

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, AUGUST 30, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 30, 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 10:00 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. George Morin spoke regarding his thoughts on the Irrigated Non-Expansion Areas (INAs) and Active Management Areas (AMAs).

Ms. Mary Ann Capehart spoke in support of the AMA ballot measures for the Willcox and Douglas Groundwater Basins.

Mr. Alfred Kern spoke regarding the maintenance of Calle Principal.

Ms. Angelica Alvarez spoke regarding the impacts of the flood event in Elfrida.

Mr. Bernardo Gamez spoke and requested mitigation efforts in response to the flood event in Elfrida.

Mr. Ronald Bemis spoke regarding the Whitewater Draw Natural Resource Conservation District and its opposition to the Douglas Groundwater Basin AMA ballot measure.

Mr. Nathan Watkins spoke regarding his various concerns with the Douglas Groundwater Basin AMA ballot measure.

Mr. Michael Gregory spoke regarding misinformation being spread regarding water and the AMA ballot measures.

Ms. Sanda Clark spoke regarding the importance for the Board to respond to the recent flood event and the AMA ballot measures.

Ms. Heather Floyd spoke regarding her opposition to the AMA ballot measures for various reasons.

Mr. Christian Sawyer spoke regarding the June 21, 2022 Board Meeting and his concern with the increase of Residential Owner/Builder Opt-Out permit fees.

Ms. Sonia Gasho spoke regarding her opposition to the AMA ballot measures for various reasons.

## **CONSENT**

### **Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of August 9, 2022.
2. Approve an application for a Temporary Extension of Premises liquor license submitted by Mr. Bruce Michael Callaghan for American Legion Post 52 located at 12 Theater Dr., Sierra Vista, AZ 85635.
3. Approve an application for a Permanent Extension of Premises liquor license submitted by Mr. Bruce Michael Callaghan for American Legion Post 52 located at 12 Theater Dr., Sierra Vista, AZ 85635.

### **County Schools**

4. Approve Fiscal Year 2023 Individuals with Disabilities Education Act (IDEA) Grant from the Arizona Department of Education (ADE), in the amount of \$439.78.

### **Court Administration**

5. Approve fiscal year 2022-2023 Court Improvement Program (CIP) funding agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$49,140, effective July 1, 2022 through June 30, 2023.

### **Development Services**

6. Approve the appointment of Mr. Clint Briseno to the Board of Adjustment, representing District 1, effective September 1, 2022, through December 31, 2023.

### **Engineering & Natural Resources**

7. 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.

### **Finance**

8. Approve demands and budget amendments for operating transfers.

### **Legal Advocate**

9. Approve State Grant for Public Defender training funds, per ARS 12-117, in the amount of \$4,000 for the Legal Advocate, effective July 1, 2022 through June 30, 2023.

### **Legal Defender**

10. Approve State Grant for Public Defender Training funds, per ARS 12-117, in the amount of \$1,000 for the Legal Defender, effective July 1, 2022 through June 30, 2023.

### **Public Defender**

11. Approve State Grant for Public Defender Training funds, per A.R.S. 12-117, in the amount of \$3,000, effective July 1, 2022 through June 30, 2023.

### **Workforce Development**

12. Approve Amendment 2 to Intergovernmental Agreement (IGA) DI21-002289, Youth, Adult, and Dislocated Worker Program, between Cochise County and the Arizona Department of Economic Security, for the Workforce Innovation and Opportunity Act service delivery area, effective April 1, 2020, through June 30, 2025.
13. Approve the appointment of Mr. Josh DeSpain to the Local Workforce Investment Board to fill a vacancy, effective immediately through June 30, 2026.
14. Approve the Arizona@Work Southeastern Arizona Local Workforce Development Plan (2020-2023) Modifications.

Supervisor Crosby made a motion to approve items 1-14 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

### ***PUBLIC HEARINGS***

### **Board of Supervisors**

15. Approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Thomas Paul Messier, for Omphalos Winery, located at 6107 E. Cattle Drive, Willcox, AZ 85643.

Vice-Chairman Judd made a motion to approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Thomas Paul Messier, for Omphalos Winery, located at 6107 E. Cattle Drive, Willcox, AZ 85643. Supervisor Crosby seconded the motion.

Mr. Mattix presented this item. The application was reviewed and recommended for approval by the appropriate departments. The Health Department will work with the applicant on proper permitting. Property taxes are current. The notice and application were posted as required by state law, and no formal protests were received. The applicant paid the \$100 processing fee. Board staff recommends approval.

