

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, NOVEMBER 28, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 28, 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 Present: Sharon Gilman, Deputy County Administrator; Paul Correa, Deputy County Attorney;  
Lara Loewenheim, Deputy 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**

***CALL TO THE PUBLIC***

Alfred Kern expressed frustration about ongoing issues with road maintenance, noted the lack of action despite numerous complaints, and emphasized the need for resolution before an upcoming election in 11 months.

Rodolfo Valencia was called upon but did not speak.

Sandy Trull expressed concerns about secure elections, cited the Arizona Constitution's Article 2, Section 2 and called for the reestablishment of precincts, removal of third-party corporations from elections, banning voting machines, and opposed mass mail-in voting without chain of custody and voter ID.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 14, 2023.
2. Approve letter appointing Mr. Joe Casey in his capacity as Associate County Administrator and Chief Information Officer, as the alternate member to the Arizona Counties Insurance Pool (ACIP) Board of Trustees.
3. Accept a grant from the Tohono O'Odham Nation as a pass-through for the Sunsites-Pearce Fire District in the amount of \$29,772.54.

4. Accept a grant from the Ak-Chin Indian Community as a pass-through for the Sunsites-Pearce Fire District in the amount of \$75,000.

### **Court Administration**

5. Approve the appointment of Gary Ramaeker, Elda Orduno and Charles Price 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 28, 2023 through June, 30, 2024.

Vice-Chairman Crosby made a motion to table the appointment of Ms. Orduno and Mr. Price until he or the Board, if they choose, have an opportunity to interview these two applicants. The motion failed for lack of a second.

Discussion ensued amongst the Board and Mr. Correa regarding tabling or amending the agenda item. Vice-Chairman Crosby stated that he was ready to vote in favor of Mr. Ramaeker and expressed his gratitude for his service in JP5.

Vice-Chairman Crosby made a motion to table Consent Agenda item 5 until December 12, 2023. Supervisor English seconded the motion and it carried unanimously.

### **Development Services**

6. Approve the reappointment of Mr. Clint Briseno to the Board of Adjustment, representing District 1, for a term of office from January 1, 2024, through December 31, 2027.

### **Finance**

7. Approve demands and budget amendments for operating transfers.

Supervisor English made a motion to approve Consent Agenda items 1-7. The motion failed for lack of a second.

Vice-Chairman Crosby made a motion to approve Consent Agenda items 1-4 and 6 and 7. Chairman Judd seconded the motion and it was carried unanimously.

### ***PUBLIC HEARINGS***

#### **Development Services**

8. Adopt Zoning Ordinance 23-19, to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Justin Uhrig.

Supervisor English made a motion to adopt Zoning Ordinance 23-19, to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Justin Uhrig. Vice-Chairman Crosby seconded the motion.

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

Christine McLachlan, Planning Division Manager, presented this item using a PowerPoint presentation. Ms McLachlan stated that this is an applicant initiated rezoning request from R-36 residential zoning to RU-4, aiming to build tiny homes on a five-acre parcel located east of Hwy 191, within the former Sunsites ranches subdivision. The rezoning proposal aligned with existing land use and infrastructure conditions and was deemed more suitable than the existing R-36 zoning. Despite opposition letters received, the Planning and Zoning Commission unanimously recommended the approval of rezoning to the Board of Supervisors at the November 8, 2023 meeting, and staff recommended approval. In response to the Board, Ms. McLachlan stated that of the individuals opposed to the rezoning, one wanted the property to stay residential, and the other was a code enforcement issue regarding a recreational vehicle (RV) on the property. She stated that an owner may stay in an RV on their property while their residence is being constructed, with periodic compliance checks.

Chairman Judd closed the Public Hearing.

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

9. Adopt Zoning Ordinance 23-20 to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) pursuant to the application of Jacob Linde.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 23-20 to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) pursuant to the application of Jacob Linde. Supervisor Crosby seconded the motion.

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor outlined the applicant-initiated request to rezone property from R-36 residential zoning to general business (GB). He stated the property, covering approximately 38.7 acres on Becki Lane west of Douglas, is intended for commercial uses within Growth Area B. Despite the absence of a concept plan and potential incompatibility with adjacent residential-zoned properties, the Planning and Zoning Commission unanimously recommended approval to the Board of Supervisors, with the condition of a 20-foot landscape buffer along the northern property line during development.

The Board commented that the discussed area, historically divided into residential plots, seems more suited for commercial development, expressing support for enabling business growth in that location as a better land use.

Chairman Judd closed the Public Hearing.

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

10. Adopt Zoning Ordinance 23-21 to rezone parcel 116-06-032A, previously described as parcels 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential District (one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Phyllis Peachey.

Supervisor English made a motion to adopt Zoning Ordinance 23-21 to rezone parcel 116-06-032A, previously described as parcels 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential District (one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Phyllis Peachey. Vice-Chairman Crosby seconded the motion.

