

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, NOVEMBER 26, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 26, 2024 at 10:20 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; Joe Casey, Associate 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 expressed gratitude toward the Elections Department for their hard work and success in certifying the election, despite challenges such as the two-page ballot and equipment issues.

Radford Hyde expressed concern over the time it took to count ballots.

Pamela Bowie shared her experience as a poll observer during the in-person voting period, and commended the county workers' professionalism.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of November 12, 2024.

Emergency Services

2. Approve participation in the 2024 Southern Arizona Multi-Jurisdictional Training and Exercise Initiative.
3. Accept issuance of forty pails of firefighting foam for HAZMAT response from the Arizona Department of Environmental Quality (ADEQ) Emergency Response Fund (ERF).
4. Approve the trade-in of the current QuantiFit Respirator Fit Tester equipment to OHD, LLLP for \$1,500, to be applied toward the purchase of a new QuantiFit Respirator Fit Tester equipment.
5. Approve subrecipient agreement 24-AZDOHS-HSGP-240400-01 between the Arizona Department of Homeland Security and Cochise County, for the purchase of a Hazardous Materials (HAZMAT) Self Contained Breathing Apparatus (SCBA) Fit Tester, in the amount of \$10,000, effective October 1, 2024, to September 30, 2025.

Engineering & Natural Resources

6. Adopt Resolution 24-30 authorizing the abandonment of a portion of the 60 foot wide public right-of-way known as Calle 14 of the Record of Survey titled Rio Vista Book 1 of Surveys, pages 67-67K.

Finance

7. Approve demands and budget amendments for operating transfers.

Information Technology

8. 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 2024 SLCGP funding.

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

PUBLIC HEARINGS

Development Services

9. Adopt Zoning Ordinance 24-18 to rezone tax parcel 410-07-427B from R-36 (Residential District, one dwelling per 36,000 square feet) to R-9 (Residential District, one dwelling per 9,000 square feet) pursuant to the application of Trystan Trenberth.

Item has been removed by the Applicant.

10. Adopt Zoning Ordinance 24-19 to rezone tax parcel 202-28-028 from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-2 (Rural District, one dwelling per 2 acres) pursuant to the application of Anthony Peters.

Supervisor Judd made a motion to adopt Zoning Ordinance 24-19 to rezone tax parcel 202-28-028 from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-2 (Rural District, one dwelling per 2 acres) pursuant to the application of Anthony Peters. Vice-Chairman Crosby seconded the motion.

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

Matthew Taylor, Planner II, presented this item by using a PowerPoint presentation. Mr. Taylor stated the property, approximately 11 acres in size and currently zoned R36, is proposed to be rezoned to R2 to establish a lavender farm with a 600-square-foot barn. He stated the land is undeveloped, surrounded by residential and agricultural properties, and falls under a community growth and development plan. He stated the Planning and Zoning Commission recommended approval without conditions and no opposition was received from nearby property owners.

Chairman English closed the public hearing.

Supervisor Judd stated she is an adjacent neighbor in support of the proposed lavender farm, noting that while no formal statement was submitted, she views the project as a positive development. Supervisor Judd expressed enthusiasm for the use of the property.

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

11. Adopt Zoning Ordinance 24-20 to rezone tax parcel 116-18-085C from SR-22 (Single-Household Residential District, one dwelling per 22,000 square feet) to SR-174 (Single-Household Residential District, one dwelling per 4 acres) pursuant to the application of Kathy Zeigler.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 24-20 to rezone tax parcel 116-18-085C from SR-22 (Single-Household Residential District, one dwelling per 22,000 square feet) to SR-174 (Single-Household Residential District, one dwelling per 4 acres) pursuant to the application of Katy Zeigler. Supervisor Judd seconded the motion.

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

Matthew Taylor, Planner II, presented this item using a PowerPoint presentation. Mr. Taylor detailed the rezoning request for tax parcel 116-18-085C, located in Sunsites Unit 4, approximately 1.5 miles west of Highway 191. He stated the property, previously combined in 2010, is currently undeveloped, with plans for single-family residential use under the County's owner-builder program. He stated the proposal seeks to downzone from SR-22 to SR-174, aligning with the area's low-density residential pattern and receiving no opposition from nearby property owners.

