

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, SEPTEMBER 26, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, September 26, 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; 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 expressed his frustration about the lack of action by the Board and emphasized the need for action before the next election.

Allison Morse expressed concerns about Recorder's actions during his interim role as Elections Director, citing mishandling of funds, support for illegal efforts, and the abrupt departure of the newly hired Elections Director, and called for a thorough vetting process to select a qualified and impartial Elections Director.

Jeff Sturges criticized the Board for allegedly promoting conspiracy theories, causing chaos in the County's election process, and emphasized the need for voters to research candidates challenging these officials for a more responsible and functional government in Cochise County.

Lee R. Chadbourne raised concerns about the last election, asserting that mass mail-in voting was conducted without proper consent, citing violations of the Arizona Constitution, and expressing opposition to mail-in ballots, electronic signature verification, and voting centers, urging adherence to the Constitution and a return to precinct voting with paper ballots hand-counted in the presence of party representatives.

Joan Ann Murphy discussed her concern about the harm caused by Vice-Chairman Crosby and Recorder Stevens, particularly related to election matters, and the hiring of Bob Bartelsmeyer as Elections Director.

Randall Limbach discussed his dissatisfaction with the lack of tangible evidence and specific cost-benefit analyses related to mail-in versus in-person voting, the switch from precinct to vote center voting, and urged the Board to fulfill their promise of transparency and provide accurate answers to these questions for informed decision-making.

Kara L. Harris urged the Board to prioritize doing the right thing, advocated for election integrity, and expressed concern about voting machines and political influence in the County.

Carolyn Harris advocated for maintaining the current election system with 17 voting centers, citing it as safe and cost-effective, and raised concerns about the expenses, time consumption, and legal issues associated with alternatives, also mentioning legal costs incurred by Vice-Chairman Crosby and Recorder David Stevens.

Dan LaChance discussed the violations of the Arizona Constitutional law regarding the jail district election, emphasizing the need to follow clear laws and blaming the Board of Supervisors, and their advisors, for the failures and legal issues surrounding the election.

Radford Hyde expressed gratitude to the County Fair event organizers and shared a concerning incident involving an aggressive fairgoer who caused a disturbance at a vendor booth.

Sandy Trull discussed the importance of securing elections, quoted the Arizona Constitution, and urged the Board to reestablish precincts, eliminate voting technology controlled by third-party corporations, and reject mass mail-in voting without proper safeguards, emphasizing the need for transparency in the electoral process.

Linda M. Coonts discussed the need for in-person precinct voting to uphold election integrity, expressing distrust in mail-in voting, voting centers, and machine vote counting, emphasizing that the cost of maintaining integrity should override other considerations.

Paul Varble discussed concerns about the use of computers in elections, highlighting their fallibility and linking machines to fraud and election interference, asserting the need for election integrity, advocating for proof of American citizenship, voter ID requirements, no mail-in ballots, and no machines.

Robert McCormick urged the Board to protect citizens' rights, criticized the Board for implementing election changes without approval, called for a restoration of the previous election system, and emphasized the need for precinct voting on paper with limited mail-in voting for the 2024 primary election.

Rebekah (Allen) Jones discussed concerns about the tax deed land sale of the Miracle Valley Bible College property claiming inadequate notice and potential improprieties, and urged the Board to use their authority to withdraw the property from the sale.

Jean A. Giuffrida discussed potential voter disenfranchisement due to changes in election procedures, in the context of a jail sales tax and all-mail-in ballot elections, and urged the Board to continue improving election integrity by eliminating electronic voting machines, tabulators, and mail-in ballots. She also expressed disappointment with elected officials' response to the migrant street releases in Bisbee.

Tamara Birch discussed the importance of efficient voting methods, bipartisanship, and financial responsibility, and advocated for clarity on the efficiency of 55 precincts versus 17 vote centers, and urged the Board to ensure a fair hiring process, avoid costly lawsuits, and adapt to the needs and technology of the 21st century.

Cado Daily discussed dissatisfaction with the Board, accused the Board of being manipulated by the County Recorder, wasting taxpayer money, causing instability in the Elections Department, and supporting unqualified personnel, particularly in the recent hiring of the outgoing Elections Director.

Vice-Chairman Crosby stated he wanted to respond to criticism raised by Ms. Cato during Call to the Public. Vice-Chairman Crosby referenced an unanswered letter written to the Arizona Secretary of State in 2022 questioning the accuracy of voting machines.

