

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, SEPTEMBER 15, 2020**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, September 15, 2020 at 10:15 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Thomas E. Borer, Chairman; Ann English, Vice-Chairman; Peggy Judd, Supervisor  
Staff Sharon Gilman, Interim County Administrator; Britt Hanson, Of Counsel, Cochise County  
Present: Attorney; Kim Lemons, Clerk of the Board

Chairman Borer called the meeting to order at 10:19 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**

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***PRESENTATION***

Presentation by Ms. Lisa Lovallo, Cox Communications, on the Connect2Compete program and pandemic solutions for their customers.

Ms. Lisa Lovallo, Cox Communication Market Vice President, presented this item using a PowerPoint presentation.

Ms. Lovallo thanked the Board for their leadership and partnership.

Chairman Borer thanked Ms. Lovallo for her presentation.

***CONSENT***

**Adult Probation**

1. Approve fiscal year 2020-21 Drug, Gang, and Violent Crime Control Program (DGVCCP) funding agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$33,212 and the required \$11,070 matching funds, as budgeted in the general fund budget submitted by Adult Probation, effective July 1, 2020 through June 30, 2021.

**Board of Supervisors**

2. Approve the Minutes of the regular meeting of the Board of Supervisors of August 25, 2020.
3. Adopt Resolution 20-12 approving the cancellation of uncontested board elections for Special District governing boards listed, pursuant to A.R.S. 16-410, and appoint the candidates who filed for the Special District governing board, or declare seats vacant if an insufficient number of candidates, giving all those appointed the same powers and duties in accordance with the law.
4. Approve a Proclamation declaring September 21 – 27, 2020 as Diaper Need Awareness Week.

### **County Schools**

5. Approve the service contract between Gemalto Cogent ("The Tassis Group") and the Cochise County School Superintendent, to provide civilian-based electronic fingerprinting services, through the Arizona Department of Public Safety, at the office of the County School Superintendent.
6. Adopt Resolution 20-13, canceling the regular elections of November 3, 2020, for certain School District Governing Boards, and appointing those who filed nomination petitions or nomination papers for uncontested district positions, pursuant to A.R.S. 15-424(D).

### **County Sheriff**

7. Approve Grant Agreement 2021-043, with the Arizona Attorney General's Office, in the amount of \$10,400, for the continuation of funding assistance for personnel who perform Victim's Rights services for the Cochise County Sheriff's Office, effective July 1, 2020 through June 30, 2021.

### **Finance**

8. Approve demands and budget amendments for operating transfers.

### **Juvenile Detention**

9. Approve Interfund Transfer of \$25,202.15, from Fund 143-Detention Education, to Fund 282-Juvenile Detention Ed effective 9/16/2020.

### **Juvenile Probation**

10. Approve fiscal year 2020-21 Victims' Rights Program Award agreement as provided by the State of Arizona, Office of the Attorney General, effective July 1, 2020 through June 30, 2021, in the amount of \$17,700.

Chairman Borer noted the thank-you letter by Mr. Roberts, CEO of Diaper Bank of Southern Arizona, attached to consent item number 4, for a Proclamation declaring September 21-27, 2020 as Diaper Awareness Week.

Vice-Chairman English made a motion to approve items 1-10 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

### **PUBLIC HEARINGS**

## Board of Supervisors

11. Adopt Resolution 20-14 granting a Water Services Franchise renewal to Liberty Utilities (Bella Vista Water) Corp.

Mr. Britt Hanson presented this item. Mr. Hanson said this is a standard renewal for a franchise agreement for Liberty Utilities Corp., formerly known as Bella Vista Water. This is a 25-year franchise with the right to use the County's rights-of-way in their service area. Mr. Hanson recommended that the Board renew the Water Services Franchise Agreement with Liberty Utilities Corp.

Chairman Borer opened the Public Hearing and asked if any additional comments regarding the Public Hearing were received and Ms. Lemons stated there was none.

Chairman Borer closed the Public Hearing.

Supervisor Judd moved to adopt Resolution 20-14 granting a Water Services Franchise renewal to Liberty Utilities (Bella Vista Water) Corp. Vice-Chairman English seconded the motion.

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

## Development Services

12. Adopt Zoning Ordinance 20-12 amending certain Zoning district boundaries from R-36 (one dwelling per 36,000 square feet) to RU-4 (one dwelling per four acres), pursuant to the application of Seed Capital Investments, LLC.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation.

Mr. Kirschmann went over the background:

- The applicant is Seed Capital LLC, represented by Mr. Ron Redburn, requesting rezoning (downzone): R-36 (residential one dwelling per 36,000 square feet) to RU-4 (Rural one dwelling per four acres).
- The parcel, 201-30-007A, is located on the northwest corner of Fort Grant Road and Harguess Way, north of Willcox.
- The request for a rezoning from R-36 to RU-4 is to facilitate Special Use SU-20-07 for a medical marijuana grow and packaging operation.

