

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, JULY 27, 2021**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, July 27, 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, 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; Camila Rochin, Public Information Officer

Chairman English called the meeting to order at 10:09 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 noted that agenda item 14 will be considered after agenda item 6.

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***CALL TO THE PUBLIC***

No one chose to speak.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of July 13, 2021.
2. Approve a Proclamation declaring August 2021 to be Child Support Awareness Month.

**County Assessor**

3. Approve the Assessor's recommendation to approve the attached list of sixty-two 2021 property tax exemption applications that qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2021.

### **Court Administration**

4. Approve a proclamation declaring the week of July 18-24, 2021 as Pretrial, Probation and Patrol Week in Cochise County.

### **Finance**

5. Approve demands and budget amendments for operating transfers.

### **Workforce Development**

6. Approve Amendment 1 to IGA DI21-002289 between Cochise County and the Arizona Department of Economic Security, for the Workforce Innovation and Opportunity Act (WIOA) Service Delivery Area, effective July 1, 2020 through June 30, 2025, to increase fund balances.

Vice-Chairman Judd made a motion to approve items 1-6 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

Chairman English noted the two proclamations approved on the Consent Agenda.

### ***PUBLIC HEARINGS***

#### **Board of Supervisors**

7. Approve a Series #12 (Restaurant) new Liquor License application submitted by Mr. Salvatore Tirrito, for Tirrito Farms LLC, located at 6150 S. Kansas Settlement Road, Willcox, AZ 85643.

Ms. Lemons presented this item. She stated that the application was reviewed and recommended for approval by the appropriate departments; property taxes are current; there have been no formal protests; and, the applicant paid the \$100 processing fee. Board staff recommended approval.

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

Vice-Chairman Judd made a motion to approve a Series #12 (Restaurant) new Liquor License application submitted by Mr. Salvatore Tirrito, for Tirrito Farms LLC, located at 6150 S. Kansas Settlement Road, Willcox, AZ 85643. Supervisor Crosby seconded the motion.

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

8. Approve a Multi-License Acquisition of Control liquor license application submitted by Ms. Andrea Lewkowitz, for Western Refining Retail LLC, located at 5217 S. Hwy 92, Sierra Vista, AZ 85635 and at 5620 S. Hwy 92, Hereford, AZ 85615.

Chairman English opened the Public Hearing.

Ms. Lemons presented this item. She stated that the application was reviewed and recommended for approval by the appropriate departments; property taxes are current; there have been no formal protests; and, the applicant paid the \$100 processing fee. Board staff recommended approval.

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

Vice-Chairman Judd made a motion to approve a Multi-License Acquisition of Control liquor license application submitted by Ms. Andrea Lewkowitz, for Western Refining Retail LLC, located at 5217 S. Hwy 92, Sierra Vista, AZ 85635 and at 5620 S. Hwy 92, Hereford, AZ 85615. Supervisor Crosby seconded the motion.

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

## **Development Services**

9. Adopt Zoning Ordinance 21-12 to approve Docket R-21-02, Amendments to Article 17 and Article 18 of the Cochise County Zoning Regulations to provide consistency between the County's Adopted International Building Code and Cochise County Zoning Regulations.

Chairman English opened the Public Hearing.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. He noted that staff is proposing a number of amendments to the Zoning Regulations (Regulations) to accompany the Building Code update. He detailed the proposed changes, and reasons for them, to the following Sections of the Regulations: 1705 - Application for Building/Use Permit; 1709.02 and 1709.03 - Final Inspection Requirements and Time Limits; 1714.02 - Combined Permit Fees (for Owner-Builder); 1720.03 - Particular Temporary Uses Permitted; Section 1816 - Swimming Pools; and, 1819.02 - Water Conservation Measures - Sierra Vista Sub-watershed Overlay Zone.

The Board and Mr. Coxworth discussed in detail the reasons for proposing to delete Section 1714.02; currently, the Regulations allow an Owner-Builder permit to have an unlimited number of accessory structures with one fee of \$157. The Board discussed continuing to allow accessory structures under the Owner-Builder process, the number of structures to allow, and cost recovery and potential fees. In response to the Board, Mr. Coxworth stated that state law requires a permit where the value exceeds \$1,000. The Board and Mr. Coxworth discussed a potential amendment to Exhibit A to keep Section 1714.02.

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

Supervisor Crosby made a motion to adopt Zoning Ordinance 21-12 to approve Docket R-21-02, Amendments to Article 17 and Article 18 of the Cochise County Zoning Regulations to provide consistency between the County's Adopted International Building Code and Cochise County Zoning Regulations. Vice-Chairman Judd seconded

the motion.

Vice-Chairman Judd made a motion to amend the motion to include a change to Section 1714.02 to say an application for a permit qualifying for a rural residential Owner Builder may apply for a permit for a home plus one accessory structure, for the one flat permit fee of only the single family dwelling. Chairman English seconded the motion.

