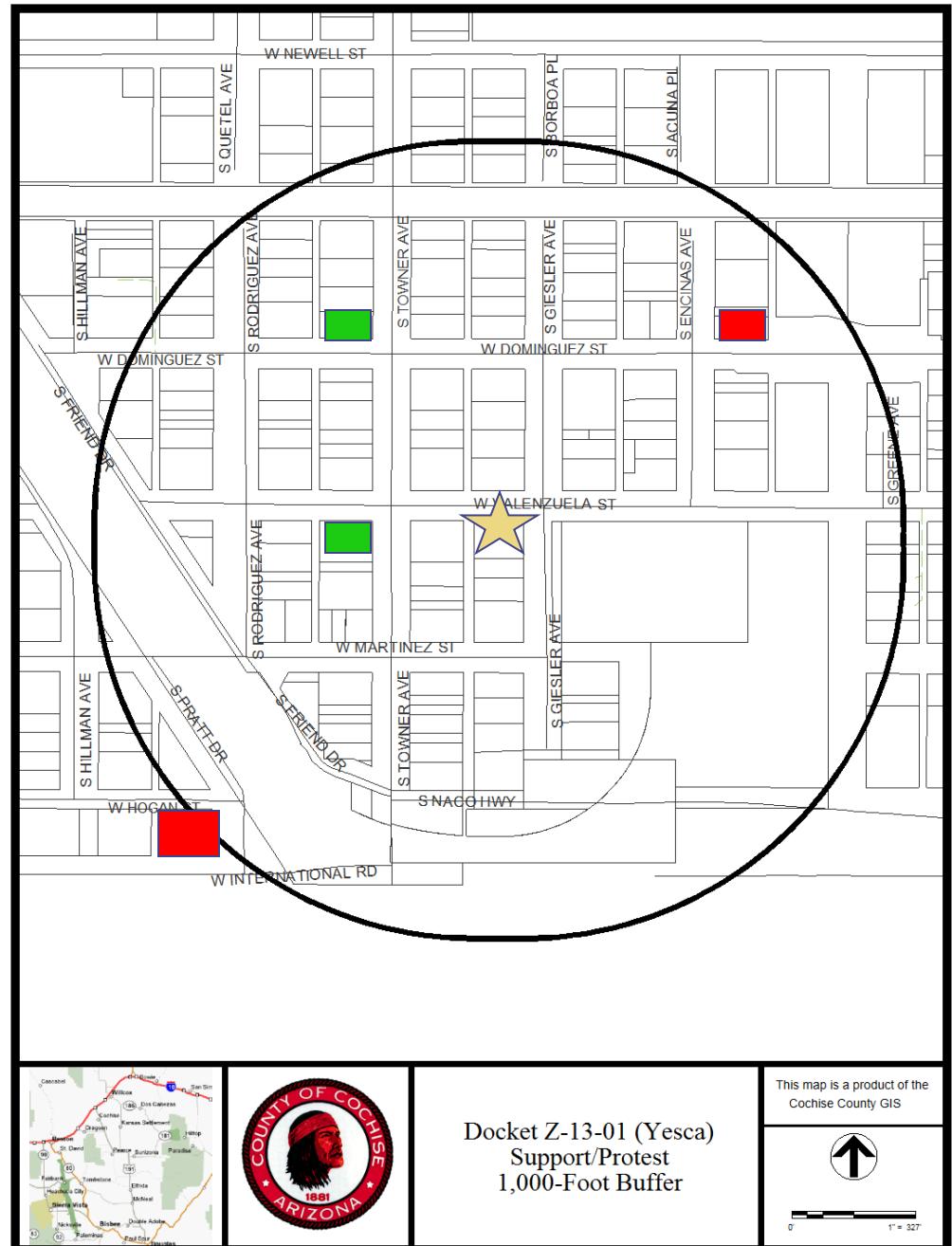
Naco Community Plan

- **Property is within a “High-Density Residential” area within the Area Plan boundaries, defined as one dwelling per 3,100 to 9,000 square feet.**
- **A rezoning request for MR-1 is therefore in conformance with the Naco Plan.**



Support & Protest

Staff received letters of **support** from two area property owners & **opposition** from two property owners.



Docket Z-13-01 (Yesca)
Support/Protest
1,000-Foot Buffer

This map is a product of the
Cochise County GIS



0' 1" = 327'



Factors in Favor

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Naco Community Plan* policies prescribe a high density of residential development in this area, and the request would facilitate such a density;
3. The Applicant's Citizen Review effort yielded eight positive responses from neighboring property owners; and
4. The subsequent County mailing resulted in two area property owners expressing support for the proposal.
5. The Planning & Zoning Commission voted 7-1 to forward recommendation of approval.



Factors Against

1. **The request comes as a result of a Zoning Violation for building without a permit;**
2. **The rezoning, if approved, would result in increased setbacks, from the current TR-9 standard of 10-feet, to the MR-1 standard of 20-ft along abutting residential Districts. The proposed second dwelling, built on the existing concrete pad, will be non-conforming with the setback standards along the south property line; and**
3. **Two area property owners oppose the request.**



Recommendation: Conditional Approval

- 1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and**
- 2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.**

LEGAL NOTICE NOTICE OF PUBLIC HEARING

The Cochise County Planning and Zoning Commission hereby gives notice a public hearing will be held at or after 4:00 p.m., on Wednesday, March 13, 2013, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

Docket Z-13-01 (Yesca): The Applicant seeks to rezone a 12,915 square foot parcel from TR-9 (one dwelling per 9,000 square feet) to MR-1 (one dwelling per 3,600 square feet) for the purpose of completing the conversion of an existing 850 square foot garage into a single-family home on her property. The current TR-9 Zoning designation means that the size of the parcel (12,915 square feet) is insufficient to permit two dwellings on the property. The property (Parcel no. 102-57-338) is located at 3790 S. Geisler Avenue in Naco, AZ. The property is further described as being in Section 18, Township 24 South, Range 24 East of the G&SRB&M in Cochise County, Arizona. The Applicant is Maria Yesca, represented by Ernest Rogers.

Details of the above docket are on file in the Cochise County Planning Department and may be examined during office hours. Inquiries may be directed to Planner Keith Dennis by calling 520-432-9240, or by email to kdennis@cochise.az.gov. All persons interested in said matter may appear at the public hearing.

If the above docket has not been heard by the Planning and Zoning Commission by 8 p.m. at the March 13, 2013 meeting, the public hearing may be continued to a later date at the Chair's discretion. At the hearing, the Commission will forward a recommendation to the Board of Supervisors, who would hear the Docket at a subsequent public hearing to be held at 10:00 a.m. on Tuesday, March 26, 2013 at the same location.

Dated February 4, 2013
Jim Lynch, Chairman, Cochise County Planning and Zoning Commission

Publish: *Bisbee Observer*
No later than February 14, 2013

ZONING ORDINANCE 13-__

Re: Docket Z-13-01 Application of Maria Yesca

Page 1

ZONING ORDINANCE 13-__

**AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM TR-9
TO MR-1, PURSUANT TO THE APPLICATION OF MARIA YESCA**

WHEREAS, A.R.S. § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

WHEREAS, the Cochise County Board of Supervisors recognizes that zoning amendments can affect land use patterns and therefore warrant careful consideration of local and regional impacts at a public hearing; and

WHEREAS, the Cochise County Board of Supervisors promotes effective, early and continuous public participation by citizens; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning District boundaries, hereby known as Docket Z-13-01; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by Applicant Maria Yesca; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Zoning District Boundaries shall be amended as follows:

The zoning classification for Tax Parcel 102-57-338, as shown on the map attached to this Resolution as Exhibit A, is changed from TR-9 to MR-1. The property is located at 3790 S. Geisler Avenue in Naco, AZ. The property is further described as being in Section 18, Township 24 South, Range 24 East of the G&SRB&M in Cochise County, Arizona. The Board of Supervisors approves Docket Z-13-01 subject to the following conditions of approval:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona,
this 26th day of March, 2013.

Ann English, Chairman
Board of Supervisors

ATTEST:

Katie Howard,
Clerk of the Board

APPROVED AS TO FORM:

Britt W. Hanson, Chief Civil
Deputy County Attorney



Docket Z-13-01 (Yesca)
Parcel 102-57-338
EXHIBIT A

This map is a product of the
Cochise County GIS



0' 1" = 171'

Regular Board of Supervisors Meeting**Community Development****Meeting Date:** 03/26/2013

Abandonment of multiple rights-of-way for Bowie School

Submitted By: Terry Couchenour, Community Development**Department:** Community Development**Division:** Highways**Presentation:** PowerPoint**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 2**Submitted for Signature:****NAME of PRESENTER:** Karen Riggs**TITLE of PRESENTER:** Interim Director**Docket Number (If applicable):****Mandated Function?:** Federal or State Mandate**Source of Mandate or Basis for Support?:** ARS 28-7201 thru 7215**Information****Agenda Item Text:**

Adopt Resolution 13-07 abandoning portions of 4th Street, Washington Avenue, Jefferson Avenue and alleyways adjoining Bowie School properties, as described therein.

Background:

Recommendation:

This department recommends adoption of the accompanying resolution abandoning portions of 4th Street, Washington Avenue, Jefferson Avenue and 5 alleyways, approximately a total of 3.75 acres, which are unnecessary for public road use.

Background (Brief):

Recorded plats of portions of the townsite of Bowie date back to 1908 with a full townsite depiction dated 1913. The 1913 townsite contained uniformly platted blocks, streets, alleyways and a separate School Block. The School Block was previously conveyed to the Bowie School District in 1912, and in 1922 and 1960 the School acquired an additional 5 blocks. While not utilized for public road purposes, several platted streets and alleyways separate the individual blocks; however the School has utilized all 6 blocks and rights-of-way as one property. Portions of several buildings, an athletic field, etc. were constructed within the public rights-of-way and attached is an aerial map as reference.

The location of School facilities in public right-of-way may be considered an encroachment as they obstruct the potential use of public road/alley purposes. This scenario places Cochise County in an unusual situation which can be remedied through abandonment. The department recommends approval of the abandonment proposal based on the rights-of-way not being necessary for public road use. The rights-of-way are not open for public road use and are not necessary as sole legal access for a property. Regarding compensation for the abandoned rights-of-way, the Board is required by statute to factor any public benefit received. The department recommends that the Board value the public benefit received as equal to the value of the abandoned rights-of-way. This approach is consistent with previous Board actions for Cochise Elementary School (Resolution 93-17), Pearce Elementary School (Resolution 01-47) and McNeal Elementary School (Resolution 02-11).

Department's Next Steps (if approved):

If abandonment is approved and documents are recorded, no further Board action is required.

Impact of NOT Approving/Alternatives:

If abandonment is not approved, the rights-of-way will remain public streets and alleyways. Bowie School facilities may be interpreted as an encroachment on the public rights-of-way. Cochise County may face problems due to an encroachment situation.

To BOS Staff: Document Disposition/Follow-Up:

Please insert the Resolution number on the Quit Claim Deed and record the Resolution and Quit Claim Deed as two separate documents. Please return a copy of the Resolution and the original Quit Claim Deed to H&F, attn: Right-of-way Division. Right-of-way staff will forward copies of the recorded documents to Bowie School.

Attachments

[Executive Summary for abandonment for Bowie School](#)

[Location Map for abandonment for Bowie School](#)

[Executive Summary Map for abandonment for Bowie School](#)

[Resolution for abandonment for Bowie School](#)

[Quit Claim Deed for abandonment for Bowie School](#)

[PowerPoint for abandonment for Bowie School](#)



COCHISE COUNTY
HIGHWAY AND FLOODPLAIN DEPARTMENT
MEMORANDUM



MAKING IT BETTER

Your County Questions answered:

www.cochise.az.gov

DATE: March 4, 2013

TO: Board of Supervisors

THRU: Karen Riggs, P.E., Interim Director *KR*

FROM: Terry Couchenour, Right-of-way Agent II *TC*

SUBJECT: Resolution 13-__, Abandonment of Rights-of-way for Bowie School District

Recommendation: This department recommends adoption of the accompanying resolution abandoning portions of 4th Street, Washington Avenue, Jefferson Avenue and 5 alleyways, approximately a total of 3.75 acres, which are unnecessary for public road use.

