

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, JANUARY 23, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, January 23, 2024 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: Richard G. Karwaczka, County 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***

Paul Varble stated that the Board acted in violation of state statute regarding voting centers. Mr. Varble emphasized the importance of election integrity through paper ballots, voter picture ID, and proof of American citizenship, and expressed a desire to remove officials who violated their oath of office.

Radford Hyde raised concerns about the accreditation lapse of the ES&S voting system, network connectivity of express poll tablets and called for the removal of voting machines. He expressed his support for Tom Crosby as Chairman.

Allison Morse thanked staff, Cochise College and the election equipment vendor for the voting demonstration and discussed challenges in obtaining information through public record requests.

Kara L. Harris criticized the Board for violating their oath of office by re-voting on voting centers, emphasized the preference for paper ballots, precinct voting, and no machines. She highlighted concerns about voting machines and expressed her support for Tom Crosby as Chairman.

Nancy Olmstead expressed concern about the perceived violation of the Arizona Constitution by the Board regarding the number of voting locations, emphasized the importance of adhering to election laws to maintain integrity and urged the Board to revert back to 55 voting locations.

Tricia Gerrodette shared her positive experience with the ES&S demonstration, particularly the voting process using machines, highlighted the transparency and security of the system, and expressed confidence in the accuracy of vote-by-mail, which is widely used in Arizona by 80% of

the population.

Shanna Herrera expressed disappointment in the Board's decision to vote against precinct voting and opt for vote centers, emphasized the missed opportunity for change without facing objections from the state and nominated Tom Crosby for Chairman.

Sandy Trull voiced concerns about the environmental impact of lithium mining in Cochise County and demanded the Board of Supervisors to stop it. She also expressed opposition to the December vote that set up 18 vote centers for the 2024 elections, cited violations of state statute and urged a return to 55 precincts for in-person paper ballot voting to ensure election integrity.

Yvonne Mayer opposed the actions taken by the Board on December 12th and January 9th regarding the approval of vote centers, cited violations of Arizona statute and called for the Board to rescind the approval of vote centers.

Kim Depew questioned the Board's reversal of their own vote on precinct voting, stated that the December decision violated Arizona statutes and expressed disappointment in the loss of United States republicanism. She urged the Board to give Vice-Chairman Crosby a chance to lead the board.

Henry S Conroy stated the Board violated statute and accused the Board of unlawfully changing from voting precincts to voting centers. He emphasized the illegality of this action and urged the Board to revert to the original and legal decision made on September 12th, expressed concerns about the voting machines and the need for independent evaluation of their software.

Jean Giuffrida stated that the Board voted against voting centers on September 12th and that any actions taken after that are illegitimate. She urged the Board to revert to establishing 55 precinct polling places, and questioned the significance of having laws if they are not followed.

## **CONSENT**

### **Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 9, 2024.

### **County Sheriff**

2. Approve the Modification to the Cooperative Law Enforcement Agreement 23-LE-11030500-048 between the United States Department of Agriculture (USDA) Forest Service and the Cochise County Sheriff's Office, in the amount of \$13,000 for overtime, employer related expenses and fleet costs for Sheriff's deputies to patrol various recreation areas of the Coronado National Forest, effective January 1, 2024 through December 31, 2024.
3. Approve Grant Agreement 2024-PTS-077 between Cochise County and the Governor's Office of Highway Safety, in the amount of \$17,271.33 (\$11,000, for overtime and employee-related expenses; \$6,271.33 for radars) for Selective Traffic Enforcement Program (STEP), effective October 1, 2023 through September 30, 2024.

### **Emergency Services**

4. Approve Amendment 1 to the Subrecipient Agreement Emergency Management Performance Grant EMF-2023-APP-00008-SO1 correcting the effective date range to July 1, 2023, through June 30, 2024.
5. Approve the revised Emergency Management Performance Grant EMF-2022-EP-00009-S01 with a one-year extended period of performance of July 1, 2022, through June 30, 2024, and with the amended budget.

## **Finance**

6. Approve demands and budget amendments for operating transfers.

## **Workforce Development**

7. Approve the appointment of Mary Merino to the Local Workforce Investment Board, effective immediately and through 6/30/2028.

