

**PROCEEDINGS OF THE COCHISE COUNTY FLOOD CONTROL DISTRICT
MEETING HELD ON
TUESDAY, JULY 26, 2022**

A meeting of the Cochise County Flood Control District was held on Tuesday, July 26, 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; 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

Attendees: Jackie Watkins, Engineering & Natural Resources Director
Mark Apel, Environmental Projects Coordinator

Chairman English called the meeting to order at 10:06 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CALL TO THE PUBLIC

No one chose to speak.

CONSENT

Board of Supervisors

1. Approve the Minutes of the Flood Control District meeting of July 12, 2022.

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

ACTION

Engineering & Natural Resources

2. Approve the Revised Annual Joint Funding Agreement No. 22ZFJFA00080100 between the United States Geological Survey (USGS) and Cochise County in the amount of \$77,980 for the period of October 1, 2021, to September 30, 2022, to conduct hydrologic investigations and data collection.

Supervisor Crosby made a motion to approve the Revised Annual Joint Funding Agreement No. 22ZFJFA00080100 between the United States Geological Survey (USGS) and Cochise County in the amount of \$77,980 for the period of October 1, 2021, to September 30, 2022, to conduct hydrologic investigations and data collection. Vice-Chairman Judd seconded the motion.

Mr. Apel presented this item. The Flood Control District has an annual agreement with the USGS for monitoring in the Sierra Vista Subwatershed. This Amendment will decrease the amount by \$16,325 due to tasks not completed by USGS.

The Board and Mr. Apel discussed the purpose of hydrologic investigations, data collection and monitoring; the relation of this item to the San Pedro Riparian National Conservation Area (SPRNCA); the decreased level of the San Pedro River; various benefits of the data; and, the USGS having the ability to conduct hydrologic investigations.

Chairman English called for the vote and it was approved 2-0-1 (Crosby abstained).

3. Approve Amendment P00002 to Contract W9124J-15-2-0001 between US Army Environmental Command and the Cochise County Flood Control District in the amount of \$250,000, effective July 1, 2022, to fund a design concept study for the Bisbee Effluent Recharge project.

Vice-Chairman Judd made a motion to approve Amendment P00002 to Contract W9124J-15-2-0001 between US Army Environmental Command and the Cochise County Flood Control District in the amount of \$250,000, effective July 1, 2022, to fund a design concept study for the Bisbee Effluent Recharge project. Supervisor Crosby seconded the motion.

Mr. Apel presented this item. He reviewed the Contract's history, extension and amendments; it was originally entered into in 2015 with the onset of the Cochise County Recharge Network (CCRN). This Amendment will further the Bisbee Effluent Recharge Project (Project), for right-of-way and effluent conveyance. In response to the Board, Mr. Apel stated that this will give a better idea of pipeline cost and a way to move forward on the design and construction. The Board previously approved an agreement with the City of Bisbee to purchase 200 acre-feet of effluent each year.

The Board and Mr. Apel discussed background information on the CCRN and Project; the location of the treatment facility; the direction of the effluent flow and reasons that it is a priority for Fort Huachuca; details regarding aquifer recharge; and, the Fort being dependent on the stability of the San Pedro River. The Board also discussed various reasons for supporting or opposing the item, the SPRNCA, and the authority of the Bureau of Land Management.

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

4. Approve Amendment P00002 to Contract W9124J-15-2-0001, between US Army Environmental Command and the Cochise County Flood Control District in the amount of \$1,500,000, for the Bella Vista/Coyote Wash Stormwater Management Project, effective July 1, 2022, through completion of the project.

Vice-Chairman Judd made a motion to approve Amendment P00002 to Contract W9124J-15-2-0001, between US Army Environmental Command and the Cochise County Flood Control District in the amount of \$1,500,000, for the Bella Vista/Coyote Wash Stormwater Management Project, effective July 1, 2022, through completion of the project. Supervisor Crosby seconded the motion.

Mr. Apel presented this item. He summarized the Department of Defense's Readiness and Environmental Protection Integration (REPI) Challenge. The proposal for the Bella Vista/Coyote Wash Stormwater Management Project (Project) was awarded \$1,500,000 for final Project design, permitting, and construction.

Supervisor Crosby discussed his thoughts on SPRNCA. Ms. Roberts stated that the direction of the comments are beyond the scope of the posted agenda item and any further comments may be a violation of the Open Meeting Law (OML). The scope of the agenda item is for the grant for the Bella Vista/Coyote Wash Stormwater Management Project, not SPRNCA. Vice-Chairman Judd discussed Sentinel Landscape supporting the Fort, the economy, ranching and farming, and various benefits of grants.

Supervisor Crosby called a point of order, cited A.R.S. § 38-431.02 and requested Ms. Roberts inform him how and which OML statute was violated. Supervisor Crosby and Ms. Roberts discussed this further and Ms. Roberts stated that the agenda item is regarding the Grant agreement, not SPRNCA. Mr. Karwaczka stated that an OML violation could result in increased liability to the County, fines, or removal from office. In order to limit the County's liability, he requested that Supervisor Crosby acknowledge the warnings by the County Attorney and County Administrator. Supervisor Crosby acknowledged the warnings. Supervisor Crosby and Ms. Roberts discussed the OML in further detail. Chairman English stated that the Chair's decision is that the comments overreached the noticed agenda item.

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

Chairman English adjourned the meeting at 10:38 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board