

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, DECEMBER 14, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, December 14, 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; 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**

Chairman English stated that agenda item 19 is being removed from the agenda.

**PLEDGE OF ALLEGIANCE**

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

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Chairman English asked if anyone requested to speak and Ms. Lemons stated there were none.

***CALL TO THE PUBLIC***

No one chose to speak.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 30, 2021.

**County Sheriff**

2. Approve Grant Agreement No. 2022-043, with the Arizona Attorney General's Office, in the amount of \$8,022, for the continuation of funding assistance for personnel who perform Victims' Rights services for the Cochise County Sheriff's Office, effective July 1, 2021 through June 30, 2022.

## **Elections**

3. Approve the ten appointments and ten resignations of Republican Precinct Committeemen, by recommendation of their Cochise County Party Chairman, to serve through the October 1, 2022 term.

## **Engineering & Natural Resources**

4. Approve transfer of tax deeded property, as described in Exhibit A, to the Cochise County Engineering & Natural Resources Department, for potential transportation or flood control purposes.

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

Ms. Jackie Watkins, Engineering & Natural Resources Director, presented this item using a PowerPoint presentation. She displayed the location and pictures of the property, and discussed drainage; the Arizona Department of Transportation owns and uses the corner of the property as a drainage channel. The property will be used to help with area flooding. Back taxes on the property were never paid.

The Board and Ms. Watkins discussed the nature and cost of flood control improvements and the difference between flood control and recharge.

Supervisor Crosby made a motion to approve transfer of tax deeded property, as described in Exhibit A, to the Cochise County Engineering & Natural Resources Department, for potential transportation or flood control purposes. Vice-Chairman Judd seconded the motion.

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

## **Finance**

5. Approve demands and budget amendments for operating transfers.

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

Supervisor Crosby made a motion to approve demands and budget amendments for operating transfers. Vice-Chairman Judd seconded the motion.

Supervisor Crosby distributed a handout, noted his concern of "Professional Services" as a description, and cited requirements in A.R.S. § 11-623(7). He referenced various warrants and dollar amounts listed as "Professional Services". He requested a future Work Session to discuss the level of details for demands and budget amendments. In response to the Board, Mr. Karwaczka confirmed that he will work with the County Attorney's Office to review the matter.

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

## **Workforce Development**

6. Approve the appointments of Ms. Marguerite "Peg" Harmon and Mr. Peter Hooper to the Local Workforce Development Board to fill an unexpired term, effective immediately through June 30, 2024.

Supervisor Crosby made a motion to approve items 1-3 and 6 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

## **PUBLIC HEARINGS**

### **Board of Supervisors**

7. Approve a Series #9 (Liquor Store) new liquor license application submitted by Mr. Kim Kenneth Kwiatkowski, for Circle K Store #9540, located at 3731 S. Hwy. 92, Sierra Vista, AZ 85635.

Ms. Lemons presented this item. She stated that the application was 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 #9 (Liquor Store) new liquor license application submitted by Mr. Kim Kenneth Kwiatkowski, for Circle K Store #9540, located at 3731 S. Hwy. 92, Sierra Vista, AZ 85635. Supervisor Crosby seconded the motion.

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

8. Approve a Series #9 (Liquor Store) new liquor license application submitted by Mr. Sarbjot Singh Chera, for Canyon General Mini Mart, located at 9500 E Highway 92, Hereford, AZ 85615.

Ms. Lemons presented this item. She stated that the application was 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.

Supervisor Crosby made a motion to approve a Series #9 (Liquor Store) new liquor license application submitted by Mr. Sarbjot Singh Chera, for Canyon General Mini Mart, located at 9500 E Highway 92, Hereford, AZ 85615. Vice-Chairman Judd seconded the motion.

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

### **Health & Social Services**

9. Adopt Resolution 21-24, approving Cochise Health & Social Services Reproductive Health Clinic Fees and Sliding Fee Scale, effective upon passage of the resolution.

Ms. Vicky King, Director of Nursing, presented this item. She stated that the Board reviewed the draft fee schedule at the June 15, 2021 Work Session, and reviewed the dates of posting on the County website and publishing in the newspaper. Ms. Belinda Gonzalez, Maternal Child Program Coordinator, was also present to answer questions.

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 Resolution 21-24, approving Cochise Health & Social Services Reproductive Health Clinic Fees and Sliding Fee Scale, effective upon passage of the resolution. Supervisor Crosby seconded the motion.

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

## **ACTION**

### **Board of Supervisors**

10. Approve revisions to the Cochise County Toilet Rebate Program eliminating the restriction that Cochise County applicants must reside within the Sierra Vista Sub-watershed of the San Pedro River.

