

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, NOVEMBER 17, 2020**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, November 17, 2020 at 10:15 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Thomas E. Borer, Chairman, telephonic; Ann English, Vice-Chairman; Peggy Judd, Supervisor, telephonic

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Associate County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Kim Lemons, Clerk of the Board

Vice-Chairman English called the meeting to order at 10:15 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**

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***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of October 27, 2020.
2. Approve Governor's Office of Highway Safety (GOHS) Contract 2020-CIOT-006, providing the Cochise County Sheriff's Office with \$6,000 to cover overtime expenses, as-well-as employee-related expenses, to participate in the two-week "Buckle Up Arizona... It's the Law" program, effective November 16, 2020 through November 29, 2020.
3. Ratify minor changes to Intergovernmental Agreement (IGA) approved on September 15, 2020, among Santa Cruz County, Cochise County and Superior Courts for Juvenile Detention Services as outlined in attached.
4. Approve the Memorandum of Understanding (MOU) between Sierra Vista Metropolitan Planning Organization (SVMPO) and Cochise County, for contribution of local matching funds to support the SVMPO's annual work program, in the amount of \$25,000 plus in-kind contributions, for a total Fiscal Year 2020-21 payment of \$33,493.20.

**County Attorney**

5. Approve Authorization Letter to the Arizona Attorney General's Office to represent Cochise County in all tax appeal litigation of centrally assessed property for tax years 2021 and 2022.

## **County Schools**

6. Approve Contract #1878 between the Cochise County Superintendent and Graduation Solutions LLC, for the Dropout Recovery Program that runs from July 1 through June 30, for the 2021-2024 school years.

## **Court Administration**

7. Approve a Proclamation declaring November 23, 2020 to be National Adoption Day in Cochise County.
8. Approve Fiscal Year 2020-21 Fill The Gap funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC) effective July 1, 2020 through June 30, 2021 in the amount of \$33,747.

## **Engineering & Natural Resources**

9. Accept the County Engineer's recommendation and set a public hearing for December 15, 2020 to alter the declared width of Davis Road, an established County Highway, from 100 feet to 200 feet.
10. Adopt Resolution 20-18 authorizing the abandonment of a public right-of-way near Willcox, as described in attached Exhibit A.
11. Adopt Resolution 20-19 authorizing the abandonment of any interest the County may have in a certain "No Access" easement, as described in attached Exhibit A.

## **Finance**

12. Approve demands and budget amendments for operating transfers.

## **Health & Social Services**

13. Approve Amendment Two and extend the Provider Contract for Title 36 Mental Health Services Agreement between Cochise County and Canyon Vista Medical Center, for a term of two years, beginning April 22, 2020 and ending on April 22, 2022.

## **Information Technology**

14. Approve renewal of right-of-way Lease No. 18-105186-00 for service road access to the San Bernardino radio tower between Cochise County and the Arizona State Land Department, effective August 31, 2020 through August 30, 2030.

## **Legal Advocate**

15. Adopt Resolution 20-20 authorizing the Public Defender, Legal Advocate and Legal Defender Departments to accept court appointment to represent indigent defendants at proceedings authorized by ARS 11-584 and 11-584(10).

Chairman Borer made a motion to approve items 1-15 on the consent agenda. Supervisor Judd seconded the motion and it carried unanimously.

## **PUBLIC HEARINGS**

### **Development Services**

16. Adopt Zoning Ordinance 20-14 amending certain Zoning district boundaries from RU-4 (Rural, one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres), pursuant to the application of Mr. and Mrs. Jennings, Mr. Hawkins and Mr. and Mrs. Hernandez.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. He gave the property's location, parcel numbers and total acreage. The applicants are requesting to legitimize illegal lot splits. The Planning and Zoning Commission voted 3-5-1 to recommend denial of the request. Mr. Kirschmann reviewed the property's history, including permits, and reviewed factors both in favor and against approval. Staff received four letters in opposition to the rezoning and Mr. Kirschmann discussed the concerns raised in the letters. Mr. Kirschmann reviewed staff recommended conditions should the Board wish to approve the request.

