

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JUNE 6, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 6, 2023 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Tom Crosby, Vice-Chairman; Ann English, Supervisor
Staff Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County
Present: Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Clerk
of the Board

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

Chairman Judd called on Mr. Karwaczka, who reported that agenda item 2 is specifically regarding the receipt of the canvass and certification, and noted that individuals who wish to speak on a different topic regarding the canvass will do so during the Call to the Public.

Tabitha Shepherd was called upon but did not speak.

Alfred Kern discussed concerns about the evaluation, maintenance and grading of various roads.

Christy Isley discussed the Miracle Valley property, stated that it has been declared nationally historic and cannot be altered, demolished, or allowed to deteriorate, and requested the mural in the tabernacle be covered.

Jeff Sturges discussed his concerns about the actions of Vice-Chairman Crosby, Chairman Judd, and County Recorder David Stevens, including costs to taxpayers via lawsuits, the hiring of Bob Bartelsmeyer as Elections Director, and former Elections Director Lisa Marra being awarded \$130,000 due to her claim of a toxic workplace.

Tiffany Miller discussed the historical significance findings of the Miracle Valley property. She stated that it cannot be demolished, and must be protected from further deterioration. She spoke in opposition to asbestos abatement and discussed the reasons.

Frances Alvarez spoke in opposition to demolition of the Miracle Valley property and reviewed

historical information about, and her family's experience with, Miracle Valley.

Steve Allen spoke regarding the history of the Miracle Valley property and discussed his opposition to demolition and asbestos abatement.

Melvin Harter discussed the history of the Miracle Valley property and spoke in favor of it going to auction with a requirement that it be a bible college.

Jennifer Druckman was called upon but did not speak.

Daniel LaChance spoke regarding the 79th anniversary of D-Day, and discussed various reasons for his opposition to the Cochise County Jail District (Jail District) election and acceptance of the election results.

Kim DePew discussed the various reasons for her objection to the establishment process of the Jail District and the Jail District's ballot by mail election.

Paul Varble discussed the various reasons for his opposition to the Jail District election and certifying the election results.

Nancy Olmstead quoted from the Arizona State Constitution, Article 12, Section 8.A., Paragraph 2, and discussed reasons she felt that Chairman Judd should have voted against the Jail District election results.

Shanna Herrera discussed scenarios that could result in voter disenfranchisement, inactive voters, and stated that the potential in the Jail District election was for 11,000 individuals to be disenfranchised.

Johnny Lee Wilson, Sr., spoke regarding his understanding of inactive voters, the interaction between the County Attorney's Office and Vice-Chairman Crosby at Board meetings, and his support of precinct voting.

Ronald Moen discussed the status of the Miracle Valley property and the various reasons for his opposition to asbestos abatement.

Kim Moen spoke discussed the status and background of the Miracle Valley property.

Rachel Waterbury spoke in support of the acquisition of the Miracle Valley property by Rebekah (Allen) Jones and discussed the reasons.

In response to Chairman Judd, Mr. Karwaczka stated that Mr. Sturges is the only remaining member of the public who did not change his speaking to the Call to the Public. If the item is removed from the Consent Agenda, Mr. Sturges' request will be addressed; if it is not removed from the Consent Agenda, public comments will not be taken. Chairman Judd proceeded with the Call to the Public.

Ronald Brooks spoke in opposition to agenda item 2, and discussed reasons for his opposition to the Jail District being presented to the voters.

Robert McCormick stated his opposition to agenda item 2.

Joseph Patterson discussed election integrity and confidence in the process, and reviewed information regarding tax-related statewide Propositions 104 from 1992 and the recent 132.

Joe Scelso spoke in opposition to discontinuing demolition of the Miracle Valley property, and

discussed various property owners' lack of success with the property, and his concerns of the dome being a navigation point for illegal border crossers.

Sandy Trull spoke in opposition to agenda item 2 and discussed reasons for her concerns that the Jail District election was illegal, and that the election system is broken.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 23, 2023.
2. Acknowledge the receipt from the Cochise County Jail District Board of Directors of a certified copy of the official canvass of the May 16, 2023, election, and order it be filed with the Clerk of the Board.

This item was removed from the Consent Agenda for separate consideration and was considered immediately after the vote to approve items 1, 3 and 4 on the Consent Agenda.

