

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, MAY 9, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 9, 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; 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***

Alfred Kern discussed concerns about the maintenance of various roads.

Joan Ann Murphy was called upon but did not speak.

Radford Hyde discussed his concerns regarding the proposed jail and jail district tax.

Frances Alvarez spoke regarding Miracle Valley property and against the demolition of buildings there.

Jeff Sturges spoke regarding the petition to recall Supervisor Crosby and discussed the reasons for the recall.

Rebekah (Allen) Jones spoke in opposition to the demolition of the Miracle Valley property and discussed the reasons.

Laurel Goeglein spoke regarding home occupation permits and the need for a zoning text amendment and discussed the reasons.

Allison Morse was called upon but did not speak.

John Dorsey spoke in opposition to the demolition of the Miracle Valley property and discussed the reasons.

George Adams discussed his concerns about the maintenance of Calle Principal.

Johnny Lee Wilson, Sr. spoke regarding election integrity, the failed recall and a new Chairman.

Christy Isley spoke in opposition to the demolition of the Miracle Valley property and discussed the reasons.

Melvin Harter spoke in opposition to the demolition of the Miracle Valley property and discussed the reasons.

Ronald Moen spoke in opposition to the demolition of the Miracle Valley property and discussed the reasons.

## **CONSENT**

### **Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of April 25, 2023.

### **County Attorney**

2. Approve a \$4,000 increase, from \$87,991 to \$91,991, in the Crime Victim Compensation Reallocation Grant No. VC-23-002, that was previously approved by the Board on July 26, 2022.

### **County Sheriff**

3. Approve Governor's Office of Highway Safety (GOHS) Contract 2023-CIOT-006 providing the Cochise County Sheriff's Office with \$6,000 to cover overtime expenses, as well as employee-related expenses, to participate in the two-week "Buckle Up Arizona... It's the Law" program, effective May 22, 2023 through June 4, 2023.

### **Facilities**

4. Approve First Amendment to Real Property Lease Agreement, to extend the Agreement term for one year through June 30, 2024, between Cochise County and Southeastern Arizona Governments Organization (SEAGO), a non-profit, 501(c)(3), for Area Agency on Aging (AAA) office space at County properties located in Benson, Douglas, and Sierra Vista.

### **Finance**

5. Approve demands and budget amendments for operating transfers.

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

## **PUBLIC HEARINGS**

### **Board of Supervisors**

6. Approve Series 12 (Restaurant) new liquor license application submitted by Manuel Gerardo Grajeda, for La Sierra Grill Steakhouse, located at 7196 S. Highway 92, Hereford, AZ 85615.

Supervisor Crosby made a motion to approve Series 12 (Restaurant) new liquor license application submitted by Manuel Gerardo Grajeda, for La Sierra Grill Steakhouse, located at 7196 S. Highway 92, Hereford, AZ 85615. Vice-Chairman Judd seconded the motion.

Chairman English opened the public hearing

Mr. Mattix presented this item. Mr. Mattix stated that all requirements have been met by the applicant and staff recommended 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.

### **Development Services**

7. [Item tabled from the March 28, 2023 Regular Board of Supervisors Meeting] Approve or deny the Sirota Appeal (SUA23-01) of the Planning and Zoning Commission's February 8, 2023 Meeting denial of Special Use SU23-02 (Sirota Guest Lodging).

Vice-Chairman Judd made a motion to remove from the table the approval or denial of the Sirota Appeal (SUA23-01) of the Planning and Zoning Commission's February 8, 2023 Meeting denial of Special Use SU23-02 (Sirota Guest Lodging). Supervisor Crosby seconded the motion.

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

Chairman English opened the public hearing.

Christine McLachlan presented this item using a PowerPoint presentation. Ms. McLachlan stated that this is an appeal of a denied special use permit for the establishment of guest lodging. She explains that the applicant is the appellant and of the 10 factors used to evaluate all special use permits, there are four factors that comply, one factor does not comply, three factors comply with conditions, and two factors are not applicable. Ms. McLachlan outlined the neighbors' concerns. If approved the conditions would include, a private maintenance agreement for the road, horse manure removal in the Right-of-Way, limit of four RVs, two tent sites and one guest cottage, limiting guest lodging occupancy to not more than six months by the same occupant, odor and pest control if unable to control flies, and maintenance of the riding area and periodic watering to control dust. Ms. McLachlan stated that the appellant believes that there was an erroneous decision for the following reasons: the majority of those present at the Planning and Zoning Commission (Commission) hearing were not proximal neighbors, objections to traffic, manure and flies did not relate to special use and the Commission was overly influenced by the testimony by

those present at the hearing. She stated that there were two factors in favor of the appeal and two in favor of denial and staff recommended approval of the appeal attaching the original conditions.

