

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, AUGUST 29, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 29, 2023 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman, telephonic; Tom Crosby, Vice-Chairman; Ann English, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County Administrator/Interim Clerk of the Board; Christine Roberts, Chief Civil Deputy County Attorney; Lara Loewenheim, Deputy Clerk of the Board

Vice-Chairman Crosby 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 concerns with the grading of various roads and that roads without houses are being graded, while those with houses are not.

Allison Morse requested the resignation of Vice-Chairman Crosby and discussed the reasons, which included the Vice-Chairman's refusal to certify a County election twice.

Vice-Chairman Crosby responded that he was ordered to canvas the election and that does not mean certify the canvas. He stated that he asked Judge McGinley to define what is certify, approve and canvass and he declined to do so.

Jeff Sturges discussed the vote against the extension of the \$1 million grant for ballot fraud countermeasures and various lawsuits.

Radford Hyde discussed his concerns with the cyber security status of the election machinery and requested the resignation of Chairman Judd and discussed the reasons.

Chairman Judd joined the meeting via phone at 10:16 a.m.

Frances Alvarez discussed the historical value of the Miracle Valley property and requested that the auction of the property be open to the public and a stipulation put on the property that it remains historical.

Rebekah Allen Jones discussed the upcoming sale of the Miracle Valley property and stated that if the County does not implement a vetting process for potential bidders, her organization is ready to pursue legal remedies to ensure the property is preserved and complies with the historic preservation statute.

Steven McNeely requested that his business, Outlaw Zip Line, be listed on the Cochise County tourism website and discussed the reasons.

Dr. Melvin Harter requested the Miracle Valley property be sold by public auction and requested permission to cross the Miracle Valley campus to access his privately owned property and discussed the reasons.

Ron Brooks expressed his opposition to all mail in ballot elections and discussed the reasons.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of August 8, 2023.

Court Administration

2. Approve Amended Funding Agreement for Supplemental Reduction of Case Backlogs funds made available from the American Rescue Plan Act (ARPA#2) Revenue Replacement Offsets for the State of Arizona between Cochise County Superior Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$26,250, effective January 5, 2023 through December 31, 2026.
3. Approve Amended Funding Agreement for federal reimbursement for reduction of case backlog activities provided by the American Rescue Plan Act (ARPA) for Reduction of Case Backlogs between the Cochise County Superior Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$21,000, effective April 1, 2022 through June 30, 2024.

Finance

4. Approve demands and budget amendments for operating transfers.

Workforce Development

5. Approve the appointment of Lance Baxter to the Local Workforce Investment Board, effective immediately and through June 30, 2026.

Supervisor English made a motion to approve Consent Agenda items 1 through 5. Chairman Judd seconded the motion.

Vice-Chairman Crosby inquired about an item regarding case backlogs on the Consent Agenda.

Ms. Roberts stated that the Board would need to remove the agenda item from the Consent Agenda to be discussed.

Vice-Chairman Crosby made a motion to remove agenda item number 2 from the Consent Agenda and the motion failed for lack of a second.

Supervisor English made a motion to approve Consent Agenda items 1 through 5. Chairman Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

6. Adopt Zoning Ordinance 23-15, to rezone parcel 405-15-080C from SR-8 (Single-household residential) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Michael Wright and Kyra McKitterick.

Supervisor English made a motion to adopt Zoning Ordinance 23-15, to rezone parcel 405-15-080C from SR-8 (Single-household residential) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Michael Wright and Kyra McKitterick. Chairman Judd seconded the motion.

Vice-Chairman Crosby opened the Public Hearing. No one chose to speak and Vice-Chairman Crosby closed the Public Hearing.

