

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MARCH 26, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 26, 2024 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

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

Chairman English 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

Renee Benoit shared her positive experience while working the polls. Ms. Benoit emphasized that suggestions for paper ballots or hand counts would be a mistake, as the machines proved efficient. She noted that inadequate training caused some issues, but overall found that the machines were reliable.

Frances Alvarez expressed concern about the cleanup at Miracle Valley and her opposition to demolition.

Melvin Harter addressed concerns regarding the development of the Bible college for sale. He requested permission to walk-thru the property as an interested buyer.

Alison Morse expressed gratitude to the individuals who contributed to the success of the presidential primary election, including election staff, volunteers, and poll workers. Ms. Morse commended the organization and efficiency of the majority of voting centers she visited during Election Day, covering a 422-mile tour across various locations. Ms. Morse recommended the use of BallotTrax for tracking ballots.

Tricia Gerrodette informed the Board of her experience as an observer at the Huachuca City Vote Center during the recent election. Ms. Gerrodette noted the smooth process of scanning IDs and printing paper ballots for voters to use at the machines. She also observed the hand count process, noting that counting ballots cast on Election Day was easier than counting mailed-in ballots. Despite this, all three counting tables successfully matched the machine counts, resulting

in cheers from everyone involved.

Kara Harris expressed concerns about the introduction of new voting machines with internet access, leading to a reduction in community connections and the potential for fraud. She emphasized the need to address issues of voter rolls accuracy before the upcoming primary election.

Sandy Trull accused the Board of complicity in election interference and fraud due to their use of unsecure and uncertified voting machines. She urged the board to reestablish precincts, ban third-party voting technology, and eliminate mass mail-in ballots without voter ID.

Paul Varble expressed his concerns on several issues related to election integrity, border security, and respecting the constitution. He praised Supervisor Crosby for not certifying the election in 2022. He criticized the actions of Supervisor English and County Attorney Brian McIntyre in the events of 2022.

Rebekah Allen Jones expressed appreciation for the concern shown by the board regarding the future of the Miracle Valley Bible College property. She also voiced concerns about the decision to allocate \$70,000 for cleanup and demolition without proper oversight or professional review of the buildings.

Nancy Olmstead expressed gratitude to everyone involved in conducting the recent election, particularly highlighting the outstanding staff and volunteers at Huachuca City. Ms. Olmstead also voiced skepticism about the security of the election despite assurances from authorities, citing concerns about unequal verification systems for in-person and mail-in voters.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of March 12, 2024.
2. Approve a proclamation to declare April 2024 as National County Government Month - "ForwardTogether" in support of how counties preserve public health, ensure public safety, and promote local economies and resiliency.

Finance

3. Approve demands and budget amendments for operating transfers.

Housing Authority

4. Approve a proclamation to declare April 2024 as Fair Housing Month in Cochise County.

Vice-Chairman Crosby made a motion to approve items 1-4 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

5. Approve Series 10 (Beer and Wine) new liquor license application submitted by Arthur Miller, for Winchester Mercantile, LLC, located at 6533 North Fort Grant Road, Willcox, AZ 85643.

Supervisor Judd made a motion to approve Series 10 (Beer and Wine) new liquor license application submitted by Arthur Miller, for Winchester Mercantile, LLC, located at 6533 North Fort Grant Road, Willcox, AZ 85643. Vice-Chairman Crosby seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim stated that the application received from Mr. Arthur Miller was reviewed and recommended for approval by the relevant departments and property taxes are current. She stated that the notice and application were posted as required by state law and the applicant paid the processing fee.

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

Chairman English closed the Public Hearing.

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

Development Services

6. Adopt Resolution 24-04 to amend the Cochise County Comprehensive Plan land use and growth area designations of 25.8 acres in Whetstone (tax parcels 106-18-009C and 106-18-009D) from the Developing designation to Rural Residential, and from Category B - Community Growth Areas to Category D - Rural Areas, and adopt Zoning Ordinance 24-02 to rezone tax parcels 106-18-009C and 106-18-009D from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres).

Vice-Chairman Crosby made a motion to adopt Resolution 24-04 to amend the Cochise County Comprehensive Plan land use and growth area designations of 25.8 acres in Whetstone (tax parcels 106-18-009C and 106-18-009D) from the Developing designation to Rural Residential, and from Category B - Community Growth Areas to Category D - Rural Areas, and adopt Zoning Ordinance 24-02 to rezone tax parcels 106-18-009C and 106-18-009D from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres). Supervisor Judd seconded the motion.