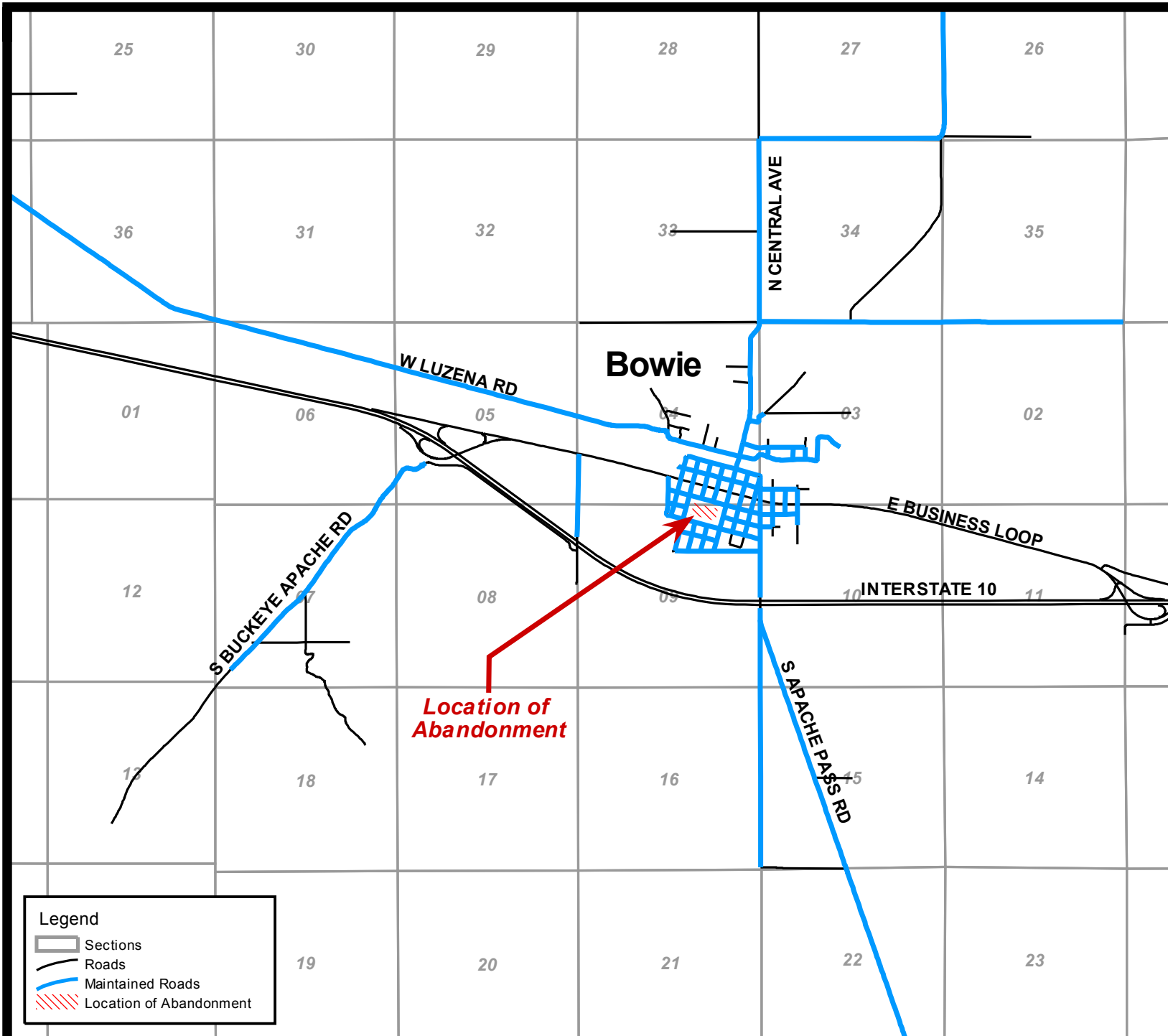
Background (Brief): Recorded plats of portions of the townsite of Bowie date back to 1908 with a full townsite depiction dated 1913. The 1913 townsite contained uniformly platted blocks, streets, alleyways and a separate School Block. The School Block was previously conveyed to the Bowie School District in 1912, and in 1922 and 1960 the School acquired an additional 5 blocks. While not utilized for public road purposes, several platted streets and alleyways separate the individual blocks; however the School has utilized all 6 blocks and rights-of-way as one property. Portions of several buildings, an athletic field, etc. were constructed within the public rights-of-way and attached is an aerial map as reference.

The location of School facilities in public right-of-way may be considered an encroachment as they obstruct the potential use of public road/alley purposes. This scenario places Cochise County in an unusual situation which can be remedied through abandonment. The department recommends approval of the abandonment proposal based on the rights-of-way not being necessary for public road use. The rights-of-way are not open for public road use and are not necessary as sole legal access for a property. Regarding compensation for the abandoned rights-of-way, the Board is required by statute to factor any public benefit received. The department recommends that the Board value the public benefit received as equal to the value of the abandoned rights-of-way. This approach is consistent with previous Board actions for Cochise Elementary School (Resolution 93-17), Pearce Elementary School (Resolution 01-47) and McNeal Elementary School (Resolution 02-11).

Fiscal Impact & Funding Sources: Not applicable

Next Steps/Action Items/Follow-up: If abandonment is approved and documents are recorded, no further Board action is required.

Impact of Not Approving: If abandonment is not approved, the rights-of-way will remain public streets and alleyways. Bowie School facilities may be interpreted as an encroachment on the public rights-of-way. Cochise County may face problems due to an encroachment situation.



LOCATION MAP

Proposed abandonment of rights-of-way for Bowie School

Located within Sections 4 & 9 Township 13 South Range 28 East G.&S.R.M.

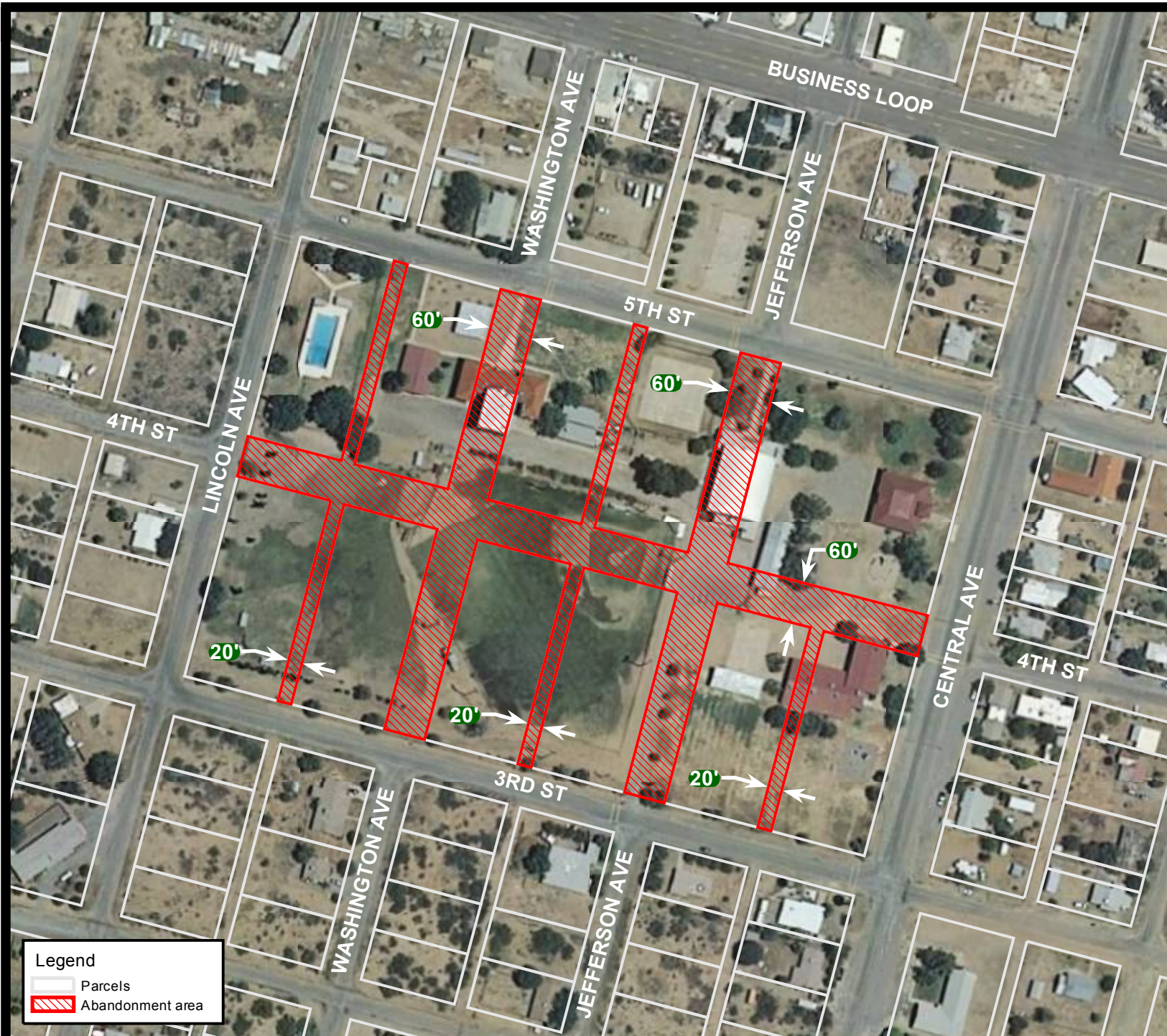
Legend

- Sections
- Roads
- Maintained Roads
- Location of Abandonment



0' 1" = 4000'

This document is a graphic representation only, utilizing best available sources. Cochise County assumes no responsibility for any errors.



MAP FOR EXECUTIVE SUMMARY

Proposed
abandonment of
rights-of-way for
Bowie School

Located within
Sections 4 & 9
Township 13 South
Range 28 East
G.&S.R.M.



0' 1" = 200'

This document is a graphic representation
only, utilizing best available sources.
Cochise County assumes
no responsibility for any errors.

RESOLUTION 13-____

**AUTHORIZING THE ABANDONMENT OF PUBLIC RIGHTS-OF-WAY
IN BOWIE**

WHEREAS, there has been presented to the Board of Supervisors of Cochise County Arizona, a formal request praying for the abandonment of those certain public rights-of-way, more particularly described as follows:

See attached **EXHIBIT "A" & EXHIBIT "B"**

WHEREAS, the Board of Supervisors having considered all comments regarding this request at their meeting held March 26, 2013, and having determined that the public rights-of-way described hereinabove are not necessary for public use as a roadway pursuant to A.R.S. § 28-7202; and

WHEREAS, the Board of Supervisors, at the meeting held on April 18, 2006, adopted Resolution 06-24 which serves as a guideline for departmental staff but does not preclude the Board from taking any action deemed appropriate and in the best interest of the public; and

WHEREAS, Resolution 06-24 subsection II.B. does not consider the public benefit received by Cochise County, and due to the elimination of an encroachment of Bowie Unified School District facilities which is enabled through said abandonment, a public benefit is received by Cochise County; and

WHEREAS, the vacated rights-of-way have a market value commensurate with the public benefit received by Cochise County in accordance with A.R.S. § 28-7208; and

WHEREAS, a Quit Claim Deed for the vacated rights-of-way will be issued to the adjacent property owner, in accordance with A.R.S. § 28-7208; and

WHEREAS, unknown public utilities may exist within said rights-of-way,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the petition for the abandonment as described and requested herein is hereby granted, and the public rights-of-way are hereby vacated, in accordance with A.R.S. § 28-7201, *et seq.*

RESOLUTION 13-_____

Re: Authorizing the Abandonment of Public Rights-of-Way in Bowie

Page 2

IT IS FURTHER RESOLVED that the interest of Cochise County in lands described above is hereby vacated and the issuance of a Quit Claim Deed vesting title in the adjacent property owner, Bowie Unified School District # 14, is hereby authorized pursuant to A.R.S. § 28-7205. The Chairman of the Board is hereby authorized to execute the Quit Claim Deed and all other documents necessary to completion of this transaction.