Supervisor English interjected, stating that the Board has a right to respond if someone is trying to defame you during Call to the Public. Chairman Judd stated that she did not think Ms. Cato addressed voting machines. Vice-Chairman Crosby stated that several people spoke regarding disenfranchisement and he is going to speak on this issue.

Vice-Chairman Crosby stated that Judge Napper in Yavapai County said the most recent ballot envelope signatures cannot be confirmed, so therefore these are not frivolous lawsuits.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of September 12, 2023.
2. Approve an application for a Temporary Extension of Premises liquor license submitted by Alfonso Galindo for Palo Verde El Toro Steakhouse located at 3219B N. Washington Avenue, Douglas, AZ 85607, for the 9th Annual Palo Verde Stop N Go Cancer Awareness Fundraiser on October 14, 2023.

Elections

3. Approve the resignation of 7 Republican Precinct Committeemen and appointment of 4 Republican Precinct Committeemen by recommendation of the Cochise County Party Chairman to serve through the October 1, 2024 term.

Finance

4. Approve demands and budget amendments for operating transfers.

Supervisor English made a motion to approve Consent Agenda items 1 through 4. Vice-Chairman Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

5. Adopt Zoning Ordinance 23-18 to rezone parcel 106-15-091D 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 Renee Farkas.

Supervisor English made a motion to adopt Zoning Ordinance 23-18 to rezone parcel 106-15-091D 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 Renee Farkas. Vice-Chairman Crosby seconded the motion.

Chairman Judd opened to Public Hearing.

Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. Mr. Coxworth stated that this is an application submitted by Renee Farkas to downzone a property from R-36 to RU-4 in the Babocomari area. The property was not developed as anticipated and the applicant requests to reverse the zoning back to RU-4. The property remains vacant and meets the minimum zoning requirements for a single-family residence. The department received no responses from surrounding property owners, and both the staff and the Planning and Zoning Commission recommended approval.

Chairman Judd closed the Public Hearing.

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

ACTION

Adult Probation

6. Approve the Drug, Gang, and Violent Crime Control Program Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts, in the amount of \$75,428.48 and the required \$25,142.83 matching funds, effective July 1, 2023 through June 30, 2024.

Supervisor English made a motion to approve the Drug, Gang, and Violent Crime Control Program Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts, in the amount of \$75,428.48 and the required \$25,142.83 matching funds, effective July 1, 2023 through June 30, 2024. Vice-Chairman Crosby seconded the motion.

Rita Shipley, Superior Court Budget and Finance Director, presented this item. Ms Shipley stated that this grant would fund positions for pre-sentence report writers and pre-trial officers, with the grant providing wages and employee expenses for these roles. She explained that these positions are currently filled and the remaining expenses come from the general fund. Ms. Shipley highlighted that the pre-sentence report offers a comprehensive assessment of a client's offense and community risk needs, while the pre-trial services program allows identified clients to be released from custody and supervised, aiding them in making positive behavioral changes before their court dates. In response to the Board, Ms Shipley stated that four employees are covered by this grant.

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

County Sheriff

7. Approve Intergovernmental Agreement (IGA) between Cochise County and City of Bisbee, AZ, for the Cochise County Sheriff's Office to provide Special Weapons and Tactics (SWAT) related trainings to the City law enforcement, fire department and emergency medical services, as well as mutual aid assistance, with an initial term of 5 years, effective September 26, 2023.

Vice-Chairman Crosby made a motion to approve Intergovernmental Agreement (IGA) between Cochise County and City of Bisbee, AZ, for the Cochise County Sheriff's Office to provide Special Weapons and Tactics (SWAT) related trainings to the City law enforcement, fire department and emergency medical services, as well as mutual aid assistance, with an initial term of 5 years, effective September 26, 2023. Supervisor English seconded the motion.

Curtis Wilkins, Sheriff's Office Lieutenant, presented this item. Lt. Wilkins stated that this agreement will enhance the SWAT team's capacity and allow for better training dissemination throughout the county, fostering safer operations in handling challenging situations. In response to the Board, Lt. Wilkins stated that medics and fire departments are permitted to carry handguns after undergoing training and passing a qualification process, offering them the option for self-protection in situations where they may be treating individuals who are under arrest. He stated this permit is contingent on successfully meeting the same standards as law enforcement officers.

