

Board of Supervisors

Ann English
Chairman
District 2

Richard R. Searle
Vice-Chairman
District 3

Patrick G. Call
Supervisor
District 1



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Clerk of the Board

AGENDA FOR REGULAR BOARD MEETING
Tuesday, June 11, 2013 at 10:00 AM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

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

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

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.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 21, 2013.
2. Approve an application for a Permanent Extension of Premises liquor license submitted by Mr. John L. Permenter for P-C Cattlerest Bar located on 933 S. Haskell Road in Willcox.

County Treasurer

3. Approve the renewal of Request for Proposals (RFP) No. 10-46-TRE-03 for Banking Services with JP Morgan Chase Bank for the County Treasurer for the period of July 1, 2013 through June 30, 2015.

County Sheriff

4. Approve Contract #2013-164-050 between the Governor's Office of Highway Safety (GOHS) and the Sheriff's Office providing \$46,000 in funding for a DUI Enforcement vehicle for the term of October 1, 2012 through September 30, 2013.

Finance

5. Approve demands and budget amendments for operating transfers.

Health

6. Approve ADHS IGA#13-036322, STD Services, between the Arizona Department of Health Services and Cochise Health & Social Services, in the amount of \$2,271 for the period of 1/1/13 – 12/31/13.

Indigent Defense

7. Approve the renewal of contracts for Indigent Defense Contract Services to seventeen Attorneys for the period of July 1, 2013 through June 30, 2014.

PUBLIC HEARINGS

Board of Supervisors

8. Adopt Resolution 13-13 granting the combination of existing franchises East Slope Water Company, Antelope Run Water Company, and Indiada Water into one franchise namely East Slope Water Company, Inc. for a 25 year term effective June 11, 2013 to June 11, 2038.

Community Development

9. Approve Docket SUA-13-04A, Audubon Arizona, an appeal of Planning and Zoning Commission's April 10, 2013, approval of Docket SU-13-04, Red Horse Wind 2, Torch Renewable Energy Advisors, LLC special use permit.

ACTION

Board of Supervisors

10. Approve an award of contract for Legal Advertising Services in accordance with ARS §11-255, and as per responses received to Invitation for Bids (IFB) No. 13-38-PUR-03 to _____ at a cost of \$ _____ per column inch for the period of July 1, 2013 through June 30, 2014.

Community Development

11. Adopt Resolution 13-14, to abandon a portion of Ghost Town Trail right-of-way adjoining the Pearce Jail and to convey the Pearce Jail, including the abandoned right-of-way, to Old Pearce Preservation Association, as described therein.

County Assessor

12. Uphold or amend the Assessor's decision for the Petition for Review of Taxpayer Notice of Claim for parcel 202-01-009 E (Madison Diversified 882 Corp)

County Sheriff

13. Approve City of Tucson High Intensity Drug Trafficking Area (HIDTA) Grant Agreement HT-13-2330 with a term of January 1, 2013 to December 31, 2014 providing a total of \$109,659 in salary, employee related expenses, overtime, vehicle expenses and equipment to assign one deputy sheriff to the Southeastern Arizona Major Investigative Team (SAMIT), a U.S. Drug Enforcement Administration drug enforcement task force.

Health & Social Services

14. Approve the Ancillary Services Agreement between Cochise Health & Social Services and Aetna Health, Inc. effective for a one-year term beginning on June 15, 2013 with automatic annual renewals.

STATE & FEDERAL LEGISLATION

15. Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda and the proposed State budget.

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

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Richard Searle

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603
(520) 432-9200 - Fax (520) 432-5016 - Email: board@cochise.az.gov
www.cochise.az.gov

"PUBLIC PROGRAMS, PERSONAL SERVICE"

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: n/a

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE of PRESENTER: n/a

Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of May 21, 2013.

Background:

Minutes

Department's Next Steps (if approved):

Signed minutes routed for processing and posted on the internet.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Send to the Recorder's Office for microfiche purposes.

Attachments

Minutes

Board of Supervisors

Regular Board of Supervisors Meeting**Meeting Date:** 06/11/2013

Permanent Extension of Premises for Cattlerest Bar

Submitted By: Arlethe Rios, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation**Document Signatures:****NAME** n/a
of PRESENTER:**Mandated Function?:****Recommendation:****# of ORIGINALS****Submitted for Signature:****TITLE** n/a
of PRESENTER:**Source of Mandate
or Basis for Support?:****Information****Agenda Item Text:**

Approve an application for a Permanent Extension of Premises liquor license submitted by Mr. John L. Permenter for P-C Cattlerest Bar located on 933 S. Haskell Road in Willcox.

Background:

Mr. John L. Permenter has applied for a Permanent Extension of Premises/Patio liquor license for P-C Cattlerest Bar located at 933 S. Haskell Road in Willcox. The extension of premises/patio is permanent and will cover the entire property. The Sheriff's Office and Planning and Zoning have recommended approval of the application. Supporting documentation regarding this liquor license is on file with the Clerk of the Board of Supervisors.

Department's Next Steps (if approved):

Board staff will forward the Board's decision to the ADLLC.

Impact of NOT Approving/Alternatives:

The applicant will not be able to serve liquor outside of the established premises.

To BOS Staff: Document Disposition/Follow-Up:

Board staff will forward the Board's decision to the ADLLC.

AttachmentsApplicationCompleted Review Forms

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Contract Renewal for Banking Services

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME N/A

TITLE N/A

of PRESENTER:

of PRESENTER:

Mandated Function?: Federal or State Mandate

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the renewal of Request for Proposals (RFP) No. 10-46-TRE-03 for Banking Services with JP Morgan Chase Bank for the County Treasurer for the period of July 1, 2013 through June 30, 2015.

Background:

On June 25, 2010, the Board of Supervisors approved the award of RFP No. 10-46-TRE-03 for Banking Services for the County Treasurer. The terms of the contract specified a 3-year contract with the option to renew for an additional 2-year period. The Treasurer has agreed to renew the contract for the additional 2-year period and the vendor has agreed to comply with the original terms, conditions and pricing for the additional 2-year period.

Department's Next Steps (if approved):

Execute renewal contract and monitor performance.

