

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, APRIL 5, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, April 5, 2022 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, Deputy County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, 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

CALL TO THE PUBLIC

Mr. Clay Greathouse addressed the Board and spoke in opposition to a Rural Residential Owner/Builder permit fee increase.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of March 22, 2022.
2. Approve the Fourth Amended Intergovernmental Agreement (IGA) with the Arizona Counties Insurance Pool (ACIP) for renewal of insurance and insurance services relating to exposure for property, fidelity, employment, employer liability, workers' compensation, liability losses and other losses as may be permitted by law, effective July 1, 2022 for a period of ten years.

3. Approve a proclamation to declare April 2022 as National County Government Month - "Counties Thrive" in support of how counties preserve public health, ensure public safety, and promote local economies and resiliency.

Development Services

4. Approve the appointment of Ms. Teresa Murphy to the Board of Adjustment, representing District 2, effective April 5, 2022, through December 31, 2022.

Engineering & Natural Resources

5. Adopt Resolution 22-08 to authorize the addition of roads within Red Hawk II Units 2 and 3 to the Cochise County Maintained Road System.

Finance

6. Approve demands and budget amendments for operating transfers.

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

Supervisor Crosby distributed a handout and noted various warrants with a description of "Professional Services". He read from A.R.S. § 11-251, and stated his opinion that "Professional Services" is an inadequate description.

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

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

Housing Authority

7. Approve a Fair Housing Proclamation to declare April 2022 as Fair Housing Month in Cochise County.

Vice-Chairman Judd made a motion to approve items 1-5 and 7 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

8. Adopt Resolution 22-09 to approve Docket CPA-22-01 (Commercial Port), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of Cochise County Comprehensive Plan.

Vice-Chairman Judd made a motion to adopt Resolution 22-09 to approve Docket CPA-22-01 (Commercial Port), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of Cochise County Comprehensive Plan.

Supervisor Crosby seconded the motion.

Chairman English opened the Public Hearing.

Ms. Christine McLachlan, Planner II, presented this item using a PowerPoint presentation. This minor land use map amendment would change the growth area category from "D" to "B" and the land use designation from "Rural" to "Developing". The docket includes 45 parcels totaling 1,933 acres. She displayed maps showing the general location and existing and proposed land uses and compared the differences between the growth area categories and the land use designations. She explained why the County is the applicant, and reviewed the six evaluation criteria, all of which the docket complies with. 24 letters of support and no letters in opposition were received. She reviewed the six factors in favor of approval and two factors against. The Planning and Zoning Commission unanimously recommended approval.

In response to the Board, Ms. McLachlan stated that minor amendments are limited to two-thousand acres, and this is nearly at the limit; staff will focus north of the highway later. She discussed the water/wastewater feasibility report by Stantec Consulting, and Ms. Gilman stated that the County is currently in the 30% design process with Stantec. Once complete, there will be a better idea of water needs.

Mr. William Osborne, City of Douglas Planner, addressed the Board and read a letter of support; he submitted the letter for the record.

Mr. Gary James addressed the Board and expressed concerns about the impact to wells.

Supervisor Crosby noted for the record that he is in favor of desalinization for the new Port of Entry.

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

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

ACTION

Board of Supervisors

9. Adopt Resolution 22-10 to obligate \$2,240,000 in American Rescue Plan Act (ARPA) funds to the Fire Station Alerting System project, benefiting 34 Fire Station level systems and 2 Dispatch level systems across Cochise County.

Ms. Gilman presented this item using a PowerPoint presentation. The Resolution will obligate ARPA funds for the Fire Station Alerting System (System) project. She introduced Chief Joshua Meeker, Sierra Vista Fire and Medical Services, Chief Billy Seamans, Fry Fire District, and Ms. Susan Smith, Southeastern Arizona Communications (SEACOM). She reviewed differences between the current dispatching process and a modern System, and detailed System benefits for Dispatch Centers, Fire/Emergency Medical Services (EMS), and administrative. The Board previously provided direction to ensure that the System would benefit the entire County. She reviewed the total project budget; ARPA funds will be used for installation, System maintenance for five years, hardware needs, miscellaneous Information Technology expenses and a Computer Aided Dispatch (CAD) interface.

