

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, SEPTEMBER 27, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, September 27, 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, Clerk of the Board

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

CALL TO THE PUBLIC

Mr. Jeff Sturges discussed reasons for his concerns with the appointment of Mr. Robert Montgomery to the Planning and Zoning Commission (P&Z) and the Palominas Fire District Governing Board (Palominas Board).

Mr. Clyde Morris discussed reasons for his concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

Mr. John Sawyer discussed election integrity and the rule of law.

Mr. Joseph Patterson discussed his proposal of a full hand count of ballots.

Ms. Tricia Gerrodette asked if there are guidelines that guide the background of individuals appointed to various boards and discussed the appointment of Mr. Montgomery.

Ms. Debbie Hickman spoke regarding election integrity, and violation of constitutional laws and individuals' personal beliefs.

Ms. Christie Brown discussed reasons for her concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

Mr. Steven Sarasky requested information about certification and maintenance of the voting

machines.

Mr. Daniel LaChance discussed his various concerns with election integrity.

Ms. Rebecca Richardson discussed reasons for her concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

Ms. Jennifer Druckman discussed reasons for her concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

Ms. Joni Giacomino discussed reasons for her concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

Ms. Catherine Welch discussed reasons for her concerns with the appointment of Mr. Montgomery to P&Z and the Palominas Board.

In response to Supervisor Crosby, Ms. Roberts stated that the Open Meeting Law limits the Board to three options during Call to the Public: to direct staff to investigate; direct staff to put something on a future agenda; or, to respond to criticism of a Board member. Supervisor Crosby stated that he was criticized and cited various sections of the United States Constitution regarding the republican form of government and the Legislature selecting electors; and, the Arizona Constitution regarding separation of powers between the three branches of government.

Mr. William Hargis was called upon to speak but was not present.

PRESENTATION

Presentation by representatives of the Cochise Health & Social Services and Human Resources Departments regarding the Healthy Arizona Worksites Program (HAWP), Cochise County's participation, and awards received.

Mr. Brian Trevino, HR Generalist, and Ms. Daniella Reidmiller, HAPI Program Manager, presented this item using a PowerPoint Presentation. They summarized HAWP and the County's history of participation. The County has received the Platinum award from 2019-2022. The Board thanked Mr. Trevino and Ms. Reidmiller.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of September 13, 2022.
2. Adopt Resolution 22-24 approving the cancellation of uncontested board elections for Special District governing boards listed pursuant to A.R.S. 16-410, and appoint the candidates who filed for the Special District governing board, or declare seats vacant if an insufficient number of candidates giving all those appointed the same powers and duties in accordance with the law.

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

Ms. Lisa Marra, Elections Director, presented this item. The Resolution cancels certain Special District elections and declares individuals elected to office. A.R.S. § 16-410 allows this if the number of individuals who file required paperwork is less than or equal to the number of open positions. This is a standard function that occurs every two years to save costs to Special Districts.

In response to the Board, Ms. Marra discussed the difference between elected and appointed. Appointments to Special District governing boards is typically not a Board function. The Bowie Water Improvement District is the only Special District that will hold an election this year; all Fire District elections will be canceled. Members declared elected by the Board have the same powers as those who are elected at an election.

Mr. Karwaczka noted that Chairman English is online but currently muted for technical reasons.

Supervisor Crosby made a motion to adopt Resolution 22-24 approving the cancellation of uncontested board elections for Special District governing boards listed pursuant to A.R.S. 16-410, and appoint the candidates who filed for the Special District governing board, or declare seats vacant if an insufficient number of candidates giving all those appointed the same powers and duties in accordance with the law. Vice-Chairman Judd seconded the motion.

Vice-Chairman Judd noted that Ms. Joan A. Murphy requested that her name be read in opposition to the item.

Ms. Patricia Fleming spoke regarding her concerns with the appointment of Mr. Robert Montgomery to the Palominas Fire District.

Supervisor Crosby reiterated his comments regarding the Constitutional provisions.

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

3. Adopt Resolution 22-25 authorizing the use of Emergency Voting Locations for the General Election on Tuesday, November 8, 2022.

County Attorney

4. Approve the Victims' Rights Program (VRP) Award Agreement (AG) 2023-002, between the Arizona Attorney General and the Cochise County Attorney's Office, in the amount of \$18,000, effective July 1, 2022, through June 30, 2023.

County Schools

5. Adopt Resolution 22-26, canceling the regular elections of November 8, 2022, for certain School District Governing Boards, and appointing those who filed nomination petitions and nomination papers for uncontested district positions, pursuant to A.R.S. 15-424(D).

County Sheriff

6. Approve the Governor's Office and Highway Safety Grant, Contract Number 2023-AL-012, in the amount of \$39,296, for the DUI / Impaired Driver Enforcement program effective October 1, 2022 through September 30, 2023.
7. Approve Contract 2023-PTS-015 between Cochise County and the Governor's Office of Highway Safety, in the amount of \$28,467 (\$13,000 for overtime and employee related expenses; \$15,467 for 3 Radar and 3 Lidar units), for Selective Traffic Enforcement Program, effective October 1, 2022, through September 30, 2023.

Finance

8. Approve demands and budget amendments for operating transfers.

Supervisor Crosby made a motion to approve items 1 and 3-8 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried 2-0 (English absent).

