

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

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, October 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; Tom Crosby, Supervisor  
Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Associate County Administrator; Kris Carlson, 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**

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***CALL TO THE PUBLIC***

Ms. Linda Whitely addressed the Board and spoke regarding placing land patent numbers as part of legal descriptions for land in the County.

***CONSENT***

**Adult Probation**

1. Approve fiscal year 2021-2022 Drug, Gang, and Violent Crime Control Program (DGVCCP) funding agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$41,233 and the required \$13,744 matching funds, as budgeted in the general fund budget submitted by Adult Probation, effective July 1, 2021 through June 30, 2022.

**Board of Supervisors**

2. Approve the Minutes of the regular meeting of the Board of Supervisors of October 12, 2021.

3. Approve the appointment of Ms. Judith Leiker to the Pollution Control Corporation of the County of Cochise, for a six-year term expiring on April 15, 2027, as requested in correspondence from the Pollution Control Corporation.
4. Approve a letter of support to the University of Arizona Distance Network partner to offer classroom space at the Douglas Regional Service Center for the Connecting Minority Communities Pilot Program.

### **County Sheriff**

5. Approve the Gang & Immigration Intelligence Enforcement Mission (GIITEM) Team Task Force Intergovernmental Agreement (IGA), No. 2021-061, between the Arizona Department of Public Safety (DPS) and Cochise County Sheriff's Office (CCSO), effective upon signing through June 30, 2022, with four 1-year renewal periods.

This item was removed from the Consent Agenda for separate consideration.

Commander Kenneth Bradshaw, Sheriff's Office, presented this item. He provided background information on GIITEM, and noted that the IGA has been in place for almost 15 years. The Detention Liaison Officer (DLO) position being funded is in addition to existing positions. He reviewed the DLO's assigned duties. The Board and Commander Bradshaw discussed various aspects of the DLO position and the DLO reporting to both DPS and the CCSO.

Vice-Chairman Judd made a motion to approve the Gang & Immigration Intelligence Enforcement Mission (GIITEM) Team Task Force Intergovernmental Agreement (IGA), No. 2021-061, between the Arizona Department of Public Safety (DPS) and Cochise County Sheriff's Office (CCSO), effective upon signing through June 30, 2022, with four 1-year renewal periods. Supervisor Crosby seconded the motion.

The Board and Commander Bradshaw discussed the DLO's role as a Detention Officer; in response to the Board, Commander Bradshaw clarified that the Sheriff's Office gains a Detention Officer through the IGA.

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

### **Court Administration**

6. Approve Proclamation declaring November 19, 2021 as National Adoption Day in Cochise County.
7. Approve fiscal year 2021-2022 Court Improvement Program (CIP) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$38,561, effective July 1, 2021 through June 30, 2022.
8. Approve fiscal year 2021-2022 Court Security Improvements funding agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2021 through June 30, 2022, in the amount of \$17,450.

## **Engineering & Natural Resources**

9. Accept the County Engineer's recommendation and set a public hearing for November 16, 2021 to alter the declared width of a portion of Moson Road, a County Highway.

## **Finance**

10. Approve demands and budget amendments for operating transfers.
11. Accept the employer's share of the Public Safety Personnel Retirement System (PSPRS) and Corrections Officer Retirement Plan (CORP) assets and liabilities under the system based on the system's actuarial valuation report.

Supervisor Crosby made a motion to approve items 1-4 and 6-11 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

## ***PUBLIC HEARINGS***

### **Development Services**

12. Adopt Zoning Ordinance 21-13 to rezone parcel 404-02-431 from RU-2 (Rural, minimum lot size 4 acres) to RU-4 (Rural, minimum lot size 4 acres), pursuant to the application of Ms. Markie Kinney.

Chairman English opened the Public Hearing.

Vice-Chairman Judd noted a correction to the agenda wording, to change the description of RU-2 to "Rural, minimum lot size 2 acres".

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 21-13 to rezone parcel 404-02-431 from RU-2 (Rural, minimum lot size 2 acres) to RU-4 (Rural, minimum lot size 4 acres), pursuant to the application of Ms. Markie Kinney. Supervisor Crosby seconded the motion.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. He stated that the request is to downzone a parcel from RU-2 to RU-4. He gave the property's location, parcel number, total acreage and existing and proposed uses. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of approval, noting that none were identified against, and the two standard conditions of approval.

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

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

## ***ACTION***

### **Adult Probation**

13. Approve fiscal year 2021-2022 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2021 through June 30, 2022, in the amount of \$1,841,209.