Chairman English closed the public hearing.

In response to the Board, Mr. Taylor clarified that the Owner-Builder program requires parcels to meet a minimum zoning site area of four acres. He stated the key difference between SR-174 and RU-4 zoning lies in permitted housing types: SR-174 allows only site built dwellings, while RU-4 permits manufactured and rehabilitated mobile homes.

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

ACTION

Board of Supervisors

12. Approve Community Enhancement Fund expenditures for District 3: Provide \$12,593 to the City of Sierra Vista to support the Sunrise and Reap Goodness a (501(c)(3) non-profit) public Food Forest Project in Sierra Vista's West End.

Supervisor Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Provide \$12,593 to the City of Sierra Vista to support the Sunrise and Reap Goodness a (501(c)(3) non-profit) public Food Forest Project in Sierra Vista's West End. Vice-Chairman Crosby seconded the motion.

Supervisor Judd presented this item. Supervisor Judd stated the City of Sierra Vista is leading efforts to transform two problem-prone lots in the West End, previously residential and troubled by flooding, into a community park and food forest. She stated the city addressed the cleanup of the lots, and the new space will serve as an educational resource for nearby elementary schools and a benefit to the wider community.

In response to Chairman English, Supervisor Judd stated the money would go to the City of Sierra Vista.

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

13. Approve Community Enhancement Fund expenditures for District 3: Provide a roll-off to San Simon to clean an old store building that has been donated for a Visitor Center. Cost not to exceed \$1000.

Vice-Chairman Crosby made a motion to approve Community Enhancement Fund expenditures for District 3: Provide a roll-off to San Simon to clean an old store building that has been donated for a Visitor Center. Cost not to exceed \$1000. Supervisor Judd seconded the motion.

Supervisor Judd presented this item. Supervisor Judd stated the project involves cleaning up an abandoned store in poor condition and a roll-off container was required for assistance for debris removal.

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

Court Administration

14. Approve Fiscal Year 2025 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$65,000 which includes \$25,000 matching funds from general fund and \$15,000 from local Judicial Collection Enforcement Funds, effective July 1, 2024, through June 30, 2025.

Supervisor Judd made a motion to approve Fiscal Year 2025 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative

Office of the Courts (AOC), in the amount of \$65,000 which includes \$25,000 matching funds from general fund and \$15,000 from local Judicial Collection Enforcement Funds, effective July 1, 2024, through June 30, 2025. Vice-Chairman Crosby seconded the motion.

Rita Shipley, Division Director of Superior Court Budget and Finance, presented this item. Ms. Shipley stated the agreement funds wages, related expenses, and operating costs for a full-time field trainer position. She stated the field trainer provides on-site business process training and state computer support for superior, justice and municipal courts within the county.

In response to the Board, Ms. Shipley stated the funding for the fiscal year 2025 Traffic Case Processing Agreement totals \$75,000, with \$25,000 coming from the Administrative Office of the Courts (AOC), \$25,000 from the general fund, and \$25,000 contributed by the Clerk of the Court. She stated the remaining amount is funded by justice courts, with contributions based on their judicial productivity credits.

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

15. Certify that the total court revenues collected in Fiscal Year 2024 exceeded total court revenues collected in Fiscal Year 1998, and authorize distribution of the 5% set-aside revenues, pursuant to A.R.S. § 41-2421.

Vice-Chairman Crosby made a motion to certify that the total court revenues collected in Fiscal Year 2024 exceeded total court revenues collected in Fiscal Year 1998, and authorize distribution of the 5% set-aside revenues, pursuant to A.R.S. § 41-2421. Supervisor Judd seconded the motion.

Rita Shipley, Division Director of Superior Court Budget and Finance, presented this item. Ms. Shipley requested the board certify that fiscal year 2024 court revenues, totaling \$6,125,334, exceeded the baseline revenues of \$2.1 million from fiscal year 1998. She stated the certification allows the distribution of \$362,127 in 5% set-aside funds as outlined in ARS 41-2421. She stated the funds will be allocated based on the statutory formula and are intended to supplement resources for criminal case processing.

