

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, October 23, 2018**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, October 23, 2018 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Patrick G. Call, Vice-Chairman; Ann English, Supervisor
Staff Edward T. Gilligan, County Administrator; Sharon Gilman, Associate County
Present: Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney; Arlethe G. Rios, Clerk
of the Board

Chairman Judd called the meeting to order at 10:04 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

Chairman Judd opened the call to the public.

Mr. Tim Schmitt, Willcox resident, addressed the Board regarding concerns over the outreach for small businesses in the County.

No one else chose to speak and Chairman Judd closed the call to the public.

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

PRESENTATION

Presentation by Mr. Matt Klump about support for Economic Development in the Willcox area.

Mr. Klump addressed the Board on his concerns over the perception for citizens who are trying to start businesses in the County. He added that from his experience no one is satisfied with the County's processes. He added that the County needs to do a better job to partner with citizens to address economic development concerns. He highlighted the need for improvements at the Willcox Airport and to decrease permitting fees.

Chairman Judd thanked Mr. Klump for his presentation.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of October 9, 2018.

County Attorney

2. Approve the proposed settlement of the Tax Appeal in *Karma Hotels, LLC v. Cochise County*, TX2016-001306, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

County Sheriff

3. Approve contract 2019-PTS-011 between Cochise County and the Governor's Office of Highway Safety in the amount of \$10,000 for overtime and employee related expense funds for Selective Traffic Enforcement Program (STEP) effective October 1, 2018 to September 30, 2019.
4. Approve contract 2019-AL-012 between Cochise County and the Governor's Office of Highway Safety for \$23,000 in overtime funds and the purchase of 6 Preliminary Breath Tests (PBT) for the Driving Under the Influence (DUI) Enforcement Program effective October 1, 2018 to September 30, 2019.

Court Administration

5. Approve Proclamation for Friday, November 9, 2018 to be proclaimed as National Adoption Day in Cochise County.

Finance

6. Approve demands and budget amendments for operating transfers. Warrants Nos. 29186-29575 were issued in the amount of \$1,539,637.77.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. Issued warrants are listed as an attachment at the end of the minutes.

Vice-Chairman Call moved to approve items 1-6 on the consent agenda. Supervisor English seconded the motion and it was approved unanimously.

PUBLIC HEARINGS

Board of Supervisors

7. Adopt Resolution 18-20 of the Cochise County Board of Supervisors Establishing a Deferred Prosecution Fee Schedule.

Mr. Jason Lindstrom, Deputy County Attorney, presented this item. Mr. Lindstrom said that this program had been in effect but needed to be formalized to comply with audit procedures. He added that there were no significant changes since the inception of the program and gave background on the purpose of the program and its positive impact on the community.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Supervisor English moved to adopt Resolution 18-20 of the Cochise County Board of Supervisors Establishing a Deferred Prosecution Fee Schedule. Vice-Chairman Call seconded the motion.

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

Community Development

8. Adopt Resolution 18-21 establishing Robbs Road as a Declared County Highway.

Ms. Jackie Watkins, County Engineer, presented this item using a PowerPoint presentation. Ms. Watkins gave the background, showed a map of the location, pictures of the road, and stated that the reason for the resolution was to meet the requirements of the grant received to pave Robbs Road.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Vice-Chairman Call moved to adopt Resolution 18-21 establishing Robbs Road as a Declared County Highway. Supervisor English seconded the motion.

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

9. Adopt Zoning Ordinance 18-09, approving Docket Z-18-08, amending certain zoning district boundaries from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Daniel Thiels.

Mr. Peter Gardner, Planner II, presented this item using a PowerPoint presentation. Mr. Gardner gave the background:

- The Applicant is requesting rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres) on a ten acre site east of Sunizona.
- The parcel, 401-17-306, is located north of the failed Sunizona Acres #3 subdivision. This subdivision is zoned R-36, as the lots are one acre. The applicant's parcel, being nearby, was also zoned R-36 in 1975, despite being 10 acres.
- The request for a rezoning from R-36 to RU-4 is to facilitate use of the Owner Builder Opt-Out program and preserve the open space.

He showed pictures of the property and surrounding area. He then went over the Factors in Favor of the Approval:

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Five letters of support has been received.

He noted that two letters of opposition had been received citing tax concerns and inability to develop. He added that the Planning and Zoning Commission did vote unanimously to recommend a conditional approval and listed the conditions that would be used if the Board approved the item:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Supervisor English moved to dopt Zoning Ordinance 18-09, approving Docket Z-18-08, amending certain zoning district boundaries from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Daniel Thiels. Vice-Chairman Call seconded the motion.

