

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, FEBRUARY 28, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, February 28, 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; Tom Crosby, Supervisor
Staff Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County
Present: Administrator; Paul Correa, Civil Deputy County Attorney; Tim Mattix, Clerk of the Board

Chairman English called the meeting to order at 10:03 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

Alfred Kern discussed concerns regarding maintenance of his road and his discussion with Supervisor Crosby the previous week.

Kara L. Harris spoke in opposition to the May election being held until election system is redesigned and discussed reasons.

Randall Limbach spoke in opposition to the May 2023 election and discussed reasons.

Jeff Sturges discussed reasons for and requested Supervisor Crosby's resignation.

Joan Ann Murphy requested that another work session be held and requested Supervisor Crosby and Vice-Chairman Judd's resignation.

Paul Varble spoke in opposition to the May 2023 election and discussed reasons and requested Supervisor Crosby be appointed Chairman of the Board.

Lee R. Chadbourne spoke in opposition to any election being held until election system is redesigned and discussed reasons.

Clay Greathouse was called upon but did not speak.

Daniel LaChance spoke in opposition to the May election being held until the election system is redesigned and requested Supervisor Crosby be appointed Chairman of the Board.

Allison Morse spoke in favor of the current election system and requested Supervisor Crosby and Vice-Chairman Judd's resignation.

Tricia Gerrodette was called upon but did not speak.

Johnny Wilson spoke in opposition to the May election being held until the election system is redesigned and requested Supervisor Crosby be appointed Chairman of the Board.

Robert McCormick stated he agreed with all of the previous speakers that say our election system needs to be fixed.

Hoang Quan spoke against the current election process and discussed the reasons.

Gwynn R. Patterson asked for the County Attorney's resignation and discussed the reasons.

Joseph W. Patterson spoke against the current election process and discussed the reasons.

Cado Daily spoke of distrust in Supervisor Crosby, Vice-Chairman Judd and David Stevens and discussed the reasons.

Hoane Quan spoke in support of Supervisor Crosby and Vice-Chairman Judd and discussed the reasons.

Shanna L. Herrera thanked Supervisor Crosby and Vice-Chairman Judd for various reasons.

Supervisor Crosby responded to criticism and claims mentioned in Call to the Public. Chairman English stated that the Board may respond to disparaging comments but not to general items raised in Call to the Public. Mr. Correa warned that Supervisor Crosby is going beyond responding to criticism and what was on the agenda. Supervisor Crosby continued.

PRESENTATION

Presentation by Ms. Vada Phelps, Executive Director of Arizona@Work - Southeastern Arizona, on the Annual Report for July 2021 to June 2022, to highlight events and accomplishments.

Ms. Phelps presented the annual report for Arizona@Work. Ms. Phelps stated that allocations were reduced this year due to unemployment rates being low. Performance requirements were met at 100%. Clients are asked to submit success stories which were included in the report. The annual audit was also included and within that audit there were no questions of cost and no findings. Ms. Phelps also discussed grants received. In response to the Board, Ms. Phelps stated that people need to come in to apply to jobs but there are online jobs available.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of February 7, 2023.
2. Adopt Resolution 23-07 designating Ms. Monica Miranda as Chief Fiscal Officer for submitting the Fiscal Year 2022 Expenditure Limitation Report.

County Sheriff

3. Approve Agreement between Western Sky Aviation LLC dba Western Sky Helicopters (Western Sky Helicopters) and Cochise County on behalf of the Cochise County Sheriff's Office (CCS) to provide helicopter services for a period of five (5) years.
4. Approve Renewal Agreement ADCRR No: 23-128-28 between the Arizona Department of Corrections, Rehabilitation and Reentry and Cochise County on behalf of the Cochise County Sheriff's Office (CCSO), effective February 28, 2023, for a period of five years, to provide Correctional Officer Certification Training for CCSO's Detention Officers.

Elections

5. Approve the appointment of eight Democratic Precinct Committeemen by recommendation of their Cochise County Party Chairman to serve through the October 1, 2024 term.

Finance

6. Approve demands and budget amendments for operating transfers.

Human Resources

7. Adopt Resolution 23-08 renewing Cochise County's membership in the Cochise Combined Trust (CCT), effective July 1, 2023 through June 30, 2026.

Supervisor Crosby made a motion to approve items 1-7 on the consent agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

8. Adopt Resolution 23-09 granting a Water Services Franchise renewal to Arizona Water Company.

Vice-Chairman Judd made a motion to adopt Resolution 23-09 granting a Water Services Franchise renewal to Arizona Water Company. Supervisor Crosby seconded the motion.

Chairman English opened the public hearing.

