

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, OCTOBER 15, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, October 15, 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; Paul Correa, Chief Civil Deputy County Attorney; Lara Loewenheim, 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***

Allison Morse was called upon but was having technical difficulties.

Chairman English called upon Ms. Morse after agenda item 13.

Allison Morse expressed disappointment at the unnecessary legal costs and staff turnover in the elections department due to actions by Republican Supervisors, including failed attempts at expanded hand counts, refusal to certify votes, and misuse of taxpayer funds, and praised election staff for their transparency and efforts.

Vice-Chairman Crosby responded by emphasizing that ARS 16-602B was not rejected by the Secretary of State, contrary to what the County Attorney had said. Vice-Chairman Crosby clarified that the board only approved agenda item number two and not multiple items, as claimed by the attorney. Vice-Chairman Crosby concluded by stating there have been no court rulings deeming ARS 16-602B illegal.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of September 24, 2024.
2. Approve a Proclamation designating October 18, 2024 as National Veterans Assistance Day.

### **County Schools**

3. Approve an updated 911Cellular Agreement, part of the Master Services Agreement with Navigate360, LLC, and the Cochise County School Superintendent for security monitoring services at all county public and charter schools, through June 30, 2026.

### **Elections**

4. Adopt Resolution 24-26 authorizing the Cochise County Board of Supervisors to designate Emergency Voting Locations for the General Election set for Tuesday, November 5, 2024.
5. Approve the resignation of Republican Precinct Committeemen, James Cleveland.

### **Finance**

6. Approve demands and budget amendments for operating transfers.

### **Indigent Defense**

7. Approve Amendment 4 to the Title IV-E Interagency Service Agreement (ISA) between the Arizona Department of Child Safety (DCS), the Arizona Supreme Court, Administrative Office of Courts (AOC), and Cochise County for expenditure reimbursement related to child welfare dependency cases, effective upon signing by all parties.

### **Workforce Development**

8. Approve the appointment of Jenny Howard to the Local Workforce Investment Board, effective immediately and through 6/30/2028.

Supervisor Judd made a motion to approve consent agenda items 1-8. Vice-Chairman Crosby seconded the motion and it was approved unanimously.

### ***PUBLIC HEARINGS***

### **Board of Supervisors**

9. Adopt Resolution 24-19 granting a Water Services Franchise to Coronado Lakes Estates HOA, Inc.

Vice-Chairman Crosby made a motion to adopt Resolution 24-19 granting a Water Services Franchise to Coronado Lakes Estates HOA, Inc. Supervisor Judd seconded the motion.

Chairman English opened the Public Hearing.

Paul Correa, Chief Civil Deputy County Attorney, presented this item. Mr. Correa stated there is an application for a water franchise, where the individual is looking to start a water company. He stated the situation has been personally managed, ensuring there's a legal description defining the boundaries along with a plat. Mr. Correa stated the proposal affects a handful of homes, potentially leading to the development of more houses in the area, specifically Coronado Lakes Estates.

In response to the Board, Mr. Correa stated the standard terms include a right-of-way provision in order to lay lines.

Vice-Chairman Crosby made a motion to strike paragraph 10 of the Franchise Agreement. The motion failed for lack of a second.

Ms. Patterson spoke in opposition and discussed the reasons.

Chairman English closed the Public Hearing.

In response to the Board, Mr. Correa stated the language in the agreement preserves the county's future rights, which is important in long-term franchise agreements that can last 10 to 25 years. He emphasized that the county retains the ability to amend the terms if necessary for public safety or welfare, and the potential imposition of a franchise fee is not currently within the county's authority.

Jackie Watkins, Director of Engineering and Natural Resources, stated all franchise agreements for utilities in public rights-of-way, a permit fee is required, which covers inspections and paperwork to track the location of the utilities. She stated each permit fee is based on the length of the utility line and the cost is not recurring, but is applied each time a permit is issued for actions like running a new line down a road.

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

## **Board of Supervisors**

### ***ACTION***

10. Approve the Subrecipient Agreement between Cochise County and the City of Douglas for American Rescue Plan Act (ARPA) funds for water infrastructure projects related to the new Douglas Land Port of Entry, in the amount of \$5,000,000, effective October 15, 2024.