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

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

## **Development Services**

16. Adopt Zoning Ordinance 22-16 to rezone parcels 122-03-024 through 026 from SR-43 (Single Household Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Linda Cain.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-16 to rezone parcels 122-03-024 through 026 from SR-43 (Single Household Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Linda Cain. Vice-Chairman Judd seconded the motion.

Chairman English opened the Public Hearing.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. The request is to rezone three parcels from SR-43 to RU-4. He gave the parcels' location, total acreage, and existing and proposed uses, and displayed the site plan and photos of the area. The Planning and Zoning Commission recommends approval. He reviewed the two factors in favor of and one factor against approval, and the three 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.

17. Adopt Zoning Ordinance 22-17 to rezone parcel 405-67-326A from SR-8 (Single-Family Residential, one dwelling per 8,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to a County-initiated request.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-17 to rezone parcel 405-67-326A from SR-8 (Single-Family Residential, one dwelling per 8,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to a County-initiated request. Supervisor Crosby seconded the motion.

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

Mr. Kirschmann presented this item using a PowerPoint presentation. The request is to rezone a parcel from SR-8 to RU-4. He gave the property's location, parcel number, total acreage, and existing and proposed uses. There is a question as to legal access to the parcel. The parcel is 7.48 acres and is zoned for 8,000 square feet. He reviewed the two factors in favor and noted that none are against approval. In response to the Board, Mr. Kirschmann stated that the County owns the parcel and this is a County-initiated request.

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

Chairman English stated that agenda items 21 and 22 will be considered next.

## ***ACTION***

### **Board of Supervisors**

18. Adopt the amended tax rate and levy for the High Knoll Ranches Road Improvement and Maintenance District as set forth in the attached Exhibit.

Vice-Chairman Judd made a motion to adopt the amended tax rate and levy for the High Knoll Ranches Road Improvement and Maintenance District as set forth in the attached Exhibit. Supervisor Crosby seconded the motion.

Ms. Cathy Traywick, County Treasurer, presented this item. She stated that the High Knoll Ranches Road Improvement and Maintenance District (District) has a new Board who properly adopted their budget but failed to indicate the tax rate. In response to the Board, Ms. Traywick stated that the budget was submitted on time, and explained that this is a cleanup prior to the property tax bills being printed. She confirmed that she has reviewed the District's minutes.

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

### **County Treasurer**

19. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2022-133 to 2022-192.

Supervisor Crosby made a motion to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2022-133 to 2022-192. Vice-Chairman Judd seconded the motion.

Ms. Traywick presented this item. She stated that this item is for various personal property with delinquent taxes. She described the process by which the Sheriff's Office assists in determining if properties need to be removed from the tax roll.

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

## Court Administration

20. Approve fiscal year 2022-2023 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$135,588, effective July 1, 2022 through June 30, 2023.

Vice-Chairman Judd made a motion to approve fiscal year 2022-2023 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$135,588, effective July 1, 2022 through June 30, 2023. Supervisor Crosby seconded the motion.

Ms. Teresa Rockrich, Administrative Finance Manager, presented this item. This Agreement is for the yearly CASA program funding, in the amount of \$135,588.

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

## Elections

21. Adopt Resolution 22-21 calling the election of the Willcox Groundwater Basin Active Management Area (AMA) for the November 8, 2022, General Election.

Agenda Items 21 and 22 were considered immediately after Agenda Item 17.

Vice-Chairman Judd made a motion to adopt Resolution 22-21 calling the election of the Willcox Groundwater Basin Active Management Area (AMA) for the November 8, 2022, General Election. Supervisor Crosby seconded the motion.

Ms. Lisa Marra, Elections Director, presented this item. She reviewed the requirements in A.R.S. Titles 19 and 45. She reviewed election filing dates and requirements, and outlined the verification process. 794 signatures, more than the minimum requirement of 641 signatures, were deemed valid. The Willcox AMA extends into Graham County. A.R.S. 45-415 requires that Cochise County first call the election, with Graham County subsequently calling the election. The ballot measure will appear on the ballots in both counties. She reviewed the number of voters within each county.

The Board discussed the law that requires the election to be called.

Ms. Sanda Clark, Mr. John Fleischman, and Mr. Christian Sawyer spoke in favor of the item for various reasons.

Mr. Steven Ortquist spoke in opposition to the item for various reasons.

Chairman English read the names of Ms. Donna Pulling and Mr. Vance Williams, both of whom requested their names be read in support of the item.

Chairman English stated that today's issue is to put the item on the ballot, rather than a vote for or against the AMA.

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

22. Adopt Resolution 22-22 calling the election of the Douglas Groundwater Basin Active Management Area (AMA) for the November 8, 2022, General Election.

Agenda Items 21 and 22 were considered immediately after Agenda Item 17.

