

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, NOVEMBER 29, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 29, 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

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. Jeff Sturges discussed various concerns regarding the integrity of County government.

Ms. Elizabeth Lopez discussed various reasons in support of certifying the 2022 General Election results.

Ms. Allison Morse discussed various reasons in support of certifying the 2022 General Election results.

Ms. Jennifer Druckman discussed various reasons in support of certifying the 2022 General Election results.

Ms. Cado Daily discussed various reasons in support of certifying the 2022 General Election results.

Ms. Heather Borman discussed various reasons in support of certifying the 2022 General Election results.

Mr. Michael Gregory discussed various topics of concern.

Ms. Christie Brown was called upon but did not speak.

Mr. Michael Brown was called upon but did not speak.

Supervisor Crosby responded to criticism that occurred during the Call to the Public.

Ms. Deborah Herczog was called upon but did not speak.

Ms. Sanda Clark discussed various topics regarding the 2022 General Election.

Ms. Tamara Birch discussed the County's Code of Ethics in relation to current events.

## ***CONSENT***

### **Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 15, 2022.

### **Development Services**

2. Approve the reappointment of Mr. Albert Young to the Planning & Zoning Commission, representing District 2, for a term of office from January 1, 2023, through December 31, 2026.
3. Approve the appointment of Ms. Nancy Welch to the Planning & Zoning Commission, representing District 3, for a term of office from January 1, 2023, through December 31, 2026.

### **Finance**

4. Approve demands and budget amendments for operating transfers.

### **Public Works**

5. Approve Arizona State Land Commercial Lease 03-083013-00, for Cochise County Department of Solid Waste Management, in the amount of \$2,400 annually, effective October 6, 2022 through October 5, 2032.

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

## ***PUBLIC HEARINGS***

### **Development Services**

6. Adopt Resolution 22-30 to approve Docket CPA-22-03 (SR80), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 22-23 to rezone parcel 120-18-009B and a portion of parcel 120-18-009A from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business), pursuant to the application of Mr. Andrew Goodman.

Supervisor Crosby made a motion to adopt Resolution 22-30 to approve Docket CPA-22-03 (SR80), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 22-23 to rezone parcel 120-18-009B and a portion of parcel 120-18-009A from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business), pursuant to the application of Mr. Andrew Goodman. 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 for a Comprehensive Plan amendment to Developing to allow for business, and for a rezoning to GB. He gave the property's location, parcel numbers, total acreage, and existing and proposed uses, and displayed the site plan and photos of the area. He reviewed the conceptual site plan, factors in favor of and against approval, and the recommended condition of approval.

The Board and Mr. Kirschmann discussed the speed limit in the area, the Arizona Department of Transportation (ADOT) anticipating the need for a left turn lane from SR80, and the potential for a deceleration lane for westbound traffic. In response to the Board, Mr. Kirschmann stated that the letter in opposition was regarding increased traffic, and reviewed public outreach by the applicant.

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

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

7. Adopt Zoning Ordinance 22-24 to rezone parcel 105-05-303 from SR-12 (Single-Family Residential) to GB (General Business), pursuant to the application of Mr. Kirk Stevens.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-24 to rezone parcel 105-05-303 from SR-12 (Single-Family Residential) to GB (General Business), pursuant to the application of Mr. Kirk Stevens. Chairman English seconded the motion.

Chairman English opened the Public Hearing.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. The request is to rezone the southern portion of the parcel from SR-12 to GB as it is un-developable under the current zoning. He gave the property's location, parcel number, total acreage, and existing and proposed uses. He reviewed the factors in favor of approval, noting that none were identified as being against.

In response to the Board, Mr. Coxworth confirmed that this will not change the character of the area, and reviewed the city and County boundary lines.

No one 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**

8. [Item tabled from the November 15, 2022 meeting] Approve payment for outside legal representation pursuant to the Legal Services Agreement between The Valley Law Group, PLLC, and the Cochise County Board of Supervisors, for outside legal representation in the matter of CV202200518, Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, entered into by Mr. Richard G. Karwaczka, County Administrator, as directed by the Board at the November 2, 2022 Emergency Meeting.