The Board asked various questions concerning the property history. Mr. Kirschmann responded, and they discussed potential solutions.

Vice-Chairman English opened the Public Hearing.

Ms. Anne Chandler, resident, addressed the Board, stated that a solution is a tenancy in common, and expressed her opposition to the rezoning. Vice-Chairman English suggested that Ms. Chandler provide the information to the property owners and explained that it is not the Board's position to solve the problem.

No one else chose to speak and Vice-Chairman English closed the Public Hearing.

Chairman Borer made a motion to adopt Zoning Ordinance 20-14 amending certain Zoning district boundaries from RU-4 (Rural, one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres), pursuant to the application of Mr. and Mrs. Jennings, Mr. Hawkins and Mr. and Mrs. Hernandez. Supervisor Judd seconded the motion.

The Board and Mr. Kirschmann discussed the permitting history further.

Vice-Chairman English called for the vote and it failed 0-3 (Borer, English and Judd opposed).

17. Adopt Zoning Ordinance 20-15 amending certain Zoning district boundaries from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per four acres), pursuant to the application of Mr. and Mrs. Andasola.

Mr. Kirschmann presented this item using a PowerPoint presentation. He gave the property's location, parcel number and total acreage. The Planning and Zoning Commission voted 3-6 to recommend denial of the request. Mr. Kirschmann reviewed factors both in favor and against approval and staff recommended conditions of approval, should the Board approve the rezoning. He noted that the parcel is located in the AO-1 Flood Zone, a conex box was placed without permits or floodplain review, and concerns regarding the driveway and a right-of-way permit that is required. Staff received three letters of support for the rezoning.

The Board asked questions about the rezoning and Mr. Kirschmann responded.

Vice-Chairman English opened the Public Hearing.

Ms. Shari Andasola, applicant, addressed the Board and summarized the response she received when she applied for a right-of-way permit.

No one else chose to speak and Vice-Chairman English closed the Public Hearing.

Chairman Borer made a motion to adopt Zoning Ordinance 20-15 amending certain Zoning district boundaries from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per four acres), pursuant to the application of Mr. and Mrs. Andasola. Supervisor Judd seconded the motion.

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

18. Adopt Zoning Ordinance 20-16 amending certain Zoning district boundaries from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per four acres), pursuant to the application of Mr. Adam Husarek.

Mr. Kirschmann presented this item using a PowerPoint presentation. He gave the property's location, parcel number and total acreage. The request is to use the Owner-Builder Opt-Out and reduce zoning density appropriate with the parcel. The topography does not support a lot size of an acre or less. The Planning and Zoning Commission voted 9-0 to recommend approval. Staff received one letter of support for the rezoning. Mr. Kirschmann reviewed factors in favor of the proposal; no factors against were identified. Mr. Kirschmann also reviewed staff recommended conditions of approval, should the Board approve the rezoning.

Vice-Chairman English opened the Public Hearing.

Mr. Adam Husarek, applicant, addressed the Board and stated that when he purchased the land he was under the assumption he was purchasing rural land.

No one else chose to speak and Vice-Chairman English closed the Public Hearing.

Supervisor Judd moved to adopt Zoning Ordinance 20-16 amending certain Zoning district boundaries from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per four acres), pursuant to the application of Mr. Adam Husarek. Chairman Borer seconded the motion.

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

## **ACTION**

### **County Sheriff**

19. Approve Intergovernmental Agreement (IGA) 2020-075 between the Arizona Department of Public Safety (ADPS) and the Cochise County Sheriff's Office (CCSO), to continue to fund three full-time CCSO Southeast Arizona Border Region Enforcement (SABRE) sworn officers, effective when fully executed, through June 30, 2021, with automatic annual renewal options on July 1, 2021, for a period of time not to exceed five years from July 1, 2020.

Lieutenant Curtis Wilkins, Sheriff's Department, presented this item. He stated that this is a continuation of the IGA between the ADPS and the CCSO to reimburse, at 75%, one sergeant and two deputy positions for the SABRE unit.

