



Cochise County Board of Supervisors

Public Programs...Personal Service
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RICHARD R. SEARLE
Chairman
District 3

PATRICK G. CALL
Vice-Chairman
District 1

ANN ENGLISH
Supervisor
District 2

JAMES E. VLAHOVICH
County Administrator

EDWARD T. GILLIGAN
Deputy County Administrator

ARLETHE G. RIOS
Clerk of the Board

AGENDA FOR REGULAR BOARD MEETING

Tuesday, March 8, 2016 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.

CONSENT

Board of Supervisors

1. Ratify a letter to the Arizona Commerce Authority in support of the joint application from the City of Sierra Vista and the Willcox Chamber of Commerce and Agriculture for the Semper Fi Firearms Project.
2. Approve the Minutes of the regular meeting of the Board of Supervisors of February 23, 2016.

Community Development

3. Adopt Zoning Ordinance 16-01 approving Docket Z-15-08, amending the zoning district designation for parcel 202-49-018 from MR-1 (Multiple Dwelling Residential); one dwelling per 3,600 to GB (General Business).

Court Administration

4. Approve Superior Court Grant of \$50,000 from the State Justice Institute to Re-engineer Law Library Services and Award Contract to National Center for State Courts.

Emergency Services

5. Approve an Intergovernmental Agreement (IGA) to allow the City of Douglas administrative access to the County's web-based Emergency Notification System (WENS) for the purpose of developing the database and initiating warnings to addresses within the City of Douglas.

Finance

6. Approve demands and budget amendments for operating transfers.

Health & Social Services

7. Approve Amendment #1 to IGA YH15-0006-04 between Cochise County and Arizona Health Care Cost Containment System (AHCCCS) for detention inmate inpatient medical care.

PUBLIC HEARINGS

Board of Supervisors

8. Adopt Resolution 16-07 granting a Telecommunications Services Franchise to Valley Telephone Cooperative, Inc.
9. Adopt Resolution 16-08 selecting project(s) and authorizing the submission of application(s) for Fiscal Year 2016-17 State Community Development Block Grant Funds.

ACTION

Elections & Special Districts

10. Approve Election workers for the March 22, 2016 Presidential Preference Election, as listed on the attached file.

Human Resources

11. Approve the funding for the proposed schedule of benefits and rates adopted by the Cochise Combined Trust for Fiscal Year 2016-17.

STATE & FEDERAL LEGISLATION

12. 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.

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.

REPORT BY JAMES E. VLAHOVICH 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 Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

Consent 1.

Regular Board of Supervisors Meeting

Board of Supervisors

Meeting Date: 03/08/2016

Ratify a letter of support to the Arizona Commerce Authority for economic development opportunity

Submitted By: Lisa Marra, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation **Recommendation:** Approve

Document Signatures: BOS Signature NOT Required **# of ORIGINALS Submitted for Signature:** 0

NAME of PRESENTER: Lisa M. Marra **TITLE of PRESENTER:** Communications and Community Relations Administrator

Docket Number (If applicable):

Mandated Function?: Not Mandated **Source of Mandate or Basis for Support?:**

Information

Agenda Item Text:

Ratify a letter to the Arizona Commerce Authority in support of the joint application from the City of Sierra Vista and the Willcox Chamber of Commerce and Agriculture for the Semper Fi Firearms Project.

Background:

A joint application was submitted by the City and Chamber to the Arizona Commerce Authority to answer a call for potential development sites for a business to relocate to the area. Both entities had suitable locations and combined efforts to make the region more competitive since this prospective firm is considering several other states.

Department's Next Steps (if approved):

None - letter has been submitted

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

n/a

Attachments

ACA Semper Fi
ACA project info



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ARLETHE G. RIOS
Clerk of the Board

February 18, 2016

Ms. Allison Gilbreath
Arizona Commerce Authority
333 N. Central Ave, Suite 1900
Phoenix, AZ 85004

RE: Semper Fi (Firearms)

Dear Ms. Gilbreath:

Cochise County is in support of the joint proposal by the City of Sierra Vista Economic Development Department and the Willcox Chamber of Commerce and Agriculture for the Semper Fi (Firearms) Project.

The areas recommended in their proposal meet and exceed all the criteria outlined in the Prospect Information Form. Our rural setting, proximity to a major freeway, airport access, year around weather, and talented labor force all provide great potential for this firm's expansion into our County.

Cochise County values economic development and business expansion. We understand each business is unique and individual; therefore, we'd welcome the opportunity to discuss this potential business relocation to our region and give it the personal consideration that each business requires.

Arizona and Cochise County in particular, has a lot to offer.

Sincerely,

Richard Searle
Chairman

Pat Call
Vice-Chairman

Ann English
Supervisor



Prospect Information Form (PIF)

Project Name: Semper Fi

ACA Rep: Allison Gilbreath

Responses Due: 12pm Friday 2/19
Late responses will not be accepted – no exceptions

Description: Distributor of high end AR15s/M16s, parts & accessories

Facility: 25,000 – 35,000 distribution facility
**Existing only*

Preferred Area: N/A - **statewide search** (must be close to major highways)

CapX: \$2M for build out

Employees: 20 – 35

Average Wage: \$30,000 - \$40,000 by position

Operational Target: Nov/Dec 2016

Competing States: ID, TX, NB, SD, GA

Notes: Please submit (1) real estate options and (2) letters of support

Potential site visits in March to down selected sites

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Mandated Function?:

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

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of February 23, 2016.

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:

Scan to OnBase and File.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Minutes

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, February 23, 2016**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, February 23, 2016 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Richard R. Searle, Chairman; Patrick G. Call, Vice-Chairman; Ann English, Member
Staff James E. Vlahovich, County Administrator; Edward T. Gilligan, Deputy County
Present: Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney; Arlethe G. Rios, Clerk
of the Board

Chairman Searle 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 February 9, 2016.
2. Ratify a letter to the Great American Communities Award Program in support of approving the City of Sierra Vista's application to be awarded the Great American Defense Community designation by the Association of Defense Communities (ADC).
3. Ratify a letter to the Legacy Foundation for the Arizona 2-1-1 Program that provides a free Statewide community service and referral system for residents via the internet or telephone.
4. Approve a letter to Senator Griffin, Representative Gowan, and Representative Stevens outlining the budget concerns for Cochise County related to State cost shifts.

Clerk of Superior Courts

5. Approve an Intergovernmental Agreement (IGA) between the Cochise County Clerk of the Court and the Arizona Department of Economic Security (ADES) for reimbursable child support activities for the period of October 1, 2015 through September 30, 2020.

Community Development

6. Adopt Resolution 16-06, authorizing the abandonment of a portion of Camino Pinon located in Pirtleville.

County Sheriff

7. Approve a donation from the Howard G. Buffett Foundation in the amount of \$85,160 to purchase two 2016 Ford F250 4X4 diesel pick-up trucks to be used by the Sheriff's Office Search and Rescue Team.

Court Administration

8. Approve Appointment of Huachuca City Magistrate Keith Barth to Serve as Juvenile Hearing Officer, authorized under A.R.S 8-323 effective March 1, 2016.

Emergency Services

9. Approve State Land Lease 03-105209 for radio tower space to accommodate County microwave communications equipment in the amount of \$2,400 annually for the period of October 13, 2015 through October 12, 2025.

Facilities

10. Approve the Lease Agreement with the Arizona State Forester for space in the Terminal located at the Bisbee/Douglas International Airport.

Finance

11. Approve demands and budget amendments for operating transfers. Warrants Nos. 96117-96169, 96180-96303, and 96316-96438 were issued in the amount of 1,044,957.94.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. Issued warrants are listed as an attachment at the end of the minutes.

Information Technology

12. Approve Special Land Use Permit #23-118691-03 for radio tower space to accommodate County microwave communications equipment in the amount of \$2,400 annually for the period of January 28, 2016 through January 27, 2018.

Vice-Chairman Call moved to approve 1-12 on the Consent Agenda. Supervisor English seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

13. Approve a new liquor license application for a series #13 Farm Winery liquor license submitted by Mr. John Kovacs for Sandor Vineyards, located at 9921 Braaton Ranch Road, Pearce, AZ 85625.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office did not have a recommendation and the Planning and Zoning Department had recommended approval. The Environmental Health Division noted that they have no concerns with the issuance of the liquor license; the Treasurer's Office noted that all property taxes are current. The applicant has paid the \$100 processing fee and the Board staff recommended approval.

Chairman Searle opened the public hearing.

No one chose to speak and Chairman Searle closed the public hearing.

Supervisor English moved to approve a new liquor license application for a series #13 Farm Winery liquor license submitted by Mr. John Kovacs for Sandor Vineyards, located at 9921 Braaton Ranch Road, Pearce, AZ 85625. Vice-Chairman Call seconded the motion.

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

14. Approve a new liquor license application for a series #13 Farm Winery liquor license submitted by Mr. Greg Gonnerman, for Laramita Cellars, located at 6223 E. Cattle Drive, Willcox, AZ 85643.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office did not have a recommendation and the Planning and Zoning Department had recommended approval. The Environmental Health Division noted that they have no concerns with the issuance of the liquor license; the Treasurer's Office noted that all property taxes are current. The applicant has paid the \$100 processing fee and the Board staff recommended approval.

Chairman Searle opened the public hearing.

Mr. Gonnerman, the applicant, declined.

No one chose to speak and Chairman Searle closed the public hearing.

Vice-Chairman Call moved to approve a new liquor license application for a series #13 Farm Winery liquor license submitted by Mr. Greg Gonnerman, for Laramita Cellars, located at 6223 E. Cattle Drive, Willcox, AZ 85643. Supervisor English seconded the motion.

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

ACTION

Board of Supervisors

15. Approve the revised and restructured Cochise County Organization Chart.

Supervisor English moved to approve the revised and restructured Cochise County Organization Chart. Vice-Chairman Call seconded the motion.

Mr. Jim Vlahovich, County Administrator, presented this item. Mr Vlahovich showed the proposed organization chart and noted that because the Director of Finance vacancy was not filled as expected, county administration had to make changes to the chart. He then showed the proposed org chart and noted that the Information Tecnology Director had been moved from the Internal Services group and the Finance and Technological Services group was created. He also discussed the improvement in communication and coordination between all director levels with the new chart structure.

Supervisor English said that this structure was a reflection of Mr. Vlahovich's changes to the organization and it was good that the Board was aware of the changes.

Chairman Searle said he had some concern over a potential for bureaucracy because the organization charts from ten years ago did not have as many positions, but understood that this new structure would help address succession planning and build the future leadership of the County.

Vice-Chairman Call said it was good to have positions that were second in command for continuity and asked for an update on the director position vacancies.

Mr. Vlahovich said that staff was in the process of hiring a Finance Director; were conducting interviews for the Facility Director position; and were publishing the Chief Technology Officer position in the coming week.

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

Court Administration

16. Approve the award of Request for Proposal (RFP) 16-10-SUP-03 to Revotext, LLC, for a Remote Court Reporting System for the Superior Court for a one year period, with possible renewals for up to four (4) additional one (1) year terms.

Vice-Chairman Call moved to approve the award of Request for Proposal (RFP) 16-10-SUP-03 to Revotext, LLC, for a Remote Court Reporting System for the Superior Court for a one year period, with possible renewals for up to four additional one year terms. Supervisor English seconded the motion.

Mr. Eric Silverberg, Court Administrator, presented this item. Mr. Silverberg gave the background and said that this project had been discussed during the last budget process. He said staff thought that this would eventually save money and stabilize costs.

Supervisor English said she was in support of using technology to make processes more efficient.

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

17. Approve an Intergovernmental Agreement (IGA) between the Cochise County Superior Court and the Arizona Department of Economic Security (ADES) for funding to a family law commissioner to establish family law obligations in the amount of \$43,831 for the period of October 1, 2015 through September 30, 2016.

Supervisor English moved to approve an Intergovernmental Agreement (IGA) between the Cochise County Superior Court and the Arizona Department of Economic Security (ADES) for funding to a family law commissioner to establish family law obligations in the amount of \$43,831 for the period of October 1, 2015 through September 30, 2016. Vice-Chairman Call seconded the motion.

Mr. Eric Silverberg, Court Administrator, presented this item. Mr. Silverberg explained that the grant would reimburse the County for doing enforcement of child support cases.

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

STATE & FEDERAL LEGISLATION

18. 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.

Supervisor English, Legislative Policy Committee representative, updated the Board on issues going before the State legislators.

Chairman Searle asked specifically about juvenile jail costs.

Supervisor English noted that the County Supervisors Association staff were monitoring that bill's progress and would send any updates to each county. She added that most counties were opposing bills that shifted State costs without reimbursing the counties.

Mr. Vlahovich said that he had received information suggesting that Senator Gail Griffin was going to pull the bill regarding juvenile jail costs.

Supervisor English noted that she would continue to pass information along to the other board members.

CALL TO THE PUBLIC

Chairman Searle opened the call to the public.

Jack Cook addressed the Board on matters of personal concern.

No one else chose to speak and Chairman Searle closed the 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.

REPORT BY JAMES E. VLAHOVICH COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Vlahovich said that staff continued to work on the budget including special projects being researched by the Budget Committee.

Supervisor English asked if the budget would be tied to the strategic plan.

Mr. Vlahovich said that an executive summary would be put together by each department with specific goals and timelines related to the County's mission.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Vice-Chairman Call said that he had attended the Southern Arizona Association of Contractors (SACA) luncheon and commended the Elections Department for their outstanding presentation on the new elections equipment and voting centers. He also noted that a court case regarding the Environmental Protection Agency had been decided and the Board had previously written a letter of support on the issue.

Report by District 2 Supervisor, Ann English

Supervisor English noted that the Elections Department had passed the Logic and Accuracy test done by the Secretary of State's Office.

Report by District 3 Supervisor, Richard Searle

Chairman Searle commended Ms. Dora Flores, Planning & Zoning Division, Community Development Department, for her work on a hazard abatement issue and said he had attended a community meeting in Sunsites where the Sheriff addressed concerns regarding the use of meth.

Chairman Searle adjourned the meeting at 10:32 a.m.

APPROVED:

Richard R. Searle, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board

Cochise Co. Demands 2.23.16

95963	02/03/2016	A-L Financial Corp	\$218.01	96040	02/04/2016	Federal Publishing	\$298.50
95964	02/03/2016	Cochise County/Sheakley/National Bank	\$3,931.94	96041	02/04/2016	Gale Group	\$38.92
95965	02/03/2016	DCS	\$491.18	96042	02/04/2016	Gaspar, Jo Ann	\$13.50
95966	02/03/2016	Ewing & Ewing Attorneys	\$226.54	96043	02/04/2016	Gaspar, Louis C	\$46.98
95967	02/03/2016	Nationwide Trust Co. FBO NRS	\$3,341.00	96044	02/04/2016	Gignac, Judith	\$25.38
95968	02/03/2016	NYS Child Support Processing Center	\$32.00	96045	02/04/2016	Granite Construction Company	\$9,604.11
95969	02/03/2016	Pennsylvania SCDU	\$215.00	96046	02/04/2016	Hatfield Funeral Home	\$1,500.00
95970	02/03/2016	Pre-paid Legal Services, Inc. dba LegalShield	\$1,613.98	96047	02/04/2016	Henry, Bill	\$2,642.56
95971	02/03/2016	Support Payment Clearinghouse	\$6,129.96	96048	02/04/2016	Hodges Glass Co Inc	\$1,311.20
95972	02/03/2016	The Hameroff Law Group, PC	\$271.29	96049	02/04/2016	Instrument Development Corporation	\$118.91
95973	02/03/2016	The Hameroff Law Group, PC	\$203.01	96050	02/04/2016	IronHawk Elevator LLC	\$750.00
95974	02/03/2016	Treasurer of Virginia	\$137.00	96051	02/04/2016	Jensen's Sierra Vista Mortuary	\$1,000.00
95975	02/03/2016	U.S. Department of Education	\$157.62	96052	02/04/2016	JWS Web Design LLC	\$500.00
95976	02/03/2016	Arizona Public Service (APS)	\$33,116.90	96053	02/04/2016	Law Office of Joan M Sacramento	\$350.00
95977	02/03/2016	Arizona Public Service (APS)	\$1,260.74	96054	02/04/2016	Legend Technical Services, Inc.	\$22.00
95978	02/03/2016	Arizona Public Service (APS)	\$945.39	96055	02/04/2016	Logicalis, Inc.	\$5,788.93
95979	02/03/2016	Arizona Water Company	\$2,154.84	96056	02/04/2016	Madden Preprint Media	\$2,946.00
95980	02/03/2016	Arizona Water Company	\$196.98	96057	02/04/2016	Mundt, Lester E.	\$14.04
95981	02/03/2016	Bella Vista Water Company-Liberty Water	\$954.97	96058	02/04/2016	National Sheriff's Association	\$165.00
95982	02/03/2016	Benson, City of	\$304.90	96059	02/04/2016	Nyander, Penny Sue	\$313.60
95983	02/03/2016	CenturyLink	\$171.48	96060	02/04/2016	Office of Vital Records	\$3,410.00
95984	02/03/2016	CenturyLink	\$32.86	96061	02/04/2016	Paz Escobar, Darbin E.	\$42.70
95985	02/03/2016	CenturyLink	\$183.40	96062	02/04/2016	Prudential Overall Supply	\$182.29
95986	02/03/2016	CenturyLink	\$65.72	96063	02/04/2016	Pueblo Mechanical & Controls, Inc.	\$8,264.81
95987	02/03/2016	CenturyLink	\$136.88	96064	02/04/2016	Purcell's Western State Tire Company	\$12,123.08
95988	02/03/2016	Pueblo del Sol Water Company	\$59.24	96065	02/04/2016	Recorded Books, LLC	\$201.39
95989	02/03/2016	Southwest Gas Corporation	\$1,889.44	96066	02/04/2016	Red Eye Radiator and DPF Specialists LLC	\$467.40
95990	02/03/2016	Sulphur Springs Valley Electric Coop, Inc.	\$715.98	96067	02/04/2016	ReMed Equipment, LLC	\$205.00
95991	02/03/2016	Sulphur Springs Valley Electric Coop, Inc.	\$212.38	96068	02/04/2016	Richardsons Remembrance Center	\$500.00
95992	02/03/2016	Sulphur Springs Valley Electric Coop, Inc.	\$251.54	96069	02/04/2016	Robertson, Bonita Shirley	\$600.00
95993	02/03/2016	Sulphur Springs Valley Electric Coop, Inc.	\$240.47	96070	02/04/2016	RWC International, LTD	\$2,703.84
95994	02/03/2016	Waste Mgmt of Arizona - Sierra Vista Hauling	\$320.47	96071	02/04/2016	Schlesinger, Aaron	\$78.80
95995	02/03/2016	Willcox, City of	\$749.04	96072	02/04/2016	Sea Tel Inc.	\$567.00
95996	02/04/2016	Animal Watchers & More LLC	\$90.00	96073	02/04/2016	Sedillos, Lorna	\$425.00
95997	02/04/2016	Arizona Department of Corrections - Douglas	\$62.00	96074	02/04/2016	Senergy Petroleum LLC	\$16,537.98
95998	02/04/2016	Arizona Department of Corrections - Douglas	\$189.00	96075	02/04/2016	Sierra Vista NAPA	\$787.57
95999	02/04/2016	Arizona Department of Corrections - Douglas	\$18.00	96076	02/04/2016	Sierra Vista, City of	\$1,296.88
96000	02/04/2016	Arizona Department of Corrections - Douglas	\$36.00	96077	02/04/2016	SourceHOV	\$38,654.00
96001	02/04/2016	Arizona Department of Corrections - Douglas	\$84.00	96078	02/04/2016	South East Arizona Legal Support (SEALS)	\$1,421.75
96002	02/04/2016	Arizona Department of Corrections - Douglas	\$44.00	96079	02/04/2016	Sparkletts	\$23.67
96003	02/04/2016	Arizona Department of Corrections - Douglas	\$20.00	96080	02/04/2016	Sparkletts	\$106.52
96004	02/04/2016	Arizona Department of Corrections - Douglas	\$224.00	96081	02/04/2016	Stamback Septic Service	\$611.50
96005	02/04/2016	Arizona Department of Corrections - Douglas	\$262.50	96082	02/04/2016	Staples	\$202.86
96006	02/04/2016	Arizona Department of Corrections - Douglas	\$64.00	96083	02/04/2016	Thomson West	\$438.63
96007	02/04/2016	Arizona Department of Corrections - Douglas	\$64.00	96084	02/04/2016	UniFirst Corporation	\$181.91
96008	02/04/2016	Arizona Department of Corrections - Douglas	\$1,737.66	96085	02/04/2016	UniFirst Corporation	\$1,156.64
96009	02/04/2016	Arizona Department of Corrections - Douglas	\$60.00	96086	02/04/2016	United Fire Equipment Co	\$194.62
96010	02/04/2016	Arizona Secretary of State	\$68.00	96087	02/04/2016	US Air Conditioning Distributors	\$1,334.78
96011	02/04/2016	Arizona State Prison Complex - Fort Grant	\$252.50	96088	02/04/2016	Valley Telephone Cooperative, Inc.	\$136.30
96012	02/04/2016	Arizona State Prison Complex - Fort Grant	\$383.15	96089	02/04/2016	VCA Apache Animal Hospital	\$44.80
96013	02/04/2016	AVTranz	\$908.00	96090	02/04/2016	Ventura, Lucia	\$442.20
96014	02/04/2016	AZ Communications Group	\$3,083.33	96091	02/04/2016	Walmart	\$41.45
96015	02/04/2016	B & D Lumber & Hardware	\$826.11	96092	02/04/2016	Watch Guard	\$1,065.44
96016	02/04/2016	B&S Supply Co, Inc	\$659.95	96093	02/04/2016	Waxie Sanitary Supply	\$2,201.62
96017	02/04/2016	Baker & Taylor, Inc.	\$907.26	96094	02/04/2016	Western Emulsion, Inc	\$10,022.97
96018	02/04/2016	Banning Creek Enterprises, LLC	\$7,392.00	96095	02/04/2016	Willcox Auto Parts Inc.	\$669.09
96019	02/04/2016	Bisbee Observer	\$53.12	96096	02/04/2016	WIST Office Products Co	\$288.62
96020	02/04/2016	Brekan Nava Allen Group	\$3,000.00	96097	02/04/2016	Cochise County Justice Court #5	\$84.03
96021	02/04/2016	CEMEX Construction Materials South, LLC	\$1,535.94	96098	02/04/2016	Gulliver, Victor	\$120.00
96022	02/04/2016	Ceniseros, Virginia	\$100.00	96099	02/04/2016	Lugo, Isabel	\$447.50
96023	02/04/2016	CenturyLink	\$33.92	96100	02/04/2016	National Date Stamp Corporation	\$188.86
96024	02/04/2016	CenturyLink	\$0.13	96101	02/04/2016	Perez, Raul	\$15.00
96025	02/04/2016	CenturyLink	\$706.42	96102	02/04/2016	Public Health Accreditation Board	\$850.00
96026	02/04/2016	Christopher Hitchcock PLC	\$350.00	96103	02/04/2016	Roberts, Kevin	\$115.00
96027	02/04/2016	Cochise County Sheriff's Department	\$1,347.28	96104	02/04/2016	Sharp, Mandy Dawn	\$87.39
96028	02/04/2016	Cochise Floor Covering	\$4,794.02	96105	02/04/2016	US Postal Service	\$4,000.00
96029	02/04/2016	Copper Queen Community Hospital	\$20.00	96106	02/04/2016	Garcia, Lynn	\$29.05
96030	02/04/2016	Copper Queen Publishing Co., Inc.	\$247.71	96107	02/04/2016	Honorable Bruce E Staggs	\$29.16
96031	02/04/2016	Courtesy Chevrolet / GMAC	\$39,200.86	96108	02/04/2016	Mena, Maria	\$29.16
96032	02/04/2016	Crowell, Patricia	\$35.10	96109	02/04/2016	Nelson, Anita	\$29.16
96033	02/04/2016	Darling Environmental & Surveying, Ltd.	\$5,437.50	96110	02/04/2016	Valdivia, Maria	\$12.04
96034	02/04/2016	Deluxe Business Forms	\$1,356.48	96111	02/04/2016	Welch, Catherine	\$51.00
96035	02/04/2016	Deneke, Buffy	\$304.50	96112	02/04/2016	Cochise County Finance Revolving Fund	\$30.00
96036	02/04/2016	Douglas NAPA	\$762.59	96113	02/04/2016	Cochise County Finance Revolving Fund	\$32.00
96037	02/04/2016	Empire Southwest LLC	\$6,612.08	96114	02/04/2016	Cochise County Justice Court #3	\$11.27
96038	02/04/2016	English, Ann	\$743.25	96115	02/04/2016	Cochise County Justice Court #3	\$84.02
96039	02/04/2016	Environmental Science Corp Lab Sciences	\$337.00	96116	02/04/2016	US Postal Service	\$7,000.00

