

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, FEBRUARY 9, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, February 9, 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; 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

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

Chairman English asked if public comments on any agenda items were received and Ms. Lemons stated there were none.

PRESENTATION

Presentation by County Attorney's Office on Legal Statistics and Trends for calendar year 2020.

Ms. Roberts and Ms. Catherine Barney, Senior Paralegal, presented this item using a PowerPoint presentation. Ms. Roberts presented legal statistics and trends for adoptions; public fiduciary; tax appeals; tax lien foreclosure cases; bankruptcy cases; eminent domain and excess proceeds cases, election cases; Merit Commission cases; Civil Rights Commission cases; notices of claim; civil cases; public records requests; and Zoning violations. Ms. Barney presented information and statistics on cases involving Mental Health; Rule 11's Competency to Stand Trial; and the GRACE Program. Ms. Roberts concluded with a list of the County Attorney's Office staff and their experience, and various clients.

The Board asked various questions and Ms. Roberts and Ms. Barney responded.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 26, 2021.

Development Services

2. Approve the appointment of Mr. Kale Kiyabu to the District 1 Board of Adjustment, effective immediately through December 31, 2024.
3. Approve the appointment of Mr. Albert Young to the District 2 Board of Adjustment, effective immediately through December 31, 2024.
4. Approve the appointment of Mr. Paul Brick to the District 3 Board of Adjustment, effective immediately through December 31, 2024.

Elections

5. Approve the appointment of two Libertarian Precinct Committeemen, by recommendation of their State Party Chairman, to serve through the October 1, 2022 term.

Finance

6. Approve demands and budget amendments for operating transfers.

Vice-Chairman Judd made a motion to approve items 1-6 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

7. [Item tabled from the January 26, 2021 meeting] Table to the March 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 made a motion to remove agenda item 7 from the table. Supervisor Crosby seconded the motion. Chairman English called for the vote and it was approved 3-0.

Ms. Roberts presented this item. She stated that APS requested this be tabled and noted that APS and staff are working through some questions.

Supervisor Crosby made a motion to table to the March 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.

The Board and Ms. Roberts discussed this being a renewal of a previous Franchise; there not being a Franchise Fee; and, that a Franchise does not preclude other utilities from being in the same location. In response to the Board, Ms. Roberts provided statutory, constitutional and case law references concerning Franchises.

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

Development Services

8. Adopt Zoning Ordinance 21-02 amending certain Zoning district boundaries from SR-43 (Single Residential; one dwelling per 43,000 square feet) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Mr. Mark Landwerlen.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. He stated that the request is to downzone a property from SR-43 to RU-4. He gave the property's location, parcel number, total acreage, and the applicant's reason for the request. He reviewed factors in favor of and against approval, the zoning of neighboring properties, and the three letters received in opposition to and one letter in support of the request. He noted that while the request does not comply with the Mid-Sulphur Springs Valley Area Plan, it does match the pattern of development in the area. Mr. Kirschmann reviewed recommended conditions of approval should the Board wish to approve the request.

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 adopt Zoning Ordinance 21-02 amending certain Zoning district boundaries from SR-43 (Single Residential; one dwelling per 43,000 square feet) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Mr. Mark Landwerlen. Supervisor Crosby seconded the motion.

The Board and Mr. Kirschmann discussed ownership of neighboring property.

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

ACTION

Court Administration

9. Approve Intergovernmental Agreement (IGA) to use Pima County's Restoration to Competency Program.

Ms. Niltza Flores, Associate Court Administrator, presented this item. She provided background information and noted that the cost is \$39,000 per defendant detainee. To save costs, Court Administration contracted with a psychiatrist to restore competency in the County's jail; however, the most difficult cases are sent to Pima County's

program. There are currently no defendants with Pima County's program.

The Board and Ms. Flores discussed the year the program started and its initial cost, and that there is not currently a limit on the number of defendants that can be sent to Pima County's program.

Supervisor Crosby made a motion to approve Intergovernmental Agreement (IGA) to use Pima County's Restoration to Competency Program. Vice-Chairman Judd seconded the motion.

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

Development Services

10. Approve Contract 21-07-DEV-01 with Rutherford Diversified Industries in the amount of \$63,000 for clean up of parcel just west of 6900 East Dake Road, Sierra Vista, AZ 85635.

Mr. Dan Coxworth, Development Services Director, presented this item. He stated that the parcel fell into back taxes and was deeded to the state last year; prior to being put on the next County auction, staff would like to clean the parcel up.

The Board and Mr. Coxworth discussed the property's history and how the County will maintain it, fencing on the north and east of the property, and it being easier to enforce and deter illegal dumping once it is cleaned up. Mr. Coxworth noted that staff put a lock on the gate and removed trailers from the property. The Board and Mr. Coxworth also discussed potential future costs, and that the source of funding for this contract is from Hazard Abatement in the Development Services budget.

Vice-Chairman Judd made a motion to approve Contract 21-07-DEV-01 with Rutherford Diversified Industries in the amount of \$63,000 for clean up of parcel just west of 6900 East Dake Road, Sierra Vista, AZ 85635. Supervisor Crosby seconded the motion.

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

Finance

11. [Item Tabled from the January 26, 2021 meeting] Approve Warrant 45011 as detailed in attached list and supporting Intergovernmental Agreements (IGAs).

Supervisor Crosby made a motion to remove from the table Warrant 45011. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and it was approved 3-0.

Supervisor Crosby spoke relating to the Board not having a say in the grant and asked if it should be included under warrants. Ms. Roberts noted that she cannot give legal advice in an open meeting. Mr. Karwaczka stated that the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) fund is unique in that A.R.S. 41-1724 states that GIITEM funds do not need Board approval. Mr. Karwaczka also discussed needing a bigger discussion in the future about GIITEM and continuing to include GIITEM in the warrants to be open and transparent.

The Board and staff discussed the history of the GIITEM fund, the County having spent money and the reimbursement mechanism, and needing a future discussion. Mr. Karwaczka confirmed that he and Mr. Dan Duchon, Budget Manager, are having discussions with the Sheriff's Department to clear up various questions; staff will gather more information to bring to the Board at a future Work Session.

Vice-Chairman Judd made a motion to approve Warrant 45011 as detailed in attached list and supporting Intergovernmental Agreements (IGAs). Supervisor Crosby seconded the motion.

The Board discussed the Sheriff being able to use the money whether or not expenses are listed in the warrants.

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

STATE & FEDERAL LEGISLATION

12. 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 discussed two proposed House Bills (HB) concerning broadband expansion.

Supervisor Crosby discussed a conversation he had with Representative Kavanaugh about HB 2181, concerning residency requirements for write-in candidates.

No Board Action was taken on this item.

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

Mr. Karwaczka recognized various staff, including: Facilities staff for their work to make County facilities accessible during the recent snow event; Ms. Jennifer Graeme for her work in recruiting and interviewing; Ms. Camila Rochin, new Public Information Officer; and, Ms. Heather Lopez, Chief Deputy Recorder, for her knowledge and skills.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby reported that being well-informed on voting issues is his primary focus.

Report by District 2 Supervisor, Ann English

Chairman English reported that she has not received complaints about the Covid-19 vaccine; the only complaints are in the process to find a vaccine.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported on the interest of people in District 3 in the Covid-19 vaccine.

Chairman English adjourned the meeting at 11:08 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board