Mr. Correa presented this item. Mr. Correa stated that this a Resolution to renew a water franchise for 25 years. In response to the Board, Mr. Correa stated that in paragraph 2 the County would reserve the right impose future restrictions but would not address franchise fees and no language in the document would do so.

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

9. Approve Agreement with the Cochise County Recorder (Recorder) for Election Services, effective upon recording with the Recorder's Office through December 31, 2024.

Supervisor Crosby made a motion to approve Agreement with the Cochise County Recorder (Recorder) for Election Services, effective upon recording with the Recorder's Office through December 31, 2024. Vice-Chairman Judd seconded the motion.

Chairman English stated that there was a letter received from the Attorney General just prior to the meeting. The Board discussed going into executive session to get legal advice on this item.

Chairman English made a motion that, pursuant to A.R.S. § 38-431.03 (A)(3) and (4), the Board go into Executive Session for legal advice with the attorney of the public body and to consider its position and instruct attorneys regarding the public body's position in contemplated or pending litigation or in order to avoid or resolve litigation. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and it was approved 2-1 (Crosby opposed).

The Board moved into executive session at 11:12 a.m.

The Board came out of Executive Session at 11:35 a.m. Chairman English, Vice-Chairman Judd, and Supervisor Crosby were present.

Chairman English stated that there are several people that have requested to speak on this issue and there are 32 people did not wish to speak but were in opposition to this item and 23 in favor.

Fernando Dona spoke in support of this item and discussed the reasons.

Kara L. Harris spoke in support of this item and discussed the reasons.

Vicki Hamblin was called upon but did not speak.

Jeff Sturges spoke in opposition of this item and discussed the reasons.

Joan Ann Murphy spoke in opposition of this item and discussed the reasons.

Paul Varble spoke in support of this item and discussed the reasons.

Lee R. Chadbourne spoke in support of this item and discussed the reasons.

Renata Dany spoke in support of this item and discussed the reasons.

Lisa Glen spoke in opposition of this item and discussed the reasons.

Marianne Birch McWilliams was called upon but did not speak.

Michael Sheridan was called upon but did not speak.

Al Anderson spoke in opposition of this item and discussed the reasons.

Daniel LaChance spoke in support of this item and discussed the reasons.

Allison Morse spoke in opposition of this item and discussed the reasons.

Madeline Boleslawski spoke in support of this item and discussed the reasons.

Johnny Wilson spoke in support of this item and discussed the reasons.

Leslie Himes spoke in support of this item and discussed the reasons.

Edward Krieger spoke in support of this item and discussed the reasons.

Tricia Gerrodette spoke in opposition of this item and discussed the reasons.

Chairman English recessed the meeting at 12:18 p.m.

The Board resumed the regular meeting at 1:00 p.m. Chairman English, Vice-Chairman Judd, and Supervisor Crosby were present.

Robert McCormick spoke in support of this item and discussed the reasons.

Randall Limbach spoke in support of this item and discussed the reasons.

Joseph W. Patterson spoke in support of this item and discussed the reasons.

Kim DePew spoke in support of this item and discussed the reasons.

Gwynn R. Patterson was called upon but did not speak.

Sandy Trull spoke in support of this item and discussed the reasons.

Jean Guiffrida spoke in support of this item and discussed the reasons.

Hoang Quan spoke in support of this item and discussed the reasons.

Hoane Quan spoke in support of this item and discussed the reasons.

Tuong-Ai Nguyen spoke in support of this item and discussed the reasons.

Tamara Birch spoke in opposition of this item and discussed the reasons.

Chairman English stated that the letter received from the Attorney General asked the Board to look carefully at the agreement. Chairman English recommended that the Board consider not acting on the agreement today in order to get more information on what needs to be changed so that the Attorney General could support it.

Vice-Chairman Judd stated that she does not see any problem with moving forward today. Vice-Chairman Judd stated that the Board has been advised and has the letter from the Attorney General but is not comfortable putting the decision off. Vice-Chairman Judd stated that there is a clause in the agreement to get out of it if it goes bad. Vice-Chairman Judd spoke about Recorder Stevens' qualifications.

Supervisor Crosby discussed amendments to the agreement submitted by Recorder Stevens and himself.

Mr. Karwaczka read an amendment proposed by Recorder Stevens regarding paragraph 9, Termination "this agreement may be terminated by either party without cause upon a ninety-day notice given by a majority vote of the Board at a public meeting or in writing by the Recorder to the Board".

Supervisor Crosby discussed a proposed amendment to paragraph 3, Contracting Authority, to change "approved by the Board" to "subject to final approval by the Board".

