

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JULY 25, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, July 25, 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/Interim Clerk of the Board; Christine Roberts, Chief Civil Deputy County
Attorney; Lara Loewenheim, Deputy Clerk of the Board

Chairman Judd called the meeting to order at 10:14 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

Alfred Kern discussed his concerns with the grading of various roads and that roads without houses are being graded, while those with houses are not.

Monte Matheson discussed his concerns with mail ballot elections and the Jail District excise tax, and detailed various reasons for his opposition.

Randall Limbach was called upon but did not speak. Chairman Judd noted that she will come back to Mr. Limbach.

Radford Hyde discussed his opposition to mail-in voting and detailed various reasons for his opposition.

Chairman Judd called on Randall Limbach; he did not speak.

Kara Harris discussed her concerns with the County Attorney's Office regarding their interaction with various Board members, the Call to the Public at the last Board meeting [July 11, 2023], and her opposition to mail ballot elections and support of precinct voting except for members of the military.

Jeff Sturges detailed his various concerns with County Recorder David Stevens and Elections Director Bob Bartelsmeyer, including the recent lawsuit regarding the petitions to overturn the Active Management Area (AMA), and the election-related lawsuits filed against the County.

Daniel LaChance detailed his various concerns with two meetings scheduled at the same time, the Jail District, Chairman Judd and Supervisor English voting to approve the Jail District budget, and encouraged the Board to vote the Jail District tax null and void following Thursday's (July 27, 2023) Executive Session.

Rebekah (Allen) Jones spoke on behalf of Miracle Valley Oasis Center, distributed handouts, and discussed various topics regarding the Miracle Valley Bible College Property (Property), including the State Historic Preservation Office (SHPO) recommendation regarding the Property, her understanding of A.R.S. §§ 41-861, -862, her opposition to demolition of the Property, and her thoughts on the Board's responsibility when the Property goes to auction.

Allison Morse detailed various reasons for her concerns with the Elections Department, advice by Recorder Stevens to the Save Our Water group, election-related lawsuits filed against the County, Mr. Bartelsmeyer's knowledge, qualifications, education, and experience compared to other candidates, and reviewed the qualifications other counties require for their Elections Directors.

Chairman Judd requested those in attendance standing or sitting in front of exit doors to move away from and not block the exits.

Frances Alvarez spoke in opposition to the demolition of the Miracle Valley Property and reviewed historical information about the Property.

Hoang Quan detailed various reasons for his concerns with election processes, mail ballot elections and voting machines, and the reasons for his support of requiring in-person voting and hand counting of the votes.

John Dorsey spoke in opposition to the demolition of the Miracle Valley Bible College Property and reviewed historical information about, and his family's history with, the Property.

Sandy Trull detailed the various reasons for her concerns with the Jail District election and excise tax, and discussed her thoughts and understanding of statewide Proposition 132.

Chairman Judd recessed the meeting at 10:50 a.m. to set up more chairs for those in attendance and reconvened the meeting at 10:54 a.m. All Supervisors were present.

Ron Moen discussed SHPO's determination regarding the Miracle Valley Property, his understanding of A.R.S. § 41-862 and of the Board's responsibility for vetting those who bid on the Property at auction.

Johnny Lee Wilson, Sr., detailed various reasons for his concerns with the Jail District election and mail ballot elections.

Henry Conroy detailed various reasons for his concerns with the Jail District election, mail ballot elections, mail-in ballots in most situations, voting machines, and Chairman Judd's voting history.

Yvonne Mayer discussed the timing of the closure of the Huachuca City animal shelter and the time to build a new shelter, her concerns with the Tovreaville Road shelter project, and her support of the County purchasing a building currently for sale in Whetstone for use as a shelter.

Paul Varble detailed various reasons for his concerns with the Jail District election and excise tax, and mail ballot elections and voting machines, and urged the Board to deem the Jail District null and void.

Jean Giuffrida was called upon but did not speak.

Inga McCord discussed her concerns about corruption in government including in the County, and detailed reasons for her concerns with the Jail District and the election, and the security of voting machines.

