

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, OCTOBER 29, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, October 29, 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; Paul Correa, Chief Civil Deputy County Attorney; Lara Loewenheim, 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

Allison Morris was called upon but did not speak.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of October 15, 2024.

Court Administration

2. Approve the Proclamation declaring November 15, 2024, as National Adoption Day in Cochise County.

Finance

3. Approve demands and budget amendments for operating transfers.

Information Technology

4. Approve an Intergovernmental Agreement (IGA) between Cochise County and the City of Tombstone regarding information technology (IT) management, responsibility, technical support, computer replacement, security and access of the Tombstone Marshal to the Spillman Data System and Arizona Criminal Justice Information System for one year upon signature, with four additional one year renewal options.

Workforce Development

5. Approve appointments to the Local Workforce Investment Board as outlined in Exhibit A, effective immediately and through June 30, 2028.

Vice-Chairman Crosby made a motion to approve consent agenda items 1-5. Supervisor Judd seconded the motion and it was approved unanimously.

PUBLIC HEARINGS

Development Services

6. Adopt Zoning Ordinance 24-15 to rezone tax parcel 404-02-432 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Daniel and Rose Weber.

Supervisor Judd made a motion to Adopt Zoning Ordinance 24-15 to rezone tax parcel 404-02-432 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Daniel and Rose Weber. Vice-Chairman Crosby seconded the motion.

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor outlined a down-zoning request for a parcel located at Moon Beam Drive and Night Sky Road, aiming to reclassify it from RU-2 to RU-4 zoning.

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.

7. Adopt Zoning Ordinance 24-16 to rezone tax parcels 117-06-217, 218, 219, 228, 235, and 238 from SR-43 (Single-Household Residential, one dwelling per 43,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Jonathan and Ashley Longnecker.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 24-16 to rezone tax parcels 117-06-217, 218, 219, 228, 235, and 238 from SR-43 (Single-Household Residential, one dwelling per 43,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Jonathan and Ashley Longnecker. Supervisor Judd seconded the motion.

Matthew Taylor, Planner II presented this item using a PowerPoint presentation. Mr. Taylor presented a request to down-zone 9 acres from SR-43 to RU-4, submitted by applicants Jonathan and Ashley Longnecker. He stated the property, located near the northwest corner of Pierce and Desert Roads within Sunsites Unit 2, is currently undeveloped and part of the Salt of the Springs Valley area plan. He noted applicants previously down-zoned adjacent parcels in 2020 and now intend to unify these parcels by removing interior lot lines for simplified future development.

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.

8. Adopt Resolution 24-27 to amend the Cochise County Comprehensive Plan land use and growth area designations of 28 acres from Neighborhood Conservation to Rural and Category C - Rural Community Areas to D - Rural Areas, and adopt Zoning Ordinance 24-17 to rezone tax parcels 101-39-008K and 101-48-001M from R-36 (Residential District, one dwelling per 36,000 square feet) and RU-4 (Rural District, one dwelling per 4 acres) to RU-18 (Rural District, one dwelling per 18 acres) pursuant to the application of Vici Seaver.

Supervisor Judd made a motion to adopt Resolution 24-27 to amend the Cochise County Comprehensive Plan land use and growth area designations of 28 acres from Neighborhood Conservation to Rural and Category C - Rural Community Areas to D - Rural Areas, and adopt Zoning Ordinance 24-17 to rezone tax parcels 101-39-008K and 101-48-001M from R-36 (Residential District, one dwelling per 36,000 square feet) and RU-4 (Rural District, one dwelling per 4 acres) to RU-18 (Rural District, one dwelling per 18 acres) pursuant to the application of Vici Seaver. Vice-Chairman Crosby seconded the motion.

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor presented an application for both a comprehensive plan amendment and a down-zoning request, submitted by applicant Vicky Cber for property at 85688 82 East Mortar Road. He stated the proposal aims to reclassify the parcels from Neighborhood Conservation to Rural, changing Growth Area C to Growth Area D, and down-zone from RU-4 to RU-8. Mr. Taylor stated the applicant plans to combine the parcels to maintain their natural features, while preserving a low-density residential use.

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.

9. Approve or deny the applicant's appeal by Horus Energy AZ1, LLC, (SUA24-02) of the Planning and Zoning Commission's denial of Special Use Authorization SU24-07 for a solar energy power plant (Dahlia Solar).

Matthew Taylor, Planner II, presented this item using a PowerPoint. Mr. Taylor presented an appeal regarding the Planning and Zoning Commission's denial of a special use authorization for a proposed 596-acre solar power plant near Douglas. He stated the commission's decision was based on concerns about natural hazard risks, public opposition, and interconnection agreements for power distribution. Mr. Taylor stated the

applicant is appealing, arguing that the commission's decision was overly broad and has presented additional information addressing issues such as panel glare, wildlife impact, and hazardous materials.

Chairman English opened the Public Hearing.

Diana Sandoval, Wesland Resources, the petitioners representative assisted Horus with their application for the special use and introduced Mr. Joel Diamond and Roger Freeman.

