

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MAY 24, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 24, 2022 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, Deputy County Administrator; Paul Correa, Civil Deputy County Attorney; Tim Mattix, 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

CALL TO THE PUBLIC

Ms. Ashley Dahlke addressed the Board and discussed initiative petition efforts regarding designating the Douglas and Willcox Groundwater Basins as Active Management Areas.

Mr. Fred Kern addressed the Board and discussed his concerns with the maintenance and condition of Calle Principal. Chairman English requested that Mr. Karwaczka provide additional information to Mr. Kern regarding road grading.

Ms. Janice Wilson addressed the Board and discussed her concerns with the County public records request process and the Clerk of the Board's role, and requested a citizen advisory committee regarding the Sheriff's Office.

PRESENTATION

Presentation by the Arizona Auditor General's Office of the fiscal year 2020-2021 audit results and findings.

Ms. Stephanie Gerber, Financial Audit Director, and Mr. John Faulk, Audit Manager, both with the Arizona Auditor General's Office, presented this item using a PowerPoint presentation. Ms. Gerber reviewed requirements for the Annual Financial Report and Single Audit Report. Mr. Faulk reviewed the two audit findings and the Auditor's recommendations. He noted corrective measures the County has taken. Ms. Gerber and Mr. Faulk recognized the Board and staff for their participation in the audit.

The Board recognized the Auditor General's Office and staff for their work on the audit and corrective measures taken.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 10, 2022.
2. Approve a Fair/Festival - Series 16 license application submitted by Ms. Sarah Fox of Sand-Reckoner Vineyards, for a Wine Festival to be held at Rhumb Line Vineyard on May 28, 2022, located at 6255 S Bennet PI Willcox, AZ 85643.

Vice-Chairman Judd made a motion to remove item 2 from the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

Supervisor Crosby made a motion to approve a Fair/Festival - Series 16 license application submitted by Ms. Sarah Fox of Sand-Reckoner Vineyards, for a Wine Festival to be held at Rhumb Line Vineyard on May 28, 2022, located at 6255 S Bennet PI Willcox, AZ 85643. Vice-Chairman Judd seconded the motion.

In response to the Board, Mr. Mattix summarized the requirements for a Series 16 liquor license application, including when Board approval is required. Posting and Public Hearings are not required. The application was reviewed by the appropriate departments and recommended for approval.

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

Court Administration

3. Approve Fiscal Year 2022 and Fiscal Year 2023 Funding Agreement between the Cochise County Superior Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC) for federal reimbursement for reduction of case backlog activities provided by the American Rescue Plan Act (ARPA) for Reduction of Case Backlogs in the amount of \$8,000, effective April 1, 2022 through June 30, 2023.

Development Services

4. Approve the appointment of Mr. Albert Young to the Planning & Zoning Commission representing District 2, to fill the remaining term of Patrick Green, effective May 24, 2022, through December 31, 2022.

Finance

5. Approve demands and budget amendments for operating transfers.

Juvenile Probation

6. Adopt Resolution 22-12 to approve Fiscal Year 2022-2023 Family Counseling Funding Agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$12,580 and the required \$3,145 matching funds, effective July 1, 2022 through June 30, 2023.

Vice-Chairman Judd made a motion to approve items 1 and 3-6 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

7. Adopt Zoning Ordinance 22-06 to rezone parcel 106-15-021P from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one per four acres), pursuant to the application of Mr. Jarrod Jack and Ms. Karri Jack.

Chairman English opened the Public Hearing.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-06 to rezone parcel 106-15-021P from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one per four acres), pursuant to the application of Mr. Jarrod Jack and Ms. Karri Jack. Vice-Chairman Judd seconded the motion.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. The request is to revert the zoning to RU-4. He gave the property's location, parcel number, total acreage, and existing and proposed uses, and displayed an aerial photo. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of approval, noting that none were identified as being against, and the standard recommended condition of approval.

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

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

8. Adopt Zoning Ordinance 22-07 to rezone parcel 401-41-332A from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Robin Varnum.