PUBLIC HEARINGS

Development Services

9. Adopt Zoning Ordinance 22-18 to revert the zoning from SR-8 (Single-Family Residential, one dwelling per 8,000 square feet) to R-36 (Residential, minimum lot size 36,000 square feet) on parcels 408-03-002 and 408-03-003A, pursuant to a County-initiated request.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-18 to revert the zoning from SR-8 (Single-Family Residential, one dwelling per 8,000 square feet) to R-36 (Residential, minimum lot size 36,000 square feet) on parcels 408-03-002 and 408-03-003A, pursuant to a County-initiated request. Vice-Chairman Judd seconded the motion.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. This County-initiated request is to revert the zoning of two parcels from SR-8 to R-36. He displayed maps of the subject parcels. Staff recommends approval. The Board and Mr. Coxworth discussed the size of 8,000 square foot lots.

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.

10. Adopt Zoning Ordinance 22-19 to rezone parcel 107-23-030B from R-36 (Residential, one dwelling per 36,000 square feet) to LI (Light Industry), pursuant to the application of Diamond AR, LLC.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-19 to rezone parcel 107-23-030B from R-36 (Residential, one dwelling per 36,000 square feet) to LI (Light Industry), pursuant to the application of Diamond AR, LLC. Chairman English seconded the motion.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. The request is to rezone a parcel from R-36 to LI. He gave the parcel's 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 six factors in favor of approval, noting that none were identified as being against, and the one recommended condition of approval. In response to the Board, Mr. Kirschmann confirmed that everything in the area is currently light industrial.

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.

11. Adopt Zoning Ordinance 22-20 to approve Docket R-22-02 -Definitions, an amendment to the Cochise County Zoning Regulations.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-20 to approve Docket R-22-02 -Definitions, an amendment to the Cochise County Zoning Regulations. Chairman English seconded the motion.

Mr. Kirschmann presented this item. He stated that two definitions currently in the Zoning Regulations provide regulations for use rather than define the item. This item will move both of these to the proper section of the Zoning Regulations, while leaving a basic definition in the Definitions section. The two definitions are Home Occupation and Site Area, Minimum.

Supervisor Crosby made a motion to table the item. He noted that he did not see the item in the agenda system and would like further time to review. Supervisor Crosby and Mr. Kirschmann discussed it further. The motion failed for lack of a second.

Chairman English and Vice-Chairman Judd noted their support for the item.

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 2-0-1 (Crosby abstained).

ACTION

County Treasurer

12. 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. 2022-255 to 2022-289.

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. 2022-255 to 2022-289. Vice-Chairman Judd seconded the motion.

Ms. Cathy Traywick, County Treasurer, presented this item. She stated that nearly 300 properties have been abated and removed from the tax roll this year.

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

Health & Social Services

13. Approve Intergovernmental Agreement (IGA) CTR060579, Immunization Services, between the Arizona Department of Health Services and Cochise Health & Social Services, effective July 1, 2022, through June 30, 2027, for reimbursement of services up to \$118,619.

Chairman English made a motion to approve Intergovernmental Agreement (IGA) CTR060579, Immunization Services, between the Arizona Department of Health Services and Cochise Health & Social Services, effective July 1, 2022, through June 30, 2027, for reimbursement of services up to \$118,619. Vice-Chairman Judd seconded the motion.

Dr. Alicia Thompson, Cochise Health & Social Services Director, presented this item. She introduced Ms. Maira Ibarra, Clinical Services Division Director, and Ms. Tomanie Allen, Immunization Coordinator. This IGA is a fee for services program that reimburses the County for immunization services. The two programs included are the Vaccine for Children and Vaccine for Adult programs. The IGA allows the County to provide services to individuals at no cost to the individuals.

In response to the Board, Dr. Thompson clarified that this is strictly for the two identified programs. Ms. Ibarra and Ms. Allen reviewed who is eligible for each program. The Vaccine for Adults program is for individuals without insurance.

The Board discussed their thoughts and opinions on the item.

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

Housing Authority

14. Adopt Resolution 22-27 and approve Intergovernmental Agreement (IGA) between the Housing Authority of Cochise County and the City of Douglas, for the Housing Authority of Cochise County to absorb the Housing Choice Voucher and Family Self-Sufficiency programs from the City of Douglas.

Supervisor Crosby made a motion to adopt Resolution 22-27 and approve Intergovernmental Agreement (IGA) between the Housing Authority of Cochise County and the City of Douglas, for the Housing Authority of Cochise County to absorb the Housing Choice Voucher and Family Self-Sufficiency programs from the City of Douglas. Chairman English seconded the motion.

Ms. Anita Baca, Housing Authority Director, presented this item using a PowerPoint presentation. She reviewed the history of the Housing Authority of Cochise County (HACC). HACC serves all of the County outside of Douglas and currently has 493 Housing Choice Vouchers and 34 Family Self-Sufficiency participants. This item will approve HACC absorbing 193 Housing Choice Vouchers and 19 Family Self-Sufficiency participants. She reviewed the steps necessary to complete the absorption, noting the deadline of October 1, 2022 to submit the County and Douglas Resolutions and IGAs to the U.S. Department of Housing and Urban Development (HUD). The absorption will become effective January 1, 2023 and HACC will recruit 2.5 new positions at that time. After absorption, HACC can request an increase in current

administrative fees.

In response to the Board, Ms. Baca detailed Family Self-Sufficiency program graduation. The Board discussed their thoughts and opinions on the matter. Ms. Baca confirmed that Douglas approached HACC and reviewed previous discussions.

Vice-Chairman Judd 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 deferred his report.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby reported on the negative 1% return for Public Safety Personnel Retirement System pensions and the impact on unfunded liabilities.

Report by District 2 Supervisor, Ann English

Chairman English thanked those who went to the County Fair and noted the record turnout.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported that Rex Allen Days in Willcox will be September 29 through October 2, 2022.

Vice-Chairman Judd adjourned the meeting at 11:35 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board