Roger Freeman, Senior Legal Advisor, introduced Georgi Velkov, project manager and Mark Pritchard, project engineer. He thanked the Board for taking time to listen to the facts surrounding the appeal.

Georgi Velkov was unable to speak due to technical difficulties.

Ms. Sandoval presented this item using a PowerPoint presentation. Ms. Sandoval clarified Horus credentials and experience in solar project development, including projects in Arizona and other states. Horus proposed a 75-megawatt solar project spanning 600 acres near Douglas, collaborating with APS and specifying that no batteries would be involved to address previous confusion. She stated the project site was carefully selected to avoid critical habitats and maintain substantial setbacks from nearby residences, exceeding county requirements. Horus emphasized the project's private funding, tax benefits for the community, and lack of hazardous materials, with plans for end-of-life land restoration and safety assurances for the surrounding area.

The Board recessed due to technical difficulties at 10:36 a.m.

The Board resumed regular session at 11:30 a.m.

Mr. Velkov highlighted the economic benefits of the proposed solar project, including nearly \$20 million in local taxes and job creation. He emphasized that this would be the only APS energy production project in the area, supporting local energy independence and potentially lowering energy prices in southern Cochise County. Addressing community concerns, Mr. Velkov stated an emergency response plan and insurance policy will cover any unforeseen events.

Pierre Potgieter discussed reasons for his opposition to the Horus solar project.

Roger Freeman discussed reasons for his support for the Horus solar project.

Kathryn DeMar discussed reasons for her opposition to the Horus solar project.

Nicole Potgieter discussed reasons for her opposition to the Horus solar project.

Joel Diamond discussed reasons for his support for the Horus solar project.

Mark Pritchard discussed reasons for his support for the Horus solar project.

Kim Vu discussed reasons for her opposition to the Horus solar project.

Dan Baker discussed reasons for his opposition to the Horus solar project.

Christine Atchison discussed reasons for her opposition to the Horus solar project.

Kathleen Gomez discussed reasons for her opposition to the Horus solar project and

requested the Board to look into the Comprehensive plan.

George Morin discussed reasons for his opposition to the Horus solar project.

Amalia Marin read a letter from Mr. Rickie O'Pauley discussing reasons for his opposition to the Horus solar project.

Sean Ramsey discussed reasons for his opposition to the Horus solar project.

Nancy Olmstead discussed reasons for her opposition to the Horus solar project.

Sandy Trull discussed reasons for her opposition to the Horus solar project.

Hoang Quan discussed reasons for his opposition for the Horus solar project.

Mark Toenies discussed reasons for his support of the Horus solar project.

Henry Conroy discussed reasons for his opposition for the Horus solar project.

Barry Hodges discussed reasons for his opposition for the Horus solar project.

Kathleen Long discussed reasons for her opposition for the Horus solar project.

Chairman English read on the record that there were seven (7) people opposed to the project but did not wish to speak.

Johnny Wilson discussed reasons for his opposition for the Horus solar project.

Monty Mathis discussed reasons for his opposition for the Horus solar project.

Jane Chuck discussed reasons for her opposition for the Horus solar project.

Michael Donahue discussed reasons for his opposition for the Horus solar project.

Chairman English closed the Public Hearing.

Vice-Chairman Crosby addressed concerns about tax incentives, arguing that unless there's an actual reduction in government spending, tax cuts merely shift the financial burden onto others. He also defended the integrity of the Planning and Zoning Commission, noting that the commission has had divided votes on other significant issues, which suggests they do not routinely rubber-stamp proposals.

Supervisor Judd highlighted that to overturn the Planning and Zoning Commission's decision, it must be demonstrated that the decision was erroneous. she acknowledged that the commission likely did not act arbitrarily or capriciously, noting their careful consideration of input and questions from the community. While new information was presented, such as a contract with APS and confirmation that batteries would not be used, she expressed uncertainty about its significance and the absence of an explanation for why it wasn't included in the initial hearings.

Chairman English expressed support for solar energy but criticized the presentation made by the appellant, suggesting it lacked clarity on why the Planning and Zoning Commission's decision should be overturned. She noted that solar is more viable than wind power in the area but felt the appellant did not effectively communicate their case. She emphasized that the project's initial steps may not yield all the information the public desires, and that it was

unrealistic to expect complete answers at this stage. Chairman English highlighted a disconnect between the company and the community, stating that better communication and preparedness for rural residents' concerns are essential for moving forward successfully.

Vice-Chairman Crosby made a motion to deny the applicant's appeal by Horus Energy AZ1, LLC, (SUA24-02) of the Planning and Zoning Commission's denial of Special Use Authorization SU24-07 for a solar energy power plant (Dahlia Solar). Supervisor Judd seconded the motion.

Vice-Chairman Crosby stated the County is ultimately the people, not the Board, not the staff and he voted to deny the applicants appeal and therefore vote Aye.

Supervisor Judd stated they have strict regulations that they have to follow and she did not find the evidence met the regulations and therefore vote Aye.