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

8. Approve Intergovernmental Agreement (IGA) between Cochise County and City of Benson, AZ, for the Cochise County Sheriff's Office to provide Special Weapons and Tactics (SWAT) related trainings to the City law enforcement, fire department and emergency medical services, as well as mutual aid assistance, with an initial term of 5 years, effective September 26, 2023.

Supervisor English made a motion to approve Intergovernmental Agreement (IGA) between Cochise County and City of Benson, AZ, for the Cochise County Sheriff's Office to provide Special Weapons and Tactics (SWAT) related trainings to the City law enforcement, fire department and emergency medical services, as well as mutual aid assistance, with an initial term of 5 years, effective September 26, 2023. Vice-Chairman Crosby seconded the motion.

Lt. Wilkins presented this item. In response to the Board, Lt. Wilkins stated that several communities are interested in joining the SWAT team and SWAT is training with Sierra Vista's SWAT team now.

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

Court Administration

9. Approve Funding Agreement between Cochise County Superior Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC), provided by the American Rescue Plan Act (ARPA) for Reduction of Case Backlogs, ARPA 2 - Court Technology Clerk/Assistant, in the amount of \$135,800, effective March 1, 2023 through December 31, 2026.

Vice-Chairman Crosby made a motion to approve Funding Agreement between Cochise County Superior Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC), provided by the American Rescue Plan Act (ARPA) for Reduction of Case Backlogs, ARPA 2 - Court Technology Clerk/Assistant, in the amount of \$135,800, effective March 1, 2023 through December 31, 2026. Supervisor English seconded the motion.

Ms. Shipley presented this item. Ms. Shipley stated that this Funding Agreement covers wages and employee-related expenses for court technology clerks/assistant positions, with a current position fulfilling the criteria. She stated that the Information Technology (IT) assistant, in this role, manages complex equipment and software systems required for remote and hybrid meetings, as well as for creating a proper record of proceedings and facilitating the use of digital evidence. In response to the Board, Ms. Shipley stated that as of the beginning of September, there were 111 backlogged cases. She stated that with the assistance of funding from the Supreme Court through the ARPA funds, efforts are underway to catch up on these cases, dedicating resources and personnel to increase capacity and address delays caused by COVID-related disruptions. Ms. Shipley stated that backlog cases are defined based on the time taken for deposition, specifically exceeding 365 days, and efforts are being made to address this by conducting settlement conferences.

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

Development Services

10. Adopt Resolution 23-25 to designate Elfrida, AZ as a Colonia, consistent with the objective criteria listed in the Cranston-Gonzalez National Affordable Housing Act of 1990, effective on September 26, 2023.

Vice-Chairman Crosby made a motion to adopt Resolution 23-25 to designate Elfrida, AZ as a Colonia, consistent with the objective criteria listed in the Cranston-Gonzalez National Affordable Housing Act of 1990, effective on September 26, 2023. Supervisor English seconded the motion.

Susan Bronson, Development Services Planner, presented this item using a PowerPoint presentation. Ms. Bronson stated staff is requesting Elfrida to be designated as a Colonia, as recognized by the USDA, allowing the community to apply for funding. The Cranston Gonzalez National Affordable Housing Act had established a process, meeting four criteria, including Elfrida's location within 150 miles of the US-Mexico border and its designation by Cochise County. Elfrida lacks adequate water supply, as confirmed by the Elfrida Water District, and its historical recognition as a community extended back to the 1800s.

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

11. Approve Cooperative Agreement 4B-98T70801-0 with the Environmental Protection Agency (EPA) to establish a Revolving Loan Fund (RLF) in Cochise County to remediate Brownfield sites, in the amount of \$1,000,000, effective October 1, 2023 to October 31, 2027.

Supervisor English made a motion to approve Cooperative Agreement 4B-98T70801-0 with the Environmental Protection Agency (EPA) to establish a Revolving Loan Fund (RLF) in Cochise County to remediate Brownfield sites, in the

amount of \$1,000,000, effective October 1, 2023 to October 31, 2027. Vice-Chairman Crosby seconded the motion.

Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. Mr. Coxworth stated that this grant will establish a revolving loan fund for Brownfield site cleanup and defined Brownfields as properties that may be contaminated with hazardous substances, asbestos, lead-based paint, or fuel tank contaminants. He stated the County has a positive relationship with the EPA, securing funding for Brownfields through assessment grant funds, notably benefiting new property owners. He stated that this fund is particularly advantageous for property owners to address challenges in securing loans for small-scale projects in a rural setting. Mr. Coxworth stated that the County intends to contract with a Community Development Finance Institution (CDFI) to administer and manage loans for Brownfield cleanup. Discussion ensued regarding the use of local banks, national banks and CDFI's.

