

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, SEPTEMBER 12, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, September 12, 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; Paul Correa, 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 the maintenance of various roads near his home, issues the fire department encountered when responding to a fire in that area and who is responsible for adding and dropping roads that are to be maintained in the County.

Reverend Samuel B. Johnson discussed the three branches of government and the responsibilities of the Board of Supervisors, and requested that the County Attorney convene a grand jury against the Board of Supervisors for violating state statutes.

Lee R. Chadbourn discussed that the public did not vote on the use of voting machines, voting centers versus precinct voting and paper ballots and questioned the legality of the jail district election.

Kara L. Harris addressed Chairman Judd and urged her to support the Constitution, expressed concern about her voting record and emphasized the need for her to act in the best interests of her constituents.

Allison Morris expressed concerns about the ongoing hand count lawsuit and emphasized that 100% hand counts are not permitted by law, requesting that Mr. Bartelsmeyer refrain from suggesting otherwise until the appellate court rules or the new elections procedure manual explicitly allows it to prevent confusion and restore trust in elections.

Jeff Sturges discussed the motives of Supervisor Tom Crosby and Recorder David Stevens in

their actions regarding county election processes, suggesting they might be influenced by political tactics, conspiracy theories, and a desire to make voting harder, which he argued could explain their legal actions and alleged violations of open meeting laws.

Daniel LaChance discussed his dissatisfaction with the Board's handling of the Jail District issue, alleging violations of the Arizona Constitution, improper voter registration practices, and an election that lacked the required supermajority, ultimately demanding the dissolution of the jail district and immediate action to rectify the situation.

Ronald A. Brooks discussed his concern about election integrity, questioned who the Board was listening to, and criticized their handling of election-related matters, particularly the lack of a public conversation on election integrity, urging them to address this important issue with their constituents before making decisions on election-related matters.

Sandy Trull discussed concerns about election integrity, stating that election machines should be removed from future elections due to perceived unconstitutionality in various aspects of the election process, including the involvement of third parties and the use of electronic voting technology, and emphasized the need to prioritize national security and adhere to constitutional principles.

Johnny Lee Wilson Sr. shared a historical perspective on the impact of elected officials' decisions, and emphasized the importance of electing officials who make responsible choices to avoid unnecessary conflicts and protect the country's interests.

Paul Varble discussed concerns about election integrity, emphasizing that machines and mail-in ballots should not be used, citing violations of the Arizona Constitution.

Robert McCormick expressed agreement with the previous speaker, Paul Varble, and commended his message without adding further comments.

Inga McCord expressed her concerns about elected officials not serving the majority, and criticized the proposed jail tax as a lack of representation, and likened it to taxation without representation.

Stephan R. McNeely discussed a lack of confidence in elections, citing concerns about mail-in ballots, and advocated for a return to paper ballots and the elimination of mail-in ballots.

Vice-Chairman Crosby raised a point of order regarding a criticism from Mr. Sturges during Call to the Public. He stated the criticism revolved around Vice-Chairman Crosby's interpretation of a judge's order, specifically whether they were ordered to approve the canvas of the election or to have the Board of Supervisors examine and authenticate the votes. Vice-Chairman Crosby argued that the duty of the Board of Supervisors is to verify the validity of the election, protect individuals' voting rights through investigation and testimony, and not be swayed by intimidation or legal threats.

PRESENTATION

Presentation by Steve Farley, CEO, Humane Society of Southern Arizona, on the organization's outreach activities within Cochise County.

Mr. Farley presented this item using a PowerPoint presentation and answered questions from the Board. Mr. Farley discussed various programs and initiatives related to animal shelters in Cochise County. Some of the key points included:

- Trap, Neuter and Return project to control of feral cat population at the Douglas Prison.
- Plans for joint adoption events among shelters in the county, along with joint marketing efforts to increase pet adoptions.
- Mentoring local shelter staff to implement best practices in animal care.
- Efforts to improve shelter facilities, including securing a grant for a fresh coat of paint at the Douglas shelter to make it more inviting for potential adopters.
- The development of volunteer and foster care programs to expand shelter capacity.
- A mention of a new vet tech program at Cochise College, which aims to address the shortage of veterinary professionals in rural areas and contribute to economic development.
- A program offering financial incentives for veterinary students to work in Arizona, particularly in rural areas or nonprofit shelters.
- Plans to establish a permanent one-health clinic in Douglas and expand access to healthcare services for low-income individuals.
- A grant for a mobile unit to provide healthcare services throughout the county.

