

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MARCH 23, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 23, 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

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 an application for a Permanent Extension of Premises liquor license submitted by Mr. Christopher Bourlier, for Outside Inn LLC, located at 4907 S Hwy 92, Sierra Vista, AZ 85650.
2. Approve the Minutes of the regular meeting of the Board of Supervisors of March 9, 2021.

Finance

3. Approve demands and budget amendments for operating transfers.

Vice-Chairman Judd made a motion to approve items 1-3 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

4. Adopt Resolution 21-02 granting an amendment to the Water Services Franchise held by Liberty Utilities Corp. (Liberty), to expand the service area to include the area of the Sulger Water Company #2 Franchise.

Mr. Paul Correa, Civil Deputy County Attorney, presented this item. He stated that this Franchise Application is due to Liberty acquiring the Sulger Water Company #2 (Sulger) area of approximately 25 residents. The notice was published; no opposition was received.

Chairman English opened the Public Hearing and asked if any public comments regarding this item were received. Ms. Lemons stated there were none.

Chairman English closed the Public Hearing.

Supervisor Crosby made a motion to adopt Resolution 21-02 granting an amendment to the Water Services Franchise held by Liberty Utilities Corp. (Liberty), to expand the service area to include the area of the Sulger Water Company #2 Franchise. Chairman English seconded the motion.

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

5. Adopt Resolution 21-03 granting a Telecommunications Services Franchise renewal to Valley Telephone Cooperative, Inc.

Mr. Correa presented this item. He stated that this application is by Valley Telephone Cooperative, Inc., to renew their franchise, which expired March 8. Fees have been paid, the notice was published, and no opposition was received.

Chairman English opened the Public Hearing and asked if any public comments regarding this item were received. Ms. Lemons stated there were none.

Chairman English closed the Public Hearing.

Vice-Chairman Judd made a motion to adopt Resolution 21-03 granting a Telecommunications Services Franchise renewal to Valley Telephone Cooperative, Inc. Supervisor Crosby seconded the motion.

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

Development Services

6. Adopt Zoning Ordinance 21-04 to rezone parcel 206-10-442A from SR-22 (Single-family Residential, one dwelling per 22,000 square feet) to RU-4 (Rural, one dwelling per four acres), pursuant to the application of Mr. Randy Slaughter.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. This request is rezone a parcel from SR-22 to RU-4. He gave the property's location and total acreage, and the existing and proposed uses. The Planning and Zoning Commission unanimously recommended approval. He reviewed factors in favor of and against approval, the one letter in opposition that was received, and the two standard Conditions of Approval.

Chairman English opened the Public Hearing and asked if any public comments regarding this item were received. Ms. Lemons stated there were none.

Chairman English closed the Public Hearing.

Supervisor Crosby made a motion to approve RZ21-02 (Slaughter) located on parcel 206-10-442A 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.

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

ACTION

Board of Supervisors

7. Approve an Agreement between Cochise County and Government Leadership Solutions for quarterly Leadership Development Training from May 2021 to February 2022 totaling \$17,829.

Ms. Gilman presented this item. She stated that a structured training program is included in Priority 4 of the County's Strategic Plan. She reviewed staff changes and organizational impacts from COVID-19. She reviewed the topics of each workshop. In response to the Board, Ms. Gilman confirmed that the training workshops will be in-person and allow for up to twenty participants, and that she anticipates maximum participation; Supervisors would be welcome to observe at particular times.

Vice-Chairman Judd made a motion to approve an Agreement between Cochise County and Government Leadership Solutions for quarterly Leadership Development Training from May 2021 to February 2022 totaling \$17,829. Supervisor Crosby seconded the motion.

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

8. Adopt a Declaratory Resolution affirming Cochise County as a Constitutional County.

Supervisor Crosby made a motion to adopt a Declaratory Resolution affirming Cochise County as a Constitutional County. Vice-Chairman Judd seconded the motion.

Supervisor Crosby presented this item. He read the Declaratory Resolution in its entirety.

The Board discussed the County following the constitution and the Board of Supervisors taking an Oath to do so.