Mr. Karwaczka presented this item. He quoted A.R.S. § 16-646(D), as follows: "The certified permanent copy of the official canvass for all offices and ballot measures in a city or town election shall be filed with the appropriate city or town clerk, or in a special district election with the clerk of the board of supervisors, who shall maintain and preserve it as a permanent public record." The canvass and certification have been completed by the Jail District Board; now, it is simply the filing of the canvass. The topic that was noticed on the agenda, and which discussions must be kept to, is the receipt of the certified copy.

Vice-Chairman Crosby stated that he did not hear a requirement for this to come to the Board and asked why it is coming to the Board. Mr. Karwaczka stated that it was clarified with the County Attorney's Office; it is always the goal to be open and transparent, and the next step is the receipt. The Jail District Board approved and certified the canvass. Vice-Chairman Crosby requested that items like this not be on the Consent Agenda. In response to Vice-Chairman Crosby, Mr. Karwaczka stated that the canvass will not come before the Board again. The next Jail District meeting is June 13, 2023, for the budget.

Supervisor English made a motion to acknowledge the receipt from the Cochise County Jail District Board of Directors of a certified copy of the official canvass of the May 16, 2023, election, and order it be filed with the Clerk of the Board. Vice-Chairman Crosby seconded the motion.

Jeff Sturges addressed the Board, referenced the Jail District Board of Directors Meeting, today's staff report regarding this item, and asked what consequences Vice-Chairman Crosby would face if he did not acknowledge receipt of the canvass.

Nancy Olmstead and Paul Varble were called upon but both noted that their comments were made during the Call to the Public and they did not speak again.

Mr. Karwaczka read an excerpt of A.R.S. § 16-642(B), as follows: "The governing body of a special district as defined in title 48 shall present to the board of supervisors a

certified copy of the official canvass of the election at the next regularly scheduled meeting of the board of supervisors."

Vice-Chairman Crosby discussed his oath of Office and support of the United States Constitution, having voted on January 24, 2023 against making the election a ballot by mail election, and read excerpts of the 5th and 14th amendments to the United States Constitution regarding due process. He stated his belief that the process approved by the Board on January 24, 2023, violated due process.

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

County Sheriff

3. Approve an Intergovernmental Agreement (IGA) among Cochise College, Sierra Vista Police Department, and the Cochise County Sheriff's Office to continue operating the Southeast Arizona Law Enforcement Training Academy (SEALETA), effective July 24, 2023 through May 31, 2024.

Finance

4. Approve demands and budget amendments for operating transfers.

Supervisor English made a motion to approve items 1-4 on the Consent Agenda. Vice-Chairman Crosby requested that item 2 be removed for separate consideration. Discussion ensued and the motion failed for lack of a second.

Vice-Chairman Crosby made a motion to remove item 2 from the Consent Agenda and be placed on the regular agenda. Discussion ensued and the motion failed for lack of a second.

Supervisor English made a motion to approve items 1, 3, and 4 on the Consent Agenda. Vice-Chairman Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

5. Approve Series 6 (Bar) new liquor license application submitted by Kevin Kramber and Joseph Lewis, for The Twisted Spoke Bar and Grill, located at 1794 W. Newell Street, Naco, AZ 85620.

Supervisor English made a motion to approve Series 6 (Bar) new liquor license application submitted by Kevin Kramber and Joseph Lewis, for The Twisted Spoke Bar and Grill, located at 1794 W. Newell Street, Naco, AZ 85620. Vice-Chairman Crosby seconded the motion.

Mr. Mattix presented this item. He stated that the application has been reviewed and recommended for approval by the appropriate departments. The Health Department is working with the applicant on proper permitting. Property taxes for the parcel are current. The notice and application were posted as required by state law, and no formal protests were received. The applicant paid the \$100 processing fee. Board staff recommends

approval.

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

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

ACTION

County Sheriff

6. Approve Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-24-003 to the Cochise County Sheriff's Office to fund the Special Operations Division's overtime and Employee-Related Expenses (EREs) related to its narcotics and smuggling investigations, in the amount of \$131,883.11, effective July 1, 2023 through June 30, 2024.