Nancy Olmstead discussed various reasons for her concerns with mail ballot elections, the Jail District election, and detailed her concerns with the process of moving voters to an inactive status.

Kim DePew discussed reasons for her concerns with mail ballot elections and the Jail District election, and detailed reasons she thinks the County should support special districts with their elections but not encourage them to do mail ballot elections.

PRESENTATION

Presentation by the Arizona Auditor General's Office of the fiscal year 2021-2022 audit results and findings.

Ms. Nicole Bartlett, Audit Manager, and Mr. Rene Carrasco, Senior Financial Auditor, both with the Arizona Auditor General's Office (Office), presented this item using a PowerPoint presentation. Ms. Bartlett presented background information on the Office, and stated that A.R.S. § 11-661(D) requires the Board to have its auditors present its audit results and findings to the Board. Today's presentation will be on three separate reports - the Financial Statement Audit Report, Report on Internal Control and Compliance, and Single Audit Report. There is a clean opinion for the County's Financial Statement. Three findings were reported on the Internal Control and Compliance Report. There was one Single Audit Report finding. She summarized key financial information over the last five years for primary revenues and primary expenses. The County's revenues have exceeded expenses since Fiscal Year 2019, and the County's net position has continued to increase since Fiscal Year 2018. Total net position for the County is \$135 million as of June 30, 2022; of this, \$127 million is invested in capital assets. She summarized federal grant revenues received in Fiscal Year 2022.

Mr. Carrasco reviewed the three Internal Control and Compliance Report findings, recommendations, and the County's responses to each, as follows: a deficiency in the County's payroll process; deficiencies in the County's controls over its Information Technology systems and data; and, a deficiency in the County's financial statement preparation process. He reviewed the Single Audit Report finding, which was that the County did not submit the Report until three months after it was due; he reviewed the Office's recommendation and the County's response.

The Board thanked Ms. Bartlett and Mr. Carrasco, and discussed the opportunities for improvement made possible by audits.

In response to the Board, Mr. Karwaczka stated that changes were made and corrected after the audit period for the payroll process. Changes have been implemented to the Information Technology systems. The County is in constant communication with the Office throughout the audit process.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of July 11, 2023.

2. Adopt Resolution 23-21 accepting a grant award from the Gila River Indian Community (GRIC) in the amount of \$20,409 for the Fry Fire District for the purchase of Thermal Imaging Cameras.

County Assessor

3. Approve the Assessor's recommendation to approve the attached list of 92 property tax exemption applications for 2023, that qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2023.

County Sheriff

4. Approve Amendment to 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, for the Southern Arizona Major Investigative Team (SAMIT) in the amount of \$18,750 to purchase surveillance equipment.

Elections

5. Approve Intergovernmental Agreement for Election Supplies and Services between Cochise County and San Pedro Valley Hospital District for November 7, 2023.

This item was removed from the Consent Agenda for separate consideration.

Vice-Chairman Crosby made a motion to approve Intergovernmental Agreement for Election Supplies and Services between Cochise County and San Pedro Valley Hospital District for November 7, 2023. Supervisor English seconded the motion.

Mr. Bartelsmeyer presented this item. He stated that the Intergovernmental Agreement (IGA) with both districts [also agenda item 6] is for the districts to hold mail ballot elections on November 7, 2023. In response to the Board, he confirmed that the districts choose the type of election they want, in this case choosing the mail ballot election, and reimburse the County for assistance.

Vice-Chairman Crosby stated that the reason he removed this item from the Consent Agenda is that it is the subject of many speakers today. He referenced the February 23, 2023 Work Session regarding election matters and highlighted various discussion points from that meeting. He stressed that Chairman Judd stressed chain of custody and other matters of election integrity, and Chairman Judd stated that there was a pressing need for legal advice.

Chairman Judd stated that the direction at the February 23, 2023 Work Session was for individual Supervisors to bring agenda items forward that they wished to address, which has not yet happened at a Regular Meeting. She stated that this item is for a Special District holding an election in their district; Benson elected a board for the San Pedro Valley Hospital District, and made the decision for a mail ballot election.

Vice-Chairman Crosby and Chairman Judd discussed the IGA's purpose being to run the district's election as the district does not have the equipment or the people to do so. Vice-Chairman Crosby requested the state law requiring the County to run the election.