96117	02/08/2016	Arizona Department of Revenue	\$717.64	96195	02/11/2016	AZ Department of Corrections ASPC-Tucson	\$102.75
96118	02/08/2016	Arizona State Treasurer	\$184,567.00	96196	02/11/2016	Arizona Police Psychology, PLLC	\$1,575.00
96119	02/08/2016	BI Incorporated	\$596.55	96197	02/11/2016	Arizona State Prison Complex - Fort Grant	\$176.25
96120	02/08/2016	Bob Barker Company, Inc.	\$476.47	96198	02/11/2016	Arizona State Prison Complex - Fort Grant	\$84.26
96121	02/08/2016	Bob Barker Company, Inc.	\$209.94	96199	02/11/2016	Baker & Taylor, Inc.	\$938.39
96122	02/08/2016	Brown, Mark L	\$280.00	96200	02/11/2016	Banner-University Physicians Healthcare, Inc.	\$1,500.00
96123	02/08/2016	Brown, Mark L	\$770.00	96201	02/11/2016	Banning Creek Enterprises, LLC	\$7,392.00
96124	02/08/2016	Cochise Private Industry Council, Inc.	\$63,771.00	96202	02/11/2016	Barnetts Towing LLC	\$358.00
96125	02/08/2016	H&H Treatment Programs, LLC	\$990.00	96203	02/11/2016	Beacon Secure	\$50.00
96126	02/08/2016	Little Caesars	\$41.89	96204	02/11/2016	Berry, Trudy	\$466.02
96127	02/08/2016	Price, Lynn Darlene	\$150.00	96205	02/11/2016	Cardinal Health Inc.	\$389.35
96128	02/08/2016	Stericycle Inc.	\$215.06	96206	02/11/2016	Cazares, Jeanette	\$98.00
96129	02/08/2016	Technical Resource Mgmt, Inc.	\$20.40	96207	02/11/2016	Center for Disease Detection, LLC	\$1,050.00
96130	02/08/2016	Technical Resource Mgmt, Inc.	\$240.90	96208	02/11/2016	CenturyLink	\$66.71
96131	02/08/2016	Technical Resource Mgmt, Inc.	\$775.40	96209	02/11/2016	CMI, Inc.	\$382.50
96132	02/08/2016	Technical Resource Mgmt, Inc.	\$105.50	96210	02/11/2016	Cochise Floor Covering	\$12,197.43
96133	02/08/2016	Technical Resource Mgmt, Inc.	\$72.70	96211	02/11/2016	Cochise Supplies, Inc.	\$27.77
96134	02/08/2016	Technical Resource Mgmt, Inc.	\$67.20	96212	02/11/2016	Coordinated Consulting Services, LLC	\$10,000.00
96135	02/10/2016	AFLAC	\$10,945.11	96213	02/11/2016	CRM of America LLC	\$7,011.06
96136	02/10/2016	Arizona Public Service (APS)	\$4,198.32	96214	02/11/2016	Crossley, Dennis	\$61.00
96137	02/10/2016	Arizona State Hospital	\$19,684.00	96215	02/11/2016	Darling Environmental & Surveying, Ltd.	\$1,468.75
96138	02/10/2016	Arizona State Hospital	\$2,940.66	96216	02/11/2016	Deneke, Buffy	\$684.00
96139	02/10/2016	Arizona Water Company	\$919.75	96217	02/11/2016	Desert Cardiovascular Group	\$192.58
96140	02/10/2016	Benson, City of	\$44.40	96218	02/11/2016	Direct TV	\$16.99
96141	02/10/2016	Bisbee, City of	\$8,125.16	96219	02/11/2016	Douglas, City of	\$943.00
96142	02/10/2016	Bowie Water Improvement District	\$79.58	96220	02/11/2016	Federal Express Corporation	\$4.62
96143	02/10/2016	Bowie Water Improvement District	\$39.79	96221	02/11/2016	Fimbres, Manuel R	\$150.00
96144	02/10/2016	Cable One	\$110.50	96222	02/11/2016	Flores, Juan P	\$350.00
96145	02/10/2016	Cable One	\$266.16	96223	02/11/2016	Florez, Gina	\$39.96
96146	02/10/2016	CenturyLink	\$79.22	96224	02/11/2016	Fulton, Stephanie Jane	\$37.34
96147	02/10/2016	CenturyLink	\$4,754.89	96225	02/11/2016	Gale Group	\$49.58
96148	02/10/2016	CenturyLink	\$2,520.00	96226	02/11/2016	Gilligan, Judith	\$81.00
96149	02/10/2016	CenturyLink	\$132.83	96227	02/11/2016	Godfrey, Marilyn	\$130.14
96150	02/10/2016	CenturyLink	\$33.81	96228	02/11/2016	Granite Construction Company	\$8,343.05
96151	02/10/2016	CenturyLink	\$70.61	96229	02/11/2016	Graves, Sarah C	\$44.00
96152	02/10/2016	Cochise County Farmers Association	\$2,246.14	96230	02/11/2016	Hagle, Suzanne	\$31.86
96153	02/10/2016	Copygraphix Inc.	\$23,933.18	96231	02/11/2016	Hanson, Britt W	\$62.50
96154	02/10/2016	Culligan of Tucson	\$21.62	96232	02/11/2016	Hatfield Funeral Home	\$500.00
96155	02/10/2016	Culligan of Tucson	\$210.11	96233	02/11/2016	Hatfield Funeral Home	\$640.00
96156	02/10/2016	Douglas, City of	\$300.04	96234	02/11/2016	Healthcare Innovations, Inc.	\$1,614.28
96157	02/10/2016	Douglas, City of	\$136.70	96235	02/11/2016	Honorable Adam Ambrose	\$46.44
96158	02/10/2016	Elfrida Water Improvement	\$35.82	96236	02/11/2016	Honorable Karl D Elledge	\$25.11
96159	02/10/2016	H5 Productions, Inc.	\$97,639.60	96237	02/11/2016	Jensen's Sierra Vista Mortuary	\$1,150.00
96160	02/10/2016	Public Safety Retirement Syst	\$4,569.06	96238	02/11/2016	Jensen's Sierra Vista Mortuary	\$320.00
96161	02/10/2016	Southwest Disposal LC	\$90.29	96239	02/11/2016	JWS Web Design LLC	\$400.00
96162	02/10/2016	Southwest Gas Corporation	\$1,040.39	96240	02/11/2016	Kolano, Hillary	\$210.03
96163	02/10/2016	Valley Telephone Cooperative, Inc.	\$116.49	96241	02/11/2016	Language Line Services, Inc.	\$85.73
96164	02/10/2016	Verizon Wireless	\$4,077.09	96242	02/11/2016	Legal Transcription Services Plus	\$734.00
96165	02/10/2016	Waste Mgmt of Arizona - Sierra Vista Hauling	\$139.90	96243	02/11/2016	Lewis, Anica	\$18.09
96166	02/10/2016	Waste Mgmt of Arizona - Sierra Vista Hauling	\$154.17	96244	02/11/2016	Lord, Priscilla	\$218.14
96167	02/10/2016	Willcox, City of	\$134.13	96245	02/11/2016	Maddux & Sons Inc	\$8,518.14
96168	02/10/2016	Willcox, City of	\$2,531.31	96246	02/11/2016	Madrid, Isabel	\$225.00
96169	02/10/2016	Arizona Secretary of State	\$43.00	96247	02/11/2016	Medical Diagnostic Imaging Group	\$156.38
96170	02/11/2016	AOC Corrections Officer Retire	\$103.32	96248	02/11/2016	MME Consulting Services LLC	\$37.50
96171	02/11/2016	AOC Corrections Officer Retire	\$18,369.22	96249	02/11/2016	Morales, Rebecca A.	\$88.00
96172	02/11/2016	Correction Officers	\$6,913.96	96250	02/11/2016	Nyander, Penny Sue	\$134.80
96173	02/11/2016	EODCRS	\$9.06	96251	02/11/2016	OCLC Online Computer Library Center, Inc.	\$468.00
96174	02/11/2016	Nationwide Retirement Solutions	\$507.50	96252	02/11/2016	Office of Vital Records	\$4,460.00
96175	02/11/2016	Public Safety Retirement Syst	\$19,080.00	96253	02/11/2016	Paul Jr., Joseph	\$150.00
96176	02/11/2016	Public Safety Retirement Syst	\$17,150.41	96254	02/11/2016	Pittsburg Tank & Tower	\$2,250.00
96177	02/11/2016	Public Safety Retirement Syst	\$1,244.08	96255	02/11/2016	Porter, Radi Ann	\$52.38
96178	02/11/2016	Public Safety Retirement Syst	\$634.38	96256	02/11/2016	Powell, Rayna	\$81.00
96179	02/11/2016	Public Safety Retirement Syst	\$1,231.94	96257	02/11/2016	ProForce Law Enforcement	\$2,139.39
96180	02/11/2016	ACE Hardware - Bisbee	\$623.14	96258	02/11/2016	Recorded Books, LLC	\$322.93
96181	02/11/2016	Alex Espinosa's Bisbee Funeral Home	\$1,276.00	96259	02/11/2016	Reed, Cynthia - Court Reporter	\$624.40
96182	02/11/2016	Alternative Counseling Service, Inc	\$1,180.00	96260	02/11/2016	Reed, Cynthia - Court Reporter	\$31.50
96183	02/11/2016	Amanda Baillie - Freelance Writer	\$194.33	96261	02/11/2016	Rothrock Investigations, LLC	\$2,016.40
96184	02/11/2016	Aparicio, Letty	\$98.00	96262	02/11/2016	Saathoff, April	\$136.88
96185	02/11/2016	Arizona Counties Insurance Pool	\$300.00	96263	02/11/2016	San Diego Police Equipment Co	\$8,424.06
96186	02/11/2016	Arizona Counties Insurance Pool	\$300.00	96264	02/11/2016	Sawinski, Cindy	\$68.85
96187	02/11/2016	Arizona Counties Insurance Pool	\$300.00	96265	02/11/2016	Service Solutions Group	\$66.75
96188	02/11/2016	Arizona Department of Corrections - Douglas	\$1,201.00	96266	02/11/2016	Silverberg, Eric J.	\$64.00
96189	02/11/2016	Arizona Department of Corrections - Douglas	\$31.50	96267	02/11/2016	Soltero, Emma	\$44.00
96190	02/11/2016	Arizona Department of Corrections - Douglas	\$184.50	96268	02/11/2016	Stamback Septic Service	\$611.50
96191	02/11/2016	Arizona Department of Corrections - Douglas	\$58.00	96269	02/11/2016	Sullivan, Karen, PsyD	\$500.00
96192	02/11/2016	Arizona Department of Corrections - Douglas	\$226.00	96270	02/11/2016	Swartz, LaRae	\$178.73
96193	02/11/2016	Arizona Department of Corrections - Douglas	\$13.50	96271	02/11/2016	Tamez, Marla	\$141.23
96194	02/11/2016	Arizona Department of Corrections - Douglas	\$49.50	96272	02/11/2016	The Haven	\$300.00

96273	02/11/2016	Trinity Services Group, Inc.	\$46,893.44
96274	02/11/2016	U.S. Healthworks Medical Group of AZ, PC	\$169.00
96275	02/11/2016	Udall Law Firm, LLP	\$2,345.72
96276	02/11/2016	UniFirst Corporation	\$732.69
96277	02/11/2016	United Fire Equipment Co	\$17.72
96278	02/11/2016	US Air Conditioning Distributors	\$2,485.22
96279	02/11/2016	Valenzuela, Esther	\$81.00
96280	02/11/2016	Valley Telephone Cooperative, Inc.	\$771.18
96281	02/11/2016	VCA Apache Animal Hospital	\$388.45
96282	02/11/2016	Verizon Wireless	\$22.32
96283	02/11/2016	Waxie Sanitary Supply	\$1,059.28
96284	02/11/2016	Weems, Elizabeth Annette	\$150.00
96285	02/11/2016	Welch, Catherine	\$48.60
96286	02/11/2016	Westlawn Chapel & Mortuary	\$1,000.00
96287	02/11/2016	Westlawn Chapel & Mortuary	\$1,020.00
96288	02/11/2016	Wick Communications	\$16,002.50
96289	02/11/2016	Wick Communications	\$192.19
96290	02/11/2016	Wick Communications	\$125.15
96291	02/11/2016	Willcox, City of	\$10,612.25
96292	02/11/2016	Zumar Industries Inc	\$488.12
96293	02/11/2016	Cochise County Justice Court #5	\$16.81
96294	02/11/2016	Cochise County Sheriff's Department	\$6.50
96295	02/11/2016	Genesis OB/GYN, PC	\$50.00
96296	02/11/2016	Legal Transcription Services Plus	\$1,598.75
96297	02/11/2016	Red Rock Transportation	\$185.00
96298	02/11/2016	Reed, Cynthia - Court Reporter	\$20.00
96299	02/11/2016	Schlesinger, Aaron	\$514.50
96300	02/11/2016	Sharp, Mandy Dawn	\$273.94
96301	02/11/2016	St. Clair, Kate M	\$1,739.31
96302	02/11/2016	Thomson West	\$3,611.92
96303	02/11/2016	Wilson, Randall	\$700.00

Community Development

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Z-15-08 (Newell)

Submitted By: Jim Henry, Community Development

Department: Community Development Division: Planning & Zoning

Presentation: No A/V Presentation Recommendation: Approve

Document Signatures: BOS Signature Required # of ORIGINALS Submitted for Signature: 2

NAME of PRESENTER: Jim Henry TITLE of PRESENTER: Planner I

Mandated Function?: Not Mandated Source of Mandate or Basis for Support?:

Docket Number (If applicable): Z-15-08

Information

Agenda Item Text:

Adopt Zoning Ordinance 16-01 approving Docket Z-15-08, amending the zoning district designation for parcel 202-49-018 from MR-1 (Multiple Dwelling Residential); one dwelling per 3,600 to GB (General Business).

Background:

Background:

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft.) to GB (General Business). The subject parcel is 40.04-acres in size and is currently zoned GB, MR-1, and SR-12. The rezoning would extend the current GB zoning 320 ft. to the north to facilitate the Applicant's desire to install a manufactured home with a setback of 450 ft. Manufactured homes are not permitted in an MR-1 zoning district. The subject parcel, APN 202-49-018 is located on E. Old Stewart Road approximately a quarter mile to the east of the intersection of N. Old Stewart Ramp / N. Huntington Road near Willcox, AZ. The Applicant is Sharon Newell.

I. PLANNING AND ZONING COMMISSION

On Wednesday, February 10, 2016, the Planning and Zoning Commission voted 8-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff. No objections were received from any member of the public.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1,744,142 sq. ft. (40.04 acres)

Current Zoning: GB (Residential; one dwelling per 3,600 sq. ft.) MR-1 (Residential; 1 dwelling/ 9,000 sq. ft.) SR-12 (Residential; 1 dwelling / 9,000 sq. ft.)

Proposed Zoning: GB

Growth Area: B

Comprehensive Plan Desig.: B- Developing / Neighborhood Conservation Area Plan: None

Existing Uses: Vacant

Proposed Uses: Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43 & SR-12	Vacant
South	N/A	State of Arizona
East	SR-12, GB, & MR-1	Vacant
West	SR-12 & GB	Single Family Residential

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The Applicant purchased the property several years ago with the intention of eventually placing a manufactured home on the property to be closer to her daughter, son in law, and granddaughters who all reside in Willcox, AZ. However, the current MR-1 (formally known as MR-A) and SR-12 zoning districts do not allow manufactured homes. The Applicant assumed based on the size of the parcel, the rural character of the area, and with the support of the Covenants, Conditions, and Restrictions (CC&R's) that the parcel's current zoning would allow a manufactured home to be placed on the property. The GB zoned section of the property does allow for manufactured homes, yet the portion of the property zoned GB does not satisfy the Applicant's desire for a greater setback from Old Stewart Road and Interstate 10. Therefore, the Applicant is requesting an extension of the current GB zoning district. Specifically, the Applicant requests to rezone the southern section of the property (approximately 4.52 acres of the 40.04 acre parcel) from MR-1 to GB.

Staff has not been able to locate records that would explain the unusual triple zoning that exists on this parcel and others in the area. It is possible that when this area was initially zoned, the original developers planned for a commercial strip along Old Stewart Road, where the subject parcel is located, to accommodate the needs of future residents of the area. This would make sense, given the subject parcel's proximity to "Arizona Bell Ranches" subdivision. However, this area has yet to develop and still maintains much of its rural character, as it did when the present zoning districts were established. Currently, the area consists of mostly undeveloped vacant land.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a B-Developing Area. Section 402 of the Zoning Regulations allows owners of property within this Plan Designation to request a rezoning to GB.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request, which as submitted, fully complies with nine of the applicable factors.

1. Provides an Adequate Land Use/Concept Plan: Complies

The proposal is to extend the current GB zoning an additional 320 ft. to the north on a 40.04 acres parcel to allow the Applicant to install a manufactured home. The Applicant has provided a map drawn to scale that illustrates the existing and proposed District boundaries as well as an accurate legal description of the area being petitioned for amendment (see attachment A).

2. Compliance with Applicable Site Development Standards: Complies

The proposal will meet all site development standards of the GB zoning district should the rezoning be approved.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property. The subject parcel is bounded to the north by two vacant parcels of similar size that are zoned SR-43 and SR-12. To the east lies a parcel of similar size and zoning configuration as the subject parcel and is also vacant. To the west, lies two parcels, the smaller parcel is zoned GB and the other parcel is zoned GB and SR-12. These parcels consist of mostly open space, each with a residential dwelling. To the south of the subject parcel lies a large parcel of undevelopable State land.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses. An approval of the rezoning would allow the Applicant to place a manufactured home on her property in a legal manner that would abide by the zoning regulations governing the GB zoning district.

5. Compatibility with Existing Development: Complies

The two parcels to the west of the subject parcel are the only developed properties near the subject parcel; both parcels abut the subject parcel and are currently developed as residential single-family properties. The smaller parcel immediately to the west of the subject parcel is zoned GB. Thus, the addition of a manufactured home on the subject parcel would not be out of character with the existing development in the area.

6. Rezoning to More Intense Districts: Complies

The request to rezone approximately 4.52 acres of land from MR-1 to GB, which is a reasonable extension of the GB zoning district currently in place, with the extension, the subject parcel will maintain its current transition and sufficient buffer between the MR-1 and SR-12 zoning districts in place on the subject parcel.

7. Adequate Services and Infrastructure: Complies

Access to the subject property is taken from Old Stewart Road, via the Old Stewart Road ramp from Interstate 10. Old Stewart Road is a private roadway, but becomes a county maintained road approximately 950 ft. to the east of the subject parcel. Interstate 10 is approximately 1,300 ft. to the west of the subject parcel’s driveway. No special driveway requirements apply to a residential use on a non-county maintained roadway. Law enforcement services are provided by the Cochise County Sheriff’s Office. Health Care Innovations (HCI) provides EMS services. However, the parcel is not covered by a fire district. Water will be provided to the site via a well the Applicant has drilled and a septic system will be installed in the future. Sulphur Springs Valley Electric Cooperative (SSVEC) will provide electricity to the property. Accordingly, the site will have the infrastructure necessary for the placement of a manufactured home, should the rezoning request be approved.

8. Traffic Circulation Criteria: Complies

According to the County’s transportation planner, “the placement of a mobile home further off from the roadway, would not likely change the existing traffic circulation or create any new traffic impacts. A single family residential unit, either on the existing MR-1 zoned site or on a GB site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9th edition”. See attachment C for a more detailed transportation analysis.

9. Development Along Major Streets: Partially Complies

Access to the subject parcel is taken from Old Stewart Road, which is a listed by the Transportation Department as a “Rural Minor Access” road, but because the segment of the road that abuts the subject parcel is not County maintained, the proposal only partially complies with this factor. The County maintained portion of Old Stewart Road starts approximately 950 ft. to the east of the subject parcel.

10. Infill: Does not Comply

This factor applies specifically to rezoning to GB, LI, and HI in an existing “Enterprise” or “Enterprise Redevelopment” plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists. Although the proposal is to partially rezone the southern section of the subject parcel to GB and it is located in a County designated “Enterprise Redevelopment Zone”. The proposal does not include a commercial or industrial component, and the surrounding area is either vacant or developed for residential purposes. Consequently, the proposal does not comply with this factor.

11. Unique Topographic Features: Not Applicable

From a topographical standpoint, the subject parcel is relatively level, a dry wash runs across the northern section of the parcel these, but is not exceptional and does not warrant consideration. The entire parcel is in an “X” flood plain, which means it lies outside of the 0.2% annual chance of a flooding event.

12. Water Conservation: Not Applicable (at this time)

If the rezoning is approved, all appropriate water conservation measures required by the zoning regulations will apply at the time of building permit issuance.

13. Public Input: Complies

The Applicant completed the required Citizen Review process and has not received a response as of the date of this memo. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on January 20, 2016. Staff posted the property on January 21, 2016 and published a legal notice in the *Bisbee Observer* on January 21, 2016.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The parcel is not in an Area Plan.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant is not requesting waivers from the County's site development standards.

VI. PUBLIC COMMENT

In response to Applicant and County mailings, the Planning Department has received one letter of support for the request.

VII. SUMMARY AND CONCLUSION

The proposal as submitted fully complies with nine of the criteria staff uses to evaluate rezoning requests. Four of the factors are not applicable, the request partially complies with one of the factors, but does not comply with the "Infill" factor. The request is to rezone a portion of a parcel of land located near Willcox, AZ from MR-1 to GB extending the current GB zoning 320 ft. further to the north. The rezoning is necessary in order to accommodate the Applicant's desire to place a manufactured home on the parcel with a setback of 450 ft. Staff's recommendation is based upon the above analysis, as well as the following factors in favor and against approval:

Factors in Favor of Approval

1. The proposal fully complies with nine of the factors criteria staff uses to evaluate rezoning requests.
2. Approval of the rezoning for a residential use would not alter the overall character or the density of existing development in the area.
3. The proposal is in general conformance to the surrounding zoning districts.
4. Rezoning to GB would not change the minimum site development standard requirements for any future construction on the parcel.
5. Staff has received one letter in support of the request.

Factors Against Approval

None

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' 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.

Department's Next Steps (if approved):

Planning staff will take the recorded ordinance and new map drawn to scale that illustrates the new zoning district boundaries to GIS to amend the County Zoning Maps to reflect this action.

Impact of NOT Approving/Alternatives:

If the Board does not approve the Zoning Ordinance, the subject parcel will retain the existing zoning districts.

To BOS Staff: Document Disposition/Follow-Up:

After the Chair signs the Zoning Ordinance, Board Staff should send a recorded copy of the same to the Planning Department for our files.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Z-15-08 (Newell) BOS Memo

Transportation Memo by Karen Lamberton

Right of Way Memo by Pam Hudgins

Public Comment

Zoning Ordinance Z-15-08 - Newell



Cochise County

Community Development

Planning, Zoning and Building Safety Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I
FOR: Paul Esparza AICP, Planning Director
SUBJECT : Docket Z-15-08 (Newell)
DATE: February 1, 2016 for the February 10, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft.) to GB (General Business). The subject parcel is 40.04-acres in size and is currently zoned GB, MR-1, and SR-12. The rezoning would extend the current GB zoning 320 ft. to the north to facilitate the Applicant's desire to install a manufactured home with a setback of 450 ft. Manufactured homes are not permitted in an MR-1 zoning district.

The subject parcel, APN 202-49-018 is located on E. Old Stewart Road approximately a quarter mile to the east of the intersection of N. Old Stewart Ramp / N. Huntington Road near Willcox, AZ. The Applicant is Sharon Newell.

PLANNING AND ZONING COMMISSION

On Wednesday, February 10, 2016, the Planning and Zoning Commission voted 8-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff. No objections were received from any member of the public.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	1,744,343.61 sq. ft. (40.04 acres)
Current Zoning:	GB (Residential; one dwelling per 3,600 sq. ft.) MR-1 (Residential; 1 dwelling/ 9,000 sq. ft.) SR-12 (Residential; 1 dwelling / 9,000 sq. ft.)
Proposed Zoning:	GB
Growth Area:	B
Comprehensive Plan Desig.:	B- Developing / Neighborhood Conservation
Area Plan:	None
Existing Uses:	Vacant
Proposed Uses:	Residential

Planning, Zoning and Building Safety

1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43 & SR-12	Vacant
South	N/A	State of Arizona
East	SR-12, GB, & MR-1	Vacant
West	SR-12 & GB	Single Family Residential

II. PARCEL HISTORY

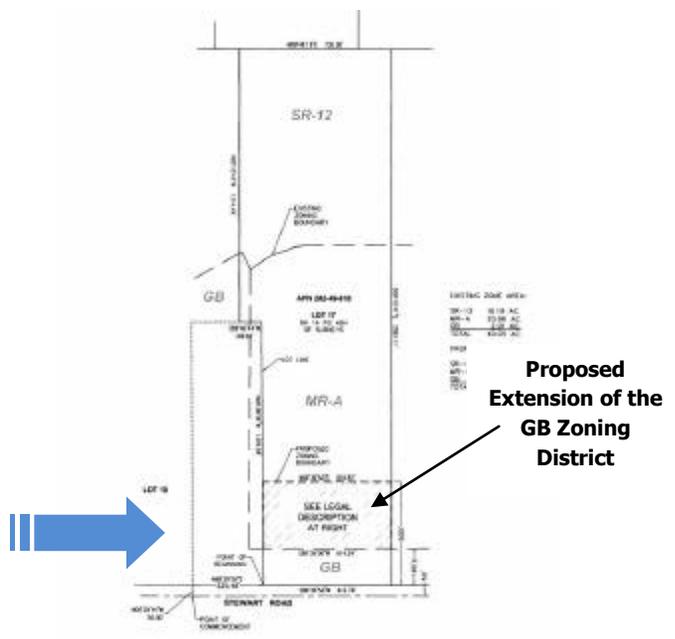
None

III. NATURE OF REQUEST

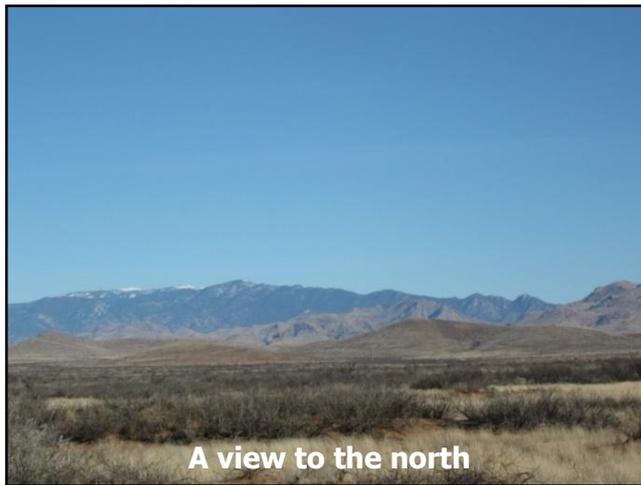
The Applicant purchased the property several years ago with the intention of eventually placing a manufactured home on the property to be closer to her daughter, son and law, and granddaughters who all reside in Willcox, AZ. However, the current MR-1 (formally known as MR-A) and SR-12 zoning districts do not allow manufactured homes. The Applicant assumed based on the size of the parcel, the rural character of the area, and with the support of the Covenants, Conditions, and Restrictions (CC&R's) that the parcel's current zoning would allow a manufactured home to be placed on the property. The GB zoned section of the property does allow for manufactured homes, yet the portion of the property zoned GB does not satisfy the Applicant's desire for a greater setback from Old Stewart Road and Interstate 10. Therefore, the Applicant is requesting an extension of the current GB zoning district. Specifically, the Applicant requests to rezone the southern section of the property (approximately 4.52 acres of the 40.04 acre parcel) from MR-1 to GB.



