

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, APRIL 9, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, April 9, 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, telephonic

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

Mignonne Hollis expressed gratitude to the county, specifically the three Board of Supervisors, the County Administrator and Dan Coxworth, Director of Development Services, for their support in economic development efforts, particularly at the Bisbee Douglas International (BDI) airport, highlighting the importance of collaborative teamwork.

Tricia Gerrodette expressed gratitude and acknowledged the departure of Tim Mattix from the County's Elections Department, noting the team's preparedness for upcoming elections and recount efforts, while also expressing anticipation for future election participation and observation.

Mary Sparkman raised concerns regarding the composition and accountability of the Planning and Zoning Committee, particularly regarding a member violating zoning regulations. Ms. Sparkman expressed the need for clearer guidance and personnel assignments for special districts, along with additional concerns regarding the San Simone fire district.

Sandy Trull highlighted various countries' restrictions on mail-in voting, citing instances of fraud as reasons behind bans or restrictions.

Allison Morse addressed Supervisor Crosby's statement regarding the legality of ARS 16-602(B), noting that County Attorney Brian McIntyre's determination was specific to an agenda item, not the statute itself, citing discrepancies between the agenda item and the

official statute. Ms. Morse highlighted testimony from Recorder Stevens regarding plans for a 100% hand count audit that deviated from statutory requirements and procedures outlined in Arizona statutes.

Vice-Chairman Crosby responded to Allison Morse's remarks, acknowledging the Secretary of State's directive regarding precinct count audits, and further discussed the handling of statute 16-602(B), attributing the situation to actions taken on October 24th.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of March 26, 2024.
2. Approve the Revised 2024 Cochise County calendar reflecting the schedule of the Regular Board of Supervisor meetings for the calendar year 2024, the 2024 holidays and pay days, and authorize the Clerk of the Board to post the Public Notice of the 2024 meeting schedule.

County Attorney

3. Approve the proposed settlement of the Large Tax Appeal in *MBSA-SV, LLC v. Cochise County*, TX2023-000259, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Court Administration

4. Approve the reappointment of Superior Court Judge Pro Tempore, Terry Bannon, pursuant to ARS 12-141 and ARS 8-231, and authorize Court Administration to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances, pursuant to ARS 12-144, effective July 1, 2024, through June 30, 2025.
5. Approve the reappointment of Justice Court Precinct Five Pro Tempore, Justin C. Allred; the reappointments of Randy Judd, Roger Contreras, and Charles Price as county-wide Justices of the Peace Pro Tempores for emergency or temporary coverage pursuant to ARS 22-121; and approve authorization to call upon an appropriately appointed Justice of the Peace Pro Tempore from another county in extenuating circumstances pursuant to ARS 22-122, effective July 1, 2024, through June, 30, 2025.

Finance

6. Approve demands and budget amendments for operating transfers.

Information Technology

7. Approve Renewal of State and Local Cybersecurity Grant Program (SLCGP) Local Consent Agreement with the Arizona Department of Homeland Security (AZDOHS) to provide cybersecurity services in lieu of the County receiving Federal Fiscal Year 2023 SLCGP funding.

Vice-Chairman Crosby made a motion to approve items 1-7 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

8. Approve Series 12 (Restaurant) new liquor license application submitted by David James Smith, for Coronado Vineyards, located at 2909 E. Country Club Drive, Willcox, AZ 85643.

Supervisor Judd made a motion to approve Series 12 (Restaurant) new liquor license application submitted by David James Smith, for Coronado Vineyards, located at 2909 E. Country Club Drive, Willcox, AZ 85643. Vice-Chairman Crosby seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim presented a new Series 12 restaurant liquor license application that was submitted for Coronado Vineyards in Wilcox, which had been reviewed and recommended for approval by the appropriate departments, with current property taxes, and compliance with state posting requirements. Ms. Loewenheim stated that no formal protests were received, the applicant had paid the \$100 processing fee, and board staff recommended approval.