Impact of NOT Approving/Alternatives:

County would not be in compliance with ARS §35-325.

To BOS Staff: Document Disposition/Follow-Up:

Procurement will hand carry renewal contracts to Clerk of the Board.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$):

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

Miscellaneous bank fees as proposed

Attachments

Renewal Contract

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

GOHS Unmarked Vehicle Grant

Submitted By: Mark Genz, County Sheriff

Department: County Sheriff

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME Mark P. Genz

TITLE Commander

of PRESENTER:

of PRESENTER:

Docket Number (If applicable):

Mandated Function?: Not Mandated

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve Contract #2013-164-050 between the Governor's Office of Highway Safety (GOHS) and the Sheriff's Office providing \$46,000 in funding for a DUI Enforcement vehicle for the term of October 1, 2012 through September 30, 2013.

Background:

This grant is from the Governor's Office of Highway Safety for the purchase of an unmarked, police package vehicle to be use for DUI and traffic enforcement.

Department's Next Steps (if approved):

Upon approval from GOHS, the Sheriff's Office will purchase and deploy the vehicle.

Impact of NOT Approving/Alternatives:

Sheriff's Office will not receive necessary equipment for continued and enhanced DUI and traffic enforcement.

To BOS Staff: Document Disposition/Follow-Up:

Upon completion please return both original copies to the Sheriff's Office so they can be forwarded to the Governor's Office of Highway Safety.

Attachments

Agreement

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve demands and budget amendments for operating transfers.

Background:

Auditor-General's requirement for Board of Supervisors to approve.

Department's Next Steps (if approved):

Return to Finance after BOS approval.

Impact of NOT Approving/Alternatives:

Board of Supervisors will not be in compliance with State law.

To BOS Staff: Document Disposition/Follow-Up:

Return to Finance after BOS approval.

Regular Board of Supervisors Meeting**Meeting Date:** 06/11/2013

IGA#: ADHS 13-036322, STD Services

Submitted By: Jennifer Steiger, Health & Social Services**Department:** Health & Social Services**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:****NAME of PRESENTER:** n/a**TITLE of PRESENTER:** n/a**Mandated Function?:** Federal or State Mandate**Source of Mandate or Basis for Support?:** ADHS

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Information**Agenda Item Text:**

Approve ADHS IGA#13-036322, STD Services, between the Arizona Department of Health Services and Cochise Health & Social Services, in the amount of \$2,271 for the period of 1/1/13 – 12/31/13.

Background:

Cochise Health & Social Services (CHSS) has received funds from the ADHS for many years to provide screening, laboratory testing, treatment, and follow-up for sexually transmitted diseases (STDs) primarily Gonorrhea, Chlamydia, and Syphilis. Through this contract CHSS is funded to ensure availability of STD care, treatment and services to our community.

These grant funds primarily subsidize the cost for the laboratory testing and treatment regimens for STDs. General Funded nursing staff provide these services based on a sliding fee schedule. The Nursing Division will continue to use ingenuity and fees collected in the provision of care as sources of funding to avoid an impact on the General Fund budget in order to continue providing these services. The CHSS Director will inform the Board, in advance, of the time when these fees are no longer adequate or the impact on General Funds becomes unsupportable.

This amendment deletes in its entirety, Uniform Terms and Conditions, Page Three (3), Provision Three (3), Contract Administration and Operation, Item 3.3, Non-Discrimination, and replaces it with the following: Non-Discrimination. The Contractor shall comply with State Executive Order No. 2009-09 and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.

Department's Next Steps (if approved):

Your approval is respectfully requested.

Impact of NOT Approving/Alternatives:

Not approving this amendment would increase impact on General Funds, may cause the inability of CHSS to collect reimbursement for STD testing services from the ADHS; and could cause cessation of this important public health service to the community.

To BOS Staff: Document Disposition/Follow-Up:

BOS signature is not required. A fully executed original will be sent to the Clerk of the Board for filing purposes.

Fiscal Impact

Fiscal Year: 2013
One-time Fixed Costs? (\$\$\$):
Ongoing Costs? (\$\$\$):
County Match Required? (\$\$\$):
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): \$114
Source of Funding?: ADHS

Fiscal Impact & Funding Sources (if known):

Grant: STD
Amount: \$2,271
Salaries & ERE's: \$0
Authorized OH: \$0
Small Grant OH at 5%: \$114
Net County Subsidy: \$114

* Small grant rate used for subsidy calculation since there are no salaries/ere's *

Attachments

STD Amend 5-13

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Contract Renewal for Indigent Defense Contract Attorneys

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME N/A

TITLE N/A

of PRESENTER:

of PRESENTER:

Mandated Function?: Federal or State Mandate

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the renewal of contracts for Indigent Defense Contract Services to seventeen Attorneys for the period of July 1, 2013 through June 30, 2014.

Background:

On June 26, 2012, the Board of Supervisors approved the award of Request for Qualifications (RFQ) No. 11-02-CAO-01 to adopt a qualified list of nineteen (19) attorneys to provide indigent defense services. The terms of the RFQ included a provision to renew the contract for up to four (4) years in one-year periods. This is the first year renewal period. All contract attorneys agreed to renew their contract, with minor revisions to the original contract terms, with the exception of Kent Law Group. During the first contract period one attorney, Abigail Jensen, terminated her contract.

Department's Next Steps (if approved):

Assign work on a rotation basis. Monitor contract performance.

Impact of NOT Approving/Alternatives:

IDC will no longer have a contractual agreement with court-appointed private attorneys and will return to the former hourly payment method for those attorneys.

To BOS Staff: Document Disposition/Follow-Up:

No action required.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$):

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

Based on FY12/13 expenses, IDC has budgeted \$577,000 for this expenditure: \$348,500 in fund line 100-1310-9-432.320, Adult Indigent Defense, and \$228,500 in fund line 100-1310-9-432.310, Juvenile Indigent Defense.

Attachments

List of Contract Attorneys

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Franchise for East Slope Water Company

Submitted By: Gussie Motter, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: Deputy County Attorney

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE of PRESENTER: Deputy County Attorney

Mandated Function?:

Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Adopt Resolution 13-13 granting the combination of existing franchises East Slope Water Company, Antelope Run Water Company, and Indiada Water into one franchise namely East Slope Water Company, Inc. for a 25 year term effective June 11, 2013 to June 11, 2038.

