

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, AUGUST 8, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 8, 2023 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Tom Crosby, Vice-Chairman; Ann English, Supervisor
Staff Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County
Present: Administrator/Interim Clerk of the Board; Christine Roberts, Chief Civil Deputy County
Attorney; Lara Loewenheim, Deputy Clerk of the Board

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

Alfred Kern discussed his various concerns with Supervisor English and suggested that the County use materials and resources from other construction projects for secondary roads.

Jeff Sturges discussed his various concerns with Vice-Chairman Crosby and with the number of election-related lawsuits against the County.

Allison Morse discussed the various reasons for her concerns with the Grant for Ballot Fraud Countermeasures (Grant), the amount of Grant funding paid to Runbeck Election Services (Runbeck) without Board approval or submission of documentation, and with Authentix, LLC.

Daniel LaChance discussed the reasons for his concerns with the Jail District and Jail District Election, gave an update on a lawsuit against the County, including the Summary Judgment and where to access it, and discussed concerns about following oaths of office. He stated that he will allow the Board to read the Summary Judgment and his hope that the Board will approach him to discuss a compromise.

Kara Harris detailed her various concerns about election fraud and Chairman Judd, and her support of precinct voting, one-day voting, paper ballots, counting at the precinct level, and election results the next day.

Jennifer Druckman detailed the various reasons for opposition to agenda item 11, and her concerns with County Recorder David Stevens and Authentix, LLC.

George Morin discussed water concerns and recent petitions [regarding the Active Management Area (AMA) in the Douglas area].

Melvin Harter discussed his various concerns with the process for auctioning the Miracle Valley Bible College property, changes he recommends to the auction process, and his previous experience touring the property.

Bob McCormick discussed reasons for his opposition to mail ballot elections and his support of a 100% hand count.

Tanya Bok detailed the reasons for her concerns with the proposed floodplain regulations, specifically the requirement for a one-foot elevation.

Joseph Patterson commended Vice-Chairman Crosby and discussed his hopes for the outcome of an upcoming Work Session regarding election policy.

Kim DePew discussed reasons for her opposition to mail ballot elections and stated that ballots are not junk mail.

Paul Varble detailed reasons for his opposition to mail ballot elections and election machines, stated that the Board must deem the Jail District Election null and void, and stated his support of one-day, one-vote elections and hand-counting ballots.

Anne Carl detailed reasons for her opposition to the Grant for Ballot Fraud Countermeasures.

CONSENT

Board of Supervisors

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

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

Vice-Chairman Crosby made a motion to approve the Minutes of the regular meeting of the Board of Supervisors of July 25, 2023. Supervisor English seconded the motion.

Vice-Chairman Crosby cited the minutes, agenda item 5, paragraph 4, and read the last sentence as follows: "He stressed that Chairman Judd stressed chain of custody and other matters of election integrity, and stated that there was a pressing need for legal advice." He stated that he finds the wording ambiguous and wants to insert the words "Chairman Judd", so that it reads "Chairman Judd stated that there was a pressing need for legal advice."

He read the first sentence of paragraph 5 of agenda item 5 and moved to agenda item 6, paragraph 6 of the minutes. He read a portion of the second sentence of paragraph 6 as follows: "Chairman Judd stated that a Work Session was held and the Supervisors were directed to bring agenda items." He stated his opinion that a slightly more accurate quote was "Chairman Judd said, 'Maybe I'm mistaken, but we did hold, I remember, a Work Session on that and we were directed to bring in our ideas as options.'"

Vice-Chairman Crosby cited agenda item 5, paragraphs 4 and 5 of the minutes, and stated that Chairman Judd had said agenda items have not been brought forward at a

regular meeting. He stated that he submitted an agenda item and an addendum dated March 20, 2023. At Mr. LaChance's request, he added the County employees' ID verifier in an amended addendum 2 dated April 6, 2023. He stated that according to Chairman Judd, individual Supervisors were supposed to bring agenda items forward and that he did so. He stated that when she became Chair, Chairman Judd no longer needed him for consensus to put something on an agenda.