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

Mr. Taylor presented this item using a PowerPoint presentation. Mr. Taylor stated that this is an applicant-driven request to rezone a property from SR-22 to RU-4, with Phyllis Peachey as the applicant. The property, about 60 miles north of the border, is mostly undeveloped, proposed use would be a single-family residence on a 4.5-acre parcel at the southeast corner of Eastland Road and Central Highway with an additional frontage on Victory. Factors supporting the rezoning include compliance with eight rezoning factors, aligning with the low-density residential development pattern in the area. Mr. Taylor stated that there were no factors against approval and staff did not receive any public opposition to the application. The Planning and Zoning Commission unanimously recommended approval to the Board of Supervisors.

Chairman Judd closed the Public Hearing.

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

## ***ACTION***

### **Board of Supervisors**

11. Approve Community Enhancement Fund expenditures for District 2 in the amount of \$2,800 for the County portion to reimburse the City of Douglas for the purchase of fencing around the Douglas Municipal Airport to prevent animals from entering the property.

Supervisor English made a motion to approve Community Enhancement Fund expenditures for District 2 in the amount of \$2,800 for the County portion to reimburse the City of Douglas for the purchase of fencing around the Douglas Municipal Airport to prevent animals from entering the property. Vice-Chairman Crosby seconded the motion.

Supervisor English presented this item. Supervisor English explained that the cost of the fencing was divided among three participants: the rancher owning adjacent property, the city, and the county. She emphasized the importance of keeping animals away from airports for aviation safety in Douglas, and noted the difficulty in fencing to prevent deer from entering. She requested approval to continue their efforts in supporting aviation safety around the Municipal Airport.

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

## County Schools

12. Approve an Intergovernmental Agreement (IGA) with the Arizona State Board of Education through the Arizona Department of Education (ADE) to provide an ADE employee located within the office of the Cochise County School Superintendent (CCSSO), effective upon signature through June 30, 2028.

Vice-Chairman Crosby made a motion to approve an Intergovernmental Agreement (IGA) with the Arizona State Board of Education through the Arizona Department of Education (ADE) to provide an ADE employee located within the office of the Cochise County School Superintendent (CCSSO), effective upon signature through June 30, 2028. Supervisor English seconded the motion.

Jacqui Clay, School Superintendent, presented this item. Dr. Clay detailed a collaborative effort with the Department of Education and the State Superintendent to offer educational services to Cochise County, Graham, Greeley County, and Santa Cruz County. She stated a liaison will be appointed for Southeast Arizona to assist with various educational needs, including facilitating required trainings and teacher certifications, with the aim of having a person or group from Phoenix visit monthly to expedite certification paperwork. Dr. Clay stated that the Cochise County Superintendent's Office was selected as one of four educational service agencies (ESAs) to serve and act as a liaison in these rural areas of the state. In response to the Board, Dr. Clay stated the liaison will work full time in Cochise County, be an employee of ADE, and be housed in the Superintendent's office under her supervision.

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

## Development Services

13. Approve the Assurance Agreement replacement for the completion of the subdivision improvements for Rolling Hills Subdivision, with Pioneer Title Agency, Inc. as Trustee under Trust No. 70908065 and Trust No. 70908068, with an expiration date of November 28, 2028.

The Board took no action on this item as it was pulled by the applicant.

## Finance

14. Approve the Inter-fund transfer from Fund 224, Health Department Arizona Prescription Drug Overdose Program, to Fund 109, Fleet Management, in the amount of \$28,000 for the purchase of a vehicle.

Supervisor English made a motion to approve the Inter-fund transfer from Fund 224, Health Department Arizona Prescription Drug Overdose Program, to Fund 109, Fleet Management, in the amount of \$28,000 for the purchase of a vehicle. Vice-Chairman Crosby seconded the motion.

Juan Frisby, Budget Manager, presented this item. Mr. Frisby explained that the proposal involved an interfund transfer from the health fund to the Fleet fund, necessitating approval. In response to the Board, Mr. Frisby stated this would fund a vehicle for the Health Department.

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

## **Health & Social Services**

15. Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, "COVID-19 Health Disparities," between the Arizona Department of Health Services (ADHS) and Cochise County Health and Social Services to reduce the budget per the ADHS price sheet through May 31, 2024.

Vice-Chairman Crosby made a motion to approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, "COVID-19 Health Disparities," between the Arizona Department of Health Services (ADHS) and Cochise County Health and Social Services to reduce the budget per the ADHS price sheet through May 31, 2024. Supervisor English seconded the motion.

Rafael Melendez, Health Department Finance Manager, presented this item. Mr. Melendez stated this is an amendment to an existing IGA, which aimed to adjust the budget due to not utilizing all allocated funds. He stated the amendment will reduce the budget by \$2,838,000, redistributing the excess to other necessary areas, while maintaining funding for three full-time employees and eight contracts with subcontractors. In response to the Board, Mr. Melendez stated that staff is currently in talks regarding the extension of the grant past 2024.