Mr. Karwaczka presented this item. He reviewed the history, purpose and requirements of the Toilet Rebate Program. This amendment will eliminate the requirement that applicants must reside within the Sierra Vista Sub-watershed of the San Pedro River. The Board expressed support for opening the Program to the rest of the County.

Supervisor Crosby made a motion to approve revisions to the Cochise County Toilet Rebate Program eliminating the restriction that Cochise County applicants must reside within the Sierra Vista Sub-watershed of the San Pedro River. Vice-Chairman Judd seconded the motion.

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

11. Approve the Memorandum of Understanding (MOU) between Cochise County and City of Douglas regarding efforts to build a commercial port of entry in Douglas, Arizona.

Ms. Gilman presented this item. She stated that the MOU is specifically for water and wastewater utility lines to serve the commercial port of entry. She noted the importance of the County and City cooperating for future funding partners and grant opportunities. The Douglas City Council has approved the MOU.

The Board discussed the importance of the County and City working together on this project.

Supervisor Crosby made a motion to approve the Memorandum of Understanding (MOU) between Cochise County and City of Douglas regarding efforts to build a commercial port of entry in Douglas, Arizona. Vice-Chairman Judd seconded the motion.

The Board and Ms. Gilman discussed MOU Section 3(b); reasons MOU are written in broad scope; pursuing grant opportunities, rather than a loan; known available funding sources; and, American Rescue Plan Act (ARPA) funds and federal requirements for use of those funds. In response to the Board, Ms. Roberts stated that the County Attorney's Office is familiar with the ARPA federal funding requirements and that MOU Section 10 will be updated to read "County and City" rather than "region". The Board discussed their opinions of the MOU.

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

12. Adopt Resolution 21-25 establishing forty-nine elections precincts for Cochise County and defining their boundaries, effective January 2, 2022.

Ms. Gilman presented this item. She stated that on November 30, 2021, the Board approved the redistricting maps. This Resolution will establish the election precincts; there are no changes from the previous version.

Vice-Chairman Judd made a motion to adopt Resolution 21-25 establishing forty-nine elections precincts for Cochise County and defining their boundaries, effective January 2, 2022. Chairman English seconded the motion.

Supervisor Crosby made a motion to table the Resolution to a date uncertain, and discussed his reasons for tabling the item. Motion failed for lack of a second.

The Board discussed there being no changes to the existing precinct maps.

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

13. Adopt Resolution 21-26 defining the boundaries of the Cochise County Supervisorial Districts, effective January 2, 2022.

Ms. Gilman presented this item and stated that there are no changes to the existing Supervisorial District boundaries.

Supervisor Crosby made a motion to adopt Resolution 21-26 defining the boundaries of the Cochise County Supervisorial Districts, effective January 2, 2022. Vice-Chairman Judd seconded the motion.

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

14. Adopt Resolution 21-27 establishing precincts for the Cochise County Community College and defining their boundaries, effective January 2, 2022.

Ms. Gilman presented this item and stated that there are no changes to the previous Cochise County Community College boundaries.

Vice-Chairman Judd made a motion to adopt Resolution 21-27 establishing precincts for the Cochise County Community College and defining their boundaries, effective January 2, 2022. Supervisor Crosby seconded the motion.

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

15. Adopt Resolution 21-28 defining the Cochise County Justice of the Peace Precinct boundaries, effective January 2, 2022.

Ms. Gilman presented this item and stated that there are no changes to the previous Justice of the Peace (JP) Precinct boundaries; JP productivity credits did not mandate a change.

Supervisor Crosby made a motion to adopt Resolution 21-28 defining the Cochise County Justice of the Peace Precinct boundaries, effective January 2, 2022. Vice-Chairman Judd seconded the motion.

The Board recognized members of the Redistricting Advisory Commission for their work, and members of the public for their participation.

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

## **Development Services**

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

Mr. Dan Coxworth, Development Services Director, presented this item. He stated that the City of Willcox requested this IGA; similar IGAs with other communities are in place. Development Services has the capacity to provide the services.

Vice-Chairman Judd made a motion to approve an Intergovernmental Agreement (IGA) between the City of Willcox and Cochise County for building plan review, inspection, and engineering 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.

17. Approve a 20-year Ground Lease Agreement between Cochise County and Vogel Family Properties, LLC, in the amount of \$2,915 a year, to construct a 100-foot by 100-foot hangar and associated office space for personal use at the Cochise County Airport in Willcox.