Mr. Farley also mentioned collaboration among different areas within the county and expressed excitement about future developments, particularly the opening of the Bisbee shelter.

In response to the Board, Mr. Farley stated that he estimated that the quarantine shelter in Tucson would be operational in a year. Any questions people have regarding local shelters can be directed at Danny Dominguez, Rural Operations Manager at ddominguez@hssaz.org. There was additional discussion about challenges regarding pet vaccinations.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of August 29, 2023.
2. Approve five Series 16 (Fair/Festival) liquor license applications submitted by Ms. Barbara Coons, Mr. Robert Dixon, II, Ms. Edith Gustason, Mr. Sal Tirrito, and Mr. Greg Gonnerman, for a festival to be held at Stand Alone Ranch on October 28, 2023, located at 11878 S. Elkhorn Road, Pearce, AZ 85625.
3. Approve an application for a Temporary Extension of Premises liquor license submitted by Mr. Bruce Callaghan for American Legion Post #52 located at 12 Theatre Drive, Sierra Vista, AZ 85635 on September 30, 2023, for the American Legion Bike Bash and Annual Birthday Celebration.
4. Approve Series 16 (Fair/Festival) liquor license application submitted by Mr. Joshua Steinberg, for a festival to be held at Evelyn Williams Memorial Park on October 21, 2023, located at 1210 E. Treasure Road, Pearce, AZ 85625.
5. Approve a Proclamation designating September 17-23, 2023 as Constitution Week.

Development Services

6. Reappoint Ray Klumb to the Building Code Advisory and Appeals Board for an additional three-year term which expires on September 25, 2026.

7. Reappoint Mose Lee to the Building Code Advisory and Appeals Board for an additional three-year term which expires on September 25, 2026.
8. Appoint Mark Prince to the Building Code Advisory and Appeals Board to fill the Member-at-Large position for a three-year term which expires on September 25, 2026.

Emergency Services

9. Approve a cost extension request to extend the period of performance for Emergency Management Performance Grant EMF-2021-EP-00016-S01/18 for purchase of radio upgrade equipment, through September 30, 2023.

Finance

10. Approve demands and budget amendments for operating transfers.

Vice-Chairman Crosby made a motion to approve Consent Agenda items 1 through 10. Supervisor English seconded the motion and it carried unanimously.

ACTION

Board of Supervisors

11. Pursuant to A.R.S. § 38-431.05, ratify the approval of the Tax Rates and Levies for Cochise County Taxing Entities as set forth in the attached corrected Exhibit, said approval made in open session at a special meeting held on August 21, 2023.

On August 21, 2023, at a special meeting of the Board, the Board unanimously approved the Tax Rates and Levies for Cochise County Taxing Entities. This vote was taken in open session. This agenda item is being proposed for the Board to have the opportunity to ratify the approval and correct a clerical error in the Exhibit. Due to a technological error, this meeting was not recorded and those attending via Microsoft Teams were unable to listen to the proceedings. The Exhibit attached on August 21, 2023, contained an incorrect tax rate for Fiscal Year 2023 in Exhibit 3 of the Exhibit. The minutes of the special meeting contain more detail of the action to be ratified and are attached to this agenda item.

Supervisor English made a motion to ratify the approval of the Tax Rates and Levies for Cochise County Taxing Entities as set forth in the attached corrected Exhibit, said approval made in open session at a special meeting held on August 21, 2023. Vice-Chairman Crosby seconded the motion.

Ms. Gilman presented this item. Ms. Gilman stated she determined the need to ratify this decision due to technological difficulties experienced during a previous meeting on August 21, 2023, where the recording didn't work correctly and people couldn't hear the meeting on Microsoft Teams. She also stated a clerical error in Exhibit 3 was fixed that did not impact the information presented for the Board decision.

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

12. Approve submission by the Board of Supervisors to the County Attorney's Office of the formal complaint filed by Savanna Valdez on August 25, 2023, regarding the failure of the San Simon Fire Chief John Novak to comply with mandatory professional development training, pursuant to A.R.S. § 48-803 (I) and (K).

