

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, JUNE 22, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 22, 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; Christine Roberts, Chief 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

CALL TO THE PUBLIC

No one chose to speak.

PRESENTATION

Presentation by Ms. Krist-Anah Watkins, Mental Health Coordinator, on the Giving Recovery a Chance (GRACe) Program.

Ms. Watkins presented this item using a PowerPoint presentation. She outlined the GRACe Program, including how it works; target population; goals and how they are accomplished; the issues and how to break the cycle; missing pieces; team members; community partners; challenges; successes; savings; and, the cost to participants and to the County. In response to the Board, she addressed the recidivism rate, and confirmed that the success rate is higher than 80%.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of June 8, 2021.
2. Adopt Resolution 21-12 designating Mr. Keith Buonocore, Chief Fiscal Officer, for submitting the Fiscal Year 2022 Expenditure Limitation Report per ARS 41-1279.07(E).

County Sheriff

3. Approve an Intergovernmental Agreement (IGA) among Cochise College, Sierra Vista Police Department, and the Cochise County Sheriff's Office to continue operating the Southeastern Arizona Law Enforcement Training Academy (SEALETA), effective July 26, 2021 through May 5, 2022.

Finance

4. Approve demands and budget amendments for operating transfers.

Supervisor Crosby made a motion to approve items 1-4 on the Consent Agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

5. Adopt Zoning Ordinance 21-09 rezoning two parcels totaling 20.33 acres from RU-10 (Rural; one dwelling per 10 acres) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Mr. Ryan Barney.

Chairman English opened the Public Hearing.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. This request is to rezone two parcels from RU-10 to RU-4. He gave the property's location, total acreage, site plan, and the existing and proposed uses. The Planning and Zoning Commission recommended approval. He reviewed the factors in favor of approval, noting that none were identified against approval, and the three recommended conditions of approval.

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

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 21-09 rezoning two parcels totaling 20.33 acres from RU-10 (Rural; one dwelling per 10 acres) to RU-4 (Rural; one dwelling per four acres), pursuant to the application of Mr. Ryan Barney. Supervisor Crosby seconded the motion.

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

6. Adopt Zoning Ordinance 21-10 to rezone parcel 116-09-400A from SR-43 (Single-Family Residential, one dwelling per 43,000 square feet) to SR-174 (Single-Family Residential, one dwelling per 174,000 square feet), pursuant to the application of Mr. Samuel Klein.

Chairman English opened the Public Hearing.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint Presentation. This request is for a rezoning from SR-43 to SR-174. He gave the property's location, total acreage, site plan, and proposed use. The Planning and Zoning Commission recommended approval. He reviewed the factors in favor of and one factor against approval, and the two standard conditions of approval.

The Board and Mr. Coxworth discussed other homes in the vicinity, and the Board's support of alternative construction materials and downzoning.

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

Supervisor Crosby made a motion to approve RZ21-09 located on parcel 116-09-400A with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact. Vice-Chairman Judd seconded the motion.

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

7. [Rehearing from April 20, 2021 meeting] Approve or deny the Holcomb appeal (SUA-21-02) of the Planning and Zoning Commission's March 10, 2021 approval of Special Use SU-21-05 (MM Ft Grant Rd).

Chairman English opened the Public Hearing.

Ms. Christine McLachlan, Planner II, presented this item using a PowerPoint presentation. She gave the history of the Special Use Authorization and of the appeal. The Board must consider two requirements when evaluating appeals of Special Use cases: all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; and, whether the appellant can prove there was an omission of evidence, and that omission is sufficient to warrant a modification or reversal of the Planning and Zoning Commission's (Commission) decision. She reviewed the appellant's claims, regarding odor mitigation and cannabis regulations, and provided staff's analysis of each claim. She reviewed the factors in favor of the appeal and in favor of denial of the appeal. Staff recommends denial of the appeal.

In response to the Board, Mr. Karwaczka stated that there are no nuisance regulations regarding rural areas.

Ms. Roberts stated that the factual and legal basis for the Board's decision needs to be specifically stated by the Board.

Mr. John Holcomb, appellant, Mr. Merlin Hamilton, Mr. John Haugh, and Mr. Timothy La Sota addressed the Board and discussed various reasons in support of the appeal.

Applicant representative Mr. Adam Baugh, property owner Mr. Kim Bennett, and Mr. John Chapman addressed the Board and discussed various reasons in opposition to the appeal.