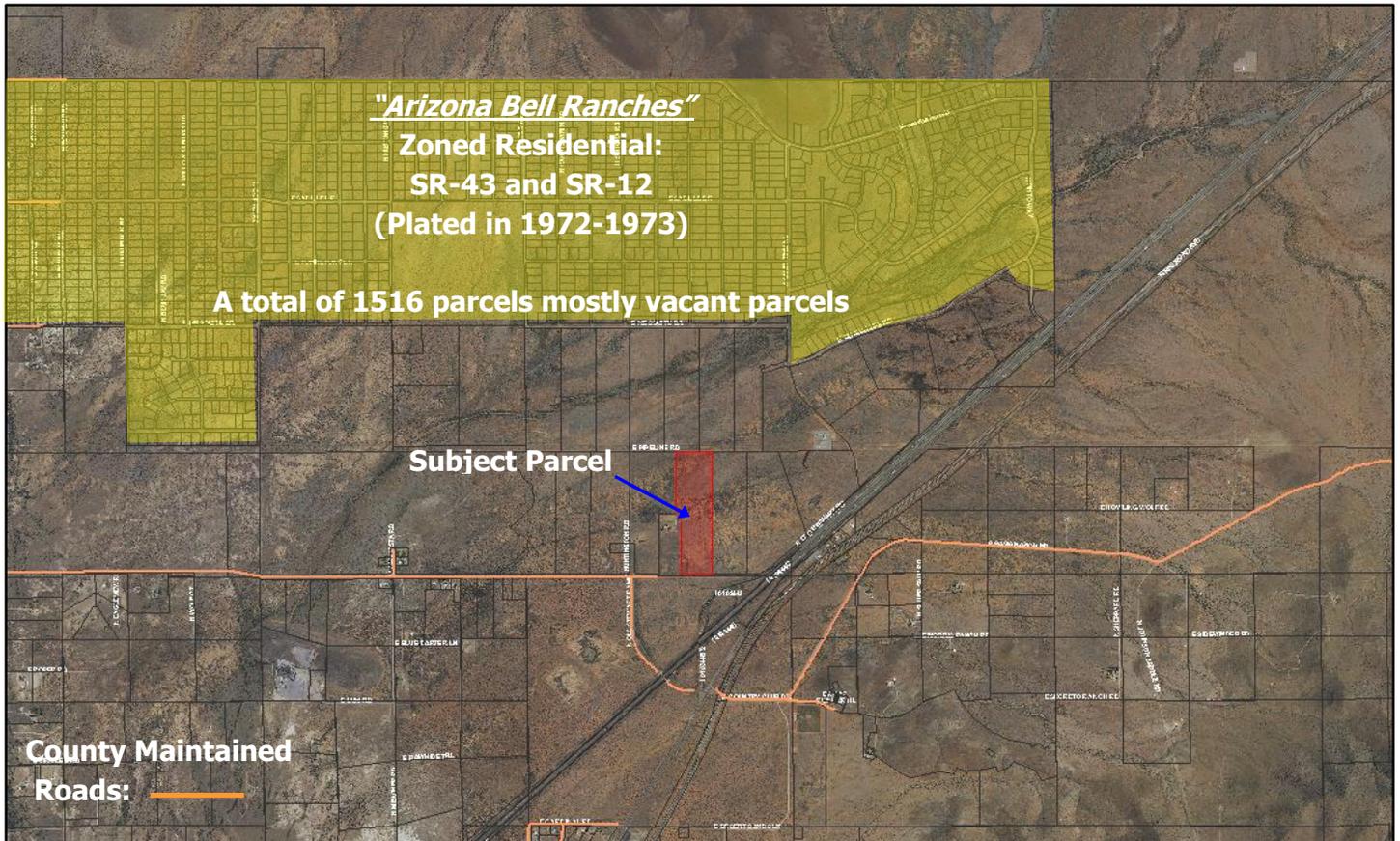
Current Zoning



Proposed Rezoning



Staff has not been able to locate records that would explain the unusual triple zoning that exists on this parcel and others in the area. It is possible that when this area was initially zoned, the original developers planned for a commercial strip along Old Stewart Road, where the subject parcel is located, to accommodate the needs of future residents of the area. This would make sense, given the subject parcel's proximity to "Arizona Bell Ranches" subdivision. However, this area has yet to develop and still maintains much of its rural character, as it did when the present zoning districts were established. Currently, the area consists of mostly undeveloped vacant land.



Location Map

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a B-Developing Area. Section 402 of the Zoning Regulations allows owners of property within this Plan Designation to request a rezoning to GB.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request, which as submitted, fully complies with nine of the applicable factors.

1. Provides an Adequate Land Use/Concept Plan: Complies

The proposal is to extend the current GB zoning an additional 320 ft. to the north on a 40.04 acres parcel to allow the Applicant to install a manufactured home. The Applicant has provided a map drawn to scale that illustrates the existing and proposed District boundaries as well as an accurate legal description of the area being petitioned for amendment (see attachment A).

2. Compliance with Applicable Site Development Standards: Complies

The proposal will meet all site development standards of the GB zoning district should the rezoning be approved.

3. Adjacent Districts Remain Capable of Development: Complies

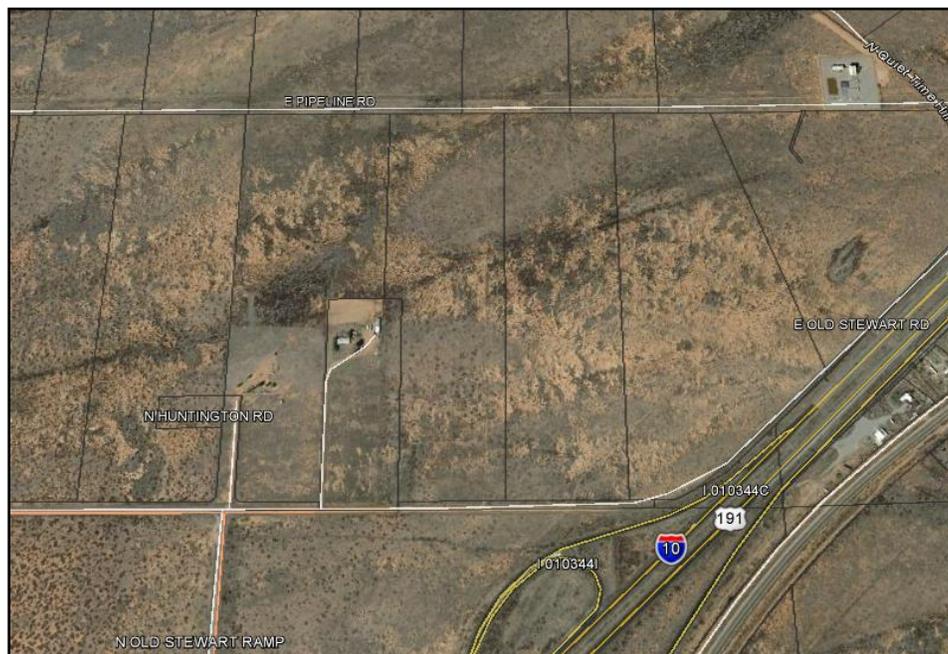
The proposed rezoning would not affect the development prospects of any neighboring property. The subject parcel is bounded to the north by two vacant parcels of similar size that are zoned SR-43 and SR-12. To the east lies a parcel of similar size and zoning configuration as the subject parcel and is also vacant. To the west, lies two parcels, the smaller parcel is zoned GB and the other parcel is zoned GB and SR-12. These parcels consist of mostly open space, each with a residential dwelling. To the south of the subject parcel lies a large parcel of undevelopable State land.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses. An approval of the rezoning would allow the Applicant to place a manufactured home on her property in a legal manner that would abide by the zoning regulations governing the GB zoning district.

5. Compatibility with Existing Development: Complies

The two parcels to the west of the subject parcel are the only developed properties near the subject parcel; both parcels abut the subject parcel and are currently developed as residential single-family properties. The smaller parcel immediately to the west of the subject parcel is zoned GB. Thus, the addition of a manufactured home on the subject parcel would not be out of character with the exiting development in the area.



6. Rezoning to More Intense Districts: Complies

The request to rezone approximately 4.52 acres of land from MR-1 to GB, which is a reasonable extension of the GB zoning district currently in place, with the extension, the subject parcel will maintain its current transition and sufficient buffer between the MR-1 and SR-12 zoning districts in place on the subject parcel.

7. Adequate Services and Infrastructure: Complies

Access to the subject property is taken from Old Stewart Road, via the Old Stewart Road ramp from Interstate 10. Old Stewart Road is a private roadway, but becomes a county maintained road approximately 950 ft. to the east of the subject parcel. Interstate 10 is approximately 1,300 ft. to the west of the subject parcel's driveway. No special driveway requirements apply to a residential use on a non-county maintained roadway.

Law enforcement services are provided by the Cochise County Sheriff's Office. Health Care Innovations (HCI) provides EMS services. However, the parcel is not covered by a fire district. Water will be provided to the site via a well the Applicant has drilled and a septic system will be installed in the future. Sulphur Springs Valley Electric Cooperative (SSVEC) will provide electricity to the property. Accordingly, the site will have the infrastructure necessary for the placement of a manufactured home, should the rezoning request be approved.

8. Traffic Circulation Criteria: Complies

According to the County's transportation planner,

"the placement of a mobile home further off from the roadway, would not likely change the existing traffic circulation or create any new traffic impacts. A single family residential unit, either on the existing MR-1 zoned site or on a GB site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9th edition".

See attachment C for a more detailed transportation analysis.

9. Development Along Major Streets: Partially Complies

Access to the subject parcel is taken from Old Stewart Road, which is listed by the Transportation Department as a "Rural Minor Access" road, but because the segment of the road that abuts the subject parcel is not County maintained, the proposal only partially complies with this factor. The County maintained portion of Old Stewart Road starts approximately 950 ft. to the east of the subject parcel.

10. Infill: Does not Comply

This factor applies specifically to rezoning to GB, LI, and HI in an existing "Enterprise" or "Enterprise Redevelopment" plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists. Although the proposal is to partially rezone the southern section of the subject parcel to GB and it is located in a County designated "Enterprise Redevelopment Zone". The proposal does not include a commercial or industrial component, and the surrounding area is either vacant or developed for residential purposes. Consequently, the proposal does not comply with this factor.

11. Unique Topographic Features: Not Applicable

From a topographical standpoint, the subject parcel is relatively level, a dry wash runs across the northern section of the parcel there, but is not exceptional and does not warrant consideration. The entire parcel is in an "X" flood plain, which means it lies outside of the 0.2% annual chance of a flooding event.

12. Water Conservation: Not Applicable (at this time)

If the rezoning is approved, all appropriate water conservation measures required by the zoning regulations will apply at the time of building permit issuance.

13. Public Input: Complies

The Applicant completed the required Citizen Review process and has not received a response as of the date of this memo. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on January 20, 2016. Staff posted the property on January 21, 2016 and published a legal notice in the *Bisbee Observer* on January 21, 2016.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The parcel is not in an Area Plan.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant is not requesting waivers from the County's site development standards.

VI. PUBLIC COMMENT

In response to Applicant and County mailings, the Planning Department has received one letter of support for the request.

VII. SUMMARY AND CONCLUSION

The proposal as submitted fully complies with nine of the criteria staff uses to evaluate rezoning requests. Four of the factors are not applicable, the request partially complies with one of the factors, but does not comply with the "Infill" factor. The request is to rezone a portion of a parcel of land located near Willcox, AZ from MR-1 to GB extending the current GB zoning 320 ft. further to the north. The rezoning is necessary in order to accommodate the Applicant's desire to place a manufactured home on the parcel with a setback of 450 ft. Staff's recommendation is based upon the above analysis, as well as the following factors in favor and against approval:

Factors in Favor of Approval

1. The proposal fully complies with nine of the factors criteria staff uses to evaluate rezoning requests.
2. Approval of the rezoning for a residential use would not alter the overall character or the density of existing development in the area.
3. The proposal is in general conformance to the surrounding zoning districts.
4. Rezoning to GB would not change the minimum site development standard requirements for any future construction on the parcel.
5. Staff has received one letter in support of the request.

Factors Against Approval

None

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' 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.

IX. ATTACHMENTS

- A. Application
- B. Site Plan
- C. Agency Comment Memo
 - i. Transportation Analysis dated January 5, 2016 from the County Transportation Planner
- D. Public Comment



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

Date: January 5, 2016
To: Jim Henry, Planner 1
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Newell Re-Zoning/Z-15-08/Parcel #202-49-018

This re-zoning proposes modifying the land designation from MR-1 to GB for a portion of this 40 acre parcel. Although the applicant owns a large parcel, it currently has three different zonings on it. In order to allow a mobile home at the location on this site desired by the applicant it would need to be re-zoned appropriately. It is the desire of the applicant to place a mobile home fairly far set back from their parcel boundary due to the proximity of a native surfaced roadway, the Interstate and the Railroad.

Traffic Analysis

Access is proposed to be taken from Old Stewart Rd. This is not county-maintained roadway at this location: Old Stewart Rd. county maintenance begins approximately 950 feet to the east. Interstate 10 is approximately 1,300 feet to the west of the subject parcel's driveway but access is from N. Old Stewart Rd. Ramp, a county-maintained roadway, then to Interstate 10 access ramps. No special driveway requirements apply to a residential use on a non-county maintained roadway.

The proposed use, the placement of a mobile home further off from the roadway, would not likely change the existing traffic circulation or create any new traffic impacts. A single family residential unit, either on the existing MR-1 zoned site or on a GB site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9th edition.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use nor is it likely to adversely impact traffic circulation or trip generation in the area. It would open up the frontage along this roadway to potential new commercial uses in the expanded GB district; however, if such a change should occur those permits would appear before with the Commission or submitted through the Commercial Permit process and appropriate review conducted at that time for any adverse transportation impacts.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: January 6, 2016

TO: Jim Henry, Planner I

FROM: Pam Hudgins, Right-of-Way Agent II

SUBJECT: Rezoning for Newell (Z-15-08)

Background: Sharon Newell the applicant, is requesting, a rezoning from MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft) to GB (General Business). The subject parcel is 40.04 acres in size and is currently zoned SR-12, GB and MR-1. The rezoning would extend the current GB zoning 320 ft. to the north to facilitate the applicant's desire to install a manufactured home with a setback of 450 ft. which is not allowed under the current MR-1 zoning. Right-of-Way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from Interstate 10 exit 344 via N. Old Stewart Ramp exit. North to Old Stewart Road and Huntington Road. East on to Old Stewart Road approximately ¼ mile to the subject parcel APN 202-49-018.
- The subject parcel APN 202-49-018 adjoins and derives access from Old Stewart Road.
- Adjoining the subject parcel, Old Stewart Road is not a county maintained road at this location.
- Old Stewart Road is a county Maintained road (#976), but not at the location of the subject parcel.

Recommendation:

- Regarding existing right-of-way needs for County Maintained Roads, no further dedication is required at this time for Old Stewart Road.

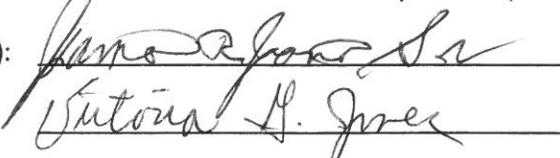
Docket Z-15-08 (Newell)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): JONES James RSR & Victoria G.

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 20249016 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Friday, January 29, 2016 to be included in the staff report to the Commission, and by Wednesday, February 10, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Jim Henry at jhenry@cochise.az.gov. Comments received after the January 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 10, 2016 for the Planning and Zoning Commission and March 8, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jim Henry, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

ZONING ORDINANCE 16-___

**AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM MR-1
TO GB, PURSUANT TO THE APPLICATION OF SHARON NEWELL**

WHEREAS, A.R.S. § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

WHEREAS, the Cochise County Board of Supervisors recognizes that zoning amendments can affect land use patterns and therefore warrant careful consideration of local and regional impacts at a public hearing; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on February 10, 2016 on the amendments to the Zoning District boundaries proposed by - Sharon Newell; and

WHEREAS, the Planning and Zoning Commission conditionally approved the request for a change in the Zoning District boundaries with no objection from the public; and

WHEREAS, the requested zoning will not alter the existing pattern of development in the neighborhood and is harmonious with the surrounding zoning districts; and

WHEREAS, the Cochise County Board of Supervisors promotes effective, early, continuous proactive public participation by citizens; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries on March 8, 2015,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Zoning District Boundaries shall be amended as follows:

The zoning classification for Tax Parcel 202-49-018 is changed from MR-1 to GB. The property is located on E. Old Stewart Road approximately a quarter mile to the east of the intersection of N. Old Stewart Ramp / N. Huntington Road, near Willcox, Arizona. The property is further described as Tehama Properties Lot 17 in Section 9 of Township 13 South, Range 25 East of the G&SRB&M, in Cochise County, Arizona. This zoning change is subject to the following conditions:

ZONING ORDINANCE 16-__

Re: Amending Certain Zoning District Boundaries From MR-1 to GB, Pursuant To The Application Of Sharon Newell

Page 2

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and

2. 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

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 8th day of March 2016.

Richard R. Searle, Chairman
Board of Supervisors

ATTEST:

Arlethe G. Rios,
Clerk of the Board

APPROVED AS TO FORM:



Britt W. Hanson,
Chief Civil Deputy County Attorney

Court Administration

Regular Board of Supervisors Meeting**Meeting Date:** 03/08/2016

Law Library Re-Engineering Project

Submitted By: Regan Appelo, Court Administration**Department:** Court Administration**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 2**Submitted for Signature:****NAME** Eric Silverberg**TITLE** Court Administrator**of PRESENTER:****of PRESENTER:****Mandated Function?:** Federal or State Mandate**Source of Mandate** ARS 12-305**or Basis for Support?:**

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 Superior Court Grant of \$50,000 from the State Justice Institute to Re-engineer Law Library Services and Award Contract to National Center for State Courts.

Background:

During the court's Strategic Planning process which was initiated in 2012, the court recognized that an area in need of improvement was the Law Library. When the strategic plan was rolled out and the court was considering which projects should be designated as priority, the court decided that a special emphasis should be placed on prioritizing projects with low or no cost. The Law Library did not fit this criteria. The Law Library was expected to be a project area where significant effort would be needed to make a difference. Further, since service costs are significant and may remain so, we decided to seek the services of a consultant to assist us with this re-engineering effort to ensure the best possible outcomes.

We believe that improving the services of the Law Library and realigning the traditional Library service model to a more appropriate Court Access Center business model will better meet the needs of the public in a cost-effective manner. The Court Access Center term better describes the function we seek to serve, than the term Law Library which suggests a physical structure where books are housed.

The Consultant will facilitate an assessment of our current system and work with local partners to identify system and user needs. A Steering Committee will assist the court in matching needs with best practices and potential resources to develop a consensus about the future direction and services provided and accessible through the Court Access Center.

Total project cost will be \$75,080 with \$50,000 from the State Justice Institute. \$5,000 will be allocated from the Probate Fees special revenue fund. The remainder will be in-kind match of staff and stakeholder hours applied to the project.

Department's Next Steps (if approved):

Finalize the project schedule and begin implementation.

Impact of NOT Approving/Alternatives:

The County would be foregoing funds to help improve the mandated activities we already fund.

To BOS Staff: Document Disposition/Follow-Up:

No follow-up at this time.

Budget Information

Information about available funds

Budgeted:
Unbudgeted:

Funds Available:
Funds NOT Available:

Amount Available:
Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

[Grant Approval Form](#)

[Grant Request/Approval to Follow](#)

[Award Documentation](#)

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator:

Date Prepared:

Point of Contact:

Phone Number:

Department:

PRIMARY GRANT

Primary Grantor:

CFDA:
www.CFDA.gov

Grant Title:

Grant Term From:

To:

Total Award Amount:

New Grant: Yes No

Grant No:

Amendment: Yes No

Amendment No:

GL Account No:

If new, Finance will assign a fund number.

Strategic Plan:

District:

Mandated by Law

Yes

No

Number of Positions Funded:

Asset(s) Acquired:

Grantor's reimbursement mileage rate:

Health or pension reimbursement:

Other reimbursement:

Briefly describe the purpose of the grant:

If this is a mandated service, cite the source. If not mandated, cite indications of local customer support for this service.

PRIMARY FUNDING SOURCE

Funding Year: Federal Funds 332.100

State Funds 336.100

County Funds 391.000

Other Funds:

Total Funds:

Has this amount been budgeted? Yes No

Method of collecting funds: Lump Sum Quarterly Draw Reimbursement

Is revertment of unexpected funds required at the end of grant period? Yes No

(a) Total indirect (A-87) Cost Allocation:

(b) Amount of overhead allowed by grant:

County Subsidy (a) - (b) =

Is there a Secondary Grant Award associated with this Grant? Yes No

Name of Grant: Funder:

If yes please complete an additional grant approval form.

Is County match required? Yes No

County match source:

County match dollar amount or percentage:

NOTE: Please attach this Grant Approval form to the AgendaQuick item. The AgendaQuick "Grant Approval template" must be used. Once approved by the Board of Supervisors, the department is responsible for sending a copy of the fully executed GRANT DOCUMENT (not this approval form) to the Finance Department.

James L. Conlogue
Presiding Judge



Eric Silverberg
Court Administrator

**SUPERIOR COURT OF ARIZONA
COCHISE COUNTY
OFFICE OF THE COURT ADMINISTRATOR**

July 23, 2015

Mr. Jonathan Mattiello
Executive Director
State Justice Institute
11951 Freedom Drive, Suite 1020
Reston, Virginia 20190

Re: Cochise County Superior Court Law Library Self-Represented Litigant Services

Dear Mr. Mattiello:

The Cochise County, Arizona, Superior Court (Court) requests a \$50,000 Technical Assistance grant to obtain the services of the National Center for State Courts (NCSC) to help us explore options and develop a plan to evaluate and re-design the self-represented litigant services of our existing law library functions to assure that it is delivering optimal service to our Court's users.

BACKGROUND

The Cochise County Superior Court is a rural Arizona court that serves a population of approximately 130,000 people. The Court conducts its business in two primary locations: Bisbee, the county seat, and Sierra Vista. Court functions also occur at six additional remote locations and court services are provided for both Superior Court (general jurisdiction) and Justice Court (limited jurisdiction) operations. The law library is in a historic courthouse in Bisbee, which is near the Mexican border and approximately 25 miles from Sierra Vista. The library also houses the Court's Interpreter's Office and serves as a source of public information about the Court and its services. The Court does not have the expertise or the resources to re-design the library's current functions and provide the necessary mix of in-person and on-line services to maximize its benefit to the residents of the County. We also recognize that court user needs may not be accommodated by a single mode of access. Additionally, the library's 1,200 square feet was designed many years ago and the court must consider whether continued use of this facility as a center to provide court access is appropriate.

Mr. Jonathan Mattiello
State Justice Institute
July 23, 2015
Page 2

Because of its great experience in helping courts maximize the utility of their facilities and services, the NCSC will be able to provide the expertise required to develop a feasible service design that will meet the needs of our Court. Just as important, this project will enable the Court to continue to implement the strategic plan it developed in 2013 with the State Justice Institute's (SJI) generous assistance.¹ This project fits squarely within SJI's priority investment areas, and will produce practical, tangible outcomes.

NEED FOR FUNDING

The court is unable to pursue this project without the funding and technical expertise to identify best practices from across the broad court community and to assess their appropriateness for a small economically challenged county. The court has shown a remarkable ability to bring stakeholders together to implement change. This is very much a tipping point project. We court will effectively leverage the Consultants' expertise by engaging local stakeholders. Through this process, we will jointly develop and implement enduring cost-effective change.

It may well turn out that economic stress is the true mother of invention. Eventhough, Arizona Superior Court in Cochise County is a state court, it receives the bulk of its operating budget from the local county, the County of Cochise. Cochise County is a rural, agricultural county. Top employers include Border Patrol and local government. The largest employer is Fort Huachuca. Over the past several years, the post has reduced the number of soldiers and civilian contractors who work there. This has caused the economy and population to decline. So far, the economic recovery has not arrived in Cochise County.

Accordingly, the court's staffing and budgets have also been reduced. Economic challenges was a significant motivator for the court's first strategic plan which was adopted in 2013. This process correctly identified that the Law Library was an area in need of significant improvement. Not only is our current service model expensive, it does not appear that it provides services that the public actually needs.

Library funding has been a contentious issue between the Court and the County. The dedicated revenue stream provided by statute, only provides about 25% of the library's current budget. The remainder of the budget is provided by the County Library District. The library's funding stream was adequate until the economic downturn. The County has cut their library system and cut the court's library function as well. I have been informed that the court should expect future

¹ Cochise County Strategic Planning Project, SJI-12-T-170. Strategic Focus Area 1 of the plan was "Access and Services," which included upgrading and expanding technologies for increased electronic access and the conduct of business remotely; expanding court services to meet the growing expectations of self-represented litigants; enhancing physical access to the court (and court services); and providing understandable and user-friendly information and resources.

cuts. This is an ideal time to reengineer and redefine and redefine the role and services of the current Law Library.