Ms. Teresa Rockrich, Administrative Finance Manager, presented this item. She stated that this item is the annual funding agreement for Adult Probation.

Supervisor Crosby made a motion to approve fiscal year 2021-2022 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2021 through June 30, 2022, in the amount of \$1,841,209. Vice-Chairman Judd seconded the motion.

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

## **Board of Supervisors**

14. Approve the American Rescue Plan Act of 2021 (ARPA) Subrecipient Agreement between Cochise County and Chiricahua Community Health Centers (CCHCI), effective October 26, 2021 through December 31, 2024 to establish a psychiatry department at CCHCI, in the amount of \$1,592,000, including an immediate payment of \$263,400 for program development.

Vice-Chairman Judd made a motion to approve the American Rescue Plan Act of 2021 (ARPA) Subrecipient Agreement between Cochise County and Chiricahua Community Health Centers (CCHCI), effective October 26, 2021 through December 31, 2024 to establish a psychiatry department at CCHCI, in the amount of \$1,592,000, including an immediate payment of \$263,400 for program development. Supervisor Crosby seconded the motion.

Ms. Gilman presented this item. She reviewed the Board's discussion at the July 15, 2021 Work Session regarding use of ARPA funds, including CCHCI's proposal to expand psychiatric services. An initial payment of \$263,400 will be provided to CCHCI to help establish the program. In response to the Board, Ms. Gilman stated that opioid use treatment is one component of the program.

Dr. Darlene Melk, Chief Medical Officer, CCHCI, stated that opioid use disorder and the use of medication-assisted treatment is a component of the program; the majority of the program is to treat, diagnose and manage mental health issues that CCHCI is currently unable to do. In response to the Board, she discussed the program; opioid use treatment; and, the program's measurements of success, which includes reporting back. The Board expressed their support for the program.

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

15. Approve the expense of American Rescue Plan Act funds for payroll expenses directed to the COVID-19 response in the amount of \$1,883,871.55.

Vice-Chairman Judd made a motion to approve the expense of American Rescue Plan Act funds for payroll expenses directed to the COVID-19 response in the amount of \$1,883,871.55. Supervisor Crosby seconded the motion.

Ms. Gilman presented this item. She stated that the Board previously discussed the use of ARPA funds to reimburse the General Fund for payroll expenses related to the

public health emergency. She reviewed the manner in which the amount of time spent by Cochise Health & Social Services, Jail Medical, and Detention Officer staff in response to the emergency was determined. This is an eligible use of ARPA funding.

The Board and staff discussed the amount and percentage for each department. In response to the Board, Mr. Daniel Duchon, Budget Manager, clarified that the money will go into the General Fund Contingency, rather than to departmental budgets.

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

16. Approve the transfer of \$5,700,000 from the General Fund Contingency Reserve, and \$3,008,509 from the General Fund Contingency to the Public Safety Personnel Retirement System (PSPRS) payment line to fund the four-year PSPRS plan.

Supervisor Crosby made a motion to approve the transfer of \$5,700,000 from the General Fund Contingency Reserve, and \$3,008,509 from the General Fund Contingency to the Public Safety Personnel Retirement System (PSPRS) payment line to fund the four-year PSPRS plan. Vice-Chairman Judd seconded the motion.

Mr. Duchon presented this item using a PowerPoint presentation. He noted that the Board previously discussed PSPRS repayment options, including a four-year plan to spend \$2.5 million annually. He reviewed the current PSPRS Tier 1 and 2 liabilities; the peak unfunded liability; savings based on additional payments, with the four-year plan resulting in \$22.9 million; and, the contributions and estimated funded ratio for the four-year plan. He also reviewed the available funding from the General Fund Contingency Reserve and General Fund Contingency.

In response to the Board, Mr. Duchon clarified that the Corrections Officer Retirement Plan (CORP) is not included and explained the PSPRS Tier 3 Legacy program. The Board and Mr. Duchon discussed the current and projected percent of funding. Mr. Duchon stated that the data is provided by PSPRS and is not guaranteed.

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

17. Approve Community Enhancement Fund expenditures for District 3: Cascabel Road Five Speed Tables, in the amount of \$15,000.

Vice-Chairman Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Cascabel Road Five Speed Tables, in the amount of \$15,000. Supervisor Crosby seconded the motion.

