

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JANUARY 26, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, January 26, 2021 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman, telephonic; Tom Crosby, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Associate County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Kim Lemons, Clerk of the Board; Tim Mattix, 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

PLEDGE OF ALLEGIANCE

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

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 5, 2021.
2. Approve the appointment of Ms. Julia Rivera and Ms. Cornelia Munoz, qualified electors to fill the two vacancies on the Pirtleville Fire District Board, pursuant to A.R.S. § 48-803, effective immediately for terms ending in 2024.

Items 3, 4 and 5 were removed from the consent agenda for separate consideration.

Elections

3. Approve the appointment of 3 Democratic Precinct Committeemen and 3 Libertarian Precinct Committeemen by recommendation of their Cochise County Party Chairman or State Party Chairman to serve through the October 1, 2022 term.

This item was removed from the consent agenda for separate consideration.

Supervisor Crosby expressed appreciation for all participants and wished the new appointees well.

Supervisor Crosby made a motion to approve item 3 on the consent agenda. Vice-Chairman Judd seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Finance

4. Approve demands and budget amendments for operating transfers.

This item was removed from the consent agenda for separate consideration.

Supervisor Crosby explained that he would like to table Warrant # 45011 until the next session; he would like to speak with Ms. Roberts about how the given funds can be used. Ms. Roberts stated that the item should be noticed as an Executive Session and Special Work Session so that legal advice can be given. Supervisor Crosby expressed disagreement and his thought that the item should be discussed in public. The Board and staff discussed this further.

Vice-Chairman Judd made a motion to remove and table Warrant # 45011 until the next Regular Board Meeting, on February 9, 2021; Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Supervisor Crosby requested an explanation of Warrant # 45090. Ms. Jackie Watkins, Engineering and Natural Resources Director, explained that this warrant is for the Light Detection and Ranging (LIDAR) flight, for which the County contracted with the United State Geological Survey (USGS) in July 2020, and gave more details. The Board discussed the warrant further.

Supervisor Crosby made a motion to remove item 45090 from the demands. The motion failed for lack of a second.

The Board and Ms. Roberts discussed the County's obligation to follow through on the contract terms. Supervisor Crosby expressed his opinion that this is a waste of money.

Vice-Chairman Judd made a motion to approve the demands and budget amendments for operating transfers minus the one demand (Warrant # 45011) that was previously tabled. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Health & Social Services

5. Approve Memorandum of Understanding (MOU), HU-156025 between Cochise County and the Arizona Department of Health Services to allow access and share data between the two entities for a 5-year period.

This item was removed from the consent agenda for separate consideration.

Vice-Chairman Judd made a motion to approve items 1 and 2 on the consent agenda. Supervisor Crosby seconded the motion and it carried 3-0.

Supervisor Crosby made a motion to approve Memorandum of Understanding (MOU) HU-156025 between Cochise County and the Arizona Department of Health Services to allow access and share data between the two entities for a 5-year period. Vice-Chairman Judd seconded the motion.

Ms. Alicia Thompson, Health and Social Services Director, provided background information on the purpose of the MOU. Supervisor Crosby asked questions about various MOU provisions and terms; Mr. Kris Carlson, Deputy Civil County Attorney, responded.

Supervisor Crosby repeated the motion and Vice-Chairman Judd repeated the second.

Chairman English called for the vote and it was approved 3-0.

PUBLIC HEARINGS

Board of Supervisors

6. Approve a Series #12 (Restaurant) new liquor license application submitted by Ms. Jessica Sarinana, for Urbano Coffee Company, located at 4711 S. Hwy. 92, Sierra Vista, AZ 85650.

Ms. Lemons presented this item. She stated that the application had been reviewed and recommended for approval by the appropriate departments; property taxes are current; there have been no formal protests; and, the applicant paid the \$100 processing fee. Board staff recommended approval.

Chairman English opened the Public Hearing. No one chose to speak and Chairman English closed the Public Hearing.