When this project is successful, we will have a plan to move forward to provide the right mix of services/resources in a cost effective manner. This project will serve to educate the local stakeholders about what can be done. Through their participation and engagement, we can locally determine what **will be done**. This process will also help to inform our funders that a Law Library is not a luxury or non-essential function. It is a vital and essential part of how many citizens access the court. Without this function, the court will not be able to fulfill its constitutional mandate.

PROJECT DESCRIPTION

Under this project, the Court and the NCSC will:

- (1) Review and evaluate the Court's current provision of services to self-represented litigants.
- (2) Assess how Court access is structured and how law library and informational materials are provided.
- (3) Consider benchmarking and re-engineering practices in order to leverage limited funding and better serve litigant needs.

Task Plan

The project work plan will be developed with the collaboration and assistance of local Court staff, Court participants, and the NCSC. Before the grant-supported project begins, the Court will appoint a project steering committee (PSC) to guide the project and work with the NCSC's project team, staff, judges, and various stakeholders (including members of the public) as needed. The Court will also appoint a Project Liaison to be a contact person with the NCSC project team and arrange all logistics (accommodations, meetings, schedules, etc.) for the project.

Task 1: Kickoff Meeting

The NCSC project team of Janet Cornell and Gregory Langham will meet by teleconference or webinar with the PSC and the Project Liaison to initiate the project. The Court expects the meeting to include the following agenda items:

- (1) Definition of the project's specific objectives.
- (2) Identification of the Court's current public access locations and practices.
- (3) Discussion of feasible strategies to enhance court access to self-represented litigants (SRLs) in all of the current locations.

- (4) Methods for developing the support and understanding of local government leadership and Court stakeholders about the importance of implementing enhanced public access methods to Court services.
- (5) Identification of available cost-effective resources (including staffing and facility space) that are available to provide greater public access to the Court.
- (6) Potential development of a Court and/or public needs survey to assist with the development of enhanced access.
- (7) Discussion of how Court interpreters might be better used to enhance public access.

Task 2: Data Gathering and Analysis

The Court will provide the NCSC all available data concerning the public's utilization of each of its two primary locations, the additional remote locations, the six judicial divisions, and the law library; the number of litigants who are represented by lawyers and the number who represent themselves; the resources used by SLRs and the additional resources that SLRs have identified as desirable; and other items requested by the NCSC project team at or after the kickoff meeting.

Following receipt of this data, the NCSC project team will prepare a draft analysis of the key issues and its recommended plan for how to best meet the project's goals, including desired meetings and observations to be conducted under its site visit (Task 3). The NCSC will provide the Project Liaison with an electronic copy of the draft analysis to distribute to the members of the PSC. After the PSC members have a reasonable time to review the draft, the NCSC project team will convene a teleconference or webinar to discuss the draft with the PSC. After revising the draft as warranted by the discussion, the NCSC project team will send an electronic copy of the final plan to the Project Liaison for distribution to the PSC.

Task 3: Site Visit

Ms. Cornell and Mr. Langham will travel to Cochise County for three days in order to collect data, meet with Court personnel and members of the public, and observe the functions of the Court and the law library, as provided in the plan approved in Task 2. The Court expects that the approved plan will include the NCSC project team's review of existing public access methods (including local Court and State Judicial Administrative Office websites), examination of court-authorized forms, meetings with Court staff currently involved with SRLs and/or focus groups, and observations of courtrooms and other facilities and equipment available for use by those seeking access to the Court across the county.

At the end of the site visit, Ms. Cornell and Mr. Langham will meet with the PSC to present and discuss their preliminary findings.

Task 4: PSC Meeting

After returning from the site visit, the NCSC project team will continue to consult by e-mail and telephone with members of the PSC, other Court officials and stakeholders, and the Project Liaison to analyze existing access operations and discuss feasible options for implementing new methods of public outreach and service.

Following those consultations, Ms. Cornell and Mr. Langham will meet with the PSC by teleconference or webinar to discuss the feasibility of obtaining additional suggestions of local Court users or national subject matter experts, as appropriate, to help review current access methods, provide data, or otherwise assist the PSC in determining the impact of recommended future access enhancements.

Task 5: Final Report

After assessing all the information acquired during the previous tasks, the NCSC project team will send a draft report to the Project Liaison for electronic distribution to the PSC. The draft report will analyze the Court's current access methods, discuss the possible advantages of new approaches, and recommend specific practices that align with the Court's existing strategic plan. Specifically, the report will present sound recommendations to enhance Court access services, including a menu of applicable access options and modes that support the effective use of staff, space, and electronic and hardcopy media. It is envisioned that the report will be provided within an appropriate time frame to accommodate consideration of resource or funding needs in the Court's budget discussions with Cochise County budget officials.

The NCSC will afford the members of the PSC a reasonable time to review and comment on the draft report before convening a teleconference or webinar to discuss any member's concerns or suggestions. After amending the draft report as warranted by the discussion, the NCSC will disseminate a final report to the Project Liaison for distribution to the PSC and such other persons as the Court directs.

Task 6: Follow-up Meeting with the PSC

Within 90 days after the distribution of the final report, Ms. Cornell and Mr. Langham will travel to the Court and meet with the PSC and designated representatives or stakeholders to hear how implementation of the report's recommendations is proceeding and offer guidance on how to best resolve any problem areas that have arisen.

Task 7: Ongoing Consultation

Ms. Cornell and Mr. Langham will remain available for the balance of the grant period to discuss issues pertaining to the project and recommend potential solutions via telephone or e-mail.

Project Timeline

The Court anticipates the following project timeline:

Task	Months from Project Start											
	1	2	3	4	5	6	7	8	9	10	11	12
1. Kickoff Meeting	X											
2. Data Gathering and Analysis		X										
3. Site Visit			X									
4. PSC Meeting					X							
5. Final Report					X							
6. Follow-up Meeting with the PSC							X	X				
7. Ongoing Consultation									X	X	X	X

NCSC Qualifications

The NCSC is a non-profit corporation with the mission to improve the administration of justice through leadership and service to state courts and to justice systems around the world. Founded by the Conference of Chief Justices in 1971, the NCSC is the pre-eminent judicial reform organization in the United States and a national and global leader in helping courts improve the administration of justice and delivery of services.

The NCSC is dedicated to modernizing court operations and improving justice at the state and local level throughout the country. It functions as an extension of the state courts, working with them and providing an effective voice in matters of national importance. The NCSC thus acts as a focal point for judicial modernization, serving as a catalyst for implementing standards of fair and expeditious judicial administration, and helping to determine and disseminate solutions to the problems of individual courts and state judicial systems.

The NCSC's work includes providing information, technical assistance, and consulting services to courts and other interested parties, and conducting research and evaluations in all areas of operation of the courts. Through its Denver office, the NCSC provides direct court consulting services to courts in order to improve court management performance across a broad spectrum of topical areas, including court leadership, caseload management, financial management, technology management, human resources, facilities, court security, and enforcement of court sanctions. No organization in the nation is more knowledgeable about how courts work and the application of modern management principles to court leadership, organization and operations than the NCSC.

Key Staff

Janet Cornell is a court consultant, facilitator, and educator with a background in general and limited jurisdiction courts. From 2002 to 2013, Ms. Cornell was court administrator for the Scottsdale (Arizona) City Court; from 1998 to 2002 she was a criminal justice staff consultant with the Maricopa County (Phoenix) Information Technology Department. Ms. Cornell also served as senior judicial administrator with the Maricopa County Superior Court, administrator with the county justice courts, and operations manager for the U.S. District Court in Phoenix.

Ms. Cornell has a long history of consulting for local, federal, and international audiences in areas including caseload management, court administration, customer service, leadership, re-engineering, and court performance measures. She has published numerous court-based articles and is a past president of the National Association for Court Management, the Arizona Courts Association, and the Arizona Limited Jurisdiction Administrators Association.

Gregory Langham will also serve on the NCSC project team. Mr. Langham recently retired from the position of Clerk of Court for the United States District Court for the District of Colorado, where he served since 2003. He is a consultant on a periodic contract basis and is an expert in court management. In his role as Clerk, he managed federal court operations for the State of Colorado, including budget expenditures, court personnel, paper and electronic records, court facilities, court security, strategic planning, and technological applications.

As the District Administrator for the Eighteenth Judicial District in the State of Colorado, Mr. Langham managed state court operations and oversaw court personnel, court records, caseload assignments, budget expenditures, and use of court facilities in urban and rural areas within the State of Colorado (1981-2003). In addition, he served as a Court Management Consultant for the NCSC (1997-2002).

Budget

The total cost of the project will be a firm fixed price of \$75,000. The Court is requesting \$50,000 in SJI funds and will provide a cash match of \$5,000 and an in-kind match of \$20,080. A line item budget (Form C) and budget narrative are attached, as well as a letter from the NCSC affirming its participation.

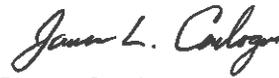
LIKELIHOOD OF IMPLEMENTATION

The Cochise County Superior Court remains committed to the strategic plan developed with NCSC and SJI support, and is equally committed to carrying out the critically important goals of this project. I assure you that I will provide the leadership and guidance necessary to achieve positive project outcomes.

Mr. Jonathan Mattiello
State Justice Institute
July 23, 2015
Page 8

If you need any further information about our proposal, please contact Eric Silverberg, our Court Administrator, at esilverberg@courts.az.gov or (520) 432-8500. Thank you for your consideration of this request.

Sincerely,



James Conlogue
Presiding Judge

STATE JUSTICE INSTITUTE APPLICATION

1. APPLICANT a. Organization Name <u>Arizona Superior Court in Cochise County</u> b. Street/P.O. Box <u>204</u> c. City <u>Bisbee</u> d. State <u>Arizona</u> e. Zip Code <u>85603</u> f. Phone Number <u>520-432-8500</u> g. Fax Number <u>520-432-5835</u> h. Web Site Address <u>www.cochise.az.gov</u> i. Name & Phone Number of Contact Person <u>Eric Silverberg, 520-432-8505</u> j. Title <u>Superior Court Administrator</u> k. E-Mail Address <u>esilverberg@courts.az.gov</u>	2. TYPE OF APPLICANT (Check appropriate box) <input checked="" type="checkbox"/> State Court <input type="checkbox"/> National organization operating in conjunction with State court <input type="checkbox"/> National State court support organization <input type="checkbox"/> College or university <input type="checkbox"/> Other non-profit organization or agency <input type="checkbox"/> Individual <input type="checkbox"/> Corporation or partnership <input type="checkbox"/> Other unit of government <input type="checkbox"/> Other _____ (Specify) _____
5. APPLICANT FINANCIAL CONTACT a. Organization Name <u>Arizona Superior Court in Cochise County</u> b. Street/P.O. Box <u>P.O. Box 204</u> c. City <u>Bisbee</u> d. State <u>Az</u> e. Zip Code <u>85603</u> f. Phone Number <u>520-432-8500</u> g. Fax Number <u>520-432-5835</u> h. Web Site Address <u>www.cochise.az.gov</u> i. Name & Phone Number of Contact Person <u>Regan Appelo, 520-432-8504</u> j. Title <u>Justice Court Administrator/Executive Budget Director</u> k. E-Mail Address <u>rappelo@cochise.az.gov</u> l. Organization EIN <u>86-6000398</u>	3. PROPOSED START DATE _____ <u>October 1, 2015</u> 4. PROJECT DURATION (months) <u>12</u> 6. IF THIS APPLICATION HAS BEEN SUBMITTED TO OTHER FUNDING SOURCES, PLEASE PROVIDE THE FOLLOWING INFORMATION: Source _____ Date Submitted _____ Amount Requested _____ Disposition (if any) or Current Status _____ 7. a. AMOUNT REQUESTED FROM SJI \$ <u>50,000.00</u> b. AMOUNT OF MATCH Cash Match \$ <u>5,000.00</u> In-kind Match \$ <u>20,080.00</u> c. TOTAL MATCH \$ <u>25,080</u> d. OTHER CASH \$ _____ e. TOTAL PROJECT COST \$ <u>75,080</u>
8. TITLE OF PROPOSED PROJECT <u>Cochise County Superior Court Law Library Self-Represented Litigant Services</u>	
9. CONGRESSIONAL DISTRICT OF: <u>Martha McSally, District 2</u> <small>Name of Representative; District Number</small> <small>Project location (if different from applicant location): Name of Representative; District Number</small>	
10. CERTIFICATION <p>On behalf of the applicant, I hereby certify that to the best of my knowledge the information in this application is true and complete. I have read the attached assurances (Form D) and understand that if this application is approved for funding, the award will be subject to those assurances. I certify that the applicant will comply with the assurances if the application is approved, and that I am lawfully authorized to make these representations on the behalf of the applicant.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <p style="text-align: center;"><u><i>Ann L. Conlog</i></u> SIGNATURE OF RESPONSIBLE OFFICIAL <small>(For applications from State and local courts, Form B - Certificate of State Approval, must be attached)</small></p> </div> <div style="width: 30%; text-align: center;"> <p>_____ Presiding Judge TITLE</p> </div> <div style="width: 30%; text-align: center;"> <p><u>July 24, 2015</u> DATE</p> </div> </div>	

STATE JUSTICE INSTITUTE PROJECT BUDGET (TABULAR FORMAT)

Applicant: Arizona Superior Court in Cochise County

Project Title: Cochise County Superior Court Law Library Self-Represented Litigant Services Re-Engineering

For Project Activity from 10/01/2015 **to** 09/30/2016

Total Amount Requested for Project from SJI \$ 50,000.00

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel	45,067.00			5,000.00		20,080.00	70,147.00
Fringe Benefits							0.00
Consultant / Contractual							0.00
Travel	4,933.00						4,933.00
Equipment							0.00
Supplies							0.00
Telephone							0.00
Postage							0.00
Printing / Photocopying							0.00
Audit							0.00
Other (specify)							0.00
Subtotal, Direct Costs	50,000.00	0.00	0.00	5,000.00	0.00	20,080.00	75,080.00
Indirect Costs							0.00
Grand Total	50,000.00	0.00	0.00	5,000.00	0.00	20,080.00	75,080.00

Remarks:

BUDGET NARRATIVE

Cochise County Superior Court Law Library Self-Represented Litigant Services Re-Engineering

OVERALL BUDGET

The total cost of the project is a firm fixed price of \$75,080. The Cochise County Superior Court (Court) is requesting \$50,000 in SJI funds. The Court will provide a cash match of \$5,000 and an in-kind match of \$20,000.

The budget is based on the following:

Total Budget:		\$75,080
SJI Request:		\$50,000
Court Cash Match:		\$5,000
In-kind Match:		\$20,080
Project Leadership time (2 person X 70 hours X \$46/hour)		\$6,440
Project Steering Committee members' time (10 people X 15 hours X \$55/hour/average)		\$8,250
Site visit participants' time (14 people X 4 hours X \$40/hour)		\$2,240
Stakeholder Consultations (70 hours with at least 10 people at \$45)		\$3,150
Consulting Personnel Costs:	\$50,067	
Travel:	\$4,933	
Task 1: Kickoff Meeting		\$1,984
Task 2: Data Gathering and Analysis		\$10,728
Task 3: Site Visit		\$10,629
Task 4: Project Steering Committee Meeting		\$3,968
Task 5: Final Report		\$10,728
Task 6: Follow-up Meeting with the Project Steering Committee		\$8,192
Task 7: Ongoing Consultation		\$8,771

Travel:

Site Visits 1 trip with 2 consultants, 4 days/3 nights (Task 3)
 1 trip with 2 consultants, 3 days/2 nights (Task 6)

*Note: Travel expenses include airfare, hotel, per diem, and ground transportation and are based on the National Center for State Courts policy that utilizes federal policies as guidelines. The travel days include travel time.



A nonprofit organization improving justice through leadership and service to courts

Mary Campbell McQueen
President

Daniel J. Hall
Vice President
Court Consulting Services
Denver Office

July 23, 2015

Mr. Jonathan Mattiello
Executive Director
State Justice Institute
11951 Freedom Drive, Suite 1020
Reston, Virginia 20190

Dear Mr. Mattiello:

The National Center for State Courts (NCSC) would be pleased to work with the Cochise County, Arizona, Superior Court (Court) to help the Court explore options and develop a plan to evaluate and re-design the self-represented litigants services of its existing law library functions.

The Court is asking for a technical assistance grant in order to retain the NCSC to (1) review and evaluate the Court's current provision of services to self-represented litigants; (2) assess how Court access is structured and how law library and informational materials are provided; and (3) consider benchmarking and re-engineering practices in order to leverage limited funding and better serve litigant needs. As part of the project, the NCSC will provide the court with a report that will analyze the Court's current access methods, discuss the possible advantages of new approaches, and recommend specific practices that align with the Court's existing strategic plan. Specifically, the report will present sound recommendations to enhance Court access services, including a menu of applicable access options and modes that support the effective use of staff, space, and electronic and hardcopy media. To help ensure the success of this project, the NCSC will provide ongoing consultation throughout the Court's implementation of recommendations contained in the NCSC's report.

With the assistance of the State Justice Institute in funding, the Court and the NCSC will utilize the experience and expertise of Janet Cornell and Gregory Langham as the project consultants. Ms. Cornell has a long history of consulting for local, federal, and international audiences in areas including caseflow management, court administration, customer service, leadership, re-engineering, and court performance measures. Mr. Langham recently retired from the position of Clerk of Court for the United States District Court for the District of Colorado, a position in which he managed federal court operations for the State of Colorado, including budget expenditures, court personnel, paper and electronic records, court facilities, court security, strategic planning, and technological applications.

We look forward to the opportunity to assist the Court with developing a plan to evaluate and re-design its self-represented litigant services to assure that it is delivering optimal services to Court users. If you have any questions or concerns regarding this proposal, please do not hesitate to give me a call. Thank you.

Sincerely,

Laura Klaversma
Court Services Director

Headquarters
300 Newport Avenue
Williamsburg, VA 23185-4147
(800) 616-6164

Court Consulting
707 Seventeenth Street, Suite 2900
Denver, CO 80202-3429
(800) 466-3063

Washington Office
2425 Wilson Boulevard, Suite 350
Arlington, VA 22201-3326
(800) 532-0204

www.ncsc.org

STATE JUSTICE INSTITUTE

Certificate of State Approval

The Arizona Administrative Office of the Courts has reviewed the application entitled Cochise County Superior Court Law Library Self-Represented Litigant Services Re-Engineering

prepared by the Arizona Superior Court in Cochise County
Name of Applicant

and approves its submission to the State Justice Institute, and

- agrees to receive and administer and be accountable for all funds awarded by SJI pursuant to the application;
- hereby requests consideration of a reduction in cash match as requested by the applicant (NOTE: only applicable to Project Grant applications);
- designates Arizona Superior Court in Cochise County
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by SJI pursuant to the application.



Signature

July 24, 2015

Date

Dave Byers

Name

Director, AOC

Title

STATE JUSTICE INSTITUTE

AWARD

<input checked="" type="checkbox"/> Grant		<input type="checkbox"/> Contract	<input type="checkbox"/> Cooperative Agreement	Page <u>1</u> of <u>1</u>
1. Grantee Name and Address Arizona Superior Court in Cochise County P.O. Box 204 Bisbee, AZ 85603		3. Award Number SJI-16-T-058		
		4. Award Period 03/1/16 – 03/1/17		
		5. Award Date 01/28/2016		
1a. Employer Identification No.		6. Award Amount \$50,000		
2. Entity to Receive Funds		7. Type of Award <input type="checkbox"/> Project Grant <input checked="" type="checkbox"/> Technical Assistance (TA) Grant <input type="checkbox"/> Curriculum Adaptation & Training (CAT) Grant <input type="checkbox"/> Scholarship <input type="checkbox"/> Partner Grant		
2a. Employer Identification No.				
8. Project Title <i>Law Library and Online Self-Represented Litigation Services</i>				
9. Special Conditions (Check if applicable) <input type="checkbox"/> The above project is approved subject to such conditions or limitations as set forth on the attached _____ page(s).				
STATE JUSTICE INSTITUTE APPROVAL		GRANTEE ACCEPTANCE		
10. Approving SJI Official Name: <u>Dan Becker</u> Title: <u>Acting Chairman, Board of Directors</u> Signature:  Date: <u>January 28, 2016</u>		11. Authorized Official of Grantee Name: <u>Eric Silverberg</u> Title: <u>Spencer Court Administrator</u> Signature:  Date: <u>2/16/2016</u>		

Emergency Services

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Emergency Notification System IGA - Douglas

Submitted By: Norm Sturm, Emergency Services

Department: Emergency Services

Presentation: No A/V Presentation **Recommendation:** Approve

Document Signatures: BOS Signature Required **# of ORIGINALS Submitted for Signature:** 2

NAME of PRESENTER: Norm Sturm **TITLE of PRESENTER:** ES Coordinator

Docket Number (If applicable):

Mandated Function?: Not Mandated **Source of Mandate or Basis for Support?:**

Information

Agenda Item Text:

Approve an Intergovernmental Agreement (IGA) to allow the City of Douglas administrative access to the County's web-based Emergency Notification System (WENS) for the purpose of developing the database and initiating warnings to addresses within the City of Douglas.

Background:

Cochise County subscribes to a web-based emergency notification system (WENS) for the primary purpose of alerting residents during emergencies where there is a life or health threat. The WENS system is capable of allowing municipalities within Cochise County limited administrative access to manage the program's database and initiate warnings to addresses within its jurisdiction. There are no extra costs associate with granting access to other entities. The Office of Emergency Services believes that there is significant benefit in granting access to local municipalities in that: 1) they will assume responsibility for building the system's database for their jurisdiction, and 2) they will assume responsibility for initiating local warnings within their jurisdiction. For county-wide consistency, use of the system is governed by this IGA and operating procedures. Cochise County maintains overall administrative control and access to the WENS system.

Department's Next Steps (if approved):

If approved final training on use of the WENS system will be provided to the Douglas Police Department's dispatch staff. Once trained, Douglas will begin managing and using the WENS system within their jurisdiction.

Impact of NOT Approving/Alternatives:

If not approved, Douglas will not have internal use of the WENS system and will be dependent on the Sheriff's office dispatch for generating WENS emergency notifications for the City of Douglas. Alternatively, Douglas can purchase their own notification subscription.

To BOS Staff: Document Disposition/Follow-Up:

OES will need one copy to return to Douglas for their records and one copy for OES files.

Attachments

Douglas WENS IGA

DGL WENS IGA --LJO signed

**INTERGOVERNMENTAL AGREEMENT
BETWEEN COCHISE COUNTY AND THE CITY OF DOUGLAS
FOR SHARING OF THE
WIRELESS EMERGENCY NOTIFICATION SYSTEM**

THIS INTERGOVERNMENTAL AGREEMENT dated _____, 2016 (“**Agreement**”), is made by and between COCHISE COUNTY, a political subdivision of the State of Arizona (“**Cochise County**”) and The City of Douglas, a political subdivision of the State of Arizona (“**The City of Douglas**”). Cochise County and The City of Douglas are sometimes referred to herein individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS

WHEREAS, Cochise County pays the lease for and maintains the Wireless Emergency Notification System (“**WENS**”), a voice and text messaging service system that provides emergency notification alerts to members of the public of Cochise County who are registered in the system database to receive notifications via this service; and

WHEREAS, Cochise County wishes to share the WENS with other governmental public safety entities, which will ultimately enhance emergency response services within Cochise County and increase safety and wellbeing for a greater number of Cochise County residents; and

WHEREAS the Parties desire to cooperate and collaborate beyond statutory requirements to assure that disaster preparedness efforts are efficiently coordinated and effectively integrated within their jurisdictions; and

WHEREAS, the Parties have reached an agreement on the sharing of WENS and an understanding of the responsibilities of each Party in implementing this Agreement; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to the provisions of Arizona Revised Statutes (“**A.R.S.**”) § 11-952;

AGREEMENT

NOW, THEREFORE, the Parties hereto, in consideration of the stipulations, covenants, and agreements hereinafter set forth, hereby agree as follows:

ARTICLE 1. LICENSE AND SUPPORT

- A. Under this Agreement Cochise County agrees to provide The City of Douglas the following:
1. A non-exclusive, non-transferable, non-sub licensable administrative access to use all messaging capabilities and databases within the WENS system for the purpose of notifying residents and businesses within their jurisdictional boundaries of immediate life and health threats.
 2. Two hours of consultation and training from Cochise County Public Safety staff on best practices and requirements for set-up, configuration, and use of WENS.
- B. Parties shall comply with all WENS policies and terms of use. Violation of this provision shall be grounds for Cochise County's immediate termination of this Agreement. If the Agreement is terminated pursuant to this section, Cochise County is indemnified as outlined in Article Four of this Agreement.

ARTICLE 2. INFORMATION CONTROL, RELEASE, AND ACCURACY

- A. The Parties agree that public notifications using WENS shall only be notification to the Party's residential base as follows:
1. Public notifications using WENS shall only be sent to the residents and businesses within the agency's jurisdictional boundaries.
 2. Public notifications using WENS shall never be used for purposes other than emergency notifications or periodic tests.
 3. For purposes of this agreement, "emergency" is defined to mean "circumstances where residents' lives, health, and/or safety are at immediate and serious risk."
 4. Before The City of Douglas initiates a WENS public notification, The City of Douglas's agency head or designee shall determine, and document in writing, that an emergency exists, and then shall authorize an emergency notification.
 5. Violation of this provision shall be grounds for Cochise County's immediate termination of this Agreement. If the Agreement is terminated pursuant to this section, Cochise County is indemnified as outlined in Article Four of this Agreement.
 6. The City of Douglas may use WENS internally to send and receive messages between agency employees, and may conduct monthly test notifications, without violating this Agreement.
- B. The City of Douglas specifically disclaims any warranty concerning the functionality of the WENS System or its suitability for Cochise's purposes or systems.