Supervisor English made a motion to approve items 1-7 on the Consent Agenda. Vice-Chairman Crosby seconded the motion and it was carried unanimously.

## ***PUBLIC HEARINGS***

### **Board of Supervisors**

8. Approve Series 13 (Farm Winery) new liquor license application submitted by Alexander C. King, for Cactus Cru, located at 10350 E. Sunrise Drive, Pearce, AZ 85625.

Vice-Chairman Crosby made a motion to approve Series 13 (Farm Winery) new liquor license application submitted by Alexander C. King, for Cactus Cru, located at 10350 E. Sunrise Drive, Pearce, AZ 85625. Supervisor English seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim stated that the application received from Cactus Cru was reviewed and recommended for approval by the relevant departments, property taxes are current and no formal protests were received. She stated that the applicant paid the processing fee and staff recommended approval.

Chairman Judd opened the Public Hearing.

No one chose to speak and Chairman Judd closed the Public Hearing.

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

## ***ACTION***

### **Board of Supervisors**

9. Elect \_\_\_\_\_ as Chairman of the Board of Supervisors, effective with the February 6, 2024 Regular Board of Supervisors Meeting.

Chairman Judd conveyed her reluctance to leave as Chairman, and highlighted her intention to actively participate in meetings remotely. She praised the effectiveness of the system in Cochise County, and mentioned personal reasons for working from home.

Chairman Judd made a motion to elect Ann English as Chairman of the Board of Supervisors, effective with the February 6, 2024 Regular Board of Supervisors Meeting. She cited Supervisor English's experience and decorum, and emphasized a smooth transition. Supervisor English seconded the motion.

Chairman Judd stated that 12 people signed in support, but did not wish to speak, of Ann English as Chairman and zero were opposed.

Allison Morse spoke in favor of Ann English as Chairman and discussed the reasons.

Jeff Sturges spoke in favor of Ann English as Chairman and discussed the reasons.

Tricia Gerrodette spoke in favor of Ann English as Chairman and discussed the reasons.

Sandy Trull spoke in favor of Tom Crosby as Chairman and discussed the reasons.

Joseph Patterson spoke in favor of Tom Crosby as Chairman and discussed the reasons.

Tamara R. Birch spoke in favor of Ann English as Chairman and discussed the reasons.

Joy Banks spoke in favor of Ann English as Chairman and discussed the reasons.

Vice-Chairman Crosby stated that he would oppose the appointment of Ann English as Chair due to mistakes made by her and Chairman Judd.

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

## **Development Services**

10. Adopt Resolution 24-02 authorizing Cochise County to apply for a grant from the Arizona Department of Housing State Housing Trust Fund to fund emergency housing repairs for income-qualified Cochise County residents, excluding residents in the incorporated areas of Sierra Vista and Douglas.

Supervisor English made a motion to adopt Resolution 24-02 authorizing Cochise County to apply for a grant from the Arizona Department of Housing State Housing Trust Fund to fund emergency housing repairs for income-qualified Cochise County residents, excluding residents in the incorporated areas of Sierra Vista and Douglas. Vice-Chairman Crosby seconded the motion.

Susan Bronson, Planner, presented this item using a PowerPoint presentation. Ms. Bronson stated that this is a request for authorization to apply for a state grant from the Arizona Department of Housing for emergency home repair, separate from the Community Development Block Grant Programs (CDBG) grant, and emphasized its competitive nature and suitability for rural projects. In response to the Board, Ms. Bronson stated that there is no National Environmental Policy Act (NEPA) requirement and there is a streamlined bidding process.

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

11. Adopt Resolution 24-03 authorizing the adoption of State Housing Trust Fund Owner Occupied Emergency Repair Housing Guidelines.

Vice-Chairman Crosby made a motion to adopt Resolution 24-03 authorizing the adoption of State Housing Trust Fund Owner Occupied Emergency Repair Housing Guidelines. Supervisor English seconded the motion.