Chairman English noted that the Board is voting on the appeal, rather than the Special

Use Authorization. At the Board's request, Ms. Roberts responded to comments made by Mr. Haugh; there is not a 30-day time limit to reconsider the appeal, and the Special Use Authorization would be grandfathered in under Zoning Regulations in place at the time of the Commission's approval.

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

Supervisor Crosby made a motion to deny the appeal (SUA-21-02), upholding the March 10, 2021, approval by the Planning and Zoning Commission of SU-21-05, the Factors in Favor of an Appeal Denial constituting Findings of Fact, which includes the failure to prove the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion. Vice-Chairman Judd seconded the motion.

Supervisor Crosby stated that the reason for his vote is the difference between rural and suburban zoning regulations that he did not understand. Chairman English stated that her reason is that the Commission did not act erroneously, arbitrarily, capriciously, or in a way that was an abuse of discretion. Vice-Chairman Judd stated that her reason is due to there being dissenting votes on the Commission, being supportive of local businesses, and that the Commission may not have fully understood the impact it would have and could have made an error in the decision.

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

ACTION

Board of Supervisors

8. Approve Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy, as required by ARS 38-863.01, effective July 1, 2021.

Mr. Karwaczka presented this item. He stated that statute requires PSPRS unfunded liability and the Policy to be put forth annually. Approximately \$2.4 million will be paid this year; making the minimum payment over a 30-year period results in the unfunded liability increasing. There will be a future Work Session to discuss the unfunded liability. The Policy is similar to last year.

The Board discussed the Board's position that PSPRS unfunded liability needs to be addressed and the Board having the ability to change the Policy in the future.

Vice-Chairman Judd made a motion to approve Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy, as required by ARS 38-863.01, effective July 1, 2021. Supervisor Crosby seconded the motion.

Supervisor Crosby made comments regarding removing Sierra Vista and including the Correction Officer Retirement Plan (CORP) in various graphs, discussed with Mr. Karwaczka the wording in Policy Section I.A.3, and noted concerns about Policy Section II.B.

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

9. Approve Community Enhancement Fund expenditures for District 2: Economic Impact Study for the Two Port Solution, in the amount of \$10,000.

Chairman English presented this item. She stated that the Economic Impact Study (Study) for the Two Port Solution has not been completed; the SouthEastern Arizona Governments Organization (SEAGO) and the City of Douglas requested assistance from the County in funding the Study.

Vice-Chairman Judd made a motion to approve Community Enhancement Fund expenditures for District 2: Economic Impact Study for the Two Port Solution, in the amount of \$10,000. Supervisor Crosby seconded the motion.

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

10. Approve Community Enhancement Fund expenditures for District 2: Move hydrant in Pirtleville, in the amount of \$9,000.

Chairman English presented this item. She stated that the fire hydrant is in the County's right-of-way; it needs to be moved to the front of the new Pirtleville Fire Department building.

Supervisor Crosby made a motion to approve Community Enhancement Fund expenditures for District 2: Move hydrant in Pirtleville, in the amount of \$9,000. Vice-Chairman Judd seconded the motion.

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

County Attorney

11. Approve the Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-22-021 in the amount of \$152,218, between the ACJC and Cochise County, effective July 1, 2021 through June 30, 2022.

Ms. Roberts presented this item. She stated that this grant funds one full-time Attorney III and 60% of an Attorney II, who prosecute drug and violent crimes; the grant is annual. In response to the Board, she clarified that the grant funds existing, rather than new, Attorney positions.

Vice-Chairman Judd made a motion to approve the Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement DC-22-021 in the amount of \$152,218, between the ACJC and Cochise County, 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.

County Sheriff

12. Approve Intergovernmental Agreement (IGA) between Cochise County and Naco School District and the addition of one Position Control Number (PCN), allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective July 1, 2021 through June 30, 2022.

Chief Mark Napier, Chief of Staff, Sheriff's Office, presented this item. He stated that the Naco School District received grant funding in the amount of \$75,100 for an SRO. A reserve Deputy will assume the position for the duration of the grant; the Sheriff's Office will absorb costs not covered by the grant in its budget. A temporary PCN is being requested for the duration of the grant period. In response to the Board, Chief Napier clarified that the salary and Employee-Related Expenses (EREs) are anticipated to exceed \$75,100; and, the position will assume the duties of a regular Deputy when school is not in session.