Supervisor Crosby expressed constitutional concerns regarding the agreement's provisions on complying with future directives related to COVID-19, citing potential conflicts with constitutional rights such as due process and equal protection, particularly for unvaccinated individuals.

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

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

Mr. Karwaczka was not in attendance. Ms. Gilman deferred a 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 expressed gratitude to the Douglas community for their collective efforts in various community events like tree lighting ceremonies, decorations, and a successful light parade, and emphasized that every contribution was for the betterment of the community as a whole.

**Report by District 3 Supervisor, Peggy Judd**

Chairman Judd recommended observing the birds flying over at various viewing sites, easily accessible throughout the county.

Chairman Judd adjourned the meeting at 10:47 a.m.

APPROVED:

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Peggy Judd, Chairman

ATTEST:

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Sharon Gilman, Interim Clerk of the Board

**Regular Board of Supervisors Meeting**

**Board of Supervisors**

**Meeting Date:** 11/28/2023

Minutes

**Submitted By:** Lara Loewenheim, Board of Supervisors

**Department:** Board of Supervisors

**Presentation:** No A/V Presentation

**Recommendation:**

**Document Signatures:**

**# of ORIGINALS**

**Submitted for Signature:**

**NAME** n/a

**TITLE** n/a

**of PRESENTER:**

**of PRESENTER:**

**Mandated Function?:**

**Source of Mandate  
or Basis for Support?:**

**Information**

**Agenda Item Text:**

Approve the Minutes of the regular meeting of the Board of Supervisors of November 14, 2023.

**Background:**

Minutes

**Department's Next Steps (if approved):**

Signed minutes routed for processing and posted on the internet.

**Impact of NOT Approving/Alternatives:**

n/a

**To BOS Staff: Document Disposition/Follow-Up:**

Scan to OnBase and File.

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:**

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

**1:**

**Fund Transfers**

**Attachments**

Minutes

Demands for Minutes

**Regular Board of Supervisors Meeting****Board of Supervisors****Meeting Date:** 11/28/2023

Appointment Letter for ACIP Board

**Submitted By:** Sharon Gilman, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation **Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required **# of ORIGINALS Submitted for Signature:** 0**NAME of PRESENTER:** Richard Karwaczka **TITLE of PRESENTER:** County Administrator**Docket Number (If applicable):****Mandated Function?:** Local Mandate or Policy **Source of Mandate or Basis for Support?:** Arizona Counties Insurance Pool By Laws**Information****Agenda Item Text:**

Approve letter appointing Mr. Joe Casey in his capacity as Associate County Administrator and Chief Information Officer, as the alternate member to the Arizona Counties Insurance Pool (ACIP) Board of Trustees.

**Background:**

ACIP By-Laws require any Trustees to be appointed by their Board to serve in this capacity. The Board approved Sharon Gilman as the alternate at the July 11, 2023 meeting as part of the approval of all committee appointments.

**Department's Next Steps (if approved):**

Send signed letter to ACIP.

**Impact of NOT Approving/Alternatives:**

Mr. Casey will not be able to represent the County on the Trustee Board and Sharon Gilman will remain the alternate.

**To BOS Staff: Document Disposition/Follow-Up:**

Email letter to Cynthia Maalouf at ACIP.

**Attachments**

ACIP Alternate Appointment Letter

**Regular Board of Supervisors Meeting**

**Board of Supervisors**

<b>Meeting Date:</b>	11/28/2023		
Accept funds as a pass through for Sunsites Pearce Fire District			
<b>Submitted By:</b>	Lara Loewenheim, Board of Supervisors		
<b>Department:</b>	Board of Supervisors		
<b>Presentation:</b>	No A/V Presentation	<b>Recommendation:</b>	Approve
<b>Document Signatures:</b>	BOS Signature Required	<b># of ORIGINALS Submitted for Signature:</b>	2
<b>NAME of PRESENTER:</b>	n/a	<b>TITLE of PRESENTER:</b>	n/a
<b>Docket Number (If applicable):</b>	n/a		
<b>Mandated Function?:</b>	Local Mandate or Policy	<b>Source of Mandate or Basis for Support?:</b>	

**Information**

**Agenda Item Text:**

Accept a grant from the Tohono O’Odham Nation as a pass-through for the Sunsites-Pearce Fire District in the amount of \$29,772.54.

**Background:**

The County has the authority to act as a pass-through agency for special districts in need of additional funding to support their local statutory mandates.

The District participates in a mutual aid agreement and assists other agencies within Cochise County and the region.

The County will receive funds on the behalf of the District. The County will disperse the funds to the District upon receipt. The District will comply with all additional grant requirements.

**Department's Next Steps (if approved):**

Send two originals to Chief Levi Garner.

**Impact of NOT Approving/Alternatives:**

The fire district will not be able to receive funding.