Ronald Sirota, the applicant and appellant, stated that when he purchased the property seven years ago, the property was already set up for horses with fencing, horse turnouts and five shade structures, a tack barn, hay storage, water infrastructure and two septic tanks. He stated that he purchased the adjacent property a year later and it has similar infrastructure. Mr. Sirota stated that many of his guests would like to stay overnight for one or two nights to enjoy the ranch experience and enjoy the surrounding tourist destinations. Mr. Sirota stated that he has very few neighbors and houses are set back in the trees away from the road. Mr. Sirota stated that he believes that allowing guest lodging would reduce the traffic in the area. He stated that he has entered into a private road maintenance agreement and believes that the road is in better shape now than it was when he purchased the property. Mr. Sirota reviewed the daily schedule and stated that the average number of cars is 3.5 that come to his property.

Renee Schmidt was called upon but did not speak, but is in favor of this item.

Loretta Goeglein asked the Board to deny the appeal and objected to Mr. Sirota's claims regarding the number of proximal neighbors at the Commission hearing, the Commission was overly influenced by those present, traffic volume, and the number of horses.

Steven Breitengross asked the Board to deny the appeal and voiced concerns about Mr. Sirota operating his business on easements and private property, only meeting five of the seven parameters for a home occupation, and the Commission was overly influenced by those present.

Mary Breitengross spoke in opposition to the appeal regarding her concerns about Recreational Vehicle (RV) sites on the property and stated that people staying overnight would have more impact staying in Benson and paying a bed tax.

Laurel Goeglein spoke in opposition to the appeal regarding her concerns about trespassing on private property, traffic, dust, noise, and blocking the roadway due to Mr. Sirota's business.

Brian Goeglein spoke in opposition to the appeal regarding peace and quiet, and his concerns about increased traffic and dust created by the cars, trucks, side by sides and golf carts due to Mr. Sirota's business.

Trina MacPhail-Sirota spoke in favor of the appeal and stated that the complaints regarding traffic are exaggerations and the ranch's traffic is minimal. She stated that the facilities are well cared for and they enjoy sharing their way of life with the people that come to their ranch.

Nathan Straight spoke in opposition to the appeal regarding his concerns about increased traffic and enforcement of existing zoning laws.

Renee Talbot spoke in favor of the appeal and stated that while she was there, no driveways were blocked, there was not much traffic and it was quiet.

Neil Berger spoke in favor of the appeal and stated that he is one of the campers there and he stated he works on cleaning up the road and trails. He stated the traffic

complaints were exaggerated and wished everyone could get along.

Renee Lynn Kitko was called upon but did not speak.

Kristi Sizemore was called upon but did not speak, but is in favor of this item.

Robert Stachel, Attorney for the Appellant, spoke in favor of this item and stated that to allow overnight guests is the logical progression for this property. He stated that the infrastructure is in place to allow this.

Chairman English read into the record the following:

Jacqueline Breitengross is opposed and not speaking.

Tristan Gardner is in favor and not speaking.

Sara Webb is in favor and not speaking.

Patricia Marie Berger is in favor and not speaking.

Tom Gardner is in favor and not speaking.

Erica Kunze is in favor and not speaking.

Ms. Roberts reminded the Board that they are sitting in a quasi-judicial role over the decision by the planning and zoning commission. She stated that the Board should be looking to see if the decision was erroneous, arbitrary, capricious, or an abuse of discretion and should only be looking at materials that were presented to the Commission.

The Board and Ms. McLachlan held a very detailed discussion regarding the matter for the Board's consideration today, including, revoking of the home occupation permit and the issuance of the commercial permit. Ms. McLachlan clarified that any decision here will not revoke the commercial permit already in place and the only decision that will be made is if Mr. Sirota will be allowed tents and RV hookups. Ms. McLachlan stated that if the appeal is approved, two tent and four RV sites would be allowed on the 20 acre property. She further clarified that the only issue is technically the guest lodging and whether the Board supports the appeal. There was discussion regarding regulation of the RV usage if the permit was not issued and Chairman English stated that would be regulated by the Sheriff.

