

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, NOVEMBER 15, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 15, 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; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Clerk of the Board

Chairman English called the meeting to order at 10:09 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

Mr. Jeff Sturges discussed his thoughts on the integrity of County government.

Ms. Alexis Claire discussed the reasons for her opposition to Agenda Items 8, 10, 13, 15, 16, 17, 18, and 21.

Ms. Sanda Clark discussed reasons for her concerns with Agenda Item 11 and the use of private versus public funding.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of October 25, 2022.
2. Accept a grant from the Ak-Chin Indian Community as a pass-through for Fry Fire District in the amount of \$50,000.

County Attorney

3. Approve Authorization Letter to the Arizona Attorney General's Office to represent Cochise County in all tax appeal litigation of centrally assessed property for tax years 2023 and 2024.

Court Administration

4. Approve the appointment of Derek Baroumes, Randy Judd, Roger Contreras, and William Moore as county-wide Justices of the Peace Pro Tempores, where no other elected justices of the peace are available or otherwise able to conduct a necessary hearing pursuant to A.R.S. § 22-121, effective November 15, 2022 through June, 30, 2023.
5. Approve the appointment of Justin Allred as Justice of the Peace Pro Tempore for the Justice Court Precinct Five, to conduct necessary hearings pursuant to A.R.S. § 22-121, effective November 15, 2022 through June 30, 2023.

Finance

6. Approve demands and budget amendments for operating transfers.

Information Technology

7. Approve the transfer of four surplus computers to the Tombstone Fire Department.

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. Adopt Resolution 22-29, ordering the formation of the Cochise County Jail District contingent upon voter approval of an excise tax, and directing that the approval of the excise tax be placed on the ballot for the election to be held on May 16, 2023.

Vice-Chairman Judd made a motion to adopt Resolution 22-29, ordering the formation of the Cochise County Jail District contingent upon voter approval of an excise tax, and directing that the approval of the excise tax be placed on the ballot for the election to be held on May 16, 2023.

Supervisor Crosby made a motion to table the item for discussion of an incremental approach for study prior to a twenty-five year commitment. The motion failed for lack of a second.

Supervisor Crosby seconded the original motion.

Chairman English opened the Public Hearing.

Mr. Karwaczka introduced two additional presenters, Judge James Conlogue (Ret.) and Sheriff Mark Dannels. Mr. Karwaczka stated that the Board previously requested staff and the Sheriff's Office work together on a transparent process regarding a potential Jail District. A Public Advisory Committee (Committee) was formed; he read the names of the Committee members. Presentations given to the Committee are attached to today's agenda item. The Committee was asked to give a presentation to the Board.

Judge Conlogue (Ret.), Committee Chair, recognized Committee members in attendance today: Mr. Tony Isom and Ms. Katie Miller. He summarized the various presentations received by the Committee, noting that agendas, minutes, and meeting videos are available online through the County's website. It was clear to every Committee member that the current situation is unsustainable and that there are inherent inadequacies in the facility. The Committee unanimously voted to recommend that the Board form a Jail District, which would include going to the voters for approval of a temporary half-cent sales tax, and strongly recommends the construction of a new jail facility.

The Board expressed appreciation to Judge Conlogue (Ret.) and all Committee members for their participation and involvement in the process. The Board and Judge Conlogue (Ret.) discussed Committee member Jon Kosmider's position with the City of Sierra Vista and the temporary half-cent sales tax, if approved by voters, lasting for 25 years; Judge Conlogue (Ret.) noted that funding from the tax would not supplant the County's current level of expenditures for the jail.

Sheriff Dannels recognized and thanked the Committee, County Administration, County Attorney, and Commander Kenneth Bradshaw and staff. The existing facility is inefficient; it is 40 years old, while the average lifespan of a jail is 20 years. Needs include staff safety, additional staffing, health and medical needs, and a higher quality facility. He encouraged support for the Jail District and stated that eight of 15 Sheriffs in Arizona have a Jail District.

The Board discussed their thoughts and opinions regarding the Jail. Supervisor Crosby encouraged honesty in telling the voters about the costs and interest. Vice-Chairman Judd noted that representatives from the City of Willcox are in attendance, and requested they be allowed to address the Board.