C. Data in which third party copyright is in place or have other usage and distribution restrictions shall not be distributed via this Agreement. The Parties shall be responsible for removing any such information from data before it is supplied to the other Party.

D. Cochise County has, and shall retain, final decision-making authority regarding the use, of all data, contained in WENS. Cochise County shall also retain authority to authorize, modify, and veto proposals by The City of Douglas to issue informational and emergency alerts using WENS.

ARTICLE 3. FINANCIAL CONSIDERATIONS

A. Cochise County retains responsibility for the basic WENS subscription cost for participation in this Agreement. Nothing included in this Agreement requires either Party to fund the activities of the other Party. Upon termination of this Agreement, all data within the WENS database will remain the property of Cochise County.

B. This Agreement shall be subject to available funding, and nothing in this Agreement shall bind either party to expenditures in excess of funds appropriated and allocated for the purposes outlined in this Agreement.

C. The City of Douglas shall be solely responsible for any costs The City of Douglas causes to be incurred above the normal contract lease rate Cochise County pays for WENS.

D. The employees of each party to this Agreement will not for any purpose be considered employees or agents of the other party. Each party assumes full responsibility for the actions of its personnel while performing services under this Agreement, and shall be solely responsible for their supervision, direction, and control.

ARTICLE 4. INDEMNIFICATION

To the extent permitted by law, each Party (as “**Indemnitor**”) agrees to indemnify, defend and hold harmless the other Party, its officers, officials, agents, employees, or volunteers from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney’s fees) (hereinafter collectively referred to as “**Claims**”) arising out of actions taken in performance of this Agreement, and including WENS failures, to the extent that such Claims are caused by the acts, omissions, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

ARTICLE 5. TERMINATION

This Agreement may be terminated for any reason by either Party upon thirty days written notice to the other Party. Upon termination of this agreement, either party may continue to contract with the WENS provider for services upon formation of a new contract binding only that party and the WENS direct provider.

ARTICLE 6. TERM

The term of this Agreement shall be for one year from the date of the last-signing party's signature, and for a period of nine years will automatically renew for an additional year twenty days before the scheduled end date, unless one party notifies the other at least thirty days before the end date of its intent to terminate the agreement. This agreement will terminate at the end of the ten-year period unless this agreement is amended in writing.

ARTICLE 7. MISCELLANEOUS PROVISIONS

A. NOTICES: All notices to the other Party required under this Agreement shall be in writing and sent by first class certified mail, postage prepaid, return receipt requested, addressed to the following personnel:

If to Cochise County: Lauri Owen, Civil Deputy County Attorney
Cochise County Attorney's Office
P.O. Drawer CA
Bisbee, Arizona 85603

If to The City of Douglas: Carlos A. De La Torre, P.E. City Manager
425 10th Street
Douglas, AZ 85607

B. WAIVER OF TERMS AND CONDITIONS: The failure of Cochise County or The City of Douglas to insist in any one or more instances on performance of any of the terms or conditions of this Agreement or to exercise any right or privilege contained herein shall not be considered as thereafter waiving such terms, conditions, rights, or privileges, and they shall remain in full force and effect.

C. GOVERNING LAW AND VENUE: The terms and conditions of this Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona and County of Cochise.

D. NONASSIGNMENT: This Agreement has been entered into based upon the personal reputation, expertise, and qualifications of the Parties. Neither Party shall assign its interest in this Agreement, either in whole or in part.

E. ENTIRE AGREEMENT: This Agreement represents the entire agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either expressed or implied, written or oral. It is mutually understood and agreed that no alteration or variation of the terms and conditions of this Agreement shall be valid unless made in writing and signed by the Parties.

E. SEVERABILITY: If any part, term or provision of this Agreement shall be held illegal, unenforceable, or in conflict with any law, the validity of the remaining portions and provisions hereof shall not be affected.

F. CONFLICTS OF INTEREST: The provisions of A.R.S. § 38-511 relating to cancellation of contracts due to conflicts of interest shall apply to this Agreement.

G. COMPLIANCE WITH CIVIL RIGHTS: The Parties agree to comply with A.R.S. Title 41, Chapter 9 (Civil Rights), Arizona Executive Orders 75-5 and 99-4, and any other federal or state laws relating to equal opportunity and non-discrimination, including the Americans with Disabilities Act.

H. ARBITRATION: To the extent required by A.R.S. §§ 12-133 and 12-1518(B), the Parties agree to resolve any dispute arising out of this Agreement by arbitration.

I. WORKER'S COMPENSATION: Each Party shall comply with the notice of A.R.S. § 23-1022(E). For purposes of A.R.S. § 23-1022, each Party shall be considered the primary employer of all personnel currently or hereafter employed by that Party, irrespective of the operations of protocol in place, and said Party shall have the sole responsibility for the payment of Worker's Compensation benefits or other fringe benefits of said employees.

J. COMPLIANCE WITH LAWS: The Parties shall comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this Agreement. The laws and regulations of the State of Arizona shall govern the rights of the Parties, the performance of this Agreement and any disputes hereunder.

K. NO JOINT VENTURE: It is not intended by this Agreement to, and nothing contained in this Agreement shall, be construed to, create any partnership, joint venture or employment relationship between the Parties or create any employer-employee relationship between the Parties' employees. Neither Party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other Party, including, but without limitation, the other Party's obligation to withhold Social Security and income taxes for itself or any of its employees.

L. NO THIRD PARTY BENEFICIARIES: Nothing in this Agreement is intended to create duties or obligations to or rights in third parties not Parties to this Agreement or affect the legal liability of either Party to the Agreement by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

M. AUDITS: Audits may be conducted at a time, mutually agreed upon, by any appropriate political subdivision or agency of Cochise County when required by applicable federal regulations. The parties further agree that all accounts, reports, files and other records relating to this agreement shall be kept for three (3) years after termination of this agreement and shall be open to reasonable inspection by the other party during that period.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year set forth below.

“The City of Douglas”
THE CITY OF DOUGLAS, a political
subdivision of the State of Arizona

“Cochise County”
COCHISE COUNTY, a political
subdivision of the State of Arizona

By: 
Carlos A. De La Torre, P.E., City Manager

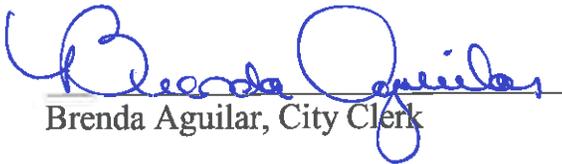
By: _____
Chairperson, Board of Supervisors

Dated: 02/11/2016

Dated: _____

ATTEST:

ATTEST:

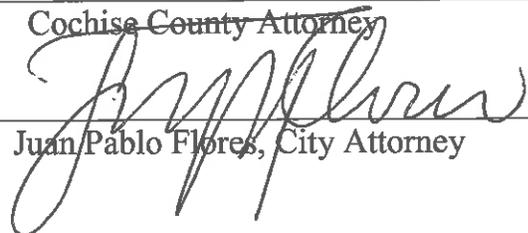

Brenda Aguilar, City Clerk

Clerk of the Board of Supervisors

INTERGOVERNMENTAL AGREEMENT DETERMINATION

The attached Agreement, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the each of the undersigned Attorneys who has independently determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to each of the above-identified parties.

SIGNATURE _____
Cochise County Attorney

SIGNATURE 
Juan Pablo Flores, City Attorney

Date
2/11/2016
Date

**INTERGOVERNMENTAL AGREEMENT
BETWEEN COCHISE COUNTY AND THE CITY OF DOUGLAS
FOR SHARING OF THE
WIRELESS EMERGENCY NOTIFICATION SYSTEM**

THIS INTERGOVERNMENTAL AGREEMENT dated _____, 2016 (“**Agreement**”), is made by and between COCHISE COUNTY, a political subdivision of the State of Arizona (“**Cochise County**”) and The City of Douglas, a political subdivision of the State of Arizona (“**The City of Douglas**”). Cochise County and The City of Douglas are sometimes referred to herein individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS

WHEREAS, Cochise County pays the lease for and maintains the Wireless Emergency Notification System (“**WENS**”), a voice and text messaging service system that provides emergency notification alerts to members of the public of Cochise County who are registered in the system database to receive notifications via this service; and

WHEREAS, Cochise County wishes to share the WENS with other governmental public safety entities, which will ultimately enhance emergency response services within Cochise County and increase safety and wellbeing for a greater number of Cochise County residents; and

WHEREAS the Parties desire to cooperate and collaborate beyond statutory requirements to assure that disaster preparedness efforts are efficiently coordinated and effectively integrated within their jurisdictions; and

WHEREAS, the Parties have reached an agreement on the sharing of WENS and an understanding of the responsibilities of each Party in implementing this Agreement; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to the provisions of Arizona Revised Statutes (“**A.R.S.**”) § 11-952;

AGREEMENT

NOW, THEREFORE, the Parties hereto, in consideration of the stipulations, covenants, and agreements hereinafter set forth, hereby agree as follows:

ARTICLE 1. LICENSE AND SUPPORT

- A. Under this Agreement Cochise County agrees to provide The City of Douglas the following:
1. A non-exclusive, non-transferable, non-sub licensable administrative access to use all messaging capabilities and databases within the WENS system for the purpose of notifying residents and businesses within their jurisdictional boundaries of immediate life and health threats.
 2. Two hours of consultation and training from Cochise County Public Safety staff on best practices and requirements for set-up, configuration, and use of WENS.
- B. Parties shall comply with all WENS policies and terms of use. Violation of this provision shall be grounds for Cochise County's immediate termination of this Agreement. If the Agreement is terminated pursuant to this section, Cochise County is indemnified as outlined in Article Four of this Agreement.

ARTICLE 2. INFORMATION CONTROL, RELEASE, AND ACCURACY

- A. The Parties agree that public notifications using WENS shall only be notification to the Party's residential base as follows:
1. Public notifications using WENS shall only be sent to the residents and businesses within the agency's jurisdictional boundaries.
 2. Public notifications using WENS shall never be used for purposes other than emergency notifications or periodic tests.
 3. For purposes of this agreement, "emergency" is defined to mean "circumstances where residents' lives, health, and/or safety are at immediate and serious risk."
 4. Before The City of Douglas initiates a WENS public notification, The City of Douglas's agency head or designee shall determine, and document in writing, that an emergency exists, and then shall authorize an emergency notification.
 5. Violation of this provision shall be grounds for Cochise County's immediate termination of this Agreement. If the Agreement is terminated pursuant to this section, Cochise County is indemnified as outlined in Article Four of this Agreement.
 6. The City of Douglas may use WENS internally to send and receive messages between agency employees, and may conduct monthly test notifications, without violating this Agreement.
- B. The City of Douglas specifically disclaims any warranty concerning the functionality of the WENS System or its suitability for Cochise's purposes or systems.

C. Data in which third party copyright is in place or have other usage and distribution restrictions shall not be distributed via this Agreement. The Parties shall be responsible for removing any such information from data before it is supplied to the other Party.

D. Cochise County has, and shall retain, final decision-making authority regarding the use, of all data, contained in WENS. Cochise County shall also retain authority to authorize, modify, and veto proposals by The City of Douglas to issue informational and emergency alerts using WENS.

ARTICLE 3. FINANCIAL CONSIDERATIONS

A. Cochise County retains responsibility for the basic WENS subscription cost for participation in this Agreement. Nothing included in this Agreement requires either Party to fund the activities of the other Party. Upon termination of this Agreement, all data within the WENS database will remain the property of Cochise County.

B. This Agreement shall be subject to available funding, and nothing in this Agreement shall bind either party to expenditures in excess of funds appropriated and allocated for the purposes outlined in this Agreement.

C. The City of Douglas shall be solely responsible for any costs The City of Douglas causes to be incurred above the normal contract lease rate Cochise County pays for WENS.

D. The employees of each party to this Agreement will not for any purpose be considered employees or agents of the other party. Each party assumes full responsibility for the actions of its personnel while performing services under this Agreement, and shall be solely responsible for their supervision, direction, and control.

ARTICLE 4. INDEMNIFICATION

To the extent permitted by law, each Party (as “**Indemnitor**”) agrees to indemnify, defend and hold harmless the other Party, its officers, officials, agents, employees, or volunteers from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney’s fees) (hereinafter collectively referred to as “**Claims**”) arising out of actions taken in performance of this Agreement, and including WENS failures, to the extent that such Claims are caused by the acts, omissions, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

ARTICLE 5. TERMINATION

This Agreement may be terminated for any reason by either Party upon thirty days written notice to the other Party. Upon termination of this agreement, either party may continue to contract with the WENS provider for services upon formation of a new contract binding only that party and the WENS direct provider.

ARTICLE 6. TERM

The term of this Agreement shall be for one year from the date of the last-signing party's signature, and for a period of nine years will automatically renew for an additional year twenty days before the scheduled end date, unless one party notifies the other at least thirty days before the end date of its intent to terminate the agreement. This agreement will terminate at the end of the ten-year period unless this agreement is amended in writing.

ARTICLE 7. MISCELLANEOUS PROVISIONS

A. NOTICES: All notices to the other Party required under this Agreement shall be in writing and sent by first class certified mail, postage prepaid, return receipt requested, addressed to the following personnel:

If to Cochise County: Lauri Owen, Civil Deputy County Attorney
Cochise County Attorney's Office
P.O. Drawer CA
Bisbee, Arizona 85603

If to The City of Douglas: Carlos A. De La Torre, P.E. City Manager
425 10th Street
Douglas, AZ 85607

B. WAIVER OF TERMS AND CONDITIONS: The failure of Cochise County or The City of Douglas to insist in any one or more instances on performance of any of the terms or conditions of this Agreement or to exercise any right or privilege contained herein shall not be considered as thereafter waiving such terms, conditions, rights, or privileges, and they shall remain in full force and effect.

C. GOVERNING LAW AND VENUE: The terms and conditions of this Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona and County of Cochise.

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E. ENTIRE AGREEMENT: This Agreement represents the entire agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either expressed or implied, written or oral. It is mutually understood and agreed that no alteration or variation of the terms and conditions of this Agreement shall be valid unless made in writing and signed by the Parties.

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L. NO THIRD PARTY BENEFICIARIES: Nothing in this Agreement is intended to create duties or obligations to or rights in third parties not Parties to this Agreement or affect the legal liability of either Party to the Agreement by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

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[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year set forth below.

“The City of Douglas”
THE CITY OF DOUGLAS, a political
subdivision of the State of Arizona

“Cochise County”
COCHISE COUNTY, a political
subdivision of the State of Arizona

By: 
Carlos A. De La Torre, P.E., City Manager

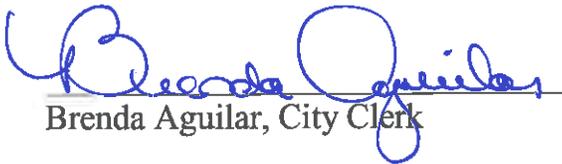
By: _____
Chairperson, Board of Supervisors

Dated: 02/11/2016

Dated: _____

ATTEST:

ATTEST:

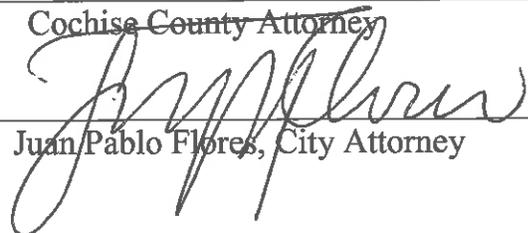

Brenda Aguilar, City Clerk

Clerk of the Board of Supervisors

INTERGOVERNMENTAL AGREEMENT DETERMINATION

The attached Agreement, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the each of the undersigned Attorneys who has independently determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to each of the above-identified parties.

SIGNATURE _____
Cochise County Attorney

SIGNATURE 
Juan Pablo Flores, City Attorney

Date
2/11/2016
Date

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Mandated Function?:

**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.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.

Regular Board of Supervisors Meeting**Health & Social Services****Meeting Date:** 03/08/2016

Amendment #1 to IGA YH15-0006-04 (AHCCCS Inmate Medical)

Submitted By: Ray Falkenberg, Health & Social Services**Department:** Health & Social Services**Presentation:** No A/V Presentation **Recommendation:** Approve**Document Signatures:** BOS Signature Required **# of ORIGINALS Submitted for Signature:** 0**NAME of PRESENTER:** Falkenberg **TITLE of PRESENTER:** ASM**Docket Number (If applicable):****Mandated Function?:** Not Mandated **Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Approve Amendment #1 to IGA YH15-0006-04 between Cochise County and Arizona Health Care Cost Containment System (AHCCCS) for detention inmate inpatient medical care.

Background:

Over the past nine years through the implementation of agreements with AHCCCS, Cochise County has tapped federal Medicaid dollars to help pay for certain eligible inmate inpatient medical treatments. Changes in this amendment include:

1. A small adjustment in the annual administrative fee from \$1,400 to \$1,524.
2. An increase in minimum (refundable) cash balance from \$5,000 to \$10,000.
3. A new addendum governing HIPAA provisions.

Department's Next Steps (if approved):

BOS signature; return IGA to CHSS for processing.

Impact of NOT Approving/Alternatives:

Not approving the amendment and allowing the contract to lapse could materially boost detainee medical expenses paid by the county general fund.

To BOS Staff: Document Disposition/Follow-Up:

Please return fully executed IGA to Falkenberg/CHSS.

AttachmentsIGAExec Summary

INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT

1. AMENDMENT #: 1	2. CONTRACT #: YH15-0006-04	3. EFFECTIVE DATE OF AMENDMENT: JANUARY 1, 2016	4. PROGRAM: DFSM / DMS
5. CONTRACTOR/PROVIDER NAME AND ADDRESS: <p align="center">Cochise County Health and Social Services 1415 Melody Lane, Building A Bisbee, AZ 85603</p>			
6. PURPOSE: To revise rates and add HIPAA BAA.			

7. THE ABOVE REFERENCED CONTRACT IS HEREBY AMENDED AS FOLLOWS:

- A. Change rates from Attachment A (SFY15) to the rates as shown in Attachment A (SFY16).
- B. Change Quarterly Estimate of State Match Advance Payments from Attachment B (SFY15) to the Estimates listed in Attachment B (SFY 16).
- C. Add Business Associate Addendum to the IGA.

8. EXCEPT AS PROVIDED FOR HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT NOT HERETOFORE CHANGED AND/OR AMENDED REMAIN UNCHANGED AND IN FULL EFFECT.

SIGNATURE PAGE

IN WITNESS THEREOF, the parties have executed this Agreement:

COUNTY:

Arizona Health Care Cost Containment System (AHCCCS):

Signature: _____

Signature:  _____

Printed Name: Richard Searle

Printed Name: Meggan Harley, CPPO, MSW

Title: Chairman, Cochise County Board of Supervisors

Title: Procurement and Contracts Manager

Date: _____

Date: 2/17/16 _____

ATTEST:

Signature: _____

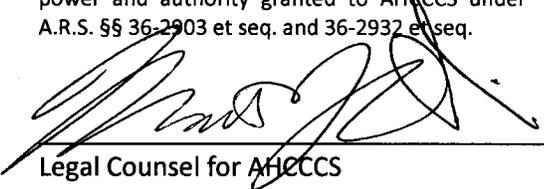
Arlethe G. Rios, Clerk of the Board

Date

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who has determined that this Agreement is in the appropriate form and is within the power and authority granted to COUNTY.

In accordance with A.R.S. § 11-952, this Agreement is in the proper form and is within the power and authority granted to AHCCCS under A.R.S. §§ 36-2903 et seq. and 36-2932 et seq.

COUNTY Attorney



Legal Counsel for AHCCCS

Electronic Submission: An electronic or portable document file (PDF) copy of this amendment shall serve as the original.

ATTACHMENT A

AHCCCS

Administrative Annual Cost Estimates for

Cochise County Medicaid Eligible Inmates FFS Project IGA SFY16

Claims	Electronic 25%	Paper 75%	Total Fund 100%	State Share 50%	Federal Share 50%
Estimated total number of claims:					
Physician & Emergency Transport/Hospital	1	5	15	20	
DFSM Cost per Claim	2	\$ 0.34	\$ 0.41		
OIG Cost per Claim	2	\$ 0.05	\$ 0.05		
ISD Cost per Claim	2	\$ 1.87	\$ 1.87		
Concurrent Review					
	Average Cost				
Estimated cost per case	3	\$ 101.06			
Estimated number of HSAG reviews	4	2			
Claims Processing costs:					
DFSM		\$1.72	\$6.11	\$7.82	\$3.91
OIG		\$0.27	\$0.80	\$1.06	\$0.53
ISD		\$9.37	\$28.10	\$37.47	\$18.74
Total Claims Processing Costs		\$11.35	\$35.01	\$46.34	\$23.18
Direct DFSM Labor for Cochise Co Medicaid Claims Processi	5			\$0.00	\$0.00
Direct ISD Labor for Cochise Co Medicaid Claims Processing	6			\$1,750.00	\$875.00
Concurrent Review Estimated costs:					
Cost for 2 reviews				\$202.13	\$101.06
Administrative Costs (see detail)					
DBF Processing Personnel costs	7			\$2,765.70	\$1,382.85
Postage @ \$.0680/claim	8			\$1.37	\$0.69
Data Center Charges @ \$.2213/claim	9			\$4.43	\$2.21
Indirect at 10%				\$276.57	\$138.29
Total DBF Administrative Costs				\$3,048.06	\$1,524.03
Total Claims Processing Costs				\$5,046.53	\$2,523.27
DMS Eligibility Costs					
Application Processing Costs - DMS	10			\$525.00	\$262.50
Estimated Total Annual Costs for Program				\$5,571.53	\$2,785.77
Cost per Claim	11			\$268.48	\$134.24

1	Actual number of claims may be higher. Number includes, original, recoupment and adjustment claims.			
2	Cost based on SFY15 expenditures and actual number of claims processed			
3	Average rate per contract. Actual costs will be a strict pass-through based on price negotiated on new contract.			
4	Actual number may be higher or lower depending on Cochise County Medicaid Inmate requirements.			
5	Based on estimates of DFSM staff time required to process the claims.			
6	Estimate based on 10 hours at a rate of \$175 per hour. Will only be billed for actual hours incurred.			
7	Based on estimates of DBF staff time required to monitor funding activity and process payments.			
8	Postage based on average cost per claim times number of claims.			
9	Data Center charges calculated based on average SFY15 costs			
10	DMS Eligibility charges calculated at \$105/determination. Estimated 5 annual applications/determinations.			
11	Cost per claim does not include a cost for concurrent reviews			

ATTACHMENT B

AHCCCS

**Quarterly Estimate of State Match Advance Payments for Program Services
Cochise County Medicaid Eligible FFS Project IGA SFY16**

Estimate of Annual Dollar Value of Claims Paid	\$ 3,000.00	
Average Federal Financial Participation Rate	78.25%	
Estimate of State Match Payments for Program Services for Current Year	\$ 652.65	
Quarterly Estimate of State Match Advance Payments for Program Services to AHCCCS	<u>\$10,000.00</u>	**

** Minimum Balance of \$10,000.00 must be maintained.

BUSINESS ASSOCIATE ADDENDUM

Amended 2013

This Addendum is made part of this Contract between the Arizona Health Care Cost Containment System ("AHCCCS") and the Contractor, referred to as "Business Associate" in this Addendum.

AHCCCS and Business Associate agree that the underlying Contract shall comply with the Administrative Simplification requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as set forth in Title 45, Parts 160 and 164 of the Code of Federal Regulations (the "CFR"), as amended. In the event of conflicting terms or conditions, this Addendum shall supersede the underlying Contract.

1. DEFINITIONS

The following terms used in this Addendum shall have the same meaning as those terms in the HIPAA rules set forth in Title 45, Parts 160 and 164 of the CFR: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Protected Health Information, Required by Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

2. OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE

Business Associate agrees to:

- 2.1. Not use or disclose protected health information ("PHI") other than as permitted or required by this Addendum or as required by law;
- 2.2. Use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to electronic PHI, to prevent use or disclosure of protected health information other than as provided for by this Addendum;
- 2.3. Report to AHCCCS any use or disclosure of PHI not provided for by this Addendum of which it becomes aware, including breaches of unsecured protected health information as required at 45 CFR §164.410, and any security incident of which it becomes aware in the following manner;
 - 2.3.1. Reporting. Business Associate shall report to AHCCCS any use or disclosure of PHI not authorized by the Contract, by law, or in writing by AHCCCS. Business Associate shall make the report to AHCCCS's Privacy Official not less than twenty-four (24) hours after Business Associate learns of such unauthorized use or disclosure. Business Associate's report shall at least:
 - A. Identify the nature of the unauthorized use or disclosure;
 - B. Identify the PHI used or disclosed;
 - C. Identify who made the unauthorized use or received the unauthorized disclosure;

- D. Identify what Business Associate has done or shall do to mitigate any deleterious effect of the unauthorized use or disclosure;
- E. Identify what corrective action Business Associate has taken or shall take to prevent future similar unauthorized use or disclosure; and
- F. Provide such other information, including a written report, as reasonably requested by AHCCCS's Privacy Official.

2.3.2. Mitigation. Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of the requirements of the Contract.

2.3.3. Sanctions. Business Associate shall have and apply appropriate sanctions against any employee, subcontractor or agent who uses or discloses AHCCCS PHI in violation of this Addendum or applicable law.