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

Engineering & Natural Resources

12. Approve Amendment 3 to Intergovernmental Agreement 11-121-I with the State of Arizona, Department of Transportation (ADOT) to revise project costs to include additional Project Development Administration (PDA) costs, detailed in Exhibit A, for Davis Road improvements from Central Highway to US 191, in the amount of \$30,000.

Vice-Chairman Crosby made a motion to approve Amendment 3 to Intergovernmental Agreement 11-121-I with the State of Arizona, Department of Transportation (ADOT) to revise project costs to include additional Project Development Administration (PDA) costs, detailed in Exhibit A, for Davis Road improvements from Central Highway to US 191, in the amount of \$30,000. Supervisor English seconded the motion.

Jackie Watkins, Engineering and Natural Resources Director, presented this item. Ms. Watkins stated that the proposed funding is to cover the ADOT project administration costs of \$30,000 to update environmental clearances. She stated this will allow the department to move forward with the Davis Road corridor project.

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

13. Approve Intergovernmental Agreement (IGA) 23-0009271-I between the State of Arizona, Department of Transportation (ADOT), and Cochise County for Moson Road drainage and safety improvements between SR90 and Hereford Road, in the amount of \$6,100,000, effective upon signing by all parties.

Supervisor English made a motion to approve Intergovernmental Agreement (IGA) 23-0009271-1 between the State of Arizona, Department of Transportation (ADOT), and Cochise County for Moson Road drainage and safety improvements between SR90 and Hereford Road, in the amount of \$6,100,000, effective upon signing by all parties. Vice-Chairman Crosby seconded the motion.

Ms. Watkins presented this item. Ms. Watkins stated that this IGA provides \$6.1 million in state funds for potential additional expenses related to the design and construction of one phase of Moson Road. A previous assessment valued the design at \$21 million, and an additional \$1 million from the Sierra Vista Metropolitan Planning

Organization (SVMPO) is available for design. In response to the Board, Ms. Watkins stated that the design of Moson Road would be complete by the end of 2024 and it would be approximately 10 years before construction is complete.

Mr. Karwaczka clarified that the IGA number is 23-0009271-I rather than 23-0009271-1, which was motioned.

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

Health & Social Services

14. Approve Amendment 3 to Intergovernmental Agreement CTR055256 between Arizona Department of Health Services and Cochise County Health and Social Services, for Title V Maternal and Child Health Healthy Arizona Families, in the amount of \$166,176, effective July 1, 2023, to June 30, 2024.

Vice-Chairman Crosby made a motion to approve Amendment 3 to Intergovernmental Agreement CTR055256 between Arizona Department of Health Services and Cochise County Health and Social Services, for Title V Maternal and Child Health Healthy Arizona Families, in the amount of \$166,176, effective July 1, 2023, to June 30, 2024. Supervisor English seconded the motion.

Belinda Gonzales, Public Health Nurse, presented this item. Ms. Gonzales stated that this is year four of a five-year grant which aims to sustain support for well-woman visits, breastfeeding, and physical activity in the County. In response to the Board, Ms. Gonzales stated that recently free sports physicals are being provided to students in rural areas of the County.

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 acknowledged the success of the Cochise County Fair over the past weekend, and encouraged people to explore the various festivals happening in Cochise County during this time of year.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby mentioned the upcoming Hispanic festival in the park and expressed the hope of attending. He acknowledged Mr. Coxworth's patience in addressing citizens' concerns about Miracle Valley, thanking him for his efforts.

Report by District 2 Supervisor, Ann English

Supervisor English reported on the success of the County Fair, noting a high turnout and favorable weather conditions. Additionally, she expressed gratitude to Mr. Coxworth and Ms. Gilman for their efforts in overseeing the installation of a new sign at the entrance to the Bisbee Douglas International Airport.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd announced the upcoming Rex Allen Days in Willcox, highlighting its historical significance of 66 years and honoring hometown hero Rex Allen, known for his role as a Disney narrator and singer. She invited everyone to attend the festival, which is scheduled for the first full weekend of October, specifically the 6th, 7th, and 8th.

Chairman Judd adjourned the meeting at 11:35 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board