In response to Chairman Judd, Vice-Chairman Crosby stated that he would like "Chairman Judd" inserted between the words "and" and "stated" on agenda item 5, paragraph 4.

Mr. Karwaczka requested that the item be tabled to the next meeting so that staff may review the recording.

Vice-Chairman Crosby made a motion to table agenda item number 1, approve the Minutes of the regular meeting of the Board of Supervisors of July 25, 2023, until the next regular meeting, August 29, 2023. Supervisor English seconded the motion.

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

Court Administration

2. Approve Fiscal Year 2023-2024 Court Security Improvements Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$41,509, effective July 1, 2023 through June 30, 2024.
3. Approve Fiscal Year 2024 grant funding/reimbursement between the Cochise County Superior Court and the Arizona Department of Economic Security for reimbursable paternity and child support activities, in the amount of \$4,426.02, effective July 1, 2023 through June 30, 2024.

Engineering & Natural Resources

4. Approve the transfer of tax deeded property, Assessor Parcel Number 206-21-336, to the Cochise County Engineering & Natural Resources Department, for potential transportation or flood control purposes.

Finance

5. Approve demands and budget amendments for operating transfers.

Legal Advocate

6. Approve State Grant for Public Defender training funds, per A.R.S. § 12-117, in the amount of \$3,000 for the Legal Advocate, effective July 1, 2023 through June 30, 2024.

Legal Defender

7. Approve State Grant for Public Defender Training funds, per A.R.S. § 12-117, in the amount of \$2,000 for the Legal Defender, effective July 1, 2023 through June 30, 2024.

Public Defender

8. Approve State Grant for Public Defender Training funds, per A.R.S. §12-117, in the amount of \$3,000 for the Public Defender, effective July 1, 2023 through June 30, 2024.

Workforce Development

9. Approve Intergovernmental Agreement DI23-002392 between Arizona Department of Economic Security and Cochise County; the One-Stop System Memorandum of Understanding with the ARIZONA@WORK-Southeastern Arizona Local Workforce Development Board; and the ARIZONA@WORK-Southeastern Arizona Infrastructure Funding Agreement to implement the requirements under the Workforce Innovation and Opportunity Act, effective through June 30, 2028.
10. Approve the appointment of Samuel Kolapo to the Local Workforce Investment Board, effective immediately and through June 30, 2026.

Vice-Chairman Crosby made a motion to approve items 2-10 on the Consent Agenda. Chairman Judd seconded the motion and it carried unanimously.

ACTION

Procurement

11. [Item tabled from the July 25, 2023 Regular Board of Supervisors Meeting] Approve Contract 23-14-REC-01 with Authentix, LLC and Pro Vote Solutions for Ballot Fraud Countermeasures, at costs noted in the attached pricing proposals, effective July 11, 2023.

Supervisor English made a motion to remove item 11 from the table. Vice-Chairman Crosby seconded the motion. Chairman Judd called for the vote and it was approved 3-0.

Supervisor English made a motion to again table this item to the next regular meeting because she has not received sufficient information in order to make this decision. She stated her thought that it is out of order. The motion failed for lack of a second.

Chairman Judd stated that it has been requested that the Board hold a special meeting on the item. She suggested an August 22, 2023, special meeting at 2:30 p.m.

Supervisor English made a motion to again table this item to August 22, 2023 at a special meeting at 2:30 p.m. Vice-Chairman Crosby seconded the motion.

Chairman Judd clarified that the special meeting will be in the Board of Supervisors Hearing Room.

In response to Vice-Chairman Crosby, Chairman Judd stated that this item will be covered at the special meeting. Chairman Judd stated that all those signed in opposition to the item will be carried forward to that meeting.