Vice-Chairman Judd made a motion to approve a Series #12 (Restaurant) new liquor license application submitted by Ms. Jessica Sarinana, for Urbano Coffee Company, located at 4711 S. Hwy. 92, Sierra Vista, AZ 85650. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

7. Table to the February 9, 2021, Regular Board Meeting, at the request of Arizona Public Service Company (APS), the Public Hearing and possible adoption of Resolution 21-01 granting an Electricity Services Franchise to APS.

Ms. Roberts presented this item. She stated that at the request of APS, staff is asking to table this item to the next Board Meeting on February 9, 2021; an issue came up in the Franchise agreement to work out. In response to the Board, Ms. Roberts stated that as it is being tabled to a specific date, it does not have to be re-advertised.

Supervisor Crosby moved to table to the February 9, 2021, Regular Board Meeting, at the request of Arizona Public Service Company (APS), the Public Hearing and possible adoption of Resolution 21-01 granting an Electricity Services Franchise to APS. Vice-Chairman Judd seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Development Services

8. Approve or deny the appeal of the Planning Commission's December 9, 2020 approval of Special Use SU-15-20 (Clenera Solar North) and Special Use SU-16-20 (Clenera Solar South).

Ms. Roberts stated that this item is an appeal of an approval by the Planning and Zoning Commission (Commission) and the Board is either affirming or reversing the Commission's decision. The reason for the Board's decision needs to be land-use based and it has to be stated on the record.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. He stated the request for two separate utility scale solar power generation facilities were both approved by the Commission. He gave the property location, parcel number and total acreage of each site. He noted that the appellant is seeking to overturn the Commission's decision and summarized the appellant's basis for the appeal. Mr. Kirschmann summarized the 10 factors used to evaluate the proposal; as submitted, it complies with eight, and with the remaining two if the conditions of approval are met. The Comprehensive Plan encourages the use of solar. Mr. Kirschmann reviewed Zoning Regulation Section 1716.04, governing the appeal of Special Use authorizations, and factors in favor of and against the appeal. Staff recommends denial of the appeals, upholding the Commission's approval.

Ms. Maureen McBride, appellant, addressed the Board and read a statement about the applicant (Clenera) and various other entities' positions on renewable energy; carbon dioxide; the necessity of fossil fuels; statewide Proposition 127 in 2018; and, not wanting to live near a solar farm.

Supervisor Crosby made comments and noted that those in opposition could have purchased the property but did not. In response to the Board, Ms. Roberts re-summarized the item, and stressed that the Board must state its reasoning on the record.

Mr. Rory Juneman, applicant representative, addressed the Board and discussed the application being subject to the Commission's analysis; the project meeting Special Use factors; and, staff having shown that the project is compatible with neighboring property owners.

The Board and Ms. Roberts discussed the Comprehensive Plan's encouragement of solar energy resources and the Board needing to make land-use based decisions, rather than political decisions.

Mr. Charles McChesney, property owner, addressed the Board and stated that he supports the project and wishes for the Board to deny the appeals.

Vice-Chairman Judd made a motion to deny the appeal based on it fitting in with the land use and zoning ordinances of the area, and that in denying the appeal, the Board approves Special Use Docket SU-20-15 (Clenera Solar North), located on parcel 106-03-038, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact. Supervisor Crosby seconded the motion.

The Board noted that the project is not incompatible with the neighbors and that it meets the 10 criteria.

Chairman English called for the vote and it was approved 3-0.

Supervisor Crosby made a motion to approve Special Use Docket SU-20-16 (Clenera Solar South), located on parcel 106-03-038, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact. Vice-Chairman Judd seconded the motion.

The Board noted that the project is not incompatible with the neighbors, that it meets the land use criteria, and it meets the 10 criteria.

Chairman English called for the vote and it was approved 3-0.

9. [Item tabled from the January 5, 2021 meeting] Adopt Zoning Ordinance 21-01 amending certain Zoning district boundaries from R-36 (one dwelling per 36,000 square feet) to RU-2 (one dwelling per two acres), pursuant to the application of Greenstone Land Holdings, LLC.