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

9. [Item tabled from the March 9, 2021 meeting] Approve Community Enhancement Fund expenditures for District 3: Remove a portion of a dirt bank from Cascabel Road at the not to exceed amount of \$9,900 per attached project bid.

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

Vice-Chairman Judd presented this item. She stated that there was a survey done and discussed the property lines; the contractor indicated that all work will be done in the right-of-way. She discussed the amount and placement of material being removed; it will improve the sight line coming out of the driveway.

Ms. Jackie Watkins, Engineering and Natural Resources Director, gave a PowerPoint presentation on the right-of-way and sight lines based on different speed limits. The work will be done in the right-of-way. The Board and Ms. Watkins discussed the right-of-way; in response to the Board, Ms. Watkins confirmed that this a common problem in the County. The Board discussed the proposed project in further detail, including potential liabilities.

Supervisor Crosby made a motion to approve Community Enhancement Fund expenditures for District 3: Remove a portion of a dirt bank from Cascabel Road at the not to exceed amount of \$9,900 per attached project bid. Vice-Chairman Judd seconded the motion.

In response to the Board, Ms. Roberts discussed legal considerations, including the project not going through the Procurement process and the project needing to be approved by the County Engineer. The Board and Ms. Roberts discussed this in further detail. The Board also discussed options to either table the item or turn it down and have it come back after the Procurement and approval process.

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

10. Approve a letter of support of the Bureau of Land Management's (BLM) decision to continue to allow grazing in the San Pedro Riparian National Conservation Area (SPRNCA).

Vice-Chairman Judd made a motion to approve a letter of support of the Bureau of Land Management's (BLM) decision to continue to allow grazing in the San Pedro Riparian National Conservation Area (SPRNCA). Supervisor Crosby seconded the motion.

Mr. Karwaczka introduced Mr. Richard Searle, who presented this item. Mr. Searle

stated that he had spoken individually with the Board members.

Supervisor Crosby spoke concerning the history of SPRNCA, support of ranchers, and his opinion that SPRNCA is unconstitutional. Supervisor Crosby made a motion to table the letter of support as currently written, and to make it part of a Work Session to discuss SPRNCA and water conservation. The Board discussed rules of procedure concerning a motion already on the floor. Supervisor Crosby withdrew his motion to table the item.

Mr. Searle discussed the status and timing of the current lawsuit, gave examples of agencies supporting it, and spoke to the County's work on the plan.

Supervisor Crosby noted concern with a portion of the letter stating, in part, "...Cochise County recognizes both the historic and current value of the SPRNCA..." and stated that he would support it if it was rewritten. The Board and Mr. Searle continued to discuss the letter of support and the County Comprehensive Plan, specifically pertaining to SPRNCA and grazing and reviewed the wording of the letter of support.

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

County Sheriff

11. Approve Grant Agreement No. 18-LE-11030500-003 between the United States Department of Agriculture (USDA), Forest Service, Coronado National Forest, and Cochise County Sheriff's Office, in the amount of \$10,000 for overtime, employer related expenses and fleet costs for Sheriff Deputies to patrol various recreation areas of Coronado National Forest, effective January 1, 2021 through December 31, 2022, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Vice-Chairman Judd made a motion to approve Grant Agreement No. 18-LE-11030500-003 between the United States Department of Agriculture (USDA), Forest Service, Coronado National Forest, and Cochise County Sheriff's Office, in the amount of \$10,000 for overtime, employer related expenses and fleet costs for Sheriff Deputies to patrol various recreation areas of Coronado National Forest, effective January 1, 2021 through December 31, 2022, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Supervisor Crosby seconded the motion.

Chief Mark Napier, Chief of Staff, Sheriff's Department (Sheriff), presented this item. He stated that this is a long-standing grant and discussed the increased recreational use of Forest Service land. He reviewed the purposes for which the grant funding may be used and the benefits of having Deputies patrol the areas.

Supervisor Crosby made a motion to table agenda item 11 until the Board has reviewed the Sheriff's budget. The motion failed for lack of a second.

The Board discussed the Sheriff providing information on how grant monies are utilized. Chief Napier stated that the grant is a reimbursement grant and as such, the Sheriff will have the documentation.

