

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, AUGUST 10, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 10, 2021 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

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

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Associate County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Kim Lemons, Clerk of the Board; Camila Rochin, Public Information Officer

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**

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***CALL TO THE PUBLIC***

Deputy Robert Zavala, Sheriff's Office, introduced himself as the School Resource Officer for Naco School District.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of July 27, 2021.
2. Approve a Proclamation designating August to be Cochise County Farm and Livestock Bureau Month.

**Finance**

3. Approve demands and budget amendments for operating transfers.

This item was removed from the consent agenda for separate consideration.

Supervisor Crosby discussed concerns with Warrant numbers 48570, Riverstone Recharge Project, and 48637, Contract with the United States Geological Survey (USGS) for Light Detection and Ranging (LiDAR). He discussed the Warrants and terminating the associated contracts, and requested that both Warrants be removed from the list of demands. The Board discussed the County being contractually obligated to pay the Warrants, and the appropriate time to discuss the contracts. Mr. Karwaczka stated that he will provide additional information to Supervisor Crosby regarding the Warrants.

Vice-Chairman Judd made a motion to approve demands and budget amendments for operating transfers. Supervisor Crosby seconded the motion.

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

### **Workforce Development**

4. Approve the appointments of Dr. Susan Wood, Eastern Arizona College, and Ms. Rebekah Kimmel to the Local Workforce Development Board to fill unexpired terms, effective immediately through June 2024.

Vice-Chairman Judd made a motion to approve items 1, 2, and 4 on the consent agenda. Supervisor Crosby seconded the motion and it carried unanimously.

### ***ACTION***

### **Board of Supervisors**

5. Approve the General Services Agreement between Cochise County and the Humane Society of Southern Arizona for animal sheltering services as set forth in the Fee Schedule in attached Exhibit A, effective August 10, 2021, through August 10, 2023, not to exceed \$32,000 per fiscal year.

Ms. Gilman presented this item. She provided background information on the Board's previous action regarding this item and on the agreement. Animals will be transported from Douglas to Tucson for adoption after 72 hours. Funding for the anticipated cost is available in the Sheriff's Office budget.

The Board discussed their support for this item; a potential future facility in the County; and, that comments supporting the item were received from Ms. Mary Moran and Ms. Jere Fredenburgh.

Supervisor Crosby made a motion to approve the General Services Agreement between Cochise County and the Humane Society of Southern Arizona for animal sheltering services as set forth in the Fee Schedule in attached Exhibit A, effective August 10, 2021, through August 10, 2023, not to exceed \$32,000 per fiscal year. Vice-Chairman Judd seconded the motion.

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

6. [Item tabled from the July 27, 2021 meeting] Sitting as the Cochise County Board of Equalization, the Board of Supervisors will uphold or amend the Assessor's decision for the Taxpayer Notice of Claim for parcel numbers 105-07-004, 107-56-028B, and 203-25-009.

Vice-Chairman Judd made a motion to remove agenda item 6 from the table. Supervisor Crosby seconded the motion. Chairman English called for the vote and it was approved 3-0.

Ms. Roberts stated that this item is an appeal of a decision on a Notice of Claim and read A.R.S. § 42-16251(3)(e), the definition of the word "error". She stated that the Board is not looking at whether the Assessor is exercising judgment; the Board's standard is purely whether there is an error of a factual nature.

In response to the Board, Mr. Ted Offutt, Chief Appraiser, stated that an error, in favor of the taxpayer, was made in the square footage of the building. The error was corrected, and that is what is being appealed.

Mr. Michael Naifeh, taxpayer representative, addressed the Board, and summarized the July 27, 2021 Board hearing. In response to the Board, Ms. Roberts confirmed that the method used to measure the square footage, wall to wall rather than the foundation, is at question; the Assessor has presented documentation to show that measuring wall to wall is an accepted method. The Board discussed their role being to make sure the same methodology is used in all similar properties, rather than to determine the methodology of measuring that should be used.