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

Board of Supervisors

12. Approve Amendment 1 to the General Services Agreement between Cochise County and The Humane Society of Southern Arizona for animal sheltering services as set forth in the Fee Schedule in attached Exhibit A, effective August 10, 2023, through August 10, 2024, not to exceed \$32,000 per fiscal year.

Supervisor English made a motion to approve Amendment 1 to the General Services Agreement between Cochise County and The Humane Society of Southern Arizona for animal sheltering services as set forth in the Fee Schedule in attached Exhibit A, effective August 10, 2023, through August 10, 2024, not to exceed \$32,000 per year. Vice-Chairman Crosby seconded the motion.

Ms. Gilman presented this item. On June 8, 2021, the Board adopted Resolution 21-10 supporting efforts to negotiate an agreement with The Humane Society of Southern Arizona (HSSA) for County animal shelter services. In August, 2021, the Board approved the original General Services Agreement (Agreement), effective through August 10, 2023. During the term of the Agreement, HSSA transported over 218 animals from the Douglas shelter to Tucson. The fee schedule has not changed. Amendment 1 will extend the Agreement for another year.

In response to the Board, Ms. Gilman stated that the Agreement does not stipulate the origin of the animal and that the intent of the Agreement was to save an animal, regardless of whether it was brought in by a County Animal Control Officer, the purpose being to avoid overcrowding at the Douglas shelter.

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

County Treasurer

13. 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. 2023-142 to 2023-156.

Vice-Chairman 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. 2023-142 to 2023-156. Supervisor English seconded the motion.

Cathy Traywick, County Treasurer, presented this item. Ms. Traywick recognized the assistance of the County Sheriff's Office. The total amount to be abated is \$7,254.74; these abatements are for properties that are derelict or unable to be lived in.

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

Court Administration

14. Approve Fiscal Year 2023-2024 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$132,152, and approve budget amendment of \$7,069 to match the funding agreement amount, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Fiscal Year 2023-2024 Court Appointed Special Advocate (CASA) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$132,152, and approve budget amendment of \$7,069 to match the funding agreement amount, effective July 1, 2023 through June 30, 2024. Vice-Chairman Crosby seconded the motion.

Rita Shipley, Budget and Finance Director, presented this item. She stated that the Funding Agreement (Agreement) provides wages, employee-related expenses, and operating expenses for two full-time employee positions. The CASA program supports the recruitment, support, and appointment of volunteers for children who are in the Court system. The volunteers watch over and advocate for abused and neglected children, and remain with them until the case is closed and the child is in a safe and permanent home.

In response to the Board, Ms. Shipley confirmed that the positions are currently filled by a half-time director, full-time coordinator, and half-time support position. Ms. Shipley reviewed the functions of the positions. The Board and Ms. Shipley discussed the rewards and challenges of the program and the Board encouraged individuals interested in public service to volunteer.

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

Development Services

15. Approve Grant Agreement 3-04-0013-017-2023 with the Federal Aviation Administration (FAA) for the design to reconstruct runway 17/35 at the Bisbee-Douglas International Airport, in the amount of \$378,390, effective upon signature until the Final Post Completion Inspection Certification is issued.

Vice-Chairman Crosby made a motion to approve Grant Agreement 3-04-0013-017-2023 with the Federal Aviation Administration (FAA) for the design to reconstruct runway 17/35 at the Bisbee-Douglas International Airport, in the amount of \$378,390, effective upon signature until the Final Post Completion Inspection Certification is issued. Supervisor English seconded the motion.

Ms. Gilman presented this item. She stated that this Grant Agreement is for the design to reconstruct runway 17/35 at the Bisbee-Douglas International Airport (BDI), in the amount of \$378,390. Following design, a separate Grant for construction will be brought to the Board. There is no cash match requirement.

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

Finance

16. Approve 144 Environmental Health Fee waivers, totaling \$25,900, to be paid from the American Rescue Plan Act (ARPA) funds.

Supervisor English made a motion to approve 144 Environmental Health Fee waivers, totaling \$25,900, to be paid from the American Rescue Plan Act (ARPA) funds. Vice-Chairman Crosby seconded the motion.

