

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JUNE 21, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 21, 2022 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

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

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

Vice-Chairman Judd 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. Cheryl Knott addressed the Board regarding Active Management Areas, the Safe-Yield program, and groundwater.

Mr. Fred Kern addressed the Board regarding the maintenance of Calle Principal.

CONSENT

Adult Probation

1. Approve a proclamation declaring the week of July 17-23, 2022 as Pretrial, Probation and Parole Week in Cochise County.

Board of Supervisors

2. Approve the Minutes of the regular meeting of the Board of Supervisors of June 7, 2022.

3. Approve a contract with the Arizona State Board of Equalization for hearing officer services, effective June 1, 2022, through May 31, 2023.
4. Adopt Resolution 22-14 designating Mr. Keith Buonocore as Chief Fiscal Officer, for submitting the Fiscal Year 2023 Expenditure Limitation Report to the Arizona Auditor General, per ARS 41-1279.07(E).

County Attorney

5. Approve the proposed settlement of the Large Tax Appeal in CDS Partners L.P. v. Cochise County, TX2021-000477, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
6. Approve the proposed settlement of the Large Tax Appeal in Santa Fe Springs Apts SV L.P. v. Cochise County, TX2021-000478, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
7. Approve the proposed settlement of the Large Tax Appeal in Vista Del Norte Apartments L.P. v. Cochise County, TX2021-000479, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

County Sheriff

8. Approve an Intergovernmental Agreement (IGA) among Cochise College, Sierra Vista Police Department, and the Cochise County Sheriff's Office to continue operating the Southeastern Arizona Law Enforcement Training Academy (SEALETA), effective July 25, 2022 through May 26, 2023.

Finance

9. Approve demands and budget amendments for operating transfers.

Supervisor Crosby made a motion to approve items 1-9 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

10. Adopt Zoning Ordinance 22-10 to rezone parcel 105-28-006 from RU-4 (Residential one dwelling per four acres), to RU-2 (Rural, one dwelling per 2 acres), pursuant to the application of Stone Canyon Ranch, LLC.

Chairman English made a motion to adopt Zoning Ordinance 22-10 to rezone parcel 105-28-006 from RU-4 (Residential one dwelling per four acres), to RU-2 (Rural, one dwelling per 2 acres), pursuant to the application of Stone Canyon Ranch, LLC. Supervisor Crosby seconded the motion.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. The request is to rezone a parcel from RU-4 to RU-2. He gave the location, parcel number, total acreage, and existing and proposed uses, and displayed the site plan and photos of the area. The owner is proposing to split the parcel into five parcels, leaving a 2-acre nonconforming parcel east of Highway 83. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of and against approval, and the seven recommended conditions of approval. In response to the Board, Mr. Coxworth clarified that if rezoned, there would be only one home per two acres.

Vice-Chairman Judd opened the Public Hearing. No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

11. Adopt Resolution 22-15, amending the Development Services Fee Schedule for services provided by Development Services.

Supervisor Crosby made a motion to adopt Resolution 22-15, amending the Development Services Fee Schedule for services provided by Development Services. Chairman English seconded the motion.

Vice-Chairman Judd opened the Public Hearing.

Mr. Coxworth presented this item using a PowerPoint presentation. He reviewed the history of fee increases for the Development Services Department, noting that the Rural Residential Owner/Builder Opt-Out fees were last increased in 2006. He compared revenues and expenses from Fiscal Year 2010 through the current Fiscal Year. He reviewed the proposed Building and Planning fee changes, noting which are new fees and the reasons for increasing or adding fees. Building fee changes include: Rural Residential Owner/Builder Opt-Out; Temporary RV Permits; and, Multi-Use Plan. Planning fee changes include: modification of a Special Use Permit; Accessory Living Quarters; Official Zoning Compliance Letter; Agriculture Exemption Request; Special Event Permit; Home Occupation Permit; and, miscellaneous deletions, updates and fee schedule simplification changes. These changes would allow Development Services to recoup at least 75% of expenses.

The Board discussed various reasons for their support or opposition to the changes.

No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

12. Adopt Zoning Ordinance 22-11, rezoning seven parcels located in the same general area west of Sunsites from SR-22 to SR-174, pursuant to a County-initiated request.

Vice-Chairman Judd opened the Public Hearing.

Chairman English made a motion to adopt Zoning Ordinance 22-11, rezoning seven parcels located in the same general area west of Sunsites from SR-22 to SR-174, pursuant to a County-initiated request. Supervisor Crosby seconded the motion.

Mr. Coxworth presented this item using a PowerPoint presentation. This County-initiated request is to rezone various parcels that have been deeded to the state from SR-22 to

SR-174, prior to the parcels being auctioned; all parcels are currently vacant. He gave the properties' location, parcel numbers, and acreage, and reviewed the factors in favor of and against approval. One letter in opposition was received. The Planning and Zoning Commission recommended approval.