Background:

A request was made by the owner to combine existing franchises (East Slope Water Company, Antelope Run Water Company, and Indiada Water) into one franchise area in order to provide water service as one Company, namely East Slope Water Company, Inc. The utility will service approximately 1005 service connections, about 3,518 people.

Department's Next Steps (if approved):

The franchise was sent to the CAO on 5/28 for signature "approved as to form."

Impact of NOT Approving/Alternatives:

Without a Franchise, the water company will not be allowed to apply for license to work in the public rights-of-way.

To BOS Staff: Document Disposition/Follow-Up:

Record along with the signed Acceptance of Franchise and send a copy to the applicant.

Attachments

Resolution and Acceptance of Franchise

Public Notice

Application and Hearing Notice

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Appeal of Special Use Authorization for Torch Renewable Energy, LLC.

Submitted By: Beverly Wilson, Community Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME of PRESENTER: Beverly Wilson

TITLE of PRESENTER: Deputy Director Planning Division

Mandated Function?: Not Mandated

Source of Mandate or Basis for Support?:

Docket Number (If applicable): SUA-13-04 (Audubon Arizona-Appellant)

Information

Agenda Item Text:

Approve Docket SUA-13-04A, Audubon Arizona, an appeal of Planning and Zoning Commission's April 10, 2013, approval of Docket SU-13-04, Red Horse Wind 2, Torch Renewable Energy Advisors, LLC special use permit.

Background:

MEMORANDUM

SUBJECT: Docket SUA-13-04–Audubon Arizona (Appellant)

RE: SU-13-04 (Red Horse Wind 2; Torch Renewable Energy Advisors, LLC)

DATE: May 28, 2013, for the June 11, 2013 Meeting

I. APPEAL OF SPECIAL USE AUTHORIZATION

This is an appeal of a Special Use authorization granted by the Planning and Zoning Commission on April 10, 2013 for a proposed Wind Energy Power Plant west of Willcox. The Applicant is Torch Renewable Energy Advisors, LLC. The utility-scale project would generate up to 51-megawatts (MW) of power, and include up to 28, approximately 475-foot tall turbines/generators, with an accessory operation and maintenance facility. The subject properties include nine Sections of Arizona State Land Department (ASLD) Trust Land (T13S, Range 22E, Sec.15,16,17,20,21,22,27,28 and 29) and possibly a small portion of private land (parcel no. 209-69-001), all of which are zoned RU-4.

II. PLANNING AND ZONING COMMISSION VOTE ON APRIL 10, 2013

The Commission considered the staff report, staff presentation and the Applicant's testimony at the hearing, as well as testimony from several members of the public. The Commission voted 8-0 to Conditionally Approve the Special Use request, with one abstention.

The public's testimony focused on the various and ongoing biological and cultural studies undertaken as part of the Applicant's right-of-way application to the Arizona State Lands Department. Concern was conveyed about what is perceived as a project moving forward through the various permitting processes too quickly. It was suggested that at this juncture data is lacking to fully realize the scope of potential impacts upon natural resources, namely local bird and bat populations, and what mitigation might be need to minimize threats.

III. NATURE OF APPEAL

The Appellant, Audubon Arizona, is appealing the Commission's decision of Conditional Approval for reasons stated in a letter (attached) to the Board of Supervisors. A portion of the Appeal reads as follows: "We respectfully request that the County Board of Supervisors modify the Planning and Zoning Commission's approval of a special use permit for this project to include stipulation that a wildlife conservation plan be written in cooperation with the Arizona Game and Fish Department and necessary avian, bat and wildlife studies be completed and the results given due consideration prior to construction and final decisions for placement of the wind towers..."

Tucson Electric Power (TEP), the likely power purchasers of the Red Horse Wind 2 project, is, according to the Appellant, willing to "...facilitate the discussions concerning the environmental concerns associated with this project if needed."

The Appellant indicates that data collected thus far regarding potential risks to various avifauna such as golden eagles suggests that conclusive data are lacking to determine the full scope of impacts, and therefore, any approval at this time is premature. The project's location near to the Willcox Playa, an important migratory flyway for sandhill cranes in particular, is cited by the Appellant as a major point of concern. In addition, it is suggested that ecotourism revenues in the County might suffer without knowing what potential impacts exist and mitigation measures needed on biological resources.

IV. DESCRIPTION OF SUBJECT PARCELS AND SURROUNDING LAND USES

Size of Project Site: Approximately nine Sections (nine square miles)

Zoning: RU-4 (Rural; 1 minimum lot size 4 acres)

Growth Area: Category D (Rural Growth Area)

Area Plan: None

Comprehensive Plan Designation: Rural

Existing Uses: State grazing leases (War Bonnet Ranch); open space

Surrounding Zoning

Relation to Subject Parcel Zoning District Use of Property

North RU-4 Private ranch land, ASLD grazing leases; open space

South RU-4 ASLD grazing leases; open space

East RU-4 ASLD grazing leases; open space

West RU-4 ASLD grazing leases; open space

V. PARCEL HISTORY

A commercial permit was issued to Torch Renewable Energy, LLC in October 2012, for a 197-ft. temporary meteorological (met) tower on this site.

VI. BACKGROUND

Wind energy in the United States now accounts for more than 9,000-MW, enough electricity to power approximately 2.3 million homes. A rough rule of thumb is that one MW produces enough power for 250 to 300 homes (fide, American Wind Energy Association). While wind currently provides less than one-percent of the nation's total energy needs, many states are looking to increase their supplies of renewable energy. Over the past decade, there has been significant interest in jumpstarting renewable energy development in Arizona. Arizona's Climate Change Action Plan (2006) outlines specific recommendations for State regulators, including setting an aggressive goal of reducing state greenhouse gas emissions to year 2000 levels by 2020, and to 50-per cent below 2000 levels by 2050. Furthermore, in 2012, following a three-year environmental analysis, the Department of Interior designated 192,000-acres of public land in Arizona as potentially suitable for utility-scale renewable energy development. Lands identified were chosen due to their "low resource sensitivity and few environmental conflicts," as well as their proximity to transmission capability, load centers and areas with high demand. Although solar energy has received the most attention, there has been some interest in developing Arizona's wind resources as well.