2.4. In accordance with 45 CFR §164.502(e)(1)(ii) and §164.308(b)(2), if applicable, ensure that any subcontractors that create, receive, maintain or transmit PHI on behalf of the Business Associate agree to the same restrictions, conditions and requirements that apply to the Business Associate with respect to such information;

2.5. Make available PHI in a designated record set to AHCCCS as necessary to satisfy AHCCCS' obligations under 45 CFR §164.524;

2.6. Make any amendment(s) to PHI in a designated record set as directed or agreed to by AHCCCS pursuant to 45 CFR §164.526, or take other measures as necessary to satisfy AHCCCS' obligations under 45 CFR §164.526;

2.7. Maintain and make available the information required to provide an Accounting of Disclosures to AHCCCS as necessary to satisfy AHCCCS' obligations under 45 CFR §164.528;

2.8. To the extent Business Associate is to carry out one of more of AHCCCS' obligations under Subpart E of 45 CFR Part 164, comply with the requirements of Subpart E that apply to AHCCCS in the performance of such obligation(s); and

2.9. Make its internal practices, books and records available to AHCCCS and the Secretary for purposes of determining compliance with the HIPAA rules.

3. PERMITTED USES AND DISLOSURES BY BUSINESS ASSOCIATE

3.1. Business Associate may only use or disclosure PHI as necessary to perform the services and obligations set forth in the underlying Contract;

3.2. Business Associate may use or disclose protected health information as required by law;

- 3.3. Business Associate agrees to make uses and disclosures and requests for protected health information consistent with AHCCCS' Minimum Necessary Policy, located at www.azahcccs.gov ;
- 3.4. Business Associate may not use or disclose protected health information in a manner that would violate Subpart E of 45 CFR Part 164 if done by AHCCCS, except for the specific uses and disclosures set forth below in (3.5 and 3.6);
- 3.5. Business Associate may use protected health information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate; and
- 3.6. Business Associate may provide data aggregation services relating to the health care operations of AHCCCS.

4. PROVISIONS FOR AHCCCS TO INFORM BUSINESS ASSOCIATE OF PRIVACY PRACTICES AND RESTRICTIONS

- 4.1. AHCCCS shall notify Business Associate of any limitation(s) in the AHCCCS Notice of Privacy Practices (found at www.azahcccs.gov) under 45 CFR §164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI;
- 4.2. AHCCCS shall notify Business Associate of any changes in, or revocation of, the permission by an individual to use or disclose his or her PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI; and
- 4.3. AHCCCS shall notify Business Associate of any restriction on the use or disclosure of PHI that AHCCCS has agreed to or is required to abide by under 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.

5. TERM AND TERMINATION

- 5.1. Term: This Addendum is effective upon the effective date of the underlying Contract and shall terminate on the date AHCCCS terminates the contract for cause as authorized in paragraph (b) of this Section, or for any other reason permitted under the contract, whichever is sooner.
- 5.2. Termination for Cause: Business Associate authorizes termination of the Contract by AHCCCS if AHCCCS determines that Business Associate has breached a material term of this Addendum and Business Associate has not cured the breach or ended the violation within the time specified by AHCCCS.
- 5.3. Obligations of Business Associate Upon Termination: Upon termination, cancellation, expiration or other conclusion of the Contract, Business Associate, with respect to PHI received from AHCCCS, or created, maintained, or received by Business Associate on behalf of AHCCCS, shall:
 - 5.3.1. Retain only that PHI which is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;

- 5.3.2. Destroy or return to AHCCCS all remaining PHI that the Business Associate still maintains in any form;
 - 5.3.3. Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic PHI to prevent use or disclosure of the PHI, other than as provided for in this Section, for as long as Business Associate retains the PHI;
 - 5.3.4. Not use or disclose the PHI retained by Business Associate other than for the purposes for which such protected health information was retained and subject to the same conditions set out in this Addendum that applied prior to termination; and
 - 5.3.5. Destroy or return to AHCCCS the PHI retained by Business Associate when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal and contractual responsibilities.
- 5.4. Survival: The obligations of Business Associate under this Section shall survive the termination of the Contract.

6. INDEMNIFICATION AND MISCELLANEOUS

- 6.1. Indemnification: Business Associate shall indemnify, hold harmless and defend AHCCCS from and against any and all claims, losses, liabilities, costs, civil and criminal penalties, and other expenses resulting from, or relating to, the acts or omissions of Business Associate, its employees, agents, and sub-contractors in connection with the representations, duties and obligations of Business Associate under this Addendum. The parties' respective rights and obligations under this Section shall survive termination of the Contract.
- 6.2. Regulatory References: A reference in this Addendum to a section in the HIPAA rules means the section as in effect or as amended.
- 6.3. Amendment: The parties agree to take such action as is necessary to amend this Addendum from time to time as is necessary for compliance with the requirements of the HIPAA rules or any other applicable law.
- 6.4. Interpretation: Any ambiguity in this Addendum shall be interpreted to permit compliance with the HIPAA rules.

END OF DOCUMENT

INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT

1. AMENDMENT #: 1	2. CONTRACT #: YH15-0006-04	3. EFFECTIVE DATE OF AMENDMENT: JANUARY 1, 2016	4. PROGRAM: DFSM / DMS
5. CONTRACTOR/PROVIDER NAME AND ADDRESS: Cochise County Health and Social Services 1415 Melody Lane, Building A Bisbee, AZ 85603			
6. PURPOSE: To revise rates and add HIPAA BAA.			

7. THE ABOVE REFERENCED CONTRACT IS HEREBY AMENDED AS FOLLOWS:

- A. Change rates from Attachment A (SFY15) to the rates as shown in Attachment A (SFY16).
- B. Change Quarterly Estimate of State Match Advance Payments from Attachment B (SFY15) to the Estimates listed in Attachment B (SFY 16).
- C. Add Business Associate Addendum to the IGA.

8. EXCEPT AS PROVIDED FOR HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT NOT HERETOFORE CHANGED AND/OR AMENDED REMAIN UNCHANGED AND IN FULL EFFECT.

SIGNATURE PAGE

IN WITNESS THEREOF, the parties have executed this Agreement:

COUNTY:

Arizona Health Care Cost Containment
System (AHCCCS):

Signature: _____

Signature: _____

Printed Name: Richard Searle

Printed Name: Meggan Harley, CPPO, MSW

Title: Chairman, Cochise County Board of
Supervisors

Title: Procurement and Contracts Manager

Date: _____

Date: _____

ATTEST:

Signature: _____

Arlethe G. Rios, Clerk of the Board

Date

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who has determined that this Agreement is in the appropriate form and is within the power and authority granted to COUNTY.

In accordance with A.R.S. § 11-952, this Agreement is in the proper form and is within the power and authority granted to AHCCCS under A.R.S. §§ 36-2903 et seq. and 36-2932 et seq.

COUNTY Attorney

Legal Counsel for AHCCCS

Electronic Submission: An electronic or portable document file (PDF) copy of this amendment shall serve as the original.

ATTACHMENT A

AHCCCS						
Administrative Annual Cost Estimates for						
Cochise County Medicaid Eligible Inmates FFS Project IGA SFY16						
Claims	Electronic	Paper	Total Fund	State	Federal	
	25%	75%	100%	50%	50%	
Estimated total number of claims:						
Physician & Emergency Transport/Hospital	1	5	15	20		
DFSM Cost per Claim	2	\$ 0.34	\$ 0.41			
OIG Cost per Claim	2	\$ 0.05	\$ 0.05			
ISD Cost per Claim	2	\$ 1.87	\$ 1.87			
Concurrent Review						
		Average Cost				
Estimated cost per case	3	\$ 101.06				
Estimated number of HSAG reviews	4	2				
Claims Processing costs:						
DFSM		\$1.72	\$6.11	\$7.82	\$3.91	\$3.91
OIG		\$0.27	\$0.80	\$1.06	\$0.53	\$0.53
ISD		\$9.37	\$28.10	\$37.47	\$18.74	\$18.74
Total Claims Processing Costs		\$11.35	\$35.01	\$46.34	\$23.18	\$23.18
Direct DFSM Labor for Cochise Co Medicaid Claims Processing	5			\$0.00	\$0.00	\$0.00
Direct ISD Labor for Cochise Co Medicaid Claims Processing	6			\$1,750.00	\$875.00	\$875.00
Concurrent Review Estimated costs:						
Cost for 2 reviews				\$202.13	\$101.06	\$101.06
Administrative Costs (see detail)						
DBF Processing Personnel costs	7			\$2,765.70	\$1,382.85	\$1,382.85
Postage @ \$.0680/claim	8			\$1.37	\$0.69	\$0.69
Data Center Charges @ \$.2213/claim	9			\$4.43	\$2.21	\$2.21
Indirect at 10%				\$276.57	\$138.29	\$138.29
Total DBF Administrative Costs				\$3,048.06	\$1,524.03	\$1,524.03
Total Claims Processing Costs				\$5,046.53	\$2,523.27	\$2,523.27
DMS Eligibility Costs						
Application Processing Costs - DMS	10			\$525.00	\$262.50	\$262.50
Estimated Total Annual Costs for Program				\$5,571.53	\$2,785.77	\$2,785.77
Cost per Claim	11			\$268.48	\$134.24	\$134.24

¹ Actual number of claims may be higher. Number includes, original, recoupment and adjustment claims.			
² Cost based on SFY 15 expenditures and actual number of claims processed			
³ Average rate per contract. Actual costs will be a strict pass-through based on price negotiated on new contract.			
⁴ Actual number may be higher or lower depending on Cochise County Medicaid Inmate requirements.			
⁵ Based on estimates of DFSM staff time required to process the claims.			
⁶ Estimate based on 10 hours at a rate of \$175 per hour. Will only be billed for actual hours incurred.			
⁷ Based on estimates of DBF staff time required to monitor funding activity and process payments.			
⁸ Postage based on average cost per claim times number of claims.			
⁹ Data Center charges calculated based on average SFY 15 costs			
¹⁰ DMS Eligibility charges calculated at \$105/determination. Estimated 5 annual applications/determinations.			
¹¹ Cost per claim does not include a cost for concurrent reviews			

ATTACHMENT B

AHCCCS Quarterly Estimate of State Match Advance Payments for Program Services Cochise County Medicaid Eligible FFS Project IGA SFY16

Estimate of Annual Dollar Value of Claims Paid	\$ 3,000.00	
Average Federal Financial Participation Rate	78.25%	
Estimate of State Match Payments for Program Services for Current Year	\$ 652.65	
Quarterly Estimate of State Match Advance Payments for Program Services to AHCCCS	<u>\$10,000.00</u>	**

** Minimum Balance of \$10,000.00 must be maintained.

BUSINESS ASSOCIATE ADDENDUM

Amended 2013

This Addendum is made part of this Contract between the Arizona Health Care Cost Containment System ("AHCCCS") and the Contractor, referred to as "Business Associate" in this Addendum.

AHCCCS and Business Associate agree that the underlying Contract shall comply with the Administrative Simplification requirements of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as set forth in Title 45, Parts 160 and 164 of the Code of Federal Regulations (the "CFR"), as amended. In the event of conflicting terms or conditions, this Addendum shall supersede the underlying Contract.

1. DEFINITIONS

The following terms used in this Addendum shall have the same meaning as those terms in the HIPAA rules set forth in Title 45, Parts 160 and 164 of the CFR: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Protected Health Information, Required by Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

2. OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE

Business Associate agrees to:

- 2.1. Not use or disclose protected health information ("PHI") other than as permitted or required by this Addendum or as required by law;
- 2.2. Use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to electronic PHI, to prevent use or disclosure of protected health information other than as provided for by this Addendum;
- 2.3. Report to AHCCCS any use or disclosure of PHI not provided for by this Addendum of which it becomes aware, including breaches of unsecured protected health information as required at 45 CFR §164.410, and any security incident of which it becomes aware in the following manner:
 - 2.3.1. Reporting. Business Associate shall report to AHCCCS any use or disclosure of PHI not authorized by the Contract, by law, or in writing by AHCCCS. Business Associate shall make the report to AHCCCS's Privacy Official not less than twenty-four (24) hours after Business Associate learns of such unauthorized use or disclosure. Business Associate's report shall at least:
 - A. Identify the nature of the unauthorized use or disclosure;
 - B. Identify the PHI used or disclosed;
 - C. Identify who made the unauthorized use or received the unauthorized disclosure;

- D. Identify what Business Associate has done or shall do to mitigate any deleterious effect of the unauthorized use or disclosure;
- E. Identify what corrective action Business Associate has taken or shall take to prevent future similar unauthorized use or disclosure; and
- F. Provide such other information, including a written report, as reasonably requested by AHCCCS's Privacy Official.

2.3.2. Mitigation. Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of the requirements of the Contract.

2.3.3. Sanctions. Business Associate shall have and apply appropriate sanctions against any employee, subcontractor or agent who uses or discloses AHCCCS PHI in violation of this Addendum or applicable law.

2.4. In accordance with 45 CFR §164.502(e)(1)(ii) and §164.308(b)(2), if applicable, ensure that any subcontractors that create, receive, maintain or transmit PHI on behalf of the Business Associate agree to the same restrictions, conditions and requirements that apply to the Business Associate with respect to such information;

2.5. Make available PHI in a designated record set to AHCCCS as necessary to satisfy AHCCCS' obligations under 45 CFR §164.524;

2.6. Make any amendment(s) to PHI in a designated record set as directed or agreed to by AHCCCS pursuant to 45 CFR §164.526, or take other measures as necessary to satisfy AHCCCS' obligations under 45 CFR §164.526;

2.7. Maintain and make available the information required to provide an Accounting of Disclosures to AHCCCS as necessary to satisfy AHCCCS' obligations under 45 CFR §164.528;

2.8. To the extent Business Associate is to carry out one or more of AHCCCS' obligations under Subpart E of 45 CFR Part 164, comply with the requirements of Subpart E that apply to AHCCCS in the performance of such obligation(s); and

2.9. Make its internal practices, books and records available to AHCCCS and the Secretary for purposes of determining compliance with the HIPAA rules.

3. PERMITTED USES AND DISLOSURES BY BUSINESS ASSOCIATE

3.1. Business Associate may only use or disclosure PHI as necessary to perform the services and obligations set forth in the underlying Contract;

3.2. Business Associate may use or disclose protected health information as required by law;

- 3.3. Business Associate agrees to make uses and disclosures and requests for protected health information consistent with AHCCCS' Minimum Necessary Policy, located at www.azahcccs.gov ;
- 3.4. Business Associate may not use or disclose protected health information in a manner that would violate Subpart E of 45 CFR Part 164 if done by AHCCCS, except for the specific uses and disclosures set forth below in (3.5 and 3.6);
- 3.5. Business Associate may use protected health information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate; and
- 3.6. Business Associate may provide data aggregation services relating to the health care operations of AHCCCS.

4. PROVISIONS FOR AHCCCS TO INFORM BUSINESS ASSOCIATE OF PRIVACY PRACTICES AND RESTRICTIONS

- 4.1. AHCCCS shall notify Business Associate of any limitation(s) in the AHCCCS Notice of Privacy Practices (found at www.azahcccs.gov) under 45 CFR §164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI;
- 4.2. AHCCCS shall notify Business Associate of any changes in, or revocation of, the permission by an individual to use or disclose his or her PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI; and
- 4.3. AHCCCS shall notify Business Associate of any restriction on the use or disclosure of PHI that AHCCCS has agreed to or is required to abide by under 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.

5. TERM AND TERMINATION

- 5.1. Term: This Addendum is effective upon the effective date of the underlying Contract and shall terminate on the date AHCCCS terminates the contract for cause as authorized in paragraph (b) of this Section, or for any other reason permitted under the contract, whichever is sooner.
- 5.2. Termination for Cause: Business Associate authorizes termination of the Contract by AHCCCS if AHCCCS determines that Business Associate has breached a material term of this Addendum and Business Associate has not cured the breach or ended the violation within the time specified by AHCCCS.
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 - 5.3.1. Retain only that PHI which is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;

- 5.3.2. Destroy or return to AHCCCS all remaining PHI that the Business Associate still maintains in any form;
 - 5.3.3. Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic PHI to prevent use or disclosure of the PHI, other than as provided for in this Section, for as long as Business Associate retains the PHI;
 - 5.3.4. Not use or disclose the PHI retained by Business Associate other than for the purposes for which such protected health information was retained and subject to the same conditions set out in this Addendum that applied prior to termination; and
 - 5.3.5. Destroy or return to AHCCCS the PHI retained by Business Associate when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal and contractual responsibilities.
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- 6.1. Indemnification: Business Associate shall indemnify, hold harmless and defend AHCCCS from and against any and all claims, losses, liabilities, costs, civil and criminal penalties, and other expenses resulting from, or relating to, the acts or omissions of Business Associate, its employees, agents, and sub-contractors in connection with the representations, duties and obligations of Business Associate under this Addendum. The parties' respective rights and obligations under this Section shall survive termination of the Contract.
- 6.2. Regulatory References: A reference in this Addendum to a section in the HIPAA rules means the section as in effect or as amended.
- 6.3. Amendment: The parties agree to take such action as is necessary to amend this Addendum from time to time as is necessary for compliance with the requirements of the HIPAA rules or any other applicable law.
- 6.4. Interpretation: Any ambiguity in this Addendum shall be interpreted to permit compliance with the HIPAA rules.

END OF DOCUMENT

**Public Hearings 8.
Board of Supervisors**

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Franchise for Valley Telephone Cooperative, Inc

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V **Recommendation:** Approve
Presentation

Document Signatures: BOS **# of ORIGINALS** 2
Signature **Submitted for Signature:**
Required

NAME of PRESENTER: Britt Hanson **TITLE of PRESENTER:** Chief Civil Deputy Attorney

Mandated Function?: Federal or **Source of Mandate** 40-283
State **or Basis for Support?:**
Mandate

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 16-07 granting a Telecommunications Services Franchise to Valley Telephone Cooperative, Inc.

Background:

Valley Telephone Cooperative, Inc has applied for a franchise renewal in all of Cochise County. The \$500.00 franchise fee has been paid and the Acceptance of Franchise has been signed. The Notice of Public Hearing has been published three times as required by statute. To date, there have been no letters or phone calls either for or against granting the franchise.

Department's Next Steps (if approved):

Send a copy of the recorded Resolution, Certificate of Clerk, and the minutes to DeConcini McDonald Yetwin & Lacy and to Valley Telephone Cooperative.

Impact of NOT Approving/Alternatives:

Valley Telephone cooperative would not be able to apply for a permit to work in the county right-of-ways.

To BOS Staff: Document Disposition/Follow-Up:

Record and give recorded copy to BOS Staff for follow up.

Budget Information

Information about available funds

Budgeted:

Funds Available:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Application

Public Notice

Resolution

Acceptance Of Franchise

COCHISE COUNTY, ARIZONA
APPLICATION FOR FRANCHISE

Applicant's Name: VALLEY TELEPHONE COOPERATIVE, INC.

Address: P.O. BOX 970 City: WILLCOX State: AZ Zip: 85644

Telephone: (520)384-2231 Emergency Telephone: _____

Who will own and operate the system, if other than applicant:

Name: NA _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Emergency Telephone: _____

Indicate the type of franchise you are applying for:

Cable TV Electricity Gas Sewer Water

Telecommunications Fiber Optic

A portion of the telecommunications services are provided via fiber optic lines.

Note: If you are claiming an exemption from obtaining a franchise please specify reason:

Does the applicant have an existing or proposed agreement with anyone proposing to have an ownership interest in the franchise? Yes No

If the answer is yes, please attach a statement from Corporate Council setting forth the name(s) and address(es) of the person(s) with such ownership interest, and a copy of the agreement.

What is the applicant's experience in providing service for the utility for which applicant is applying for a franchise? Applicant has provided telecommunications services in Cochise County since 1962 and held a franchise for telecommunications services in Cochise County since August 3, 1964.

How many people do you anticipate serving with this utility? 2,000.00

THIS APPLICATION MUST BE ACCOMPANIED BY A \$500 NONREFUNDABLE FRANCHISE APPLICATION FEE AND A LEGAL DESCRIPTION OF THE BOUNDARY OF THE AREA TO BE SERVED BY THE FRANCHISE.

**NOTICE TO THE PUBLIC
BEFORE THE BOARD OF SUPERVISORS
COCHISE COUNTY, ARIZONA**

IN THE MATTER OF THE APPLICATION for approval of an application by Valley Telephone Cooperative, Inc. to renew a franchise for a telecommunications services for domestic and commercial use license to use public streets, roads and alleys;

NOTICE IS HEREBY GIVEN, that the Board of Supervisors of Cochise County, Arizona, has been requested to approve the assignment of a telecommunications services for domestic and commercial use license to use the public roads, streets, alleys and highways within the following described area, to-wit:

The unincorporated areas of Cochise County in their entirety. A map is on file with the Clerk of the Board of Supervisors.

Prior to the consideration of this request, the Cochise County Board of Supervisors shall hold a public hearing on the 8th day of March, 2016 at 10:00 o'clock A.M., at the Cochise County Board of Supervisors' Hearing Room which is located at 1415 Melody Lane, Building G, Bisbee, Arizona at which the applicant, Valley Telephone Cooperative, Inc. and its proposal shall be examined and the public and all interested parties shall be afforded a reasonable opportunity to be heard.

Dated this 2nd day of February, 2016.

Arlathe G. Rios
**CLERK, BOARD OF SUPERVISORS
COCHISE COUNTY, ARIZONA**

RESOLUTION NO. 16 - __

GRANTING A TELECOMMUNICATIONS SERVICES FRANCHISE TO
VALLEY TELEPHONE COOPERATIVE, INC.

KNOW ALL MEN BY THESE PRESENTS, THAT,

WHEREAS, VALLEY TELEPHONE COOPERATIVE, INC., an Arizona corporation, was granted a franchise by the Board of Supervisors of Cochise County, Arizona, on August 3, 1964, to erect, construct, operate and maintain telephone lines across, over and along public roads and highway, and streets, and alleys of unincorporated cities, towns and villages within specified areas of Cochise County, which franchise was renewed by the Board of Supervisors on March 15, 2011 through Resolution 11-10, and which expanded the area of the franchise to extend to all of Cochise County; and

WHEREAS, reasonable public notice of this Application has been provided in the manner required by A.R.S. §§ 40-283 of the filing of said Application and of the public hearing on this matter set for March 8, 2016, at 10:00 A.M., at the regular meeting place of the Board in the City of Bisbee, Arizona, as the time and place for the consideration of the matter; and

WHEREAS, it appears from the affidavit of publication of the San Pedro Valley News-Sun that due and regular notice of said date, time, and place set for the consideration of such action has been published once a week for three (3) consecutive weeks prior to the said date of the hearing, to-wit: in the issues of the 17th day of February 2016; the 24th day of February 2016; and the 2nd day of March 2016, of said newspaper, and the matter being called at 10:00 o'clock A.M., and it appearing that the Board of Supervisors has not received a petition signed by more than 50% of the qualified electors of said County asking the Board to deny said Application on or before the date set for consideration thereof; and

WHEREAS, said Application came on regularly to be heard on the 8th day of March 2016, before the Board of Supervisors of Cochise County, and the Board considered the Application for the franchise, and there being good cause to grant this Application,

NOW, THEREFORE, it being determined by the Board of Supervisors of Cochise County that the grant of this franchise is regular, proper, authorized by law and in the best interest of Cochise County, and the inhabitants thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED:

1. That this Board of Supervisors of Cochise County, Arizona, acting for and on behalf of said County (the "County"), does hereby grant unto VALLEY TELEPHONE COOPERATIVE, INC. (hereinafter called "Grantee") a nonexclusive right, privilege, license, and franchise (hereinafter "the franchise") to construct, install, operate, and maintain along, over, under and across the streets, alleys, and highways under the jurisdiction of the County, facilities for the purpose of maintaining and operating a telecommunications system, and all other facilities and improvements necessary for telecommunications. This grant does not include the authorization to use State highways and those areas within the corporate boundaries of any city or town. This grant is subject to the terms, conditions, and limitations expressed below or incorporated herein by reference.
2. The County reserves the right to impose future restrictions, limitations and conditions upon the exercise of the rights granted herein as it deems best for the public safety and welfare. The Grantee is further required to comply with all lawful, applicable ordinances of Cochise County regulating the conduct of work within the public rights-of-way; as such ordinances are now enacted or may be amended or adopted from time to time. The Grantee is required to obtain a separate Right-of-Way Use Permit from the County prior to initiating any construction in the right-of-way and to pay the applicable fees for the associated inspections.
3. The franchise granted hereby shall not be exclusive, and nothing herein shall be construed to prevent the County from granting other like or similar franchises to any other person, firm, or corporation.
4. The Grantee shall bear all expenses and costs, including damages and compensation for the alteration of the direction, surface, grade, or alignment of a public roadway or for revenues lost by the Grantee, which may arise in connection with its exercise of the rights granted herein.
5. The Grantee shall erect, construct, and maintain all facilities authorized herein in a good and workmanlike manner and in compliance with all valid laws, ordinances, and regulations, which may be in force from time to time. All such work shall be performed in such a manner as may be necessary to avoid any unreasonable damage, disturbance, or modification to existing public rights-of-ways, including roads, streets, highways, bridges, borrow ditches or shoulders thereon.
6. The Grantee shall, immediately upon erecting, constructing, replacing or repairing its facilities, or any part thereof, at its own cost and expense, restore any effected public right-of-way, including any road, street, highway, bridge, borrow ditch or shoulder thereon, to not less than the same condition which existed prior to the Grantee's action.
7. The County does not waive or relinquish any rights it may have to the full and complete use of the public rights-of-way subject to this franchise, whether for road purposes or otherwise. The rights of the County in and to the use of the right-of-way are, and shall be, paramount and superior to the rights of the Grantee. In the event that the location of

the Grantee's facilities may interfere or conflict with the County's use, expanded use, alteration, improvement, or maintenance of the County's rights-of-way, the County may require the Grantee to relocate, at the Grantee's expense, all facilities which give rise to such interference or conflict. The County will provide the Grantee with reasonable notice of any relocation requirement and will provide a reasonable period of time for the Grantee to perform such relocation.

