

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, February 8, 2011**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, February 8, 2011 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Patrick G. Call, Chairman; Ann English, Vice-Chairman; Richard Searle, Supervisor

Staff Present: Michael J. Ortega, County Administrator;
Jim Vlahovich, Deputy County Administrator;
Britt W. Hanson, Chief Civil Deputy County Attorney;
Katie Howard, Clerk of the Board

Chairman Call 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

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of January 25, 2011.

Finance

2. Approve demands and budget amendments for operating transfers.

Solid Waste Management

3. Approve rejection of all bids in response to Request for Proposals (RFP) No. 10-11-SWM-04 for Solid Waste Hauling Services.

Approve Consent Agenda, Items 1-3.

Motion by Vice-Chairman Ann English, Second by Supervisor Richard Searle

Vote: 3 - 0 Approved

PUBLIC HEARINGS

Community Development

4. *TABLED ITEM (From 12/21/2010 Board Meeting):*

Adopt Ordinance 041-11, Docket R-09-02, entitled the "COCHISE COUNTY HAZARD ABATEMENT ORDINANCE" to abate/remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitutes a hazard to public health and safety.

Motion by Supervisor Richard Searle, Second by Vice-Chairman Ann English to remove Item 4 from the Table.

Vote: 3-0 Approved

Carlos De La Torre, Community Development Director, presented this item using a PowerPoint presentation. He explained the purpose of the Hazard Abatement Ordinance and what its limitations are, adding that it is not intended to be a neighborhood beautification process. He showed photos of the types of hazards that would be subject to the Ordinance and reviewed with the Board that there were on average 400 complaints of violations per year. Approximately thirty of those cases are assigned to a Hearing Officer. Since 2008, thirty-one complaints have become Hazard Abatement cases (7.8%); and of those six are ready for abatement with a fiscal impact of \$87,745. Mr. De La Torre explained that outdoor storage complaints would not fall under this Ordinance (but may be zoning violations) and that trash/garbage in public or private property also would not come under this Ordinance because those would be matters dealt with by the Solid Waste Department.

Chairman Call opened the Public Hearing:

Mr. Mike Jackson reminded the Board that at the meeting in June 2008, the Board directed staff to make a simple change in the Ordinance, directing that the change to Arizona Revised Statutes section 11-268 be incorporated in the Ordinance to allow persons multiple years to repay for abatement costs. He objected to the multiple re-writes the Ordinance has undergone since that time, saying that staff over-reached the direction of the Board. He pointed out that the Board could still approve that single change today, to incorporate the change in the law, if they wanted to without re-writing the entire Ordinance and making people unhappy. He stated that there have been many comments from the public in opposition to the proposed changes to the Ordinance.

Helene Jackson addressed the Board next and stated that the Board had heard from them and from other county residents about their objections. She questioned why the Board would sign into law anything that relies on staff to interpret anything, be it now or ten years from now.

Jane Shuck, a resident of McNeal spoke to the Board saying that she is fed up about people making new laws at the expense of the taxpayers and taxing the middle class to death. She is opposed to the Hazard Abatement Ordinance.

No one else wished to address the Board during the Public Hearing and Chairman Call closed the Public Hearing.

Vice-Chairman English pointed out that there have been 400 complaints per year from

the public and the County has to follow up on those to determine if they are truly hazards adding that this Ordinance is for the purpose of trying to take care of those that are truly hazards. This document is a starting point, she stated. She agreed that any new rules require oversight.

Supervisor Searle stated that the Board has discussed and debated this Ordinance several times. He added that he has had some concerns; however, with the inclusion of the purpose statement from the previous Ordinance. he thinks it includes what it needs to and he intends to support it.

Motion by Supervisor Richard Searle, Second by Vice-Chairman Ann English to adopt Ordinance 041-11, Docket R-09-02, entitled the "COCHISE COUNTY HAZARD ABATEMENT ORDINANCE" to abate/remove rubbish, trash, weeds, filth, debris or dilapidated buildings which constitutes a hazard to public health and safety.

Chairman Call called for the vote.

Vote: 3-0 Approved

ACTION

Board of Supervisors

5. Approve issuance of a letter to the Bureau of Land Management (BLM) asserting the establishment of Coordination status for Cochise County with BLM.

Motion by Vice-Chairman Ann English, Second by Supervisor Richard Searle Mr. Ortega explained that Items 5 & 6 are similar. The federal government has established rules which provide that they must coordinate with local governments on matters of joint concern. One of the recent issues that has come up is regarding the Spikedace and Loach Minnows and the County has concerns regarding the proposed federal plans. "Coordinator" status would put the county at the table in equal status with the federal agencies in the conversation relative to these concerns. He is recommending that the Board establish the coordinator status with both the Bureau of Land Management and the US Fish & Wildlife Services. He pointed out that had the County had coordinator status during the Hereford Bridge and Moson Road projects, the County might have had some influence over some things that developed during those projects.

