

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MAY 4, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 4, 2021 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman; Tom Crosby, Supervisor
Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Associate County Administrator; Paul Correa, Civil Deputy County Attorney; Kim Lemons, Clerk of the Board; Camila Rochin, Public Information Officer

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

Chairman English asked if public comments on any agenda items were received and Ms. Lemons stated there were none.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of April 20, 2021.
2. Approve acceptance of Quit Claim Deeds from Ms. Kathryn A. Canan (Grantor) to Cochise County for real property described as Lot 320 of Cochise Recreation Area Unit No. 2, as recorded in Book 5 of Maps and Plats, page 34; Lot 9 in Block 531 of Arizona Sun Sites, Unit No. 4, as recorded in Book 4 of Maps and Plats, page 68, records of Cochise County, Arizona as recommended by Development Services.

Court Administration

3. Approve the reappointment of Superior Court Judge Pro Tempore, Ms. 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 A.R.S. 12-144, effective July 1, 2021 through June 30, 2022.

4. Approve the reappointment of Ms. Candyce Pardee to serve as Superior Court Pro Tempore, on a part-time basis 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, 2021 through June 30, 2022.
5. Approve the reappointment of Justice Court Precinct Five Pro Tempore, Mr. Gary W. Ramaeker, the reappointment of Mr. Gerald F. Till, Mr. C.J. Garan, and Ms. Pamela Housh as county-wide Justice of the Peace Pro Tempores, the appointment of Ms. Candyce Pardee as county-wide Justice of the Peace Pro Tempore, all 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, 2021 through June, 30, 2022.

Engineering & Natural Resources

6. Adopt Resolution 21-07 to authorize the addition of roads within Kings Ranch at Coronado located in Hereford to the Cochise County Maintained Road System.

Finance

7. Approve demands and budget amendments for operating transfers.

Health & Social Services

8. Approve revised Amendment 3 to Intergovernmental Agreement (IGA) ADHS18-180472 between Cochise County and the Arizona Department of Health Services (ADHS) for the Arizona Prescription Drug Overdose Prevention Program, to revise the Price Sheet to include carry over funds in the amount not to exceed \$70,631.34.
9. Approve revised Amendment 4 to Intergovernmental Agreement (IGA) ADHS18-177676 between Cochise County and the Arizona Department of Health Services (ADHS) for Immunization Services, to revise the Price Sheet from \$125,000 to \$25,000.

Vice-Chairman Judd made a motion to approve items 1-9 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

10. Adopt Resolution 21-08 granting a Water Services Franchise renewal to Dragoon Water Company.

Mr. Correa presented this item. He stated that this is a renewal of a Water Franchise, previously approved by the Board, that will expire soon.

Chairman English opened the Public Hearing.

The Board and staff discussed this being a private company; the Franchise allowing usage of County rights-of-way without applying for permits each time; and, franchises being governed by ARS § 40-283. Supervisor Crosby read Paragraph 10 of the Franchise Resolution and stated that he would like to strike the paragraph; he reviewed a handout he provided to the Board and his thoughts about franchise fees and striking Paragraph 10. The Board discussed their opinions on the matter.

In response to the Board, Mr. Correa requested the Board go into Executive Session in order for him to provide legal advice on Paragraph 10.

Supervisor Crosby made a motion to table this item. The motion failed for lack of a second.

In response to the Board, Mr. Correa confirmed that his recommendation is to go into Executive Session now and that the Board may go into Executive Session during a Public Hearing.

Vice-Chairman Judd made a motion to go into Executive Session. Supervisor Crosby seconded the motion. Chairman English called for the vote and it was approved 3-0.

The Board moved into Executive Session at 10:12 a.m.

The Board came out of Executive Session at 10:16 a.m.

The Board discussed the potential for the legislature to change state law pertaining to franchise fees; the process by which a franchise would be amended to include fees; and, their opinions concerning Paragraph 10 and the impact of franchise fees.

Vice-Chairman Judd made a motion to adopt Resolution 21-08 granting a Water Services Franchise renewal to Dragoon Water Company. Supervisor Crosby seconded the motion.

The Board continued their discussion.

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

Development Services

11. Adopt Zoning Ordinance 21-07 to approve Docket R-21-01 - Adult Use Marijuana, an amendment to the Cochise County Zoning Regulations to regulate the production, processing, retail sale, and testing of recreational marijuana.