Chairman English opened the Public Hearing.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-07 to rezone parcel 401-41-332A from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Robin Varnum. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item using a PowerPoint presentation. The request is to rezone a parcel located in an antiquated subdivision, platted prior to 1976, from R-36 to RU-4. He gave the property's location, parcel number, total acreage, and existing and proposed uses, and displayed the site plan and photos of the area. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of approval, noting that none were identified as being against, and the two standard recommended conditions of approval.

The Board and Mr. Coxworth discussed problems caused by lack of infrastructure, and information staff provides to individuals inquiring about parcels without infrastructure.

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

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

9. Adopt Resolution 22-13 to approve Docket MDR 22-01 (Copper Sky MDP Revoke), a revocation of a Master Development Plan (MDP) for parcel numbers 408-34-004D and 408-34-004A, reverting the land use category and designation to D-Rural, and a reversion of zoning to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ardent Investments, LLC.

Chairman English opened the Public Hearing.

Supervisor Crosby made a motion to adopt Resolution 22-13 to approve Docket MDR 22-01 (Copper Sky MDP Revoke), a revocation of a Master Development Plan (MDP) for parcel numbers 408-34-004D and 408-34-004A, reverting the land use category and designation to D-Rural, and a reversion of zoning to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ardent Investments, LLC. Vice-Chairman Judd seconded the motion.

Ms. Christine McLachlan, Planner II, presented this item using a PowerPoint presentation. The request is to revoke the Copper Sky Master Development Plan (MDP) and rezoning, which would revert the zoning to RU-4 and result in the parcels no longer being subject to the conditions of approval for the MDP/rezoning. She gave the property's location, parcel numbers, total acreage, and existing and proposed uses, and reviewed the site history. She reviewed the conceptual site plan of the MDP, and compared the current and proposed land uses and zoning.

In response to the Board, Mr. Paul Fiel, Ardent Investments, applicant representative, stated that they are monitoring the Douglas Port of Entry (POE), with the objective to leverage infrastructure for potential commercial and industrial development.

The Board discussed their thoughts, opinions, and support for the item and its tie in to the POE.

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

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

ACTION

Board of Supervisors

10. Approve new Human Resources Policy 2234, Lactation Accommodation, as written in the attachment, effective July 1, 2022.

Vice-Chairman Judd made a motion to approve new Human Resources Policy 2234, Lactation Accommodation, as written in the attachment, effective July 1, 2022. Supervisor Crosby seconded the motion.

Ms. Gilman presented this item. This new Policy delivers clear expectations to County employees to support breastfeeding mothers and their return to work.

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

11. Approve revised Human Resources Policy 2200, Code of Conduct, as written in the attachment, effective July 1, 2022.

Supervisor Crosby made a motion to approve revised Human Resources Policy 2200, Code of Conduct, as written in the attachment, effective July 1, 2022. Vice-Chairman Judd seconded the motion.

Ms. Gilman presented this item. This revised Policy is in response to last year's internal audit. Revisions include a section addressing accountability for an anti-fraud workplace, and clarifications regarding gifts to employees, improper conduct, and disclosure of County information. The Policy was shared with Elected Officials and employees with no concerns expressed.

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

12. Approve revised Human Resources Policy 2220, Employees Ineligible for Rehire, as written in the attachment, effective July 1, 2022.

Vice-Chairman Judd made a motion to approve revised Human Resources Policy 2220, Employees Ineligible for Rehire, as written in the attachment, effective July 1, 2022. Supervisor Crosby seconded the motion.

Ms. Gilman presented this item. The revised Policy decreases the term of ineligibility from ten years to five years, and adds a prohibition on the use of personal leave during the final two weeks of employment. The Policy was shared with Elected Officials and staff with no concerns. The Board noted that all employees were given the opportunity to review and provide feedback on each Policy.

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

13. Approve new Human Resources Policy 2235, Children in the Workplace, as written in the attachment, effective July 1, 2022.

Supervisor Crosby made a motion to approve new Human Resources Policy 2235, Children in the Workplace, as written in the attachment, effective July 1, 2022. Vice-Chairman Judd seconded the motion.