Mayor Ken Budge, City of Bisbee, stated that he wants to support the Jail District with the caveat that it be built in the County seat. He discussed his reasons and requested the Board amend the Resolution to add that the Jail be located in the County seat.

Mayor Mike Laws, City of Willcox, expressed support for the Sheriff's Office. Willcox must oppose the half-cent sales tax for various reasons. Willcox also submitted a letter to the Board.

In response to the Board, Mr. Karwaczka stated the property tax rate would need to increase by 31% for a similar amount of revenue from a half-cent excise (sales) tax. The estimated impact to County residents is approximately \$67.21; this does not take into consideration non-residents who pay sales tax.

The Board discussed asymmetry of taxation; impacts of inflation; the potential to purchase modules for the existing jail; the potential to first implement a temporary tax to fund a detailed study; and, letting the voters decide.

Chairman English closed the Public Hearing.

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

Development Services

9. Adopt Zoning Ordinance 22-22 and approve docket RZ22-21 (Smith Ranch), to revoke a Master Development Plan (MDP-04-02) for parcels 124-01-002B and 124-01-002D, and revert the zoning (Z-04-11) from PD (Planned Development) to RU-4 (Rural, one dwelling per 4 acres), pursuant to a County-initiated request.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-22 and approve docket RZ22-21 (Smith Ranch), to revoke a Master Development Plan (MDP-04-02) for parcels 124-01-002B and 124-01-002D, and revert the zoning (Z-04-11) from PD (Planned Development) to RU-4 (Rural, one dwelling per 4 acres), pursuant to a County-initiated request. Supervisor Crosby seconded the motion.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. A condition on these parcels required substantial progress by January 1, 2012, or that the Board take action to revoke the Master Development Plan and revert the zoning. Staff notified the property owners and has not heard from them. He reviewed the property's location.

In response to the Board, Mr. Coxworth stated that the owners are out of state. He has heard that the owners may be interested in selling. This was previously the subject of a ballot referendum. The Board discussed their preference for lower-density zoning.

Chairman English opened the Public Hearing. 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 Letter of Agreement with HighGround, Inc. for public affairs consulting and related services regarding a public involvement process for the proposed Cochise County Jail District, in the amount of \$3,500 per month, effective November 15, 2022, through May 15, 2023.

Supervisor Crosby made a motion to approve Letter of Agreement with HighGround, Inc. for public affairs consulting and related services regarding a public involvement process for the proposed Cochise County Jail District, in the amount of \$3,500 per month, effective November 15, 2022, through May 15, 2023. Vice-Chairman Judd seconded the motion.

Mr. Karwaczka presented this item. HighGround has with the Jail District process and the Committee thus far; their assistance is needed leading up to the election. HighGround will assist with disseminating information and in coordinating public meetings.

In response to the Board, Mr. Karwaczka stated that HighGround did not talk about bond origination or sales as the Jail District and bonds are separate matters. HighGround will assist in providing information in multiple formats.

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

11. Approve payment for outside legal representation pursuant to the Legal Services Agreement between The Valley Law Group, PLLC, and the Cochise County Board of Supervisors, for outside legal representation in the matter of CV202200518, Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, entered into by Mr. Richard G. Karwaczka, County Administrator, as directed by the Board at the November 2, 2022 Emergency Meeting.

Vice-Chairman Judd made a motion to approve payment for outside legal representation pursuant to the Legal Services Agreement between The Valley Law Group, PLLC, and the Cochise County Board of Supervisors, for outside legal representation in the matter of CV202200518, Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, entered into by Mr. Richard G. Karwaczka, County Administrator, as directed by the Board at the November 2, 2022 Emergency Meeting. Supervisor Crosby seconded the motion.

Mr. Karwaczka stated that the Agreement that he was directed to sign regarding the litigation is attached to the agenda item.

Vice-Chairman Judd stated that this was in the Board's official capacities; she remembers agreeing that the Board would pay for their own counsel. She discussed efforts to raise funds and stated that she will reimburse her one-third share to the County. She is working on a way to reimburse this to the County.

In response to the Board, Mr. Karwaczka stated that there is a \$10,000 retainer to pay from the General Fund. He is unaware of other funding options. No detailed bill has been presented yet. This would be funded from the General Fund; Supervisor Crosby stated his understanding that this effort is being funded privately. Mr. Karwaczka stated that he is unaware of private funding efforts; he does not believe that the Board can accept private funding. Supervisor Crosby stated that he was surprised to see this as an agenda item. Mr. Karwaczka stated that the Board asked him to hire and execute the document with Mr. Blehm. The retainer has to be paid.