Vice-Chairman Judd presented this item. She reviewed the history of Cascabel Road improvements; speeding along Cascabel Road; the need to make it safer; and, previous efforts to reduce speeding. A practice speed table was installed and a traffic study was performed. The Engineering & Natural Resources Department determined that more than one speed table is necessary. She reviewed the results of community input gathered to date and noted that it is still being gathered. She is requesting \$15,000 for five speed tables.

The Board discussed Community Enhancement Funds being for the Supervisors to help fix problems in their respective Districts.

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

18. Approve Memorandum of Understanding (MOU) No. 2021-104 between the Department of Public Safety and Cochise County, in the amount of \$166,666.66, to be used for prosecutorial and jail expenses incurred from individuals charged with drug trafficking, human smuggling, illegal immigration and other border related crime, effective July 1, 2021 through June 30, 2022.

Supervisor Crosby made a motion to approve Memorandum of Understanding (MOU) No. 2021-104 between the Department of Public Safety and Cochise County, in the amount of \$166,666.66, to be used for prosecutorial and jail expenses incurred from individuals charged with drug trafficking, human smuggling, illegal immigration and other border related crime, effective July 1, 2021 through June 30, 2022.

Vice-Chairman Judd seconded the motion.

Mr. Brian McIntyre, County Attorney, presented this item. He stated that grant funding will be used for prosecutorial and jail costs. Supervisor Crosby distributed a handout. The Board and Mr. McIntyre discussed human smuggling and illegal immigration; enforcement authority and the enforcement agency; the line of demarcation and cooperation between agencies; and, enforcement of immigration laws and other matters regarding the Southeast Arizona Border Region Enforcement (SABRE) Unit. In response to the Board, Mr. McIntyre stated that the funding split between the County Attorney's Office and the Jail is determined based on need.

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

19. Approve 2-Year Extension of Contract with County Administrator Richard G. Karwaczka, with an increase in salary to \$160,000 per year.

Vice-Chairman Judd made a motion to approve 2-Year Extension of Contract with County Administrator Richard G. Karwaczka, with an increase in salary to \$160,000 per year. Supervisor Crosby seconded the motion.

Chairman English presented this item. She stated that the County's policy is to review and give an evaluation to the County Administrator; the current evaluation was good, and the Board wants to continue forward with Mr. Karwaczka. She discussed the reasons for a two-year extension. Supervisor Crosby discussed the various reasons that he will abstain from the vote.

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

## **Court Administration**

20. Approve fiscal year 2021-2022 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$133,984, effective July 1, 2021 through June 30, 2022.

Supervisor Crosby made a motion to approve fiscal year 2021-2022 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$133,984, effective July 1, 2021 through June 30, 2022. Vice-Chairman Judd seconded the motion.

Ms. Rockrich presented this item. She stated that this item is the annual funding agreement to support the CASA program.

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

## **Juvenile Probation**

21. Approve fiscal year 2021-2022 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2021 through June 30, 2022 in the amount of \$909,467.

Vice-Chairman Judd made a motion to approve fiscal year 2021-2022 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2021 through June 30, 2022 in the amount of \$909,467. Supervisor Crosby seconded the motion.

Ms. Rockrich presented this item. She stated that this is the annual funding agreement for Juvenile Probation. In response to the Board, Ms. Rockrich stated that, not including the detention budget, approximately 60% of Juvenile Probation funding is from the state.

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

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

Mr. Karwaczka thanked the Board for approving his contract extension and reported on the status of various projects, including: chip sealing at Arzberger and Shelton Roads; fogging of Frontier Road; Courthouse Bridge; Sierra Vista Foothills complex roof; Courthouse Heating, Ventilation and Air Conditioning (HVAC) system; Willcox Transfer Station; and, the status of the Federal Emergency Management Agency (FEMA) floodplain maps. He recognized the Cochise Health & Social Services Department on their receipt of a certificate of outstanding commitment to retail food safety from the United States Food and Drug Administration.

## ***SUMMARY OF CURRENT EVENTS***

### **Report by District 1 Supervisor, Tom Crosby**

Supervisor Crosby reported on the Texas governor's authorization of 3,000 National Guard personnel to assist at the border.

### **Report by District 2 Supervisor, Ann English**

Chairman English recognized Ms. Krist-Anah Watkins, Mental Health Coordinator, on the GRACe Program's receipt of an award from the Arizona Association of Counties.

### **Report by District 3 Supervisor, Peggy Judd**

Vice-Chairman Judd reported on recent Mystery Dinner Theater events benefiting the Community Food Pantry in Benson, and the upcoming Red Carpet Shindig event in Willcox.

Chairman English adjourned the meeting at 11:20 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board