

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JULY 26, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, July 26, 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; Tom Crosby, Supervisor
Staff Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County
Present: Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Clerk
of the Board

Chairman English called the meeting to order at 10:38 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

Chairman English stated that agenda item 14 will be considered immediately after agenda item 7.

CALL TO THE PUBLIC

Mr. Neil Petersen addressed the Board regarding his experience with operating water utilities, wells, and the initiative regarding the Douglas Groundwater Basin as an Active Management Area (AMA).

Mr. Fred Kern addressed the Board regarding the maintenance of Calle Principal.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of July 12, 2022.
2. Approve the appointees to the Jail District Public Outreach Committee, as listed in attached Exhibit A.
3. Approve a Proclamation declaring August 2022 to be Child Support Awareness Month.

County Assessor

4. Approve the Assessor's recommendation to approve the attached list of 67 property tax exemption applications for 2022, that qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2022.

County Sheriff

5. Approve Amendment to the Southeastern Arizona Law Enforcement Training Academy (SEALETA) IGA, between the Cochise County Sheriff's Office, Sierra Vista Police Department and Cochise County Community College, effective July 25, 2022 through May 26, 2023, and approved by the Board on June 21, 2022, providing for the addition of a Cochise County Sheriff's Office Recruit Training Officer (RTO) for operations of the Academy.

Finance

6. Approve demands and budget amendments for operating transfers.

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

PUBLIC HEARINGS

Development Services

7. Adopt Zoning Ordinance 22-14 amending the Cochise County Zoning Regulations, Article 21, Boards of Adjustment, to remove one Board of Adjustment for each Supervisorial District and replace it with one Board of Adjustment with jurisdiction countywide.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-14 amending the Cochise County Zoning Regulations, Article 21, Boards of Adjustment, to remove one Board of Adjustment for each Supervisorial District and replace it with one Board of Adjustment with jurisdiction countywide. Supervisor Crosby seconded the motion.

Chairman English opened the Public Hearing.

Mr. Dan Coxworth, Development Services Director, presented this item. This Zoning Ordinance will amend the Zoning Regulations to replace the existing three Boards of Adjustment (BOA) with one BOA. He reviewed the cases that the BOA considers, and noted that this year there have been four BOA agenda items to date, all for District 2. The Board reviewed this at the May 24, 2022 Work Session and directed staff to move forward with the change. Additional changes to the Zoning Regulations include clarifying BOA powers, providing findings of fact for variance requests, and changing the property posting requirement from 10 calendar days to 15 calendar days. The Planning and Zoning Commission recommended approval.

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

The Board discussed their appreciation for the BOA members; the limited number of cases the BOA considers each year; and, representation from each Supervisorial District on the BOA.

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

ACTION

Board of Supervisors

8. Approve County Policy 1604: Public Safety Personnel Retirement System (PSPRS) and Corrections Officers Retirement Plan (CORP) Pension Funding, effective July 26, 2022, and formally accept the County's share of the assets and liabilities under the system based on the system's actuarial valuation report.

Vice-Chairman Judd made a motion to approve County Policy 1604: Public Safety Personnel Retirement System (PSPRS) and Corrections Officers Retirement Plan (CORP) Pension Funding, effective July 26, 2022, and formally accept the County's share of the assets and liabilities under the system based on the system's actuarial valuation report. Supervisor Crosby seconded the motion.

Mr. Karwaczka presented this item. State law requires that the Board acknowledge and adopt this Policy annually. The additional payment for PSPRS unfunded liability is not included this year but will be next year. Policy Section IV(C) requires an independent actuarial analysis, which will be completed next year.

The Board and Mr. Karwaczka discussed Table III(A); the data in the table was provided by PSPRS and does not correlate to the tax rate adopted by the Board.

Supervisor Crosby made a motion to delete line II(A)(4) from the Policy. The motion failed for lack of a second.

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

9. Approve 318 Environmental Health Fee waivers, totaling \$60,250, to be paid from the American Rescue Plan Act (ARPA) funds.

Supervisor Crosby made a motion to approve 318 Environmental Health Fee waivers, totaling \$60,250, to be paid from the American Rescue Plan Act (ARPA) funds. Vice-Chairman Judd seconded the motion.

Chairman English noted that the Board previously discussed this use of ARPA funds and thought it appropriate for small businesses. Mr. Dan Duchon, Budget Manager, presented this item and stated that the final tally was 318 waivers, totaling \$60,250.

The Board and staff discussed Environmental Health fee increases in relation to the waivers; the financial impact when there are no more waivers; and, fees being for cost recovery.

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

10. Approve Fiscal Year 2021-2022 inter-fund transfer of \$1,349,693.77 from American Rescue Plan Act (ARPA) Fund to Capital Fund for expenses related to the Courthouse Heating, Ventilation and Air Conditioning (HVAC) Redesign and Installation.