The Board discussed the dollar amount of the IGA. Sheriff Mark Dannels, Lieutenant Wilkins, and Ms. Carol Schneider, Budget Manager, provided information that the reimbursement

amount from ADPS is \$215,000 and the County will pay 25%.

Supervisor Judd made a motion to approve intergovernmental agreement 2020-075 between the Arizona Department of Public Safety and the Cochise County Sheriff's Office, to continue to fund three full-time CCSO Southeast Arizona Border Region Enforcement sworn officers (SABRE), effective when fully executed, through June 30, 2021, with automatic annual renewal options on July 1, 2021, for a period of time not to exceed five years from July 1, 2020, in the amount of \$215,000. Chairman Borer seconded the motion.

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

20. Approve inter-fund transfer of \$543,000 from fund 570 to fund 100 for Sheriff's Office overtime and comp time funding requests.

Sheriff Dannels presented this item. He stated that this relates back to a previous Board decision relating to comp time payout and that County Administration and the Sheriff's Office agreed that this was the best plan.

Vice-Chairman English asked various questions and Sheriff Dannels responded. There was discussion about the history and source of money in fund 570, which is from reimbursements to the Sheriff's Office, and the requirement that the time be paid in the same year that it occurred.

The Board discussed funding transfer methods; funding needs and transferring the money back to the correct line item without taking from the General Fund budget.

Chairman Borer made a motion to approve the inter-fund transfer of \$543,000 from fund 570 to fund 100 for Sheriff's Office overtime and comp time funding requests. Supervisor Judd seconded the motion.

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

21. Approve Operation Stonegarden Contracts: 18-AZDOHS-OPSG-180401-05, reallocating funds in the amount of \$2,064 from the Arizona Department of Homeland Security (DOHS) to purchase Air Cards for the License Plate Readers (LPR's) trailers previously purchased through this grant/program, effective October 20, 2020 through August 31, 2021; and 18-AZDOHS-OPSG-180401-04, reallocating funds in the amount of \$27,895 for overtime and mileage, effective October 20, 2020 through July 31, 2021.

Lieutenant Ken Foster, Sheriff's Department, presented this item. He stated this is for the approval of two contracts and briefly summarized each.

Supervisor Judd made a motion to approve Operation Stonegarden Contracts: 18-AZDOHS-OPSG-180401-05, reallocating funds in the amount of \$2,064 from the Arizona Department of Homeland Security to purchase air cards for the License Plate Readers (LPR's) trailers previously purchased through this grant/program, effective October 20, 2020 through August 31, 2021; and 18-AZDOHS-OPSG-180401-04, reallocating funds in the amount of \$27,895 for overtime and mileage, effective October 20, 2020 through July 31, 2021. Chairman Borer seconded the motion.

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

## **Court Administration**

22. Approve Fiscal Year 2020-21 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), effective July 1, 2020 through June 30, 2021, in the amount of \$63,325 that includes \$25,000 matching funds from general fund, \$6,500 from cash carry forward, and \$6,825 from local Judicial Collection Enforcement Funds.

Ms. Niltza Flores, Associate Court Administrator, presented this item. She stated that this grant provides wages and expenses for a full-time Field Trainer position to provide on-site business process training.

Chairman Borer made a motion to approve a Fiscal Year 2020-21 Traffic Case Processing Funds funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts, effective July 1, 2020 through June 30, 2021, in the amount of \$63,325 that includes \$25,000 matching funds from general fund, \$6,500 from cash carry forward, and \$6,825 from local Judicial Collection Enforcement Funds. Supervisor Judd seconded the motion.

The Board discussed with Ms. Flores the timing of the funding agreement and the County's receipt of the reimbursement.

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

23. Approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County and the City of Sierra Vista, effective January 1, 2021 through June 30, 2022.