Chairman English called for the vote and it was approved 2-0-1 (Crosby).

Supervisor Crosby made a motion to amend Section 1714.02 to read Section 1714.02, Combined Permit Fees. An application for a permit qualifying for a rural residential Owner Builder may apply for a permit for a home including up to four (4) accessory structures, one of which may be a pool, for the one flat permit fee of only the single family dwelling. Single-Family Residential Opt-out builders are assessed a flat \$157 fee (no inspection) or \$325 (limited inspection). County staff is instructed to take necessary actions consistent with the intent of this amendment. The motion failed for lack of a second.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 21-12, as amended, text amendments of the Cochise County Zoning Regulations associated with the Building Code update. Supervisor Crosby seconded the motion.

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

## **ACTION**

### **Board of Supervisors**

10. Sitting as the Cochise County Board of Equalization, the Board of Supervisors will uphold or amend the Assessor's decision for the Taxpayer Notice of Claim for parcel numbers 105-07-004, 107-56-028B, and 203-25-009.

Mr. Ted Offutt, Chief Appraiser, presented this item. He stated that the Notice of Claim is for three McDonald's restaurants, regarding the square footage. The Assessor's Office (Assessor) re-measured the properties and found that the square footages were understated, resulting in an increase in value.

Mr. Michael Naifeh, taxpayer representative, addressed the Board. He stated his disagreement with the Assessor's procedure, conclusion and assessed value. In response to the Board, he confirmed that he is challenging the measurement.

In response to the Board, Mr. Offutt provided information about how the measurement was taken and stated that it was measured in the same manner as all commercial properties in the County. The Board discussed their role being to ensure that the same process is being used for like properties, and Mr. Offutt confirmed.

In response to the Board, Mr. Naifeh stated that Arizona Department of Revenue (ADOR) procedures state that the measurement needs to be taken from the foundation. He stated that the Assessor measured from wall to wall, which is not proper per ADOR procedures. He discussed the construction, noting that the McDonald's frame goes over the foundation and that there are fake walls that are not part of the area. According to his measurements, there is a 90 square foot reduction in size compared to the

Assessor's measurement. He stated that the presumption that the Assessor is correct does not pertain due to the Assessor not following ADOR procedures.

In response to the Board, Ms. Roberts stated that the County needs to be consistent in following the same processes, and requested that Mr. Offutt address the comments and the processes followed. Mr. Offutt stated that one or two inches of stucco will not account for the discrepancies in measurements. The Assessor has adopted the practice of measuring on the wall throughout the County.

The Board, Mr. Offutt and Mr. Naifeh discussed the 90 square-foot difference being for one of the properties; the methods of measuring; this being for tax years 2018 through 2020; and, reasons that ADOR procedures are not always able to be followed. The Board discussed the Board's role; applying the same process to everyone and the ADOR procedures. In response to the Board, Mr. Offutt confirmed that the taxpayer is not in arrears on taxes.

In response to the Board, Ms. Roberts stated that the Assessor attempts to follow the ADOR guidelines, but there are times when they are unable to do so. They are consistently applying the process across the County; the Board's role is to ensure that the process is applied properly. The Board is not capable of ruling on whether the ADOR guidelines could be met in a particular situation.

Mr. Naifeh made further comments regarding the ADOR guidelines and the method of measuring. Mr. Offutt reiterated that a few square feet will not account for the difference in square footage.

Supervisor Crosby made a motion to, sitting as the Cochise County Board of Equalization, the Board of Supervisors will amend the Assessor's decision for the Taxpayer Notice of Claim for parcel numbers 105-07-004, 107-56-028B, and 203-25-009. The Board discussed the amendment. Supervisor Crosby clarified that the amendment to the Assessor's decision is to go with the measurement according to ADOR guidelines.

The Board discussed the motion and the ADOR guidelines in further detail. Ms. Roberts clarified that they are guidelines, not regulations, and stated that the Board is here to determine if the Assessor's Office made an error. This is the process that the Assessor applies across the County, and if this process needs to be applied to the property because it is as close to the ADOR guidelines as they can get, then she does not know that an error was made. The Board cannot insist that the Assessor follow regulations that do not exist. The Board discussed the Assessor's process in further detail.

The Board discussed the motion and procedural matters in further detail.

Supervisor Crosby restated the motion as sitting as the Cochise County Board of Equalization, the Board of Supervisors will amend the Assessor's decision to comply with ADOR guidelines for the Taxpayer Notice of Claim for parcel numbers 105-07-004, 107-56-028B, and 203-25-009. The motion failed for lack of a second.

Vice-Chairman Judd made a motion to table agenda item 10, concerning the Board of Equalization support of the Assessor's decision until the next Regular Board Meeting. Supervisor Crosby seconded the motion.