Supervisor Crosby made a motion to remove item 8 from the table. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and it was approved 3-0.

Supervisor Crosby read a quote from Mr. Bryan Blehm, Valley Law Group, as follows: "The advance deposit to be paid for litigation was paid by private funds."

Mr. Karwaczka stated that he contacted Valley Law Group, PLLC, and received a verbal confirmation that there is no retainer to be paid at this time, as it was paid for by private funding. There is no action that needs to be taken with this item; it needs to be removed from the agenda.

Chairman English noted that individuals requested to speak or have their names be read in opposition to the item; their speaker request forms will be entered into the record. They will not be called upon to speak today.

The following individuals had requested to speak in opposition to the item: Jeff Sturges; Ann E Prezyna; Lezlie Ellard; Allison Morse; Michael Feldman; Diane W. Davidson; Heather Borman; Joni Giacomino; Sanda Clark; Michael Gregory; Becky Beaton; Tamara Birch; and, Christine Rhodes.

The following individuals had requested to have their names read in opposition to the item: Jacqueline Moran; Karen LeMay; Elizabeth Lopez; Joan A. Murphy; Robert Rodrigues; Anne Hinnendael; Christie Brown; Mary Susan Waser; Deborah Herczog; Marjorie A. Murphey; Henry V. Camacho; Jeanne Whitney; Douglas Whitney; Joy Banks; Susan Lynne Dalby; Sheri Van Horsen; Chris Dietz; and, Michael Brown.

The item was removed from the agenda.

9. Approve the Letter of Conditions and Grant Agreement for the United States Department of Agriculture (USDA) Rural Housing Service Grant award of \$1.1 million and the county estimated contribution of \$1,982,250 to fund the modular building demolition, building renovation, and potential new construction on the county property located at 915 Tovreaville Road, Bisbee, AZ for the purposes of a county animal shelter.

Vice-Chairman Judd made a motion to approve the Letter of Conditions and Grant Agreement for the United States Department of Agriculture (USDA) Rural Housing Service Grant award of \$1.1 million and the county estimated contribution of \$1,982,250 to fund the modular building demolition, building renovation, and potential new construction on the county property located at 915 Tovreaville Road, Bisbee, AZ for the purposes of a county animal shelter. Supervisor Crosby seconded the motion.

Ms. Gilman presented this item. She stated that the \$1.1 million grant was appropriated through a congressional funding request. It has gone through the USDA process. The project is to remodel the former Juvenile Detention Center, demolish some modular buildings, and build a small clinic. This is in partnership with the Humane Society of Southern Arizona (Humane Society), who pledged support in managing it.

In response to the Board, Ms. Gilman stated that due to the condition of the modular buildings, it would be more expensive to remodel than it is to demolish and rebuild.

Ms. Mary Moran spoke in support of the item.

Ms. Jere Fredenburgh spoke in support of the item.

Ms. Theresa Warrell spoke in support of the item.

Ms. Yvonne Mayer spoke in support of the item.

Chairman English recognized and thanked Congressman Ann Kirkpatrick.

Mr. Steve Farley, Humane Society, stated that this is an exciting collaboration, and the Humane Society is committed to working with the County.

The Board discussed their support of the item.

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

## **Development Services**

10. Approve Contract with Willcox Aviation, LLC, to provide Fixed Based Operator services at the Cochise County Airport in Willcox, effective January 1, 2023, through December 31, 2032, with two optional five-year extensions.

Supervisor Crosby made a motion to approve Contract with Willcox Aviation, LLC, to provide Fixed Based Operator services at the Cochise County Airport in Willcox, effective January 1, 2023, through December 31, 2032, with two optional five-year extensions. Vice-Chairman Judd seconded the motion.

Mr. Coxworth presented this item. This Contract is for a new Fixed Based Operator (FBO) at the Cochise County Airport; the previous FBO is retiring after 30 years. The County issued a Request for Proposals (RFP) and Willcox Aviation submitted the winning bid. He described the background and experience of Willcox Aviation.

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

## Health & Social Services

11. Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR040475, STD Control Services, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the amount of \$55,878, to revise the Price Sheet, effective January 1, 2022 through December 31, 2022.