Supervisor Crosby stated that he would like to table this until there is more information; he stated that both he and Vice-Chairman Judd intend to pay for this privately.

Supervisor Crosby made a motion to table this to the next meeting (November 29, 2022). Vice-Chairman Judd seconded the motion. Mr. Karwaczka noted that the retainer was supposed to be paid upon signing.

Vice-Chairman Judd raised a point of order and stated that she removed her second so the discussion may continue.

Chairman English stated that the Board selected the attorney.

Supervisor Crosby raised a point of order and clarified that the second was removed from the motion. Vice-Chairman Judd confirmed that she removed her second from the motion to table the item.

Chairman English noted that members of the public are present to speak on the item.

Mr. Jeff Sturges discussed reasons for his opposition to the item.

Ms. Jennifer Druckman discussed reasons for her opposition to the item.

Ms. Allison Morse discussed reasons for her opposition to the item.

Ms. Jill Hamilton discussed reasons for her opposition to the item.

Ms. Kate Scott was called upon but did not speak.

Mr. Steven Marlatt discussed reasons for his opposition to the item.

Mr. Michael Brown discussed reasons for his opposition to the item.

Ms. Catherine Welch discussed reasons for her opposition to the item.

Ms. Sanda Clark discussed reasons for her opposition to the item.

Ms. Joy Banks discussed reasons for her opposition to the item.

Supervisor Crosby requested Mr. Mattix provide him with the agenda item number from the agenda system.

Chairman English read the following names of individuals who requested their names be read in opposition to the item: Joan A. Murphy; Diane W. Davidson; Deborah A. Herczog; April Newman; Robert Rodrigues; Peter Levine; Peter M Waser; Marjorie Anne Murphey; Henry Vaughn Camacho; Susan Lynne Dalby; Elisabeth Tyndall; Deborah Anbinder; Karen LeMay; Chris Dietz; Tamara R. Birch; Mary Susan Waser; Judith Maresca; Andrew Noll; Mary Ann Capehart; Elizabeth Henson; Bonita Schweighart.

Supervisor Crosby made a motion that the item be tabled to the next Regular Meeting, on November 29, 2022; Vice-Chairman Judd seconded the motion.

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

12. Approve the use of \$9,277,390 of American Rescue Plan Act (ARPA) funds for fiscal year 2022-2023 General Fund Payroll.

Supervisor Crosby made a motion to approve the use of \$9,277,390 of American Rescue Plan Act (ARPA) funds for fiscal year 2022-2023 General Fund Payroll. Vice-Chairman Judd seconded the motion.

Ms. Gilman presented this item. At a recent Work Session, the Board and staff discussed the utilization of ARPA funds, of which the County received approximately \$24.4 million. The United States Treasury Department's final rule for use of ARPA funds includes payroll for government employees as an allowable expense. Staff is requesting utilization of \$9,277,390 for general fund payroll; upon approval, Finance will transfer funds from ARPA to the General Fund Contingency. Approximately \$7 million will remain in ARPA funding.

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

13. Approve Peggy Judd as Chairperson of the Cochise County Board of Supervisors, as of the next meeting of the Board of Supervisors.

Supervisor Crosby made a motion to approve Peggy Judd as Chairperson of the Cochise County Board of Supervisors, as of the next meeting of the Board of Supervisors.

Vice-Chairman Judd expressed appreciation for the consideration. She is not able to take on the responsibility at this time; she may be able to take it on in January, 2023. She expressed appreciation of and support for Chairman English.

The motion failed for lack of a second.

14. Approve Community Enhancement Fund expenditures for District 2: purchase of signage for Bisbee-Douglas International Airport, in the amount of \$25,000.

Chairman English made a motion to approve Community Enhancement Fund expenditures for District 2: purchase of signage for Bisbee-Douglas International Airport, in the amount of \$25,000. Supervisor Crosby seconded the motion.

Chairman English presented this item. She was asked by the Development Services Department, who is working on the Bisbee-Douglas International Airport, to help pay for signage. The total anticipated cost is approximately \$56,000; the sign will be at the entrance of the Airport.