Supervisor Crosby made a motion to remove agenda item 9 from the table. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and it was approved 3-0.

Supervisor Crosby made a motion to adopt Zoning Ordinance 21-01 amending certain Zoning district boundaries from R-36 (one dwelling per 36,000 square feet) to RU-2 (one dwelling per two acres), pursuant to the application of Greenstone Land Holdings, LLC. Vice-Chairman Judd seconded the motion.

In response to the Board, Ms. Christine McLachlan, Planner II, displayed a map showing the proximity of a neighboring property owner, Mr. David Butz, who had expressed concerns about a visual impediment. Supervisor Crosby noted that the concern has been addressed by Condition of Approval No. 5 and read the Condition. Ms. McLachlan displayed the Condition and confirmed that it is included in the Zoning Ordinance.

Supervisor English called for the vote and it was approved 3-0.

ACTION

Board of Supervisors

10. Renew and/or revise committee appointments, Amendment 1, for members of the Board of Supervisors and executive staff for the 2020-21 Fiscal Year and approve continuing annual memberships for 2020-21, with payment of associated dues as described herein.

Chairman English noted that the Board has had the opportunity to review this item and that the appointments are only established until the Board decides to change them.

Vice-Chairman Judd made a motion to renew and/or revise committee appointments, Amendment 1, for members of the Board of Supervisors and executive staff for the 2020-21 Fiscal Year and approve continuing annual memberships for 2020-21, with payment of associated dues as described herein. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

11. Approve a Contract with 65th North Group, LLC to complete a Comprehensive Fraud Risk Reduction and Internal Control Modernization Assessment, using Maricopa County Contract 190178, in the amount of \$34,725, effective January 26, 2021.

Supervisor Crosby made a motion to approve a Contract with 65th North Group, LLC to complete a Comprehensive Fraud Risk Reduction and Internal Control Modernization Assessment, using Maricopa County Contract 190178, in the amount of \$34,725, effective January 26, 2021. Vice-Chairman Judd seconded the motion.

Due to background noise, Supervisor Crosby re-read the motion and Vice-Chairman Judd seconded it.

Mr. Karwaczka presented this item. He stated that this is for a program to review all processes and expenditures; this program will also look at best practices across the state and country.

The Board expressed support for this item and discussed that Maricopa County went through the contract process; Maricopa County is not doing the work under the contract.

Chairman English called for the vote and it was approved 3-0.

County Schools

12. Approve and sign letter to Arizona Department of Education recommending the establishment of an Accommodation District in Cochise County.

Ms. Jacqui Clay, School Superintendent, presented this item using a PowerPoint presentation. She explained Accommodation Districts and the two types; this Accommodation District is for a proposed dropout recovery Accommodation School. The Board previously approved a contract with Graduation Solutions, LLC, to establish the Dropout Recovery Program. There is now a letter that needs to be approved and

signed. She reviewed the benefits and stated that there is no cost associated with it.

The Board and Ms. Clay discussed measures of success, verification of competencies, online teaching, the funding source, the location at Foothills, and the enrollment numbers.

Vice-Chairman Judd made a motion to approve and sign letter to Arizona Department of Education recommending the establishment of an Accommodation District in Cochise County. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Development Services

13. Approve Grant Agreement GRT-20-0008048-T between the State of Arizona, Arizona Department of Transportation (ADOT), Airport Pavement Maintenance System (APMS) Program in the amount of \$936,734 for design and construction to resurface the runway at the Cochise County Airport in Willcox.

Supervisor Crosby made a motion to approve Grant Agreement GRT-20-0008048-T between the State of Arizona, Arizona Department of Transportation (ADOT), Airport Pavement Maintenance System (APMS) Program in the amount of \$936,734 for design and construction to resurface the runway at the Cochise County Airport in Willcox. Vice-Chairman Judd seconded the motion.

Mr. Dan Coxworth, Development Services Director, noted that the County match requirement is 10%, or \$93,673.40. The Board and Mr. Coxworth discussed the availability and source of the funding being the Airport's contingency budget; the Airport is technically not an Enterprise Fund, though it is treated as one.