Supervisor Judd made a motion to approve the Subrecipient Agreement between Cochise County and the City of Douglas for American Rescue Plan Act (ARPA) funds for water infrastructure projects related to the new Douglas Land Port of Entry, in the amount of \$5,000,000, effective October 15, 2024. Vice-Chairman Crosby seconded

the motion.

Sharon Gilman, Deputy County Administrator, presented this item. Ms. Gilman stated the agreement between Cochise County and the City of Douglas is presented to obligate funds for water infrastructure related to the Douglas Port of Entry. She stated the county received \$24 million through ARPA and \$5 million has been set aside, waiting for the completion of the land donation to the General Services Administration for the Port of Entry.

In response to the Board, Ms. Gilman clarified that the subrecipient agreement is reimbursement-based and the City of Douglas will purchase what is needed for the water infrastructure through a contractor, and Cochise County will review receipts to ensure appropriateness before reimbursing.

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

### **Adult Probation**

11. Approve Fiscal Year 2024-2025 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$2,213,799 effective July 1, 2024 through June 30, 2025.

Vice-Chairman Crosby made a motion to approve Fiscal Year 2024-2025 Adult Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$2,213,799 effective July 1, 2024 through June 30, 2025. Supervisor Judd seconded the motion.

Teresa Rockrich, Administrative Finance Manager for Adult and Juvenile Probation, presented this item. Ms. Rockrich stated the regular annual funding from the AOC for adult probation, covering standard probation, intensive probation, and the community punishment program. She stated additional funding is included, specifically from the State and Local Fiscal Recovery Funds (SLFRF), provided by the AOC through the governor's office.

In response to the Board, Ms. Rockrich stated the funding in question includes salaries for both state and county probation employees and was specifically requested in the budget. She stated the allocation was designed to cover expenses from the previous year while also aiming to support anticipated costs for the current year.

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

### **Juvenile Probation**

12. Approve Fiscal Year 2024-2025 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$1,187,574, effective July 1, 2024 through June 30, 2025.

Supervisor Judd made a motion to approve Fiscal Year 2024-2025 Juvenile Probation Funding Agreement, as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$1,187,574, effective July 1, 2024 through June 30, 2025. Vice-Chairman Crosby seconded the motion.

Ms. Rockrich stated the yearly funding from the AOC, covers standard probation

services, intensive juvenile probation, and the Juvenile Probation Service Fund (JPS), supporting treatment, diversion, and intake. She stated the funding also incorporates the SLRF and introduces new provisions related to Senate Bill 1197, which repeals juvenile fees, impacting both past fees and future collections from juveniles or their parents. Ms. Rockrich noted the juvenile restitution and fines remain in place, requiring juveniles to compensate victims, but as a result of the repeal, the probation fee account will no longer collect funds, although the AOC will provide a small amount, approximately \$5,000, to help offset the change.

In response to the Board, Ms. Rockrich stated there has been an observed increase in the number of children going to detention in Pinal County. She stated that in Cochise County, juveniles are not detained locally; instead, they are processed at the juvenile transport and screening unit and then transported to Pinal County for detention.

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

### **County Attorney**

13. Approve DPS Grant Agreement No. 2024-242, CFDA 16.575, Subgrant Award Agreement, from the Arizona Department of Public Safety, for the Victims of Crime Act Victim Assistance Program, in the amount of \$112,530, with required matching funds of \$28,133, effective October 1, 2024 through September 30, 2025.

Vice-Chairman Crosby made a motion to approve DPS Grant Agreement No. 2024-242, CFDA 16.575, Subgrant Award Agreement, from the Arizona Department of Public Safety, for the Victims of Crime Act Victim Assistance Program, in the amount of \$112,530, with required matching funds of \$28,133, effective October 1, 2024 through September 30, 2025. Supervisor Judd seconded the motion.

This item was moved to the end of the agenda due to the presenter being unavailable at the time.

Brian McIntyre, County Attorney, presented this item. Mr. McIntyre stated the Victim Witness Program grant allows for the continued provision of quality victim advocacy and assistance to witnesses, particularly during trials. He noted the program goes beyond simple victim notification and provides comprehensive advocacy services to victims of crime.

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

### **County Sheriff**

14. Approve the Highway Safety Grant Agreement 2025-AL-014 from the Governor's Office of Highway Safety, for the DUI / Impaired Driver Enforcement program, in the amount of \$22,404, effective October 1, 2024, through September 30, 2025.