IT IS FINALLY RESOLVED that any and all rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the disposals or abandonment thereof, pursuant to A.R.S. § 28-7210.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this _____ day of _____, 2013.

Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:



Britt Hanson,
Chief Civil Deputy County Attorney

EXHIBIT "A"

Those portions of public rights-of-way within Bowie Townsite, according to Book 0 of Maps and Plats at page 157, Office of the County Recorder, Cochise County, Arizona, and more particularly described as follows:

That portion of a certain 60.00 foot wide public right-of-way, known as 4th Street, as it adjoins the southerly boundary of Blocks 28, 29 and 30, and adjoining the northerly boundary of Blocks 39, 40 and 41, of said Bowie Townsite;

AND;

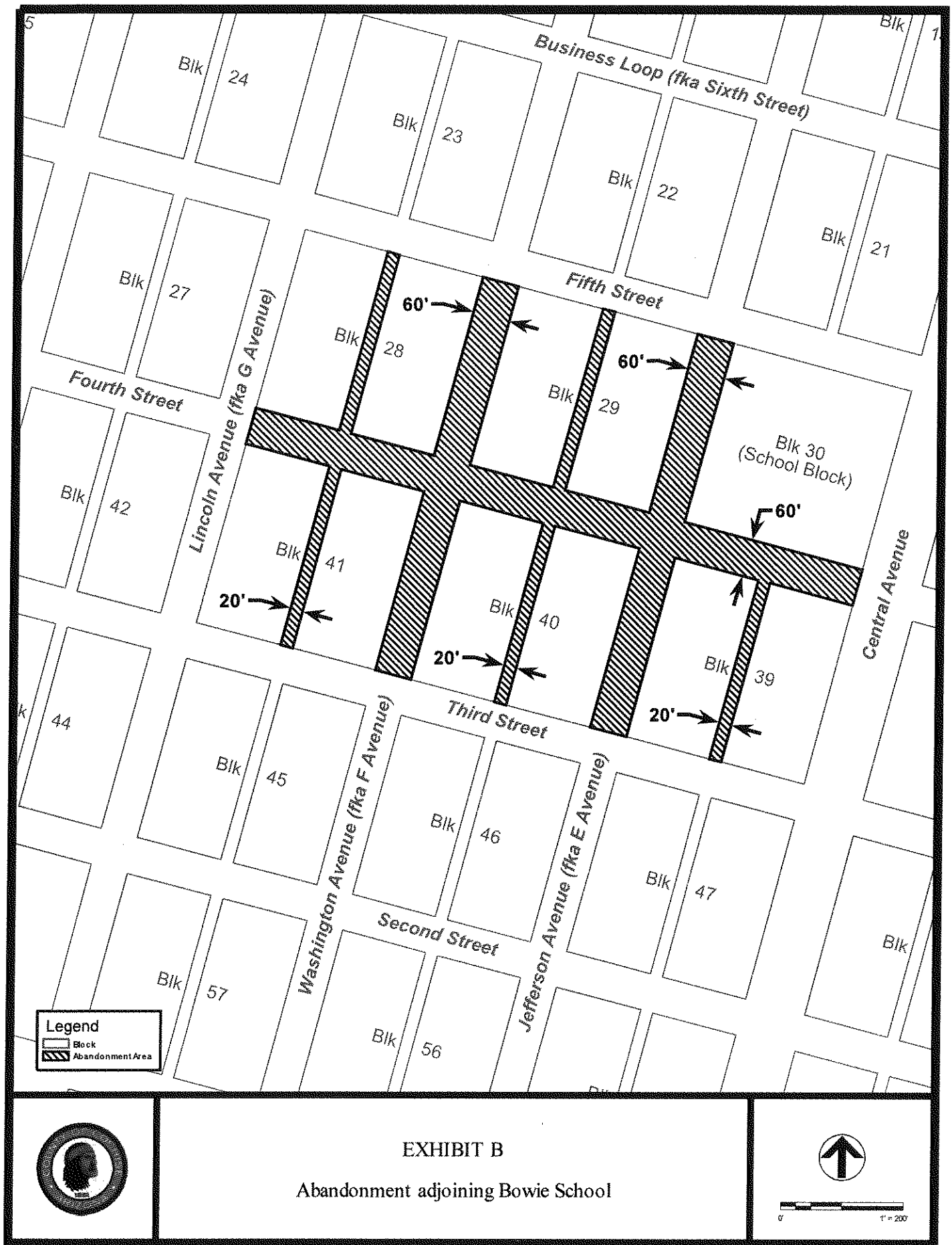
That portion of a certain 60.00 foot wide public right-of-way, known as Washington Avenue, formerly known as F Avenue, as it adjoins the easterly boundary of Blocks 28 and 41, and adjoining the westerly boundary of Blocks 29 and 40, of said Bowie Townsite;

AND;

That portion of a certain 60.00 foot wide public right-of-way, known as Jefferson Avenue, formerly known as E Avenue, as it adjoins the easterly boundary of Blocks 29 and 40, and adjoining the westerly boundary of Blocks 30 and 39, of said Bowie Townsite;

AND;

Those certain 20.00 foot wide public alleyways, within Blocks 28, 29, 39, 40 and 41 of said Bowie Townsite.



Exempt pursuant to
A.R.S. 11-1134.A.3

QUIT CLAIM DEED

For full and fair consideration, Cochise County, State of Arizona, does hereby quit claim to **Bowie School District #14**, heirs or assigns, all right, title, or interest in the following real property situated in Cochise County, Arizona.

See attached **“EXHIBIT A”** and **“EXHIBIT B”**

Subject to the same encumbrances, liens, limitation, restriction, estates as exist on the land to which it accrues, pursuant to A.R.S. 28-7205.

Subject to easements for existing utilities, pursuant to A.R.S. 28-7210.

The undersigned is authorized to execute this document pursuant to Resolution No. 13-____ adopted by the Cochise County Board of Supervisors.

Dated this _____ day of _____, 2013.

Ann English, Chairman
Board of Supervisors

STATE OF ARIZONA)
) ss.
COUNTY OF COCHISE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Ann English, for the purpose and consideration herein contained.

My Commission Expires:

Notary Public

EXHIBIT A

Those portions of public rights-of-way within Bowie Townsite, according to Book 0 of Maps and Plats at page 157, Office of the County Recorder, Cochise County, Arizona, and more particularly described as follows:

That portion of a certain 60.00 foot wide public right-of-way, known as 4th Street, as it adjoins the southerly boundary of Blocks 28, 29 and 30, and adjoining the northerly boundary of Blocks 39, 40 and 41, of said Bowie Townsite;

AND;

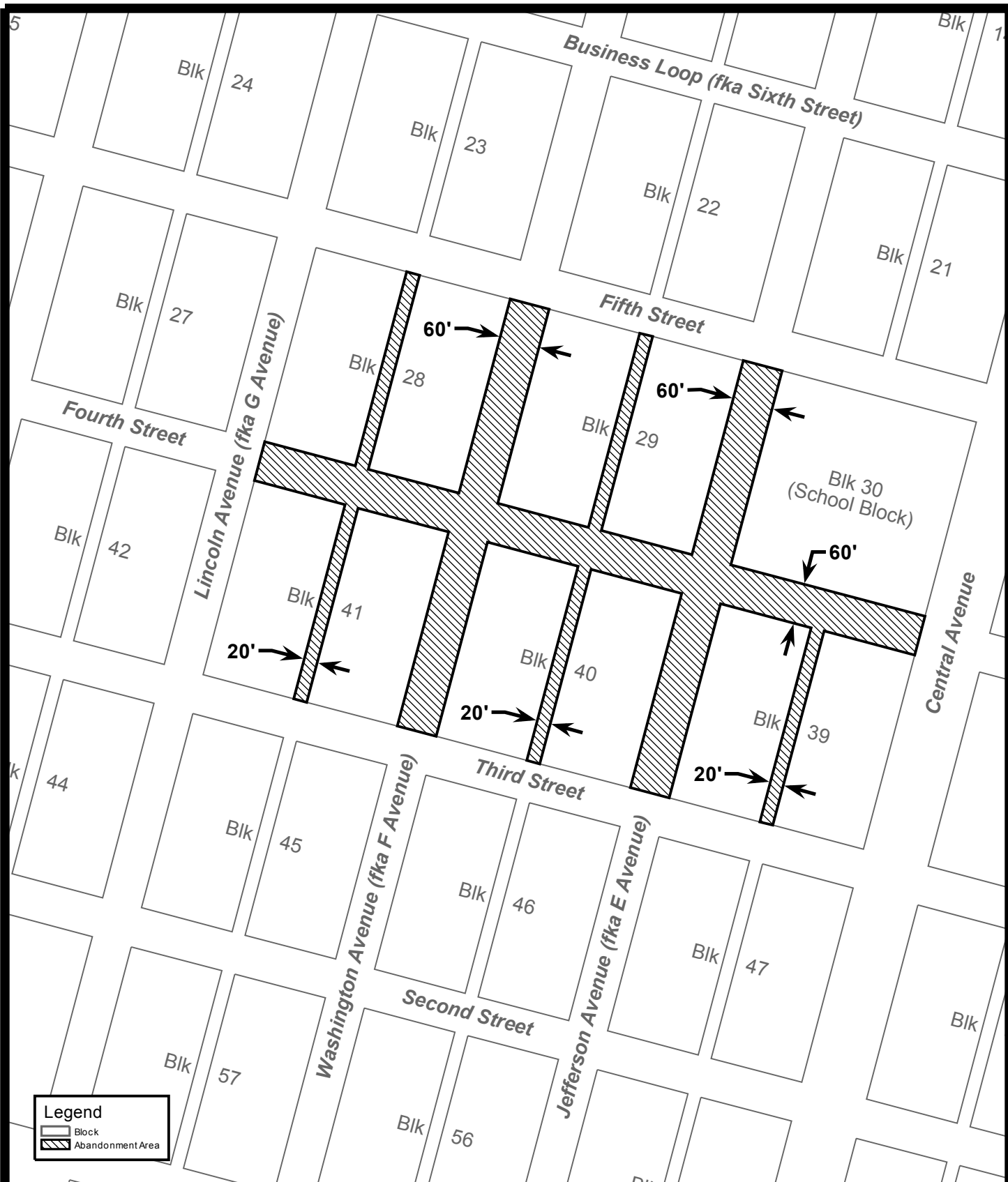
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AND;

That portion of a certain 60.00 foot wide public right-of-way, known as Jefferson Avenue, formerly known as E Avenue, as it adjoins the easterly boundary of Blocks 29 and 40, and adjoining the westerly boundary of Blocks 30 and 39, of said Bowie Townsite;

AND;

Those certain 20.00 foot wide public alleyways, within Blocks 28, 29, 39, 40 and 41 of said Bowie Townsite.



