

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JULY 23, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, July 23, 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; Christine Roberts, Chief Civil Deputy County Attorney; Melissa Wright, Administrative Specialist

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

Jeff Sturges emphasized that with 2024 elections approaching, Cochise County citizens expect elected officials particularly Tom Crosby, Peggy Judd and David Stevens, to adhere to the law, avoid costly lawsuits and ensure the proper certification of votes.

Tricia Gerrodette expressed satisfaction with the mail-in voting system, highlighting its convenience and security. Ms. Gerrodette urged the Board of Supervisors to follow the law and certify the election results.

Allison Morse expressed agreement with the previous speaker regarding the benefits of mail-in ballots and ballot tracking and emphasized the convenience and reliability of the system. Ms. Morse then posed several questions to Supervisors Judd and Crosby, seeking assurance that elections would be conducted lawfully, without unnecessary lawsuits or delays.

Vice-Chairman Crosby stated in response to Mr. Sturges and Ms. Morse, suggested using a "thumbnail test" to determine if an indictment is politically motivated, implying that the indictments in question would not have occurred under different leadership. Addressing Ms. Morse, Vice-Chairman Crosby argued that surrendering might be cheaper but insisted on fighting for the rights of constituents and personal rights. Vice-Chairman Crosby also questioned the delays Ms. Morse referred to, attributing past delays to Chairman English, and claimed to have documented evidence supporting this assertion.

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of July 9, 2024.

County Assessor

2. Approve the Assessor's recommendation to approve the attached list of 97 property tax exemption applications for 2024, that qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2024.

County Sheriff

3. Approve Homeland Security Grant Program Award Reallocation, Grant 220400-02 between the Department of Homeland Security and the Cochise County Sheriff's Office, to purchase ballistic helmets, in the amount of \$1,541, effective May 1, 2024, through April 30, 2025.

Elections

4. Adopt Resolution 24-11 canceling the election of certain Precinct Committeemen, for the 2024 Primary Election on July 30, 2024, and appointing all candidates that filed to run for Precinct Committeemen for those precincts in which no election is required.
5. Accept the resignations of Republican Party Precinct Committeemen, Mary Ann Scott, Heather Floyd, and Tara Nash, and approve appointments of Vonn Koshinski as Republican Party Precinct Committeeman, by recommendation of their Cochise County Party Chairman, to serve through the October 1, 2024, term.

Engineering & Natural Resources

6. Approve a 1 year extension to the Municipal Effluent Option Agreement with City of Bisbee, which was initially approved in August 2019.

This item was removed from the consent agenda for separate consideration.

Supervisor Judd made a motion to approve a 1 year extension to the Municipal Effluent Option Agreement with City of Bisbee, which was initially approved in August 2019. Vice-Chairman Crosby seconded the motion.

Vice-Chairman Crosby stated he will be voting against the item because he believes it is based on fraudulent grounds, poses a threat to Fort Huachuca, directs effluent to

the wrong valley and would inappropriately redistribute water to Bisbee, which does not have a water problem.

Supervisor Judd clarified that the extension for exploratory and planning should be considered to be where the best is effluent. She stated we need water in our whole state.

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

Finance

7. Approve demands and budget amendments for operating transfers.

Vice-Chairman Crosby made a motion to approve items 1-5 and 7 on the consent agenda. Supervisor Judd seconded the motion and it was approved unanimously.

PUBLIC HEARINGS

Board of Supervisors

8. Approve Uniform Video Service License Agreement for Level 3 Communications, LLC, effective July 23, 2024, through July 23, 2034.

Vice-chairman Crosby make a motion to approve Uniform Video Service License Agreement for Level 3 Communications, LLC, effective July 23, 2024, through July 23, 2034. Supervisor Judd seconded the motion.

Ms. Roberts presented this item. Ms. Roberts stated that this video service license agreement which is required by the statute has no special or different aspects that need to be highlighted.

Chairman English opened the public hearing and no one chose to speak.

Chairman English closed the public hearing.

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

Development Services

9. Adopt Zoning Ordinance 24-08 to rezone tax parcel 105-40-004 from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District) pursuant to the application of Robert Maloney.

Supervisor Judd made a motion to adopt Zoning Ordinance 24-08 to rezone tax parcel 105-40-004 from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District) pursuant to the application of Robert Maloney. Vice-Chairman Crosby seconded the motion.

Chairman English opened the public hearing and no one chose to speak.

Chairman English closed the public hearing.