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

Chairman English closed the Public Hearing.

Supervisor Judd expressed excitement about the property she had fond memories of from her childhood, including helping with its cleanup in the 90s, and voiced support for its transformation into a restaurant venue.

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

9. Approve Series 12 (Restaurant) new liquor license application submitted by Michelle Minta, for Olive's Vineyard Cafe, located at 6345 S. Rhumb Line Way, Willcox, AZ 85643.

Vice-Chairman Crosby made a motion to approve Series 12 (Restaurant) new liquor license application submitted by Michelle Minta, for Olive's Vineyard Cafe, located at 6345 S. Rhumb Line Way, Willcox, AZ 85643. Supervisor Judd seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim presented a new Series 12 restaurant liquor license application that was submitted for Olive's Vineyard Cafe in Wilcox, which had been reviewed and recommended for approval by the appropriate departments, with first half property taxes paid, and compliance with state posting requirements. Ms. Loewenheim stated that no formal protests were received, the applicant had paid the \$100 processing fee, and board staff recommended approval.

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

Chairman English closed the Public Hearing.

Supervisor Judd expressed her support.

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

ACTION

Board of Supervisors

10. Approve a Proclamation declaring April 6-12, 2024, as the Week of the Young Child in Cochise County.

Vice-Chairman Crosby made a motion to approve a Proclamation declaring April 6-12, 2024, as the Week of the Young Child in Cochise County. Supervisor Judd seconded the motion.

Demetry Simonton, First Things First Regional Council member, mentioned his involvement in various boards and highlighted the importance of First Things First in focusing on the future of communities, particularly children aged birth to five. Mr. Simonton expressed gratitude to the County Board of Supervisors for their acknowledgment and commitment to supporting education centers in Cochise County. In response to the Board, Mr. Simonton stated that there are 33 centers in Cochise County.

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

County Sheriff

11. Approve the annual Work Plan for Cooperative Service Agreement 24-73-04-0228-RA between Cochise County and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service and Wildlife Services, in the amount of \$59,780.84, effective July 1, 2024, through June 30, 2025.

Supervisor Judd made a motion to approve the annual Work Plan for Cooperative Service Agreement 24-74-04-0228-RA between Cochise County and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service and Wildlife Services, in the amount of \$59,780.84, effective July 1, 2024, through June 30, 2025. Vice-Chairman Crosby seconded the motion. Chairman English corrected the record and stated the agreement number should be 24-73-04-0228-RA.

Sean Gijanto, Lieutenant, presented this item. Lieutenant Gijanto requested the renewal of their contract with the USDA for a wildlife specialist who had been employed for over a decade. Lieutenant Gijanto cited the specialist's responsibility for handling various wildlife issues not addressed by animal control officers or deputies, including skunks, feral dogs, coyotes, and woodpeckers.

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

Development Services

12. Approve acceptance of State Housing Trust Fund grant from the Arizona Department of Housing in the amount of \$250,000 for owner-occupied housing repair.

Vice-Chairman Crosby made a motion to approve acceptance of State Housing Trust Fund grant from the Arizona Department of Housing in the amount of \$250,000 for owner-occupied housing repair. Supervisor Judd seconded the motion.

Susan Bronson, Planner I, presented this item using a PowerPoint presentation. Ms. Bronson requested the board's acceptance of a \$250,000 state Housing Trust Fund grant previously authorized in January 2024, which was approved by the Arizona Department of Housing in April. Ms. Bronson outlined eligibility criteria for Cochise County residents, including income limitations and homeownership of manufactured homes, with a streamlined bidding process and no environmental review required, aiming to facilitate housing repairs for qualified recipients.

Vice-Chairman Crosby raised concerns about the lack of flexibility in applying grant funds to problem properties due to state or federal criteria. In response to Vice-Chairman Crosby, Ms. Bronson noted that this state grant had increased flexibility in working within floodplain areas and a streamlined bidding process.