Vice-Chairman Crosby made a motion to approve submission by the Board of Supervisors to the County Attorney's Office of the formal complaint filed by Savanna Valdez on August 25, 2023, regarding the failure of the San Simon Fire Chief John Novak to comply with mandatory professional development training, pursuant to A.R.S. § 48-803 (I) and (K). Supervisor English seconded the motion.

Ms. Gilman presented this item. Ms. Gilman stated that a complaint was received against the Fire Chief from the San Simone Fire District, alleging that the Fire Chief had not attended the required professional development training, and stated the Board may refer the complaint to the County Attorney's Office for further action in accordance with statute. Ms. Gilman reported that she received an email that morning from the Arizona Fire District Association stating that Chief John Novak had completed the required 6 hours of statutory training, although the email did not specify the date of completion.

Chairman Judd expressed that situations like the one discussed could have been resolved more efficiently with a quick discussion and phone call between relevant parties, without criticizing anyone but recognizing the need for clarity on what's appropriate in such cases.

Chairman Judd stated that there were two people that are in support and did not wish to speak, which were Marlene Upshaw and Judy White.

Patricia Fickett spoke in opposition and discussed that the required training has been completed by the Fire Chief and though the process of obtaining the required training with the Arizona Fire Districts Association (AFDA) can be challenging, relying primarily on email communication, which she experienced when trying to complete her own statutory training.

Rebecca Phiefer spoke in support and stated that she submitted an email to the Board of Supervisors and explained that her district requested online training packets from AFDA, stating that the packets were never received and later clarifying that AFDA had not received completed trainings or payment from her district by the end of August. She expressed a desire for her email to be forwarded to the County Attorney along with Mrs. Valdez's information.

John Novak, Fire Chief of the San Simone Fire District, stated that he completed the statutory training on August 4th but wasn't aware of the reporting timeline, and he supports the County Attorney looking into this matter to address broader issues. Chief Novak also highlighted the positive developments within his fire district, such as increasing Emergency Medical Services (EMS) providers and receiving a grant for public education supplies.

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

13. Approve Community Enhancement Fund expenditures for District 3 to support the City of Willcox transit program, in the amount of \$20,000.

Chairman Judd presented this item. Chairman Judd stated she is seeking approval for a \$20,000 expenditure from the Community Enhancement Fund to support the City of Willcox Transit program, addressing difficulties in funding and emphasizing the necessity of this request due to the program's newness and short funding, while acknowledging potential concerns from communities with established transit programs. The Board discussed the importance of public transit services.

Vice-Chairman Crosby made a motion to approve Community Enhancement Fund expenditures for District 3 to support the City of Willcox transit program, in the amount of \$20,000. Supervisor English seconded the motion.

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

County Schools

14. Approve Intergovernmental Agreement between Sierra Vista Unified School District and Cochise County School Superintendent to provide Special Education Services, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve Intergovernmental Agreement between Sierra Vista Unified School District and Cochise County School Superintendent to provide Special Education Services, effective July 1, 2023 through June 30, 2024. Vice-Chairman Crosby seconded the motion.

Charlotte Taylor, Mental Health Consortium Manager, presented this item. Ms. Taylor stated that this will provide essential mental health services to schools in Cochise County, emphasizing its importance in reducing costs by offering these services locally instead of contracting with other counties.

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

Elections

15. Adopt Resolution 23-24 to approve the Vote Centers for the 2024 Primary and General Elections as listed on the attached Exhibit; and authorize the Elections Director to make substitutions as necessary prior to each election, in the event that a Vote Center replacement needs to be made in accordance with A.R.S. § 16-411.

Vice-Chairman Crosby made a motion to adopt Resolution 23-24 to approve the Vote Centers for the 2024 Primary and General Elections as listed on the attached Exhibit; and authorize the Elections Director to make substitutions as necessary prior to each election, in the event that a Vote Center replacement needs to be made in accordance with A.R.S. § 16-411. Supervisor English seconded the motion.

The Board discussed concerns about the locations of vote centers, particularly in rural areas like San Simon, where residents often work and may have to travel long distances to vote, which can lead to overcrowding and confusion. There were questions raised about why the survey results regarding vote center issues were not reviewed earlier. Further discussion ensued.