Mr. Naifeh distributed handouts to the Board and discussed the Willcox McDonald's. Previously, the Assessor initially said that the full cash value was based on 4,424 square feet, then 3,462 square feet, and then 3,212 square feet. Mr. Naifeh noted that this is also a disagreement of approximately 100 square feet for the basement. Mr. Offutt explained how the 4,424 square-foot figure was arrived at, noting that the property was never assessed at that square footage but instead at 3,016 square feet, which was later found as being under-reported. In response to the Board, Mr. Offutt confirmed that a mistake was made by the Assessor at that time.

The Board and Mr. Offutt discussed the various measurements. Mr. Offutt noted that the building was measured at 3,212 square feet, with 196 square feet in cold storage and the basement, which was underreported, at 1,392 square feet; the cold storage and basement are both add-ons. Mr. Offutt stated that the value increased due to the increased square footage of the basement as an add-on; that is what is being challenged today.

In response to the Board, Ms. Roberts confirmed her understanding that the Assessor's standard for measuring is in writing and that it was provided to the Board. Supervisor Crosby suggested amending the Assessor's decision to apply to future property taxes and future measurements of the property, rather than in the 2018-2020 tax years. Ms. Roberts stated that this is not an appeal of a valuation; this is a Notice of Claim that the Assessor made a factual error. The appellant is asking the Board to go back over the last three years and amend their taxes. The Board's standard is whether the Assessor followed recommended guidelines on how to take the measurement and whether there was an error made using those standards, not to amend something going forward.

In response to the Board, Mr. Offutt stated that the Assessor did not make a mistake in the assessment; the mistake was made in a market analysis. He clarified that the

basement square footage is separate from the building square footage, though it does add value. Ms. Roberts stated that the appellant missed the statutory deadline to challenge the valuation and is thus barred from challenging the valuation; the appellant can only challenge whether the Assessor made an error and if the proper procedure was used. The Board discussed their standard being to make sure owners of similar properties are treated fairly and comparably.

Supervisor Crosby made a motion to, sitting as the Cochise County Board of Equalization, the Board of Supervisors will uphold the Assessor's decision for the Taxpayer Notice of Claim for parcel numbers 105-07-004, 107-56-028B, and 203-25-009. Vice-Chairman Judd seconded the motion.

In response to the Board, Ms. Roberts provided additional information on the differences between appealing the valuation and the Notice of Claim processes and timelines. She stated that the statute governing the Notice of Claim process is the only one that allows the Assessor to go back in years if a factual error was made; this is not a vehicle for challenging the valuation.

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

## **Court Administration**

7. Approve the First Amended Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Sierra Vista, Cochise County Superior Court and Sierra Vista Justice Court #5, effective retroactively to January 1, 2021 through June 30, 2022, with automatic one-year renewals.

Mr. Karwaczka presented this item. He stated that with this item, the Sierra Vista Court Co-Location and Operations Agreement (Agreement) will be in line with the other Agreements. The Agreement designates the Justice of the Peace as Magistrate of Sierra Vista. A separate agreement with Judge Kenneth Curfman, in the news recently, is not a part of this Agreement and the County has no say in it.

The Board and Mr. Karwaczka discussed the history and purpose of the Agreements.

Vice-Chairman Judd made a motion to approve the First Amended Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Sierra Vista, Cochise County Superior Court and Sierra Vista Justice Court #5, effective retroactively to January 1, 2021 through June 30, 2022, with automatic one-year renewals. Supervisor Crosby seconded the motion.

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

## **Facilities**

8. Approve Agreement with Spray Systems Environmental for asbestos abatement services, under Arizona State Contract #ADEQ18-186327, at the Bisbee-Douglas International Airport Terminal Building, in the amount of \$120,388.50, effective August 10, 2021.

Mr. Henry Meraz, Facilities Director, presented this item. He stated that this agreement allows for the complete abatement of the Terminal Building at the Bisbee-Douglas International Airport (Airport). The contractor has done work for the County previously.

Entering into the agreement aligns with Priorities 1, 2 and 7 of the County's Strategic Plan.