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor presented staff's analysis for docket CPA 2304 and RZ 23-23, with Charles Blevins as the applicant for the location at Camino de Mesa and Sheila St. in Whetstone. Mr. Taylor highlighted the current plan designation as developing, emphasizing a distinguishable residential growth pattern and factors both in favor and against the proposed amendments. Mr. Taylor continued with the rezoning request which he stated aligns with nine factors in favor of approval, with one factor not complying due to consideration of planning policies during a comprehensive plan amendment. He stated that despite opposition from nearby property owners and concerns about non-residential uses, staff did not propose any conditions for the proposed down zone intended for rural and residential use.

In response to the Board, Mr. Taylor clarified that while the proposed rezoning would allow some non-residential uses, the majority of parcels were zoned for residential purposes, with any non-residential uses requiring special authorization. He stated the applicant's intention to develop single-family residences on the parcels, aiming to avoid conflicts with neighboring properties in the future. Mr. Taylor reviewed concerns of neighbors that included water conservation, impacts on home values and property maintenance. He noted that the proposed development complies with existing zoning regulations and is significantly less dense than what is permitted.

Chairman English opened the Public Hearing.

Charles Blevins, applicant, expressed his intention to eventually relocate to Whetstone, Arizona, where he plans to develop his property conservatively with family members and friends to ensure ample space and privacy. He emphasized the benefits of fewer houses compared to a previously approved plan for a larger development.

Chairman English closed the Public Hearing.

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

7. Adopt Zoning Ordinance 24-03 to rezone two acres out of tax parcel 104-68-005G from RU-4 (Rural District, one dwelling per 4 acres) to GB (General Business District) pursuant to the application of Clinton Gray.

Supervisor Judd made a motion to adopt Zoning Ordinance 24-03 to rezone two acres out of tax parcel 104-68-005G from RU-4 (Rural District, one dwelling per 4 acres) to GB (General Business District) pursuant to the application of Clinton Gray. Vice-Chairman Crosby seconded the motion.

Mr. Taylor presented this item using a PowerPoint presentation. Mr. Taylor presented the staff's analysis for RZ24-03, highlighted the property's location and surrounding zoning districts predominantly RU with some GB along highway 92. He discussed the concept plan for the proposed veterinary clinic, noted compliance with zoning regulations and factors in favor of approval, with no identified factors against approval at the time of the presentation.

In response to the Board, Mr. Taylor stated that the applicant owns 18 1/2-acres and intends to divide two acres for another owner's use in constructing a veterinary clinic, rather than developing the property themselves, with the intention to sell these specific acreages.

Chairman English opened the Public Hearing.

Clinton Gray, applicant, expressed his belief that establishing a veterinary clinic would greatly benefit the community and conveyed his personal attachment to the area.

Tricia Gerrodette expressed support for a veterinary clinic in the area but raised concerns about potential traffic issues stemming from additional curb cuts on State Route 92 and encouraged rainwater harvesting as part of the construction to address water usage concerns.

Joe Scekso expressed support for the establishment of a veterinary clinic in the area, citing its necessity for the community, particularly given the absence of services for both large and small animals following the retirement of the local veterinarian.

Chairman English stated that the Board does not have any authority over state highways but can be a conduit for change with ADOT for Highway 92 concerns.

Supervisor Crosby also expressed concerns about traffic safety on Highway 92.

Chairman English closed the Public Hearing.

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

8. Adopt Zoning Ordinance 24-04 to rezone tax parcel 403-54-241A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Mohamad Hodai.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 24-04 to rezone tax parcel 403-54-241A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Mohamad Hodai. Supervisor Judd seconded the motion.

Mr. Taylor presented using a PowerPoint presentation. Mr. Taylor presented docket RZ 2402, an applicant-initiated rezoning request in Sunsites Ranches Unit #4 from R36 to RU4. He stated that the property is situated approximately 6 miles northeast of Elfrida bordering state land. The owner intends to participate in the county's owner-builder opt-out program to build a single-family residence with an accessory structure. He stated that the request complies with ten of the fifteen applicable factors with no identified opposition from adjacent property owners.

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

Chairman English closed the Public Hearing.