Bob Bartelsmeyer, Elections Director, presented this item. Mr. Bartelsmeyer presented a list of 17 proposed county voting locations for approval, highlighting that he, along with the new elections manager and staff, conducted ADA inspections on these sites and found them compliant. The elections department provided facility use agreements to the site representatives, with 15 out of 17 agreements already obtained. Mr. Bartelsmeyer requested approval from the Board of Supervisors to establish these polling places for the 2024 election cycle, noting that these proposed locations are the same as those approved in 2021 and does not anticipate any issues with them. Mr. Bartelsmeyer explained the challenges he foresees with Precinct voting. Mr. Bartelsmeyer stated that vote centers not only reduce costs but also facilitate compliance with federal laws like the American with Disabilities Act and the Help America Vote Act. He pointed out that vote centers have a track record of success, increasing voter participation, especially for those who work far from home. Mr. Bartelsmeyer stated the importance of using certified electronic voting equipment to prevent double voting and raised concerns about potential legal challenges and voter disenfranchisement if significant changes are made to election procedures.

Chairman Judd stated that 24 people did not wish to speak but were in favor of this item.

Kara L. Harris, spoke in opposition to this item and discussed the reasons.

Chairman Judd adjourned the meeting for 5 minute break at 11:54 and reconvened at 11:59. All Supervisors were present.

Randall Limbach, Aaron Butler, Jenny Walston, Daniel LaChance, Sandy Trull, Nancy Olmstead, Johnny Lee Wilson Sr., Paul Varble, Judith Ann Smith, Henry Conroy, Jean Guffrida, Marie Blair, and Hoang Quan spoke in opposition to this item and discussed the reasons.

Elizabeth Kuzner, Allison Morse, Jeff Sturges, Madeleine Boleslawski, and Tamara Birch spoke in favor of this item and discussed the reasons.

Chairman Judd adjourned the meeting for a 5 minute break at 12:52 and reconvened at 12:57. All Supervisors were present.

Reverend Samuel B. Johnson spoke in opposition to this item and discussed the reasons.

Vice-Chairman Crosby expressed his concern about cost considerations in elections but emphasized that accuracy and voter trust should be the primary focus. He mentioned that while vote centers might be more convenient, the norm is to have one polling place within each precinct according to A.R.S. § 16-411. Vice-Chairman Crosby asked Chairman Judd to explain previous comments she made at past meetings regarding precinct voting and machine tabulating. Discussion followed.

Supervisor English expressed support for vote centers, emphasizing the need to make voting as easy and convenient as possible. She recalled that the move to vote centers wasn't primarily about cost-saving, but rather about addressing logistical challenges, including finding enough poll workers. Supervisor English noted that there hadn't been significant problems reported with the previous vote centers and suggested that any issues should have been addressed after the last election. She stated changes could be made at another time.

There was a discussion amongst the Board and Mr. Correa regarding A.R.S. § 16-411 which authorizes the use and establishment of vote centers and the timeline for Board approval. In response to the Board, Mr. Correa stated that time allows for the Board to

approve the item now and then have a Work Session at a later date to discuss adding more vote centers. After further questions, Mr. Correa stated the Board also did not have to approve that day in order to meet the deadline.

Chairman Judd called for the vote and it failed 1-2 (Judd and Crosby opposed).

Facilities

16. Approve Proposal 2307-23134 with Pueblo Mechanical & Controls to install Heating, Ventilation and Air Conditioning (HVAC) units, under Mohave Cooperative Contract 19F-PMAC-0904, in the Library District warehouse, in the amount of \$67,125.76, effective September 12, 2023.

Vice-Chairman Crosby made a motion to approve Proposal 2307-23134 with Pueblo Mechanical & Controls to install Heating, Ventilation and Air Conditioning (HVAC) units, under Mohave Cooperative Contract 19F-PMAC-0904, in the Library District warehouse, in the amount of \$67,125.76, effective September 12, 2023. Supervisor English seconded the motion.

Darrel Crowley, Interim Facilities Director, discussed the issues related to the Library District's facility on Melody Lane. He highlighted that the building was not initially designed for everyday use. He emphasized the need to address the facility's conditions due to extreme heat, which posed difficulties for both the materials and staff working there.

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

17. Approve Proposal 2307-23135 with Pueblo Mechanical & Controls for the replacement of a Heating, Ventilation and Air Conditioning (HVAC) unit under Mohave Cooperative Contract 19F-PMAC2-0904 in the Procurement Warehouse, in the amount of \$55,533.36, effective September 12, 2023.