In response to Supervisor Judd, Ms. Bronson clarified that this grant is available to residents of the entire county, including the city limits of Douglas and Sierra Vista.

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

Facilities

13. Approve two grants of easement to Arizona Public Service (APS) for parcels 102-30-114W and 102-30-118 for the new Facilities Maintenance Building, effective April 9, 2024.

Vice-Chairman Crosby made a motion to approve two grants of easement to Arizona Public Service (APS) for parcels 102-30-114W and 102-30-118 for the new Facilities Maintenance Building, effective April 9, 2024. Supervisor Judd seconded the motion.

Darrel Crowley, Facilities Director, presented this item. Mr. Crowley stated that the purpose of the project is to install new power lines to supply electricity to the new under-construction Facilities building, with the lines crossing two separate parcels to reach the structure.

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

14. Approve Proposal 7636527 with Trane U.S. Inc. for the replacement of one Heating, Ventilation and Air Conditioning (HVAC) unit at 1415 W Melody Lane, Bldg E in the amount of \$123,177, effective April 9, 2024.

Supervisor Judd made a motion to approve Proposal 7636527 with Trane U.S. Inc. for the replacement of one Heating, Ventilation and Air Conditioning (HVAC) unit at 1415 W Melody Lane, Bldg E in the amount of \$123,177, effective April 9, 2024. Vice-Chairman Crosby seconded the motion.

Mr. Crowley presented this item. Mr. Crowley stated that the air conditioning unit servicing building E, specifically the Treasurer's office, is in need of replacement as it is 20 years old and utilizes R22 refrigerant, which is no longer available for purchase.

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

Housing Authority

15. Adopt Resolution 24-05 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2024.

Vice-Chairman Crosby made a motion to adopt Resolution 24-05 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2024. Supervisor Judd seconded the motion.

Anita Baca, Housing Authority Director, presented this item using a PowerPoint presentation. Ms. Baca presented the Cochise County Housing Authority's annual administrative plan for the fiscal year 2024 through June 30th, 2025, discussing revisions made in response to HUD's requests, including changes to portability procedures, income verification methods, deductions for medical expenses and childcare, and definitions of independent contractors. She highlighted specific amendments, such as the removal of certain portability restrictions, adjustments to rent determinations, and updates to childcare expense deductions, emphasizing their relevance and implications for Cochise County. Ms. Baca noted revisions to PHA elements, including the treatment of civil rights settlements and judgments, and emphasized the importance of timely reporting of changes by families to the Housing Authority.

In response to the Board, Ms. Baca stated that failure to report family changes within 10 days to the Housing Authority could lead to financial consequences for the participant, such as repayment agreements, especially if it involves changes in income or relocation, impacting rent calculations for participants.

Ms. Baca reported that they had 686 Section 8 housing choice vouchers and an additional 88 HUD Vash vouchers, which increased by ten this year. She stated no public comments were received by the deadline for the annual plan. Ms. Baca outlined past achievements, including their high performance status, plans for future collaborations and grant applications, and their ongoing efforts to promote fair housing and address community needs through various programs and partnerships.

In response to the Board, Ms. Baca stated that after rental prices surged post-COVID, housing authorities were allowed to pay up to 120% of payment standards, improving competitiveness in rental markets, but as prices stabilized, their waiver expired in December, limiting payments to 110% of fair market rents, set by HUD annually based on published standards. Ms. Baca stated that rent increases have leveled off in the community due to established relationships with landlords who are willing to work with participants. Ms. Baca discussed how veterans and widows of veterans receive priority on waiting lists for housing programs, particularly emphasizing the process involving the Veterans Administration and the criteria used to determine housing needs.

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

STATE & FEDERAL LEGISLATION

16. 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 the legislature is meeting one day per week and is trying to figure out the budget.

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

Mr. Karwaczka informed the public that there would be work sessions over the next few weeks to commence budget discussions, involving presentations by elected officials and staff regarding budget proposals.

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 11:01 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board