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

County Attorney

16. Approve the Justice Services Agreement between Axon and the Cochise County Attorney's Office.

Supervisor Judd made a motion to approve the Justice Services Agreement between Axon and the Cochise County Attorney's Office. Vice-Chairman Crosby seconded the motion.

Brian McIntyre, County Attorney, presented this item. Mr. McIntyre presented the Board with an agreement offering access to advanced software tools for evidence handling, including unlimited Pro licenses, storage, transcription, and redaction capabilities. He stated the tools enable efficient redaction of sensitive materials like faces or screens in compliance with Arizona law, significantly reducing manual workload, such as redacting a body cam in a day versus automated processing.

In response to the Board, Mr. McIntyre stated the software is primarily used for criminal cases but will also benefit the Civil Division by providing pro licenses for tasks like public records disclosures. He stated the tool simplifies compliance with privacy requirements, streamlining redaction processes across both criminal and civil cases. Dallas Bullington stated the evidence.com system currently stores over 241,000 items, including body cam footage, photos, and audio recordings, amounting to over 26,000 gigabytes of data. Mr. McIntyre stated all the data is securely housed in the cloud, meeting the 10-year retention requirement for felony cases.

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

Development Services

17. Approve Professional Services Agreement 25-11-DEV-01 for the Hearing Officer to address violations of Zoning and Floodplain Regulations according to the fee schedule outlined in Exhibit B, effective November 26, 2024.

Vice-Chairman Crosby made a motion to approve Professional Services Agreement 25-11-DEV-01 for the Hearing Officer to address violations of Zoning and Floodplain Regulations according to the fee schedule outlined in Exhibit B, effective November 26, 2024. Supervisor Judd seconded the motion.

Dan Coxworth, Development Services Director, presented this item. Mr. Coxworth stated the agreement with Gary Raemaker designates him as the new hearing officer for the county. He stated Mr. Raemaker's main role is to provide an independent review of zoning violations in Cochise County.

In response to the Board, Mr. Coxworth states Mr. Raemaker is currently retired, and he is a floating Justice of the Peace. He stated he may have to recuse himself as the floating Justice of the Peace Pro Tem.

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

Emergency Services

18. Approve subrecipient agreement for the Emergency Management Performance Grant EMF-2024-EP-05013 with the Arizona Department of Emergency and Military Affairs, in the amount of \$129,190, effective July 1, 2024, through June 30, 2025.

Supervisor Judd made a motion to approve subrecipient agreement for the Emergency Management Performance Grant EMF-2024-EP-05013 with the Arizona Department of Emergency and Military Affairs, in the amount of \$129,190, effective July 1, 2024, through June 30, 2025. Vice-Chairman Crosby seconded the motion.

Dan Duchon, Emergency Management Director, presented this item. Mr. Duchon stated the funds support the department's two full-time employees and cover expenses like office supplies, vehicle mileage, and most notably, mass alerting software used for sending emergency alerts via cell phones and landlines. He stated the grant also funds training and exercises for public safety partners and helps maintain key emergency plans, including the emergency operations plan, hazard mitigation plan, and wildfire protection plan.

In response to the Board, Mr. Ducshon stated there are two full-time employees, a

director and one coordinator.

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

19. Approve Resolution 24-31 adopting the Cochise County Emergency Operations Plan.

Supervisor Judd made a motion to approve Resolution 24-31 adopting the Cochise County Emergency Operations Plan. Vice-Chairman Crosby seconded the motion.

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

20. Approve Grant Agreement No. 24-CWDG-802 between the Arizona Department of Forestry and Fire Management and Cochise County for the Community Wildfire Protection Plan project, not to exceed \$150,000, effective through December 31, 2026.

Vice-Chairman Crosby made a motion to approve Grant Agreement No. 24-CWDG-802 between the Arizona Department of Forestry and Fire Management and Cochise County for the Community Wildfire Protection Plan project, not to exceed \$150,000, effective through December 31, 2026. Supervisor Judd seconded the motion.

Dan Duchon, Emergency Management Director, presented this item. The Board had no further questions.

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

Engineering & Natural Resources

21. Approve the Intergovernmental Agreement (IGA) between Cochise County and the City of Douglas regarding efforts to design and construct the connector road for the Commercial Land Port of Entry West of Douglas, Arizona, effective upon signing by all parties.