**To BOS Staff: Document Disposition/Follow-Up:**

Mail two original signed agreements to Chief Garner and request a fully executed original be returned to the Board office for scanning/filing purposes.

**Levi Garner**

Fire Chief  
 Sunsites-Pearce Fire District  
 PO Box 507  
 Pearce, AZ 85625

Email fully executed copy to Eric Hager @ Eric.Hager@tonation-nsn.gov

Office: 520-826-3645  
Fax: 520-826-3586  
[ahershey@sunsitesfire.org](mailto:ahershey@sunsitesfire.org)

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## **Attachments**

Grant Agreement

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**Regular Board of Supervisors Meeting**

**Board of Supervisors**

<b>Meeting Date:</b>	11/28/2023		
Accept funds as a pass through for Sunsites Pearce Fire District			
<b>Submitted By:</b>	Lara Loewenheim, Board of Supervisors		
<b>Department:</b>	Board of Supervisors		
<b>Presentation:</b>	No A/V Presentation	<b>Recommendation:</b>	Approve
<b>Document Signatures:</b>	BOS Signature Required	<b># of ORIGINALS Submitted for Signature:</b>	2
<b>NAME of PRESENTER:</b>	n/a	<b>TITLE of PRESENTER:</b>	n/a
<b>Docket Number (If applicable):</b>	n/a		
<b>Mandated Function?:</b>	Local Mandate or Policy	<b>Source of Mandate or Basis for Support?:</b>	

**Information**

**Agenda Item Text:**

Accept a grant from the Ak-Chin Indian Community as a pass-through for the Sunsites-Pearce Fire District in the amount of \$75,000.

**Background:**

The County has the authority to act as a pass-through agency for special districts in need of additional funding to support their local statutory mandates.

The District participates in a mutual aid agreement and assists other agencies within Cochise County and the region.

The County will receive funds on the behalf of the District. The County will disperse the funds to the District upon receipt. The District will comply with all additional grant requirements.

**Department's Next Steps (if approved):**

Send two originals to Chief Garner.

**Impact of NOT Approving/Alternatives:**

The fire district will not be able to receive funding.

**To BOS Staff: Document Disposition/Follow-Up:**

Mail two original signed agreements to Chief Garner and request a fully executed original be returned to the Board office for scanning/filing purposes.

**Levi Garner**

Fire Chief  
 Sunsites-Pearce Fire District  
 PO Box 507  
 Pearce, AZ 85625

Office: 520-826-3645

Fax: 520-826-3586  
[lgarner@sunsitesfire.org](mailto:lgarner@sunsitesfire.org)

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**Attachments**

Application  
Grant Agreement

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**Regular Board of Supervisors Meeting**

**Court Administration**

<b>Meeting Date:</b>	11/28/2023		
Appointment Justice of the Peace Pro Tempores			
<b>Submitted By:</b>	Shawneen Serrano, Court Administration		
<b>Department:</b>	Court Administration		
<b>Presentation:</b>	No A/V Presentation	<b>Recommendation:</b>	Approve
<b>Document Signatures:</b>	BOS Signature NOT Required	<b># of ORIGINALS Submitted for Signature:</b>	0
<b>NAME of PRESENTER:</b>	Niltza Flores	<b>TITLE of PRESENTER:</b>	Deputy Court Administrator
<b>Docket Number (If applicable):</b>			
<b>Mandated Function?:</b>	Federal or State Mandate	<b>Source of Mandate or Basis for Support?:</b>	ARS 22-121

**Information**

**Agenda Item Text:**

Approve the appointment of Gary Ramaeker, Elda Orduno and Charles Price 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 28, 2023 through June, 30, 2024.

**Background:**

The court is required to appoint, and annually reappoint, Justices of the Peace Pro Tempores with the approval of the Board of Supervisors.

**Department's Next Steps (if approved):**

Appointment of Justices of the Peace Pro Tempores by Presiding Judge of Cochise County.

**Impact of NOT Approving/Alternatives:**

There would be no coverage where no other elected justices of the peace are available or otherwise able to conduct a necessary hearing, causing delays in court hearings.

**To BOS Staff: Document Disposition/Follow-Up:**

Notify Court Administration of agenda item approval- Send Clerk's statement of outcome of item with BOS vote.

**Attachments**

*No file(s) attached.*

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**Regular Board of Supervisors Meeting**

**Development Services**

**Meeting Date:** 11/28/2023

Board of Adjustment Reappointment, District 1

**Submitted By:** Dan Coxworth, Development Services

**Department:** Development Services

**Presentation:** No A/V Presentation **Recommendation:** Approve

**Document Signatures:** BOS Signature NOT Required **# of ORIGINALS Submitted for Signature:** 0

**NAME of PRESENTER:** Dan Coxworth **TITLE of PRESENTER:** Director

**Docket Number (If applicable):**

**Mandated Function?:** Not Mandated **Source of Mandate or Basis for Support?:**

**Information**

**Agenda Item Text:**

Approve the reappointment of Mr. Clint Briseno to the Board of Adjustment, representing District 1, for a term of office from January 1, 2024, through December 31, 2027.