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

ACTION

County Sheriff

9. Approve Opioid Abatement Funding Grant AG24-011 from the Office of the Arizona Attorney General, for the Medications for Opiate Use Disorder (MOUD) program, and contraband detection and reduction, for the purpose of reentry planning, in the amount of \$1,046,861.38 for the period of January 1, 2024 through December 31, 2024.

Supervisor Judd made a motion to approve Opioid Abatement Funding Grant AG24-011 from the Office of the Arizona Attorney General, for the Medications for Opiate Use Disorder (MOUD) program, and contraband detection and reduction, for the purpose of reentry planning, in the amount of \$1,046,861.38 for the period of January 1, 2024 through December 31, 2024. Vice-Chairman Crosby seconded the motion.

Megan Kennedy, Detention Health Director, and Kenny Bradshaw, Commander, presented this item. Ms. Kennedy stated that these funds would support the community reentry of individuals with opioid-use disorder and co-occurring mental health conditions, with proposed strategies including augmenting community reentry programs, supporting medication-assisted treatment. She stated a contraband detection program would be

implemented, which would necessitate the addition of four full-time positions and the purchase of equipment for program support.

In response to the Board, Ms. Kennedy stated that in the past, the program has operated through a partnership with Community Medical Services (CMS), but due to limitations in medication availability, it has been restricted. She stated with the proposed funding, the program could expand significantly, reaching and supporting a larger number of individuals with opioid-use disorder and substance-use disorder during their transition. The Board and staff discussed body scanner functionality and cost.

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

Engineering & Natural Resources

10. Approve Intergovernmental Agreement (IGA) 23-0009419-I, Davis Road Rehabilitation, Mileposts 5 and 13, between the Arizona Department of Transportation (ADOT) and Cochise County, to administer the drainage and roadway construction for Davis Road at milepost 5 and 13 and authorize the County estimated cost share in the amount of \$204,869, effective upon signing by all parties.

Vice-Chairman Crosby made a motion to approve Intergovernmental Agreement (IGA) 23-0009419-I, Davis Road Rehabilitation, Mileposts 5 and 13, between the Arizona Department of Transportation (ADOT) and Cochise County, to administer the drainage and roadway construction for Davis Road at milepost 5 and 13 and authorize the County estimated cost share in the amount of \$204,869, effective upon signing by all parties. Supervisor Judd seconded the motion.

Jackie Watkins, Engineering and Natural Resources Director, presented this item. Ms. Watkins explained that since 2003, efforts have been underway to improve Davis Rd for year-round access, and after applying for a congressional discretionary grant of approximately \$2.9 million, the total project cost, estimated at \$6.5 million. She stated that this will be covered by the Highway User Revenue Fund (HURF) budget, with ADOT overseeing construction due to the involvement of federal funds. In response to the Board, Ms. Watkins stated that this project will look similar to the work done at milepost 9, funds have already been designated and construction will begin this fall.

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

Health & Social Services

11. Approve Amendment 6 to Contract Number YH16-0018-13, Revision of Rates for State Fiscal Year 2024 (SFY 24), between the Arizona Health Care Cost Containment System (AHCCCS) and Cochise County.

Supervisor Judd made a motion to approve Amendment 6 to Contract Number YH16-0018-13, Revision of Rates for State Fiscal Year 2024 (SFY 24), between the Arizona Health Care Cost Containment System (AHCCCS) and Cochise County. Vice-Chairman Crosby seconded the motion.

Ms. Kennedy presented this item. Ms. Kennedy requested approval for Amendment 6 to the IGA between Access and Cochise County Detention Health Services to revise rates for the state fiscal year 2024, originally established in 2012. She stated this allows for lower hospitalization rates for inmates, suspension rather than termination of access for

individuals upon incarceration, facilitating smoother reentry and continuity of care, and reinstatement of benefits almost immediately upon release. Ms. Kennedy stated that has resulted in significant annual cost savings for the county since 2012. In response to the Board, Ms. Kennedy stated that if the IGA was not in place, upon incarceration, Arizona Health Care Cost Containment System (AHCCCS) would be terminated rather than suspended.

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

STATE & FEDERAL LEGISLATION

12. 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 English stated that the budget has not come up yet and all of the information that comes out of the Legislative Policy Committee is available.

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

Mr. Karwaczka reported on the availability of mental health and recovery support services provided by Hope Incorporated at the Douglas and Sierra Vista clinics, coordinated by Ms. Lang, Health Director, aiming to address the needed support in Cochise County.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Supervisor Judd deferred her report.

Chairman English adjourned the meeting at 11:22 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board