Supervisor Crosby made a motion to adopt Resolution 22-22 calling the election of the Douglas Groundwater Basin Active Management Area (AMA) for the November 8, 2022, General Election. Vice-Chairman Judd seconded the motion.

Ms. Marra presented this item. She reviewed election filing dates and requirements. After verification, 1,683 signatures were deemed valid, more than the minimum requirement of 1,346. She reviewed the number of voters in the AMA area.

Mr. Francisco Ambriz and Ms. Chris Upchurch spoke in opposition to the item for various reasons.

At the Board's request, Ms. Marra responded to questions and stated that the Arizona Department of Water Resources prepares and provides the AMA area map and GIS shapefiles. She described the documents that are required to be attached to the petitions, noting that the Elections Department removed several petition pages with the wrong AMA map attached.

Ms. Sanda Clark spoke in favor of the item for various reasons.

Chairman English read the name of Mr. Vance Williams, who requested his name be read in support of the item.

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

The Board recessed at 11:23 a.m. and resumed the meeting at 11:25 a.m. with Agenda Item 18. All Supervisors were present.

## **Emergency Services**

23. Adopt Resolution 22-23 declaring a local emergency for Cochise County due to monsoon flooding.

Supervisor Crosby made a motion to adopt Resolution 22-23 declaring a local emergency for Cochise County due to monsoon flooding. Vice-Chairman Judd seconded the motion.

Ms. Tammi-Jo Wilkins, Emergency Management Deputy Director, presented this item using a PowerPoint presentation. Flood events took place in the St. David and Elfrida areas on August 23, 2022. To date, 53 assessments in St. David and 42 in Elfrida have been completed. She reviewed pictures and videos of flooding and damage in the St. David and Elfrida areas. Staff is still unable to reach some areas in Elfrida. In response to the Board, Ms. Wilkins discussed issues with septic systems and wells, including backflow and septic systems being underwater, and well pumps being submerged and unable to pump.

She summarized activities to date for both areas, noting that the American Red Cross has arrived in both St. David and Elfrida. Staff is continuing to receive calls with concerns regarding septic systems. Following the Board's Declaration of Emergency (Declaration), staff will request the State of Arizona issue a Declaration, which will

enable reimbursement for various County expenses in the response. A Declaration does not impact the level of state assistance to homeowners. Ms. Wilkins recognized the various County and community partners who have provided assistance.

The Board recognized Ms. Wilkins and the team's efforts.

Ms. Katy Whittaker spoke regarding her house being flooded and requested the Board look at preventive measures.

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

## **Health & Social Services**

24. Approve Amendment 5 to Intergovernmental Agreement (IGA) CTR040363, Women, Infants, and Children (WIC) and the Breastfeeding Peer Counselor Services (BFPC) Program, between the Arizona Department of Health Services and Cochise Health & Social Services, in the amount of \$644,693 for WIC and \$63,824 for BFPC, effective October 1, 2022 through September 30, 2023, to revise the price sheet and scope of work, and the addition of one Position Control Number for a new part-time grant-funded Health Educator II position for the WIC Program.

Vice-Chairman Judd made a motion to approve Amendment 5 to Intergovernmental Agreement (IGA) CTR040363, Women, Infants, and Children (WIC) and the Breastfeeding Peer Counselor Services (BFPC) Program, between the Arizona Department of Health Services and Cochise Health & Social Services, in the amount of \$644,693 for WIC and \$63,824 for BFPC, effective October 1, 2022 through September 30, 2023, to revise the price sheet and scope of work, and the addition of one Position Control Number for a new part-time grant-funded Health Educator II position for the WIC Program. Supervisor Crosby seconded the motion.

Mr. Caleb Wilson, WIC Program Manager, presented this item. He stated that the funding is from the United States Department of Agriculture (USDA), and reviewed the USDA program's overall goal. He summarized the WIC and BFPC programs, noting the number participants and individuals served by the programs. The IGA is a reimbursement program in the total amount of \$708,517, and supports salary, Employee-Related Expenses, and other expenses for 12 staff positions.

In response to the Board, Mr. Wilson discussed safety and security of the eWIC card system.

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 recognized Mr. Ty White, Chemistry Teacher in Willcox, for receiving the 2022 National Rural Teacher of the Year award.

***SUMMARY OF CURRENT EVENTS***

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

Supervisor Crosby reported on his opinions regarding groundwater recharge; rising prices of commodities; imbalance between the Governor's office and the State Legislature; and, the Arizona Department of Water Resources and the Bureau of Land Management.

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

Chairman English deferred her report.

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

Vice-Chairman Judd deferred her report.

Chairman English adjourned the meeting at 12:05 p.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board