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

Development Services

12. Approve Grant Agreement E1S2L 01C between the State of Arizona, Arizona Department of Transportation (ADOT), Aeronautics Group, and Cochise County, in the amount of \$85,500 to relocate and upgrade the wind cone at the Bisbee-Douglas International Airport, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Supervisor Crosby made a motion to Approve Grant Agreement E1S2L 01C between the State of Arizona, Arizona Department of Transportation (ADOT), Aeronautics Group, and Cochise County, in the amount of \$85,500 to relocate and upgrade the wind cone at the Bisbee-Douglas International Airport, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Vice-Chairman Judd seconded the motion.

Mr. Coxworth presented this item. He stated that this is a grant agreement to upgrade and replace the one wind cone with five new wind cones. The County's match is \$9,500.

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

13. Approve Grant Agreement E1S2J 01C between the State of Arizona, Arizona Department of Transportation (ADOT), Aeronautics Group, and Cochise County, in the amount of \$72,000 to relocate and install the beacon at the Bisbee-Douglas International Airport, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Vice-Chairman Judd made a motion to approve Grant Agreement E1S2J 01C between the State of Arizona, Arizona Department of Transportation (ADOT), Aeronautics Group, and Cochise County, in the amount of \$72,000 to relocate and install the beacon at the Bisbee-Douglas International Airport, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item. He stated that this grant agreement is to relocate the beacon from the top of the large hangar. The County's match is \$8,000. In response to the Board, Mr. Coxworth clarified that the beacon will be replaced and a new tower will be constructed.

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

14. Approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$9,000 to assist airport sponsors at the Bisbee-Douglas International Airport to address the COVID-19 public health emergency, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Supervisor Crosby made a motion to approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$9,000 to assist airport sponsors at the Bisbee-Douglas International Airport to address the COVID-19 public health emergency, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Vice-Chairman Judd seconded the motion.

Mr. Coxworth presented this item. He stated that this grant is for costs related to operations, personnel, cleaning, sanitization, janitorial services and combating the spread of pathogens. In response to the Board, he clarified that upon Board approval, he will sign the grant agreement and accept the funds.

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

15. Approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$13,000 to assist airport sponsors at the Cochise County Airport in Willcox to address the COVID-19 public health emergency, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Vice-Chairman Judd made a motion to approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$13,000 to assist airport sponsors at the Cochise County Airport in Willcox to address the COVID-19 public health emergency, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item. He stated that this grant is for the same purpose as the previous item. In response to the Board, he stated that the grant amount is decided by the amount of traffic at the airport.

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

Facilities

16. Approve Contract 21-03A-FAC-01 with Restruction Corporation for the reconstruction of the Superior Courthouse Pedestrian Bridge at 100 Quality Hill in Bisbee in the amount of \$371,444, effective March 23, 2021.

Supervisor Crosby made a motion to approve Contract 21-03A-FAC-01 with Restruction Corporation for the reconstruction of the Superior Courthouse Pedestrian Bridge at 100 Quality Hill in Bisbee in the amount of \$371,444, effective March 23, 2021.

Vice-Chairman Judd seconded the motion.

Mr. Henry Meraz, Facilities Director, presented this item. He reviewed the construction that will be done and the bidding process; this was the lowest bid received. The project is anticipated to be complete by the beginning of summer. He discussed Americans with Disability Act (ADA) accessibility and accommodations. In response to the Board, Mr. Meraz discussed City of Bisbee historic preservation requirements.

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

17. Approve Contract 21-15-FAC-01 with Pueblo Mechanical and Controls, LLC for the replacement of the Superior Courthouse heating and cooling system at 100 Quality Hill in Bisbee in the amount of \$1,480,223.68, and a future Change Order in the amount of \$36,335 for a sub-contracted electrical upgrade for the Service Entrance System, effective March 23, 2021.

Vice-Chairman Judd made a motion to approve Contract 21-15-FAC-01 with Pueblo Mechanical and Controls, LLC for the replacement of the Superior Courthouse heating and cooling system at 100 Quality Hill in Bisbee in the amount of \$1,480,223.68, and a future Change Order in the amount of \$36,335 for a sub-contracted electrical upgrade for the Service Entrance System, effective March 23, 2021. Supervisor Crosby seconded the motion.