Mr. Juan Frisby, Budget Manager, presented this item. He stated that this was approved in Fiscal Year 2022; this transfer is for last Fiscal Year, 2023. There are 144 Environmental Health Fee waivers, totaling \$25,900.

The Board discussed their thoughts, opinions, and reasons for or against the past increase of fees for Environmental Health.

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

Human Resources

17. Approve Nationwide Retirement Solutions (NRS) Participating Employer Addendum, broadening deferred compensation plans for Public Safety Personnel Retirement System (PSPRS) members with the addition of a 457(b) plan specifically for public safety employees.

Supervisor English made a motion to approve Nationwide Retirement Solutions (NRS) Participating Employer Addendum, broadening deferred compensation plans for Public Safety Personnel Retirement System (PSPRS) members with the addition of a 457(b) plan specifically for public safety employees. Vice-Chairman Crosby seconded the motion.

Jennifer Graeme, Human Resources Director, presented this item. She stated this Addendum establishes a Supplemental Salary Deferral Program for members of PSPRS, Corrections Officer Retirement Plan (CORP) and Elected Officials Retirement Plan (EORP). Historically, these members contributed to a 457 plan established by the Arizona State Retirement System (ASRS); however, in 2022, state legislation was passed that delineated between public safety and civilian retirement plans. As a result, NRS established this 457(b) plan specifically for public safety and approval allows participation in this plan.

Vice-Chairman Crosby asked in what sense the retirement system is managed by the state. Ms. Graeme stated that individuals who are members of ASRS, including civilians, public safety, and elected officials, are required by state law to participate in one of the retirement systems. The retirement systems are managed by ASRS and PSPRS. Employees have the option to participate in deferred compensation plans; these plans through NRS have been selected by ASRS.

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

18. Approve new Human Resources Policy 2236, Leave of Absence Without Pay, as written in the attachment, effective August 8, 2023.

Vice-Chairman Crosby made a motion to approve new Human Resources Policy 2236, Leave of Absence Without Pay, as written in the attachment, effective August 8, 2023. Supervisor English seconded the motion.

Ms. Graeme presented this item. She stated that Policy 2236 establishes guidelines for this form of leave. Currently, there is nothing in policy. Policy 2236 provides employees and their supervisors guidance on how to request a leave of absence without pay and sets limits on the length of time that approval can be made at the department. A leave of absence greater than two pay periods would require approval by County Administration. Policy 2236 addresses how benefits are handled during such a leave. It was presented to Elected Officials, Department Directors, and all employees for feedback; amendments were made based on the feedback received.

The Board discussed the benefits of establishing policies so that information is accessible when needed.

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

STATE & FEDERAL LEGISLATION

19. 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 Judd stated that there are not typically comments when the Legislature is not in session. No Board action was taken on this item.

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

Mr. Karwaczka deferred his report.

Vice-Chairman Crosby asked if the Board held the Work Session that Chairman Judd referred to, and asked what happened to an agenda item that he stated he submitted, twice, on March 20, 2023 and April 6, 2023. Mr. Karwaczka stated that the agenda item is for him to speak on current events. Conversations can be held off the record, but this agenda item is not an opportunity to request or have a conversation with the County Administrator.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby stated that he wanted to know if the aforementioned Work Session was held. Discussion ensued among the Board regarding current events and whether anything is happening in District 1. Vice-Chairman Crosby stated that he would like to get the election integrity topics squared away.

Report by District 2 Supervisor, Ann English

Supervisor English reported that the contractor for the Arizona Department of Transportation who is scoping the road for the new Commercial Port of Entry (Port) held another public meeting. The contractor presented three routes going into the Port; contracts with ADOT requires three options to be presented. In six months, the contractor will present a preferred route She also reported that the Camp Naco Buffalo Soldier Day celebration was held.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd deferred her report.

Chairman Judd adjourned the meeting at 11:11 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board