

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JANUARY 10, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, January 10, 2023 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 10:09 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

Chairman English stated that they have received several requests to speak on Consent Agenda items but they cannot be discussed unless they are pulled off of the agenda by the Board. These will be part of the record but will not be discussed.

Mr. Alfred Kern discussed his concerns about the maintenance of Calle Principal.

Mr. Kale Kiyabu spoke regarding the history of Public Lands.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of December 13, 2022.
2. Endorse a recommendation to name a currently-unnamed summit in the Peloncillo Wilderness Area as "Doubtful Peak" and send a written recommendation of said approval to the Arizona State Board on Geographic and Historic Names.

3. Adopt Resolution 23-01 designating Ms. Monica Miranda as Chief Fiscal Officer for submitting the Fiscal Year 2023 Expenditure Limitation Report.

Development Services

4. Approve the appointment of Mr. Randy Limbach to the Planning & Zoning Commission, representing District 1, for a term of office from January 10, 2023, through December 31, 2026.

Finance

5. Approve demands and budget amendments for operating transfers.

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 Zoning Ordinance 23-01 to approve Docket R-22-03 - Wind Energy Power Plants, an amendment to Section 1822 of the Cochise County Zoning Regulations.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 23-01 to approve Docket R-22-03 - Wind Energy Power Plants, an amendment to Section 1822 of the Cochise County Zoning Regulations. Supervisor Crosby seconded the motion.

Christine McLachlan, Planner II presented this item using a PowerPoint presentation. Ms. McLachlan stated that this is a staff initiated proposed text amendment to Section 1822 of the County's zoning regulations which regulate development standards for Wind Energy Power Plants (WEPPS), which are non-residential, utility-scale wind energy systems that supply electricity to off-site consumers. Ms. McLachlan gave an overview of the proposed design standards and safety provisions. The update's intent is to update and add additional best management practices to shift the burden of decommissioning, liability and site restoration from the County to the WEPP owner.

Chairman English opened the Public Hearing.

In response to the Board, Ms. McLachlan stated that new projects would be subject to these regulations going forward regarding decommissioning and that heights are getting bigger to take advantage of wind speed. Ms. McLachlan clarified that the WEPP owner would be responsible for decommissioning and defined financial assurance.

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 23-02 to approve Docket R-22-04 -Solar Energy Power Plants, an amendment to Section 1824 of the Cochise County Zoning Regulations.

Supervisor Crosby made a motion to adopt Zoning Ordinance 23-02 to approve Docket R-22-04 -Solar Energy Power Plants, an amendment to Section 1824 of the Cochise County Zoning Regulations. Vice-Chairman Judd seconded the motion.

Ms. McLachlan presented this item using a PowerPoint presentation. Ms. McLachlan stated that this is a staff initiated proposed text amendment to Section 1824 of the County's zoning regulations which regulate development standards for Solar Energy Power Plants (SEPPS), which are non-residential, utility-scale solar energy systems that supply electricity to off-site consumers. The update's intent is to update and add additional best management practices to shift the burden of decommissioning, liability and site restoration from the County to the SEPP owner.

Chairman English opened the public hearing.

In response to the Board, Ms. McLachlan explained the various types of wildlife fencing.

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. Approve Peggy Judd as Chairperson of the Cochise County Board of Supervisors, as of the first 2023 meeting of the Board of Supervisors.

Supervisor Crosby made a motion to approve Peggy Judd as Chairperson of the Cochise County Board of Supervisors, as of the first 2023 meeting of the Board of Supervisors. Vice-Chairman Judd seconded the motion.

Ms. Joy Banks addressed the Board and discussed reasons for her opposition to the item.

Ms. Allison Morse addressed the Board and discussed reasons for her opposition to the item.

The following individuals requested to be on record in opposition to the item: Deborah Herczog, Diane W. Davidson, Steven Wolfe, Alice Wakefield, Peter Waser, Rose Ann Rowlett, Jeffrey A. Wakefield, Henry Vaughn Camacho, Marjorie Anne Murphey, Barbara Miller, Susan Lynne Dalby, Tracy Caras, Donna Gaab, Elisabeth Tyndall, Stephanie Stephenson, Joan A. Murphy, Raymond A. Mendez, Deborah Anbinder, Tamara P. Birch.