Vice-Chairman Judd made a motion to approve Fiscal Year 2021-2022 inter-fund transfer of \$1,349,693.77 from American Rescue Plan Act (ARPA) Fund to Capital Fund for expenses

related to the Courthouse Heating, Ventilation and Air Conditioning (HVAC) Redesign and Installation. Supervisor Crosby seconded the motion.

Mr. Duchon presented this item. Staff is requesting an inter-fund transfer from the ARPA Fund to the Capital Fund for last year's Courthouse HVAC project. This type of air quality project is eligible for the use of ARPA funds.

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

County Attorney

11. Approve the Crime Victim Compensation Grant No. VC-23-002 between the Arizona Criminal Justice Commission and the Cochise County Attorney's Office in the amount of \$87,991, effective July 1, 2022 through June 30, 2023.

Supervisor Crosby made a motion to approve the Crime Victim Compensation Grant No. VC-23-002 between the Arizona Criminal Justice Commission and the Cochise County Attorney's Office in the amount of \$87,991, effective July 1, 2022 through June 30, 2023. Vice-Chairman Judd seconded the motion.

Mr. Brian McIntyre, County Attorney, presented this item. He stated that this is a re-up of a state Grant. This state program provides recovery in certain circumstances for victims of crime. Funding primarily goes to victims, with a portion going to personnel costs for an existing staff member.

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

County Sheriff

12. Approve Grant Agreement between the Legacy Foundation of Southeast Arizona and the Cochise County Sheriff's Office, in the amount of \$1,263,449, effective from date of signing for a period of three years, to fully fund the creation and implementation of the Cochise County Mental Health Support Team.

Vice-Chairman Judd made a motion to approve Grant Agreement between the Legacy Foundation of Southeast Arizona and the Cochise County Sheriff's Office, in the amount of \$1,263,449, effective from date of signing for a period of three years, to fully fund the creation and implementation of the Cochise County Mental Health Support Team. Supervisor Crosby seconded the motion.

Commander Robert Watkins, Sheriff's Office, presented this item. The Grant will fully fund the creation and implementation of the Mental Health Support Team. There is no fiscal impact on County taxpayers.

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

13. Approve Operation Underground Railroad Domestic Law Enforcement Support Mutual Agreement for the donation of Graykey, valued at \$25,770.50, to the Cochise County Sheriff's Office Special Operations Division.

Supervisor Crosby made a motion to approve Operation Underground Railroad Domestic Law Enforcement Support Mutual Agreement for the donation of Graykey, valued at

\$25,770.50, to the Cochise County Sheriff's Office Special Operations Division. Vice-Chairman Judd seconded the motion.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. This donation is for a device that allows access to and analysis of lawfully-seized cell phones, typically for trafficking and child exploitation cases. In response to the Board, he stated that the donation is for a one-year contract and he does not anticipate requesting County funding for it in the future due to the cost.

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

Development Services

14. Adopt Resolution 22-19 establishing one Board of Adjustment for Cochise County with jurisdiction Countywide, replacing and repealing Resolution 74-28, which established three Boards of Adjustment, one for each Supervisorial district, and establishing By-Laws and Procedures for the Board of Adjustment.

This item was considered by the Board immediately after agenda item 7.

Supervisor Crosby made a motion to adopt Resolution 22-19 establishing one Board of Adjustment for Cochise County with jurisdiction Countywide, replacing and repealing Resolution 74-28, which established three Boards of Adjustment, one for each Supervisorial district, and establishing By-Laws and Procedures for the Board of Adjustment. Vice-Chairman Judd seconded the motion.

Mr. Coxworth presented this item. This Resolution re-establishes the Board of Adjustment (BOA) and approves the bylaws, rules and procedures for the BOA. He noted a correction to Exhibit A to the Resolution, to add the word "Procedure" in the heading. The Board and Mr. Coxworth discussed the process by which members will apply and be appointed to the BOA. Mr. Coxworth stated that each Supervisor will nominate an applicant and recommended asking the Chair of the existing BOAs if they would like to serve on the newly-created BOA.

In response to the Board, Ms. Roberts stated that when the existing BOA is dissolved, it no longer exists and the Board needs to appoint members to the newly-created BOA. This process is not written; the record of today's proceedings suffices for notice.

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 reported on the status of the Bisbee-Douglas International Airport drywall and Douglas Roadyard building projects. He recognized County employees Ms. Elaine Esparza, Accounting Manager, on obtaining her Bachelor's degree, and Ms. Ha Vu, Accountant III, and Ms. Stacy Fenhaus, Accountant I, for their work on updating the County's Open Books online portal.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby cited a letter he received from County Attorney Brian McIntyre regarding discussing anything he wishes outside of meetings or during the Summary of Current Events, and stated that the list found in A.R.S. § 37-620 does not include the San Pedro Riparian National Conservation Area.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported on Apple Annie's Orchard being open and activities at the recent National Association of Counties (NACo) annual conference.

Chairman English adjourned the meeting at 11:27 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board