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

County Sheriff

15. Approve Mutual Aid Agreement IM-W91QUS-22-040-MAA between U.S. Army Garrison Fort Huachuca and the Cochise County Sheriff's Office to identify and document the presence of undocumented immigrants in Cochise County, within the U.S. Army Garrison Fort Huachuca.

Supervisor Crosby made a motion to approve Mutual Aid Agreement IM-W91QUS-22-040-MAA between U.S. Army Garrison Fort Huachuca and the Cochise County Sheriff's Office to identify and document the presence of undocumented immigrants in Cochise County, within the U.S. Army Garrison Fort Huachuca. Vice-Chairman Judd seconded the motion.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. This will allow for cameras used for border operations to be installed on Fort Huachuca. The cameras assist in better detecting and deterring illegal border crossings. The Sheriff's Office will provide the equipment; Fort Huachuca will install the cameras, respond to incidents, and share data. There is no cost to the Sheriff's Office; the cameras were purchased through funding received from the state.

In response to the Board, Lieutenant Gijanto confirmed that the Sheriff's Office will see the images that come in; however, Fort Huachuca will respond. Fort Huachuca has a nexus with the border and concern in the immigration traffic traveling into the community. There are multiple interests in quantifying the information, which is passed on to Customs and Border Protection.

Supervisor Crosby stated his opinion that statistics are not useless and that the correct

response is to prevent illegal entry across the border.

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

16. Approve Grant Agreement HT-22-2912 with the City of Tucson, Southwest Border Arizona Region High Intensity Drug Trafficking Area (HIDTA) Program, and the Cochise County Sheriff's Office, to participate in the Southern Arizona Major Investigative Team (SAMIT) in the amount of \$87,668 for salaries, partial fringe benefits (ERE), services, and supplies, effective January 1, 2022 through December 31, 2023.

Vice-Chairman Judd made a motion to approve Grant Agreement HT-22-2912 with the City of Tucson, Southwest Border Arizona Region High Intensity Drug Trafficking Area (HIDTA) Program, and the Cochise County Sheriff's Office, to participate in the Southern Arizona Major Investigative Team (SAMIT) in the amount of \$87,668 for salaries, partial fringe benefits (ERE), services, and supplies, effective January 1, 2022 through December 31, 2023. Supervisor Crosby seconded the motion.

Lieutenant Gijanto presented this item, which is a recurring Grant that has been in place for many years. It allows the Sheriff's Office to provide a Task Force Deputy to the Drug Enforcement Administration (DEA). The DEA pays salary, overtime and 15% of Employee-Related Expenses (EREs); the County's share of EREs is approximately \$36,000.

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

17. Approve Border Strike Task Force Agreement between the State of Arizona Department of Public Safety (DPS) and the Cochise County Sheriff's Office (CCSO) in the amount of \$5,000,000, effective from date of signing to June 30, 2024, to purchase, renovate, and equip a building to be used as the Southeast Arizona Combined Intelligence and Border Operations Center.

Supervisor Crosby made a motion to approve Border Strike Task Force Agreement between the State of Arizona Department of Public Safety (DPS) and the Cochise County Sheriff's Office (CCSO) in the amount of \$5,000,000, effective from date of signing to June 30, 2024, to purchase, build, renovate, and equip a building to be used as the Southeast Arizona Combined Intelligence and Border Operations Center. Vice-Chairman Judd seconded the motion.

Sheriff Dannels presented this item. The Sheriff's Office worked with the Governor and Legislature to identify needs along the border. A collective public safety center to address border security challenges was identified as being of benefit. He reviewed the various law enforcement partners and programs that would be located in the Center, and the mission. He reviewed the impact of illegal border activity on the County Jail and statistics of various encounters. Jail costs since January, 2022 for border-related crimes are approximately \$1.2 million; 44% of those in the Jail are due to border-related crimes. The Sheriff's Office, in conjunction with County staff, will look at buildings currently available, in addition to potentially constructing a new building.

In response to the Board, Sheriff Dannels confirmed that the funding is from state tax money, rather than federal grant money.

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

Immediately after Agenda Item 18, Chairman English noted that a request to speak was

timely submitted for this item.

Mr. Fernando J. Dona discussed reasons for his support of the item.