Mr. Kirschmann showed the location of the property and said the application was approved by the Planning Commission on August 19, 2020 for Special Use to approve two phases, Phase one: 28,000 square feet in greenhouses, a 3,000 square feet office, and 3,500 square feet of storage. Phase two: additional 28,000 square feet in greenhouses. He informed the Board of significant Site Development Standards that include parking, screening, and lighting.

Mr. Kirschmann went over the factors in favor:

1. The request complies with eleven of the applicable rezoning factors used by staff to analyze this request.
2. With the recommended conditions, the request would be in keeping with the character of the existing development in the area.

Mr. Kirschmann went over the factors against approval:

1. Seven letters in opposition were received.
2. The request does not comply with one factor, public input.

He added that the Planning & Zoning Commission recommended approval. He also said that if the Board approved this change, staff recommended the following conditions:

1. Within 30-days approval for Special Use, the applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form, arising from ARS Section 12-1134. Prior to the operation of the Special Use, the applicant shall apply for a building use permit for the project within 12-months of approval. The building use permit shall include a site plan in conformance with all applicable site development standards, except as modified, Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-days notification to the applicant;
2. It is the applicant's 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;
3. Any changes to the approved Special Use will be considered a modification to this Special Use and will require review and approval by the Planning and Zoning Commission.
4. The applicant is required to obtain a Cochise County Right-of-Way Encroachment Permit in advance, or concurrent with, their Commercial Permit application, and coordinate with the Highway Department to provide commercial access at the driveway intersection connection with Fort Grant Road, as per the Cochise County Roadway Design Standards or as approved by the County Engineer;
5. For the Commercial permit, the applicant shall submit documentation to the Floodplain Department demonstrating compliance with the Floodplain regulations.
6. The ten feet high wall shall be screened on all four sides with mature trees that are a minimum 24" box or equivalent, placed 25' apart on center, and drought tolerant vegetation.
7. The applicant shall utilize a drone security system, or one that is similar, to reduce the required lighting. Any lighting still required shall fully comply with the outdoor light regulations.
8. The greenhouses shall employ the blackout panels, or similar system, to reduce the glow when grow lights are required.
9. The owner shall dedicate an additional 50 feet of right-of-way for Fort Grant Road.
10. An Ecosorb, or similar odor elimination system, shall be utilized, and included in the commercial permit submittal.

Mr. Kirschmann answered questions and concerns from the Board.

Mr. Hanson answered legal questions from Vice-Chairman English.

Chairman Borer opened the Public Hearing.

Ms. Kim Hilburn, resident, addressed the Board with her reasons for opposing, which included location, more detailed discussions with the community, it is a faith-based community, traffic, odor, crime, lighting, and aesthetics.

Ms. Linda Brown, resident, addressed the Board with her reasons for opposing, which included the location and her concern for the protection of the area.

Mr. Ron Redburn, applicant, summarized points concerning letters received in opposition.

Mr. Redburn answered questions and concerns from Supervisor Judd regarding type of

fence, odor, type of greenhouse and how complaints will be handled.

Chairman Borer asked if we had received any more public comment on this item. Ms. Lemons stated there was none.

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

Chairman Borer and Vice-Chairman English cited their reasons for approval.

Vice-Chairman English made a motion to adopt Zoning Ordinance 20-12 amending certain Zoning district boundaries from R-36 (one dwelling per 36,000 square feet) to RU-4 (one dwelling per four acres), pursuant to the application of Seed Capital Investments, LLC. Chairman Borer seconded the motion.

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

## **ACTION**

### **Board of Supervisors**

13. Approve AZCares Fund Program Grant No. ERMT-20-025 in the amount of \$5,741,132, effective March 1, 2020 through December 30, 2020.

Mr. Dan Duchon, Budget Manager, presented this item. Mr. Duchon elaborated on the background stating the County is eligible for approximately \$5.7 million dollars for a reimbursement grant for public safety and public health expenses.

Mr. Duchon answered questions from the Board.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman English made a motion to approve AZCares Fund Program Grant No. ERMT-20-025 in the amount of \$5,741,132, effective March 1, 2020 through December 30, 2020. Supervisor Judd seconded the motion.

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

### **County Sheriff**

14. Approve the Law Enforcement Safety Equipment Grant for \$27,000, from the Arizona Attorney General's Office, for specifically delineated equipment needed by the Cochise County Sheriff's Office.

Sheriff Mark Dannels presented this item. Sheriff Dannels stated this grant is a one-time grant through the Arizona Attorney General's office to provide funding for equipment for the Patrol Division, Swat Tactical Team, and firearm instructors.