Mr. Sirota was called upon for the rebuttal and stated that they do not trespass on private property, they only have three RV spots, one of which is his and traffic complaints are not accurate. He stated that they have two or three rides per day.

Chairman English reiterated that the Board is not considering the horseback riding portion of the business. The Board is only considering overnight camping.

Chairman English closed the public hearing.

Vice-Chairman Judd made a motion to approve the Sirota appeal of the Planning and Zoning Commission's February 8th, 2023 meeting denying special use permit SU-23-02 guest lodging.

Ms. Roberts stated that it would be more appropriate to follow the sample motion.

Vice-Chairman Judd made a motion to approve Docket SUA-23-01, reversing the February 8, 2023 denial by the Planning and Zoning Commission, the Factors in Favor of the Appeal Approval constituting Findings of Fact. The motion failed for lack of a second.

Vice-Chairman Judd made a motion to deny Docket SUA-23-01, affirming the February 8, 2023 denial by the Planning and Zoning Commission, the Factors in Favor of the Appeal Approval constituting Findings of Fact. Supervisor Crosby seconded the motion.

Vice-Chairman Judd stated that she felt that they are not changing much by affirming or denying. The Commission's decision could have been capricious or arbitrary. She expressed appreciation to all involved.

Chairman English discussed the Commission's importance and stated that to overrule the Commission, she would need strong reasoning and she did not hear that today. The Board relies heavily on the people that are going to be impacted by the decision and in this case it is the neighborhood.

Supervisor Crosby stated that the campsites and RV hookups meet the definition of guest lodging before that was offered the applicant should have requested a special use permit; he claims he was unaware of that.

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

## **ACTION**

### **Board of Supervisors**

8. Approve a proclamation to declare May, 2023, as Mental Health Awareness Month.

Supervisor Crosby made a motion to approve a proclamation to declare May, 2023, as Mental Health Awareness Month. Vice-Chairman Judd seconded the motion.

Chairman English read the following proclamation:

“Proclamation Declaring May as Mental Health Awareness Month” – May 9, 2023  
WHEREAS, nearly one in five adults and one in five adolescents in the United States live with a mental illness; and,  
WHEREAS, Mental health impacts a person’s emotional, social, environmental, financial and overall well-being, with significant disparities among racially and ethnically diverse communities; and,  
WHEREAS, suicide is now the second leading cause of death for 15-to-24-year-olds, with teenagers experiencing a 17.3% increase in the use of anxiety medications since 2010; and,  
WHEREAS, one third of the United States population lives in a county designated as a mental health professional shortage area; and,  
WHEREAS, an estimated 44% of residents detained in jails are suffering from a mental illness, often with co-occurring substance use disorders; and,  
WHEREAS, Cochise County and all counties serve as a safety net for residents in need, first responders, and operators of crisis lines, and detention centers.; and,  
WHEREAS, Cochise County has dedicated American Recovery funding to help our

local Federally Qualified Health Center, Chiricahua Community Health Center to build a Behavioral Health Program;

NOW, THEREFORE, LET IT BE PROCLAIMED, THAT the Cochise County Board of Supervisors declares May as Mental Health Awareness Month in Cochise County to highlight the critical role of the county in providing crucial behavioral health services and resources to its residents; and,

BE IT FURTHER PROCLAIMED, the Cochise County Board of Supervisors continues its commitment to partner with our community members to ensure that all mental health services are accessible, valuable and culturally appropriate for all residents.

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

9. Elect \_\_\_\_\_ as Chairman of the Board of Supervisors, effective with the May 23, 2023 Regular Board of Supervisors Meeting.

Supervisor Crosby made a motion to elect Madam Judd as Chairman of the Board of Supervisors, effective with the May 23, 2023 Regular Board of Supervisors Meeting. Vice-Chairman Judd seconded the motion.

Vice-Chairman Judd stated that she appreciated Chairman English's leadership and friendship over the years. She stated that she enjoyed being the Chair in the past and is excited to have the responsibility again.

Chairman English stated that Karen LeMay and Catherine Welch did not wish to speak but were in opposition to this item and zero were in favor.