**Background:**

The Board of Adjustment consists of three members, one from each District. Each member is nominated by the County Supervisor for that District, each residing within the District. Members of the Board of Adjustment serve staggered four-year terms. Mr. Clint Briseno has agreed to serve on the Board of Adjustment for another four-year term.

**Department's Next Steps (if approved):**

Send an appointment letter and administer the Oath of Office (if necessary) to Mr. Briseno, as stated below in the BOS staff follow-up.

**Impact of NOT Approving/Alternatives:**

The Board of Adjustment, District 1, will have a vacancy on the three-member Board.

**To BOS Staff: Document Disposition/Follow-Up:**

Please email Mr. Briseno the standard letter from the Board of Supervisors' office affirming his appointment, along with the Oath of Office.  
clint@svautocare.com

**Attachments**

*No file(s) attached.*

**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Demands

**Submitted By:** Lara Loewenheim, Board of Supervisors

**Department:** Board of Supervisors

**Presentation:** No A/V Presentation

**Document Signatures:**

**Recommendation:**

**# of ORIGINALS  
Submitted for Signature:**

**NAME  
of PRESENTER:** n/a

**TITLE  
of PRESENTER:** n/a

**Mandated Function?:**

**Source of Mandate  
or Basis for Support?:**

**Information**

**Agenda Item Text:**

Approve demands and budget amendments for operating transfers.

**Background:**

Auditor-General's requirement for Board of Supervisors to approve.

**Department's Next Steps (if approved):**

Return to Finance after BOS approval.

**Impact of NOT Approving/Alternatives:**

Board of Supervisors will not be in compliance with State law.

**To BOS Staff: Document Disposition/Follow-Up:**

N/A

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:**

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

1:

**Fund Transfers**

**Attachments**

Demands

**Public Hearings 8.**  
**Development Services**

**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Docket RZ 23-19 (Rancho del Sol)

**Submitted By:** Christine McLachlan, Development Services

**Department:** Development Services

**Presentation:** PowerPoint      **Recommendation:** Approve

**Document Signatures:** BOS Signature Required      **# of ORIGINALS Submitted for Signature:** 1

**NAME of PRESENTER:** Christine McLachlan      **TITLE of PRESENTER:** Planning Division Manager

**Mandated Function?:** Not Mandated      **Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):** RZ 23-19  
(Rancho del Sol)

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**Information**

**Agenda Item Text:**

Adopt Zoning Ordinance 23-19, to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Justin Uhrig.

**Background:**

The County has received a rezoning application request from Justin Uhrig (applicant). The applicant requests a rezoning from R-36 (Residential District, one dwelling per 36,000 SF) to RU-4 (Rural District, one dwelling per 4-acres) on APN 401-37-227A which is 5.00 acres and undeveloped.

The Planning and Zoning Commission recommended forwarding approval of the rezoning request (5-0, approve-deny) to the Board at their November 8, 2023, meeting. Staff also recommends approval.

**Department's Next Steps (if approved):**

The department will update the zoning map to the new designation

**Impact of NOT Approving/Alternatives:**

The parcel will remain zoned R-36. Future development will need to conform to all site development standards and land use, and building code requirements of that zoning designation.

**To BOS Staff: Document Disposition/Follow-Up:**

Email a copy of the recorded ordinance to Christine McLachlan

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**Budget Information**

*Information about available funds*

**Budgeted:**       **Funds Available:**       **Amount Available:**  
**Unbudgeted:**       **Funds NOT Available:**       **Amendment:**

**Account Code(s) for Available Funds**

**1:**

**Fund Transfers**

**Attachments**

Staff Memo

Application

Staff Presentation

Ordinance

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**Public Hearings 9.**  
**Development Services**

**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Docket RZ 23-18 (Beki Lane)

**Submitted By:** Matthew Taylor, Development Services

**Department:** Development Services

**Presentation:** PowerPoint      **Recommendation:** Approve

**Document Signatures:** BOS Signature Required      **# of ORIGINALS Submitted for Signature:** 1

**NAME of PRESENTER:** Matthew Taylor      **TITLE of PRESENTER:** Planner II

**Mandated Function?:** Federal or State Mandate      **Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):** RZ 23-18 (Beki Lane)

**Information**

**Agenda Item Text:**

Adopt Zoning Ordinance 23-20 to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) pursuant to the application of Jacob Linde.

**Background:**

The County received a rezoning request from Jacob Linde (applicant). The applicant requests a rezoning from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District) on APNs 408-12-004C and 408-12-004D, which total 38.7 acres and are undeveloped.

**Department's Next Steps (if approved):**

The department will update the zoning map to the new zoning district.