Districts will take on System maintenance costs beginning in year six. Letters of intent for 32 stations have been signed and returned, with two pending. If approved, staff will move forward with the procurement process.

Supervisor Crosby made a motion to adopt Resolution 22-10 to obligate \$2,240,000 in American Rescue Plan Act (ARPA) funds to the Fire Station Alerting System project, benefiting 34 Fire Station level systems and 2 Dispatch level systems across Cochise County. Vice-Chairman Judd seconded the motion.

Supervisor Crosby stated his concern of federal grants eroding state rights. He asked about federal authority attached to the grants. Ms. Gilman stated that ARPA funds need to be spent in accordance with final rules established by the Department of the Treasury. Ms. Roberts stated that the County Attorney has reviewed the ARPA fund requirements; there has been an emergency, which is why ARPA funds were given to the County. Supervisor Crosby asked about County and State authority if the federal government declares an emergency, and the Patriot Act; Ms. Roberts stated that other laws are not applicable as these are ARPA funds in connection with the COVID-19 pandemic. Further discussion ensued. Supervisor Crosby stated for the record that the question was not answered to his satisfaction.

Chief Meeker stated that there is 100% Countywide support from all agencies; the two agencies who have not yet submitted letters of intent are also on board. Chief Seamans discussed System benefits and its positive impact on the community.

The Board and Ms. Gilman discussed the procurement process and the ability for manual use of the System.

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

County Attorney

10. Approve two additional full time equivalents (FTE) for the County Attorney's Office for border crimes prosecution, funded under Agreement M21-0082 with the Arizona Department of Emergency and Military Affairs (DEMA), approved by the Board on February 8, 2022, and effective July 1, 2021 through June 30, 2025.

Mr. Brian McIntyre, County Attorney, presented this item. He stated that the request falls along with a previously-approved grant; funding will be used for a Legal Secretary and an Attorney position. This is the only way to use the funds provided by the state for increased prosecution efforts.

Vice-Chairman Judd made a motion to approve two additional full time equivalents (FTE) for the County Attorney's Office for border crimes prosecution, funded under Agreement M21-0082 with the Arizona Department of Emergency and Military Affairs (DEMA), approved by the Board on February 8, 2022, and effective July 1, 2021 through June 30, 2025. Supervisor Crosby seconded the motion.

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

Development Services

11. Approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$32,000 to assist airport sponsors at the Cochise County Airport in Willcox for the cost of operations and combating the spread of pathogens at the airport.

Supervisor Crosby made a motion to approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$32,000 to assist airport sponsors at the Cochise County Airport in Willcox for the cost of operations and combating the spread of pathogens at the airport. Chairman English seconded the motion.

Mr. Dan Coxworth, Development Services Director, presented this item. He reviewed the grant amount, and stated that funds may be used for operations and maintenance, and have been used for the purchase of fuel. In response to the Board, he clarified that funding may be used for operations and maintenance in addition to cleaning supplies. Funding has also been used for insurance and fuel pump maintenance.

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

12. Approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$22,000 to assist airport sponsors at the Bisbee-Douglas International Airport for the cost of operations and combating the spread of pathogens at the airport.

Vice-Chairman Judd made a motion to approve a Grant Agreement with the Federal Aviation Administration (FAA) in the amount of \$22,000 to assist airport sponsors at the Bisbee-Douglas International Airport for the cost of operations and combating the spread of pathogens at the airport. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item. He reviewed the grant amount and noted that the grant is the same as the previous agenda item. In response to the Board, Mr. Coxworth stated that the grant amount is different for the Bisbee-Douglas International Airport due to the FAA's calculation formula, which is based on airport traffic.

