

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MARCH 12, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 12, 2024 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Tom Crosby, Vice-Chairman; Peggy Judd, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County Administrator/Interim Clerk of the Board; Christine Roberts, Chief Civil Deputy County Attorney; Lara Loewenheim, Deputy Clerk of the Board

Chairman English 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

Radford Hyde expressed concern over the County Attorney's silence regarding agenda item number 5 discussed at the last regular Board of Supervisors meeting on February 27th. He emphasized the absence of response to constituents' inquiries and called for the County Attorney to produce a written opinion on the legality of the Board's actions regarding certain dates and regulation deadlines.

Lloyd Trachtenberg expressed concerns over agricultural land with minimal to no taxes being paid. He detailed his 18-year tenure running an organic farm, and recounted efforts to address the issue with the assessor, and subsequent observations on activity on neighboring land and interactions with the deputy assessor.

Allison Morse expressed concerns about Recorder Stevens' statements regarding the hand count lawsuit and \$1,000,000 grant. She highlighted discrepancies in Recorder Stevens claims during an interview and emphasized the need for accurate information from candidates running for reelection.

Jeff Sturges emphasized the limitations of the County Board of Supervisors in addressing election-related concerns, highlighted the role of the state legislature in enacting laws governing elections and urged voters to hold elected officials accountable for their understanding and adherence to the law.

Tricia Gerrodette shared her positive experience with the new ballot tracking program offered by

the Secretary of State's office and highlighted the ease and transparency it provided in tracking her ballot from mailing to counting.

Alice Novac voiced concerns about alleged election irregularities in the 2020 presidential election, including claims about the undocumented being involved in the electoral process and assertions about a lack of proper election oversight.

Ronald Moen submitted a speaker request form but due to a clerical error he was not called to speak.

Vice-Chairman Crosby replied to comments made by Ms. Morse by discussing conflicting legal opinions about statute 16-602 (B). He mentioned his reasons surrounding the withdrawal of the Marra lawsuit.

Chairman English reminded Vice-Chairman Crosby that the Board is not to discuss items not specifically on the agenda.

PRESENTATION

Presentation by Ms. Vada Phelps, Executive Director of Arizona@Work - Southeastern Arizona, on the Annual Report for July 2022 to June 2023, to highlight events and accomplishments.

Ms. Phelps presented this item. Ms. Phelps discussed various topics, including the successful employment of individuals, ongoing challenges, and the presentation of budget details. Additionally, updates on audits and performance evaluations were provided, highlighting both achievements and upcoming challenges for the organization.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of February 27, 2024.

Court Administration

2. Approve Fiscal Year 2024 Fill The Gap Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2023, through June 30, 2024, in the amount of \$31,442.

Elections

3. Approve 12 resignations, and 7 appointments, and determine the existence of 3 vacancies, all of Republican Party Precinct Committeemen, by recommendation of their Cochise County Party Chairman, to serve through the October 1, 2024, term.

Finance

4. Approve demands and budget amendments for operating transfers.

Vice-Chairman Crosby made a motion to approve items 1-4 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

5. Adopt Zoning Ordinance 24-01, for Docket R-24-01 (Agritourism): Amending articles 2.03 definitions, 2.15 rural zoning districts, 2.18 residential zoning districts, 2.42 planned development districts, and 2.48 administration in support of agritourism in the Cochise County zoning regulations.

Supervisor Judd made a motion to adopt Zoning Ordinance 24-01, for Docket R-24-01 (Agritourism): Amending articles 2.03 definitions, 2.15 rural zoning districts, 2.18 residential zoning districts, 2.42 planned development districts, and 2.48 administration in support of agritourism in the Cochise County zoning regulations. Vice-Chairman Crosby seconded the motion.

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

Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. Mr. Coxworth introduced a staff-initiated amendment to the Cochise County zoning regulations, aiming to bolster agricultural tourism in the region. He stated this amendment addresses zoning districts to permit certain activities related to agritourism, while also revising regulations regarding wine tasting rooms to ensure compliance with safety standards.

Chairman English expressed approval in proactively initiating changes rather than solely reacting to public suggestions, highlighting the importance of ensuring safety in agritourism experiences through proposed building regulations. Mr. Coxworth explained that farms will now be permitted to have other commercial businesses on their property, such as guest lodging, which previously required a special use permit but can now be approved through a standard permitting process without a public hearing by the Planning and Zoning Commission.

In response to the Board, Mr. Coxworth stated there will be no changes to the owner/builder opt-out program as it pertains to residential property, and that no input was received from the local wineries.

Chairman English closed the Public Hearing.

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

ACTION

Board of Supervisors

6. Approve the Over-the-Counter sale of tax deed properties as set forth in the attached Exhibit A, plus related administrative fees.

Supervisor Judd made a motion to approve the Over-the-Counter sale of tax deed properties as set forth in the attached Exhibit A, plus related administrative fees. Vice-Chairman Crosby seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim requested approval of bids for the final two parcels remaining from last year's Tax Deed Land Sale, with bids of \$2000 each plus a \$25 administration fee received and recommended approval.