Ms. Roberts stated that while she does not have the specific statute, counties are allowed to run these elections, and the County has done so in the past. Ms. Roberts stated that the district's governing board chose to hold the election, and the County simply provides the services. Discussion ensued between Chairman Judd and Vice-Chairman Crosby.

Chairman Judd noted that several individuals requested to speak on this item.

Ronald Brooks, Lee Chadbourn, Daniel LaChance, Hoang Quan, Hoang Quan Nguyen, Johnny Lee Wilson, Sr., Henry Conroy, Sandy Trull, and Robert McCormick addressed the Board and detailed the reasons for their opposition to this item.

Radford Hyde was called upon but did not speak. Chairman Judd noted that three people who do not wish to speak signed in as opposed to the item.

The Board discussed how best to move forward and whether the Districts need a chance to speak. Supervisor English stated that the matter today is whether the Board wishes to approve the IGAs to support the Districts. Chairman Judd discussed a conversation she had with a member of the Willcox Unified School District #13 board regarding holding an in-person election and the Willcox board chose not to do that.

Supervisor English called for the question.

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

Chairman Judd recessed the meeting at 12:03 p.m. and reconvened the meeting at 12:09 p.m. All Supervisors were present.

6. Approve Intergovernmental Agreement for Election Supplies and Services between Cochise County and Willcox Unified School District #13 for November 7, 2023.

Chairman Judd reminded those in attendance that this is not a gallery and is not a time to shout.

Supervisor English made a motion to approve Intergovernmental Agreement for Election Supplies and Services between Cochise County and Willcox Unified School District #13 for November 7, 2023. Vice-Chairman Crosby seconded the motion.

Chairman Judd noted that the speakers appear to be the same as for the last agenda item; she will call upon the individuals, but they they may indicate to her if they choose not to speak.

Daniel LaChance, Hoang Quan, Hoang Quan Nguyen, Johnny Lee Wilson, Sr., and Ronald Brooks addressed the Board and detailed the reasons for their opposition to the item.

Sandy Trull and Robert McCormick were called upon but did not speak. Chairman Judd stated that Jenny Walston is opposed to the item but does not wish to speak.

Vice-Chairman Crosby reiterated his comments from agenda item 5, stressing that Chairman Judd stated that there was need for a legal advice as to when a session can be set up. Chairman Judd stated that a Work Session was held and the Supervisors were directed to bring in agenda items.

Chairman Judd discussed past election results from the Willcox Unified School District

#13 and stated that the Board does not make decisions for everybody today.

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

Finance

7. Approve demands and budget amendments for operating transfers.

Health & Social Services

8. Approve Amendment 3 to Contract CTR050594, Health Start Program, between the Arizona Department of Health Services and Cochise Health & Social Services, to extend the contract through July 5, 2024.

Human Resources

9. Approve the Merit Commission member appointment of Ms. Elda Orduno effective July 25, 2023 through March 21, 2024.

Vice-Chairman Crosby made a motion to approve items 1-4 and 7-9 on the Consent Agenda. Supervisor English seconded the motion and it carried unanimously.

Chairman Judd noted that item 17 will be considered immediately after item 6.

PUBLIC HEARINGS

Board of Supervisors

10. Approve Series 10 (Beer and Wine Store) new liquor license application submitted by Jack Cullum, for 1036 E. Eastland Road, Pearce, AZ 85625.

Supervisor English made a motion to approve Series 10 (Beer and Wine Store) new liquor license application submitted by Jack Cullum, for 1036 E. Eastland Road, Pearce, AZ 85625. Vice-Chairman Crosby seconded the motion.

Ms. Loewenheim presented this item. She stated that the application was reviewed and recommended for approval by the appropriate departments. 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.

Development Services

11. Adopt Resolution 23-22 to approve Docket CPA-23-03 (Hereford Moson), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 23-13, to conditionally approve Docket RZ 23-11 (Hereford Moson), to rezone parcel 104-75-006 from RU-4 (Rural, one dwelling per 4 acres) to GB (General Business), pursuant to the application of Mr. Shawn McKeown.