Ms. Bronson presented this item using a PowerPoint presentation. Ms. Bronson stated that approval is sought for the State Housing Trust fund (STHF) guidelines which are similar to that of the CDBG grant. She stated the differences from the CDBG grant are that this grant can be used in a floodplain, floodplain insurance is required by the owner and the repair must be an emergency repair. In response to the Board, Ms. Bronson stated that the property must be owner occupied but does not have the requirement that the homeowner must have lived in the property the 12 months preceding the application.

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

## **Emergency Services**

12. Approve the State of Arizona Mutual Aid Compact (AZMAC), which enables participants to share resources during emergencies, effective through December 31, 2033.

Supervisor English made a motion to approve the State of Arizona Mutual Aid Compact (AZMAC), which enables participants to share resources during emergencies, effective through December 31, 2033. Vice-Chairman Crosby seconded the motion.

Dan Duchon, Emergency Services Director, presented this item. Mr. Duchon stated that the goal of the Mutual Aid Compact is to identify emergency resources and establish reimbursement mechanisms, and emphasized adherence to the national incident management system (NIMS) and interoperability rules without imposing obligations on resource-limited entities.

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

## **Facilities**

13. Approve Contract 23-01-FAC-01 with KWR Construction for the construction of a Facilities maintenance building in the amount of \$2,753,551.55 and approve Proposal with KE&G for utility trenching in the amount of \$123,598.00 at parcel 102-30-114W, 1228 Hereford Rd. Bisbee, AZ 85603, effective January 23, 2024.

Vice-Chairman Crosby made a motion to approve Contract 23-01-FAC-01 with KWR Construction for the construction of a Facilities maintenance building in the amount of \$2,753,551.55 and approve Proposal with KE&G for utility trenching in the amount of \$123,598.00 at parcel 102-30-114W, 1228 Hereford Rd. Bisbee, AZ 85603, effective January 23, 2024. Supervisor English seconded the motion.

Darrel Crowley, Interim Facilities Director, presented this item. Mr. Crowley stated that

this is a proposal to build a new facilities shop as part of the county's long-term plan to reduce its footprint, continuing the process of relocating from the old mechanic shop to facilitate construction. In response to the Board, Mr. Crowley clarified that this is an approval for the Facilities maintenance building and the utility trenching.

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

## **Public Works**

14. Approve change order to contract 24-01-SWD-01, previously approved by the Board on July 25, 2023, to increase contract amount from \$3,181,659.61 to \$3,305,120.44 for additional work on excavation and liner material.

Supervisor English made a motion to approve change order to contract 24-01-SWD-01, previously approved by the Board on July 25, 2023, to increase contract amount from \$3,181,659.61 to \$3,305,120.44 for additional work on excavation and liner material. Vice-Chairman Crosby seconded the motion.

Jason Faccio, Public Works Director, presented this item. Mr. Faccio requested the Board's approval for a change order to the contract, seeking an increase of \$123,460.00 to the original purchase order to cover additional excavation and liner material required to complete cell 5 at the Western Regional Landfill. In response to the Board, Mr. Faccio stated that additional excavation was required due to moisture from the previous year's monsoon. He stated the material needed to be removed and replaced with dry material to avoid a tear in the liner.

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

## **STATE & FEDERAL LEGISLATION**

15. 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 deferred to Supervisor English as she is the Legislative Policy Committee member. Supervisor English emphasized the importance of receiving information ahead of time about issues to be brought up during meetings, and noted her role as a mouthpiece rather than a decision-maker, and urged proactive communication for effective participation.

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

Mr. Karwaczka emphasized the urgent need for poll workers, especially in rural areas like San Simon and McNeal, and encouraged listeners to visit [www.cochise.az.gov/elections](http://www.cochise.az.gov/elections) for more information and to submit an application. He stated that stipends up to \$155 per election worked with typical hours from 5:00 AM to 8:00 PM.

## **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**

Chairman Judd expressed gratitude for public outreach, and mentioned personal challenges. She recognized the honor of serving as Chairman and thanked everyone for their comments and opinions.

Chairman Judd adjourned the meeting at 11:07 a.m.

APPROVED:

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Peggy Judd, Chairman

ATTEST:

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Lara Loewenheim, Deputy Clerk of the Board