**Impact of NOT Approving/Alternatives:**

The parcel will remain zoned R-36. Future development will need to conform to permitted land uses, site development standards, and building code requirements of the R-36 zoning district.

**To BOS Staff: Document Disposition/Follow-Up:**

Email a copy of the recorded ordinance to Matthew Taylor.

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:**

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

1:

## **Fund Transfers**

### **Attachments**

Staff Memo

Application

Staff Presentation

Ordinance

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**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Docket RZ23-20 (Eastland Road)

**Submitted By:** Matthew Taylor, Development Services

**Department:** Development Services

**Presentation:** PowerPoint **Recommendation:** Approve

**Document Signatures:** BOS **# of ORIGINALS** 1  
Signature **Submitted for Signature:**  
Required

**NAME of PRESENTER:** Matthew Taylor **TITLE of PRESENTER:** Planner II

**Mandated Function?:** Federal or State Mandate **Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):** RZ 23-20  
(Eastland Road)

**Information**

**Agenda Item Text:**

Adopt Zoning Ordinance 23-21 to rezone parcel 116-06-032A, previously described as parcels 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential District (one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Phyllis Peachey.

**Background:**

The County received a rezoning request from Phyllis Peachey (applicant). The applicant requests a rezoning from SR-22 (Single-Household Residential, one dwelling per 22,000 SF) to RU-4 (Rural District, one dwelling per 4 acres) on APN 116-06-032A, previously described as APNs 116-06-028 through 116-06-032, which totals 4.5 acres and is undeveloped.

**Department's Next Steps (if approved):**

The department will update the zoning map to the new zoning district.

**Impact of NOT Approving/Alternatives:**

The parcel will remain zoned SR-22. Future development will need to conform to permitted land uses, site development standards, and building code requirements of the SR-22 zoning district.

**To BOS Staff: Document Disposition/Follow-Up:**

Email a copy of the recorded ordinance to Matthew Taylor.

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:**

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

**1:**

**Fund Transfers**

**Attachments**

Staff Memo

Application

Staff Presentation

Ordinance

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**Regular Board of Supervisors Meeting**

**Board of Supervisors**

**Meeting Date:** 11/28/2023

Community Enhancement Fund-Douglas City Fencing Project for Airport

**Submitted By:** Lara Loewenheim, Board of Supervisors

**Department:** Board of Supervisors

**Presentation:** No A/V Presentation

**Recommendation:**

**Document Signatures:**

**# of ORIGINALS**

**Submitted for Signature:**

**NAME** Ann English

**TITLE** Supervisor,

**of PRESENTER:**

**of PRESENTER:** District 2

**Mandated Function?:**

**Source of Mandate  
or Basis for Support?:**

**Information**

**Agenda Item Text:**

Approve Community Enhancement Fund expenditures for District 2 in the amount of \$2,800 for the County portion to reimburse the City of Douglas for the purchase of fencing around the Douglas Municipal Airport to prevent animals from entering the property.

**Background:**

Supervisor English has submitted for approval: Animals now have access to the airport runway from properties located in the county. The city, the rancher and the county have agreed to pay to fence the animals out of the airport. This is a hazard and needs to be fixed.

**Department's Next Steps (if approved):**

Release funds for project.

**Impact of NOT Approving/Alternatives:**

Project will not be funded.

**To BOS Staff: Document Disposition/Follow-Up:**

Return approved form to Clerk of the Board for processing.

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:**

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

1:

**Fund Transfers**

**Attachments**



**Action 12.**  
**County Schools**

**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Intergovernmental Agreement with Arizona Department of Education

**Submitted By:** Kimberly Madden, County Schools

**Department:** County Schools

**Presentation:** No A/V Presentation

**Recommendation:** Approve

**Document Signatures:** BOS Signature Required

**# of ORIGINALS Submitted for Signature:** 1

**NAME of PRESENTER:** Jacqui Clay

**TITLE of PRESENTER:** Cochise County School Superintendent

**Mandated Function?:** Federal or State Mandate

**Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):**

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**Information**

**Agenda Item Text:**

Approve an Intergovernmental Agreement (IGA) with the Arizona State Board of Education through the Arizona Department of Education (ADE) to provide an ADE employee located within the office of the Cochise County School Superintendent (CCSSO), effective upon signature through June 30, 2028.

**Background:**

ADE and a consortium of County Education Service Agencies have identified the desire for a more efficient and responsive delivery of ADE services at the County level. ADE and Cochise County will agree to have an ADE employed Program Specialist work in the CCSSO to better provide the needed services to the office, the Local Education Agencies (LEA), and teachers within Cochise County. The employee will be a regular full-time employee of ADE. The CCSSO and ADE will cooperate in order to best provide the contemplated services, which include but are not limited to coaching for teachers, professional development training, curriculum, instruction and assessment support, and technical assistance with grants, reporting and other issues.

**Department's Next Steps (if approved):**

If approved, the CCSSO will conduct interviews and select a Program Specialist from the list of applicants being compiled by ADE.