Legend

- Block
- Abandonment Area



EXHIBIT B

Abandonment adjoining Bowie School



0' 1" = 200'



Abandonment of rights-of-way for Bowie School

March 26, 2013



LOCATION MAP

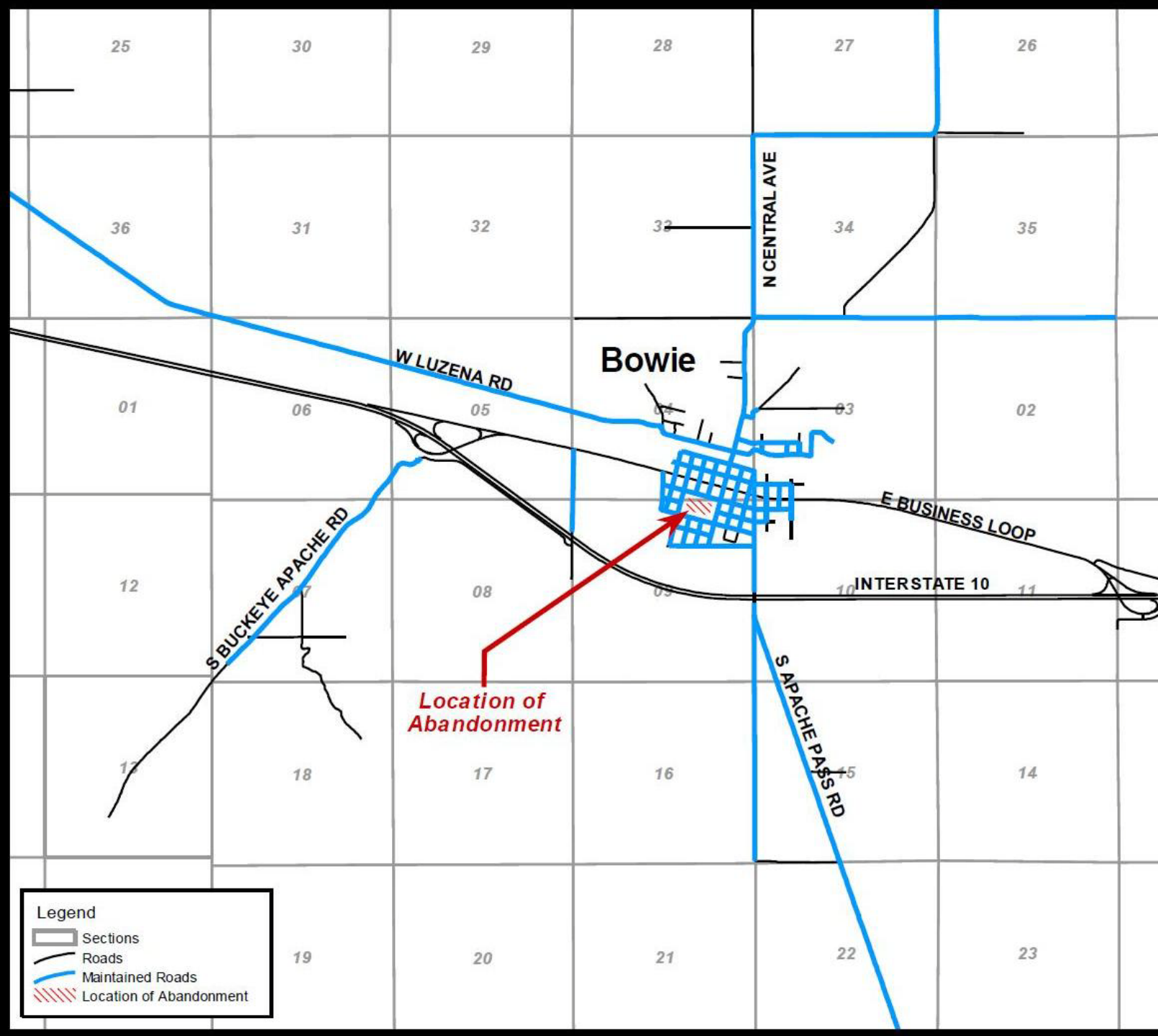
Proposed
abandonment of
rights-of-way for
Bowie School

Located within
Sections 4 & 9
Township 13 South
Range 28 East
G.&S.R.M.



0' 1" = 400'

This document is a graphic representation
only, utilizing best available sources.
Cochise County assumes
no responsibility for any errors.



Legend

- Sections
- Roads
- Maintained Roads
- Location of Abandonment



MAP FOR EXECUTIVE SUMMARY

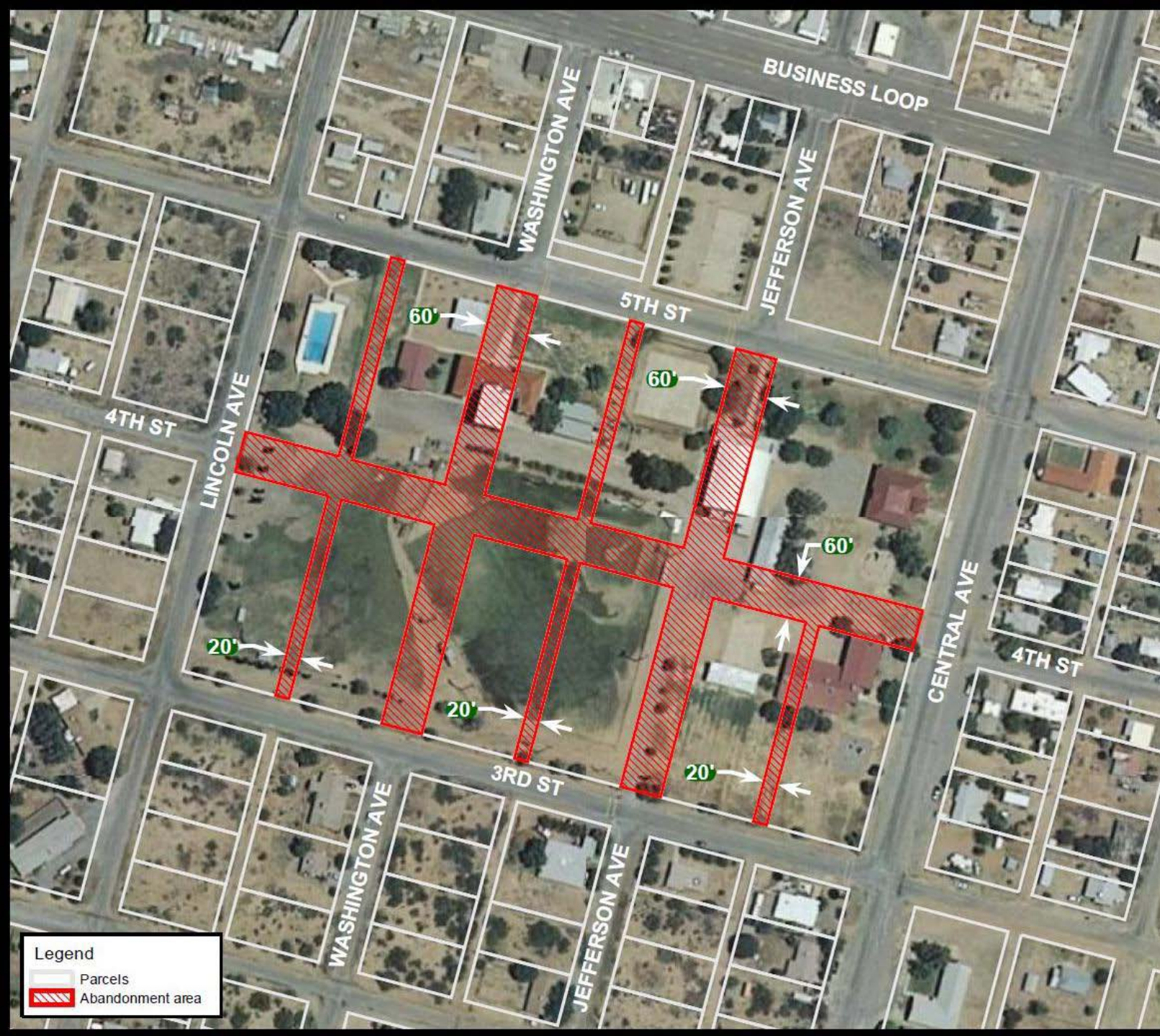
Proposed
abandonment of
rights-of-way for
Bowie School

Located within
Sections 4 & 9
Township 13 South
Range 28 East
G.&S.R.M.



0' 1" = 200'

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no responsibility for any errors.



Intersection of Central Avenue and Fourth Street looking westerly along Fourth Street



Approx Abandonment Area
(abandonment area beyond buildings not shown)

03/04/2013

Intersection of Jefferson Avenue and Fifth Street looking southerly along Jefferson Avenue



Approx Abandonment Area
(abandonment area beyond buildings not shown)

03/04/2013

Intersection of Washington Avenue and Fifth Street looking southerly along Washington Avenue



Approx Abandonment Area
(abandonment area beyond buildings not shown)

03/04/2013

Community Development

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

Appeal from a Notice and Order to Abate a Hazard

Submitted By: Peter Gardner, Community
Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Disapprove

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME
of PRESENTER: Chris SaylorTITLE
of PRESENTER: Zoning
Enforcement
Officer

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Uphold or Deny the property owners appeal of the Notice and Order to Abate on parcels 107-19-005C, 107-19-005D, and 107-19-004B.

Background:

Notices and Orders to Abate a Hazard were issued on parcels 107-19-005C, 107-19-005D, and 107-19-004B on February 8, 2013, as well as two adjoining parcels. A contractor has estimated that the total cost of abating all five parcels, which total 13.5 acres, is \$800,000, although the County will attempt to lower the actual cost by doing much of the work using County employees and equipment.

The owners of the three subject parcels are appealing the Notices and Orders to Abate a Hazard on the grounds that they did not create the hazard, but rather acquired the parcels with the hazard already on it. The County Attorney notes that subsection II.F of the Hazard Abatement Ordinance places responsibility for the condition on the owner of the property, whether or not they caused the hazard.

F. Removal by Board. If the owner, lessee or occupant fails to remove or otherwise abate the Public Nuisance within thirty (30) days of mailing or personal service of the Notice and Order to Abate (or such extension thereof as may be granted in writing by the Board), the Board or its designee may, at the expense of the owner, lessee or occupant, order removal or abatement of the Public Nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within one hundred and eighty (180) days after the right to do so first accrues, a new Notice and Order to Abate shall be served as provided in Paragraph II.C. [A.R.S. § 11-268.B]

The owners of the two adjacent parcels, which are also to be abated, have not appealed the Notice and Order to Abate.

The cost of the Abatement will exceed the Full Cash Value of the properties. The FCV of the properties ranges from \$7,500.00 to \$16,497.00

Suggested Motion: Madam Chair, I move to uphold the property owners' appeal of the Notice and Order to Abate.

OR

Madam Chair, I move to deny the property owners' appeal of the Notice and Order to Abate.

Department's Next Steps (if approved):

If the appeal from the Notice and Order to Abate a Hazard is denied, the Department will proceed with abatement. Liens will be placed on the parcels to recover a portion of the cost of the abatement.

Impact of NOT Approving/Alternatives:

If the appeal from the Notice and Order to Abate a Hazard is granted, the Department will not proceed with the Abatement.

To BOS Staff: Document Disposition/Follow-Up:

None.

Fiscal Impact

Fiscal Year:	2013
One-time Fixed Costs? (\$\$\$):	480000
Ongoing Costs? (\$\$\$):	0
County Match Required? (\$\$\$):	0
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):	0
Source of Funding?:	

Fiscal Impact & Funding Sources (if known):

If the Appeal is upheld the County will be unable to collect \$480,000 in Abatement costs.