Vice-Chairman Crosby made a motion to adopt Resolution 23-22 to approve Docket CPA-23-03 (Hereford Moson), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 23-13, to conditionally approve Docket RZ 23-11 (Hereford Moson), to rezone parcel 104-75-006 from RU-4 (Rural, one dwelling per 4 acres) to GB (General Business), pursuant to the application of Mr. Shawn McKeown. Supervisor English seconded the motion.

Christine McLachlan, Planning Division Manager, presented this item using a PowerPoint presentation. This request is for a Comprehensive Plan Land Use Map Amendment (Plan Amendment) from D-Rural Residential to C-Developing, and a rezoning to GB on a 13.04 acre parcel. The parcel is currently undeveloped. She reviewed the Applicant's intent to help facilitate future commercial development. She displayed a map showing the location and growth categories throughout the County and described each category. She displayed an aerial map of the property, site photographs, and maps of the existing land use and zoning. Surrounding properties are zoned RU-4. A study is underway for Moson Road. The closest non-D category and non-RU-4 zoning is approximately two miles to the west of the property. Of the six factors used to evaluate all Plan Amendments, the application complies with four and does not comply with two (substantial property owner support and harmonious transition). She read from the applicant's narrative, which stated that the parcel is of sufficient size to accommodate a less intensive commercial use; the narrative contemplates a convenience store with gas station.

Ms. McLachlan reviewed the 15 factors used to evaluate all rezoning applications; the application complies with eight factors, complies with two with conditions, does not comply with three (provides adequate site plan/concept plan, infill, and public input), and two factors are not applicable to this rezoning. As of today, 16 letters in opposition and one letter in support were received. A petition was attached to the Board's meeting materials; she described the placement of the petition and noted that none of the signatures were verified by staff. Six opposition letters were from individuals within one mile of the parcel; concerns raised in the letters include increased traffic, noise, activity, dust, light pollution, density, living near and encouraging more commercial development, safety concerns, and to keep the area rural. She detailed the five factors in favor of and two factors against the Plan Amendment, and the three factors in favor of and two factors against the rezoning. She detailed the recommended conditions of approval. By a vote of 5-3, the Planning and Zoning Commission voted to recommend conditional approval to the Board; staff also recommends conditional approval.

In response to the Board, Dan Coxworth, Development Services Director, clarified that an appeal will be heard later at today's meeting; this item is a recommendation from the Planning and Zoning Commission.

Mr. McKeown, Applicant, stated that he submitted the application with the idea of creating convenience for the locals rather than changing everything. He reviewed his family's background in the area and noted that he would like to move back to the area in the future. He stated that he would like to keep in contact with the neighbors to the east and weigh the pros and cons before making any decision as to the business that would be on the parcel. Two concerns he has heard are regarding a gas station going in, and stated

that it does not have to be a gas station; additionally, while there are concerns of safety at bus stops, the bus stops along Highway 92 at Hereford Road are busier and he is unaware of any issues. The property is not ready for businesses to go in now. He noted that there will be a 50-foot right-of-way and stated that there is no right-of-way at this time.

Chairman Judd opened the Public Hearing.

Cheryl Morgan spoke in opposition to the item for the following reasons: the property could be sold and re-sold to future owners with no regard for any agreement the Applicant may have with the neighbors; no plan for the property; no registered well on the property and water use concerns; impacts to property values; her favor of keeping the parcel zoned rural; concerns of the applicant applying for the rezoning to make more money in the future; concerns raised by members of the Planning and Zoning Commission; and, not wanting to see failed business at the property.

Dr. Carry Morgan spoke in opposition to the item for the following reasons: public input in the form of written and verbal communication and petition being opposed; approval being at the expense of the neighborhood; negative impacts to the neighbors' property investments; and, negative impact to the rural lifestyle.

Shanna Herrera spoke in opposition to the item for the following reasons: her concern about County staff's influence on various County boards; increased traffic; light and noise pollution; not knowing what will be built at the location; the neighborhood being open to businesses that blend with the rural lifestyle; and, the people being opposed to the item.