Mr. Meraz presented this item. He stated that Pueblo Mechanical was the only one who

bid this project; they are very familiar with the Courthouse. The project will carry into the next fiscal year. He reviewed the project's initial steps, noting that construction will begin in September. At the February 2, 2021 Work Session, it was suggested that electrical needs be addressed at the same time; the Change Order will allow for additional electrical service to be available at the Courthouse for the future.

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

Housing Authority

18. Adopt Resolution 21-04 to approve AZ034 Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans for Fiscal Year 2021.

Supervisor Crosby made a motion to adopt Resolution 21-04 to approve AZ034 Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans for Fiscal Year 2021. Vice-Chairman Judd seconded the motion.

Ms. Anita Baca, Housing Authority Director, presented this item. She reviewed, in detail, various Housing Authority programs, and requirements from the Department of Housing and Urban Development (HUD). She provided detailed updates on new activities, the most recent audit, civil rights certification, and the state consolidated plan from the Arizona Department of Housing. She gave a detailed progress report from the 5-Year PHA Plan. There are no comments from the Resident Advisory Board or the public.

In response to the Board, Ms. Baca reviewed the HUD-VASH (Veterans Affairs Supportive Housing) program in more detail.

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

Human Resources

19. Approve the proposed Health Care Benefit Cost Share between Cochise County and County Employees for plan year 2021-2022, and the County's portion of the 2021-2022 Cochise Combined Trust budget.

Ms. Elda Orduno, Human Resources Director, presented this item using a PowerPoint presentation. She reviewed the number of employee enrollments in the last fiscal year and anticipated in this fiscal year, by plan; medical and prescription claims in the current fiscal year and anticipated in the next; and, changes in the 2021-2022 plan that were approved by the Cochise Combined Trust. Premiums will increase due to the changes. Staff is requesting Board approval of the County's share of the budget, and a decision as to the rate split between employees and the County. She reviewed the decrease in both the census and the County's share of costs. She detailed the monthly increase for each medical, dental, and vision plan, including options for the Board to consider as to rate splitting.

Ms. Orduno and the Board discussed potential reasons for the decrease in census numbers, the rate increases, and the County's history with rate increases and cost-sharing with employees.

Supervisor Crosby made a motion that the split between the County and employees be 50-50 and to approve the County's portion of the Cochise Combined Trust budget. Vice Chairman Judd seconded the motion.

At the request of Mr. Dan Duchon, Budget Manager, the Board clarified that the 50-50 split is for the rate increase, not the total cost.

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

Information Technology

20. Approve Contract PSC 21-05-ITD-02 with Mr. Sean Trachtman for IT support services to include but not limited to Cybersecurity, Audio support, IT Technical Support, and IT training services in the amount of \$65,000 per year, effective July 10, 2020, with four additional one-year option periods, for a total of \$325,000 through June 30th, 2025.

Vice-Chairman Judd made a motion to approve Contract PSC 21-05-ITD-02 with Mr. Sean Trachtman for IT support services to include but not limited to Cybersecurity, Audio support, IT Technical Support, and IT training services in the amount of \$65,000 per year, effective July 10, 2020, with four additional one-year option periods, for a total of \$325,000 through June 30th, 2025. Supervisor Crosby seconded the motion.

Mr. Joe Casey, Information Technology Director, presented this item. He provided background information on the contract, and noted that Mr. Trachtman has helped advance cybersecurity.

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

STATE & FEDERAL LEGISLATION

21. 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 there have been a lot of election-related bills and that information from AACo is also included.

No Board Action was taken on this item.

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

Mr. Karwaczka reported on the construction of the Administration building in Bisbee and the anticipated timeframe for the Public Defender's Office and the Courts to return there.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby reported on letters to the White House in which he recommended a United States military presence south of the border with Mexico.

Report by District 2 Supervisor, Ann English

Chairman English reported that she spoke with Vietnam Veterans in Sierra Vista last week.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Chairman English adjourned the meeting at 12:04 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board