Vice-Chairman English thanked Sheriff Dannels for looking for other fund options.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Supervisor Judd made a motion to approve the Law Enforcement Safety Equipment Grant

for \$27,000, from the Arizona Attorney General's Office, for specifically delineated equipment needed by the Cochise County Sheriff's Office. Vice-Chairman seconded the motion.

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

## **Elections**

15. Approve the AZVote Safe Program Award, grant number ERMT-CRF-21-1002 from the State of Arizona, in the amount of \$167,958, to help mitigate the impact of COVID-19 on the upcoming election cycle, effective March 28, 2020 through December 3, 2020.

Ms. Lisa Marra, Elections Director, presented this item. Ms. Marra stated this is a reimbursable grant to help mitigate the impact of Covid-19 for the upcoming elections cycle and to ensure safe and secure polling locations are available. This federal funding is made available to the State through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is awarded based on the total number of registered voters. Funding will be split between the County Elections' and Records' offices.

Ms. Marra answered questions from the Board.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Supervisor Judd made a motion to approve the AZVote Safe Program Award, grant number ERMT-CRF-21-1002 from the State of Arizona, in the amount of \$167,958, to help mitigate the impact of COVID-19 on the upcoming election cycle, effective March 28, 2020 through December 3, 2020. Vice-Chairman English seconded the motion.

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

## **Emergency Services**

16. Approve the State Homeland Security Grant Program, for approved training expenses reimbursement up to \$25,000, allocated under the fiscal year 2018-19 regional grant award.

Mr. Gabe Lavine, Emergency Services Director, presented this item. Mr. Lavine elaborated on the background and said that the County is eligible for \$25,000 for training expenses for the reimbursement grant.

Vice-Chairman English thanked Mr. Lavine for looking for other fund options.

Mr. Lavine answered questions from Supervisor Judd.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman English made a motion to approve the State Homeland Security Grant Program, for approved training expenses reimbursement up to \$25,000, allocated under the fiscal year 2018-19 regional grant award. Supervisor Judd seconded the motion.

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

17. Approve the Starliner Emergency Response Support Cost Recovery agreement between Cochise County and Boeing Aerospace Company.

Mr. Gabe Lavine, Emergency Services Director, presented this item. Mr. Lavine elaborated on the background and said the Boeing Corporation will use the Willcox Playa periodically over the next several years for landings of emergent and non-emergent purposes, via Starliner spacecraft. Mr. Lavine requested Boeing reimburse the County for personnel, equipment, and other support for this project.

Mr. Lavine answered questions from the Board.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Supervisor Judd made a motion to approve the Starliner Emergency Response Support Cost Recovery agreement between Cochise County and Boeing Aerospace Company. Vice-Chairman Judd seconded the motion.

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

## **Health & Social Services**

18. Approve Intergovernmental Agreement (IGA) between Cochise County and Arizona Department of Health Services, for reimbursement of Maternal and Child Health Services, effective July 1, 2020 through June 30, 2025.

Mr. Gabe Lavine, Emergency Services Director, presented this item. Mr. Lavine stated the purpose of the IGA and gave the background, goals and eligible participants. He said the program is to provide maternal and child health services throughout the County, specifically serving underserved and underinsured individuals.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman English moved to approve Intergovernmental Agreement (IGA) between Cochise County and Arizona Department of Health Services, for reimbursement of Maternal and Child Health Services, effective July 1, 2020 through June 30, 2025. Supervisor Judd seconded the motion.

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

19. Approve Intergovernmental Agreement (IGA) #ADHS18-177676, between the Arizona Department of Health Services and Cochise County Health & Social Services, for reimbursement up to \$150,000, in fiscal year 2020-21.

Mr. Gabe Lavine, Emergency Services Director, presented this item. Mr. Lavine said this is an annual reimbursement grant that pays for the management of the Health Department's immunization program.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman English moved to approve Intergovernmental Agreement (IGA) #ADHS18-177676, between the Arizona Department of Health Services and Cochise County

Health & Social Services, for reimbursement up to \$150,000, in fiscal year 2020-21. Supervisor Judd seconded the motion.

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

20. Approve Contract No. 107-20-1 between Southeastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Area Agency on Aging (AAA) Case Management services, in the amount of \$185,135, effective July 1, 2020 through June 30, 2021.

Ms. Belvet Elsouhag, Deputy Public Fiduciary, presented this item. Ms. Elsoughag explained the purpose of the contract and gave the background, goals, and eligible participants. There are currently 480 members benefiting from Case Management services, all of who are 60 plus years of age.

Vice-Chairman English suggested Ms. Elsouhag investigate other areas of services provided by SEAGO, to further assist this population.