Supervisor Searle commented that the Board had sent a similar letter last year to the US Forest Service and asked why this action was necessary. Mr. Ortega pointed out that this letter would serve as a reminder to the federal agencies that Cochise County expects to have coordinator status. Chairman Call pointed out that the BLM had specifically stated that they coordinate with local agencies if they are officially asked to and that with this letter, we are officially asking. Supervisor Searle observed that we have MOUs in place with both the BLM and the US Forest Service that require coordination but agreed that this letter would reaffirm the County's status.

Chairman Call asked Mr. Ortega to prepare a Board Resolution requiring all federal agencies recognize Cochise County's coordination status and bring it to the Board for adoption in the near future.

Vote: 3 - 0 Approved

6. Approve issuance of a letter to the US Fish & Wildlife Service (USFWS) asserting the establishment of Coordination status for Cochise County with USFWS.

Motion by Vice-Chairman Ann English, Second by Supervisor Richard Searle

Vote: 3 - 0 Approved

Cochise Aging & Social Services

7. Approve payment of invoice in the amount of \$60,000 to Attachmate for the software application called Reflections.

Motion by Supervisor Richard Searle, Second by Vice-Chairman Ann English

Mary Gomez, Director of CASS presented this item, stating that she hates to bring the Board items that are unexpected and have a big price tag, in this case \$53,788.80. She explained that this is for a terminal emulation software that connects CASS computers to a server. Seventeen years ago there was a license for Reflections, but it was for a contractor, not paid by the County. There are currently 52 users and no license has ever been purchased by the County. In July 2010, CASS asked for an upgrade to the software because it hadn't been upgraded in seventeen years. The software provider was not aware that CASS had the software installed and initiated a discovery of how many licenses CASS was using. She said that the company was going to charge us for 60 licenses, but CASS identified a number of people who are not actually using the software and brought it down to the cost for 52 licenses.

Ms. Gomez stated that the payment would include the cost of the upgrade and one year of support. She also pointed out that if the County had been paying for this all along, the cost of all licenses would have been over \$21,000; plus maintenance and support of over \$47,000, the total of which exceeds the amount she was requesting authorization to pay now. She added that CASS has negotiated the software costs down to the current amount from an initial quote of over \$64,000. Ms. Gomez observed that the Information Technologies Department was not previously responsible for procurement of software and that she is working with them to ensure an accurate inventory of licenses for software. She concluded by saying that CASS has the money to cover the cost for this one-time payment and that ongoing costs will be just over \$2,000 annually.

Vice-Chairman English stated that now that this has been brought to our attention, we need to pay the costs and pointed out that if the software had crashed, it would have come to our attention sooner.

Vote: 3 - 0 Approved

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

This item was not addressed.

STATE AND FEDERAL LEGISLATION

8. Discussion and possible action on legislative bills listed on the attached January 31st bill tracking sheet.

Mr. Ortega recapped what is going on with state legislation, referring to the attached Bill Summary provided by the County Supervisors Association with the status of each bill. He said he is watching developments closely, and observed that the discussion at the state level can be broken down into the following three components: budget issues; a lobby effort by Maricopa County Elected Officials' bidding for fiscal independence from the Board of Supervisors and the status of CSA-sponsored bills. He discussed the concerns that had been raised with respect to the Elected Officials' proposal generally. He stated that he would keep the Board apprised of future developments.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

Chairman Call opened the Call to the Public. Mr. Jack Cook addressed the Board on matters of personal concern. No one else wished to address the Board and he closed the Call to the Public.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Chairman Call reported that he would be attending numerous meetings this upcoming week including (on Wednesday) the Upper San Pedro Partnership, a Planning & Zoning Commission retirement celebration for Lee Basnar and on Wednesday evening a presentation to the Tea Party providing an overview of the County's budget; on Thursday he will attend a Sierra Vista Chamber of Commerce meeting regarding City of Sierra Vista issues and on Friday a Water Resources Development Commission meeting in Phoenix regarding Fort Huachuca.

Report by District 2 Supervisor, Ann English

Vice-Chairman English commented that all three Supervisors attended the Mayor/Mgrs meeting this past week. She added that she attended a meeting in Bisbee this past week regarding Arizona Street. She reported that construction has finally begun on Arizona Street now, after four years, and that it should be a nice place to drive in the future. This is a good step forward for residents and visitors alike.

Report by District 3 Supervisor, Richard Searle

Supervisor Searle reported that he will be attending the Sunsites Community Meeting this week.

Chairman Call adjourned the meeting at 10:54 a.m.

APPROVED:

Patrick Call, Chairman

ATTEST:

Katie Howard, Clerk of the Board

"PUBLIC PROGRAMS, PERSONAL SERVICE"