Supervisor Crosby made a motion to approve Agreement with Spray Systems Environmental for asbestos abatement services, under Arizona State Contract #ADEQ18-186327, at the Bisbee-Douglas International Airport Terminal Building, in the amount of \$120,388.50, effective August 10, 2021. Vice-Chairman Judd seconded the motion.

The Board and Mr. Meraz discussed the use of asbestos and the age of the Terminal Building; the project scope of work and timeline; and, temporary buildings in place at the Airport.

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

## **Health & Social Services**

9. Approve Contract CTR055990 between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services for the COVID-19 Health Disparities project, in the amount of \$3,169,013, effective June 1, 2021 through May 31, 2023.

Supervisor Crosby made a motion to approve Contract CTR055990 between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services for the COVID-19 Health Disparities project, in the amount of \$3,169,013, effective June 1, 2021 through May 31, 2023. Vice-Chairman Judd seconded the motion.

Dr. Alicia Thompson, Health and Social Services Director, presented this item. She reviewed the purpose of the Intergovernmental Agreement (IGA), noting that it will provide Centers for Disease Control and Prevention (CDC) COVID-19 Health Disparities funding to support the implementation of the four overarching strategies identified in the CDC grant. The three activities that will accomplish the initiative, are: Rural Telehealth Care Center; Social Vulnerable Cochise County Homeless Residents; and, Salud para Nuestra Gente (Health for Our People). She reviewed the organizations that will be partnered with, and noted that the IGA will include hiring six new staff and fund a portion of the Deputy Director of Operations position.

Ms. Mignonne Hollis, Arizona Regional Economic Development Foundation and Good Neighbor Alliance, addressed the Board and discussed various reasons in support of this item.

The Board discussed the grant amount; concerns with Section 1.4 of the IGA; and, their thoughts and positions on the IGA.

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

10. Approve Amendment 6 to Intergovernmental Agreement (IGA) ADHS18-177676 between the Arizona Department of Health Services (ADHS) and Immunization Services at Cochise Health & Social Services, for immunization services in the amount of \$1,233,362, to revise the rates and terms of the IGA.

Dr. Thompson presented this item. She stated that this agreement will provide the opportunity to prioritize outreach to programs that have existing community engagement capacity to reach the identified communities. Two Health Educator III staff will be hired;

their focus will be on equity. A COVID-19 vaccinate equity analysis will be conducted to support COVID-19 vaccination education, outreach, and/or administration. She discussed training and marketing efforts that will be included.

Supervisor Crosby made a motion to approve Amendment 6 to Intergovernmental Agreement (IGA) ADHS18-177676 between the Arizona Department of Health Services (ADHS) and Immunization Services at Cochise Health & Social Services, for immunization services in the amount of \$1,233,362, to revise the rates and terms of the IGA. Vice-Chairman Judd seconded the motion.

The Board discussed their thoughts and opinions regarding the proposal and free market principles; the County having always provided immunizations and the importance of vaccination on diseases such as measles; and, that the IGA will be used to ensure access to all vaccines, not only COVID-19. In response to the Board, Dr. Thompson provided information on staffing at County Clinics. In response to Board discussion regarding concerns with overlapping government services and private sector capability, Dr. Thompson noted that a network analysis will be performed to identify duplication of services and service gaps. Dr. Thompson confirmed that new staff positions are dependent on continued grant funding.

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

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

Mr. Karwaczka reported on the status of projects at the Courthouse bridge, Douglas Roadyard office building, and the Recorder's and Treasurer's Offices remodels. He also reported that staffing vacancies are being filled.

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

#### **Report by District 1 Supervisor, Tom Crosby**

Supervisor Crosby reported that he rescued a box tortoise on the road.

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

Chairman English reported on her recovery from eye surgery.

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

Vice-Chairman Judd reported that she recently attended the Rural Policy Forum; she will be attending the Cochise County Farm and Livestock Bureau annual meeting on August 13, 2021; and, she will be attending the Homeland Security Regional Advisory Council meeting next week.

Chairman English adjourned the meeting at 11:26 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board