Shelly Scriven spoke in opposition to the item for the following reasons: negative impact to rural lifestyle; not wanting commercial business at her homestead; and, the residents being opposed to the item. She submitted copies of petitions of opposition that she stated were signed by 400 local residents.

Rev. Samuel B. Johnson spoke in opposition to the item for the following reason: the item being against the Board-approved Zoning Regulations, Articles 4 and 22, by not having a specific plan at the beginning of the process. He read excerpts of the Zoning Regulations.

Christopher Brian Hindle was called upon but did not speak. Chairman Judd noted that he indicated his support of the item.

Jackie Collins spoke in opposition to the item for the following reasons: keeping General Business in other areas of the County; negative impact to the rural lifestyle; and, her concerns about the County being responsible to maintain the roads, as opposed to along Highway 92, which is maintained by the state.

Johnny Lee Wilson, Sr., spoke in opposition to the item for the following reasons: negative impact to the rural lifestyle; traffic; and the County's ability to keep the roads maintained.

Debbie Tironi spoke in opposition to the item for the following reasons: the negative impact to the rural lifestyle; the impact to her horses and being able to ride them; her concerns about illegal immigrants being drawn to the convenience store; and, the people being opposed to the item.

Daniel Webster spoke in opposition to the item for the following reasons: a Commissioner who voted in favor of the item was opposed to a Canyon General when it was proposed to go in close to the Commissioner's home; the impact to dark skies; and, the existing

ability to get gas three miles away.

Cynthia Marshang spoke in opposition to the item for the following reasons: the negative impact to the rural lifestyle; impacts to the ability to see the sky and moon; and, the community being opposed to the item. She stated her willingness to purchase the property, if possible, to be used for the benefit of the community.

Tina Lynn Meyers spoke in opposition to the item for the following reasons: her belief based on a conversation with the applicant, that the applicant wants to get the property zoned to commercial to be able to sell it for a higher amount; and, the negative impact to property values.

Kathleen Hosko spoke in opposition to the item, noting the reasons previously-mentioned and the community and taxpayers being against the item.

Inga McCord spoke in opposition to the item for the following reasons: lack of oversight; light pollution; the risk of fire; no site plan; concerns of the impact to water; increased traffic; impacts to wildlife; and, opening the area up to additional commercial development in the future.

Chairman Judd noted that two additional individuals did not wish to speak but are in opposition to the item.

[The Public Hearing was not closed.]

Supervisor English discussed her support of the rural lifestyle and noted that there may be other types of businesses, such as feed stores, better suited to a rural area. She stated her opposition to spot zoning.

Chairman Judd noted her concern with the lack of a site plan.

Chairman Judd called for the vote and it failed 0-3 (Crosby, English, and Judd opposed).

12. Adopt Zoning Ordinance 23-14, to rezone parcel 405-77-046A from RU-10 (Rural, one dwelling per 10-acres) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Marco Noriega.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 23-14, to rezone parcel 405-77-046A from RU-10 (Rural, one dwelling per 10-acres) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Marco Noriega. Supervisor English seconded the motion.

Ms. McLachlan presented this item using a PowerPoint presentation. This is a proposed rezoning to RU-4 with no land use changes; the existing house and residential structures will remain on the property. The 15-acre parcel is located outside of Douglas and cannot be split with the current zoning; if approved, the parcel can be split to three parcels for the benefit of the applicant's children. Ms. McLachlan displayed various maps and photographs of the parcel and the surrounding area. Two individuals spoke in opposition to the item at the Planning and Zoning Commission hearing with concerns of impacts to water and road conditions. Ms. McLachlan stated that this would be an extension of an existing zoning district, as State Trust land directly to the south is zoned RU-4. She reviewed the three factors in favor of the rezoning and one factor against. The Planning and Zoning Commission and staff recommend approval.

In response to the Board, Ms. McLachlan clarified that while two people spoke in opposition to the item at the Planning and Zoning Commission meeting, nothing in writing was received.

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.

13. Approve or deny the Ocotillo Storage Appeal (SUA23-03), appellants Kathy Glidewell and Karen Mulholland, of the Planning and Zoning Commission's June 14, 2023 Meeting approval of Special Use SU23-12 (Ocotillo Storage).