Supervisor Crosby made a motion to Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR040475, STD Control Services, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the amount of \$55,878, to revise the Price Sheet, effective January 1, 2022 through December 31, 2022. Vice-Chairman Judd seconded the motion.

Ms. Maira Ibarra, Clinical Services Division Director, presented this item. She stated that Amendment 1 was approved in September, 2021. The grant funds a part-time STD Disease Investigator to work with the STD Program Coordinator. An amendment to the price sheet is necessary to cover the year's Personnel and Employee Related Expenses.

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

12. Approve Professional Services Agreements (PSA) 2023-13-HEA-01A through 01F, for Medical Examiner Transport, Indigent & Abandoned Body Burial, and/or Interment of Cremains Services, effective November 29, 2022, through November 30, 2027, with the following Cochise County funeral homes: Richardson Benson Mortuary; Westlawn Chapel and Mortuary; Alex Espinosa Bisbee Funeral Home; Jensen's Sierra Vista Mortuary; Hatfield Funeral Home; and, Brown Page Mortuary.

Supervisor Crosby made a motion to approve Professional Services Agreements (PSA) 2023-13-HEA-01A through 01F, for Medical Examiner Transport, Indigent & Abandoned Body Burial, and/or Interment of Cremains Services, effective November 29, 2022, through November 30, 2027, with the following Cochise County funeral homes: Richardson Benson Mortuary; Westlawn Chapel and Mortuary; Alex Espinosa Bisbee Funeral Home; Jensen's Sierra Vista Mortuary; Hatfield Funeral Home; and, Brown Page Mortuary. Vice-Chairman Judd seconded the motion.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. The contracts are for the services listed on the agenda; the companies can choose which services to provide. The companies have been providing services since 2012 and have not had a current contract since 2016. Staff met and negotiated pricing with each funeral director. Transportation reimbursement is now based on a standardized calculation based on the distance from the Medical Examiners and includes personnel and supply costs. The contracts are fair and equitable across all funeral homes.

The Board thanked Dr. Thompson for her work on this.

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

13. Approve Intergovernmental Agreement (IGA) CTR060269, Immunization Services, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, to create a new contract number for five IGAs previously approved under ADHS18-177676, effective July 1, 2022, through June 30, 2024.

Supervisor Crosby made a motion to approve Intergovernmental Agreement (IGA) CTR060269, Immunization Services, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, to create a new contract number for five IGAs previously approved under ADHS18-177676, effective July 1, 2022, through June 30, 2024. Vice-Chairman Judd seconded the motion.

Dr. Thompson presented this item. Although the IGA is new, the funding was previously approved by the Board. During an audit at the state, the state realized that the Immunization Services IGA could not be consolidated with other IGAs and was separated into its own IGA.

Supervisor Crosby stated that he wants the County to get out of the vaccine business.

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

14. Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055207, Public Health Emergency Preparedness Program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the amount of \$241,241, effective July 1, 2022 through June 30, 2023.

Supervisor Crosby made a motion to approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055207, Public Health Emergency Preparedness Program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the amount of \$241,241, effective July 1, 2022 through June 30, 2023. Vice-Chairman Judd seconded the motion.

Dr. Thompson presented this item. ADHS has been working with Arizona counties and Tribes to improve the preparedness of all communities in the event of a public health emergency. This IGA is designed to increase participation in the ongoing development of the State and County Health Preparedness Infrastructure. She reviewed the activities of the County's Public Health Emergency Preparedness (PHEP) team. The IGA adds another year of funding to the PHEP program. In response to the Board, Dr. Thompson confirmed that the PHEP team was active during the recent flooding events.

Supervisor Crosby discussed his concerns with IGA paragraphs 3.4.1, 3.4.2, and 3.4.3. The Board discussed their thoughts and opinions on the item, noting the difficulty of people outside of the County deciding what constitutes an emergency. In response to Board discussion, Dr. Thompson stated that PHEP funds first became available after the events of September 11, 2001, and described the PHEP team's involvement and assistance when the Bowie Water District recently lost water.

Chairman English 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 term "emergency" being abused, and materials he received from Mr. Brian Steiner regarding voting machine certification issues.

**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 11:23 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board