Ms. Christine Roberts, Chief Civil Deputy County Attorney, presented this item. She stated that previously, Cochise County and the City of Sierra Vista were operating under a Court Consolidation Agreement; the parties chose to make changes to that. Instead of Justice Court handling city code violations, the Superior Court will appoint a Judge Pro Tem to act as magistrate for those cases. Upon approval, the Sierra Vista City Council will appoint the Pro Tem, who will provide up to fifty hours of service per year.

The Board and staff discussed the involvement of the Justice of the Peace, and Justice-elect Mr. Kenneth Curfman, in the agreement. Mr. Karwaczka stated that the Justice of the Peace was not a party to the agreement and that Mr. Curfman will still be a Justice of the Peace and perform those duties. The Board also discussed that the Justice of the Peace still bears responsibility for staffing and the agreement's purpose being for the magistrate to co-locate in the County's building.

Chairman Borer moved to approve the Intergovernmental Agreement for Court Co-Location and Operations between Cochise County and the City of Sierra Vista, effective January 1, 2021 through June 30, 2022. Supervisor Judd seconded the motion.

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

## **Emergency Services**

24. Approve Emergency Management Performance Grant EMF-2020-EP-00009, for reimbursement not to exceed \$302,229.13, in Emergency Management related services, effective July 1, 2020 through June 30, 2021.

Mr. Gabe Lavine, Emergency Management Director, presented this item. He stated that this is the annual emergency management grant through the state, of which the County is a subrecipient. This grant covers day-to-day operating expenses related to the Emergency

Management Office and is a 50% reimbursement; this year, the County almost doubled the allocation due to the inclusion of the Countywide Radio System project. Approximately \$158,000 of the grant will go toward the Countywide Radio System annual costs.

Supervisor Judd made a motion to approve Emergency Management Performance Grant EMF-2020-EP-00009, for reimbursement not to exceed \$302,229.13, in Emergency Management related services, effective July 1, 2020 through June 30, 2021. Chairman Borer seconded the motion.

The Board recognized and thanked Mr. Lavine for his expertise and the amount of grant money he has brought in to the County; Mr. Lavine will be leaving the County.

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

## **Human Resources**

25. Approve the background check agreements between Cochise County and GovernmentJobs.com, Inc. (dba "NEOGOV") and AssureHire, Inc., with both agreements effective the date of execution, with NEOGOV renewing annually for \$2,000 per year, and AssureHire, Inc. renewing for successive one-year periods, with payment for services.

Ms. Jennifer Graeme, Associate Human Resources Director, presented this item. She stated that approval of these agreements will streamline processes and reduce the per background screening costs. The current process is manual, requiring a great deal of staff time, exposes staff to protected personal information of applicants and is a greater cost per screening. The agreement with NEOGOV will integrate the applicant tracking system with the background screening services of AssureHire, who will contact the candidate to obtain the protected personal information and perform the requested screenings. The request is included in this year's budget.

Chairman Borer moved to approve the background check agreements between Cochise County and GovernmentJobs.com, Inc. (dba "NEOGOV") and AssureHire, Inc., with both agreements effective the date of execution, with NEOGOV renewing annually for \$2,000 per year, and AssureHire, Inc. renewing for successive one-year periods, with payment for services. Supervisor Judd seconded the motion.

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

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

Mr. Karwaczka highlighted a few of the County's great employees, specifically Mr. Lavine's great work ethic; Ms. Marra's successful five elections for 2020; Ms. Lyda Carter, Facilities, for her work in the Willcox/Bowie area; and Ms. Chelsea Ng, Finance, was given high praise for her work for curing a finance glitch.

## ***SUMMARY OF CURRENT EVENTS***

### **Report by District 1 Supervisor, Thomas E. Borer**

Supervisor Borer thanked Mr. Lavine for his service.

### **Report by District 2 Supervisor, Ann English**

Supervisor English said there was a Veterans Day Parade at the Fairgrounds in Douglas, honoring their service. She thanked Mr. Lavine for his service.

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

Supervisor Judd congratulated Mr. Lavine on his new position and thanked him for his service.

Vice-Chairman English adjourned the meeting at 11:50 a.m.

APPROVED:

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Thomas E. Borer, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board