Torch Renewable Energy, LLC, a Houston-based energy developer with nearly 3,500-MW of wind projects in various stages of development across the western United States, has submitted this request.

If approved, Red Horse Wind 2 would be the County's first wind energy project of this magnitude. Most of the proposed project site (nine Sections in total) is under the the jurisdiction of the Arizona State Land Department (ASLD) with grazing leases administered by that agency. There would also possibly be one turbine sited on a small portion of private land. The project site is located approximately 14-miles west of Willcox and approximately 15-miles north of Interstate 10, with access taken in part via West Airport Road in Willcox as previously noted.

Federal and State lands are zoned by Cochise County in the event lands transfer to private ownership. In addition to the Special Use Application submitted to the Community Development Department, the Applicant has filed an Application for Right-of-Way (ROW) with the ASLD. Approval of the ROW application would authorize the construction, operation, maintenance and decommissioning of that portion of the project sited on State-administered land. Similar to the County's review process, the ASLD requires project review by outside agencies for compliance with various requirements and to determine mitigation if needed.

The ASLD recognizes the value of local oversight and voluntary compliance with local regulations and permitting requirements. As stewards of State Trust Lands and with a legal and fiduciary obligation to maximize returns to beneficiaries of the trust, the ASLD has a critical interest in the development of renewable energy in Arizona.

Fig. 1. View southeast towards general location of turbine array

The State holds a competitive advantage over the federal government and private landowners because of the ASLD's ability to sell or lease multiple parcels at once; this is advantageous to energy developers who would otherwise need to negotiate individually with potentially numerous private landowners. The ASLD also has some competitive advantages over the Bureau of Land Management (BLM), for example, in that wind energy projects on federal lands are subject to more rigorous federal requirements, which typically do not apply to projects proposed on State land.

VII. NATURE OF THE REQUEST

The area of the project site is a very rural and isolated portion of the County with vast areas of open space. The major topographical features near the project site are the Winchester Mountains just to the north and east with "Allen Flat" lying to the south and west. Area land use activities include livestock grazing. Residential development within the project boundaries and in the immediate area virtually non-existent. The occurrence of development does increase gradually the farther one travels eastward on Airport Road towards Willcox. Access to the site is proposed from the east via West Airport Road and East Three Links Road, existing County-maintained roadways improved for a portion of its length, then continuing west and north via North Muleshoe and North Warbonnet Roads.

As noted, up to 28-turbines/generators would produce up to 51-MW that would be distributed in part by a nearby existing 34.5 (kV) Kilovolt overhead transmission line. The wind turbines themselves would be approximately 487-foot in height, with 192-foot diameter blades/rotors.

Fig. 2. Vestas V100 turbine and rotor

The project's associated infrastructure would include a 34.5-kV substation, service roads, double overhead transmission and underground transmission lines, as well as a 2,400-square foot operations and maintenance facility and two-34.5-kV overhead transmission lines. These lines would tie in to the regional grid via the new substation (which in turn would connect to the existing Winchester substation to the southwest), and would continue westward roughly paralleling the existing Tucson Electric Power's (TEP) overhead transmission lines along the I-10 corridor. The ancillary infrastructure needed for interconnection and maintenance would be sited on State-administered land. The Applicant has indicated that wind systems manufactured by Vestas or Nordex would be employed, with each turbine to be spaced approximately 1,300-ft. apart. The Interconnection Request was posted with TEP last October, and the associated System Impact Study work is scheduled for completion by the end of this month. The

expectation is to have an Interconnection Agreement executed no later than August 2013. In addition, the project was approved by the Federal Aviation Administration (FAA).

If approved, construction is slated to begin in the last quarter of this year with build-out by the end of 2014. The project would create 50-new full-time jobs during construction and about four permanent full-time jobs at build-out.

Fig. 3. 345 kV line

VIII. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10-factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use authorization, as well as to determine what Conditions and/or Modifications and Waivers may be needed. Eight of the 10-criteria apply to this request. The project as submitted complies with six of the eight applicable Special Use factors. If the Conditions of Approval recommended by staff and the requested Modifications are approved, the project would comply with all eight of the applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The property is not within the boundary of any area plan. However, the proposed project complies with the applicable County Comprehensive Plan (Plan) policies relative to the appropriateness of the use in Category D–Rural areas, as large-scale renewable energy projects are generally considered appropriate uses in rural areas.

Of note is that Section F (Intergovernmental Coordination) of the Plan speaks to the potential impacts that other governmental agencies' actions might have upon the people, land and resources of the County, and how those actions must be carried out in a manner consistent with the Goals and Policies of the Plan.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.” Furthermore, Section 601.07 offers the following purpose statement:

“To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/ suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site...”

As indicated in Section A (Compliance with Duly Adopted Plans), large-scale renewable energy projects are typically appropriate uses in expansive rural areas. As a Special Use, an oversight mechanism exists to ensure that this non-residential (commercial) use is sensitive to the rural and natural environments.

C. Development Along Major Streets: Not Applicable

The project site is not located along any roadway designated an arterial.

D. Traffic Circulation Factors: Complies with Condition 5

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed. As noted, the project site takes access via North Taylor Road, to West Airport Road, both County-maintained roadways improved for much of the length, and then to unimproved North Muleshoe and North War Bonnet Roads. These roadways are inadequately designed to handle the various oversized construction-related vehicles that must access the site. Airport Rd., the improved segment in particular, may require major repair and improvements post-construction due to the number of trips and the sheer weight of the large transport vehicles expected. Condition 5 of Approval speaks to the need for the Applicant to repair all County-maintained roads traversed during construction phases to pre-construction conditions.

The Applicant is advised that at the Commercial Permit phase a ROW/Encroachment Permit would be needed for the access apron onto any County-maintained roadways. Per the County's Transportation Planner, a formal Traffic Study would not be required.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer, and utility services on the property, as applicable. Adequate access to service the operation would be provided. The Willcox Fire Department would provide emergency services if needed.