The Board and Mr. Coxworth discussed one of the subject parcels, which is contiguous though it may not appear to be. The Board recognized Mr. Coxworth and staff for their work on parcels prior to the auction.

No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

13. Adopt Zoning Ordinance 22-12, rezoning parcel 114-18-106 from RU-2 (Rural, one dwelling per 2 acres) to MR-1 (Multi-Family Residential), pursuant to a County-initiated request.

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-12, rezoning parcel 114-18-106 from RU-2 (Rural, one dwelling per 2 acres) to MR-1 (Multi-Family Residential), pursuant to a County-initiated request. Chairman English seconded the motion.

Vice-Chairman Judd opened the Public Hearing.

Mr. Coxworth presented this item using a PowerPoint presentation. This County-initiated request is to rezone a parcel that has been deeded to the state from RU-2 to MR-1 prior to being auctioned. The site is currently non-conforming; this rezoning will bring the parcel into conformance. He discussed the zoning of surrounding parcels, displayed a location map and reviewed the factors in favor of approval, noting that none were identified as being against. The Planning and Zoning Commission recommended approval.

No one chose to speak and Vice-Chairman Judd closed the Public Hearing.

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

ACTION

Board of Supervisors

14. Approve a \$2,500,000 payment to the Public Safety Personnel Retirement System (PSPRS), from the General Fund Contingency.

Chairman English made a motion to approve a \$2,500,000 payment to the Public Safety Personnel Retirement System (PSPRS), from the General Fund Contingency. Supervisor Crosby seconded the motion.

Mr. Daniel Duchon, Budget Manager, presented this item. In 2021, the Board approved a \$10 million plan to pay down the PSPRS unfunded liability, making annual \$2,500,000 million payments. Staff is requesting to make the Fiscal Year 2022-2023 payment this year, to assist in mitigating the expenditure limitation decrease of approximately \$755,000.

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

County Attorney

15. Approve the Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-23-021 in the amount of \$148,186.18, between the ACJC and Cochise County, effective July 1, 2022 through June 30, 2023.

Supervisor Crosby made a motion to approve the Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-23-021 in the amount of \$148,186.18, between the ACJC and Cochise County, effective July 1, 2022 through June 30, 2023. Chairman English seconded the motion.

Ms. Roberts presented this item. This recurring Grant funds one full-time Attorney III position and 60% of an Attorney II to prosecute drug and violent crimes. The funding amount is \$148,186.18 with a \$37,046.55 matching fund requirement.

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

County Sheriff

16. Approve Intergovernmental Agreement (IGA) Renewal between Cochise County and Naco School District, allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective July 1, 2022 through June 30, 2023.

Chairman English made a motion to approve Intergovernmental Agreement (IGA) Renewal between Cochise County and Naco School District, allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective July 1, 2022 through June 30, 2023. Supervisor Crosby seconded the motion.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. This will renew an existing IGA; the Sheriff's Office provides an employee to act as a SRO. The IGA is in the amount of \$75,100; the County will pay approximately \$9,000 in base salary and Employee-Related Expenses (ERE's). In response to the Board, Lieutenant Gijanto stated that the SRO teaches a Law Related Education class. The SRO has been full-time, in this same format, from the onset of the program.

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

17. Approve donation of 2012 Ford F150 pick-up truck, Vehicle Identification Number (VIN) ending in 74755, from the Sheriff's Assist Team to the Cochise County Sheriff's Office.

Supervisor Crosby made a motion to approve donation of 2012 Ford F150 pick-up truck, Vehicle Identification Number (VIN) ending in 74755, from the Sheriff's Assist Team to the Cochise County Sheriff's Office. Chairman English seconded the motion.

Lieutenant Gijanto presented this item. The Sheriff's Assist Team would like to donate a pick-up truck to the Sheriff's Office. The truck would be used in the Special Operations Division. It is in good running order, though the Fleet Division would need to perform regular maintenance on it. It already has the required emergency equipment. In response to the Board, Lieutenant Gijanto stated that he confirmed with Fleet that the transition was previously made to be able to service Ford vehicles.

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

18. Approve an interfund transfer of up to \$250,000 from the Department of Emergency and Military Affairs (DEMA) Border Pilot Program Jail Fund to the General Fund for Sheriff's Office jail expenses.

Chairman English made a motion to approve an interfund transfer of up to \$250,000 from the Department of Emergency and Military Affairs (DEMA) Border Pilot Program Jail Fund to the General Fund for Sheriff's Office jail expenses. Supervisor Crosby seconded the motion.