In response to Board discussion, Ms. Roberts stated that the Board may wait to make a motion, and Mr. Coxworth stated that a sample motion for the Board's consideration is included in his presentation. Chairman Judd noted that the motion will be deferred.

Mr. Coxworth presented this item using a PowerPoint presentation. This item is an appeal of a Special Use Permit (SUP) approved by the Planning and Zoning Commission (P&Z) for a mini-storage facility near Benson; P&Z unanimously approved the SUP, subject to conditions. He displayed a map showing the location of the property and noted that the property to the west and south is zoned commercial, while the property catty-corner to this parcel is zoned industrial. He reviewed the four factors in favor of the SUP and one factor against it (two letters in opposition).

Mr. Coxworth stated that there are two requirements the Board must consider when evaluating appeals: all reasons why the Appellant believes the decision, or any part of the decision, by P&Z was erroneous, arbitrary, capricious, or an abuse of discretion by P&Z; or, any additional material presented by the Appellant that is enough to overturn the decision. He summarized the Appellants' reasons, noting that the appeal lists impacts, such as traffic and environmental impacts, that the Appellants believe were not considered by P&Z. A denial of the appeal would affirm the P&Z's decision, while approval of the appeal would reverse P&Z's decision.

Mr. Coxworth reviewed the 10 conditions attached to the approval by P&Z, and noted that staff recommends the Board consider two additional conditions if it chooses to deny the appeal: to provide an increased (100-foot) setback from the east property line, and to construct an eight-foot block wall along the east property line, if requested by the Appellant. Mr. Coxworth detailed the three factors in favor of appeal denial, and the one factor in favor of appeal approval. Staff recommends denial of the appeal, thereby affirming the P&Z approval.

Chairman Judd stated that the Appellants will have ten minutes in total to present their case. Chairman Judd opened the Public Hearing.

Appellant Karen Mulholland began the Appellants' presentation. She stated her opposition to SUP being placed in the rural neighborhood. She detailed her concerns with stormwater runoff and management, and stated that the property is in a Federal Emergency Management Agency (FEMA) Flood Zone A. Additional concerns with stormwater include: how the Applicant plans to control runoff; destruction, during construction, of natural washes; flooding on roadways; and, whether the Applicant submitted all floodplain and drainage requirements per [Zoning Regulations] Article 1809. She detailed concerns about light pollution and negative impacts to the night sky per Article 16 of the Zoning Regulations; noise pollution throughout the construction period

and from vehicles at all hours during operation; and, what measures the Applicant will take to mitigate off- and on-site impacts as required by Zoning Regulations Section 1702(I). She stated that development will take place on open space and will destroy 10 acres of native scrub and wildlife habitats, per Article 1503. She expressed concern with impacts to her artesian well, and whether studies have been done to determine the impact to surrounding wells. She expressed concerns with the potential storage of hazardous materials and leaks, and asked how it will be monitored, citing Zoning Regulations Section 1716.02(H). She stated that the storage facility will create an eyesore as the gateway to her guest ranch. She stated that this is similar to the Hereford-Moson Rezoning that the Board considered (agenda item 11).

Appellant Kathy Glidewell continued the Appellants' presentation. She stated that her property is directly connected to the proposed development, and that this request is similar to agenda item 1, with a negative impact to the rural lifestyle. She discussed concerns with potential negative impact to property values, and stated that the Applicant previously told her he did not wish to build at any surrounding properties that are already zoned for commercial or industrial development due to the difficulty of building in Benson. She discussed the requirement in Zoning Regulation Section 1716.02(E)(1), including the requirement that data on traffic be supplied, and noted that data has not been provided. She discussed existing storage facilities and research that she has done on variance approvals by P&Z and the Board's action in appeals. She referenced conditions of approval requested by the Arizona Game and Fish Department, and requested consideration of additional conditions, as follows: 200-foot setback from her property line; no removal of native mesquite trees; a minimum eight-foot block fence at the entire area of the setback area; no exterior lighting or cameras facing adjoining properties; no standing stormwater retention areas; landscaping with native plants only; testing to ensure ground stability; adherence to additional requirements presented by the Arizona Game and Fish Department; and, a comprehensive and thorough traffic study by a company not affiliated with the Applicant. She discussed her property and stated that she has spent thousands of dollars improving it.

