

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, AUGUST 31, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 31, 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; 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***

Mr. Thomas Blake, Ms. Josephine Mabe, and Mr. Randall Limbach addressed the Board and discussed reasons for their opposition to Intergovernmental Agreement (IGA) CTR055990. Ms. Mabe provided handouts to the Board.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of August 10, 2021.
2. Appoint Mr. Eugene Marquez as the Public Defender, effective August 23, 2021.
3. Approve the appointees to the 2021-2022 Redistricting Advisory Commission, as listed in attached Exhibit A.

4. Approve three Fair/Festival - Series 16 license applications submitted by Mr. Greg M. Gonnerman, Ms. Edith Gustason and Mr. Robert Dixon II, for a Wine Festival to be held at Stand Alone Ranch on October 23, 2021, located at 11878 S. Elkhorn Road, Pearce, AZ 85625.

### **County Treasurer**

5. Adopt Resolution 21-16 authorizing the Cochise County Treasurer to collect and disburse the property taxes for 2021.

### **Finance**

6. Approve demands and budget amendments for operating transfers.

### **Human Resources**

7. Approve Merit Commission member appointments for Ms. Donna Hilton and Ms. Liz York, effective September 12, 2021 through September 11, 2025.

Supervisor Crosby made a motion to approve items 1-7 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

### ***PUBLIC HEARINGS***

#### **Board of Supervisors**

8. Approve a Series 12 (Restaurant) new Liquor License application submitted by Ms. Sara Burger, for Talking Irons Coffee Saloon, located at 113 N. Frontage Road, Pearce, AZ 85625.

Ms. Lemons presented this item. She stated that the application was reviewed and recommended for approval by the appropriate departments; property taxes are current; there have been no formal protests; and, the applicant paid the \$100 processing fee. Board staff recommended approval.

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

Vice-Chairman Judd made a motion to approve a Series 12 (Restaurant) new Liquor License application submitted by Ms. Sara Burger, for Talking Irons Coffee Saloon, located at 113 N. Frontage Road, Pearce, AZ 85625. Supervisor Crosby seconded the motion.

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

9. Adopt Resolution 21-17 granting a Telecommunications and Fiber Optic Franchise renewal to Mobilitie, LLC.

Chairman English opened the Public Hearing.

Mr. Paul Correa, Civil Deputy County Attorney, presented this item. He stated that this item is for the renewal of an existing franchise. Mobilitie installs fiber optic facilities to lease to other entities; a franchise agreement is required for them to work in the County. In response to the Board, Mr. Correa said that the location has not been specified; specific locations will be presented to various County departments when Mobilitie begins work.

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

Vice-Chairman Judd made a motion to adopt Resolution 21-17 granting a Telecommunications and Fiber Optic Franchise renewal to Mobilitie, LLC. Supervisor Crosby seconded the motion.

Supervisor Crosby made a motion to amend Paragraph 10 of the Resolution, to strike the second sentence and add "No form of pass-through tax or fee, no matter what it may be called, will be implemented without a majority vote by the final payers of the tax or fee. That ballot question will contain an estimate of the average increase in charge to the average final payer."

In response to the Board, Mr. Correa stated that the franchise agreement is drafted pursuant to, and goes no further than, state statute requirements; language can be added, though he does not recommend it. The Board discussed their thoughts and opinions on the proposed amendment, its impact on franchisees, and the original wording of Paragraph 10. Supervisor Crosby discussed his opposition to franchise taxes. The Board continued to discuss the amendment, and noted the difference between the franchise application fee and franchise taxes. The motion failed for lack of a second.

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

## ***ACTION***

### **Board of Supervisors**

10. Approve Community Enhancement Fund expenditures for District 2: Annual Community Clean Up in Golden Acres, in the amount of \$1,000; and in Naco, in the amount of \$500, for a total of \$1,500.

Chairman English presented this item. She stated that she is asking for \$1,000 for a Golden Acres community cleanup and \$500 for a future cleanup in Naco.

Supervisor Crosby made a motion to approve Community Enhancement Fund expenditures for District 2: Annual Community Clean Up in Golden Acres, in the amount of \$1,000; and in Naco, in the amount of \$500, for a total of \$1,500.

Vice-Chairman Judd seconded the motion.

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

The Board recognized Thunder Mountain Church for their efforts on the Golden Acres cleanup.

## **County Schools**

11. Approve the renewal of the existing Intergovernmental Agreement (IGA) between the Cochise County School Superintendent and the Arizona Association of County School Superintendents (AACSS), effective November 15, 2021 through November 14, 2031.

Ms. Jacqui Clay, School Superintendent, presented this item. She stated that this is an existing IGA that needs to be renewed every 10 years.