Vice-Chairman Judd responded to criticism. Ms. Roberts cautioned Vice-Chairman Judd that she could only respond to criticism during call to the public. Vice-Chairman Judd stated she has a very ill husband and will not be certain that she will be able to attend meetings in person at this time. Vice-Chairman Judd stated that she is unable to be Chairman at this time and will submit agenda items for Chairman and Vice-Chairman selection when ready.

Vice-Chairman Judd made a motion to remove the item from the agenda. Supervisor Crosby seconded the motion.

Chairman English called for the vote and it was approved unanimously.

9. Adopt Resolution 23-02 to financially contribute to the National Center for Public Lands Counties, a body governed by the National Association of Counties, with a one-time contribution of \$57,987.

Supervisor Crosby made a motion to adopt Resolution 23-02 to financially contribute to the National Center for Public Lands Counties, a body governed by the National Association of Counties, with a one-time contribution of \$57,987. Vice-Chairman Judd seconded the motion.

Ms. Gilman presented this item. Ms. Gilman stated that this request was brought at the request of the County Supervisors Association (CSA) and the National Association of Counties (NAC) to fund a new initiative called the Center for Public Lands. Ms. Gilman introduced Supervisor Richard Lunt from Greenlee County and Craig Sullivan, Executive Director of CSA via Teams.

Supervisor Crosby requested that there be a motion to allow two additional speakers. Vice-Chairman Judd made a motion to allow two additional speakers. Supervisor Crosby seconded the motion.

In response to the Board, Ms. Roberts stated that it is not necessary to have a motion to add two speakers to the agenda item as the County has not adopted "Roberts Rules of Order".

Vice-Chairman Judd withdrew her motion.

Supervisor Lunt, Western Interstate Region (WIR) representative, thanked the Board for allowing them to speak on this issue. Supervisor Lunt stated that he and Patrice Horstman are Arizona representatives of the National Association of County Officials (NACO) and WIR and serve on the public land steering committee that consists of officials who work together to set policy regarding federal land issues. The National Center for Public Lands Counties (NCPLC) within NACO was established to empower counties with large holdings of federal lands to relay information to federal policy makers to advance community interests. Mr Sullivan shared that this is a unique opportunity at NACO to support public lands work.

In response to the Board, Mr. Sullivan explained that this is a one-time allocation of 1% of \$5.7 million from federal funding to the NCPLC. Supervisor Crosby read excerpts from a Freedom of Information Act (FOIA) received September 2022 and expressed concerns about the wording "took jurisdiction" rather than "accepted jurisdiction". Supervisor Crosby encouraged his colleagues in Greenlee to push back on Federal lands and expressed concern that accepting money prevents the full population from receiving the full benefit.

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

County Sheriff

10. Approve Intergovernmental Agreement (IGA) between Cochise County and Naco Elementary School District No. 23 allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective June 25, 2023 through May 20, 2024.

Vice-Chairman Judd made a motion to approve Intergovernmental Agreement (IGA)

between Cochise County and Naco Elementary School District No. 23 allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective June 25, 2023 through May 20, 2024. Supervisor Crosby seconded the motion.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. Lieutenant Gijanto stated that the Sheriff's Office is proposing a renewal of an IGA to provide a SRO at Naco School. Naco School provides up to \$75,100 towards pay and employee related expenses and the Sheriff's Office pays the remainder, which is less than \$20,000.

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

County Treasurer

11. 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. 2023-001 to 2023-037.

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. 2023-001 to 2023-037. Vice-Chairman Judd seconded the motion.

Cathy Traywick, County Treasurer, presented this item. Ms. Traywick states that they are continuing to move forward on clearing up some personal properties that have taxes due that are no longer collectible.

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

Development Services

12. Approve Grant Agreement with the State of Arizona, Arizona Department of Transportation, Aeronautics Group to repave runway 8/26 at the Bisbee-Douglas International Airport, effective upon signature until the Final Post Completion Inspection Certification is issued, in the amount of \$210,499, with a required 10% cash match of \$21,049.90.

