

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MAY 18, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 18, 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; Camila Rochin, Public Information Officer

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 May 4, 2021.
2. Approve a letter of support of legislation to designate Chiricahua National Monument as a National Park.

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

Supervisor Crosby stated that he is not ready to support this item as the difference between a National Monument and a National Park are not clearly defined. The Board discussed the history and that there is no associated cost or additional personnel.

Vice-Chairman Judd made a motion to approve a letter of support of legislation to designate Chiricahua National Monument as a National Park. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved 2-0-1 (Crosby abstained).

Finance

3. Approve demands and budget amendments for operating transfers.

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

PUBLIC HEARINGS

Development Services

4. [Item tabled from the May 4, 2021 meeting] Adopt Zoning Ordinance 21-07 to approve Docket R-21-01 - Adult Use Marijuana, an amendment to the Cochise County Zoning Regulations to regulate the production, processing, retail sale, and testing of recreational marijuana.

Vice-Chairman Judd made a motion to remove agenda item 4 from the table. Supervisor Crosby seconded the motion. Chairman English called for the vote and it was approved 3-0.

Chairman English opened the Public Hearing.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. He provided background information on the medical marijuana use in the Zoning Regulations and reviewed the provisions of statewide Proposition 207, which legalized recreational marijuana. The Planning and Zoning Commission voted 8-1 to recommend approval. Based on the Board's February 16, 2021 Work Session, changes were made to increase the separation requirement to 1,000 feet and youth-oriented facilities and churches were added to protected classes. He reviewed the number of Special Use Permit authorizations for medical marijuana and current Zoning Regulations, and detailed the proposed changes.

Ms. Carolyn Oberholtzer and Mr. John Haugh addressed the Board and discussed various reasons in opposition to the Zoning Ordinance, and responded to questions from the Board. Mr. Craig Boudle was called upon but chose not to speak.

At the request of the Board, Ms. Roberts responded to comments from Ms. Oberholtzer regarding public notice requirements. Ms. Roberts stated that the publication and notice requirements were met, and addressed the options outlined in statute for notice. At the request of the Board, Mr. Haugh and Ms. Oberholtzer explained their thoughts on how the Zoning Ordinance would impact their business.

The Board discussed the concerns raised by the speakers; options for the Board to consider in moving forward; and, their thoughts and opinions on the ordinance. Mr. Coxworth responded to questions from the Board concerning the definition of youth-oriented facility.

Supervisor Crosby made a motion to adopt Zoning Ordinance 21-07 to approve Docket R-21-01 - Adult Use Marijuana, an amendment to the Cochise County Zoning Regulations to regulate the production, processing, retail sale, and testing of recreational marijuana. Vice-Chairman Judd seconded the motion.

The Board and Ms. Roberts discussed procedural rules for amending an agenda item.

Supervisor Crosby made a motion to amend a portion of Section 1825.01, after "1000 feet," to read "1000 feet, nor shall such outdoor marijuana cultivation facilities be closer than 1500 feet", with the remainder of Section 1825.01 unchanged. The motion failed for lack of a second.

Chairman English called for the vote on the original motion and it was approved 2-1 (Judd opposed).

Chairman English closed the Public Hearing.

ACTION

County Attorney

5. Approve Interfund Transfer of \$42,570 from Fund 215, Border Strike Task Force, to Fund 588, Arizona Disposition Reporting System (ADRS) for Prosecutor by KARPEL software.

Mr. Dan Duchon, Budget Manager, presented this item. He stated that this Interfund Transfer is to help fund the Prosecutor by Karpel software for the County Attorney's Office, as discussed at a previous Work Session. Transfers between funds require Board approval.

Supervisor Crosby made a motion to approve Interfund Transfer of \$42,570 from Fund 215, Border Strike Task Force, to Fund 588, Arizona Disposition Reporting System (ADRS) for Prosecutor by KARPEL software. Vice-Chairman Judd seconded the motion.

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

Development Services

6. Approve an Intergovernmental Agreement (IGA) between the City of Benson and Cochise County for building plan review and inspection services, effective upon approval by both entities for a one-year term, with automatic one-year renewals.

Mr. Coxworth presented this item. He stated that this IGA is for the County to provide building plan review and inspection services to Benson. Benson requested this; the County has the capacity to provide the services. There are similar IGAs in place with other municipalities.

The Board discussed the ability to perform the services online.

Vice-Chairman Judd made a motion to approve an Intergovernmental Agreement (IGA) between the City of Benson and Cochise County for building plan review and inspection services, effective upon approval by both entities for a one-year term, with automatic one-year renewals. Supervisor Crosby seconded the motion.

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

Juvenile Detention

7. Approve the transfer of \$325,000 from the General Fund Contingency to the Juvenile Detention Department for the Santa Cruz County Juvenile Detention Intergovernmental Agreement (IGA) costs.

Mr. Duchon presented this item. He stated that Juvenile Detention has been closed since January due to IGAs with other entities; at the time of IGA negotiations, budget numbers were not available. This transfer will reduce the General Fund contingency budget. In response to the Board, he stated that while this transfer amount is an educated, pro-rated guess, it should be sufficient for the remainder of this fiscal year.

Supervisor Crosby made a motion to approve the transfer of \$325,000 from the General Fund Contingency to the Juvenile Detention Department for the Santa Cruz County Juvenile Detention Intergovernmental Agreement (IGA) costs. Vice-Chairman Judd seconded the motion.

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

STATE & FEDERAL LEGISLATION

8. 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 spoke regarding the state legislature's efforts to reduce the Class 1 assessment ratio by one percent and the impacts to homeowners, and encouraged the Board to contact legislators in opposition to it. She will provide additional information to Ms. Lemons to distribute to the Board.

No Board Action was taken on this item.

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

Mr. Karwaczka recognized Ms. Sara Dent, Legal Defender, for her work through an office move and increased caseload.

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 reported on a recent wine festival event in her District.

Chairman English adjourned the meeting at 11:03 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board