

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, NOVEMBER 28, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 28, 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 Present: Sharon Gilman, Deputy County Administrator; 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

CALL TO THE PUBLIC

Alfred Kern expressed frustration about ongoing issues with road maintenance, noted the lack of action despite numerous complaints, and emphasized the need for resolution before an upcoming election in 11 months.

Rodolfo Valencia was called upon but did not speak.

Sandy Trull expressed concerns about secure elections, cited the Arizona Constitution's Article 2, Section 2 and called for the reestablishment of precincts, removal of third-party corporations from elections, banning voting machines, and opposed mass mail-in voting without chain of custody and voter ID.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 14, 2023.
2. Approve letter appointing Mr. Joe Casey in his capacity as Associate County Administrator and Chief Information Officer, as the alternate member to the Arizona Counties Insurance Pool (ACIP) Board of Trustees.
3. Accept a grant from the Tohono O'Odham Nation as a pass-through for the Sunsites-Pearce Fire District in the amount of \$29,772.54.

4. Accept a grant from the Ak-Chin Indian Community as a pass-through for the Sunsites-Pearce Fire District in the amount of \$75,000.

Court Administration

5. Approve the appointment of Gary Ramaeker, Elda Orduno and Charles Price as county-wide Justices of the Peace Pro Tempores, where no other elected justices of the peace are available or otherwise able to conduct a necessary hearing pursuant to A.R.S. § 22-121, effective November 28, 2023 through June, 30, 2024.

Vice-Chairman Crosby made a motion to table the appointment of Ms. Orduno and Mr. Price until he or the Board, if they choose, have an opportunity to interview these two applicants. The motion failed for lack of a second.

Discussion ensued amongst the Board and Mr. Correa regarding tabling or amending the agenda item. Vice-Chairman Crosby stated that he was ready to vote in favor of Mr. Ramaeker and expressed his gratitude for his service in JP5.

Vice-Chairman Crosby made a motion to table Consent Agenda item 5 until December 12, 2023. Supervisor English seconded the motion and it carried unanimously.

Development Services

6. Approve the reappointment of Mr. Clint Briseno to the Board of Adjustment, representing District 1, for a term of office from January 1, 2024, through December 31, 2027.

Finance

7. Approve demands and budget amendments for operating transfers.

Supervisor English made a motion to approve Consent Agenda items 1-7. The motion failed for lack of a second.

Vice-Chairman Crosby made a motion to approve Consent Agenda items 1-4 and 6 and 7. Chairman Judd seconded the motion and it was carried unanimously.

PUBLIC HEARINGS

Development Services

8. Adopt Zoning Ordinance 23-19, to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Justin Uhrig.

Supervisor English made a motion to adopt Zoning Ordinance 23-19, to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Justin Uhrig. Vice-Chairman Crosby seconded the motion.

Chairman Judd opened the Public Hearing and no one chose to speak.

Christine McLachlan, Planning Division Manager, presented this item using a PowerPoint presentation. Ms McLachlan stated that this is an applicant initiated rezoning request from R-36 residential zoning to RU-4, aiming to build tiny homes on a five-acre parcel located east of Hwy 191, within the former Sunsites ranches subdivision. The rezoning proposal aligned with existing land use and infrastructure conditions and was deemed more suitable than the existing R-36 zoning. Despite opposition letters received, the Planning and Zoning Commission unanimously recommended the approval of rezoning to the Board of Supervisors at the November 8, 2023 meeting, and staff recommended approval. In response to the Board, Ms. McLachlan stated that of the individuals opposed to the rezoning, one wanted the property to stay residential, and the other was a code enforcement issue regarding a recreational vehicle (RV) on the property. She stated that an owner may stay in an RV on their property while their residence is being constructed, with periodic compliance checks.

Chairman Judd closed the Public Hearing.

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

9. Adopt Zoning Ordinance 23-20 to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) pursuant to the application of Jacob Linde.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 23-20 to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) pursuant to the application of Jacob Linde. Supervisor Crosby seconded the motion.

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor outlined the applicant-initiated request to rezone property from R-36 residential zoning to general business (GB). He stated the property, covering approximately 38.7 acres on Becki Lane west of Douglas, is intended for commercial uses within Growth Area B. Despite the absence of a concept plan and potential incompatibility with adjacent residential-zoned properties, the Planning and Zoning Commission unanimously recommended approval to the Board of Supervisors, with the condition of a 20-foot landscape buffer along the northern property line during development.

The Board commented that the discussed area, historically divided into residential plots, seems more suited for commercial development, expressing support for enabling business growth in that location as a better land use.

Chairman Judd closed the Public Hearing.

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

10. Adopt Zoning Ordinance 23-21 to rezone parcel 116-06-032A, previously described as parcels 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential District (one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Phyllis Peachey.

Supervisor English made a motion to adopt Zoning Ordinance 23-21 to rezone parcel 116-06-032A, previously described as parcels 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential District (one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Phyllis Peachey. Vice-Chairman Crosby seconded the motion.

Chairman Judd opened the Public Hearing and no one chose to speak.