Ms. Elsouhag thanked Vice-Chairman English for her suggestion and said she will continue to check with SEAGO.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Supervisor Judd moved to approve Contract No. 107-20-1 between Southeastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Area Agency on Aging (AAA) Case Management services, in the amount of \$185,135, effective July 1, 2020 through June 30, 2021. Vice-Chairman English seconded the motion.

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

## **Housing Authority**

21. Adopt Resolution 20-15 to approve AZ034 Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans for fiscal year 2020-21.

Ms. Anita Baca, Housing Authority Director, presented this item. Ms. Baca said the first part of the annual plan was approved earlier this year. She briefly mentioned the previous plans and outlined the current plans stating the Mission; Goals and Objectives; the Progress Report; amendments and modifications; audit which had no findings; and stated Resident Advisory Board comments from the January 2020 meeting.

Vice-Chairman English gave accolades to Ms. Baca for all her hard work and the exemplary job she does.

Ms. Baca answered questions from Supervisor Judd.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman English moved to adopt Resolution 20-15 to approve AZ034 Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans for fiscal year 2020-21. Supervisor Judd seconded the motion.

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

## **Juvenile Detention**

22. Approve Intergovernmental Agreement (IGA) with Santa Cruz County, and the Santa Cruz and Cochise County Superior Courts, for Juvenile Detention Services, in the approximate amount of \$675,000 per year, effective January 1, 2021 through June 30, 2023.

Mr. Britt Hanson presented this item. He elaborated on the background, stating the IGA is a continuation of the work session held on August 27, 2020, where the details were outlined. He noted costs and expenses that may vary throughout the term and gave timelines and responsibilities each County will have under the agreement.

Mr. John Schow, Court Administrator, explained coverage, noted seven other Counties with Detention Services Contracts, and how the Courts will address the transportation of juveniles.

Vice-Chairman English read a statement in response to e-mails and letters received regarding the IGA.

Chairman Borer read three letters the Board received in opposition from:

Mr. Thomas M. Reardon, County resident

Ms. Jacqui Clay, County Superintendent

Ms. Selena Llamas, County resident

Ms. Clay commented on the lack of participation she had in the decision-making process and other concerns.

Sheriff Dannels expressed his concern regarding transportation costs of juveniles.

The Board stated their reasons for approval; this was a decision made by the Courts; and that the details were covered in the August 27, 2020 work session.

Chairman Borer reiterated that all concerns regarding this agreement should be directed to Presiding Judge Conlogue.

Chairman Borer asked if we had received any more public comments on this item. Ms. Lemons stated there was none.

Supervisor Judd moved to approve Intergovernmental Agreement (IGA) with Santa Cruz County, and the Santa Cruz County Superior Courts, for Juvenile Detention Services, in the approximate amount of \$675,000 per year, effective January 1, 2021 through June 30, 2023. Vice-Chairman English seconded the motion.

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

## **Juvenile Probation**

23. Approve fiscal year 2020-21 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2020 through June 30, 2021, in the amount of \$1,842,410.

Ms. Teresa Rockrich, Administrative Finance Manager, presented this item. Ms. Rockrich said this is annual state funding that supports the Adult Probation Department.

Ms. Rockrich answered questions from Vice-Chairman English.

Chairman Borer asked if we had received any public comment on this item. Ms. Lemons stated there was none.

Vice-Chairman moved to approve fiscal year 2020-21 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2020 through June 30, 2021, in the amount of \$1,842,410. Supervisor Judd seconded the motion.

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

### ***STATE & FEDERAL LEGISLATION***

Vice-Chairman English gave an update on legislative matters. The Board took no action.

### ***REPORT BY SHARON GILMAN, INTERIM COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS***

Ms. Gilman highlighted events happening in the County first, informing everyone of the new Interim Health Director, Ms. Jennifer Lakosil, former Dean of Nursing at Cochise College, who will fill the position until the end of this October. Ms. Gilman recognized and thanked Mr. Lavine and Mr. McQuaide for their leadership in their departments. Lastly, she stated the Facilities Department has contracted with a company to work on the old administration building roof that is located on Ledge Avenue in Bisbee, starting September 21, 2020.

### ***SUMMARY OF CURRENT EVENTS***

#### **Report by District 1 Supervisor, Thomas E. Borer**

Supervisor Borer deferred his report.

#### **Report by District 2 Supervisor, Ann English**

Supervisor English deferred her report.

#### **Report by District 3 Supervisor, Peggy Judd**

Supervisor Judd said some businesses in her district want to re-open. She mentioned events taking place in her district: livestock show and sale, Rex Allen Days, Arizona Tractor Pull show, and Butterfield Stage Days.

Chairman Borer adjourned the meeting at 12:31 p.m.

APPROVED:

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Thomas E. Borer, Chairman

ATTEST:

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Melissa Tucker, Administrative Assistant