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

ACTION

Board of Supervisors

10. Approve the sales of the August 20-31, 2018 Tax Deed Land Auction held online through Public Surplus of parcels listed on Exhibit A and authorize the Clerk to post the remaining unsold properties for sale on an over-the-counter basis (see Exhibit B).

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said that the auction had resulted in property sales of \$48,066.55. She noted that if approved she would be moving forward with the over the counter sales.

Vice-Chairman Call moved to approve the sales of the August 20-31, 2018 Tax Deed Land Auction held online through Public Surplus of parcels listed on Exhibit A and authorize the Clerk to post the remaining unsold properties for sale on an over-the-counter basis (see Exhibit B). Supervisor English seconded the motion.

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

11. Approve the First Amendment to the Intergovernmental Agreement (IGA) between Cochise County ("County") and the City of Sierra Vista ("City") for Regional 911 Communications and Establishment of the Southeastern Arizona Communications Center (SEACOM).

Mr. Ed Gilligan, County Administrator, presented this item. Mr. Gilligan said that there had been many meetings and discussions on how to move forward to bring stability and flexibility in the future to SEACOM. He said that the major changes involved moving the Financial and Human Resources duties to the City. He said this would facilitate the transition to having a single employer and help avoid the Director having to deal with two separate entities. He added that there were also other changes that had been discussed with the Board previously.

Supervisor English moved to approve the First Amendment to the Intergovernmental Agreement (IGA) between Cochise County ("County") and the City of Sierra Vista ("City") for Regional 911 Communications and Establishment of the Southeastern Arizona Communications Center (SEACOM). Vice-Chairman Call seconded the motion.

Supervisor English said that the goal for SEACOM had not changed, but in order to accommodate inefficiencies the County wanted to make changes that clarified processes.

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

12. Adopt Resolution 18-22 selecting County Representative on Board of Southeastern Arizona Communications Center (SEACOM).

Mr. Ed Gilligan, County Administrator, presented this item. Mr. Gilligan said that his recommendation was to have the Board select the Sheriff as the County's representative on the SEACOM Board. He added that the Sheriff was in agreement and accepted the selection.

Vice-Chairman Call moved to adopt Resolution 18-22 selecting Sheriff Mark Dannels to be the County Representative on Board of Southeastern Arizona Communications Center (SEACOM). Supervisor English seconded the motion.

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

County Sheriff

13. Approve the acceptance of a donation to the Cochise County Sheriff's office in the amount of \$956,420 from the Howard G. Buffet (HGB) Foundation in support of the Financial Crimes Unit for an additional two years.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. Lieutenant Gijanto gave the background and explained the purpose of the unit. He went over staffing and highlighted some statistics. He noted that the unit mostly worked with other partners to properly address these types of crimes. He noted that there were no formal reports due to a confidentiality concern and all reports to the Foundation were done verbally.

Supervisor English asked about the future of the unit due to the original plan that this unit would be self sustained.

Lieutenant Gijanto said that there are difficulties to the unit becoming self sufficient due to revenues being frozen until investigations are completed.

Supervisor English said that she was not supportive of private donors paying for salaries of government employees. She added that if the County needed to provide a service it should be done through general funds. She also noted that the letter attached to the item from the Foundation had insinuated that the Board was trying to divert donated money from Sheriff programs and wanted to clarify that it was not the case.

Vice-Chairman Call said that if the reporting style was going to be verbal that should be clarified in the award letter.

Supervisor English moved to approve the acceptance of a donation to the Cochise County Sheriff's office in the amount of \$956,420 from the Howard G. Buffet (HGB) Foundation in support of the Financial Crimes Unit for an additional two years. Vice-Chairman Call seconded the motion.

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

Facilities

14. Approve a license agreement between Cochise County and the City of Bisbee authorizing the City exclusive use of the County's property located at 915 S. Tovreaville Road in Bisbee for a period of not less than 25 years.

Mr. Ed Gilligan, County Administrator, presented this item. Mr. Gilligan explained that this would be a good location for the City of Bisbee to serve the public and said that any services currently provided from that location would be moved to another County owned locaiton.

Vice-Chairman Call moved to approve a license agreement between Cochise County and the City of Bisbee authorizing the City exclusive use of the County's property located at 915 S. Tovreaville Road in Bisbee for a period of not less than 25 years. Supervisor English seconded the motion.

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

REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Gilligan deferred his report.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Vice-Chairman Call deferred his report.

Report by District 2 Supervisor, Ann English

Supervisor English wanted to highlight Domestic Violence Awareness Month and discussed community events to bring awareness to this issue.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd deferred her report.

Chairman Judd adjourned the meeting at 11:13 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Arlthe G. Rios, Clerk of the Board