Supervisor Crosby made a motion to approve Intergovernmental Agreement (IGA) between Cochise County and Naco School District and the addition of one Position Control Number (PCN), allowing the Cochise County Sheriff to assign a full-time deputy as the Naco School Resource Officer (SRO), effective July 1, 2021 through June 30, 2022. Vice-Chairman Judd seconded the motion.

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

Development Services

13. Approve Grant Agreement for Airport Improvement Program (AIP) No. 3-04-0049-007-2021 between the Federal Aviation Administration (FAA) and Cochise County, in the amount of \$1,539,901 to reconstruct the apron at the Cochise County Airport in Willcox, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Mr. Coxworth presented this item. He stated that this grant is to reconstruct the apron at the Cochise County Airport; the Board previously approved a grant for design, and it is now moving forward to construction. He reviewed the construction timeline.

Vice-Chairman Judd made a motion to approve Grant Agreement for Airport Improvement Program (AIP) No. 3-04-0049-007-2021 between the Federal Aviation Administration (FAA) and Cochise County, in the amount of \$1,539,901 to reconstruct the apron at the Cochise County Airport in Willcox, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Supervisor Crosby seconded the motion.

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

14. Approve a Contract for Construction Services with Pavex Corp, in the amount of \$1,261,670, to reconstruct the apron at the Cochise County Airport.

Mr. Coxworth presented this item. He stated that this item is the contract for the construction of the apron at Cochise County Airport. Pavex Corp. was the low bidder at \$1,261,670; the remainder of the grant approved as agenda item 13 will be used for engineering services, construction administration, and sponsor administration.

Supervisor Crosby made a motion to approve a Contract for Construction Services with Pavex Corp, in the amount of \$1,261,670, to reconstruct the apron at the Cochise County

Airport. Vice-Chairman Judd seconded the motion.

The Board and Mr. Coxworth discussed the potential of the City of Willcox taking over the Airport.

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

Emergency Services

15. Approve Subrecipient Agreement 19-AZDOHS-HSGP-190400-03 between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Office of Emergency Services for reimbursement, not to exceed \$10,000, of the cost of active shooter response equipment, effective January 1, 2021 through December 31, 2021, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Ms. Judy Lynn, Emergency Services Director, presented this item. She stated that these funds will be used to reimburse the cost of active shooter equipment, and listed the equipment. There is no matching funds requirement.

Vice-Chairman Judd made a motion to approve Subrecipient Agreement 19-AZDOHS-HSGP-190400-03 between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Office of Emergency Services for reimbursement, not to exceed \$10,000, of the cost of active shooter response equipment, effective January 1, 2021 through December 31, 2021, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Supervisor Crosby seconded the motion.

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

16. Approve Subrecipient Agreement 19-AZDOHS-HSGP-190400-04 between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Office of Emergency Services for reimbursement, not to exceed \$2,500, of the cost of a mobile dispatching workstation, effective January 1, 2021 through December 31, 2021, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022.

Ms. Lynn presented this item. She stated that these funds will be used to reimburse costs of a mobile dispatching workstation due to power outages for 911 service. There is no matching funds requirement.

Supervisor Crosby made a motion to approve Subrecipient Agreement 19-AZDOHS-HSGP-190400-04 between the Arizona Department of Homeland Security (AZDOHS) and Cochise County Office of Emergency Services for reimbursement, not to exceed \$2,500, of the cost of a mobile dispatching workstation, effective January 1, 2021 through December 31, 2021, with the understanding grant administration will be transferred to the County Finance Department in fiscal year 2022. Vice-Chairman Judd seconded the motion.

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

STATE & FEDERAL LEGISLATION

17. 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 noted that the Legislature is still in session.

Supervisor Crosby read excerpts of a proclamation prepared by State Representative Gail Griffin regarding public lands that he would like the County to adopt. Chairman English noted that he could work with Mr. Karwaczka if he would like a Work Session to discuss it.

No Board Action was taken on this item.

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

Mr. Karwaczka reported that Ms. Xochitl Orozco, Legal Advocate, was selected to participate on a statewide task force about criminal justice court matters.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby noted that he attended the Natural Resources Conservation District (NRCD) meeting; he spoke to fire danger and urged everyone to be extremely cautious.

Report by District 2 Supervisor, Ann English

Chairman English spoke regarding fire danger and noted the danger of fireworks due to current conditions.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported that she attended a Growing Water Smart workshop; a Work Session will be held to review the outcome of the workshop.

Chairman English adjourned the meeting at 11:29 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Kim Lemons, Clerk of the Board