Attachments

Appeal Letters

Notice 13-0092

Notice 13-0093

Notice 13-0094

Abatement Quote

107-19-005D
107-19-004B

520-990-6759

Linda Yauchzy
333 Laguna
Tucson, AZ 85705
(520) 990-6759

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS

2013 FEB 21 A 11: 38

February 18, 2013

Cochise County Board of Supervisors
Clerk of the Board
1415 W. Melody Lane, Bldg G
Bisbee, AZ 85603

RE: Appeal to Hazard Violation VH-13-0093 On Tax Parcel 107-19-005D

To Whom It May Concern:

As indicated in a letter from Pat Hoefer, Planning Technician dated February 8, 2012, I am appealing the above referenced violation on the following grounds:

My stepfather and mother, Floyd and Gertrude Dake, purchased this property in 1959 or 1960. With my mother's permission, my brother Wendell Gleave operated Arizona Metal Salvagers on this property for more than 30 years.

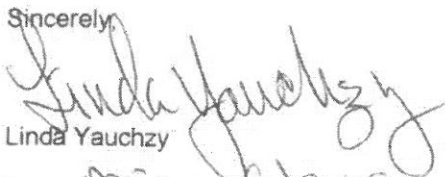
After my mother's death, the property was divided among her 5 children. Our brother, Wendell Gleave, continued the operations of his business on all of the property despite our continued requests for him to clear the property that did not belong to him. Since Wendell's death, his son Michael A. Gleave continues the salvage business (of sorts) and ignores my requests to stop encouraging people to bring their salvage items out to the property.

When I inherited this property, it was being utilized as a salvage yard. I did not place or dump, nor am I storing, any of the "trash & debris" that is on my property. It is in the condition in which I inherited it. I live in Tucson and am not able to "watch" what is going on out in Sierra Vista to try and stop the dumping that is happening. In the past, I have told other officials about the problem of individuals dumping on the property and I was told that it was my problem. I have also asked if there is any chance that the county dumping fees could be waived. I was told I would have to speak to someone else about that but was not given a name. I do have an acquaintance that owns a bulldozer who might possibly help do the clearing if I could get the fees waived and an extension on the time for compliance; however, I still would not have a way to keep individuals from continually using the property as a "free dump" in the future without the help of County officials/Law Enforcement.

I strongly agree that the Hazard Violation(s) should be corrected; however, I am a 63 year old single female working as a hairdresser and struggling to make ends meet. I am not financially able to bear the cost of cleaning up someone else's trash. I feel that the individual that continues to encourage people to bring "salvage" items out here and leave them is the responsible party. Especially since along with their salvage items they also feel compelled to bring their broken down furniture and treat my property as a free dump site. Let me reiterate I live in Tucson and am not there to stop individuals from dumping.

Please understand, I am willing to cooperate in any way that I can and I respectfully request any assistance the County can provide in resolving this issue.

Sincerely,


Linda Yauchzy

cc Mike Gleave

107-19-005C

Midred Fehrenbach
PO Box 1104
Sierra Vista, AZ 85636
(520) 458-4964
459-4964

February 18, 2013

Cochise County Board of Supervisors
Clerk of the Board
1415 W. Melody Lane, Bldg G
Bisbee, AZ 85603

RE: Appeal to Hazard Violation VH-13-0093 On Tax Parcel 107-19-005C

To Whom It May Concern:

As indicated in a letter from Pat Hoefer, Planning Technician dated February 8, 2012, I am appealing the above referenced violation on the following grounds:

My stepfather and mother, Floyd and Gertrude Dake, purchased this property in 1959 or 1960. With my mother's permission, my brother Wendell Gleave operated Arizona Metal Salvagers on this property for more than 30 years.

After my mother's death, the property was divided among her 5 children. Our brother, Wendell Gleave, continued the operations of his business on all of the property despite our continued requests for him to clear the property that did not belong to him. . Since Wendell's death, his son Michael A. Gleave continues the salvage business and ignores our repeated requests to clear the land that does not belong to him and stop encouraging people to bring their salvage items out to the property.

When I inherited this property; it was being utilized as a salvage yard. I did not place or dump, nor am I storing, any of the "trash & debris" that is on my property. It is in the condition in which I inherited it. I am 81 years old, and just had open heart surgery in October 2012. I am not physically or financially able to bear the cost of clearing this property I inherited. I strongly agree that the Hazard Violation(s) should be corrected; however, I feel that the individual that continues to encourage people to bring "salvage" items out here and leave them is the responsible party. I am willing to cooperate in any way that I can and I respectfully request any assistance the County can provide in resolving this issue.

Sincerely,



Mildred Fehrenbach

Rec'd 2/27/13
Gmattner/BOS



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

NOTICE OF HAZARD

February 8, 2013

Certified Mail 7007 0710 0001 7130 8686
First Class

Mildred G. Fehrenbach
PO Box 1104
Sierra Vista, AZ. 85636

SUBJECT: HAZARD VIOLATION VH-13-0092 ON TAX PARCEL 107-19-005C
Property located at Dake Rd., Sierra Vista, AZ

LEGAL DESCRIPTION: POR NE SEC33 COM AT NE COR SEC33 N89DEG 59MIN W743' S0DEG 0MIN W30' TPOB S206' S89DEG 59MIN E185.26' S0DEG 2MIN E510.36' S77DEG 13MIN W122.41' S57DEG 37MIN W130.95' S31DEG 25MIN W9.60' TO PT ON NLY ROW N79DEG 53MIN W18.21 CONCIDENT WITH NLY ROW N0DEG 2MIN W818.58' 89DEG 59MIN E67.97' TPOB SEC33-21-21 3.534AC 7/98 LV CHT 88-1 4333P/AC

Dear Property Owner(s):

Our office received a request to investigate a violation of the Cochise County Hazard Abatement Ordinance on this parcel. Pursuant to this request, we performed an on-site inspection of the property and observed the following:

- OUTDOOR STORAGE OF TIRES-METAL-FURNITURE-CARS-JUNK-TRASH

We conclude that there is probable cause to believe that both of these conditions are hazards to public health and safety and, therefore, constitute a public nuisance. This serves as your official notice that you are in violation of the Hazard Abatement Ordinance.

The specific action(s) to correct the hazard(s) are:

- REMOVE ALL OUTDOOR STORAGE OF TIRES-METAL-FURNITURE-CARS-JUNK-TRASH IN A LEGAL MANNER.

You must dispose of any material at an appropriate waste collection facility or by other legal means and provide us with an affidavit attesting that the material was disposed of in a legal manner.

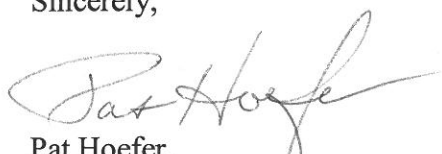
You must do this within thirty (30) days from the date of the postmark of this letter. In thirty days, the Hazard Abatement Officer will inspect the property to determine compliance. If you fail to remove and/or repair the hazards, Cochise County may at your expense remove and/or repair the hazard. The estimated cost for the County to remove and/or repair the hazards is \$160,000.00. However, the cost that would be charged would be the actual cost, which includes the time of County personnel assessed at the applicable rates. Further, the costs of removal/repair will be assessed upon the property and will be a lien on the property until the assessment is paid in full.

These conditions also constitute a Class 1 misdemeanor and may be subject to criminal penalties in addition to the cost of abatement.

If you disagree with the determination that the conditions cited above constitute hazards, you have the right to file a written appeal the Cochise County Board of Supervisors. The written appeal must be filed with the Clerk of the Board, at 1415 Melody Lane, Building G, Bisbee, Arizona 85603, within thirty (30) days of the date [of the postmark of this letter] [this letter is served on you].

Please understand that this Department is seeking your cooperation in correcting the Hazard violation(s). If you wish to see the Hazard Abatement Ordinance, it is available on the County website at www.cochise.az.com. It is also available by hardcopy. If you any questions, please contact me at (520) 432-9240.

Sincerely,



Pat Hoefer,
Planning Technician

Cc: Rick Corley, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

NOTICE OF HAZARD

February 8, 2013

Certified Mail 7007 0710 0001 7130 8693

First Class

Linda L. Yauchzy
333 Laguna
Tucson, AZ. 85705

SUBJECT: HAZARD VIOLATION VH-13-0093 ON TAX PARCEL 107-19-005D
Property located at Dake Rd., Sierra Vista, AZ

**LEGAL DESCRIPTION: POR NE SEC33 COM AT NE COR SEC33 N89DEG 59MIN
W493' S0DEG 57MIN E236' TPOB S0DEG 15MIN E503.37' S86DEG 4MIN W50'
S77DEG 13MIN W17.47' N0DEG 2MIN W510.36' S89DEG 59MIN E65' TPOB SEC33-
21-21 .766AC 7/98 LV CHT 97-2**

Dear Property Owner(s):

Our office received a request to investigate a violation of the Cochise County Hazard Abatement Ordinance on this parcel. Pursuant to this request, we performed an on-site inspection of the property and observed the following:

- OUTDOOR STORAGE OF TIRES-METAL-FURNITURE-CARS-JUNK-TRASH

We conclude that there is probable cause to believe that both of these conditions are hazards to public health and safety and, therefore, constitute a public nuisance. This serves as your official notice that you are in violation of the Hazard Abatement Ordinance.

The specific action(s) to correct the hazard(s) are:

- REMOVE ALL OUTDOOR STORAGE OF TIRES-METAL-FURNITURE-CARS-JUNK-TRASH IN A LEGAL MANNER.

You must dispose of any material at an appropriate waste collection facility or by other legal means and provide us with an affidavit attesting that the material was disposed of in a legal manner.

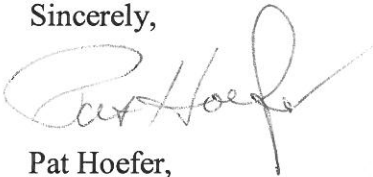
You must do this within thirty (30) days from the date of the postmark of this letter. In thirty days, the Hazard Abatement Officer will inspect the property to determine compliance. If you fail to remove and/or repair the hazards, Cochise County may at your expense remove and/or repair the hazard. The estimated cost for the County to remove and/or repair the hazards is \$160,000.00. However, the cost that would be charged would be the actual cost, which includes the time of County personnel assessed at the applicable rates. Further, the costs of removal/repair will be assessed upon the property and will be a lien on the property until the assessment is paid in full.

These conditions also constitute a Class 1 misdemeanor and may be subject to criminal penalties in addition to the cost of abatement.

If you disagree with the determination that the conditions cited above constitute hazards, you have the right to file a written appeal the Cochise County Board of Supervisors. The written appeal must be filed with the Clerk of the Board, at 1415 Melody Lane, Building G, Bisbee, Arizona 85603, within thirty (30) days of the date [of the postmark of this letter] [this letter is served on you].

Please understand that this Department is seeking your cooperation in correcting the Hazard violation(s). If you wish to see the Hazard Abatement Ordinance, it is available on the County website at www.cochise.az.com. It is also available by hardcopy. If you any questions, please contact me at (520) 432-9240.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pat Hoefer", with a large, stylized loop at the end.

Pat Hoefer,
Planning Technician

Cc: Rick Corley, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

NOTICE OF HAZARD

February 8, 2013

Certified Mail 7007 0710 0001 7130 8709

First Class

Floyd and Gertrude Dake
333 Laguna
Tucson, AZ. 85705

SUBJECT: HAZARD VIOLATION VH-13-0094 ON TAX PARCEL 107-19-004B
Property located at 6774 Dake Rd., Sierra Vista, AZ

**LEGAL DESCRIPTION: POR OF THE NE SEC33 COM AT THE NE COR OF SAID
33 THN N89DEG 59MIN W323' S0DEG 2MIN E30' TPOB S0DEG 2MIN E668.68'
S68DEG 34MIN W95.60' S86DEG 4MIN W79.23' N0DEG 12MIN W709.05' S89DEG
59MIN E170' TPOB SEC33-21-21 2.70AC 7/98 LV CHT 97-2 6110P/AC + HS**

Dear Property Owner(s):

Our office received a request to investigate a violation of the Cochise County Hazard Abatement Ordinance on this parcel. Pursuant to this request, we performed an on-site inspection of the property and observed the following:

- OUTDOOR STORAGE OF TIRES-METAL-FURNITURE-CARS-JUNK-TRASH

We conclude that there is probable cause to believe that both of these conditions are hazards to public health and safety and, therefore, constitute a public nuisance. This serves as your official notice that you are in violation of the Hazard Abatement Ordinance.