Vice-Chairman Judd made a motion to approve the renewal of the existing Intergovernmental Agreement (IGA) between the Cochise County School Superintendent and the Arizona Association of County School Superintendents (AACSS), effective November 15, 2021 through November 14, 2031. Supervisor Crosby seconded the motion.

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

## **Development Services**

12. Adopt Resolution 21-18, authorizing the abandonment of the recorded subdivision plat, Ramsey Reserve Estates, Lots 1-27, and internal roads.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. He provided a history and timeline of the subdivision and displayed the plat and a location map. This is a staff-initiated abandonment for a subdivision that never came to fruition. The property owner was notified and did not object. Development Services recommends approval.

Supervisor Crosby made a motion to adopt Resolution 21-18, authorizing the abandonment of the recorded subdivision plat, Ramsey Reserve Estates, Lots 1-27, and internal roads. Vice-Chairman Judd seconded the motion.

The Board discussed problems with subdivisions that have not been developed.

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

## **Elections**

13. Approve a Contract for the purchase of 70 electronic pollbooks with Election Systems and Software (ES&S) in the amount \$94,057.23.

Ms. Lisa Marra, Elections Director, presented this item. She stated that electronic pollbook (e-pollbook) technology has a lifecycle of approximately five years; the existing e-pollbooks were purchased in 2015 and will no longer be useful in that capacity. The e-pollbooks will be turned in to Information Technology to reformat and repurpose. Funding is available from the 2018/2020 Help America Vote Act (HAVA) grant. She noted that this was previously discussed at the August 10, 2021 Work

Session, and provided background information on HAVA grants. She discussed features, including security, of the new e-pollbooks, and the timeline of purchase, testing and deployment. In response to the Board, Ms. Marra stated that the Elections Department does not have adequate storage space to continue to store the existing e-pollbooks; that is a question for Procurement.

Supervisor Crosby stated that his reasoning for keeping the e-pollbooks indefinitely is in case anyone would want to examine them regarding the November, 2020 election. In response to the Board, Ms. Marra stated that after an election, there is no remaining data in the e-pollbooks, and detailed the County's use of e-pollbooks compared to paper rosters. The day after an election, all data is downloaded, converted and then uploaded to the state's system, which holds voter data and signatures. The Board discussed their opinions on keeping the e-pollbooks indefinitely.

Supervisor Crosby made a motion to approve a Contract for the purchase of 70 e-pollbooks with Election Systems and Software (ES&S) in the amount \$94,057.23. Vice-Chairman Judd seconded the motion.

In response to the Board, Ms. Marra confirmed that the e-pollbooks replace printed pollbooks, which have not been used in decades. No data remains on the e-pollbooks; all data has been moved to the state system.

Supervisor Crosby made a motion to amend the item so that the County will preserve the old e-pollbooks indefinitely. The Board continued their discussion on keeping the e-pollbooks. Ms. Roberts stated that there are established retention guidelines for equipment, including from Procurement, once the e-pollbooks are taken out of use. The motion failed for lack of a second.

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

## **Health & Social Services**

14. Approve the Memorandum of Understanding (MOU) between Community Medical Services and Cochise County Detention Health, for the delivery of opioid treatment medication to the Cochise County Adult Detention Center, effective upon signing by both entities for a one-year term, with automatic one-year renewals.

Ms. Megan Kennedy, Detention Health Services Manager, presented this item. She stated that the MOU is for the delivery of opioid treatment medication to the Adult Detention Center. The MOU will allow staff and the participating entities to both continue and initiate medication assisted treatment for current and new patients; those who are incarcerated and those who are released will benefit.

Vice-Chairman Judd made a motion to approve the Memorandum of Understanding (MOU) between Community Medical Services and Cochise County Detention Health, for the delivery of opioid treatment medication to the Cochise County Adult Detention Center, effective upon signing by both entities for a one-year term, with automatic one-year renewals. Supervisor Crosby seconded the motion.

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

**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, air conditioning units at the Western Regional Landfill and County Attorney Civil Division Office, the Bisbee-Douglas International Airport water improvement project, updated signage at Old Fort Bowie on Apache Pass Road, and repair work on fissures.

**SUMMARY OF CURRENT EVENTS**

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

Supervisor Crosby asked about the status of the IGA discussed during the Call to the Public and an MOU with various entities. He discussed the San Pedro Riparian National Conservation Area and his work on it; and, reported on his attendance at the Legislative District 14 Republican Committee meeting.

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

Chairman English deferred her report.

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

Vice-Chairman Judd reported on her attendance and presentation at the Arizona Water Law Expo and on upcoming events in Willcox, including: the Southeastern Arizona Livestock EXPO from September 9-11, 2021; the Arizona Truck and Tractor Pulls from September 16-18, 2021; and, Rex Allen Days in October, 2021.

Chairman English adjourned the meeting at 10:59 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board