Chairman English voted Aye, upholding the Planning and Zoning Commission's decision, despite believing that the project met the necessary standards and therefore vote Aye.

Chairman English stated there were three (3) denials and the Horus solar project failed.

ACTION

Adult Probation

10. Approve the Funding Agreement for the Arizona Criminal Justice Commission (ACJC) Drug, Gang, and Violent Crime Control Program (DGVCCP) Grant to enhance the ability of the courts to provide services to enhance drug, gang, and/or related violent crime control efforts to deter, investigate, prosecute, adjudicate, and treat drug, gang, and related violent adult offenders, in the amount of \$75,119.76 and the required \$25,039.92 matching funds, effective July 1, 2024, through June 30, 2025.

Supervisor Judd made a motion to approve the Funding Agreement for the Arizona Criminal Justice Commission (ACJC) Drug, Gang, and Violent Crime Control Program (DGVCCP) Grant to enhance the ability of the courts to provide services to enhance drug, gang, and/or related violent crime control efforts to deter, investigate, prosecute, adjudicate, and treat drug, gang, and related violent adult offenders, in the amount of \$75,119.76 and the required \$25,039.92 matching funds, effective July 1, 2024, through June 30, 2025. Vice-Chairman Crosby seconded the motion.

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

Board of Supervisors

11. Approve Community Enhancement Fund expenditures for District 3: Provide \$9,000 to the City of Benson for a Visitor Center sign.

Supervisor Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Provide \$9,000 to the City of Benson for a Visitor Center sign.

Supervisor Judd presented this item and proposed a contribution to the City of Benson to fund half the cost of a new visitor center sign. Supervisor Judd stated the project is a priority

that would significantly support local efforts and will donate \$9,000 toward the replacement of the sign.

Vice-Chairman Crosby seconded the motion.

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

12. Approve Community Enhancement Fund expenditures for District 3: Provide \$13,593 to the City of Sierra Vista to support the joint City, Rotary Club of Sierra Vista Sunrise and Reap Goodness a (501(c)(3) non-profit) public Food Forest Project in Sierra Vista's West End.

Item removed from the Agenda.

County Sheriff

13. Approve Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) Grant 15JCOPS-24-GG-02071-TECP to develop and acquire effective equipment, technologies, and interoperable communications that assist in responding to and preventing crime, in the amount of \$981,000, effective March 9, 2024, through March 31, 2026.

Vice-Chairman Crosby made a motion to approve Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) Grant 15JCOPS-24-GG-02071-TECP to develop and acquire effective equipment, technologies, and interoperable communications that assist in responding to and preventing crime, in the amount of \$981,000, effective March 9, 2024, through March 31, 2026. Supervisor Judd seconded the motion.

Captain John Gjerde, Sheriffs Office presented this item. In response to the Board, Captain Gjerde stated the approach is to focus on being active and visible in the community. He stated the directive from the administration requiring all personnel, regardless of rank or title, to spend a designated amount of time engaging with the community.

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

14. Approve Arizona Criminal Justice Commission (ACJC),Project Safe Neighborhoods Grant FY 2025 Award PSN-25-003 to implement a NIBIN (National Integrated Ballistic Information Network) program in Cochise County, in the amount of \$242,459, effective September 19, 2024, through September 30, 2025.

Supervisor Judd made a motion to approve Arizona Criminal Justice Commission (ACJC),Project Safe Neighborhoods Grant FY 2025 Award PSN-25-003 to implement a NIBIN (National Integrated Ballistic Information Network) program in Cochise County,in the amount of \$242,459, effective September 19, 2024, through September 30, 2025.

Vice-Chairman Crosby seconded the motion.

Captain Gjerde presented this item. Captain Gjerde stated the National Integrated Ballistic Information Network, (NIBIN), provides the equipment to test the fired shell casings from weapons. He stated the information is entered into a database almost like a fingerprint database.

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

Health & Social Services

15. Approve grant award # 31032124 from the Arizona Community Foundation of Cochise for the Keeping Care Local Proposal, in the amount of \$10,000, effective October 29, 2024, through October 24, 2025.

Vice-Chairman Crosby made a motion to approve grant award # 31032124 from the Arizona Community Foundation of Cochise for the Keeping Care Local Proposal, in the amount of \$10,000, effective October 29, 2024, through October 24, 2025. Supervisor Judd seconded the motion.

Rafael Melendez, Deputy Finance Director, presented this item. Mr. Melendez stated the Arizona Community Foundation for "Keeping Health Local: is a public service campaign and the initiative aims to reduce the trend of residents traveling to Tucson and Phoenix for medical needs by encouraging local healthcare options. He stated that five county hospitals are partnering in this campaign, with all funding coming from grants and hospital contributions, meaning no county funds are involved.

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

STATE & FEDERAL LEGISLATION

16. 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.

No legislation to discuss.

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

Mr. Karwaczka encouraged people to vote, Tuesday, November 5th, 2024.

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 stated the Pumpkin Patch is open until Halloween day, and encouraged people to attend the carnivals or volunteer for the trunk or treat.

Chairman English adjourned the meeting at 12:57 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board