Mr. Taylor presented this item using a PowerPoint presentation. Mr. Taylor stated that this is an applicant-driven request to rezone a property from SR-22 to RU-4, with Phyllis Peachey as the applicant. The property, about 60 miles north of the border, is mostly undeveloped, proposed use would be a single-family residence on a 4.5-acre parcel at the southeast corner of Eastland Road and Central Highway with an additional frontage on Victory. Factors supporting the rezoning include compliance with eight rezoning factors, aligning with the low-density residential development pattern in the area. Mr. Taylor stated that there were no factors against approval and staff did not receive any public opposition to the application. The Planning and Zoning Commission unanimously recommended approval to the Board of Supervisors.

Chairman Judd closed the Public Hearing.

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

ACTION

Board of Supervisors

11. Approve Community Enhancement Fund expenditures for District 2 in the amount of \$2,800 for the County portion to reimburse the City of Douglas for the purchase of fencing around the Douglas Municipal Airport to prevent animals from entering the property.

Supervisor English made a motion to approve Community Enhancement Fund expenditures for District 2 in the amount of \$2,800 for the County portion to reimburse the City of Douglas for the purchase of fencing around the Douglas Municipal Airport to prevent animals from entering the property. Vice-Chairman Crosby seconded the motion.

Supervisor English presented this item. Supervisor English explained that the cost of the fencing was divided among three participants: the rancher owning adjacent property, the city, and the county. She emphasized the importance of keeping animals away from airports for aviation safety in Douglas, and noted the difficulty in fencing to prevent deer from entering. She requested approval to continue their efforts in supporting aviation safety around the Municipal Airport.

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

County Schools

12. Approve an Intergovernmental Agreement (IGA) with the Arizona State Board of Education through the Arizona Department of Education (ADE) to provide an ADE employee located within the office of the Cochise County School Superintendent (CCSSO), effective upon signature through June 30, 2028.

Vice-Chairman Crosby made a motion to approve an Intergovernmental Agreement (IGA) with the Arizona State Board of Education through the Arizona Department of Education (ADE) to provide an ADE employee located within the office of the Cochise County School Superintendent (CCSSO), effective upon signature through June 30, 2028. Supervisor English seconded the motion.

Jacqui Clay, School Superintendent, presented this item. Dr. Clay detailed a collaborative effort with the Department of Education and the State Superintendent to offer educational services to Cochise County, Graham, Greeley County, and Santa Cruz County. She stated a liaison will be appointed for Southeast Arizona to assist with various educational needs, including facilitating required trainings and teacher certifications, with the aim of having a person or group from Phoenix visit monthly to expedite certification paperwork. Dr. Clay stated that the Cochise County Superintendent's Office was selected as one of four educational service agencies (ESAs) to serve and act as a liaison in these rural areas of the state. In response to the Board, Dr. Clay stated the liaison will work full time in Cochise County, be an employee of ADE, and be housed in the Superintendent's office under her supervision.

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

Development Services

13. Approve the Assurance Agreement replacement for the completion of the subdivision improvements for Rolling Hills Subdivision, with Pioneer Title Agency, Inc. as Trustee under Trust No. 70908065 and Trust No. 70908068, with an expiration date of November 28, 2028.

The Board took no action on this item as it was pulled by the applicant.

Finance

14. Approve the Inter-fund transfer from Fund 224, Health Department Arizona Prescription Drug Overdose Program, to Fund 109, Fleet Management, in the amount of \$28,000 for the purchase of a vehicle.

Supervisor English made a motion to approve the Inter-fund transfer from Fund 224, Health Department Arizona Prescription Drug Overdose Program, to Fund 109, Fleet Management, in the amount of \$28,000 for the purchase of a vehicle. Vice-Chairman Crosby seconded the motion.

Juan Frisby, Budget Manager, presented this item. Mr. Frisby explained that the proposal involved an interfund transfer from the health fund to the Fleet fund, necessitating approval. In response to the Board, Mr. Frisby stated this would fund a vehicle for the Health Department.

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

Health & Social Services

15. Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, "COVID-19 Health Disparities," between the Arizona Department of Health Services (ADHS) and Cochise County Health and Social Services to reduce the budget per the ADHS price sheet through May 31, 2024.

Vice-Chairman Crosby made a motion to approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, "COVID-19 Health Disparities," between the Arizona Department of Health Services (ADHS) and Cochise County Health and Social Services to reduce the budget per the ADHS price sheet through May 31, 2024. Supervisor English seconded the motion.

Rafael Melendez, Health Department Finance Manager, presented this item. Mr. Melendez stated this is an amendment to an existing IGA, which aimed to adjust the budget due to not utilizing all allocated funds. He stated the amendment will reduce the budget by \$2,838,000, redistributing the excess to other necessary areas, while maintaining funding for three full-time employees and eight contracts with subcontractors. In response to the Board, Mr. Melendez stated that staff is currently in talks regarding the extension of the grant past 2024.

Supervisor Crosby expressed constitutional concerns regarding the agreement's provisions on complying with future directives related to COVID-19, citing potential conflicts with constitutional rights such as due process and equal protection, particularly for unvaccinated individuals.

Chairman Judd called for the vote and it was approved 2-0-1 (Crosby abstained).

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

Mr. Karwaczka was not in attendance. Ms. Gilman deferred a 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 expressed gratitude to the Douglas community for their collective efforts in various community events like tree lighting ceremonies, decorations, and a successful light parade, and emphasized that every contribution was for the betterment of the community as a whole.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd recommended observing the birds flying over at various viewing sites, easily accessible throughout the county.

Chairman Judd adjourned the meeting at 10:47 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board