F. Significant Site Development Standards: Complies with Condition 7 and Requested Modifications

As submitted, the project site complies with most applicable site development standards for the Rural Zoning Districts. With nine Sections of land, the project could easily meet the minimum site standards for parking, loading and maximum site coverage, for example. By virtue of the type of use, a Modification of the 45-foot maximum permitted wind turbine height per Section 604.02 would be required to allow for the 487-foot turbine heights. The Applicant has proposed 16-foot wide access driveways, smaller than the minimum 20-foot required by the Zoning Regulations. A Modification is requested to allow for the proposed access width.

To help ensure safety, as a Condition of Approval, staff recommends minimum setbacks at least equal to a horizontal distance, from the turbines' base to the property boundary of the project property, equal to the total height of the turbine structure as measured from its base to the tip of its highest blade, plus 10-foot, which is 497-feet. Doing so would protect neighboring properties in the event of fall over and would allow for additional land area to perform repairs or removal. Landscaping and screening are not required for this project because the site lies within a Category D Rural Growth Area.

G. Public Input: Complies

The Applicant completed the requisite Citizen Review process by mailing notice to the two private property owners within one-mile of the parcels' boundaries, but did not receive any response. As part of the Special Use application process. The Community Development Department also mailed notice to property owners within one-mile of the site, the ASLD and two private property owners.

To date, the Department has received one Department form letter from an area resident who conveyed concerns about potential impacts on view sheds and existing agriculture-related uses. Letters of support were received from the Southeast Arizona Economic Development Group, the City of Willcox, the Willcox Chamber of Commerce, the Willcox Regional Economic Development Alliance and the Benson City Council.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials are to be stored or utilized on site.

I. Off-site Impacts: Complies with Condition 1, 3, 5 and 7

Biological/Natural and Cultural Resources

Construction and operational activities associated with wind energy development can generate various biological impacts, such as avian and bat mortality and displacement. Federal and state agencies oversee the development of wind energy projects on public land, and federal laws such as the Migratory Bird Treaty Act and the Endangered Species Act (ESA) are designed to protect wildlife from human intrusions on public and private land, and to ensure wind energy projects are sited in areas that pose minimal threat to natural and cultural resources. There are also a set of guidelines and policies developed by the U.S. Fish and Wildlife Service (FWS) and a number of state agencies, including the Arizona Game and Fish Department (AZG&FD) to encourage early consideration of natural resources for wind energy development. These guidelines emphasize the need for a proactive approach to help wind energy developers identify and avoid sensitive areas from the very beginning of project consideration in order to reduce ecological impacts and project delays.

The AZG&FD must work with wind developers to plan environmental impacts monitoring prior to and post construction as part of that agency's environmental monitoring requirements—this process was initiated by the Applicant, and is ongoing. In addition, the FWS has submitted comments indicating that the Applicant conferred with that agency on January 24 to discuss pre-construction avian and bat risk studies.

A biological consultant is currently gathering data on behalf of the Applicant to determine biodiversity in and adjacent to the project site, the abundance of local prey bases, and what mitigation measures might be needed to protect particularly sensitive species.

These studies are being conducted in accordance with the federal and state land based wind energy guidelines.

Various fauna and avifauna, including lesser long-nosed bat (formally recognized as endangered by the FWS), pronghorn, and golden eagle, have been documented in the area of the project site as seasonal visitors and breeding species. Although golden eagles do not enjoy protection under the ESA, they are provided special protections under the Bald and Golden Eagles Protection Act. Several other raptor species, including peregrine falcons, have been observed in the area as well; such species also are afforded protection by the Migratory Bird Treaty Act.

In addition to the biological inventories and studies, a cultural resource inventory will be completed over the next several months. These studies are slated for completion in late fall 2013, with the final configuration of the turbine array based in part on the findings of the biological and cultural inventories. At the public hearing in April, the Applicant indicated that post-construction avian and bat mortality monitoring would occur.

As noted above, the ASLD requires a right-of-way for access to and use of State lands for wind energy development, but does not require a commercial lease of the land as it can be co-used for wind energy and other purposes, such as grazing. Per an interagency Memorandum of Understanding (MOU), the ASLD is required to consult with the AZG&FD regarding the wind developer's environmental monitoring plans as part of the right-of-way permitting process. In addition, as part of the review process at the State level, the Applicant shall be required to provide documentation that the project is in compliance with the Federal Bald and Golden Eagle Protection Act mentioned above. It is expected that construction activities associated with the project would result in direct temporary and permanent vegetation loss, especially near to the turbine bases. These losses would occur as the result of grading, clearing (approximately 330-acres), and other surface disturbances.

The wind energy industry recognizes that the biggest drawback of wind energy is its potential impact on birds and bats and other natural and cultural resources. This fact has driven creative and proactive approaches industry-wide over the last 10-years to ensure that this renewable energy source can coexist with the natural environment.

Transient Dust

Project construction would generate temporary visual and transient dust impacts from grading activities and travel on improved and unimproved roads. Soil stabilizers would be applied to control transient dust. Water trucks would complement this dust control measure as needed.

Noise

The existing background noise in the project area is characteristically quiet of rural environments. Temporary construction noise would be generated, however, and the long-term operational noise impacts would be negligible, especially given that the site and environs are very sparsely populated. Potential impacts from maintenance activities on existing ambient noise levels would be detectable for a short duration, but given the rural, isolated location, any potential increase in noise would likely be undetectable or of little concern to the general public.

Lighting

Per Federal Aviation Administration (FAA) requirements, each turbine must have warning lights installed to alert nearby aircraft pilots of the turbine array. These warning lights would compromise the lucid dark night skies found in the project area, but the County's Light Pollution Code exempts such uses for the sake of safety.

Decommissioning

The ASLD requires a surety bond to be posted per that agency's processing guidelines for wind energy testing and energy production decommissioning on State Trust lands. As a Condition of Approval, the County would also require a decommissioning agreement in the event turbines or other project-related structures are sited on private land.

J. Water Conservation: Complies

Water use associated with the project is expected to be minimal, particularly post-construction. A well would be drilled to serve the O&M facility, with 200-gallons per day estimated. Any relevant construction would be required to conform to the water conservation regulations provided in the Zoning Regulations, as well as the applicable Comprehensive Plan policies, per Section 102E.