Christine McLachlan, Planning Division Manager, presented this item using a PowerPoint presentation. Ms. McLachlan reviewed the current and proposed zoning and stated that the property is currently undeveloped and the applicant would like to start a small farm. She stated the property is located in the former Casa Adobe subdivision, which was never developed and partially abandoned in 1994. Ms. McLachlan stated that the applicant will be required to follow all groundwater withdrawal and irrigation requirements established by Arizona Department of Water Resources due to being located in the newly formed Douglas Active Management area. She stated that the downzoning of this parcel would reduce permitted maximum density and decrease potential water usage. She reviewed the factors in favor and against approval and noted that the proposed zoning is more appropriate given the planned utilities and infrastructure. The Planning and Zoning Commission recommended approval at their August 9, 2023 meeting and staff recommends approval.

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

7. Adopt Zoning Ordinance 23-16, to rezone parcels 116-09-441A and 442, from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Ronald Cladas, Jr.

Supervisor English made a motion to adopt Zoning Ordinance 23-16, to rezone parcels 116-09-441A and 442, from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Ronald Cladas, Jr. Chairman Judd seconded the motion.

Vice-Chairman Crosby opened the Public Hearing. No one chose to speak and Vice-Chairman Crosby closed the Public Hearing.

Dax Coxworth, Development Services Director, presented this item using a PowerPoint presentation. He stated that this is a request to downzone two parcels located west of Sunsites. He stated the proposed use of the property is a single family home and barn. He stated surrounding property owners were notified within 300 feet of the property and one letter in support was received. He reviewed the three factors in favor of approval, noting that none were identified as being against approval. The Planning and Zoning Commission recommended approval at the August 9, 2023 meeting and staff recommends approval.

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

8. Adopt Zoning Ordinance 23-17, to rezone parcel 401-41-655A, from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Jennifer Johnson.

Supervisor English made a motion to adopt Zoning Ordinance 23-17, to rezone parcel 401-41-655A, from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Jennifer Johnson. Chairman Judd seconded the motion.

Vice-Chairman Crosby opened the Public Hearing. No one chose to speak and Vice-Chairman Crosby closed the Public Hearing.

Mr. Coxworth presented this item using a PowerPoint presentation. He stated that this is a request to downzone a previously combined parcel which now meets the minimum requirement for the proposed zoning. He stated the property is located in Elfrida and the proposed use is a single family home. He stated property owners within 300 feet of the property were notified and no responses were received. He stated the request complies with ten of the applicable rezoning factors used by staff to analyze this request and no factors against this rezoning were identified. The Planning and Zoning Commission recommended approval at their August 9, 2023 meeting and staff recommend approval. In response to the Board, Mr. Coxworth stated that there are property owners within 300 feet but they did not receive any responses.

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

ACTION

Adult Probation

9. Approve Fiscal Year 2023-2024 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$2,203,600, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Fiscal Year 2023-2024 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$2,203,600, effective July 1, 2023 through June 30, 2024. Chairman Judd seconded the motion.

Teresa Rockrich, Administrative Finance Manager of Adult Probation, presented this item. Ms. Rockrich stated that this is the annual funding from the Supreme Court's Administrative Office of the courts for adult probation. She noted two changes to this year's funding. Funding titled Probation Increase Backfill was received this year to increase probation salaries and Unallocated Retained will be available if requested, which is a 3 to 5% vacancy savings that is normally raked off and kept by the state. In response to the Board, Ms. Rockrich stated that the State funds 60% of the 46.91 probation positions.

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

Vice-Chairman Crosby moved item 15 to follow item 9.

Board of Supervisors

10. [Item tabled from the August 8, 2023 Regular Board of Supervisors Meeting] Approve the Minutes of the regular meeting of the Board of Supervisors of July 25, 2023.

Supervisor English made a motion to remove item 10 from the table. Chairman Judd seconded the motion. Vice-Chairman called for the vote and it was approved 3-0.

Ms. Gilman stated that this item was tabled at the August 8th meeting, which are the minutes from the July 25th meeting. She explained, at that time, Vice-Chairman Crosby requested clarification under the Elections item in the last sentence of paragraph 5. After listening to the recording Ms. Gilman noted the correction was made and attached to this agenda item.

Vice-Chairman Crosby stated that he was satisfied with the correction that was made.