Supervisor Crosby requested the Assessor's procedures. In response to the Board, Ms. Roberts confirmed that the item can be tabled to the next meeting. Mr. Naifeh stated his

agreement to table the item.

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

Chairman English suggested the Assessor contact the Board members individually to explain the process.

Ms. Lemons stated for the record that the next meeting is August 10, 2021.

11. Approve Community Enhancement Fund expenditures for District 2: Compact and Chip Seal Oak Street in Pirtleville, in the amount of \$2,600.

Chairman English presented this item. She stated that the Pirtleville Community Cemetery cut Oak Street and replaced a pipeline; this request is for \$2,600 to seal the road after the pipeline is placed.

Vice-Chairman Judd made a motion to approve Community Enhancement Fund expenditures for District 2: Compact and Chip Seal Oak Street in Pirtleville, in the amount of \$2,600. Supervisor Crosby seconded the motion.

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

## **County Sheriff**

12. Approve Arizona Criminal Justice Commission (ACJC) Grant No. DC-22-003 to the Cochise County Sheriff's Office to fund the Special Operations Division's overtime and Employee-Related Expenses (EREs) related to its narcotics and smuggling investigations, in the amount of \$122,971, effective July 1, 2021 through June 30, 2022.

Chief Mark Napier, Chief of Staff, Sheriff's Office, presented this item. He stated that the grant is under the Drug, Gang and Violent Crime Control task force, and reviewed the amounts provided for overtime and EREs, the total amount, the grant term and the grant's purpose.

Vice-Chairman Judd made a motion to approve Arizona Criminal Justice Commission (ACJC) Grant No. DC-22-003 to the Cochise County Sheriff's Office to fund the Special Operations Division's overtime and Employee-Related Expenses (EREs) related to its narcotics and smuggling investigations, in the amount of \$122,971, 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 Treasurer**

13. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2021-37 to 2021-65.

Ms. Cathy Traywick, County Treasurer, presented this item. She stated that this is for the abatement of property taxes and interest on personal property items, most of which are mobile homes that have been destroyed, demolished or removed from the area.

The abatement is so that taxes are not levied on property that is no longer in the County. Ms. Traywick recognized Deputy Alexis Reynolds, Sheriff's Office, for her assistance.

Vice-Chairman Judd made a motion to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance No. 2021-37 to 2021-65. Supervisor Crosby seconded the motion.

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

## **Development Services**

14. Adopt Resolution 21-15 the 2015 Edition of the International Building Code and other Related Codes, including Appendices and Amendments as set forth in Exhibit A.

This item was considered immediately after agenda item 6.

Mr. Paul Esparza, Building Official, presented this item using a PowerPoint presentation. He reviewed the purpose of the Building Codes (Codes) and the reasons for updating them. The Building Code Advisory and Appeals Board (BCAAB) met twice to review and make recommendations on the Code change and local amendments; members of the BCAAB are present at today's meeting. He reviewed the Codes in place in communities throughout the County and the Codes recommended for adoption; there is a new International Swimming Pool and Spa Code, and staff is recommending the adoption, in addition to the 2015 Codes, of the 2018 International Residential Code, Appendix Q, Tiny Houses.

In response to the Board, Mr. Esparza confirmed that the main purpose of the Codes is to provide minimum standards to protect the public health, safety and general welfare relating to the construction and occupancy of buildings and structures. The Board discussed their opinions on the Codes and their purpose.

Vice-Chairman Judd made a motion to adopt Resolution 21-15 the 2015 Edition of the International Building Code and other Related Codes, including Appendices and Amendments as set forth in Exhibit A. Supervisor Crosby seconded the motion.

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

## **STATE & FEDERAL LEGISLATION**

15. 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 has adjourned and there is nothing further for this item; the Board will receive lists of the laws from this legislative session.

No Board Action was taken on this item.

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

Mr. Karwaczka reported on the recent monsoon storm event, including the status of repairs to fissures on Old Fort Stewart Road and Apache Powder Road; a utility issue at Washington Avenue; County road crews reviewing and fixing issues; difficulties Solid Waste trucks are having in Whetstone; and, leaking and roof repairs at various County facilities. He acknowledged Mr. Steve Parra, Superintendent I, Facilities Department, who is retiring after 37 years. He reported on the Library, which now has 150,000 digital titles.

**SUMMARY OF CURRENT EVENTS**

**Report by District 1 Supervisor, Tom Crosby**

Supervisor Crosby apologized for not being present in-person.

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

Chairman English deferred her report.

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

Vice-Chairman Judd discussed surveying all roads and acknowledged Ms. Judy Lynn, Emergency Services Director, for her work assisting the City of Willcox with sandbags.

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

APPROVED:

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Ann English, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board