Vice-Chairman Crosby made a motion to approve Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-24-003 to the Cochise County Sheriff's Office to fund the Special Operations Division's overtime and Employee-Related Expenses (EREs) related to its narcotics and smuggling investigations, in the amount of \$131,883.11, effective July 1, 2023 through June 30, 2024. Supervisor English seconded the motion.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. He stated that this Grant is recurring and the dollar amount has not changed since last year. The Grant pays overtime and benefits for the Special Operations Division group, who perform investigations into narcotics, gangs and violent crimes. These crimes require a lot of overtime and cannot be planned for. The funds allow the Sheriff's Office to have the flexibility to investigate.

In response to the Board, Lieutenant Gijanto confirmed that the Grant funds are used primarily, not exclusively, by the Special Operations Division. The Grant covers EREs; there is a matching funds requirement of approximately \$32,000 that is paid for by Proposition 207 funds.

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

Development Services

7. Adopt Resolution 23-14, authorizing the adoption of Owner-Occupied Housing Rehabilitation Guidelines in relation to 2023 Community Development Block Grant (CDBG) funds for an owner-occupied housing rehabilitation activity.

Supervisor English made a motion to adopt Resolution 23-14, authorizing the adoption of Owner-Occupied Housing Rehabilitation Guidelines in relation to 2023 Community Development Block Grant (CDBG) funds for an owner-occupied housing rehabilitation activity. Vice-Chairman Crosby seconded the motion.

Ms. Susan Bronson, Planner I, presented this item using a PowerPoint presentation. She gave a brief refresher on the CDBG program, and reviewed the eligible project types. Previously [April 25, 2023], the Board selected the Owner-Occupied Housing

Rehabilitation/Emergency Repair Program (Program) as its chosen project. The County will receive approximately \$498,000 for the Program. The next step in the process is to approve Program guidelines, which is being considered today. The guidelines' key provisions include eligibility requirements, grant versus a forgivable loan, income qualification, rehabilitation assistance plans, application process, work write-up, procurement, and acceptance of work.

In response to the Board, Ms. Bronson confirmed that there is interest in the Program. These guidelines need to be approved first, before the release of funds can be applied for; once received, the Program will be advertised. Applications cannot be accepted yet. Vice-Chairman Crosby and Ms. Bronson discussed the potential for repairs to a shared water system to be eligible under the Program.

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

Engineering & Natural Resources

8. Approve Intergovernmental Agreement IGA 23-0009212-I, Moson Road: State Route 90 – Hereford Rd, between the Arizona Department of Transportation (ADOT) and Cochise County, to administer the design of the Moson Road corridor from State Route 90 to Hereford Road, in the total amount of \$1,090,445, effective upon signing through project completion, and authorize the County cost share of \$90,445.

Vice-Chairman Crosby made a motion to approve Intergovernmental Agreement IGA 23-0009212-I, Moson Road: State Route 90 – Hereford Rd, between the Arizona Department of Transportation (ADOT) and Cochise County, to administer the design of the Moson Road corridor from State Route 90 to Hereford Road, in the total amount of \$1,090,445, effective upon signing through project completion, and authorize the County cost share of \$90,445. Supervisor English seconded the motion.

Ms. Jackie Watkins, Engineering & Natural Resources Director, presented this item. She stated that this is the next phase of the Moson Road project. The Sierra Vista Metropolitan Planning Organization (SVMPO) completed a concept study. This grant is for the design phase. Once the design phase is completed, right-of-way will be acquired and construction will be phased in.

Members of the Board expressed their support for the item and the maintenance of Moson Road.

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

Health & Social Services

9. Approve Memorandum of Understanding (MOU) between the Arizona Prevention Research Center Community Action Board and Cochise Health & Social Services to express commitment to address health issues in the U.S. - Mexico border region, Arizona and beyond, effective upon signing for a period of five years.

Supervisor English made a motion to approve Memorandum of Understanding (MOU) between the Arizona Prevention Research Center Community Action Board and Cochise Health & Social Services to express commitment to address health issues in the U.S. - Mexico border region, Arizona and beyond, effective upon signing for a period of five years. Vice-Chairman Crosby seconded the motion.

Dr. Alicia Thompson, Cochise Health & Social Services (CHSS) Director, presented this item. She stated that the Arizona Prevention Research Center (AzPRC) and the AzPRC Community Action Board (CAB) members combine efforts to address the social and structural determinants of health in the U.S. Mexico Border region, Arizona and beyond. The MOU will commit CHSS to uphold the 10 guiding principles, operating principles, and to follow the orientation handbook of the AzPRC. The MOU is a voluntary agreement that will acknowledge being partners in the development of the AzPRC mission; it establishes diversity and inclusion efforts, and protocols for research.

