

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MARCH 22, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 22, 2022 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman, telephonic; Peggy Judd, Vice-Chairman; Tom Crosby, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Interim Clerk of the Board; Camila Rochin, Public Information Officer

Vice-Chairman Judd 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

Vice-Chairman Judd asked if anyone requested to speak and Mr. Mattix 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 March 8, 2022.
2. Approve an application for a Permanent Extension of Premises liquor license submitted by Mr. Chiragkumar Patel, for Rookies #2, located at 4711 S Highway 92, Sierra Vista, AZ 85650.

Court Administration

3. Approve Fiscal Year 2021-22 Fill The Gap 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 \$30,201.

Elections

4. Adopt Resolution 22-07 to approve the Vote Centers for the 2022 Primary and General Elections as listed on the attached Exhibit; and authorize the Elections Director to make substitutions as necessary prior to each election, in the event that a Vote Center replacement needs to be made in accordance with A.R.S. 16-411.

This item was removed from the Consent Agenda for separate consideration and was considered by the Board immediately after agenda item 7.

Supervisor Crosby distributed a handout and discussed A.R.S. § 16-411(H) and (I). In response to the Board, Ms. Lisa Marra, Elections Director, stated that acknowledgment of the statute is included in the contracts that facilities sign to be Vote Center locations. Supervisor Crosby discussed his concerns with impacts to freedom of speech if electioneering is prohibited by an emergency polling place, and a potential amendment to the Resolution.

Chairman English made a motion to adopt Resolution 22-07 to approve the Vote Centers for the 2022 Primary and General Elections as listed on the attached Exhibit; and authorize the Elections Director to make substitutions as necessary prior to each election, in the event that a Vote Center replacement needs to be made in accordance with A.R.S. 16-411. Supervisor Crosby seconded the motion.

In response to the Board, Ms. Marra discussed steps taken in the event a location becomes inaccessible and confirmed that the same contract would be signed. Alternatives include opening another location in the same vicinity and diverting individuals to another location. There has never been an emergency requiring an emergency location. All facilities agree in the contract to allow electioneering outside the 75-foot limit. The Board discussed their thoughts and opinions on a potential amendment.

In response to the Board, Ms. Roberts reviewed the statute in more detail. The County has contracts in place where the facilities agree to electioneering outside the 75-foot limit; there are not emergency locations due to the County's Vote Center setup and the ability to divert individuals to other Vote Centers. The probability of an emergency are very small; the County must follow statute and cannot pass a Resolution that conflicts with statute.

Supervisor Crosby made a motion to amend the Resolution to include, "The provisions of ARS 16-411(I) restricting electioneering and engaging in other political activity shall not apply if the polling place or vote center was designated as such prior to the emergency." The motion failed for lack of a second.

Vice-Chairman Judd called for the vote on the original motion and it was approved 3-0.

Finance

5. Approve demands and budget amendments for operating transfers.

Supervisor Crosby made a motion to approve items 1-3 and 5 on the Consent Agenda. Chairman English seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

6. Approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Robert Clark Hamilton, for Spa Vino, located at 1101 E Irene Street, Pearce, AZ 85625.

Supervisor Crosby made a motion to approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Robert Clark Hamilton, for Spa Vino, located at 1101 E Irene Street, Pearce, AZ 85625. Chairman English seconded the motion.

Mr. Mattix presented this item. He stated that the application was reviewed and recommended for approval by the appropriate departments; the Health Department will work with the applicant on permitting; property taxes are current; notice was posted as required by statute and no formal protests were filed; and, the applicant paid the \$100 processing fee. Board staff recommended approval.

Vice-Chairman Judd opened the Public Hearing. No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

Development Services

7. Adopt Zoning Ordinance 22-03 to rezone parcel 404-02-025 from RU-2 (Rural, one dwelling per two acres) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Kendra Lea Bailey.

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

Chairman English made a motion to adopt Zoning Ordinance 22-03 to rezone parcel 404-02-025 from RU-2 (Rural, one dwelling per two acres) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Kendra Lea Bailey. Supervisor Crosby seconded the motion.

Vice-Chairman Judd opened the Public Hearing. No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

ACTION

Board of Supervisors

8. Approve appointment of Mr. Tim Mattix as Clerk of the Board of Supervisors, effective March 22, 2022.

Mr. Karwaczka presented this item. He noted that the County opened the Clerk of the Board position for all applicants and received very few applications, with none meeting the minimum qualifications to move forward. He reviewed Mr. Mattix's background and experience.

Supervisor Crosby made a motion to approve appointment of Mr. Tim Mattix as Clerk of the Board of Supervisors, effective March 22, 2022. Chairman English seconded the motion.

The Board discussed the position recruitment and Mr. Mattix's work in the interim.

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

Development Services

9. Approve Grant Agreement GRT-22-0008516-T between Cochise County and Arizona Department of Transportation, Aeronautics Group, in the amount of \$25,202, for the surface treatment of taxiway A2 at the Bisbee-Douglas International Airport, effective upon signature by the parties through issuance of the Final Post Completion Inspection Certification.

Mr. Dan Coxworth, Development Services Director, presented this item. He reviewed the amount and noted that it is for the pavement preservation project at the Bisbee-Douglas International Airport. The 10% matching funds requirement is \$2,520.20. This project will extend the life of the existing pavement.

Chairman English made a motion to approve Grant Agreement GRT-22-0008516-T between Cochise County and Arizona Department of Transportation, Aeronautics Group, in the amount of \$25,202, for the surface treatment of taxiway A2 at the Bisbee-Douglas International Airport, effective upon signature by the parties through issuance of the Final Post Completion Inspection Certification. Supervisor Crosby seconded the motion.

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

Health & Social Services

10. Approve Amendment 1 to Intergovernmental Agreement IGA2021-074, COVID-19 Response Staffing, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, effective March 1, 2022 through February 28, 2023, to extend the agreement, and rename the agreement to CTR058657.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. The Intergovernmental Agreement (IGA) was originally approved in December, 2020 and

was scheduled to end on February 28, 2022. Approximately \$79,000 remains; the Amendment will extend the County's ability to expend the remaining funds.

In response to the Board, Dr. Thompson stated that the IGA number is changing due to ADHS starting to track IGAs in the state IGA software system, which requires a different naming convention.

Chairman English made a motion to approve Amendment 1 to Intergovernmental Agreement IGA2021-074, COVID-19 Response Staffing, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, effective March 1, 2022 through February 28, 2023, to extend the agreement, and rename the agreement to CTR058657. Supervisor Crosby seconded the motion.

Supervisor Crosby discussed his concerns with the agenda item.

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

STATE & FEDERAL LEGISLATION

11. 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.

Vice-Chairman Judd noted that the end of the legislative session is nearing and a lot of deadlines have passed. Chairman English discussed ongoing negotiations regarding state-funded Probation Officers.

No action was taken on this item.

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

Mr. Karwaczka reported on an upcoming broadband survey; the Sierra Vista Foothills Complex being operational; and, the status of the Courthouse Heating, Ventilation and Air Conditioning (HVAC) project.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby reported on the upcoming El Tour de Zona bicycling event and urged caution in traveling during the event.

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 open house at Tirrito Farm.

Vice-Chairman Judd adjourned the meeting at 10:37 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board