Supervisor Judd made a motion to approve the Highway Safety Grant Agreement 2025-AL-014 from the Governor's Office of Highway Safety, for the DUI / Impaired Driver Enforcement program, in the amount of \$22,404, effective October 1, 2024, through September 30, 2025. Vice-Chairman Crosby seconded the motion.

Tod Linendoll, Sergeant, presented this item. Mr. Linendoll stated the grant supports

the Southeastern DUI Task Force, enabling deployment during holidays and weekends without relying on department overtime funds and, the grant covers travel expenses to send a deputy for Drug Recognition Expert (DRE) training.

In response to the Board, Mr. Linendoll stated that the helicopter is not used for DUI enforcement.

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

15. Approve the Highway Safety Grant Agreement 2025-PTS-014 from the Governor's Office of Highway Safety for the Selective Traffic Enforcement Program (STEP), in the amount of \$13,000, effective October 1, 2024, through September 30, 2025.

Vice-Chairman Crosby made a motion to approve the Highway Safety Grant Agreement 2025-PTS-014 from the Governor's Office of Highway Safety for the Selective Traffic Enforcement Program (STEP), in the amount of \$13,000, effective October 1, 2024, through September 30, 2025. Supervisor Judd seconded the motion.

Mr. Linendoll stated the grant from the Governor's Office of Highway Safety has been received for decades and supports officers dedicated to speed enforcement, reckless driving, and distracted driving.

In response to the Board, Mr. Linendoll stated the grappler has been used successfully for fleeing vehicles.

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

16. Approve Subrecipient Grant Agreement 240401-01 between the Department of Homeland Security and the Cochise County Sheriff's Office, to purchase ballistic helmets, ballistic vests, and send operators to sniper school, in the amount of \$24,903, effective October 1, 2024, through September 30, 2025.

Supervisor Judd made a motion to approve Subrecipient Grant Agreement 240401-01 between the Department of Homeland Security and the Cochise County Sheriff's Office, to purchase ballistic helmets, ballistic vests, and send operators to sniper school, in the amount of \$24,903, effective October 1, 2024, through September 30, 2025. Vice-Chairman Crosby seconded the motion.

Curtis Wilkins, Lieutenant, presented this item. Mr. Wilkins stated the focus of the grant is straightforward: it will allow the purchase of ballistic entry vests, ballistic helmets, and send some officers to sniper school. Mr. Wilkins stated the Special Weapons and Tactics (SWAT) team is growing and regionalizing, there will be a need for this equipment to continue, ensuring the team is well-protected and prepared.

In response to the Board, Mr. Wilkins stated that vests and plates have a five-year warranty, after which they are no longer covered.

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

## **Development Services**

17. Approve Procurement Contract IFB 24-11-AIR-01 with Scenic Electric to install the wind cone and beacon at the Bisbee-Douglas International Airport, in the amount of \$94,000.

Vice-Chairman Crosby made a motion to approve Procurement Contract IFB 24-11-AIR-01 with Scenic Electric to install the wind cone and beacon at the Bisbee-Douglas International Airport, in the amount of \$94,000. Supervisor Judd seconded the motion.

Dan Coxworth, Director of Development Services, presented this item. Mr. Coxworth stated the contract with Scenic Electric is to install and relocate the wind cone and beacon at the Bisbee Douglas International Airport.

In response to the Board, Mr. Coxworth stated the beacon is being relocated for better visibility for pilots and additional wind cones to address complaints about the current wind cones visibility.

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

### ***STATE & FEDERAL LEGISLATION***

18. 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.

No legislation to discuss.

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

Mr. Karwaczka announced the Board of Supervisors office has a new Budget Manager, Stacy Fenhaus.

### ***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 reflected on the recent visit of the Arizona-Mexico Commission to Douglas, emphasizing that it provided an important opportunity to address healthcare issues, particularly along the border. She noted that the visit also allowed people from around the state to experience Douglas firsthand, which helped shift previously held perceptions about the area. Chairman English stated that the visitors left with a more positive understanding of the community than they had before.

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

Supervisor Judd announced the Willcox Wine Festival on October 18th through October 20th and to go see the Sandhill Cranes.

Chairman English adjourned the meeting at 10:53 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Lara Loewenheim, Clerk of the Board