In response to the Board, Dr. Thompson confirmed that CHSS will be a CAB member, and explained the purpose of a CAB. She is unable to answer questions today regarding the definition of "Arizona and beyond", any other locations beyond the Arizona border counties that are included, and the diversity and inclusion efforts. She gave a detailed explanation of social determinants of health, such as walkability of where you live, noting that social determinants of health are indicators of the chances of being healthy in an area. She discussed the health disparities grant and CHSS being able to support community partners in relation to this MOU. The Board discussed the purpose of this MOU being for information sharing.

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

10. Approve Contract 23-16-HEA-01, Marketing Campaign for Cochise County, between Initium Health and Cochise Health & Social Services in the amount of \$196,000, effective May 23, 2023 through June 30, 2024.

Supervisor English made a motion to approve Contract 23-16-HEA-01, Marketing Campaign for Cochise County, between Initium Health and Cochise Health & Social Services in the amount of \$196,000, effective May 23, 2023 through June 30, 2024. Vice-Chairman Crosby seconded the motion.

Dr. Thompson presented this item. This Contract is for a marketing campaign for Cochise Health & Social Services (CHSS) and is a result of the workplan from the Intergovernmental Agreement (IGA) for the vaccine equity grant. The goal is to increase the acceptance of the COVID-19 vaccination among racial and ethnic minority groups. Initium Health will develop culturally relevant educational material in collaboration with CHSS's community partners; the educational materials will be shared with the community. While the nexus needs to be the COVID-19 vaccination, this provides the ability for all of the services provided by CHSS to be marketed. The County's Request for Proposal (RFP) process was followed, and Initium Health was the successful bidder.

Chairman Judd stated that while she is not excited about marketing the COVID-19 vaccine, she supports marketing the services provided by CHSS. Dr. Thompson noted that the County accepted the IGA, and this is part of what the County said it would do.

In response to Vice-Chairman Crosby, Dr. Thompson stated that English is not the preferred language for a number of citizens in the County; materials will be created that are culturally relevant to those individuals. While she does not have the ratio of bilingual employees in CHSS, she stated that it is pretty high. Vice-Chairman Crosby stated that his platform is to get the County out of the vaccine business and discussed the reasons.

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

11. Approve Consulting Services Agreement between Government Leadership Solutions and Cochise Health & Social Services (CHSS) for a gap analysis and the completion of a Strategic Plan for CHSS, in the amount of \$104,863, effective June 6, 2023 through June 30, 2024.

Vice-Chairman Crosby made a motion to approve Consulting Services Agreement between Government Leadership Solutions and Cochise Health & Social Services (CHSS) for a gap analysis and the completion of a Strategic Plan for CHSS, in the amount of \$104,863, effective June 6, 2023 through June 30, 2024. Supervisor English seconded the motion.

Dr. Thompson presented this item. She stated that this agreement is a result of the workforce development grant. Government Leadership Solutions will help guide CHSS through a strategic planning process, including a comprehensive analysis of the COVID-19 response and a gap analysis of how the response could have been done better. It will help CHSS become stronger and with responding to future public health emergencies. The workforce development grant was implemented after the events of September 11, 2001, when the functions and capabilities of public health departments were greatly expanded to be ready to respond to emergencies. This will also help CHSS meet its accreditation standards.

Vice-Chairman Crosby discussed his opinion regarding subsidies, tax breaks or other incentives being inflationary.

In response to Chairman Judd, Dr. Thompson stated that this is similar to the Board's strategic plan; CHSS does not have one in place. Dr. Thompson discussed the differences between the strategic plan and the Community Health Needs Assessment process.

Supervisor English noted her opinion that it is important to always look at efficiencies, as CHSS is doing with this.

Vice-Chairman Crosby stated his opinion that a gap analysis and strategic plan are unlikely to suggest smaller government.

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

STATE & FEDERAL LEGISLATION

12. 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 Judd noted that nothing is currently happening at the state legislature. No Board action was taken on this item.

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

Mr. Karwaczka reported that today is Dr. Thompson's last day with the County and recognized her work with the County.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Supervisor English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd reported on an upcoming lavender festival and ranching heritage festival, both in Willcox.

Chairman Judd adjourned the meeting at 11:48 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Tim Mattix, Clerk of the Board