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

7. Approve Community Enhancement Fund expenditures for District 1: Miracle Valley Bible College Cleanup, in the amount of up to \$70,000.

Vice-Chairman Crosby made a motion to approve Community Enhancement Fund expenditures for District 1: Miracle Valley Bible College Cleanup, in the amount of up to \$70,000. Supervisor Judd seconded the motion.

Vice-Chairman Crosby presented this item. Vice-Chairman Crosby stated he has the intention of spending the least money to get the property auctioned, and he was not in favor of demolishing structures that couldn't be efficiently rebuilt. Vice-Chairman Crosby mentioned previous attempts where potential bidders were willing to cover costs for making the property usable, particularly focusing on asbestos mitigation. He highlighted concerns about the deteriorated visible foundation and the potential unseen damage. He recommended thorough assessment and deliberation in the time available by the end of the summer.

Daniel Jones spoke in opposition and discussed the reasons.

Tiffany Miller spoke in opposition and discussed the reasons.

Frances Alvarez spoke in opposition and discussed the reasons.

Steve Allen spoke in opposition and discussed the reasons.

Dave Magnum spoke in opposition and discussed the reasons.

Rachel Louise Waterbury spoke in opposition and discussed the reasons.

Rebekah Allen Jones spoke in opposition and discussed the reasons.

Chairman English discussed the need for evaluation of safety concerns by the appropriate experts.

Supervisor Judd expressed hesitancy to change the property and demolish structures. She stated she does not want to tear down buildings.

In response to the Board, Mr. Karwaczka discussed the last auction bidding process, terms for minimum bids, and strategies for bidding.

In response to the Board, Mr. Coxworth expressed he would spend funds first by addressing trash and fuel tanks, and have further discussions with the Board regarding

removal of structures.

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

8. Approve Community Enhancement Fund expenditures for District 2: Bisbee Community Connection Feasibility Study match, in the amount of \$25,000.

Supervisor Judd made a motion to approve Community Enhancement Fund expenditures for District 2: Bisbee Community Connection Feasibility Study match, in the amount of \$25,000. Vice-Chairman Crosby seconded the motion.

Chairman English presented this item. Chairman English explained that the allocation of match money was necessary for a feasibility study conducted by the Arizona Department of Transportation (ADOT), specifically for a walking path or a path around the pit area, and sought approval from the board for this purpose. Supervisor Judd expressed thanks for the desire to preserve historical walking paths.

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

9. Approve Community Enhancement Fund expenditures for District 3: Benson Dog Kennel Capacity Improvements, in the amount of \$48,571.

Vice-Chairman Crosby made a motion to approve Community Enhancement Fund expenditures for District 3: Benson Dog Kennel Capacity Improvements, in the amount of \$48,571. Supervisor Judd seconded the motion.

Supervisor Judd presented this item. Supervisor Judd expressed that she took considerable time for consideration of this request, highlighting the broader county-wide benefits of the proposal, while also emphasizing the importance of animal shelter facilities in the northwest part of the county. She thanked Benson for their cooperation and open-mindedness in working with the county.

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

10. Approve Community Enhancement Fund expenditures for District 3: Tipping fees for the City of Willcox Earth Day Cleanup, in the amount of \$2,000.

Supervisor Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Tipping fees for the City of Willcox Earth Day Cleanup, in the amount of \$2,000. Vice-Chairman Crosby seconded the motion.

Supervisor Judd presented this item. Supervisor Judd stated that the City of Willcox collaborated with various organizations for a community cleanup initiative. She asked the Board to consider allocating \$2000 for Earth Day to extend the cleanup efforts throughout the community and foster greater community involvement.

Chairman English expressed support for the idea and emphasized the importance of community enhancement initiatives to aid both cities and counties in cleanup efforts.

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

Human Resources

11. Approve the Cochise Combined Trust premium rate structure for medical, dental and vision benefits for fiscal year 2024 - 2025.

Vice-Chairman Crosby made a motion to approve the Cochise Combined Trust premium rate structure for medical, dental and vision benefits for fiscal year 2024 - 2025. Supervisor Judd seconded the motion.

Jennifer Graeme, Human Resources Director, presented this item using a PowerPoint presentation. Ms. Graeme highlighted the February meeting of the Cochise Combined Trust, where trustees reviewed the Trust's performance and voted on rates and benefit changes for the upcoming plan year starting on July 1st. Ms. Graeme presented adjustments to deductibles, premiums, and benefits such as increased dental cleanings and removal of vision exam copays. She requested approval for the premium rate structure for medical, dental, and vision benefits for fiscal year 24-25. In response the Board, Ms. Graeme stated that self-funded means that the CCT pools resources from three organizations to cover claims expenses instead of relying on external companies for payment.

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

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 English stated that she had nothing additional to report.

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

Mr. Karwaczka reminded the public that the Presidential Preference Election was scheduled for March 19, 2024. He emphasized that only registered Democrats or Republicans were eligible to vote. He urged for more poll workers to apply online to assist in the upcoming Primary and General Elections following the Presidential Preference Election.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Supervisor Judd deferred her report.

Chairman English adjourned the meeting at 11:34 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board