**Impact of NOT Approving/Alternatives:**

There aren't any alternatives for funding this position.

**To BOS Staff: Document Disposition/Follow-Up:**

Please return one signed copy to the School Superintendent's Office.

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**Budget Information**

*Information about available funds*

**Budgeted:**       **Funds Available:**       **Amount Available:**  
**Unbudgeted:**       **Funds NOT Available:**       **Amendment:**

**Account Code(s) for Available Funds**

1:

**Fund Transfers**

**Fiscal Year: 2024**

**One-time Fixed Costs? (\$\$\$):**

**Ongoing Costs? (\$\$\$):**

**County Match Required? (\$\$\$):**

**A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):**

**Source of Funding?:**

**Fiscal Impact & Funding Sources (if known):**

The Program Specialist will be employed by ADE. We will only need to provide a space for them to work in.

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**Attachments**

24-11-ED-1 Cochise County Program Specialist

Cochise Job Posting

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**Regular Board of Supervisors Meeting**

**Development Services**

<b>Meeting Date:</b>	11/28/2023		
Assurance Agreement Replacement Request for Rolling Hills Subdivision			
<b>Submitted By:</b>	Paul Esparza, Development Services		
<b>Department:</b>	Development Services		
<b>Presentation:</b>	PowerPoint	<b>Recommendation:</b>	Approve
<b>Document Signatures:</b>	BOS Signature Required	<b># of ORIGINALS Submitted for Signature:</b>	1
<b>NAME of PRESENTER:</b>	Paul Esparza	<b>TITLE of PRESENTER:</b>	Building Official
<b>Docket Number (If applicable):</b>	S-02-02		
<b>Mandated Function?:</b>	Federal or State Mandate	<b>Source of Mandate or Basis for Support?:</b>	ARS 11-821(C)

**Information**

**Agenda Item Text:**

Approve the Assurance Agreement replacement for the completion of the subdivision improvements for Rolling Hills Subdivision, with Pioneer Title Agency, Inc. as Trustee under Trust No. 70908065 and Trust No. 70908068, with an expiration date of November 28, 2028.

**Background:**

The Rolling Hills Subdivision consists of 61 lots on 55.55 acres, is zoned SM-36, and has five phases. All lots are a minimum of 36,000 square feet. The subdivision is located approximately ¾ of a mile north of Interstate 10 on the west side of Mescal Road. Twenty-five lots have been released so far and the subdivision improvements are approximately 40 percent complete.

The Board of Supervisors approved the Final Plat in 2003. An extension to the Assurance Agreement was approved in 2006 which expired in 2014. The second extension request extended the assurance agreement to April 30, 2022. This replacement agreement request would provide a current assurance agreement with an expiration date of November 28, 2028.

The Assurance Agreement section of the Subdivision Regulations establishes five factors that the Board may consider in their decision to grant an assurance agreement extension/replacement. The responses to the factors are below:

**a. Whether the property taxes on the subject parcel(s) are current.**

*Property taxes are current.*

**b. If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phases have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements have been completed.**

*Phase A and B have been constructed and released. The improvements to the subdivision are approximately 40 percent complete.*

**c. The number of extensions previously granted. A maximum of three extensions, not exceeding**

**a total of ten (10) years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later.**

*The subdivision received an extension in 2006, which expired in 2014. The second extension requested extended the assurance agreement to April 30, 2022. This replacement agreement request would provide a current assurance agreement with an expiration date of November 28, 2028.*

**d. The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements.**

*The Mescal and J6 areas are experiencing interest from both residential and commercial developers, which could result in completion of this subdivision.*

**e. Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly since plat approval that compliance with current County Subdivision and/or Zoning Regulations is necessary.**

*There have been no changes to the physical area, Zoning Code or Subdivision Regulations that would impact that proposed subdivision.*

**Department's Next Steps (if approved):**

After the Board Chair signs the Assurance Agreement, it will be recorded with an expiration date of November 28, 2028.

**Impact of NOT Approving/Alternatives:**

The subdivision improvements for the remaining incomplete phases would remain unsecured by a current assurance agreement.

**To BOS Staff: Document Disposition/Follow-Up:**

Following the recording of the assurance agreement document, please transmit a copy to Development Services.

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**Attachments**

BOS Memo  
Rolling Hills PowerPoint  
Rolling Hills Assurance Agreement

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**Action 14.**  
**Finance**

**Regular Board of Supervisors Meeting**

**Meeting Date:** 11/28/2023

Inter-Fund Transfer

**Submitted By:** Juan Frisby, Finance

**Department:** Finance

**Presentation:** No A/V Presentation

**Recommendation:** Approve

**Document Signatures:** BOS Signature NOT Required

**# of ORIGINALS Submitted for Signature:** 0

**NAME of PRESENTER:** Juan Frisby

**TITLE of PRESENTER:** Budget Manager

**Mandated Function?:** Not Mandated

**Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):**

**Information**

**Agenda Item Text:**

Approve the Inter-fund transfer from Fund 224, Health Department Arizona Prescription Drug Overdose Program, to Fund 109, Fleet Management, in the amount of \$28,000 for the purchase of a vehicle.