Supervisor English made a motion to approve Proposal 2307-23135 with Pueblo Mechanical & Controls for the replacement of a Heating, Ventilation and Air Conditioning (HVAC) unit under Mohave Cooperative Contract 19F-PMAC2-0904 in the Procurement Warehouse, in the amount of \$55,533.36, effective September 12, 2023. Vice-Chairman Crosby seconded the motion.

Mr. Crowley presented this item and stated that the Procurement Warehouse system was inadequate and improperly sized, resulting in extremely high indoor temperatures during hot weather, prompting the need for further action.

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

18. Approve Proposal 2301-19687 with Pueblo Mechanical & Controls for the replacement of Heating, Ventilation and Air Conditioning (HVAC) units at the Benson Service Center under Mohave Cooperative Contract 19F-PMAC2-0904 in the amount of \$315,320.52, effective September 12, 2023.

Vice-Chairman Crosby made a motion to approve Proposal 2301-19687 with Pueblo Mechanical & Controls for the replacement of Heating, Ventilation and Air Conditioning (HVAC) units at the Benson Service Center under Mohave Cooperative Contract 19F-PMAC2-0904 in the amount of \$315,320.52, effective September 12, 2023.

Supervisor English seconded the motion.

Mr. Crowley presented this item and stated that the Benson Service Center, a two-story building with two aging air conditioning units that are over 20 years old and have required ongoing maintenance efforts, acknowledging the need for their replacement.

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

Information Technology

19. Approve State and Local Cybersecurity Grant Program (SLCGP) Local Consent Agreement with the Arizona Department of Homeland Security (AZDOHS) to provide cybersecurity services in lieu of the County receiving Federal Fiscal Year 2022 SLCGP funding.

Vice-Chairman Crosby made a motion to approve State and Local Cybersecurity Grant Program (SLCGP) Local Consent Agreement with the Arizona Department of Homeland Security (AZDOHS) to provide cybersecurity services in lieu of the County receiving Federal Fiscal Year 2022 SLCGP funding. Supervisor English seconded the motion.

Joe Casey, Chief Information Officer, presented this item. Mr. Casey stated that this consent agreement is aimed at obtaining cybersecurity services from the state rather than seeking funding for cybersecurity initiatives. This approach leverages a cost-effective economy of scale due to the state's ability to procure services at a lower cost for the statewide system compared to individual counties.

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

20. Approve the addition of one Position Control Number in the Information Technology Department to create a full-time Senior Network Engineer position reallocating funds from the department's Fiscal Year 2024 appropriated professional services budget.

Supervisor English made a motion to approve the addition of one Position Control Number in the Information Technology Department to create a full-time Senior Network Engineer position reallocating funds from the department's Fiscal Year 2024 appropriated professional services budget. Vice-Chairman Crosby seconded the motion.

Mr. Casey presented this item and stated this is the re-establishment of an in-house senior network engineer position that had previously been outsourced due to staff turnover. He emphasized the benefits of local expertise and management oversight for County infrastructure, and he expressed confidence in finding a suitable candidate.

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

21. Approve Arizona 911 Program Grant Agreement, ADOA-AZ911-24-01 with the Arizona Department of Administration to fund Public Safety Answering Points services, in the amount of \$554,902, effective through June 30, 2024.

Vice-Chairman Crosby made a motion to approve Arizona 911 Program Grant Agreement, ADOA-AZ911-24-01 with the Arizona Department of Administration to fund Public Safety Answering Points services, in the amount of \$554,902, effective through June 30, 2024. Supervisor English seconded the motion.

Mr. Casey presented this item and stated this is a 100% reimbursable grant from the state to fund 911 services at Southeast Arizona Communications (SEACOM), which was previously awarded to the City of Sierra Vista. He stated that the grant is now being transferred to the County since the County provides Information Technology (IT) support to SEACOM.

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

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

Mr. Karwaczka mentioned the upcoming County Fair taking place on September 21st, 22nd, 23rd, and 24th, encouraging everyone to attend for a fun experience.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby highlighted Judge Napper's ruling from Yavapai County about the inability to confirm the most recent ballot envelope signature with the previous one, emphasizing its relation to equal protection and voter identification.

Report by District 2 Supervisor, Ann English

Supervisor English shared her attendance at a 9/11 memorial in Douglas. She stated memorials are important so people never forget the tragic events of 9/11. She stated the memorials should bring Americans closer together to remember the attack on the country.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd deferred her report.

Chairman Judd adjourned the meeting at 1:27 p.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board