8. The Grantee assumes the sole responsibility for all liability for any injury or damage to any person or property, or to the road and right-of-way itself, caused by or arising out of the exercise of the rights granted herein and attributable to any act or omission of the Grantee. The Grantee shall indemnify, defend and hold harmless Cochise County, its officers, departments, employees and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature, including all costs of legal defense, arising out of the exercise of these rights which are attributed to any act or omission of the Grantee, its agents, employees, or anyone acting under its direction, control or on its behalf.

9. The County grants this franchise for a term of five (5) years from the date of its authorization. This franchise may not be sold, leased, assigned, conveyed or transferred in any manner, in whole or in part, including pursuant to the sale or merger of the Grantee corporation itself, without the express written consent of the County, which consent shall not be unreasonably withheld.

10. The County reserves the right to alter or amend the terms of this franchise in any manner necessary to protect the safety or welfare of the public or the public interest. This reservation includes, but is not limited to, the authority to impose such amended franchise fees, rentals or use payments, or other form of compensation or assessment as the County may be authorized, now or in the future, to impose under the laws of the State of Arizona and the United States.

11. The County may terminate this franchise in the event that the Grantee fails to comply with the terms and conditions of this franchise. The Board of Supervisors, or its designee, shall provide the Grantee with written notice of noncompliance and allow the Grantee a period of not less than sixty (60) days to remedy any breach. If the Grantee continues to fail to comply with the terms of this franchise after this notice and remedy period, the Board of Supervisors may, following a public hearing, revoke all rights granted herein and render this franchise null and void.

12. Upon termination of the franchise, whether by expiration or its term, or for cause, or by voluntary abandonment, and after written notice from the County, the Grantee may remove all of its facilities, installed pursuant to the rights granted herein within one hundred eighty (180) days of such termination, and shall repair any damages caused thereby. All such facilities which are not removed within this period shall be deemed to be abandoned and shall become the property of the County.

13. This franchise will not be effective for any purpose until the Grantee has indicated its acceptance in writing below.

14. The rights, privileges, and franchise granted herein are made pursuant to the laws of Arizona, including A.R.S. §§ 40-283 and 9-582, et seq., which are incorporated herein by reference.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Cochise, State of Arizona, has caused these presents to be executed and signed by the Chairman of the Board of Supervisors on this 8th day of March, 2016.

BOARD OF SUPERVISORS
COUNTY OF COCHISE:

ATTEST:

Richard R. Searle, Chairman

Arlethe G. Rios, Clerk

ACCEPTANCE OF FRANCHISE

This is to certify that the Grantee, VALLEY TELEPHONE COOPERATIVE, INC., has on the ____ day of _____, 2016, accepted the foregoing franchise. Grantee agrees that it will be bound by, observe, and carry out the terms and conditions of such franchise.

Dated: _____

GRANTEE:

VALLEY TELEPHONE COOPERATIVE, INC.

By: _____

CERTIFICATE OF CLERK

I, Arlethe G. Rios, Clerk of the Board of Supervisors of Cochise County, Arizona, do hereby certify that the foregoing excerpt from the minutes of the meeting of the Board of Supervisors of Cochise County, Arizona, held on March 8, 2016, constitutes a true and correct copy of the said minutes insofar as they relate to the Application of VALLEY TELEPHONE COOPERATIVE, INC., an Arizona corporation, for a telecommunications franchise in the County and to the granting of said franchise pursuant to the resolution hereinabove set out, all as appears in the official records of the Board of Supervisors.

IN WITNESS WHEREOF, I have set my hand and official seal of the Board of Supervisors of Cochise County, Arizona, this _____ day of _____, 2016.

CLERK, BOARD OF SUPERVISORS
COCHISE COUNTY, ARIZONA

ACCEPTANCE OF FRANCHISE

This is to certify that the Grantee, **VALLEY TELEPHONE COOPERATIVE, INC.**, has on the 15 day of January, 2016, accepted the foregoing franchise. Grantee agrees that it will be bound by, observe, and carry out the terms and conditions of such franchise.

Dated: 2-15-16

GRANTEE:

VALLEY TELEPHONE COOPERATIVE, INC.

By:  _____

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Second Public Hearing (P4) for FY2016 Community Development Block Grants (CDBG)

Submitted By: Lisa Marra, Board of Supervisors

Department: Board of Supervisors

Presentation: PowerPoint **Recommendation:** Approve

Document Signatures: BOS **# of ORIGINALS** 2
Signature **Submitted for Signature:**
Required

NAME of PRESENTER: Lisa M. Marra **TITLE of PRESENTER:** Communications and Community Relations Administrator

Mandated Function?: Federal or State Mandate **Source of Mandate or Basis for Support?:** HUD/AZ Dept of Housing

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 16-08 selecting project(s) and authorizing the submission of application(s) for Fiscal Year 2016-17 State Community Development Block Grant Funds.

Background:

Cochise County is expected to receive approximately \$214,600 in State Community Development Block Grant (CDBG) funds from the Arizona Department of Housing. One Public Hearing and one Work Session have been held to discuss eligible projects for the upcoming grant cycle. This Public Hearing is the final hearing for the Board to Adopt the Resolution required by the grant to submit a project(s) for funding. CDBG funds must be used to benefit low-income persons and areas, alleviate slum and blight or address urgent need. Based on citizen input as well as local and state planning objectives, up to three of these potential projects may be selected to be forwarded to the State of Arizona with a request for funding. Nine projects are eligible for consideration. HUD/Az Dept. of Housing guidelines encourage funding one project fully to provide for a minimum five year life span. The grant provides for up to 18% administrative costs to oversee the projects which is approximately \$30,000. It is not mandatory to accept admin costs to manage the grant. Admin costs can be rolled into the project funds at the Board's discretion. The projects are not listed in order of priority. 1. Bowie Water District: Water system upgrade and repair. \$214,600 2. Elfrida Library: Outdoor patio & ramada, benches, electricity, security system \$30,000 3. Fry Fire District: New roof for Frytown station \$35,000 4. Fry Fire District: Radios \$46,900 5. Southern AZ. Children's Haven: remodel new facility in Huachuca City to provide shelter for children in crisis. \$214,600 6. Rural Accent Bowie: Existing building repairs \$30,000 OR 7. Rural Accent Bowie: Purchase prefab building for Rural Accents food bank serving NE Cochise County area: \$214,600 8. Fry Townsite: Sidewalks, curb, gutter & lights from 4th to Tacoma St. \$214,600 9. Fry Townsite: Solar street lights on Theater \$30,000

Department's Next Steps (if approved):

Complete required documentation for the CDBG letter of intent that is due to SEAGO on 4/1/16 in order to submit application(s) to the Arizona Dept. of Housing.

Impact of NOT Approving/Alternatives:

CDBG applications will not be authorized for submission and FY16 CDBG funding to the County will be forfeited.

To BOS Staff: Document Disposition/Follow-Up:

After formal BOS adoption of Resolution please provide a signed copy to Lisa Marra.

Budget Information

Information about available funds

Budgeted:
Unbudgeted:

Funds Available:
Funds NOT Available:

Amount Available:
Amendment:

Account Code(s) for Available Funds

1:

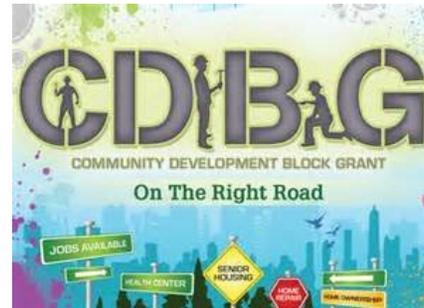
Fund Transfers

Attachments

Power Point Presentation

Potential Projects

COCHISE COUNTY



Arizona Department of Housing FY16 Community Development Block Grant Funding Cycle (CDBG)

2nd and Final Public Hearing
March 8, 2016



Public Programs...Personal Service

COCHISE COUNTY

Outline of Application Process:

Public Hearing January 26, 2016

Board of Supervisors Work Session February 9, 2016 – to discuss projects submitted for consideration at today’s Public Hearing

Public Hearing March 8, 2016 – Final Decision of Projects announced

Letter of Intent / Applications Due – April 1, 2016

Important Notice: NO project can be brought up for consideration after the January 26 Public Hearing.



COCHISE COUNTY

An activity or project must meet one (and only one) of the following three National Objectives:

1. **Low to moderate Income Benefit – 51% low income**
2. **Prevention or Elimination of Slums or Blight**
3. **Urgent need and health hazard benefit**

\$231,778 in funds available. Up to 18% can be used for administrative costs. The County can submit up to 3 applications, although it is recommended that one project be fully funded to provide the most benefit with limited funds.

\$ 231,778

- 3,000 SEAGO fee
- 40,778 Admin fee if selected

\$ 188,000 estimated for project expense

18 projects requested. The following list (in no particular order) was advanced due to the fact they serve a specific clientele and/or do not require a special income survey of the residents. Several projects require full funding.



COCHISE COUNTY

9 projects identified for consideration in this funding cycle:

Elfrida Library District – Construct outdoor ramada w/ concrete pad, benches and electricity \$30,000

Fry Fire District – New roof on station in Frytown \$35,000/metal **or** \$20,000/shingle.
And/or Radios: 1 station, 4 portable, alert system \$46,000

Rural Accent (501c3) in Bowie – Building Repairs \$30,000 **or** Purchase a new pre-fab building \$231,778

So. Az Children's Haven – Remodel facility in Huachuca City to serve children in crisis. \$231,778

Fry Townsite – Sidewalks/curb and gutter/street lights on Theater from 4th to Tacoma \$231,778 **or** Street lights only on Theater \$30,000

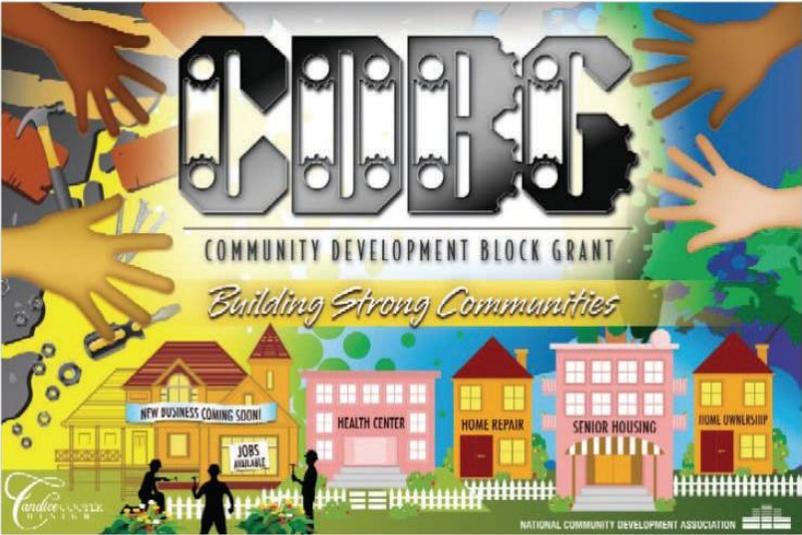
Bowie Water District – Repairs and upgrades to existing water system \$231,778



COCHISE COUNTY

PUBLIC INPUT:

Questions?



Cochise County Board of Supervisors
 Arizona Department of Housing
 FY 2016 Community Development Block Grant (
March 8, 2016 – P4 Final Public Hearing

Estimate FY16 CDBG Funding **\$231,778 – FINAL** no

Proposed Projects/Funding Requests

CATEGORY	ACTIVITY	AMOUNT	Internal Notes
Public Facilities & Improvements			
Library - Elfrida	Construct outdoor ramada/concrete pad for programming and public use w/ benches and electricity, security system.	\$30,000	On Community Center property, could be used by library, Comm. Center and clinic patients. Needs to be open min. 20 hours per week. Patrons can use wi-fi from outside.
Bowie Water District	Needs evaluation of repairs required and additional work to be determined by priority	\$231,778 – fund all	First step would be an engineer study to determine need (est \$50K minimum) until there is a study completed and exact request known.
Fire and Police Protection			
Fry Fire District	Metal Roof on fire station in Frytown	\$35,000	Estimate only! Shingle roof recommended \$20,000
Fry Fire District	Radios – 1 station, 4 portable, alert system	\$46,900	Estimate – based on Motorola Equipment

CATEGORY	ACTIVITY	AMOUNT	Internal Notes
Community/Supportive Housing Facilities			
Southern Arizona Children's Haven – in Huachuca City. New facility not opened, in development stage.	Remodel building, recent arson damage, light plumbing, walls, floors, kitchen upgrades, roofing, plumbing, not fully known at this time	\$231,778 – fund all	Mike Rutherford, cofounder of Lori's F – Cochise County Advocacy Center recently purchased this building, former Children's Crisis Center. Wants to open children only shelter (no women/family). When kids are displaced due to parents' arrest, hospitalization, death etc and no immediate family, DCS/CPS takes over. Kids often wait days in their care, in the office before temporary placement. Project for children countywide and possibly regionally that need immediate crisis care.
Public Services			
Rural Accent - Bowie	Building repairs	\$30,000	Currently own building – making payments. Serves the area of Bowie, Portal, San Simon, Willcox – only foodbank/pantry in the NE corridor of Cochise County.
Rural Accent – Bowie	Purchase an existing building if repairs too costly to existing building	\$231,778	Something existing in Bowie – PREFAB preferred by AZDOH unless new build in good shape. Cost to renovate – freeze etc?
Neighborhood Revitalization and Redevelopment			
Fry Townsite	Sidewalks/curbs/street lights on Theater from 4 th to Tacoma – N side of road at least.	\$231,778 – fund all	Connect with existing sidewalks where possible – doesn't include drainage issues. Estimates from C of SV.

CATEGORY	ACTIVITY	AMOUNT	Internal Notes
Fry Townsite	Solar Street Lights on Theater	\$30,000	Would we do without doing the sidewalks/curbs? Could do lights only Highways

NOTE: FINAL Funding amount \$231,778 (funding was originally estimated at SEAGO \$ 3,000
Admin \$ 40,778 up to 18% (Rounded. Some projects will require more admin
Project \$188,000 – ESTIMATE

HUD PROPOSED OBJECTIVES/OUTCOMES PERFORMANCE MEASURE – must fit ONE or will be rejected

- Creating suitable living environments
- Providing decent affordable housing
- Creating economic opportunities

Must meet ONE National Objective;

1. Low to moderate income benefit – 51% low income
2. Prevention or elimination of Slums or Blight
3. Urgent need and health hazard benefit (Declared by Governor or President)

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

Approve Election workers for the March 22, 2016 Presidential Preference Election, as listed on the attached file

Submitted By: Katie Howard, Elections & Special Districts

Department: Elections & Special Districts

Presentation: WEB Link **Recommendation:** Approve

Document Signatures: BOS Signature **# of ORIGINALS** 0
NOT Required **Submitted for Signature:**

NAME of PRESENTER: Martha Rodriguez **TITLE of PRESENTER:** Elections Program Coordinator

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate **Source of Mandate or Basis for Support?:**

Information

Agenda Item Text:

Approve Election workers for the March 22, 2016 Presidential Preference Election, as listed on the attached file.

Background:

Poll workers are needed for the vote centers.

Department's Next Steps (if approved):

n/a

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

n/a

Attachments

[VoteCenterBoardWorkers](#)

2016 VOTE CENTER BOARDS

VC1 DOUGLAS VISTITOR CENTER	PARTY	POSITION	NAME
	DEM	INSPECTOR	CORNELIA MUNOZ
	REP	MARSHALL	GUILLERMO A. LUGO
	DEM	JUDGE	REYNALDO RUIZ
	REP	JUDGE	MIRIAM SUSAN KRENTZ
	OTHER	JUDGE	CC CHOATE
	DEM	JUDGE	ANA LOOUIZA MUNOZ SALCIDO
	DEM	CLERK	LINDA GUTIERREZ
	DEM	CLERK	GUADALUPE YOUNG
	DEM	CLERK	BARBARA JEAN MASON
	DEM	CLERK	YOLANDA PERALTA
	DEM	CLERK	JAVIER FIMBRES
	DEM	CLERK	ESTELA PERAZA
	DEM	CLERK	DAVID CARRILLO
VC21ST BAPTIST CHURCH OF BISBEE			
	DEM	INSPECTOR	MARTHA RENTERIA ELKINS
	REP	MARSHALL	FRANK KNIGHT
	DEM	JUDGE	JOE GARCIA
	REP	JUDGE	LUCINDA L. CARBERRY
	DEM	JUDGE	LYDIA GARCIA
	OTHER	JUDGE	KEITH A DENNIS
	DEM	CLERK	MARIA RUBIO
		CLERK	
		CLERK	
VC3 TOMBSTONE –AMERICAN LEGION HALL			
	REP	INSPECTOR	JEAN M. SULLIVAN
	DEM	MARSHALL	DARLA HIRST
	REP	JUDGE	CAROLY J. GRADY
	DEM	JUDGE	CHARLOTTE B. GILBERT
	REP	CLERK	MICHARL STOUT
	DEM	CLERK	MARTY STOUT
	DEM	CLERK	KATHY LYNN MARINEZ
	DEM	CLERK	ROBERTA ALFORD
VC4 WILLCOX-COMMUNITY CENTER			
	REP	INSPECTOR	JONNIE BELLE BETHAL
	DEM	MARSHALL	JOHN B. TAYLOR
	DEM	JUDGE	KARLA E. HANSEN
	REP	JUDGE	GLENDA M. LOVE
	DEM	JUDGE	GLADYS E. OLSEN
	REP	JUDGE	JOYCE TINGLE
	REP	JUDGE	LINDA J. SHAVER
	IND	CLERK	LORENZO G. FUENTES

PARTY	POSITION	NAME
REP	CLERK	ARITTA KAYE DIAZ
REP	CLERK	KATHERINE A. COHORN
REP	CLERK	KATHRYN J. KLUMP
OTHER	CLERK	PHYLLIS COHORN
REP	CLERK	BARBARA E. NIEHM
REP	CLERK	JAMES R. NAUGLE SR.

VC 5 BENSON HIGH SCHOOL GYM

REP	INSPECTOR	VICKI J. MARTZKE
LIB	MARSHALL	TERI LYNN WILLIAMSON
REP	JUDGE	JAMES F. MARTZKE
DEM	JUDGE	VALERIE E. PADIA
REP	JUDGE	GENE EDWIN BEYER
DEM	JUDGE	JULIE WOODS
IND	JUDGE	LELIA WILLIAMSON
DEM	CLERK	DELIA FERNANDEZ
REP	CLERK	VIRGINIA R. PADIA
DEM	CLERK	MARILYN LAWSON

VC6 HUACHUCA CITY COMMUNITY CENTER

REP	INSPECTOR	WANDA PIKE
PND	MARSHALL	RAYMOND KORLESKI
REP	JUDGE	KARA L. HARRIS
DEM	JUDGE	ALLYNE R. MCFALLS
REP	CLERK	BRENDA MALARCHIK
REP	CLERK	BECKY LENHARDT
DEM	CLERK	WANDA J. BOS
DEM	CLERK	JULIE SWANNER
REP	CLERK	MICHAEL CHARLES LENHARDT
REP	CLERK	KATHLEEN MILLER

VC7 ST. ANDREWS KINO HALL

REP	INSPECTOR	KEITH M. JANSEN
PND	MARSHALL	ARNOLD DELL, III DAVIS
DEM	JUDGE	JUDITH TRITZ
REP	JUDGE	JEANETTE H. DAVIS
REP	JUDGE	GARY L. REDDING
DEM	JUDGE	GLENN EBERLY
DEM	JUDGE	CHARLES LEMLEY
DEM	CLERK	LILLIAN M. WHITE
REP	CLERK	EDITH JENNINGS
REP	CLERK	JOYE L. REDDINGS
REP	CLERK	ARNOLD DAVIS JR
	CLERK	
	CLERK	

	PARTY	POSITION	NAME
VC8B SHILOH CHRISTIAN MINISTRIES			
	REP	INSPECTOR	NANCY FYFFEE
	IND	MARSHALL	ANTHONY MORINGELLO
	OTHER	JUDGE	LAWRENCE G. HAYS
	REP	JUDGE	JOHN DEKEIZER
		JUDGE	
	IND	JUDGE	LOIS M. SHELDAHL
	DEM	JUDGE	SUZANNE ARNOLD
	OTHER	CLERK	BARBARA KUHLMANN HAYS
	REP	CLERK	DOLORES KATHLEEN THAMES
	DEM	CLERK	MARGARET GRAHAM
VC8A SHILOH CHRISTIAN MINISTRIES			
	PND	INSPECTOR	RUBEN MIRANDA
		MARSHALL	
	DEM	JUDGE	PATRICIA A. CROWELL
	REP	JUDGE	LOUIS TRACY GIRDLER
	DEM	JUDGE	JOHN J. DOBKOWSKI
		JUDGE	
	DEM	CLERK	EVADEN SANDERS
	REP	CLERK	ANNE R. FIRDLER
	DEM	CLERK	HARRIET H. KOLEN
		CLERK	
		CLERK	
VC9A SV METHODIST CHURCH			
	DEM	INSPECTOR	LUPE RIVERA
	REP	MARSHALL	ROBERT ABNEY
	DEM	JUDGE	BRUCE DILLINGHAM
	IND	JUDGE	BARBARA ANNE KENNEDY
	DEM	JUDGE	EDNA MAE MILLER
	REP	JUDGE	TERRY COTTON
	DEM	JUDGE	STEPHANIE NICHOLE ALVAREZ
	PND	CLERK	MAXINE HOLDER
	IND	CLERK	JEAN M HAYDEN-MOLLOY
	DEM	CLERK	NINA LOMBARDINI GARCIA
	PND	CLERK	DONNA MARSETT
		CLERK	
		CLERK	

	PARTY	POSITION	NAME
VC9B SV METHODIST CHURCH			
	REP	INSPECTOR	DENNIS WAHLEN
	DEM	MARSHALL	RUDY ALVAREZ
	DEM	JUDGE	JUDITH K. CORK
	PND	JUDGE	EDNA M. RODRIGUEZ
	OTHER	JUDGE	NEENAH L. BLINKINSOP
	REP	JUDGE	MELINDA LAOLAGI
	REP	CLERK	EMMA R. MELO
	REP	CLERK	DEANA MARIE GRAHAM
	DEM	CLERK	WILLIAM J. BONE
	DEM	CLERK	GEORGIA MASTIN
		CLERK	
		CLERK	
VC10 MTN. VISTA BAPTIST CHURCH			
	IND	INSPECTOR	L.G. KUTTNER
	DEM	MARSHALL	RAYMOND R. MEAD
	REP	JUDGE	EDWARD A WILHELM
	DEM	JUDGE	THOMAS W KIRKLEY
	REP	JUDGE	ARTHUR E. NASH
	IND	JUDGE	EMILY WESTOVER
	REP	JUDGE	LINDA D. KIRKLEY
	REP	CLERK	VALERIE RICE
	REP	CLERK	SUSAN R. SCHMITT
	IND	CLERK	IAN RICE
		CLERK	
		CLERK	
VC11 PALOMINAS TRAINING CENTER			
	DEM	INSPECTOR	BESSIE M. EVANS
	REP	MARSHALL	DAVID BRUCE WALKER
	REP	JUDGE	JANIE F. FIX
	PND	JUDGE	MARIA CONTRERAS
	IND	CLERK	JULIA PERRY HINDBAUGH
	REP	CLERK	MICHEL J. EMERSON ROBERTS
	PND	CLERK	ASA ULLA BIRGITTA STEPHENS
	REP	CLERK	CHARLOTTE KATHERINEMOON
VC12 BOWIE UNIFIED SCHOOL DIST OFFICE			
	DEM	INSPECTOR	DELIA GUZMAN
	REP	MARSHALL	MACK A. EARHART
	DEM	JUDGE	FLORINA CHRISTIERNSSON
	REP	JUDGE	DIANA K. HARTMAN
	DEM	CLERKS	MICHELE LARNED
	IND	CLERK	BARBARA EARHART
	IND	CLERK	DEBRA BALLIER

VC13 SUNIZONA/COCHISE SUNSITES COMMUNITY CENTER

PARTY	POSITION	NAME
REP	INSPECTOR	LINDA M. BURNS
DEM	MARSHALL	MARYCLARE TIUAN
DEM	JUDGE	RITA SAUNDERS
REP	JUDGE	PEGGY E. PARKS
OTHER	CLERK	MARY SZTUK
REP	CLERK	JOANN A. SMITH
REP	CLERK	BRENDA WHITTAKER
DEM	CLERK	MARLENE L. SIMMONS

VC14 MCNEAL/VALLEY BIBLE CHURCH

PND	INSPECTOR	PAMELA FRANK
DEM	MARSHALL	PATSY L. RINEER
PND	JUDGE	CYNTHIA HEIDEMAN
REP	JUDGE	CYNTHIA ANN HIGHLEY
REP	CLERK	LUCY NORDHAGEN
DEM	CLERK	ELIZABETH STONER
REP	CLERK	LINDA KAY BOHLING

VC15 WEBB/ ELEFRIDA FIRE STATION

REP	INSPECTOR	SARAH LYNN SIMMONS
PND	MARSHALL	WILLIAM L. SCHODER-EHRI
PND	JUDGE	ALMA GARCIA
REP	JUDGE	CLARENCE R. MONSON
REP	CLERK	MARCIA MARIE MONSON
DEM	CLERK	EVE ELLEN ROSENBERG
IND	CLERK	RUTHE ELLEN SCHODER-EHRI

VC16 PORTAL WAITING FOR RESPONSE I HAVE THREE PEOPLE I CALLED

VC17 ST DAVID /SCHOOL

REP	INSPECTOR	RUSSELL M. HARDWICK
DEM	MARSHALL	JUDY DELACRUZ
DEM	JUDGE	NORA HADY
REP	JUDGE	IDA TILTON
IND	CLERK	JAMES J. FRY
DEM	CLERK	FLORENCE JONES
REP	CLERK	RUTH ELLEN FRY
DEM	CLERK	ROY JONES

VC18 J-SIX/PEACE IN THE VALLEY

PARTY
IND
DEM
DEM
REP
REP
REP

POSITION
INSPECTOR
MARSHALL
JUDGE
JUDGE
CLERK
CLERK

NAME
MICHELLE JOHNSON
ROBERT EDGAR LUJAN
CHARLENE LOUISE LUJAN
ALFRED REYES
MARILYN L. FOX
DOROTHY EVERETT

EARLY BOARD SUPERVISOR: PATRICIA FLEMING

TROUBLESHOOTERS: STACEY WOOLEY
RHONDA BOONE
CESAR ESCOBEDO
MARTY RENTERIA

COURRIERS: YET TO FILL POSITIONS

Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016
CCT FY 16/17 Benefits
Submitted By: Kelley Jones, Human Resources
Department: Human Resources
Presentation: PowerPoint
Document Signatures: BOS Signature NOT Required

Recommendation: Approve
of ORIGINALS Submitted for Signature: 0

NAME of PRESENTER: James Vlahovich
Mandated Function?: Not Mandated

TITLE of PRESENTER: County Administrator
Source of Mandate or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the funding for the proposed schedule of benefits and rates adopted by the Cochise Combined Trust for Fiscal Year 2016-17.