Supervisor Judd made a motion to approve the Intergovernmental Agreement (IGA) between Cochise County and the City of Douglas regarding efforts to design and construct the connector road for the Commercial Land Port of Entry West of Douglas, Arizona, effective upon signing by all parties. Vice-Chairman Crosby seconded the motion.

Bradley Simmons, Civil Engineer II, presented this item. Mr. Simmons stated the intergovernmental agreement between the City of Douglas and Cochise County addresses federal funding for the future commercial land port entry connected road. He stated the coordinated funding will support design and construction, with Arizona Department of Transportation (ADOT) overseeing the project. The City of Douglas has secured \$8.17 million in matching funds, including \$500,000 for a \$4.4 million design and National Environment Policy Act (NEPA) clearance grant. Mr. Simmons stated the County will contribute \$100,000 in match funding and the total cost of the road construction is projected at \$78 million, with NEPA clearances set for completion by April, allowing right-of-way acquisition to begin. He stated final design will be completed by 2026, and construction is expected to finish by 2028.

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

22. Approve agreement for the sale and purchase of wastewater effluent with the City of Bisbee for 25 years from the effective date of this agreement.

Vice-Chairman Crosby made a motion to approve agreement for the sale and purchase of wastewater effluent with the City of Bisbee for 25 years from the effective date of this agreement. Supervisor Judd seconded the motion.

Joe Casey, Associate County Administrator, presented this item. Mr. Casey stated the agreement with the City of Bisbee outlines the purchase of up to 200 acre-feet of water, laying the groundwork for building a pipeline from the Bisbee wastewater treatment facility to a recharge basin near the San Pedro River. He stated the water will not be discharged directly into the river but will first pass through the basin, undergoing additional water quality treatment recognized by Arizona Department of Environmental Quality (ADEQ).

Vice-Chairman Crosby made a comment regarding the pipeline's direction, stating it is heading west instead of east, and goes against the goal of preserving the base flows of the San Pedro River as required by the regional plan. Vice-Chairman Crosby indicated he would be voting against the agreement.

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

Information Technology

23. Approve the obligation of \$2,000,000 in American Rescue Plan Act (ARPA) funds to MSS Business Transformation Advisory, Inc. (MSS) to provide Information as an Asset and Artificial Intelligence Transformation Consulting Services for Cochise County under State Contract CTR062609, from December 1, 2024, to December 31, 2026, as described in the attached scope of work.

Supervisor Judd made a motion to approve the obligation of \$2,000,000 in American Rescue Plan Act (ARPA) funds to MSS Business Transformation Advisory, Inc. (MSS) to provide Information as an Asset and Artificial Intelligence Transformation Consulting Services for Cochise County under State Contract CTR062609, from December 1, 2024, to December 31, 2026, as described in the attached scope of work. Vice-Chairman Crosby seconded the motion.

Joe Casey, Information Technology Director, presented this item. Mr. Casey stated the project will establish foundational structures and data governance to enhance knowledge sharing, data security, and decision-making. He stated key components include preparing for artificial intelligence, improving cybersecurity, digitizing data, and ensuring readiness with proper documentation of data systems, sources, and retention requirements. He stated the project will focus on creating data governance policies and documenting data flows to improve overall knowledge management and accessibility for decision-makers.

In response to the Board, Mr. Casey stated the project will require support from county employees but will also involve bringing in experts to guide the process and ensure the systems are set up correctly.

Radford Hyde was called upon but did not speak.

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

STATE & FEDERAL LEGISLATION

24. 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

Richard Karwaczka wished everyone a Happy Thanksgiving.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Vice-Chairman Crosby stated Happy Thanksgiving.

Report by District 2 Supervisor, Ann English

Chairman English shared the importance of focusing on gratitude every day, not just during Thanksgiving.

Report by District 3 Supervisor, Peggy Judd

Supervisor Judd wished everyone Happy Thanksgiving and highlighted the kindness that tends to emerge during the season. She also acknowledged the wonderful organizations that provide Thanksgiving dinners to the community, noting that they offer meals to anyone regardless of ability to pay, and are always in need of donations and volunteers.

Chairman English adjourned the meeting at 11:08 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board