Chairman English stated that staff requested this item be tabled to the May 18, 2021 Regular Board Meeting.

Supervisor Crosby made a motion to table the adoption of Zoning Ordinance 21-07 to

approve Docket R-21-01 - Adult Use Marijuana, an amendment to the Cochise County Zoning Regulations to regulate the production, processing, retail sale, and testing of recreational marijuana to the May 18, 2021, Regular Board Meeting. Vice-Chairman Judd seconded the motion.

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

ACTION

County Attorney

12. Approve the City of Tucson High Intensity Drug Trafficking Area (HIDTA) Grant Agreement HT-21-2909, between the City of Tucson and Cochise County, in the amount of \$150,440, effective January 1, 2021 through December 31, 2022.

Mr. Brian McIntyre, County Attorney, presented this item. He stated that the City of Tucson is the pass-through entity for this area; Cochise County and one other county have a HIDTA Prosecutor. This annual grant pays for a Prosecutor and Legal Assistant.

Vice-Chairman Judd made a motion to approve the City of Tucson High Intensity Drug Trafficking Area (HIDTA) Grant Agreement HT-21-2909, between the City of Tucson and Cochise County, in the amount of \$150,440, effective January 1, 2021 through December 31, 2022. Supervisor Crosby seconded the motion.

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

County Schools

13. Approve the Elementary and Secondary School Emergency Relief I (ESSER 1) Grant, award number S425D200038, to the Cochise County School Superintendent's Office in the amount of \$49,397.78, effective April 11, 2021, through September 30, 2021.

Ms. Jacqui Clay, School Superintendent, presented this item. She stated that the grant is designed to address COVID-19 issues. She reviewed purposes that the grant may be used for; it will be used for jail education and the new accommodation school.

The Board and Ms. Clay discussed mandates such as mask-wearing and contact tracing; Ms. Clay confirmed that the grant does not mandate contact tracing.

Supervisor Crosby made a motion to approve the Elementary and Secondary School Emergency Relief I (ESSER 1) Grant, award number S425D200038, to the Cochise County School Superintendent's Office in the amount of \$49,397.78, effective April 11, 2021, through September 30, 2021. Vice-Chairman Judd seconded the motion.

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

County Sheriff

14. Approve Cooperative Service Agreement 20-73-04-0228-RA between Cochise County and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service and Wildlife Services, to assign a Wildlife Specialist to Cochise County for predator and disease control under the Wildlife Damage Management program to be conducted, in the amount of \$42,211, effective July, 1 2021 through June 30, 2022.

Chief Mark Napier, Chief of Staff, Sheriff's Office, presented this item. He stated that this grant will provide a Wildlife Specialist to control wildlife events in the County; the grant pays the salary and a portion of benefit costs. The Board expressed their appreciation for the individual in the position.

Vice-Chairman Judd made a motion to approve Cooperative Service Agreement 20-73-04-0228-RA between Cochise County and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service and Wildlife Services, to assign a Wildlife Specialist to Cochise County for predator and disease control under the Wildlife Damage Management program to be conducted, in the amount of \$42,211, effective July, 1 2021 through June 30, 2022. Supervisor Crosby seconded the motion.

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

15. Approve Grant Agreement HT-21-2912 with the Southwest Border Arizona Region High Intensity Drug Trafficking Area (HIDTA) for the Sheriff's Office, to participate in the Southern Arizona Major Investigative Team (SAMIT) in the amount of \$72,167 for salaries, partial fringe benefits (ERE), services, and supplies, effective January 1, 2021 through December 31, 2022.

Chief Napier presented this item. He stated that this will allow the County to participate in SAMIT, and reviewed the amount of the grant and what it can be used for; overtime is not included in the grant. HIDTA targets major drug trafficking organizations. The grant has been in place for some time.

In response to the Board, Chief Napier stated that there is a specific Deputy assigned to SAMIT, 15% of Employee-Related Expenses (EREs) are covered by the grant, and that the Sheriff's Office will keep the Board informed of SAMIT activities.

Supervisor Crosby made a motion to approve Grant Agreement HT-21-2912 with the Southwest Border Arizona Region High Intensity Drug Trafficking Area (HIDTA) for the Sheriff's Office, to participate in the Southern Arizona Major Investigative Team (SAMIT) in the amount of \$72,167 for salaries, partial fringe benefits (ERE), services, and supplies, effective January 1, 2021 through December 31, 2022. Vice-Chairman Judd seconded the motion.