Joan Ann Murphy spoke in opposition to electing another Chair and stated that Supervisor Crosby and Vice-Chairman Judd violated open meeting laws, brought conspiracy theorists to speak at meetings, and have cost the taxpayers almost \$200,000 in legal fees.

Jeff Sturges spoke in opposition and stated that Vice-Chairman Judd previously turned down the position due to her husband's health. He stated that neither Supervisor Crosby or Vice-Chairman Judd deserve to be on the Board and listed the reasons, including, interfering with election officials, ignoring the County Attorney's advice, ignoring advice from the Secretary of State, and illegal hand-count, open meeting law violations, violating oath of office, and cost of legal fees.

Allison Morse stated that she is representing 31 concerned citizens from Districts 1, 2 and 3. She stated that Chairman English has done an outstanding job as the Chairman, recognized Chairman English's hard work as a Supervisor, and noted that Chairman English was not incriminated in the various election lawsuits. She spoke in opposition to the election of Vice-Chairman Judd and discussed the reasons including not being physically present at contentious meetings in 2022, and discussed the attendance by Chairman English and Supervisor Crosby.

Sandy Trull spoke in favor of this item. She voiced her support for Vice-Chairman Judd and stated that she has been attacked relentlessly, while all she is doing is trying to find the truth and support the constitution.

Chairman English stated that she appreciated the kind words that there are three Supervisors and if two wish to have another person as chair, she accepts that.

Vice-Chairman Judd stated that her husband's health is much improved. She stated

she did not turn down Chair in the past because she did not desire to be Chair or felt unqualified. Vice-Chairman Judd stated she and Chairman English appear to not be running for another term and would like to take on this responsibility again.

Supervisor Crosby stated that he told Chairman English at the start of this term, that he hoped this term would be her best term and hopes she sees it that way.

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

10. Elect \_\_\_\_\_ as Vice-Chairman of the Board of Supervisors, effective with the May 23, 2023 Regular Board of Supervisors Meeting.

Vice-Chairman Judd made a motion to elect Tom Crosby as Vice-Chairman of the Board of Supervisors, effective with the May 23, 2023 Regular Board of Supervisors Meeting. Supervisor Crosby seconded the motion.

Chairman English stated that there are two people that do not wish to speak that were in opposition to this item and zero in favor.

Joan Ann Murphy spoke in opposition and she stated she opposed for the same reasons that she mentioned in agenda item nine and reviewed the reasons including not using proper procedure, being in opposition to the County Attorney and discussed the number of people that signed the recall petition against Supervisor Crosby.

Jeff Sturges spoke in opposition and he stated he opposed it for the same reasons he mentioned in agenda item nine and reviewed the reasons including, legal fees, election duties being transferred to the County Recorder, the appointment of a new Elections Director, opposition to the receipt of Federal funding, and Supervisor Crosby's opposition to the San Pedro Riparian National Conservation Area and pay increases for staff to cover increased costs.

Allison Morse asked Supervisor Crosby and Vice-Chairman Judd to do their homework when unfamiliar with terms, such as letters of constructive discharge and pro bono. She discussed the hiring of outside legal counsel, Bryan Blehm, stated the public needs to know what they sign in their official capacity, and discussed a writ of mandamus, such as the matters of the hand-count, the election canvass and the lawsuit against Lisa Marra. She discussed attending meetings remotely and dressing professionally, asked that they show respect to everyone during meetings, stick to the agenda topics, demonstrate professionalism and take the responsibility seriously. She expressed her opposition to Vice-Chairman Judd and Supervisor Crosby holding the position of Chair and Vice-Chair.

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. 2023-070 to 2023-141.

Vice-Chairman Judd 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.

2023-070 to 2023-141. Supervisor Crosby seconded the motion.

Cathy Traywick, Treasurer, presented this item. Ms. Traywick stated that there are 72 Treasurer's Certificates to abate property taxes and interest on personal property and the removal of personal property tax liens. She recognized Deputy Estrada for his work. Ms. Traywick reported that some of these go back to 2000 and the total amount is \$105,923.98.

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

## Facilities

12. Approve Project M21-4621, a change order to previously-approved Contract 21-15-FAC-01, with Pueblo Mechanical and Controls, Inc., for the demolition of an existing 800 amp multiple distribution panel (MDP) and the installation of a new 800 amp MDP at 100 Quality Hill in Bisbee, in the amount of \$33,031.26, effective May 9, 2023.