Supervisor Crosby made a motion to accept the "Steven's revision" of the agreement with one amendment in paragraph 3, Contracting Authority, striking "approved by the Board" and changing that to "Subject to final approval by the Board". Vice-Chairman Judd seconded the motion.

Chairman English stated that they are acting in an inappropriate and ill-advised manner today when advised by the Attorney General that there are problems with this agreement. Chairman English stated that she does not feel the same way as the other Supervisors about the election system.

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

County Sheriff

10. Approve Agreement M22-0060 between the Arizona Department of Emergency and Military Affairs (DEMA), Cochise County, and the Cochise County Sheriff's Office (CCSO), in the amount of \$2,626,000, effective October 1, 2022 through December 31, 2024 to integrate and enhance the Sheriff's Office 700MHz Radio System with regional and state law enforcement partners.

Vice-Chairman Judd made a motion to approve Agreement M22-0060 between the Arizona Department of Emergency and Military Affairs (DEMA), Cochise County, and the Cochise County Sheriff's Office (CCSO), in the amount of \$2,626,000, effective October 1, 2022 through December 31, 2024 to integrate and enhance the Sheriff's Office 700MHz Radio System with regional and state law enforcement partners. Supervisor Crosby seconded the motion.

Commander Robert Watkins, Sheriff's Office, presented this item. Commander Watkins stated that this will provide equipment for the Southeastern Arizona Communication Center (SEACOM) regional dispatch center which will create redundancy and increase the number of repeaters in the towers.

In response to the Board, Commander Watkins stated that the cost of maintaining this will be minimal as maintenance fees are already being paid for existing equipment. Supervisor Crosby spoke on preventing illegal entry [into the United States].

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

11. Approve request to transfer \$19,614.43 from the Cochise County General Fund to the Cochise County Sheriff's Office Patrol Overtime Fund to reimburse unforeseen expenditures stemming from the 2022 elections.

Supervisor Crosby made a motion to approve request to transfer \$19,614.43 from the Cochise County General Fund to the Cochise County Sheriff's Office Patrol Overtime Fund to reimburse unforeseen expenditures stemming from the 2022 elections. Vice-Chairman Judd seconded the motion.

Commander Watkins presented this item. Commander Watkins stated when the budget was created last year they did not anticipate having to fund security operations for the 2022 election. Commander Watkins stated that they incurred 386 personnel hours between October 11, 2022 and November 18, 2022 which amounted to just under \$20,000 in overtime.

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

Development Services

12. Approve revised Real Property Lease Agreement between Cochise County and the Arizona Department of Forestry and Fire Management, at the Bisbee-Douglas International Airport, for additional space in the terminal building and other areas of the airport and to increase the monthly lease amount from \$1,500 to \$3,000, effective February 1, 2021 through January 31, 2026.

Vice-Chairman Judd made a motion to approve revised Real Property Lease Agreement between Cochise County and the Arizona Department of Forestry and Fire Management, at the Bisbee-Douglas International Airport, for additional space in the terminal building and other areas of the airport and to increase the monthly lease amount from \$1,500 to \$3,000, effective February 1, 2021 through January 31, 2026. Supervisor Crosby seconded the motion.

Dan Coxworth, Development Services Director, presented this item. Mr. Coxworth stated that is a revised agreement with the Arizona Department of Forestry to lease additional space in the terminal building at the Bisbee Douglas Airport. In response to the Board, Mr. Coxworth stated that they will use about 1200 square feet of space, which is half of the available space.

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

13. Approve Contract with Fluoresco Services, to construct an entryway monument sign at the Bisbee-Douglas International Airport in the amount of \$51,480.

Vice-Chairman Judd made a motion to approve Contract with Fluoresco Services, to construct an entryway monument sign at the Bisbee-Douglas International Airport in the amount of \$51,480. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item. Mr. Coxworth stated that Fluoresco Services was the lowest bidder for construction of the entryway monument sign. The project is funded with \$25,000 from District 2 Community Enhancement Funds and the remainder from the general fund. In response to the Board, Mr. Coxworth estimated that this sign will last 20-30 years and will be built out of stone and concrete and be lighted.

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

Emergency Services

14. Approve Subrecipient Agreement for the Emergency Management Performance Grant EMF-2022-EP-00009-S01 with the Arizona Department of Emergency and Military Affairs, up to the amount of \$223,156, effective July 1, 2022 through June 30, 2023.

Supervisor Crosby made a motion to approve Subrecipient Agreement for the Emergency Management Performance Grant EMF-2022-EP-00009-S01 with the Arizona Department of Emergency and Military Affairs, up to the amount of \$223,156, effective July 1, 2022 through June 30, 2023. Vice-Chairman Judd seconded the motion.