The specific action(s) to correct the hazard(s) are:

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You must dispose of any material at an appropriate waste collection facility or by other legal means and provide us with an affidavit attesting that the material was disposed of in a legal manner.

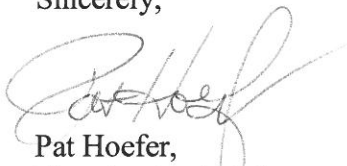
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Please understand that this Department is seeking your cooperation in correcting the Hazard violation(s). If you wish to see the Hazard Abatement Ordinance, it is available on the County website at www.cochise.az.com. It is also available by hardcopy. If you any questions, please contact me at (520) 432-9240.

Sincerely,



Pat Hoefer,
Planning Technician

Cc: Rick Corley, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer

December 21, 2012

Cochise County Planning Department
Attn: Chris Saylor (csaylor@co.cochise.az.us)
Zoning Enforcement Inspector II
1415 Melody Lane Bisbee, AZ 85603

VIA: e-mail

RE: 6774 East Drake Rd @ Sierra Vista, AZ
Subject: "Area Clean Up"

Mr. Saylor:

As requested SHC has the following estimate for Clearing, Transport and Removal of lot debris as discussed with "quick" walk of this anticipated site of – approximately 13 Acres.

Estimate for Clearing of Dumped Debris: -- **Total Cost \$ 795,746.00**

Southwest HAZARD CONTROL, Inc. would include the following:

- *Mobilization – Normal Schedule – Single Phase Project: M-F schedule 8 Hour shifts*
 - *Crew Daily Mobilization and normal PPE and Materials*
- *Crew – Contractor Supervisor and 5 Techs*
- *Equipment to Remove, Load, transport and disposal:*
 - *Loader (2), Water Trucks (2), Excavator w/thumb (1) and Skid Steer w/grapple (1)*
 - *End Dump Transports for hauling to Landfill*
 - *Landfill Location – presently Cochise County Facility – Western Regional Landfill*
 - *Landfill Fees as currently listed*
 - *50 Bulk samples of suspect Building Materials – Asbestos*
- *Estimate assumes disposal as normal Construction or demolition debris. Asbestos or other Special Wastes are not included at this time.*
- *Due to estimate amount Bonding has been added to the amount @ (2%)*

Notes:

- 1. Insurance Certificate included
- 2. Appropriate Tax included

Should you have any questions please feel free to contact me at your convenience. I can be reached at (520) 622-3607, EXT. 136.

Sincerely;

Bruce A. Drath

SHC Division Manager

Attachments:

- *Insurance – License – State Contract Number*

1953 W. Grant Rd.
Tucson, Arizona 85745
(520) 622-3607
FAX (520) 622-3643
1-800-279-5266

2404 W. Campus Dr.
Tempe, Arizona 85282
(480) 517-9040
FAX (480) 517-9140

712 Whitney St.
San Leandro, CA 94577
(510) 352-5152
FAX (510) 352-5155
1-800-326-8558

9112 Susan Ave
Albuquerque, NM 87123
(505) 298-6930
FAX (505) 298-7142
1-800-279-5268

Regular Board of Supervisors Meeting

Meeting Date: 03/26/2013

State and Federal Legislation Discussion

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME na
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE na
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda and the proposed State budget.

Background:

na

Department's Next Steps (if approved):

na

Impact of NOT Approving/Alternatives:

na

To BOS Staff: Document Disposition/Follow-Up:

na

Attachments

LPC Agenda

LPC Minutes



County Supervisors A S S O C I A T I O N o f a r i z o n a

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

A G E N D A
County Managers & Administrators
March 15, 2013
10:00 a.m.
Teleconference 712-432-3900
Passcode 521047#
[Web Link](#)
County Supervisors Association
1905 W. Washington St.
Phoenix, AZ

- I. CALL TO ORDER ~ *Robert Pickels, Chairman*
- II. RECOMMENDATION FROM CMA PENSION REFORM WORKING GROUP ~ *Robert Pickels*
- III. TPT REFORM: [HB 2657](#) transaction privilege tax changes (*Lesko*)
- IV. GOVERNOR'S HEALTHCARE PLAN OUTREACH
- V. LEGISLATIVE UPDATE
 - [HB 2430](#) tech correction; immunization; informed consent (*Brophy McGee*)
 - [HB 2533](#) local governments; public notices; website (*Petersen*)
 - [HB 2648](#) police functions; revocation; officer misconduct (*Ugenti*)
 - [SB 1282](#) (NOW: countywide fire districts; study committee) (*Crandell*)
 - [SB 1321](#) residential energy efficiency; building codes (*Griffin*)
- VI. CSA STATUTORY AGENDA
 - [HB 2124](#) fire districts reorganization elections (*Ugenti*)
 - [HB 2138](#) municipalities; rights-of-way; transfer (*Pratt*)
 - [HB 2175](#) special districts; use fees (*Fann*)
 - [SB 1098](#) medical marijuana; zoning authority (*Pierce*)
 - [SB 1284](#) county general excise tax rate (*Crandell*)
- VII. COUNTY ROUNDTABLE DISCUSSION
- VIII. AGENDA REVIEW: CSA BOARD MEETING
- IX. OTHER ISSUES FOR DISCUSSION
- X. NEXT MEETING DATE (*April 12, 2013*)
- XI. ADJOURNMENT

ASSUMPTIONS FOR MATERIALS BASED TAX

DOR Estimated Gross Construction		\$15,491,969,231
Deductions taken by contractors	9.8%	<u>\$1,518,212,985</u>
DOR Gross Construction plus Deducted		\$17,010,182,215
Est DOR Tax Base under Materials Tax	41%	\$6,974,174,708
Estimated Non Compliance	31.0%	<u>\$3,133,324,869</u>
Total Materials		\$10,107,499,577
Materials subject to Use Tax	5%	<u>\$505,374,979</u>
Materials Retail taxable sales		\$9,602,124,598
specialty portion	26.7%	\$2,563,767,268
non specialty	73.3%	\$7,038,357,331
Existing Retail taxable sales		\$50,398,162,000
Materials Retail taxable sales		\$9,602,124,598
Additional Retail from sourcing and remote	4.0%	<u>\$2,015,926,480</u>
Total Retail Sales under proposal		\$62,016,213,078

Impact				
	FY12 Actuals	FY13 Estimate	Materials Tax	\$ Difference
Distribution Base	\$1,569,903,647	\$1,639,053,245	\$1,780,823,966	\$141,770,721
Nonshared Revenue	<u>\$3,115,683,380</u>	<u>\$3,248,823,225</u>	<u>\$3,209,734,807</u>	<u>(\$39,088,418)</u>
State Tax Liability	\$4,685,587,027	\$4,887,876,470	\$4,990,558,773	\$102,682,303
Education Tax	<u>\$542,394,529</u>	<u>\$565,820,304</u>	<u>\$578,142,180</u>	<u>\$12,321,876</u>
Combined State Tax	\$5,227,981,556	\$5,453,696,774	\$5,568,700,953	\$115,004,179
Distribution				
State General Fund	\$3,657,481,499	\$3,814,132,689	\$3,823,940,993	\$9,808,303
County Revenue Sharing	\$635,937,967	\$663,980,469	\$721,411,789	\$57,431,319
City Revenue Sharing	<u>\$392,475,912</u>	<u>\$409,763,311</u>	<u>\$445,205,991</u>	<u>\$35,442,680</u>
State Tax	\$4,685,895,378	\$4,887,876,470	\$4,990,558,773	\$102,682,303
Assumptions				
Materials assumption	41%	Retail Dist Base	40%	
Non compliance assumption	31.0%	Materials Use DB	40%	
Materials Subject to Use Tax	5%			
Retail Taxable sales from sourcing	4.00%			

DOR analysis of where taxable sales would occur under the materials based proposal

	1	2	3	4
	Specialty portion Materials Taxable Sales	Non Specialty Estimated Portion Taxable Sales (based on homebuilding suppliers sales for resale)	Non Specialty portion Materials taxable sales	Total Materials Taxable Sales
Apache	\$23,707,107	0.90%	63,345,216	\$87,052,323
Cochise	\$51,254,696	0.79%	55,603,023	\$106,857,719
Coconino	\$73,286,993	1.00%	70,383,573	\$143,670,566
Gila	\$20,170,684	0.46%	32,376,444	\$52,547,127
Graham	\$11,152,919	0.37%	26,041,922	\$37,194,841
Greenlee	\$11,014,204	0.07%	4,926,850	\$15,941,054
La Paz	\$6,475,065	0.10%	7,038,357	\$13,513,423
Maricopa	\$1,638,350,481	80.38%	5,657,431,622	\$7,295,782,103
Mohave	\$48,941,494	0.58%	40,822,473	\$89,763,967
Navajo	\$32,067,093	0.66%	46,453,158	\$78,520,251
Pima	\$368,236,855	8.39%	590,518,180	\$958,755,035
Pinal	\$100,765,771	0.71%	49,972,337	\$150,738,108
Santa Cruz	\$22,351,558	1.66%	116,836,732	\$139,188,289
Yavapai	\$76,886,603	3.00%	211,150,720	\$288,037,323
Yuma	\$79,105,746	0.93%	65,456,723	\$144,562,469
STATE	\$2,563,767,268	100.00%	\$7,038,357,330.62	\$9,602,124,598
	26.7%		73.3%	

Column 1 represents material based taxable sales for specialty contracting. Specialty contracting is best described as small scale activity related to a trade. Examples of this would be plumbers, handymen, or electricians. The small scale and local nature of their work led DOR to assume that these contractors buy all of their materials from within the county.

Column 2 is the factors DOR uses to estimate the distribution of the non-specialty (roads, buildings, large scale modifications) contracting revenue. DOR analyzed how many exemption certificates were used for homebuilding supplies in each county and compared it to the statewide total. This measure is used because of where the exemption certificates are used should be an indication of where construction materials are bought.

Column 3 is shows how DOR proportioned material based taxable sales for non-specialty contracting to each county using the factors in column 2.

Column 4 shows the combination of non-specialty contracting and specialty contracting and provides an estimate of total taxable material sales for each county.