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

10. Adopt Zoning Ordinance 24-09 to rezone the north 1.7 acres of tax parcel 101-41-008A, previously identified as tax parcel 101-41-001H, from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District) pursuant to the application of Bima LLC - Marilyn Seibold.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 24-09 to rezone the north 1.7 acres of tax parcel 101-41-008A, previously identified as tax parcel 101-41-001H, from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District) pursuant to the application of Bima LLC - Marilyn Seibold. Supervisor Judd seconded the motion.

Chairman English opened the public hearing.

Applicant Ms. Marilyn Seibold stated she owns nine acres of heavy industrial property and paying \$15,000 in taxes annually. She stated a concern regarding building near a fence, noting that part of the property is zoned RU-4 and part heavy industrial. Ms. Seibold stated the zoning requires a 100-foot setback from the fence, resulting in significant loss of usable property. She implied that this setback requirement hinders development opportunities.

Chairman English closed the public hearing.

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

11. Adopt Zoning Ordinance 24-10 to rezone tax parcel 208-47-045H from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Thomas Farnsworth III.

Supervisor Judd made a motion to adopt Zoning Ordinance 24-10 to rezone tax parcel 208-47-045H from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Thomas Farnsworth III. Vice-Chairman Crosby seconded the motion.

Chairman English opened the public hearing and no one chose to speak.

Matthew Taylor, Planner II, presented this item and stated this is an application to down zone.

Chairman English closed the public hearing.

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

12. Adopt Resolution 24-15 to amend the Cochise County Comprehensive Plan land use and growth area designations of 36 acres from Neighborhood Conservation to Rural Residential and Category C - Rural Community Areas to D - Rural Areas, and adopt Zoning Ordinance 24-11 to rezone tax parcel 208-44-047M from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Landon Farnsworth.

Vice-Chairman Crosby made a motion to adopt Resolution 24-15 to amend the

Cochise County Comprehensive Plan land use and growth area designations of 36 acres from Neighborhood Conservation to Rural Residential and Category C - Rural Community Areas to D - Rural Areas, and adopt Zoning Ordinance 24-11 to rezone tax parcel 208-44-047M from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Landon Farnsworth. Supervisor Judd seconded the motion.

Chairman English opened the public hearing and no one chose to speak.

Matthew Taylor, Planner II, presented this item. In response to the Board, Mr. Taylor stated that in order to facilitate the down zone, the comprehensive plan designation was changed.

Chairman English closed the public hearing.

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

ACTION

Board of Supervisors

13. Approve Community Enhancement Fund FY24 expenditures for District 2 and inter-fund transfer to Development Services to meet the County match for Grant Award No. 693JJ32440373 from the Federal Highways Administration (FHWA) to place electric vehicle charging stations around Cochise County, in the amount of \$25,000.

Supervisor Judd made a motion to approve Community Enhancement Fund FY24 expenditures for District 2 and inter-fund transfer to Development Services to meet the County match for Grant Award No. 693JJ32440373 from the Federal Highways Administration (FHWA) to place electric vehicle charging stations around Cochise County, in the amount of \$25,000. Vice-Chairman Crosby seconded the motion.

Chairman English stated the grant aims to install six charging stations in Cochise County, specifically in Bisbee, Sierra Vista, and Willcox. Chairman English explained that she was asked to commit some of the enhancement funds to support this initiative.

Vice-Chairman Crosby stated if electric vehicles were wonderful, then they wouldn't need to be subsidized.

Chairman English stated that in the beginning there would be no charge at the charging stations.

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

County Attorney

14. Approve the Crime Victim Compensation Grant VC-25-002A between the Arizona Criminal Justice Commission and the Cochise County Attorney's Office in the amount of \$69,966.55, effective July 1, 2024, through June 30, 2025.

Vice-Chairman Crosby made a motion to approve the Crime Victim Compensation Grant VC-25-002A between the Arizona Criminal Justice Commission and the Cochise County Attorney's Office in the amount of \$69,966.55, effective July 1, 2024, through June 30, 2025. Supervisor Judd seconded the motion.

Kenny Reeves, Chief of Staff, presented this item. Mr. Reeves stated the grant was designed to compensate victims of crime for expenses incurred due to criminal activity, such as medical bills or lost wages.

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

Development Services

15. Adopt Resolution 24-14, amending the Development Services Fee schedule for services provided by Development Services, effective August 1, 2024.

Chairman English removed Item 15 and stated it would be re-noticed.

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 Legislation is not in session and there is nothing to report.

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

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 praised the Willcox Little League girls' softball team for their impressive performance, including recent wins. She highlighted the close-knit nature of the community and the pride it takes in the team's success. Supervisor Judd stressed the importance of mail-in voting, emphasized its security and encouraged voters to confidently use their mail-in ballots.

Chairman English adjourned the meeting at 10:29 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board