Dan Duchon, Emergency Services Director, presented this item. Mr. Duchon stated that this grant funds two staff members and a radio upgrade for mobile communications and has a 50% matching funds requirement.

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

Health & Social Services

15. Adopt Resolution 23-10, amending Resolution 22-02, and amending fees for Environmental Health Services for Cochise Health & Social Services, effective February 28, 2023.

Vice-Chairman Judd made a motion to adopt Resolution 23-10, amending Resolution 22-02, and amending fees for Environmental Health Services for Cochise Health & Social Services, effective February 28, 2023. Supervisor Crosby seconded the motion.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. Dr. Thompson stated that under A.R.S. § 36-187 Cochise Health & Social Service (CHSS) may adopt a schedule of reasonable fees to be collected by the department to renew licenses or permits or for other services authorized by law. The fees for services shall not exceed the reasonable cost of providing the service, including administrative costs. After previous work sessions the Board indicated willingness to bring up the fees to 2/5 higher. The proposed fees were advertised as required by statute. In response to the Board, she stated staff did not receive any input from the community regarding the fee increase.

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

16. Approve the addition of one position control number (PCN) for a new full-time Registered Sanitarian Position to be added to Cochise Health & Social Services, Environmental Health Services Division, effective February 28, 2023.

Vice-Chairman Judd made a motion to approve the addition of one position control number (PCN) for a new full-time Registered Sanitarian Position to be added to Cochise Health & Social Services, Environmental Health Services Division, effective February 28, 2023. Supervisor Crosby seconded the motion.

Dr. Thompson presented this item. Dr. Thompson stated that during a Work Session the need for the additional Full-Time Employee (FTE) of a Registered Sanitarian was presented to the Board. During that Work Session data was provided showing current workload and staffing levels.

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

17. Approve Amendment 5 to Intergovernmental Agreement (IGA) YH16-0018-13 between the Arizona Health Care Cost Containment System (AHCCCS) and Cochise County to extend the IGA term from May 1, 2023 through April 30, 2028.

Supervisor Crosby made a motion to approve Amendment 5 to Intergovernmental Agreement (IGA) YH16-0018-13 between the Arizona Health Care Cost Containment System (AHCCCS) and Cochise County to extend the IGA term from May 1, 2023 through April 30, 2028. Vice-Chairman Judd seconded the motion.

Dr. Thompson presented this item. Dr. Thompson stated that this amendment 5 extends the agreement that provides care for hospitalized inmates.

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

Information Technology

18. Approve Memorandum of Understanding between the Arizona Department of Emergency and Military Affairs - Arizona National Guard and Cochise County for cybersecurity consulting and assistance if needed.

Vice-Chairman Judd made a motion to approve Memorandum of Understanding between the Arizona Department of Emergency and Military Affairs - Arizona National Guard and Cochise County for cybersecurity consulting and assistance if needed. Supervisor Crosby seconded the motion.

Joe Casey, Chief Information Officer (CIO), presented this item. Mr. Casey stated that in the event of a cyber incident this agreement will allow the National Guard to provide support. In response to the Board, Mr. Casey stated that the National Guard has a team of Cyber Professionals that help with any incidents that occur and do assessment tests to check site security.

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

19. Approve First Amendment to Option for Sublicense Agreement between Elfrida Fire District, Cochise County, and T- Mobile West, LLC, to add a generator on Elfrida Fire District's Property and increase the payment to Elfrida Fire District by \$350 per month.

Vice-Chairman Judd made a motion to approve First Amendment to Option for Sublicense Agreement between Elfrida Fire District, Cochise County, and T- Mobile West, LLC, to add a generator on Elfrida Fire District's Property and increase the payment to Elfrida Fire District by \$350 per month. Supervisor Crosby seconded the motion.

Mr. Casey presented this item. Mr. Casey stated that Elfrida Fire District (District) owns the property and the County owns the tower. The District collects revenue for leases. T-Mobile needs to add a generator to their site and has offered the District additional money for the space. In response to the Board, Mr. Casey stated that because the County does not pay the District to lease their property for the tower, the District collects the money for the lease from T-Mobile.

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

STATE & FEDERAL LEGISLATION

20. 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 stated that not much is moving in the Legislature at the moment. No Board action was taken on this item.

REPORT BY RICHARD G. KARWACZKA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Karwaczka clarified that the Jail District 1/2 cent sales tax is not a bond. Mr. Karwaczka stated that there are upcoming Town Hall meetings regarding the Jail District that will be posted on the website.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English stated that the new Secretary of State visited the County and offered their services with Elections.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd stated the Cochise County Fest will be held March 17th - 19th in Benson. The Willcox Ranch Rodeo will be April 14th - 16th.

Chairman English adjourned the meeting at 2:08 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board