DOR analysis of estimated FY13 Impact to county revenue from Distribution base

TPT REVENUE SHARING TO COUNTIES ESTIMATE FOR FY13 AND UNDER A MATERIALS TAX

FY13 Base	Distribution Base by County	POS % of total	NAV % of total	Population % of total	AVG NAV	AVG Pop	\$\$ NAV	\$\$ Pop	Maximum	Hold Harmless	Additional Dist	Total
Apache	3,694,127	0.22538%	0.99407%	1.11886%	0.6097%	0.6721%	3,805,618	4,195,066	4,195,066	-	177,850	\$4,372,916
Cochise	24,544,331	1.49747%	1.88369%	2.05484%	1.6906%	1.7762%	10,551,788	11,085,911	11,085,911	-	469,988	\$11,555,899
Coconino	43,097,022	2.62939%	3.12628%	2.10295%	2.8778%	2.3662%	17,962,030	14,768,474	17,962,030	3,193,556	626,110	\$18,588,140
Gila	10,602,057	0.64684%	0.87501%	0.83850%	0.7609%	0.7427%	4,749,337	4,635,384	4,749,337	113,953	196,517	\$4,945,854
Graham	9,701,870	0.59192%	0.37550%	0.58229%	0.4837%	0.5871%	3,019,074	3,664,418	3,664,418	-	155,353	\$3,819,771
Greenlee	16,340,436	0.99694%	0.67202%	0.13199%	0.8345%	0.5645%	5,208,422	3,523,136	5,208,422	1,685,285	149,363	\$5,357,785
La Paz	4,118,542	0.25128%	0.41993%	0.32054%	0.3356%	0.2859%	2,094,684	1,784,499	2,094,684	310,185	75,654	\$2,170,338
Maricopa	1,079,468,049	65.85924%	61.12048%	59.71694%	63.4899%	62.7881%	396,272,913	391,892,800	396,272,913	4,380,113	16,614,309	\$412,887,222
Mohave	38,647,330	2.35791%	3.25424%	3.13181%	2.8061%	2.7449%	17,514,137	17,132,079	17,514,137	382,058	726,315	\$18,240,452
Navajo	23,418,180	1.42876%	1.73812%	1.68099%	1.5834%	1.5549%	9,883,058	9,704,775	9,883,058	178,283	411,434	\$10,294,492
Pima	241,027,022	14.70526%	14.51808%	15.33574%	14.6117%	15.0205%	91,198,936	93,750,663	93,750,663	-	3,974,563	\$97,725,226
Pinal	44,898,904	2.73932%	3.86797%	5.87874%	3.3036%	4.3090%	20,619,759	26,894,870	26,894,870	-	1,140,209	\$28,035,079
Santa Cruz	9,412,503	0.57426%	0.66747%	0.74186%	0.6209%	0.6581%	3,875,139	4,107,315	4,107,315	-	174,130	\$4,281,444
Yavapai	49,509,849	3.02064%	4.30275%	3.30151%	3.6617%	3.1611%	22,854,520	19,729,883	22,854,520	3,124,637	836,449	\$23,690,969
Yuma	40,573,023	2.47539%	2.18439%	3.06243%	2.3299%	2.7689%	14,542,061	17,282,202	17,282,202	-	732,680	\$18,014,882
	1,639,053,245						624,151,476	624,151,476	637,519,545	13,368,069	26,460,924	\$663,980,469
							624,151,476	624,151,476			26,460,924	

Current
Law
Estimates

FY13 with Materials Tax	Distribution Base by County	POS % of total	NAV % of total	Population % of total	AVG NAV	AVG Pop	\$\$ NAV	\$\$ Pop	Maximum	Hold Harmless	Additional Dist	Total	\$ Change	% change
Apache	\$4,685,861	0.26313%	0.99407%	1.11886%	0.6286%	0.6910%	4,262,776	4,685,909	4,685,909	-	198,659	\$4,884,568	\$511,652	11.70%
Cochise	\$25,351,948	1.42361%	1.88369%	2.05484%	1.6537%	1.7392%	11,214,026	11,794,349	11,794,349	-	500,022	\$12,294,370	\$738,472	6.39%
Coconino	\$44,253,124	2.48498%	3.12628%	2.10295%	2.8056%	2.2940%	19,026,032	15,556,248	19,026,032	3,469,784	659,508	\$19,685,540	\$1,097,400	5.90%
Gila	\$11,168,041	0.62713%	0.87501%	0.83850%	0.7511%	0.7328%	5,093,294	4,969,484	5,093,294	123,809	210,681	\$5,303,975	\$358,121	7.24%
Graham	\$10,283,762	0.57747%	0.37550%	0.58229%	0.4765%	0.5799%	3,231,225	3,932,388	3,932,388	-	166,714	\$4,099,102	\$279,331	7.31%
Greenlee	\$16,635,678	0.93416%	0.67202%	0.13199%	0.8031%	0.5331%	5,446,034	3,614,979	5,446,034	1,831,055	153,257	\$5,599,291	\$241,506	4.51%
La Paz	\$4,245,906	0.23842%	0.41993%	0.32054%	0.3292%	0.2795%	2,232,288	1,895,273	2,232,288	337,014	80,350	\$2,312,638	\$142,300	6.56%
Maricopa	\$1,195,711,629	67.14373%	61.12048%	59.71694%	64.1321%	63.4303%	434,904,031	430,145,058	434,904,031	4,758,973	18,236,015	\$453,140,046	\$40,252,824	9.75%
Mohave	\$39,529,617	2.21974%	3.25424%	3.13181%	2.7370%	2.6758%	18,560,546	18,145,441	18,560,546	415,104	769,277	\$19,329,822	\$1,089,370	5.97%
Navajo	\$24,371,843	1.36857%	1.73812%	1.68099%	1.5533%	1.5248%	10,533,807	10,340,104	10,533,807	193,703	438,369	\$10,972,177	\$677,684	6.58%
Pima	\$252,515,745	14.17971%	14.51808%	15.33574%	14.3489%	14.7577%	97,305,274	100,077,714	100,077,714	-	4,242,798	\$104,320,513	\$6,595,286	6.75%
Pinal	\$45,132,077	2.53434%	3.86797%	5.87874%	3.2012%	4.2065%	21,708,243	28,526,122	28,526,122	-	1,209,366	\$29,735,488	\$1,700,410	6.07%
Santa Cruz	\$11,717,680	0.65799%	0.66747%	0.74186%	0.6627%	0.6999%	4,494,215	4,746,472	4,746,472	-	201,227	\$4,947,699	\$666,255	15.56%
Yavapai	\$53,771,800	3.01949%	4.30275%	3.30151%	3.6611%	3.1605%	24,827,443	21,432,540	24,827,443	3,394,904	908,633	\$25,736,076	\$2,045,108	8.63%
Yuma	\$41,449,256	2.32753%	2.18439%	3.06243%	2.2560%	2.6950%	15,298,532	18,275,683	18,275,683	-	774,798	\$19,050,481	\$1,035,599	5.75%
	1,780,823,965.94						678,137,766	678,137,766	692,662,113	14,524,347	28,749,675	\$721,411,789	\$57,431,319	8.65%
							678,137,766	678,137,766			28,749,675			

Assumptions

Materials assumption	41%
Non compliance assumption	31%
Materials Use Tax	5%
Additional Retail from sourcing and re	4%
Retail Dist Base	40%
Materials Use Tax Dist Base	40%
Specialty Contracting	26.7%

Under Proposal

Estimated
Change

DOR analysis of estimated FY13 impact to county revenue from county excise taxes

Assumptions					
Materials assumption	41%	Retail Dist Base	40%	Continued non compliance	0%
Non compliance assumption	31%	Specialty Contracting	26.7%	Materials Use Tax Dist Base	40.0%
Materials Subject to Use Tax	5%	Additional Retail from sourcing and remote	4.00%		

	FY12 Actual County Taxes		FY12 Estimated County Taxable	FY13 Estimated County Taxable	FY13 Estimated County Taxes	Change in County Taxable Sales	Materials County Taxable Sales	Materials County Taxes	\$ Difference	% Difference
	Collected	Tax Rate	Sales	Sales	Collected					
Apache County Excise Tax	1,189,314	0.50%	237,862,828	248,339,980	\$1,241,700	\$3,029,165	\$251,369,144	\$1,256,846	\$15,146	1.22%
Cochise County Excise Tax	6,891,804	0.50%	1,378,360,890	1,439,073,598	\$7,195,368	(\$60,276,418)	\$1,378,797,179	\$6,893,986	(\$301,382)	-4.19%
Coconino County Excise Tax	11,297,308	0.50%	2,259,461,698	2,358,984,282	\$11,794,921	(\$86,120,573)	\$2,272,863,709	\$11,364,319	(\$430,603)	-3.65%
Coconino County Jail Tax	11,295,614	0.50%	2,259,122,878	2,358,630,538	\$11,793,153	(\$86,120,573)	\$2,272,509,965	\$11,362,550	(\$430,603)	-3.65%
Coconino County Capitol Projects Tax	2,814,563	0.125%	2,251,650,088	2,350,828,594	\$2,938,536	(\$86,120,573)	\$2,264,708,021	\$2,830,885	(\$107,651)	-3.66%
Gila County Excise Tax	2,779,139	0.50%	555,827,838	580,310,405	\$2,901,552	(\$11,313,278)	\$568,997,127	\$2,844,986	(\$56,566)	-1.95%
Gila County Road Tax	2,879,485	0.50%	575,896,954	601,263,506	\$3,006,318	(\$11,313,278)	\$589,950,228	\$2,949,751	(\$56,566)	-1.88%
Graham County Excise Tax	1,798,603	0.50%	359,720,658	375,565,286	\$1,877,826	\$7,191,753	\$382,757,039	\$1,913,785	\$35,959	1.91%
Greenlee County Excise Tax	1,495,734	0.50%	299,146,830	312,323,360	\$1,561,617	(\$6,868,328)	\$305,455,032	\$1,527,275	(\$34,342)	-2.20%
La Paz County Excise Tax	1,120,855	0.50%	224,170,906	234,044,969	\$1,170,225	(\$6,347,964)	\$227,697,006	\$1,138,485	(\$31,740)	-2.71%
La Paz County Jail Tax	1,120,853	0.50%	224,170,508	234,044,554	\$1,170,223	(\$6,347,964)	\$227,696,590	\$1,138,483	(\$31,740)	-2.71%
La Paz County Judgment Tax	590,955	0.50%	118,191,040	123,397,005	\$616,985	(\$6,347,964)	\$117,049,041	\$585,245	(\$31,740)	-5.14%
Maricopa County Road Tax Extension	323,991,403	0.50%	64,798,280,566	67,652,452,565	\$338,262,263	\$2,594,681,667	\$70,247,134,233	\$351,235,671	\$12,973,408	3.84%
Maricopa County Jail Tax	117,547,456	0.20%	58,773,728,190	61,362,536,532	\$122,725,073	\$2,594,681,667	\$63,957,218,200	\$127,914,436	\$5,189,363	4.23%
Mohave County Excise Tax	5,396,008	0.25%	2,158,403,100	2,253,474,352	\$5,633,686	(\$52,000,081)	\$2,201,474,271	\$5,503,686	(\$130,000)	-2.31%
Navajo County Excise Tax	6,246,077	0.50%	1,249,215,428	1,304,239,661	\$6,521,198	(\$15,292,281)	\$1,288,947,380	\$6,444,737	(\$76,461)	-1.17%
Pima County Road Tax	67,504,860	0.50%	13,500,972,014	14,095,649,773	\$70,478,249	(\$148,730,935)	\$13,946,918,839	\$69,734,594	(\$743,655)	-1.06%
Pinal County Excise Tax	12,449,204	0.50%	2,489,840,848	2,599,510,950	\$12,997,555	(\$186,231,584)	\$2,413,279,365	\$12,066,397	(\$931,158)	-7.16%
Pinal County Health Services District	2,468,346	0.10%	2,468,345,860	2,577,069,171	\$2,577,069	(\$186,231,584)	\$2,390,837,587	\$2,390,838	(\$186,232)	-7.23%
Pinal County Road Tax	12,952,327	0.50%	2,590,465,408	2,704,567,723	\$13,522,839	(\$186,231,584)	\$2,518,336,139	\$12,591,681	(\$931,158)	-6.89%
Santa Cruz County Excise Tax	2,646,194	0.50%	529,238,792	552,550,191	\$2,762,751	\$71,363,432	\$623,913,623	\$3,119,568	\$356,817	12.92%
Santa Cruz County Jail Tax	2,641,677	0.50%	528,335,408	551,607,015	\$2,758,035	\$71,363,432	\$622,970,448	\$3,114,852	\$356,817	12.94%
Yavapai County Excise Tax	12,400,793	0.50%	2,480,158,508	2,589,402,132	\$12,947,011	\$62,102,743	\$2,651,504,875	\$13,257,524	\$310,514	2.40%
Yavapai County Jail Tax	6,199,337	0.25%	2,479,734,908	2,588,959,873	\$6,472,400	\$62,102,743	\$2,651,062,617	\$6,627,657	\$155,257	2.40%
Yuma County Excise Tax	11,230,569	0.50%	2,246,113,848	2,345,048,499	\$11,725,242	(\$111,541,261)	\$2,233,507,238	\$11,167,536	(\$557,706)	-4.76%
Yuma County Jail Tax	11,230,580	0.50%	2,246,115,952	2,345,050,695	\$11,725,253	(\$111,541,261)	\$2,233,509,434	\$11,167,547	(\$557,706)	-4.76%
Yuma County Health Services District	2,235,486	0.10%	2,235,486,210	2,333,952,745	\$2,333,953	(\$111,541,261)	\$2,222,411,484	\$2,222,411	(\$111,541)	-4.78%
	642,414,545				\$670,711,000			\$684,365,731	\$13,654,731	2.04%