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

Court Administration

16. Approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Douglas, Cochise County Superior Court and Douglas Justice Court #2, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals.

Mr. Karwaczka presented this item. He discussed the obligations of counties and cities

for establishing Courts, and recognized Mr. Daniel Duchon, Budget Manager, and Ms. Victoria Yarbrough, City of Sierra Vista, for their efforts in establishing a formula to determine operational costs. The Court Co-Location agreements will help recover some of the operational costs.

The Board expressed their appreciation for staff's efforts.

Vice-Chairman Judd made a motion to approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Douglas, Cochise County Superior Court and Douglas Justice Court #2, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals. Supervisor Crosby seconded the motion.

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

17. Approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Willcox, Cochise County Superior Court and Willcox Justice Court #4, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals.

Chairman English noted that this is the same agreement but with the City of Willcox.

Supervisor Crosby made a motion to approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Willcox, Cochise County Superior Court and Willcox Justice Court #4, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals. Vice-Chairman Judd seconded the motion.

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

18. Approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Bisbee, Cochise County Superior Court and Bisbee Justice Court #1, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals.

Chairman English noted that this is the same agreement but with the City of Bisbee.

Vice-Chairman Judd made a motion to approve Intergovernmental Agreement (IGA) for Court Co-Location and Operations between Cochise County, City of Bisbee, Cochise County Superior Court and Bisbee Justice Court #1, effective retroactively to July 1, 2020 through June 30, 2022, with automatic one-year renewals. Supervisor Crosby seconded the motion.

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

Health & Social Services

19. Approve a Technical Assistance and Training Agreement between Cochise Health & Social Services and the Public Health Foundation for Quality Improvement Basics Training for 25 staff members over the course of five to six weeks totaling \$17,000.

Dr. Alicia Thompson, Health and Social Services Director, presented this item. She provided an overview of the agreement and the training, noting that this training is the

foundation for accreditation. Funding to cover costs is covered by the accreditation grant that the County received.

Vice-Chairman Judd made a motion to approve a Technical Assistance and Training Agreement between Cochise Health & Social Services and the Public Health Foundation for Quality Improvement Basics Training for 25 staff members over the course of five to six weeks totaling \$17,000. Supervisor Crosby seconded the motion.

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

Housing Authority

20. Adopt Resolution 21-09 to approve Streamlined 5-Year 2020-2025 (AZ034v2) and Administrative Plan for Fiscal Year 2020, revising Resolution 20-02 approved on April 7, 2020.

Ms. Anita Baca, Housing Authority Director, presented this item. She provided background information on the Board's original approval of the Plan. The United States Department of Housing and Urban Development (HUD) asked for changes to the Plan regarding the Violence Against Women Act (VAWA) and substantial deviation. She reviewed in detail the changes made in response to HUD.

The Board discussed a potential change to add the word "outlets"; their opinions on committing to expanding the program for five years; the difficulty of administering the program; and, the program being to help people get out of substandard conditions. In response to the Board, Ms. Baca stated that there are 493 Housing Choice Vouchers and a maximum of 88 vouchers for HUD-VASH (Veterans Affairs Supportive Housing), and spoke to the number and status of applications received when the waiting list was opened. If there is an issue when the eviction moratorium ends, HUD will issue guidance.

Vice-Chairman Judd made a motion to adopt Resolution 21-09 to approve Streamlined 5-Year 2020-2025 (AZ034v2) and Administrative Plan for Fiscal Year 2020, revising Resolution 20-02 approved on April 7, 2020. Supervisor Crosby seconded the motion.

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

STATE & FEDERAL LEGISLATION

21. 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 that the state legislature has been in session for 100 days and there have been no developments with the budget or election legislation.

No Board Action was taken on this item.

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

Mr. Karwaczka introduced Mr. Ben Wilson, Deputy of Operations, Health and Social Services Department, and provided information on Mr. Wilson's background and experience. He reported on the progress of centralizing grants administration under the Finance Department, and announced that Ms. Sacha Dwyer, Finance Department, is the Grants Administrator.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English reported on Cinco de Mayo celebration activities and her hopes that COVID-19 is not spread.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported on Sunsites Community Association activities and expressed appreciation to the Board on behalf of the Stronghold Area Recreational Park Association for the Board's approval of funding for a fence for the dog park.

Chairman English adjourned the meeting at 11:04 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board