IX. PUBLIC COMMENT

The Department mailed notices to three neighboring property owners within one-mile of the subject properties. Staff posted the property on March 14 and published a legal notice in the Bisbee Observer on March 10. To date, the Department has received letters of support from the Southeast Arizona Economic Development Group, the City of Willcox, the Willcox Chamber of Commerce, the Willcox Regional Economic Development Alliance and the Benson City Council. Additionally, one Department form letter was received from an area resident within one-mile of the project site who conveyed concerns about potential impacts on view sheds and existing agriculture-related uses.

As part of the formal Appeal process, the Department mailed letters on May 13 to the Appellant, Applicant and property owners within one-mile of the subject properties, and published and posted legal

notice at the site on May 16. To date, the Department has not received any comments regarding the submitted Appeal.

X. MODIFICATIONS

The following Modifications are requested:

1. A Modification of the maximum permitted height of 45-foot in the Rural Zoning Districts, per Section 604.02 to allow for the approximate 487-foot turbine heights; and
2. A Modification from the minimum 20-foot wide road standard for commercial uses to allow for 16-foot wide setup and maintenance access, per the submitted application.

XI. SUMMARY AND RECOMMENDATION

This Appeal regards the Special Use authorization by the Planning and Zoning Commission for a utility-scale wind energy project on nine Sections of State Trust Land (and possibly a small portion of private land) located west of the City of Willcox. The project would include up to 28, approximately 487-ft. turbines and generators, as well as an operations and maintenance facility. The Appellant contends that project approval is premature due to a suggested lack of data regarding potential threats to biological resources. However, the project would continue to have considerable oversight by the Arizona State Lands Department to ensure that the project does not threaten said resources. That agency continues to work closely with the Arizona Game and Fish Department and the Applicant's biological consultant to ensure biological resources aren't unduly threatened.

The project is one deemed suitable in the rural location in which proposed and a Condition of Approval speaks to ensuring County roads used to transport infrastructure and equipment will be improved to pre-construction condition. In light of these and the other Factors Against Approval of the Appeal listed below, Staff recommends denial of the Appeal.

Factors in Favor of Upholding the Commission's Decision (Denying the Appeal)

1. The project is consistent with the applicable Policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project would not be materially detrimental to the health, safety and welfare of the public or to property in the vicinity;
3. The Arizona State Lands Department along with the Arizona Game and Fish Department continues to review the submitted right-of-way application for the project, including determining the potential for negative impacts upon biological and cultural resources and mitigation strategies if necessary. Post-construction bird and bat mortality analyses would help ensure impacts are minimal;
4. The project would support Arizona's renewable energy standard of generating 15-per cent of electricity from renewable sources by 2025 by serving as a source of clean energy, offsetting greenhouse gas emissions and reducing the need to generate electricity from fossil fuels;
5. The project would provide increased revenue for the ASLD for the use of State-administered land;
6. Once completed the project would generate negligible levels of traffic;
7. The project would create an estimated 50-temporary jobs and at least four permanent jobs;
8. At build-out the project would use minimal water for power generation;
9. The project would allow State grazing leases to continue;
10. The project would be sited close to existing power distribution infrastructure; and
11. On April 10, 2013, the Planning and Zoning Commission voted 8-0 (with one abstention) to Conditionally Approve the project.

Factors in Favor of Granting the Appeal

1. There appear to be no factors in favor of overturning the Commission's April 10, 2013, decision.

XII. RECOMMENDATION

Based on the Factors in Favor of Denial, Staff recommends that the Board deny the appeal, thereby upholding the Planning and Zoning Commission's decision to Conditionally Approve the project with the following Conditions:

1. Prior to permit issuance, the Applicant shall submit a plan for transient dust mitigation for all grading and construction phases for the project;
2. If substantial construction progress has not occurred within three (3) years from the date of approval, the Special Use Authorization shall be revoked after 30-days notice to the Applicant;
3. The Applicant acknowledges that transporting equipment and materials to the property during construction is likely to damage Taylor or Airport Roads, and that the Applicant is responsible to pay the County the cost to repair such roads to their current condition by an outside contractor. Prior to permit

issuance and transporting equipment and materials to the subject property for construction, i) the County Engineer will prepare a written baseline assessment of the current condition of such roads, to be acknowledged and agreed upon by the Applicant; and ii) the Applicant and the County will enter into a written agreement pursuant to which the Applicant will provide the County funds in the amount of \$3,000,000, less the depreciation of such roads in the amount to be determined by the County Engineer, to be drawn upon by the County to pay for the cost of repair, with the balance after repair, if any, to be returned to the Applicant upon certification by the County Engineer that such roads have been repaired to their current condition.

No certificate of occupancy will be issued for use until such roads have been repaired or the County Engineer has determined that the Applicant has supplied sufficient funds to repair such roads to their current condition.

If, during the construction phase the County Engineer determines that such roads have become unsafe for travel, the County may draw down funds to pay for an interim repair as needed. This condition was based on the assumption that Taylor and Airport Roads will be the route taken for this Special Use Authorization. If an alternate route over other County-maintained roads is used, a new estimate and final agreement will be executed between the parties. In the event this project is decommissioned in whole or in part, an additional agreement will be executed between the parties to provide for necessary repair of any County-maintained roads utilized and the cost to remove all decommissioned structures on all private lands;

4. Within 30-days of approval of the Special Use Authorization, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use Authorization, the Applicant shall apply for a Building/Use Permit for the project within 12-months of approval;

5. The minimum setbacks from all parcel boundaries shall be 497-ft., which is at least equal to the horizontal distance from the turbines' base to the parcel boundaries equal to the proposed total height of the turbine structure as measured from its base to the tip of its highest blade, plus 10-ft.;

6. The Building/Use Permit shall include a site plan in conformance with all applicable site development standards (except as Modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A Building/Use Permit must be issued within 18-months of the Special Use Authorization approval, otherwise the Special Use Authorization may be deemed void upon 30-day notification to the Applicant;

7. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and

8. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

XIII. ATTACHMENTS

- A. Special Use Appeal Application and Letter from Appellant
- B. Special Use Application and Exhibits
- C. Conceptual Design Plans
- D. Agency Comments
- E. Citizen Review Letter and Comments
- F. State ROW Application

Department's Next Steps (if approved):

Provide an As You Are Aware letter to the Applicant permitting Torch Renewable Energy LLC. to apply for a Commercial Permit.