Supervisor English asked that the County Attorney to look into how much content minutes require.

Supervisor English made a motion to approve the Minutes of the regular meeting of the Board of Supervisors of July 25, 2023. Chairman Judd seconded the motion and it was approved 3-0.

11. Approve Community Enhancement Fund expenditures for District 2: Roll-offs for Thunder Mountain Cleanup, in the amount of \$1,500.

Supervisor English made a motion to approve Community Enhancement Fund expenditures for District 2: Roll-offs for Thunder Mountain Cleanup, in the amount of \$1,500. Chairman Judd seconded the motion.

Supervisor English presented this item. She stated that the Thunder Mountain group does a community clean up on Labor Day and they are requesting roll offs.

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

County Schools

12. Approve Memorandum of Agreement between Center for Academic Success (CAS) and Cochise County School Superintendent, also known as Cochise County Education Service Agency (CochisESA), to provide Special Education Services, at the rate detailed in Exhibit A, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Memorandum of Agreement between Center for Academic Success (CAS) and Cochise County School Superintendent, also known as Cochise County Education Service Agency (CochisESA), to provide Special Education Services, at the rate detailed in Exhibit A, effective July 1, 2023 through June 30, 2024. Chairman Judd seconded the motion.

Charlotte Taylor, Manager of the Behavioral Health Consortium, presented this item. Ms. Taylor reviewed the services that are offered at a reduced rate, which included evaluation, screening, counseling, functional behavior assessments and behavioral intervention plans and coaching.

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

13. Approve Intergovernmental Agreement between Pomerene Elementary School and Cochise County School Superintendent, also known as Cochise County Education Service Agency (CochisESA), to provide Special Education Services, at the rate detailed in Exhibit A, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Intergovernmental Agreement between Pomerene Elementary School and Cochise County School Superintendent, also known as Cochise County Education Service Agency (CochisESA), to provide Special Education Services, at the rate detailed in Exhibit A, effective July 1, 2023 through June 30, 2024. Chairman Judd seconded the motion.

Ms. Taylor presented this item. Ms. Taylor stated that this item is the same as the previous agenda item and the same services will be provided to Pomerene Elementary School District.

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

Court Administration

14. Approve Fiscal Year 2023-24 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$61,250 that includes \$25,000 matching funds from general fund, \$6,500 from cash carry forward, and \$4,750 from local Judicial Collection Enforcement Funds, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Fiscal Year 2023-24 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$61,250 that includes \$25,000 matching funds from general fund, \$6,500 from cash carry forward, and \$4,750 from local Judicial Collection Enforcement Funds, effective July 1, 2023 through June 30, 2024. Chairman Judd seconded the motion.

Ms. Shipley presented this item. Ms. Shipley stated that this funding agreement covers wages, employee related and operating expenses for one full-time field trainer position, which is currently filled. This position provides full-time, on-site training and also state computer support for the superior and justice courts in the County. In response to the Board, Ms. Shipley stated that driver's suspension fees went away but other fees involved in traffic citations continue, along with \$25,000 from the state and \$25,000 from the County match and the difference is made up with local funding. Ms. Shipley stated that a field trainer instructs court personnel in the case processing and financial systems and databases related to the courts. She stated that this position is under the court administration.

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

Juvenile Probation

15. Approve Fiscal Year 2023-2024 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$1,219,484, effective July 1, 2023 through June 30, 2024.

This item was moved to directly after item number 9.

Supervisor English made a motion to approve Fiscal Year 2023-2024 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$1,219,484, effective July 1, 2023 through June 30, 2024.

Ms. Rockrich presented this item. Ms. Rockrich stated that this is the annual funding from the Supreme Court's Administrative Office of the courts for juvenile probation. She noted that the backfill amount for retainment and the vacancy savings were received as well. Ms. Rockrich stated that 45% of funding for juvenile probation comes from the state.

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

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

Vice-Chairman Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Supervisor English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Vice-Chairman Crosby adjourned the meeting at 11:02 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board