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

Health & Social Services

13. Approve Amendment 2 to Intergovernmental Agreement IGA2021-055, Controlling SARS-CoV-2 Transmission, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, to extend the agreement end date to February 28, 2023, and to rename the agreement to CTR059101.

Supervisor Crosby made a motion to approve Amendment 2 to Intergovernmental Agreement IGA2021-055, Controlling SARS-CoV-2 Transmission, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, to extend the agreement end date to February 28, 2023, and to rename the agreement to CTR059101. Vice-Chairman Judd seconded the motion.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. She stated that this amendment extends a previously-approved grant by one year, allowing additional time to expend the remaining \$176,931. The grant funds community testing provided by Chiricahua Community Health Centers.

Supervisor Crosby asked about the rescission of the Governor's emergency declaration and information from staff regarding unvaccinated people with natural

immunity spreading COVID-19. Chairman English requested comments be kept to the topic of testing and Ms. Roberts stated that it is off the agenda topic and a potential Open Meeting Law (OML) violation. Ms. Roberts stated that the direction of the comments are beyond the scope of the posted notice and further comments may be in violation of OML. Mr. Karwaczka stated that an OML violation could result in increased liability to the County, fines, or removal from office. In order to limit the County's liability, he requested that Supervisor Crosby acknowledge the warnings by the County Attorney and County Administrator. Supervisor Crosby acknowledged the warnings; he continued with his line of questioning. He repeated the question, and asked Dr. Thompson's opinion of the Vaccine Adverse Event Reporting System (VAERS) being under-reported, and whether staff has reassessed the risk-benefit of COVID-19 vaccines due to any contrary evidence. Ms. Roberts provided additional OML warnings. Dr. Thompson responded and gave information in response to each question.

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

Housing Authority

14. Adopt Resolution 22-11 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2022.

Supervisor Crosby made a motion to adopt Resolution 22-11 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2022. Vice-Chairman Judd seconded the motion.

Ms. Anita Baca, Housing Authority Director, presented this item using a PowerPoint presentation. She reviewed in detail various Housing Authority programs and requirements from the United States Department of Housing and Urban Development (HUD), including revisions of plan elements. She provided updates on new activities, the most recent audit, civil rights certification, and the state consolidated plan from the Arizona Department of Housing and 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 number of family units served by various programs.

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

Vice-Chairman Judd left the meeting at 11:12 a.m.

Information Technology

15. Approve the use of American Rescue Plan Act (ARPA) funds to strengthen cybersecurity tools and conduct penetration testing and critical system security assessments, in the amount of \$450,000.

Supervisor Crosby made a motion to approve the use of American Rescue Plan Act (ARPA) funds to strengthen cybersecurity tools and conduct penetration testing and critical system security assessments, in the amount of \$450,000. Chairman English seconded the motion.

Mr. Joe Casey, Chief Information Officer, presented this item. He stated that the

request includes extending two existing cybersecurity tools to multi-year agreements, enhancing the capabilities of another tool, and conducting penetration testing of the Countywide system and vulnerability assessments of critical systems.

The Board discussed the item being for the purpose of spending ARPA funds and the best use of the funds to benefit the County. Supervisor Crosby stated his concern with federal grants eroding state rights and asked about federal authority attached to acceptance of the grant. Ms. Roberts stated that her answer remained the same as on the previous agenda item. Supervisor Crosby stated for the record that the question was not answered to his satisfaction.

Chairman English called for the vote and it was approved 2-0 (Judd absent).

STATE & FEDERAL LEGISLATION

16. 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 stated that the State budget has not yet been discussed and noted that, while not final, there will be some changes to election law.

No action was taken on this item.

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

Mr. Karwaczka reported on various projects, including: County Recorder's Office remodel; Courthouse Heating, Air Conditioning and Ventilation (HVAC); Bisbee-Douglas International Airport exterior stucco; and, Douglas roadway.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby recognized Veritas Christian Community School students and their principal and teacher for being three of the top high school winners in the Youth Engineering and Science (YES) Fair.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

No report was given.

Chairman English adjourned the meeting at 11:19 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board