Ms. Gilman presented this item. This new Policy recognizes the County's responsibility to provide a safe workplace free of distractions. The Policy specifies infrequent and brief visits by children. In response to the Board, Ms. Gilman confirmed that there is an existing Policy addressing passengers in County vehicles.

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

14. Approve new policy 2100, Facilities Management, as written in the attachments, effective July 1, 2022.

Supervisor Crosby made a motion to approve new policy 2100, Facilities Management, as written in the attachments, effective July 1, 2022. Vice-Chairman Judd seconded the motion.

Mr. Henry Meraz, Facilities Director, presented this item. Revisions include removing the responsibility of Solid Waste for facility issues, and provides a comprehensive listing of the Facilities Department's responsibilities. It addresses renovations, new furniture and office moves. It includes a comprehensive list of facility safety and security. In response to the Board, Mr. Meraz further clarified the removal of responsibility for facility-related issues from Solid Waste.

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

15. Approve the revisions to Policy 1801, Information Technology Access Control, as provided in the attachments, effective July 1, 2022.

Vice-Chairman Judd made a motion to approve the revisions to Policy 1801, Information Technology Access Control, as provided in the attachments, effective July 1, 2022. Supervisor Crosby seconded the motion.

Mr. Joe Casey, Chief Information Officer, presented this item. The revised Policy adds a provision for automatic notification to Elected Officials or Department Directors if Information Technology staff accesses areas where sensitive information is stored, and gives audit authority to the County Administrator.

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

16. Approve the revisions to Policy 1808, Information Technology Risk Assessment, as provided in the attachments, effective July 1, 2022.

Supervisor Crosby made a motion to approve the revisions to Policy 1808, Information Technology Risk Assessment, as provided in the attachments, effective July 1, 2022. Vice-Chairman Judd seconded the motion.

Mr. Casey presented this item. The revised Policy requires an annual risk assessment that includes internal and external penetration testing. In response to the Board, Mr. Casey confirmed that a vendor conducts the testing.

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

17. Approve Lease Agreement with St. Patrick Roman Catholic Parish-Bisbee, for parking lot use by County employees and the public attending court proceedings, for \$1,000 per month, effective May 24, 2022, through May 23, 2023, with automatic one-year renewals.

Vice-Chairman Judd made a motion to approve Lease Agreement with St. Patrick Roman Catholic Parish-Bisbee, for parking lot use by County employees and the public attending court proceedings, for \$1,000 per month, effective May 24, 2022, through May 23, 2023, with automatic one-year renewals. Supervisor Crosby seconded the motion.

Mr. Karwaczka presented this item. This Lease Agreement (Lease) will provide proper parking for staff, including those who moved from the Old Bisbee High School, and the public. The previous Lease expired; staff negotiated and secured this updated Lease. In response to the Board, Mr. Karwaczka clarified which parking lot is included in this Lease.

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

18. Approve the First Amended Intergovernmental Agreement (IGA) between the City of Douglas and Cochise County for Animal Shelter Services in Douglas, Arizona, effective July 1, 2022, at an annual cost of \$60,126.34, to include an annual 3% increase for these services based on County demand beginning in FY2024.

Supervisor Crosby made a motion to approve the First Amended Intergovernmental Agreement (IGA) between the City of Douglas and Cochise County for Animal Shelter Services in Douglas, Arizona, effective July 1, 2022, at an annual cost of \$60,126.34, to include an annual 3% increase for these services based on County demand beginning in FY2024. Vice-Chairman Judd seconded the motion.

Ms. Gilman presented this item. She reviewed background information on the existing IGA. The Douglas shelter has seen an increase in County use since the closing of the Huachuca City shelter; a study by Douglas showed that approximately 30% of shelter operating costs were due to animals brought in by the Sheriff's Animal Control Office. The IGA includes an increase in the County's contribution, along with a provision for a 3% increase should County demand increase year over year. The potential annual increase is based on utilization; the amount will change if utilization increases or decreases by 10%.

The Board discussed concerns with the Douglas shelter regarding illness and not placing animals. Vet Technicians from the University of Arizona have not yet arrived to assist at the Douglas shelter.