Chairman English read the name of Elisabeth Tyndall, who requested her name be read in opposition to the item.

Emergency Services

18. Approve Grant Subrecipient Agreement, 22-AZDOHS-HSGP-220400-01, between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Emergency Services, effective October 1, 2022 through September 30, 2023, in the amount of \$15,000 for SWAT equipment.

Supervisor Crosby made a motion to approve Grant Subrecipient Agreement, 22-AZDOHS-HSGP-220400-01, between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Emergency Services, effective October 1, 2022 through September 30, 2023, in the amount of \$15,000 for SWAT equipment. Vice-Chairman Judd seconded the motion.

Mr. Daniel Duchon, Emergency Management Director, presented this item. Homeland Security Grants come through the Emergency Management Office as they range across various disciplines. The \$15,000 Grant is for a specific type of borescope camera for use by the SWAT Team. In response to the Board, Lieutenant Gijanto stated that the equipment is used to create a hole in walls in responding to emergencies, to assist with situational awareness to look into a structure and assist in formulating a better plan.

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

Facilities

19. Approve the Contract Lease Agreement between Cochise County and Southeastern Arizona Governments Organization (SEAGO), a non-profit, 501(c)(3), for Area Agency on Aging office space at County properties located in Benson, Douglas and Sierra Vista, at a sum of \$560 per month per location, effective November 1, 2022, through June 30, 2022.

Vice-Chairman Judd made a motion to approve the Contract Lease Agreement between Cochise County and Southeastern Arizona Governments Organization (SEAGO), a non-profit, 501(c)(3), for Area Agency on Aging office space at County properties located in Benson, Douglas and Sierra Vista, at a sum of \$560 per month per location, effective November 1, 2022, through June 30, 2023. Supervisor Crosby seconded the motion.

Mr. Karwaczka presented this item. He reviewed previous Board discussions regarding SEAGO taking on Area Agency on Aging internally. SEAGO requested available space from the County; staff found three locations in Benson, Douglas and Sierra Vista. The cost is \$560 per location per month; SEAGO employees can access the areas without accessing any County portion of the buildings. Notice of the lease was given in accordance with statutory requirements.

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

Health & Social Services

20. Approve an Intergovernmental Agreement between Pinal County Public Health Services District and Cochise County Health and Social Services for the enhancement of the health and well-being of women in Cochise County, effective November 16, 2022 through December 31, 2023.

Supervisor Crosby made a motion to approve an Intergovernmental Agreement between Pinal County Public Health Services District and Cochise County Health and Social Services for the enhancement of the health and well-being of women in Cochise County, effective November 16, 2022 through December 31, 2023. Vice-Chairman Judd seconded the motion.

Ms. Belinda Gonzalez, Lead Public Health Nurse, presented this item. Approval of this Intergovernmental Agreement (IGA) will allow the healthcare provider to receive supervised training from Pinal County healthcare providers on the insertion and removal of long-acting reversible contraceptives (LARC). The County currently does not offer any LARC, which have a lower risk of pregnancy. If not approved, the options the County may offer will be limited.

In response to the Board, Ms. Gonzales listed the types of covered birth control options and stated that Pinal County currently has a program in place and is willing to supervise and train the healthcare provider.

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

Information Technology

21. Approve the use of \$2,165,000 of General Fund Contingency for Information Technology (IT) projects.

Vice-Chairman Judd made a motion to approve the use of \$2,165,000 of General Fund Contingency for Information Technology (IT) projects. Supervisor Crosby seconded the motion.

Mr. Joe Casey, Chief Information Officer, presented this item. Funding is being requested for the following projects: Courts Polycom/Video Upgrade for Virtual Hearings; Mobile Device Management System; Bisbee-Douglas International Airport Fiber Connectivity; Disaster Recovery System for alternate location; Network Refresh; and, Call Manager Upgrade. In response to the Board, Mr. Casey confirmed that the Courts project includes audio and the County Jail; it includes equipment, license and system installation.

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 that construction is complete at the Bisbee-Douglas International Airport.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby requested to speak with Mr. Watkins following the meeting and requested Mr. Mattix provide him with the agenda system number for agenda item 11.

Report by District 2 Supervisor, Ann English

Chairman English reported on the Veterans Day celebration in Douglas.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Chairman English adjourned the meeting at 12:21 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board