Mr. Duchon presented this item. The Board previously approved Department of Emergency and Military Affairs grants, specifically Grant M21-0082, for funding various jail expenses. Grant funds were received after the start of the Fiscal Year. Expenses that should have been grant-funded were charged to the General Fund, and the Jail General Fund is projected to be over budget by approximately \$200,000 - \$250,000. This transfer will use the grant funding to match the General Fund expenditures.

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

County Treasurer

19. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2022-001 to 2022-038.

Supervisor Crosby made a motion to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2022-001 to 2022-038. Chairman English seconded the motion.

Ms. Cathy Traywick, County Treasurer, presented this item. She recognized Deputies Estrada and Romero and the Sheriff's Assist Team for their assistance. She is requesting permission to abate the taxes of these abandoned or decrepit properties so they can be removed from the tax rolls. In response to the Board, Ms. Traywick gave background information on the abatement process and reasons for abatement, and confirmed that the abatements are for personal property, not real property.

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

Health & Social Services

20. Approve Renewal of Grant GRA-STATE-19-0968-01-Y5 between the Early Childhood Development and Health Board (First Things First) and Cochise Health & Social Services, for child care health consultation, in the amount of \$103,320, effective July 1, 2022, through June 30, 2023.

Chairman English made a motion to approve Renewal of Grant GRA-STATE-19-0968-01-Y5 between the Early Childhood Development and Health Board (First Things First) and Cochise Health & Social Services, for child care health consultation, in the amount of \$103,320, effective July 1, 2022, through June 30, 2023.

Supervisor Crosby seconded the motion.

Ms. Vicky King, Clinical Services Division Director, presented this item. This renews an existing grant for childcare health consultant services. There are 38 centers in Cochise County. She described the purpose and services provided. Funding is used primarily for salaries and Employee-Related Expenses for two employees.

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

21. Approve Amendment 2 to Contract CTR050594, Health Start Program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the annual amount of \$353,000, effective July 1, 2022, through July 5, 2023.

Supervisor Crosby made a motion to approve Amendment 2 to Contract CTR050594, Health Start Program, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services, in the annual amount of \$353,000, effective July 1, 2022, through July 5, 2023. Chairman English seconded the motion.

Ms. Suzanne Hagle, Prevention Services Division Director, presented this item. This is the second year of a five-year grant; the County has received the grant for over 35 years. She reviewed the grant's purpose; trained Community Health Workers guide and mentor young families. Approximately 250 families are served.

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

22. Approve Intergovernmental Agreement (IGA) between Pima County and Cochise Health & Social Services, for Medical Examiner Services, at the base rate of \$93,750 per quarter, effective July 1, 2022, through June 30, 2027.

Chairman English made a motion to approve Intergovernmental Agreement (IGA) between Pima County and Cochise Health & Social Services, for Medical Examiner Services, at the base rate of \$93,750 per quarter, effective July 1, 2022, through June 30, 2027. Supervisor Crosby seconded the motion.

Dr. Alicia Thompson, Health & Social Services Director, presented this item. This IGA will extend services through June 30, 2027; the annual base rate is \$375,000, an increase of \$25,000. Pima County provides physicians employed as Medical Examiners to provide services on behalf of the County. A previous decision was made for the County to not employ a Medical Examiner.

The Board and Dr. Thompson discussed the primary duties of Medical Examiners and the criteria for when Medical Examiners are used.

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

23. Approve Professional Services Agreement PSA 2022-18-HEA-01 between Cochise County and Arbo Scientific, for Vector and Arboviral Surveillance Services for nine weeks between July and October, in the amount of \$73,859, effective July 1, 2022, through October 31, 2022.

Chairman English made a motion to approve Professional Services Agreement PSA 2022-18-HEA-01 between Cochise County and Arbo Scientific, for Vector and Arboviral Surveillance Services for nine weeks between July and October, in the amount of \$73,859, effective July 1, 2022, through October 31, 2022. Supervisor Crosby seconded

the motion.

Dr. Thompson presented this item. The Agreement will provide mosquito surveillance, which is critical for the ability to notify the community of adverse effects of mosquito bites. She reviewed the surveillance locations and process; when positive results are received, there will be extensive communications targeting the specific area. She noted that in 2021 the County was not conducting mosquito surveillance; 1,693 cases of West Nile virus were identified in Arizona, with one probable case in Cochise County. She stressed the importance of communications.

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

STATE & FEDERAL LEGISLATION

24. 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.

Vice-Chairman Judd stated that the legislature is continuing to work on the budget. Chairman English noted that a draft of what may be included in the budget was received.

No action was taken on this item.

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

Mr. Karwaczka reported on the status of the Courthouse Heating, Ventilation and Air Conditioning (HVAC) and electrical systems; the Bisbee-Douglas International Airport terminal; Douglas Roadyard; and, various roof repairs.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report and left the meeting at 11:07 a.m.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Vice-Chairman Judd adjourned the meeting at 11:08 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board