**Background:**

The Health Department needs to purchase a vehicle for the Overdose Prevention Program to provide peer transportation services. The Fleet Department will need \$28,000 transferred to Fund 109 to complete the purchase.

**Department's Next Steps (if approved):**

If approved, the Health Department will transfer the money over to the fleet fund 109.

**Impact of NOT Approving/Alternatives:**

Fleet will not have sufficient funds to purchase other vehicles.

**To BOS Staff: Document Disposition/Follow-Up:**

none

**Budget Information**

*Information about available funds*

**Budgeted:**

**Funds Available:**

**Amount Available:** 28,000

**Unbudgeted:**

**Funds NOT Available:**

**Amendment:**

**Account Code(s) for Available Funds**

1: 224

**Fund Transfers**

**Fiscal Year:** FY24

**One-time Fixed Costs? (\$\$\$):** 28,000

**Ongoing Costs? (\$\$\$):**

**County Match Required? (\$\$\$):**

**A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):**

**Source of Funding?:** 224

**Fiscal Impact & Funding Sources (if known):**

Transfer from 224 to 109 in the amount of 28,000

**Attachments**

*No file(s) attached.*



**Regular Board of Supervisors Meeting**

**Board of Supervisors**

**Meeting Date:** 11/28/2023

Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, COVID-19 Health Disparities, to reduce the budget per the AZDHS price sheet.

**Submitted By:** Barbara Lang, Health & Social Services

**Department:** Health & Social Services

**Presentation:** No A/V Presentation      **Recommendation:** Approve

**Document Signatures:** BOS Signature Required      **# of ORIGINALS** 2  
**Submitted for Signature:**

**NAME of PRESENTER:** Rafael Melendez      **TITLE of PRESENTER:** Finance Officer

**Mandated Function?:** Not Mandated      **Source of Mandate or Basis for Support?:**

**Docket Number (If applicable):**

**Information**

**Agenda Item Text:**

Approve Amendment 2 to Intergovernmental Agreement (IGA) CTR055990, "COVID-19 Health Disparities," between the Arizona Department of Health Services (ADHS) and Cochise County Health and Social Services to reduce the budget per the ADHS price sheet through May 31, 2024.

**Background:**

IGA CTR055990 price sheet was originally set to \$3,169,013. This Amendment reduces the budget to \$2,838,934. We currently contract with the Arizona Regional Economic Development Foundation, Winchester Heights Community Center, Pinal Hispanic Counsel, Chiricahua Community Health Care Centers, Inc., Arizona Community Health Workers Association (AzCHOW), and University of Arizona's Prevention Research Center and have a Memorandum of Understanding with the Good Neighbor Alliance. It also funds 3 FTE in the CCHSS who work with the unhoused population and administer the grant.

This funding has allowed us to build a robust Community Health Worker network in Cochise County. Combined, they have had positive impacts in over 15,000 interactions. Ten of our 15 CHWs have passed the voluntary State Certification exam.

Amendment # 2 will allow this work to continue until the end of fiscal year 2024.

**Department's Next Steps (if approved):**

- Send signed approved IGA back to ADHS
- Receive notification that IGA has been fully executed and ready for approval in ADHS portal.
- Amend New World to reflect new budget

**Impact of NOT Approving/Alternatives:**

CCHSS will not be able to fulfill the requirements of the agreement between Cochise County and Arizona Department of Health Services as outlined in CTR055990 and will have to end the service agreements with community partners. Three grant funded positions with the County will be eliminated.

**To BOS Staff: Document Disposition/Follow-Up:**

Please return the signed original to Barbara Lang. Please send PDF copy to Barbara Lang, Rafael Melendez and Gentilissa Thibodeau.

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**Budget Information**

*Information about available funds*

**Budgeted:**       **Funds Available:**       **Amount Available:** \$2,838,934  
**Unbudgeted:**       **Funds NOT Available:**       **Amendment:**

**Account Code(s) for Available Funds**

1:

**Fund Transfers**

**Fiscal Impact & Funding**

**Sources (if known):**

CCHSS will not be able to fulfill the requirements of the agreement between Cochise County and Arizona Department of Health Services as outlined in CTR055990 and will have to end the service agreements with community partners. Three grant funded positions with the County will be eliminated.

**Fiscal Impact & Funding**

**Sources (if known):**

CCHSS will not be able to fulfill the requirements of the agreement between Cochise County and Arizona Department of Health Services as outlined in CTR055990 and will have to end the service agreements with community partners. Three grant funded positions with the County will be eliminated.

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**Attachments**

Health Disparities 2021  
Health Disparities 2024  
Exec Summary of Amendmt

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