Chairman Judd stated that the Applicant will have 10 minutes to present a response.

Applicant Caleb Malboeuf stated that P&Z voted unanimously to approve his application based on the facts he presented. He stated that as a requirement, he will hire an engineer to perform a stormwater study, and is subject to and will abide with various codes, such as lighting and Arizona Department of Environmental Quality (ADEQ) dust control. He will work with the Engineering & Natural Resources Department on roads, and will perform a geotechnical test.

In response to the Board, Mr. Coxworth clarified that the condition regarding the wall is that it be placed on the property line. Vice-Chairman Crosby asked if the Applicant would be willing to place the wall at the setback as requested by Appellant Glidewell. Applicant Malboeuf responded that while he is happy to have the setback, locating the wall at the setback would leave his property unsecured and he would prefer to build the wall at the property line to secure the property.

Chairman Judd called the Appellants for a three-minute rebuttal.

Appellant Glidewell stated that locating the wall along the property line will destroy old-growth mesquite trees and discussed various migrating species that travel through and that she is trying to preserve. She noted that if the Board approves this, she will appeal it again, and stated her preference that the wall be placed at the setback and not the property line.

In response to the Board, Appellant Glidewell confirmed that the impacted mesquite trees are located along the entirety of the property. Chairman Judd noted that P&Z unanimously approved the SUP and discussed the Commissioners' expertise.

The Board discussed the additional two conditions recommended by staff.

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

Supervisor English made a motion to deny Docket SUA-23-03, affirming the June 14, 2023, approval by the Planning and Zoning Commission of Special Use Permit SU23-12 for mini-warehouse storage on parcel 123-09-010A, the Factors in Favor of the Appeal Denial constituting the Findings of Fact and attaching the original conditions of Approval with the addition of conditions recommended by staff, 11 and 12. Vice-Chairman Crosby seconded the motion.

Vice-Chairman Crosby clarified that to deny the appeal is to uphold the decision by P&Z. Mr. Coxworth confirmed.

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

Chairman Judd recessed the meeting at 1:55 p.m. and reconvened the meeting at 2:06 p.m. All Supervisors were present.

ACTION

Board of Supervisors

14. Approve Fiscal Year 2022-2023 inter-fund transfer of \$99,844.65 from American Rescue Plan Act (ARPA) Fund to Capital Fund for expenses related to the Courthouse Heating, Ventilation and Air Conditioning (HVAC) Redesign and Installation.

Vice-Chairman Crosby made a motion to approve Fiscal Year 2022-2023 inter-fund transfer of \$99,844.65 from American Rescue Plan Act (ARPA) Fund to Capital Fund for expenses related to the Courthouse Heating, Ventilation and Air Conditioning (HVAC) Redesign and Installation. Supervisor English seconded the motion.

Juan Frisby, Budget Manager, presented this item. He stated that there was also a Fiscal Year 2021-2022 inter-fund transfer for the Courthouse HVAC system. \$99,844.65 in expenses occurred in Fiscal Year 2022-2023.

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

15. Approve Amendment 1 to the Committee and Board Assignments, to approve Membership in the Coalition of Arizona/New Mexico Counties for Stable Economic Growth, in the amount of \$2,600.

Supervisor English made a motion to approve Amendment 1 to the Committee and Board Assignments, to approve Membership in the Coalition of Arizona/New Mexico Counties for Stable Economic Growth, in the amount of \$2,600. Vice-Chairman Crosby seconded the motion.

Chairman Judd introduced Howard Hutchinson, Executive Director, Coalition of Arizona/New Mexico Counties (Coalition), who presented this item. Mr. Hutchinson

reviewed background information about the Coalition, noting that there are 14 county members, 10 in New Mexico and four in Arizona, with a total representation of approximately 700,000 citizens. The County was one of the first Coalition members. The Coalition assisted in developing and implementing the Public Lands Advisory Council, provides lobbying services in Washington, D.C., and assists in responses to federal and state regulations. He reviewed various partner organizations. A recent Coalition meeting topic was commenting on Bureau of Land Management (BLM) planning rules, such as a recent rule that resulted in a report indicating that the BLM was violating a number of federal statutes and a resulting request that the BLM withdraw the rule.