Current
Law
Estimates

Under Proposal

Estimate of Impact

DOR analysis combining estimated FY13 Impact to county revenue from Distribution base and estimated FY13 impact to county revenue from county excise taxes

Assumptions		Additional Retail from sourcing and remote	4.00%
Materials assumption	41%	Retail Dist Base	40%
Non compliance assumption	31%	Specialty Contracting	26.7%
Materials Subject to Use Tax	5%	Materials Use Tax Dist Base	40.0%

**Distribution
Base**

**County Excise
Tax**

	FY13 Estimated County Rev Sharing	Revenue Sharing under Materials Tax	Revenue Sharing \$Change	FY13 Estimated County Taxes Collected*	County Taxes under Materials Based Tax	County Tax \$ change	Combined Change
Apache	\$4,372,916	\$4,884,568	\$511,652	\$1,241,700	\$1,256,846	\$15,146	\$526,798
Cochise	\$11,555,899	\$12,294,370	\$738,472	\$7,195,368	\$6,893,986	(\$301,382)	\$437,089
Coconino	\$18,588,140	\$19,685,540	\$1,097,400	\$26,526,610	\$25,557,753	(\$968,856)	\$128,544
Gila	\$4,945,854	\$5,303,975	\$358,121	\$5,907,870	\$5,794,737	(\$113,133)	\$244,988
Graham	\$3,819,771	\$4,099,102	\$279,331	\$1,877,826	\$1,913,785	\$35,959	\$315,290
Greenlee	\$5,357,785	\$5,599,291	\$241,506	\$1,561,617	\$1,527,275	(\$34,342)	\$207,165
La Paz	\$2,170,338	\$2,312,638	\$142,300	\$2,957,433	\$2,862,213	(\$95,219)	\$47,080
Maricopa	\$412,887,222	\$453,140,046	\$40,252,824	\$460,987,336	\$479,150,108	\$18,162,772	\$58,415,596
Mohave	\$18,240,452	\$19,329,822	\$1,089,370	\$5,633,686	\$5,503,686	(\$130,000)	\$959,370
Navajo	\$10,294,492	\$10,972,177	\$677,684	\$6,521,198	\$6,444,737	(\$76,461)	\$601,223
Pima	\$97,725,226	\$104,320,513	\$6,595,286	\$70,478,249	\$69,734,594	(\$743,655)	\$5,851,632
Pinal	\$28,035,079	\$29,735,488	\$1,700,410	\$29,097,463	\$27,048,915	(\$2,048,547)	(\$348,138)
Santa Cruz	\$4,281,444	\$4,947,699	\$666,255	\$5,520,786	\$6,234,420	\$713,634	\$1,379,889
Yavapai	\$23,690,969	\$25,736,076	\$2,045,108	\$19,419,410	\$19,885,181	\$465,771	\$2,510,878
Yuma	\$18,014,882	\$19,050,481	\$1,035,599	\$25,784,449	\$24,557,495	(\$1,226,954)	(\$191,354)
	\$663,980,469	\$721,411,789	\$57,431,319	\$670,711,000	\$684,365,731	\$13,654,731	\$71,086,050

* Not all County taxes are general purpose revenues.

Current
Law
Estimates

Under
Proposal

Estimate
of Impact

Current
Law
Estimates

Under
Proposal

Estimate
of Impact

Combined
Impact



County Supervisors

A S S O C I A T I O N

o f a r i z o n a

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

**COUNTY SUPERVISORS ASSOCIATION
BOARD OF DIRECTORS
AGENDA
March 21, 2013
Boardrooms A and B
(Teleconference Available)
County Supervisors Association
1905 W. Washington St.
Phoenix, AZ**

10:00 a.m. Call to Order / Pledge / Prayer ~ *President Lenore Stuart*

- 1) Approval of Minutes of the February 21, 2013, Board of Directors Meeting, and the March 15, 2013, Legislative Policy Committee Meeting
- 2) Recognition of Outgoing CSA Immediate Past President, Maricopa County Supervisor Max Wilson
- 3) Report from County Managers Association on Pension Reform
- 4) Legislative Policy Committee Discussion
 - ❖ Update on the State Budget
 - ❖ Legislation for Discussion
 - o [HB 2430](#) tech correction; immunization; informed consent (*Brophy McGee*)
 - o [HB 2533](#) local governments; public notices; website (*Petersen*)
 - o [HB 2648](#) police functions; revocation; officer misconduct (*Ugenti*)
 - o [SB 1282](#) (NOW: countywide fire districts; study committee) (*Crandell*)
 - ❖ CSA-sponsored Bills
 - o [HB 2124](#): fire districts reorganization elections (*Ugenti*)
 - o [HB 2138](#): municipalities; rights-of-way; transfer (*Pratt*)
 - o [HB 2175](#): special districts; use fees (*Fann*)
 - o [SB 1098](#): medical marijuana; zoning authority (*Pierce*)
 - o [SB 1284](#): county general excise tax rate (*Crandell*)
- 5) NACo Report
 - ❖ NACo 2013 Legislative Conference, March 1-7, 2013, Washington, D.C.
 - o Breakfast with Senators McCain and Flake, Hosted by CSA and AACo, March 5, 2013
 - o Reports on NACo Committees from Counties
 - Transportation
 - Health
 - Immigration Task Force ~ *Supervisor Mary Rose Wilcox*
 - ❖ Upcoming: National County Government Month, April 2013: Proclamation from Governor Brewer
 - ❖ Upcoming: Western Interstate Region, May 22-24, 2013, Coconino County, Flagstaff, AZ
- 6) County Managers Association Report
- 7) County Caucus Reports
- 8) Other Business
- 9) Adjourn

Attendance may occur by teleconference or videoconference

The County Supervisors Association Board of Directors may vote to order an executive session for the purposes of discussion on any of the agenda items.
A.R.S. § 38-431.03(A)(1), (3), (4), and (5).

**COUNTY SUPERVISORS ASSOCIATION
LEGISLATIVE POLICY COMMITTEE**

County Supervisors Association
1905 West Washington
Phoenix, Arizona

**MINUTES
March 15, 2013**

Call to Order: Lenore Stuart 9:00 a.m.

Present in Person: David Tenney Navajo County

Present Telephonically:

Barry Weller	Apache County
Ann English	Cochise County
Mandy Metzger	Coconino County
Tommie Martin	Gila County
Jim Palmer	Graham County
David Gomez	Greenlee County
Gary Watson	Mohave County
Pete Rios	Pinal County
Tom Thurman	Yavapai County
Lenore Stuart	Yuma County

Absent: Holly Irwin (La Paz), Steve Chucri (Maricopa), Sharon Bronson (Pima), Manny Ruiz (Santa Cruz)

Others present telephonically: John Marcanti, Mike Pastor, Matt Rudig, John Nelson, Ana Wayman-Trujillo,

Others present in person: Delwin Wengert, Joanne Keene, Terry Cooper, Kay Gale, Mike Ortega, Robert Pickels, Fritz Behring, James Jayne, Page Gonzales, Rick Bohan, Beth Lewallen, Sabrina Vazquez, Mark Barnes, Craig Sullivan, Penny Adams, Todd Madeksza, Kristin Cipolla, Dan Bogert, Yvonne Ortega

Approval of the Minutes

Penny Adams called roll and a quorum was present. Supervisor Barry Weller moved to approve the minutes of the March 8, 2013, Legislative Policy Committee meeting. Supervisor David Tenney seconded the motion and the motion passed unanimously.

State Budget Update

Craig Sullivan reported that the Governor released a key element of her budget this week as it relates to the healthcare expansion, which is set for an informational hearing next week in Appropriations. Budget discussions between legislative leadership and the Governor's Office have not yet been focused on in earnest. CSA met with the Governor's Office and they believe the length of the legislative session will be based on the legislature's reception to the Governor's healthcare and TPT reform proposals. Next week is the last week to hear bills in the opposite chamber.

TPT Proposal

[HB 2657 transaction privilege tax changes](#). Craig reported he met with the Governor's team this week on the TPT reform. The bill is still being held in the House and has not yet been listed in Appropriations. The bill sponsor is trying to get it on Senate Finance for next week via a striker, but CSA has not yet seen the language. The Governor's Office believes there is still a long way to go before resolution. CSA received the Department of Revenue's analysis and has distributed it to county management, which will be discussed at today's meeting with the County Managers Association to identify next steps. The Joint Legislative Budget Committee and the Grand Canyon Institute also released their own analyses.

Legislative Bills / Issues for Discussion and Possible Consideration

Regulatory Reform

1. [HB 2443](#) cities; counties; regulatory review. Todd Madeksza reported the counties are continuing to work with stakeholders to develop a consensus bill.
2. [SB 1463](#) counties; flood control districts; rules. Todd reported that the chair of the House Government Committee has not yet put it on an agenda. CSA continues to monitor.

General

1. [HB 2430](#) tech correction; immunization; informed consent. Mark Barnes reported the bill passed the House and is ready for the Senate and is expected to be in Senate Health next week. Counties have requested an amendment to require an insurance company to pay a county at the in-network rate for immunizations done on children with insurance. Supervisor Pete Rios commented that even though this legislation has not yet passed, it is yielding positive results for Pinal County.
2. [HB 2533](#) local governments; public notices; website. Todd reported it failed in Third Read in the House. The bill sponsor changed his vote in order to be able to make a motion for reconsideration. A strike-everything vehicle for it may appear.
3. [HB 2648](#) police functions; revocation; officer misconduct. Todd reported the bill passed out of the House with an amendment removing the county sheriff and requiring a vote by the board of supervisors to hire a police manager.
4. [SB 1282](#) (NOW: countywide fire districts; study committee). Todd reported that the bill sponsor heard county and other stakeholder concerns and a study committee will be held in the off season.
5. [SB 1321](#) residential energy efficiency; building codes. Todd reported that the Homebuilders Association is looking to put codes for 2015 into statute. The bill is moving; CSA continues to work with stakeholders. Concerns were expressed by counties about the complexity of the code usage, focusing on energy efficiency and not water savings, and an abundance of government oversight.

Update of CSA-sponsored Bills

Todd reviewed the status of CSA's agenda bills.

1. [HB 2124](#) fire districts reorganization elections. The bill was amended in committee and moving to the floor of the Senate.
2. [HB 2138](#) municipalities; rights-of-way; transfer. On Senate Government and Environment Committee agenda for next week.
3. [HB 2175](#) special districts; use fees. Assigned to Senate Government and Environment and Appropriations. Waiting for Senator Griffin to put it on an agenda.
4. [SB 1098](#) medical marijuana; zoning authority. It's in House Rules.
5. [SB 1284](#) county general excise tax rate. The Chairman of the Ways and Means Committee did not believe the votes were present so did not put it on a committee agenda. CSA has been working with Navajo County on the bill.

Other Business

Todd stated that some counties, the risk manager for the insurance pool and ADOT have concerns with [SB 1231](#) public buildings; construction; indemnity. The bill will be put on next week's agenda and has already been circulated to counties.

Next Meeting Date and Time

The next LPC meeting will be held in conjunction with the CSA Board of Directors meeting on Thursday, March 21, at 10:00 a.m.

Adjournment

President Stuart thanked CSA for their hard work this session. There being no further business, President Stuart adjourned the meeting at 9:31 a.m.