Vice-Chairman Judd made a motion to approve Grant Agreement with the State of Arizona, Arizona Department of Transportation, Aeronautics Group to repave runway 8/26 at the Bisbee-Douglas International Airport, effective upon signature until the Final Post Completion Inspection Certification is issued, in the amount of \$210,499, with a required 10% cash match of \$21,049.90. Supervisor Crosby seconded the motion.

Dan Coxworth, Development Services Director, presented this item. Mr. Coxworth stated that this is a grant agreement with Arizona Department of Transportation Aeronautics Group (ADOT) to repave the crosswind runway 8/26 at the Bisbee-Douglas International Airport with an estimated cost is \$210,499 with a 10% cash match of \$21,049.90. Mr. Coxworth stated that ADOT has not yet bid on this project, so more than likely it will come in higher, and he will come back to the Board once it is bid with the revised agreement and cash match requirement. In response to the Board, Mr. Coxworth stated that costs could increase as this estimate was completed a few years ago.

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

Emergency Services

13. Approve Agreement 19-AZDOHS-HSGP-190400-05 between Cochise County and the Arizona Department of Homeland Security, in the amount of \$2,074 for SWAT equipment, effective January 1, 2023 through July 31, 2023.

Supervisor Crosby made a motion to approve Agreement 19-AZDOHS-HSGP-190400-05 between Cochise County and the Arizona Department of Homeland Security, in the amount of \$2,074 for SWAT equipment, effective January 1, 2023 through July 31, 2023.

Vice-Chairman Judd seconded the motion.

Dan Duchon, Emergency Services Director, presented this item. Mr. Duchon explained that these are two agenda items to purchase equipment for the Sheriff's Office funded from a grant request through the Arizona Department of Homeland Security from left over funds from 2019 and 2021 combining to make one purchase.

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

14. Approve Agreement 21-AZDOHS-HSGP-210400-03 between Cochise County and the Arizona Department of Homeland Security, in the amount of \$14,926 for SWAT equipment, effective January 1, 2023 through December 31, 2023.

Vice-Chairman Judd made a motion to approve Agreement 21-AZDOHS-HSGP-210400-03 between Cochise County and the Arizona Department of Homeland Security, in the amount of \$14,926 for SWAT equipment, effective January 1, 2023 through December 31, 2023.

Supervisor Crosby seconded the motion.

In response to the Board, Lt. Gijanto explained that this is a portable robot that can be thrown by hand by a single operator into an opening to give them awareness of what is going on within the structure.

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

15. Adopt Resolution 23-03, adopting the 2022 Cochise County Multi-Jurisdictional Hazard Mitigation Plan.

Supervisor Crosby made a motion to adopt Resolution 23-03, adopting the 2022 Cochise County Multi-Jurisdictional Hazard Mitigation Plan. Vice-Chairman Judd seconded the motion.

Tammi-Jo Wilkins, Deputy Director of Emergency Services, presented this item using a PowerPoint presentation. Ms. Wilkins explained that the multi-jurisdictional planning team recognized the consequences of disasters and the need to reduce the impact of the disasters. Cochise County hazards were identified by a risk assessment. Hazard Mitigation Assistance Plans are required to be updated every 5 years to be eligible for future disaster grant funding opportunities. The plan was submitted to Federal Emergency Management Assistance (FEMA) on December 30, 2022.

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

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 summarized the purpose of the item and Ms Traywick confirmed that she is representing AACo on legislative issues.

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 deferred his report.

Report by District 2 Supervisor, Ann English

This item was taken after the District 3 report. Chairman English and Mr. Karwaczka recognized Martha Rodriquez, Deputy Elections Director, on her retirement after 28 years of service. Various individuals in attendance acknowledged Ms. Rodriquez.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd stated Wings over Willcox is coming up this weekend. Vice-Chairman Judd recognized Brighten the Path in Benson.

Chairman English adjourned the meeting at 11:44 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board