Supervisor Crosby made a motion to approve Project M21-4621, a change order to previously-approved Contract 21-15-FAC-01, with Pueblo Mechanical and Controls, Inc., for the demolition of an existing 800 amp multiple distribution panel (MDP) and the installation of a new 800 amp MDP at 100 Quality Hill in Bisbee, in the amount of \$33,031.26, effective May 9, 2023. Vice-Chairman Judd seconded the motion.

Henry Meraz, Facilities Management Director, presented this item. Mr. Meraz stated that the breakers on the current system are old and are no longer being manufactured. In response to the Board, Mr. Meraz estimated that the current system was installed in the late 1960's.

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

## Health & Social Services

13. Approve the addition of two position control numbers (PCN) for two new full-time grant-funded Community Health Worker (CHW) positions to be added to the Overdose Prevention Program, effective upon Board approval.

Vice-Chairman Judd made a motion to approve the addition of two position control numbers (PCN) for two new full-time grant-funded Community Health Worker (CHW) positions to be added to the Overdose Prevention Program, effective upon Board approval. Supervisor Crosby seconded the motion.

Suzanne Hagle, Prevention Services Director, presented this item. Ms. Hagle stated that an objective of this grant to increase linkages to care to increase access to opioid treatment services. Health & Social Services administration met with Mr. Karwaczka to discuss moving the current linkages to care program in-house. This will require two full-time community health worker positions, which will provide peer navigation and transportation services. Ms. Hagle stated that this has also been discussed with and approved by County Risk Management and the Arizona Department of Health Services. She stated that it would be more cost effective and efficient to provide this service in-house.

In response to the Board, Ms. Hagle stated that an outside organization is currently

providing this service, and this would be two new positions. These positions would provide transportation services for recently released incarcerated individuals to treatment facilities, Alcoholics Anonymous (AA) meetings, doctor, probation and Arizona Department of Economic Security (DES) appointments, and grocery stores to promote a more successful life after incarceration. Ms. Hagle stated that abuse testing has not been implemented for this program and this is not an addiction program, it is a service that is required by the state under this contract.

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

14. Approve Amendment 6 to Intergovernmental Agreement (IGA) CTR040363, Women, Infants, and Children (WIC) Services, and the Breastfeeding Peer Counseling Services (BFPC) program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, effective upon approval through September 30, 2023, in the amount of \$669,803 for WIC and \$63,824 for BFPC.

Supervisor Crosby made a motion to approve Amendment 6 to Intergovernmental Agreement (IGA) CTR040363, Women, Infants, and Children (WIC) Services, and the Breastfeeding Peer Counseling Services (BFPC) program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, effective upon approval through September 30, 2023, in the amount of \$669,803 for WIC and \$63,824 for BFPC. Vice-Chairman Judd seconded the motion.

Caleb Wilson, Public Health Dietitian/WIC Program Manager, presented this item. Mr. Wilson stated that the increase in funding is due to above satisfactory caseload performance for the first part of fiscal year 2023. He received various statistics for WIC and BFPC programs. In response to the Board, Mr. Wilson stated that the \$669,803 is for operations and not for nutrition supplement assistance, which is covered by the United States Department of Agriculture (USDA).

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

### ***STATE & FEDERAL LEGISLATION***

15. 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 she saw that there was a draft budget at the State. No Board action was taken on this item.

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

Mr. Karwaczka reported that the Jail District election is May 16, 2023 and there are three drop box locations on that day: Sierra Vista at the Foothills location, Willcox at the Service Center and in Bisbee at the Recorder's Office. Mr. Karwaczka stated that May 7, 2023 through May 13, 2023 is Correctional Officer Week.

### ***SUMMARY OF CURRENT EVENTS***

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

Supervisor Crosby stated that for the Jail District Election approximately 19,500 ballots have been received and 8,500 have been tabulated as of yesterday.

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

Chairman English stated that Douglas Days is this weekend. Chairman English stated that former Justice of the Peace, Barbara Welker, passed away. She stated that as recently as a month ago, Ms. Welker would occasionally come to Board meetings and she cared very much about the County.

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

Vice-Chairman Judd stated that the Wine Festival is coming up.

Chairman English adjourned the meeting at 12:42 p.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board