Impact of NOT Approving/Alternatives:

If the Board upholds the Planning and Zoning Commission Decision, the Applicant could apply for a commercial permit to construct and operate the proposed Wind Power Plant. If the Board upholds the Appeal of the decision, the facility will not be constructed.

To BOS Staff: Document Disposition/Follow-Up:

There will be no documents provided.

Attachments

Letter Benson San Pedro Chamber of Commerce

SU Application

SU Appeal Applicaton

Conceptual Design Plans

Agency Comments

Citizen Review and Public Comments

CitizenLetterOfConcern_HH

Letter_AZ_GameAndFish

State ROW Application

Presentation

Regular Board of Supervisors Meeting**Meeting Date:** 06/11/2013

Award of Invitation for Bids No. 13-38-PUR-03 for Legal Advertising Services

Submitted By: Dave Seward, Procurement**Department:** Procurement**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 2**Submitted for Signature:****NAME** David Seward**TITLE** David**of PRESENTER:****of PRESENTER:** Seward**Mandated Function?:** Federal or State Mandate**Source of Mandate
or Basis for Support?:****Docket Number (If applicable):**

Information**Agenda Item Text:**

Approve an award of contract for Legal Advertising Services in accordance with ARS §11-255, and as per responses received to Invitation for Bids (IFB) No. 13-38-PUR-03 to _____ at a cost of \$_____ per column inch for the period of July 1, 2013 through June 30, 2014.

Background:

In accordance with ARS §11-255, the Board shall contract annually for all advertising, publications and printing required to be done by all departments of county government. IFB No. 13-38-PUR-03 was released on May 1, 2013. The bid was advertised in the Arizona Range News on May 2 & May 9, 2013, posted on the County procurement website and mailed to six newspaper publishing firms within Cochise County. Two bids were received by the bid closing date and time of May 23, 2013, 4:00 P.M. MST. The bids were evaluated by procurement staff and a bid tabulation is attached.

The Procurement Department is recommending an award of contract to the Arizona Range News as the lowest responsive and responsible bidder meeting all the requirements of the bid solicitation. However, the Procurement Department does acknowledge that the Sierra Vista Herald has a wider readership base than the Arizona Range News based on their average annual paid subscriptions and area of distribution. The Arizona Range News was awarded the contract for July 1, 2012 through June 30, 2013.

In accordance with part four, Section 1.0 of the bid specifications, the Board of Supervisors will award the Contract to the lowest and best bidder, as determined in the discretion of the Board. The Board may base its decision upon a number of factors, including but not limited to the number of readers and subscribers, the area of distribution, the total cost to the County, and the convenience of publication.

Department's Next Steps (if approved):

Execute the contract, monitor contract performance

Impact of NOT Approving/Alternatives:

County will be in violation of ARS §11-255 which requires that the Board shall contract annually for all advertising, publications and printing required to be done or made by all departments of county government.

To BOS Staff: Document Disposition/Follow-Up:

Procurement will hand carry contracts to Clerk of the Board.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? (\$\$\$):

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$):

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

Fiscal Impact: Based on the annual estimated volume/usage, the annual costs by each bidder is as follows:

Sierra Vista Herald/Bisbee Register \$55,335.00

Arizona Range News \$35,139.45

Attachments

Bid Tabulation

Contract

Regular Board of Supervisors Meeting

Community Development

Meeting Date: 06/11/2013

Conveyance of historic Pearce Jail including the abandonment of a portion of Ghost Town Trail

Submitted By: Terry Couchenour, Community Development

Department: Community Development

Division: Highways

Presentation: PowerPoint

Recommendation: Disapprove

Document Signatures: BOS Signature Required

of ORIGINALS Submitted for Signature: 2

NAME of PRESENTER: Eddie C. Levins/Terry Couchenour

TITLE of PRESENTER: Facilities Director/Right of Way Agent

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?: ARS 11-251(9); 28-7201 through 28-7215

Information

Agenda Item Text:

Adopt Resolution 13-14, to abandon a portion of Ghost Town Trail right-of-way adjoining the Pearce Jail and to convey the Pearce Jail, including the abandoned right-of-way, to Old Pearce Preservation Association, as described therein.

Background:

Recommendation: If the Board by unanimous vote determines to convey the historic Pearce Jail to the Old Pearce Preservation Association ("OPPA"), this department recommends adopting the accompanying resolution abandoning an 11 foot x 72 foot portion of Ghost Town Trail, approximately 0.02 acres, which is unnecessary for public road use.

Background (Brief):

This agenda item consists of two separate board actions, requiring separate votes, relating to the proposal to convey the historic Pearce Jail to OPPA. The first action is to convey title to the old Pearce Jail and the property on which it is located. Pursuant to A.R.S. § 11-251(9), this action requires a unanimous vote by the Board. The second action is abandoning a portion of right-of-way for Ghost Town Trail, on which a part of the fence that protects the jail is located.

In 1897 the Board of Supervisors received a petition and awarded a bid of \$300 to build a jail for the residents of Pearce. The Jail is located north of Pearce Road and adjoins the west boundary of Ghost Town Trail. The lands occupied by the Jail were patented in 1901 and in June of that same year a version of the Bignon Tract of Pearce is recorded. In March of 1915 Joseph Bignon conveyed a lot to Cochise County for the purpose of the Jail and in September of that year the plat for the Amended Bignon Tract of Pearce was recorded.

In 2008, several Pearce Townsite lots were auctioned and certain proceeds were allocated to fence the Jail to aid in preserving the site. In 2010 the site was surveyed and it was found that the site did not lay completely within the lot conveyed to the County in 1915. In order to appropriately fence the site, the

County exchanged lands with the neighboring property owner, as well as extended the fence 11 feet into the platted right-of-way for Ghost Town Trail.