Chairman Judd discussed benefits of meeting with other counties and the need to combine voices. Vice-Chairman Crosby requested that Mr. Hutchinson contact him via email and discussed his thoughts and opinions on a 1972 Supreme Court decision.

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

Development Services

16. Adopt Resolution 23-23 for the Authorization to Submit Community Development Block Grant (CDBG) Applications and to Implement CDBG Projects.

Vice-Chairman Crosby made a motion to adopt Resolution 23-23 for the Authorization to Submit Community Development Block Grant (CDBG) Applications and to Implement CDBG Projects. Supervisor English seconded the motion.

Susan Bronson, Planner I, presented this item. She stated that staff is seeking authority to submit the CDBG application; the Arizona Department of Housing requires the authority in the form of a resolution. In response to the Board, Ms. Bronson confirmed that she is the point of contact for citizen questions.

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

Procurement

17. [Item tabled from the July 11, 2023 Regular Board of Supervisors Meeting] Approve Contract 23-14-REC-01 with Authentix, LLC and Pro Vote Solutions for Ballot Fraud Countermeasures, at costs noted in the attached pricing proposals, effective July 11, 2023.

This item was considered immediately after agenda item 6.

Vice-Chairman Crosby made a motion to remove from the table. the July 11, 2023, Regular Board of Supervisors Meeting, approval of Contract 23-14-REC-01 with Authentix, LLC and Pro Vote Solutions for Ballot Fraud Countermeasures, at costs noted in the attached pricing proposals, effective July 11, 2023.

Supervisor English stated that she did not wish to second the motion as she has received no additional information about it. Discussion ensued. Ms. Roberts stated that in order for discussion to occur, the Board must first vote to remove the item from the table.

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

Chairman Judd stated that the Board has not yet received the information needed to vote on this item. The individuals who signed up to speak do not need to sign up to speak again on the item when it is considered in the future.

Recorder Stevens was called upon but was not present. Mr. Karwaczka stated that Recorder Stevens indicated that he requested the item be tabled until August 8, 2023, which is the next Regular Board of Supervisors meeting date.

Vice-Chairman Crosby made a motion to table the item from the July 11, 2023, Regular Board of Supervisors Meeting, approval of Contract 23-14-REC-01 with Authentix, LLC and Pro Vote Solutions for Ballot Fraud Countermeasures, at costs noted in the attached pricing proposals, effective July 11, 2023, until August 8, 2023. Supervisor English seconded the motion.

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

Public Works

18. Approve Contract 24-01-SWD-01 with Rummel Construction, Inc. for the Construction of Cell 5 located at the Western Regional Landfill in the amount of \$3,181,659.61.

Supervisor English made a motion to approve Contract 24-01-SWD-01 with Rummel Construction, Inc. for the Construction of Cell 5 located at the Western Regional Landfill in the amount of \$3,181,659.61. Vice-Chairman Crosby seconded the motion.

Marty Haverty, Public Works Director, presented this item. He stated that an engineering firm was hired to design Cell 5 and reviewed the Procurement process for the construction, noting that there was a pre-bid conference attended by several contractors. Three responsive bids were received, with Rummel Construction the lowest bid; a local contractor was approximately \$2 million higher. Rummel Construction performed the work on Cell 4 at the landfill. Sufficient funds are in the budget.

In response to the Board, Mr. Haverty stated that Rummel Construction's bid is approximately \$2 million less than expected.

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

STATE & FEDERAL LEGISLATION

19. 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.

Supervisor English stated that the Legislature is not currently in session. No Board action was taken on this item.

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

Mr. Karwaczka deferred his report.

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 reported that today is her 58th wedding anniversary, and her sister's 70th wedding anniversary.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd reported that the Willcox Little League girls' softball team has advanced and will be playing in California.

Chairman Judd adjourned the meeting at 2:21 p.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board