Chairman English called for the vote and it was approved 3-0.

14. Approve a Lease Agreement for premises located at the Bisbee-Douglas International Airport between Cochise County and 4283929 Delaware LLC for the operation of an animal crematorium, in a 20,000 square foot building located at 6944 N Runway Road, Douglas, AZ 85607, for \$1,150 a month for one year, effective February 1, 2021, with the option to renew in one-year increments.

Vice-Chairman Judd made a motion to approve a Lease Agreement for premises located at the Bisbee-Douglas International Airport between Cochise County and 4283929 Delaware LLC for the operation of an animal crematorium, in a 20,000 square foot building located at 6944 N Runway Road, Douglas, AZ 85607, for \$1,150 a month for one year, effective February 1, 2021, with the option to renew in one-year increments. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 3-0.

Health & Social Services

15. Approve Amendment 3 to the Arizona Prescription Drug Overdose Prevention Program Contract #ADHS 18-180472 between the Arizona Department of Health Services (ADHS) and Cochise County Health & Social Services in the amount of \$470,720, effective September 1, 2020 through August 31, 2021.

Supervisor Crosby made a motion to approve Amendment 3 to the Arizona Prescription Drug Overdose Prevention Program Contract #ADHS 18-180472 between the Arizona Department of Health Services (ADHS) and Cochise County Health & Social Services in the amount of \$470,720, effective September 1, 2020 through August 31, 2021. Vice-Chairman Judd seconded the motion.

Ms. Judith Gilligan, Prevention Services Director, responded to various questions from the Board regarding the in-kind contribution calculation, the addition of 1.5 persons to County personnel and what happens to the personnel if grant funding is no longer available, and a previous program for similar services in Fiscal Year 2019-2020. Ms. Gilligan will gather and provide information on the recidivism rate for opiate addiction and measures of success from the Intergovernmental Agreement.

Supervisor Crosby made a motion to table the agenda item until such time as the Board can get more information on it. The motion failed for lack of a second.

Ms. Thompson discussed various aspects of the Agreement, which was approved by the Board in July, 2020. The Board and Ms. Thompson discussed the purpose of this Amendment 3 being to change it from being a cost-reimbursement model to a fixed-price model, which will allow the County to receive money from the state up-front, instead of being reimbursed. The Board discussed previous experience and measures of success.

Chairman English called for the vote on the original motion and it was approved 3-0.

Housing Authority

16. Approve the Renewal Family of Self-Sufficiency Grant FSS21AZ3929-01-00 awarded by the U.S. Department of Housing and Urban Development to the Housing Authority of Cochise County, in the amount of \$58,420, effective January 1, 2021 through December 31, 2021.

Vice-Chairman Judd made a motion to approve the Renewal of Family Self-Sufficiency Grant FSS21AZ3929-01-00 awarded by the U.S. Department of Housing and Urban Development to the Housing Authority of Cochise County, in the amount of \$58,420, effective January 1, 2021 through December 31, 2021. Supervisor Crosby seconded the motion.

Ms. Anita Baca, Housing Authority Director, presented the item. She noted that the Housing Authority has been administering the program for 15 years and that a measurement of success is that participants do not remain on welfare or housing assistance.

Chairman English called for the vote and it was approved 2-1 (Crosby opposed).

STATE & FEDERAL LEGISLATION

- 17. Discussion and possible action regarding state and federal legislative matters listed or described in the attached County Supervisors Association Legislative Policy Committee Agenda, the Arizona Association of Counties (AACo) Legislative Policy Committee Agenda, and the proposed State budget, and other matters related thereto.

Chairman English noted that the Board had the opportunity to attend the County Supervisors Association Legislative Policy meeting and there is nothing else to report at this time.

REPORT BY RICHARD G. KARWACZKA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Karwaczka noted the snowstorm and deferred his report.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Chairman English adjourned the meeting at 11:47 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board