OPPA is a nonprofit corporation organized under Arizona laws for the purpose of preserving, acquiring, protecting and promoting the appreciation of historical items, buildings and real properties in Pearce. With the support of Supervisor Searle, OPPA has requested that the County convey the jail property to it in order to enhance its ability to preserve the jail. Although in order to sell real estate counties are normally required to appraise real estate and sell it at auction, A.R.S. § 11-251(9) contains an exception to that rule: "A county, with unanimous consent of the board and without public auction, may sell or lease any county property for a specific use to any solely charitable, social or benevolent nonprofit organization incorporated or operating in this state." OPPA meets the statutory criteria as an Arizona nonprofit organization. If the Board unanimously approves the transfer, the deed will contain a covenant restricting OPPA's use "for the public purpose of preserving the historic former jail, allowing the public to view the jail, and related purposes" with a reversion clause in the event the covenant is violated. As far as is known, the jail property has no economic or other value to the County, except as a historic site.

As mentioned, a portion of the fence that protects the jail extends 11 feet into the County's right-of-way for Ghost Town Trail. This portion of the property can be transferred via the right-of-way abandonment process.

A review of the proposed abandonment was conducted. While Ghost Town Trail is a County Maintained Road, staff recommends that the fenced right-of-way is unnecessary for public road use. The right-of-way was formerly known as Willcox Avenue and was dedicated at a width of 100 feet in 1901 and 1915. In 1910 Willcox Avenue was combined with another route and adopted as the County Highway known as "Cochise to Pearce". This highway became the alignments we now refer to as Highway 191 and Ghost Town Trail. In 1989 the Board established the declared highway width for Ghost Town Trail at 80 feet in width as opposed to the 100 foot wide dedication. The 11 feet required for the fence is approximately 3 feet outside of the declared highway width and approximately 33 feet from the edge of pavement. The remaining 89 feet of right-of-way exceeds the declared width and the minimum standard width (50 feet per figure D-103 of the Road Construction Standards) for this Rural Major Access road. Accordingly, the 11 feet of right-of-way that OPPA is requesting be transferred with the jail is not necessary for the County road and has no value to the County.

Department's Next Steps (if approved):

If the abandonment and transfer are approved, the Board Chair will need to execute and record a deed conveying the abandoned right-of-way to OPPA and send a copy of the recorded deed to OPPA. After that, no further Board action is required.

Impact of NOT Approving/Alternatives:

If abandonment is not approved, the right-of-way will remain dedicated for public road use. The dedicated road use may inhibit future preservation of the historic Pearce Jail.

To BOS Staff: Document Disposition/Follow-Up:

Please record the resolution and quit claim deed as two separate documents. Please return the original deed to Britt Hansen. Please return a copy of the recorded documents to Facilities and H&F attn: right-of-way.

Attachments

[Executive Summary for Pearce Jail](#)

[Maps for Pearce Jail](#)

[Resolution for Pearce Jail](#)

[Quit Claim Deed for Pearce Jail](#)

Power Point presentation for Pearce Jail

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

Petition for Review of Taxpayer Notice of Claim 202-01-009 E

Submitted By: Gussie Motter, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: Phil Leiendecker

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE of PRESENTER: Assessor

Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Uphold or amend the Assessor's decision for the Petition for Review of Taxpayer Notice of Claim for parcel 202-01-009 E (Madison Diversified 882 Corp)

Background:

An Agricultural Land Use Application for this property was filed in September 2008. After review, the Assessor denied the application. The owner was sent a Notice of Value notification of the non-agricultural land value and classification each of the years identified on this Notice of Claim. No administrative or judicial appeal was filed by the property owner to challenge the value or classification for any of the years identified on the Notice of Claim.

More detail is provided in the attached appeal.

Department's Next Steps (if approved):

The applicant, the Assessor and the Treasurer will all receive copies of the decision

Impact of NOT Approving/Alternatives:

The Board of Supervisors acting as the Board of Equalization must decide to approve or amend the decision

To BOS Staff: Document Disposition/Follow-Up:

Send letters

Attachments

Appeal

Notice of Hearing

Upon approval, the Sheriff's Office will select a deputy sheriff for assignment to the SAMIT task force, as well as assign other deputies to more aggressively pursue community based, local drug dealers.

Impact of NOT Approving/Alternatives:

If not approved, the Sheriff's Office will be unable to assign a deputy sheriff to the Southeastern Arizona Major Investigative Team.

To BOS Staff: Document Disposition/Follow-Up:

Upon approval, please return both original copies to the Sheriff's Office so that they can be forwarded to the Tucson Police Department, the fiduciary for the Arizona HIDTA.

Attachments

Agreement

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

CHSS & Aetna Health, Inc. Ancillary Services Agreement

Submitted By: Jennifer Steiger, Health & Social Services

Department: Health & Social Services

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS Submitted for Signature: 0

NAME of PRESENTER: Ray Falkenberg

TITLE of PRESENTER: Administrative Services Manager

Docket Number (If applicable):

Mandated Function?: Not Mandated

Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Approve the Ancillary Services Agreement between Cochise Health & Social Services and Aetna Health, Inc. effective for a one-year term beginning on June 15, 2013 with automatic annual renewals.

Background:

CHSS is strategically working to expand our network of insurance company payers, while at the same time; Aetna Health is working to expand their network of providers in Cochise County.

Radi Ann Porter (Director of Nursing) has reviewed and is satisfied with the Agreement from an operational perspective, and Terry Bannon has reviewed and is satisfied from a legal standpoint. After the initial one year term, the Agreement may be terminated by either party with 180 days' written notice.

Department's Next Steps (if approved):

Your approval is respectfully requested.

Impact of NOT Approving/Alternatives:

Not approving this Agreement will prevent Cochise County from collecting for services provided to Aetna Health members in the county.

To BOS Staff: Document Disposition/Follow-Up:

BOS signature is not required. A fully executed original will be sent to the Clerk of the Board for filing purposes.

Attachments

Aetna Health Agreement 5-13

Regular Board of Supervisors Meeting

Meeting Date: 06/11/2013

State and Federal Legislation Discussion

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME na
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE na
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda and the proposed State budget.

Background:

na

Department's Next Steps (if approved):

na

Impact of NOT Approving/Alternatives:

na

To BOS Staff: Document Disposition/Follow-Up:

na

Attachments

Minutes

Agenda