Mr. Coxworth presented this item. He reviewed the request to construct the hangar and the Lease Agreement terms and conditions. The lease amount will periodically be adjusted based on the Consumer Price Index. Mr. Vogel has reviewed the contract.

Vice-Chairman Judd made a motion to approve a 20-year Ground Lease Agreement between Cochise County and Vogel Family Properties, LLC, in the amount of \$2,915 a year, to construct a 100-foot by 100-foot hangar and associated office space for personal use at the Cochise County Airport in Willcox. Supervisor Crosby seconded the motion.

The Board and Mr. Coxworth discussed Lease Paragraph 6 and the total footprint of all buildings; examples of liens on the property; efforts for Willcox to assume the Airport having ceased; and, Lease Paragraph 10(d) regarding airspace. In response to the

Board, Mr. Coxworth stated that the Federal Aviation Administration (FAA) reviewed the Lease and did not express concerns.

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

18. Approve a Change Order to Construction Services Contract No. IFB 21-21-DEV-01 with Pavex Corp., in the amount of \$78,388.87, for work associated with the reconstruction of the apron at the Cochise County Airport in Willcox.

Mr. Coxworth presented this item. He reviewed the apron reconstruction project, and noted that the Change Order is to remove concrete blocks discovered during the project. The Federal Aviation Administration (FAA) is fully funding the project; the Change Order requires Board approval as the cost is over \$30,000.

Supervisor Crosby made a motion to approve a Change Order to Construction Services Contract No. IFB 21-21-DEV-01 with Pavex Corp., in the amount of \$78,388.87, for work associated with the reconstruction of the apron at the Cochise County Airport in Willcox. Vice-Chairman Judd seconded the motion.

In response to the Board, Mr. Coxworth stated that the concrete blocks must be removed in order to prepare the ground adequately for the new apron.

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

## **Health & Social Services**

19. Approve Contract No. CTR057136 Border Region Partnership between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, for COVID-19 vaccinations and education of Arizona border populations, in the amount of \$99,996, effective December 1, 2021, through May 1, 2022.

Item 19 was removed from the agenda.

20. Approve the addition of a fully grant-funded Epidemiologist position within the Cochise Health & Social Services Prevention Services Division.

Ms. Suzanne Hagle, Prevention Services Director, presented this item. She reviewed two previously-approved Intergovernmental Agreements (IGAs), including grant amounts and requirements, and the position's tasks, which will fulfill IGA requirements and deliverables. The position is fully grant-funded.

Vice-Chairman Judd made a motion to approve the addition of a fully grant-funded Epidemiologist position within the Cochise Health & Social Services Prevention Services Division. Supervisor Crosby seconded the motion.

In response to the Board, Ms. Hagle stated that she does not foresee a circumstance where the position would be reassigned to COVID-19 duties. The Board discussed their thoughts and opinions on the position, objectives, and quantification.

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

21. Approve the remaining Service Agreements (SAs) and Memorandums of Understanding (MOUs) between Cochise County and multiple community partners, associated with Contract No. CTR055990 COVID-19 Health Disparities, attached hereto, all effective through May 31, 2023.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. She reviewed IGA CTR055990; this item is for the approval of the remaining four of ten agreements under the IGA. She outlined the contractors and amounts of each SA and MOU.

Vice-Chairman Judd made a motion to approve the remaining Service Agreements (SAs) and Memorandums of Understanding (MOUs) between Cochise County and multiple community partners, associated with Contract No. CTR055990 COVID-19 Health Disparities, attached hereto, all effective through May 31, 2023. Chairman English seconded the motion.

Supervisor Crosby expressed his concerns with, and read excerpts from, Section 1.4 of the IGA. The Board discussed their opinions on the IGA and these agreements.

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

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

Mr. Karwaczka reported on the status of various projects, including: Willcox Transfer Station; Sierra Vista Foothills complex Heating, Ventilation and Air Conditioning (HVAC) system; and, Sierra Vista Regional Service Center and Melody Lane complex stucco repair. He reported on various roadwork, grading, and mowing throughout the County. He recognized the Redistricting Advisory Commission, Ms. Gilman, Ms. Lemons, Mr. Tim Mattix, Deputy Clerk of the Board, and Mr. Terry Couchenour, GIS Analyst, for their work on redistricting, and expressed Holiday wishes to all.

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

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

Supervisor Crosby reported on an event with former State Senator Russell Pearce regarding Senate Bill 1070's provisions.

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

Chairman English reported that she attended the Commanding General's Reception at Fort Huachuca and expressed Holiday wishes to all.

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

Vice-Chairman Judd reported on various activities and expressed Holiday wishes to all.

Chairman English adjourned the meeting at 11:05 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board