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

19. Direct the County Attorney's Office to request review of any potential open meeting law violations with the Attorney General's Office, if any potential violations occur, or have occurred, during a Board meeting, work session, or executive session after being admonished and warned of the violation.

Vice-Chairman Judd made a motion to direct the County Attorney's Office to request

review of any potential open meeting law violations with the Attorney General's Office, if any potential violations occur, or have occurred, during a Board meeting, work session, or executive session after being admonished and warned of the violation. Chairman English seconded the motion.

Mr. Correa stated that the Open Meeting Law (OML) requires the County to provide notice of topics at Board meetings; if discussion occurs regarding a topic not on the agenda, the public is denied the right to participate and listen, and an OML violation occurs. The Arizona Attorney General's Office investigates OML violations upon referral. In response to the Board, he confirmed that this will set forth a process.

Mr. Timothy La Sota addressed the Board and stated that Supervisor Crosby asked him for assistance; he reviewed his background and described various reasons for his opposition to the item.

Chairman English discussed her thoughts on and the reason for the item, and noted that the Deputy County Attorney would first warn members if the discussion moves off topic. Mr. Correa stated that discussion veering off topic creates a risk that the County is trying to avoid.

Supervisor Crosby made a motion to amend the motion, to strike everything after the words "executive session" (striking "after being admonished and warned of the violation") from the motion. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and the motion to amend was approved 2-1 (English opposed).

Mr. Correa stated that the amendment fundamentally changes the practical effect. The Deputy County Attorney at the meeting will continue to warn the Board when noting potential OML violations. It is not necessary to refer every potential OML violation for investigation. Vice-Chairman Judd discussed anyone having the right to report a potential OML violation.

Supervisor Crosby noted his opinion of a disparity in the treatment of Supervisors. He compared the lengths of time that he and other Supervisors have discussed items in the past and others not being cautioned of being off the agenda topic.

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

Health & Social Services

20. Approve Professional Services Agreement 22-17-HEA-01 between Cochise Harm Reduction and Cochise Health & Social Services, for Syringe Exchange Services in support of the Justice Reinvestment Fund established through an act of Legislation, in the amount of \$63,045, effective May 10, 2022, through May 31, 2023.

Vice-Chairman Judd made a motion to approve Professional Services Agreement 22-17-HEA-01 between Cochise Harm Reduction and Cochise Health & Social Services, for Syringe Exchange Services in support of the Justice Reinvestment Fund established through an act of Legislation, in the amount of \$63,045, effective May 10, 2022, through May 31, 2023. Supervisor Crosby seconded the motion.

Ms. Suzanne Hagle, Prevention Services Director, presented this item. She reviewed background information on the distribution of revenues from Proposition 207, which

was approved by the Board of February 22, 2022. This Professional Services Agreement will utilize those funds for syringe exchange services.

Supervisor Crosby read from a study and requested information about the combination of needle exchange and opiate substitution. Ms. Hagle and Dr. Alicia Thompson, Health & Social Services Director, noted that the plan is reduce harm in people who use drugs by providing safer options, and discussed various aspects of the program. Supervisor Crosby cited the study's finding of an increased percentage of deaths and arrests associated with needle exchange programs.

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

STATE & FEDERAL LEGISLATION

21. 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.

Chairman English noted that there is not yet a state budget.

No action was taken on this item.

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

Mr. Karwaczka reported on the soil testing at the Bisbee-Douglas International Airport well and the Courthouse Heating, Ventilation, and Air Conditioning (HVAC) system. He recognized Ms. Cathy Traywick, County Treasurer, on her 30 years with the County.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby discussed the Open Meeting Law and his preparation process for Board meetings.

Report by District 2 Supervisor, Ann English

Chairman English reported on Douglas Days and noted that the County was represented at the event.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported on the upcoming Willcox Ranching Heritage Festival, a recent wine festival, and an upcoming car show at the Rex Allen Museum.

Chairman English noted that there will be a five minute break before the next meeting.

Chairman English adjourned the meeting at 11:42 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board