Background:

Cochise County has been a participating entity in the Cochise Combined Trust (CCT) since July 1, 2002. The Cochise Combined Trust is administered through Erin Collins & Associates. AmeriBen is the third party administrator for the CCT medical plan. Each year since 2002 (with the exception of FY 06/07), the Board of Supervisors has approved to absorb the increases in the health insurance premiums and have not increased the employee's contribution to the health insurance. Employees had a slight decrease in health insurance premiums in FY 07/08 and continue to pay that same premium. On January 27, 2016 at their annual retreat, Cochise Combined Trust (CCT) board members voted unanimously to approve and adopt the FY 16/17 CCT annual schedule of benefits and rates. Based on the information received from the Trust administrators, in order to stay fiscally balanced next plan year, medical rates needed to be increased 5.6%, but were recommended to be increased 11.2%. Structural plan changes were adopted by the CCT Trustees to reduce costs across the plan and based on those changes, medical rates were increased only 3%. As a result of past years' performance of the Trust, approximately \$5.1 million exists in our reserve. Retirees will pick up the full amount of the medical increase. The County Administrator is recommending that the County absorb the "employee only" medical rate increase, but that employees pay the proposed rate increases for dependent coverage (spouse, child and family tiers). Those costs are outlined in the attached. Although the Trust administrators are not proposing a dental rate increase for FY 16/17, the County Administrator is recommending that the rate increase from 14/15 be reflected in the employee paid dental premiums for FY 16/17, rather than continuing to take the difference from CCT reserve funds. Effective July 1, 2016, the County's third party administrator for vision services will change from EyeMed to Ameritas, however Ameritas will continue to use the EyeMed provider network. There are no proposed increases for employee paid vision insurance. More information regarding FY 2016/17 benefit changes are listed in the attached presentation.

Department's Next Steps (if approved):

The County's open enrollment process will commence April 1, 2016 through April 30, 2016. Employees will be notified of these changes during open enrollment. Changes will be effective July 1, 2016.

Impact of NOT Approving/Alternatives:

Pending updated information from County Administration.

To BOS Staff: Document Disposition/Follow-Up:

No follow up required by BOS staff.

Budget Information

Information about available funds

Budgeted: **Funds Available:** **Amount Available:**
Unbudgeted: **Funds NOT Available:** **Amendment:**

Account Code(s) for Available Funds

1: 501-1400-1450-9-426.903

Fund Transfers

Fiscal Year: FY 16/17

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):

Estimated cost increase for FY 16/17: \$304,128 total(\$202,762 GF and \$101,366 SRF)

Attachments

CCT Benefits and Rates FY 16/17

COCHISE COUNTY

Cochise Combined Trust Proposed Schedule of Benefits and Rates FY 16/17

James E. Vlahovich, County Administrator
Julie Morales, Human Resources Director
March 8, 2016



Public Programs...Personal Service

COCHISE COUNTY

CCT FY 16/17 Plan Year Changes

- FY 16/17 Plan Year Benefits and Rates Approved by CCT Board January 27, 2016 at annual planning meeting
- Cost increases between 5.6% and 11.2%
- Plan design changes resulted in 3% increase
 - \$304,128 Total
 - \$202,762 GF
 - \$101,366 SRF
- \$5.1 Million in County CCT Reserves (down from \$5.9 Million FY 14/15)
- Recommendation:
 - County absorb Employee Only Medical Increase
 - Rate Increase for Dependent Medical be Passed to Employees
 - Rate Increase for Dental from FY 13/14 be Passed to Employees



COCHISE COUNTY

CCT FY 16/17 Plan Year Changes

Medical

- Increase Family Max Out-of-Pocket (OOP) from \$13,200 to \$13,700
- Increase Single Max Out-of-Pocket (OOP) from \$2,250 to \$3,000
- Increase Deductible from \$300/\$900 to \$350/\$1,050
- Increase ER Co-pay from \$75 to \$100
- Cover First Two TeleDoc Visits Per Person(\$0 Consultation Fee)

Prescription(Rx)

- Remove PPI's and Nasal Corticosteroids from Formulary(Available OTC)

Vision

- Vendor Change from EyeMed to Ameritas



COCHISE COUNTY

Employee Health Insurance

Budgeted Costs per ECA and Benefits Coord., Sheakley, Basic Life/ Per Month, Per Employee											
	Current Rates		← Not Increased Per County Administrator →								Increases Since FY12/13
	In Use 15/16		FY 13/14		FY14/15		FY 15/16		FY 16/17		
	FY 12/13	FY 13/14	Increase	FY14/15	Increase	FY 15/16	Increase	FY 16/17	Increase		
Medical costs	\$ 498.24	\$ 511.12	\$ 12.88	\$ 512.12	\$ 1.00	\$ 511.37	\$ (0.75)	\$ 526.18	\$ 14.81	\$ 27.94	
Short Term Disability	5.50	5.63	\$ 0.13	5.63	\$ -	5.63	\$ -	5.64	\$ 0.01	\$ 0.14	
County Paid Life Ins./Dep. Life	9.38	9.38	\$ -	10.69	\$ 1.31	10.71	\$ 0.02	10.74	\$ 0.03	\$ 1.36	
Benefits Coord./Op. Exp./Sheakley	4.88	4.87	\$ (0.01)	7.40	\$ 2.53	7.14	\$ (0.26)	7.44	\$ 0.30	\$ 2.56	
	\$ 518.00	\$ 531.00	\$ 13.00	\$ 535.84	\$ 4.84	\$ 534.85	\$ (0.99)	\$ 550.00	\$ 15.15	\$ 32.00	
Per Pay Period	\$ 259.00							\$ 275.00			
										x 792 employees	
										x 12 months	
										\$ 304,128.00	
										Approximately	
										2/3 of this is	
										General Fund	
										= \$ 202,762	

COCHISE COUNTY

Dependent Health Insurance

				Current						Monthly		
			FY 13/14	Rates	FY 14/15		FY 15/16		FY 16/17	Increases Since	Census	
			Increases	In Use	Increases		Increases		Increases	FY13/14	FY16/17	
Dependent Coverage	FY 12/13	FY 13/14		FY 14/15		FY 15/16		FY 16/17				
Child	223.23	223.43	0.20	223.43	0	223.18	-0.25	233.81	10.63	10.38	176	
Spouse	370.04	371.24	1.20	371.24	0	371.99	0.75	386.51	14.52	15.27	103	
Family	560.27	562.08	1.81	562.08	0	561.83	-0.25	584.55	22.72	22.47	108	
Current Split on Dependent Health Coverage Per Month												
			County	Percent	Employee	Percent	Total					
Child			103.60	46.37%	119.84	53.63%	223.44					
Spouse			164.26	44.25%	206.98	55.75%	371.24					
Family			243.48	43.32%	318.60	56.68%	562.08					
IF FY16/17 Increase Paid 100% by County												
								Census		Additional		
								FY16/17		Annual Cost		
	County	Increase	Total Cnty.	Percent	Employee	Percent	Total			To County		
Child	103.60	10.38	113.98	48.75%	119.84	51.25%	233.82	176		21,922.56		
Spouse	164.26	15.27	179.53	46.45%	206.98	53.55%	386.51	103		18,873.72		
Family	243.48	22.47	265.95	45.50%	318.60	54.50%	584.55	108		29,121.12		
								387		69,917.40		Approx. 2/3 is Gen. Fund = \$46,614
IF FY16/17 Increase Paid 100% by Employee												
						Employee				Annual	Employee	
						Monthly	New Total	Employee		Add'l. Cost	Per	
			County	Percent	Employee	Increase	Employee	Percent	Total	Per Employee	Pay	
Child			103.60	44.31%	119.84	10.38	130.22	55.69%	233.82	124.56	5.19	
Spouse			164.26	42.50%	206.98	15.27	222.25	57.50%	386.51	183.24	7.64	
Family			243.48	41.65%	318.60	22.47	341.07	58.35%	584.55	269.64	11.24	
IF FY16/17 Increase Paid 50% by County and 50% by Employee												
										Additional		Employee
						Monthly				Annual Cost		Per
		County	County	County		Employee	Employee	Employee	Total	To County	Per Employee	Pay
	County	Increase	Total	Percent	Employee	Increase	Total	Percent				Period
Child	103.60	5.19	108.79	46.53%	119.84	5.19	125.03	53.47%	233.82	10,961.28	62.28	2.60
Spouse	164.26	7.64	171.90	44.47%	206.98	7.64	214.62	55.53%	386.52	9,443.04	91.68	3.82
Family	243.48	11.24	254.72	43.57%	318.60	11.24	329.84	56.43%	584.56	14,567.04	134.88	5.62
										34,971.36		
										Approx. 2/3 is General Fund = \$23,315		

COCHISE COUNTY

Dental Insurance

Dental Insurance								
			Current Rates				Monthly Increase	Current Census
	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17		
Employee	26.63	26.63	23.55	26.31	26.31	26.31	2.76	314
Family	74.64	74.64	65.82	74.60	74.60	74.60	8.78	310

This has always been 100% employee paid. When the rate dropped in FY 13/14, we changed the amount employees were paying. When rate went back up in FY 14/15, the County Administrator recommended that we leave the rates at FY13/14 amount. Difference is coming out of our reserve balance in CCT.



COCHISE COUNTY

Questions?

Public Programs...Personal Service



Regular Board of Supervisors Meeting

Meeting Date: 03/08/2016

State and Federal Legislation Discussion

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V **Recommendation:**
Presentation

Document Signatures: # of ORIGINALS
Submitted for Signature:

NAME na **TITLE** na
of PRESENTER: **of PRESENTER:**

Mandated Function?: **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

Budget Information

Information about available funds

Budgeted:

Funds Available:

Amount Available:

Unbudgeted:

Funds NOT Available:

Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Minutes

2016 Legislative Proposals Status Update

Agenda



**COUNTY SUPERVISORS ASSOCIATION
LEGISLATIVE POLICY COMMITTEE**

(Teleconference Made Available)

County Supervisors Association
1905 West Washington
Phoenix, Arizona

MINUTES

February 26, 2016

Call to Order:	Mandy Metzger	9:00 a.m.
Present In Person:	Dr. Joe Shirley, Jr. Gary Watson	Apache County Mohave County
Present Telephonically/Webinar:	Ann English Mandy Metzger Tommie Martin Jim Palmer David Gomez Jason Whiting Rudy Molera Tom Thurman Russell McCloud	Cochise County Coconino County Gila County Graham County Greenlee County Navajo County Santa Cruz County Yavapai County Yuma County
Absent:	D. L. Wilson Clint Hickman Ray Carroll Cheryl Chase	La Paz County Maricopa County Pima County Pinal County

Others present telephonically: Barry Weller, Mike Pastor, John Marcanti, Jack Smith, Lenore Stuart, Matt Rudig, Don McDaniel, Terry Cooper, Kay Gale, Marlyn Summers

Others present in person: Rick Bohan, Michelle Hindman, Rebecca Beebe, Craig Sullivan, Penny Adams, Dan Bogert, Daniel Romm, Kristin Cipolla, Yvonne Ortega, Elise Kulik

President Mandy Metzger welcomed everyone. She thanked all those who participated at the NACo Legislative Conference and noted that Supervisor Liz Archuleta appreciated everyone's support. Penny Adams called roll and a quorum was not present.

Budget Update

Craig Sullivan reported that the legislature has been focused on floor action to move items to the other chamber since it's past the deadline to hear bills in the house of origin. Legislative leadership and the Governor's office have begun steps on budget negotiations, and some agreement can be expected in a few weeks. Craig advised that it is still a good time to send communication to the legislative delegations. Some counties have reported out on their communication sent to their delegation. Discussion ensued.

Legislative Bills for Discussion

General Government

- 1) [HB 2191 S/E: employee scheduling; preemption](#). Daniel Romm advised the bill passed the House 35-23 and is now ready for the Senate.

Penny Adams advised a quorum was now present.

- 2) [HB 2350 S/E: occupational disease; post-traumatic stress disorder](#). Daniel Romm reported CSA has been working with several stakeholder groups. Supervisor Ann English moved to oppose HB 2350. Supervisor Rudy Molera seconded the motion and the motion passed unanimously. In response to Supervisor Russell McCloud's comment, Daniel noted that as soon as new language is received, it will be circulated to the counties for consideration.
- 3) [HB 2402 bonds; disclosure; notice](#). Daniel Romm reported some counties shared concerns after the bill was circulated to counties. Supervisor Gary Watson shared his elections director's concerns. Supervisor Watson moved to oppose HB 2402. Supervisor Ann English seconded the motion and the motion passed unanimously.
- 4) [HB 2526 animal control; mandatory impound periods](#). Daniel Romm reported the bill has not yet been scheduled for a floor vote. The issue will be brought back to the LPC after amendment language is received.
- 5) [HB 2570 local government bonds; ballot statement](#). Daniel Romm reported on this bill. Supervisor Gary Watson moved to oppose HB 2570. Supervisor Ann English seconded the motion. The motion passed with one in opposition.
- 6) [HB 2583 open meeting; audio visual recordings](#). Daniel Romm reported the bill was defeated last night on the House floor 23-36.
- 7) [HB 2613 regulatory boards; licensing; revisions](#). Daniel Romm reported on this bill. Supervisor Russell McCloud moved to oppose HB 2613. Supervisor Gary Watson seconded the motion and the motion pass unanimously.
- 8) [SB 1102 guardians; duties; access to ward](#). Kristin Cipolla reported the bill had been circulated to counties. It passed Committee of the Whole yesterday.

Planning & Zoning

- 1) [HB 2612 rental properties; prohibited penalties](#). Kristin Cipolla reported the bill had been retained on the Committee of the Whole calendar on both February 24 and 25, and the bill may not move forward.
- 2) [HB 2618 medical marijuana dispensaries; location change](#). Kristin Cipolla explained how the community health analysis areas could cross county boundaries and that the bill sponsor requested CSA's support. Discussion occurred. Supervisor Russell McCloud moved to support HB 2618. Supervisor Gary Watson seconded the motion and the motion passed unanimously.
- 3) [HB 2651 floodplain regulation; aggregate extraction](#). Daniel Romm reported the bill had been assigned to Appropriations, but was not heard this past week. Penny Adams retook roll call since all callers recalled back into the teleconference due to interference on the phone. A quorum was still present. Supervisor Russell McCloud moved to oppose HB 2651. Supervisor Tom Thurman seconded the motion and the motion passed unanimously.

Sales Tax

- 1) [HB 2025 utilities TPT; sales of propane](#). Dan Bogert described the bill and stated it has a fiscal note attached to it. Supervisor Joe Shirley requested CSA be neutral on this bill, because there are some small businesses interested in this bill. Discussion occurred. Consensus was to continue to monitor HB 2025. Dan cautioned that the bill had passed the Senate committee and may move fast to the Senate floor and then to the Governor's desk.
- 2) [HB 2536 fine art; TPT exemption](#). Dan Bogert reported on this bill. Supervisor Russell McCloud moved to oppose HB 2536. Supervisor Jim Palmer seconded the motion and the motion passed unanimously.
- 3) [HB 2669 TPT exemptions; health sciences institutions](#). Dan Bogert reported on this bill. Supervisor Ann English moved to oppose HB 2669. Supervisor Rudy Molera seconded the motion and the motion passed unanimously.
- 4) [SB 1310 TPT exemption; billboard rentals](#). Dan Bogert reported on this bill. Discussion occurred. Supervisor Ann English moved to oppose SB 1310. Supervisor Rudy Molera seconded the motion and the motion passed unanimously.

After Gila County Manager Don McDaniel appealed to the LPC to reconsider the decision on HB 2025, because it affects Gila County, Supervisor Tommie Martin moved to reconsider the decision and to oppose HB 2025. Supervisor Russell McCloud seconded the motion and the motion passed with one abstention.

CSA Legislative Agenda

President Metzger stated CSA staff will report out on only two of the bills from CSA's legislative agenda, unless anyone had questions on others.

- 1) [HB 2021 codes; adoption by reference; copies](#)
- 2) [HB 2037 county liens; abatements](#). Kristin Cipolla reported that the bill had not been assigned to a committee and since it is past time to hear bills in the house of origin, the bill is no longer viable.
- 3) [HB 2368 county contributions; hospitalization; medical; repeal](#)
- 4) [HB 2373 regional transportation authority; membership; election](#)
- 5) [HB 2430 county libraries; general fund](#)
- 6) [HB 2499 truth in taxation; detailed notice](#). In response to Dan Bogert's inquiry, Supervisor Tommie Martin confirmed Gila County no longer wishes to pursue this matter this year.
- 7) [HB 2512 pension contributions; expenditure limit exemption](#)
- 8) [HB 2541 S/E: primitive campgrounds; exemption; definition](#)
- 9) [HB 2564 appropriation; indigent defense fund](#)
- 10) [SB 1198 public libraries operation; third party contracts](#)
- 11) [SB 1250 intergovernmental public transportation authority; taxation](#)
- 12) [SB 1308 juvenile charged as adult; detention](#)
- 13) [SB 1316 board of trustees; disincorporation; repeal](#)
- 14) Folder # TBD Expenditure Limit Exclusion of RICO Funds

Other Business

President Mandy Metzger acknowledged that CSA continues to support AACo bills CSA has taken a position on. She thanked everyone for their participation.

Next Meeting Date and Time

President Metzger advised that the next LPC meeting would be held on Friday, March 4, at 9:00 a.m.

Adjournment

There being no further business, President Mandy Metzger adjourned the meeting at 10:01 a.m.



2016 Legislative Session Proposals

HB 2021 codes; adoption by reference; copies (Stevens)

CSA Staff: Daniel Romm

Replace the requirement that three paper copies of a county's building codes be kept in the clerk of the board's office for inspection with the stipulation that a county keep three paper copies, or one paper copy and make available an electronic copy of its codes. Currently, municipalities have this authority.

Status: Passed the Senate Water and Energy Committee on 7-0; awaiting Senate Rules

HB 2368 county contributions; hospitalization; medical; repeal (Thorpe)

CSA Staff: Dan Bogert

Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state.

Status: Referred to House Appropriations Committee; moving to budget discussion

HB 2373 regional transportation authority; membership; election (Shope)

CSA Staff: Kristin Cipolla

Amend statute to clarify that membership of a Regional Transportation Authority (RTA) consists of only members and a director from areas and municipalities located within the county establishing the RTA.

Status: Passed the House 60-0; referred to the Senate Transportation Committee

HB 2430 counties; free library system (Stevens)

CSA Staff: Daniel Romm

Permit the BOS to establish, operate and maintain a county free library system utilizing monies from the county General Fund.

Status: Passed the House 57-0; will be heard in the Senate Government Committee on 3.2.16.

HB 2512 pension contributions; expenditure limit exemption (Coleman)

CSA Staff: Dan Bogert

Exclude any excess payments local governments make to the Public Safety Personnel Retirement System (PSPRS) from the county expenditure limit under Article IX, § 20 of the Arizona Constitution.

Status: Passed the Senate Finance Committee 5-0; awaiting Senate Rules

HB 2541 primitive camping; exemption; definition (Finchem)

CSA Staff: Kristin Cipolla

This proposal would allow counties the option of operating campgrounds and parks in primitive and remote areas of the state without providing the currently required infrastructure, including running water, sewage systems, and trash.

Status: Passed the House Committee of the Whole; awaiting 3rd Read

HB 2564 appropriation; indigent defense fund (Cobb)

CSA Staff: Kristin Cipolla

Allocate financial resources to impacted counties to assist with providing mandated attorney services for indigent defendants in juvenile dependency matters due to recent increases in costs associated with these cases as a result of the overhaul of the child protective services system in Arizona.

Status: Referred to House Judiciary and House Appropriations Committee; moving to budget discussion

SB 1198 public libraries operation; third party contracts (Griffin)

CSA Staff: Daniel Romm

Allow counties without an established library district to expend general fund monies on library services at established county libraries in unincorporated areas and to enter into various intergovernmental agreements (IGAs) or contracts to provide library services without the requirement that those IGAs and contracts be with an incorporated city or town.

Status: Passed the House County & Municipal Affairs on 8-0; awaiting House Rules

SB 1250 intergovernmental public transportation authority; taxation (Shooter)

CSA Staff: Dan Bogert

Grant an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy a one-half cent transportation excise tax if approved by the voters. This tax may only be levied under either an IPTA or RTA but not both.

Status: Passed Senate Transportation Committee 7-0; awaiting Senate Finance Committee hearing

SB 1308 juvenile charged as adult detention (Griffin)

CSA Staff: Kristin Cipolla

Clarify that judges have the option to detain pre-trial youth transferred to adult court in juvenile detention centers instead of in county jails.

Status: Passed the Senate 30-0; awaiting House action

SB 1316 board of trustees; disincorporation; repeal (Kavanagh)

CSA Staff: Daniel Romm

Eliminate Title 9, Chapter 2, Article 2, Arizona Revised Statutes, which provides for the disincorporation and reincorporation of a municipality. Provisions of this section have been found unconstitutional and could negatively impact Arizonans.

Status: Passed the Senate 29-0; will be heard in the House Ways & Means Committee on 2.29.16

Expenditure Limit Exclusion of RICO Funds

Sponsor: TBD **CSA Staff:** Dan Bogert

Exclude all Racketeer Influenced and Corrupt Organizations (RICO) expenditures from the county expenditure limit under Article IX §20 of the Arizona Constitution



County Supervisors

A S S O C I A T I O N
o f a r i z o n a

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

COUNTY SUPERVISORS ASSOCIATION LEGISLATIVE POLICY COMMITTEE AGENDA

February 26, 2016

Teleconference 1-866-228-9900

Access Code 326208#

[Web Link](#)

County Supervisors Association

1905 W. Washington St.

Phoenix, AZ

9:00 a.m. Call to Order ~ *President Mandy Metzger*

A) Budget Update

B) Legislative Bills for Discussion

General Government

- 1) [HB 2191 S/E: employee scheduling; preemption](#) (*Finchem*)
- 2) [HB 2350 S/E: occupational disease; post-traumatic stress disorder](#) (*Finchem*)
- 3) [HB 2402 bonds; disclosure; notice](#) (*Leach*)
- 4) [HB 2526 animal control; mandatory impound periods](#) (*Rivero*)
- 5) [HB 2570 local government bonds; ballot statement](#) (*J. Allen*)
- 6) [HB 2583 open meeting; audio visual recordings](#) (*Stevens*)
- 7) [HB 2613 regulatory boards; licensing; revisions](#) (*Petersen*)
- 8) [SB 1102 guardians; duties; access to ward](#) (*Barto*)

Planning & Zoning

- 1) [HB 2612 rental properties; prohibited penalties](#) (*Plumlee*)
- 2) [HB 2618 medical marijuana dispensaries; location change](#) (*Leach*)
- 3) [HB 2651 floodplain regulation; aggregate extraction](#) (*Ugenti-Rita*)

Sales Tax

- 1) [HB 2025 utilities TPT; sales of propane](#) (*Mitchell*)
- 2) [HB 2536 fine art; TPT exemption](#) (*Ugenti-Rita*)
- 3) [HB 2669 TPT exemptions; health sciences institutions](#) (*Livingston*)
- 4) [SB 1310 TPT exemption; billboard rentals](#) (*Griffin*)

C) CSA Legislative Agenda

- 1) [HB 2021 codes; adoption by reference; copies](#) (*Stevens*)
- 2) [HB 2037 county liens; abatements](#) (*Borrelli*)
- 3) [HB 2368 county contributions; hospitalization; medical; repeal](#) (*Thorpe*)
- 4) [HB 2373 regional transportation authority; membership; election](#) (*Shope*)
- 5) [HB 2430 county libraries; general fund](#) (*Stevens*)
- 6) [HB 2499 truth in taxation; detailed notice](#) (*Barton*)
- 7) [HB 2512 pension contributions; expenditure limit exemption](#) (*Coleman*)
- 8) [HB 2541 S/E: primitive campgrounds; exemption; definition](#) (*Finchem*)
- 9) [HB 2564 appropriation; indigent defense fund](#) (*Cobb*)



- 10) [SB 1198 public libraries operation; third party contracts](#) (Griffin)
- 11) [SB 1250 intergovernmental public transportation authority; taxation](#) (Shooter)
- 12) [SB 1308 juvenile charged as adult; detention](#) (Griffin)
- 13) [SB 1316 board of trustees; disincorporation; repeal](#) (Kavanagh)
- 14) Folder # TBD Expenditure Limit Exclusion of RICO Funds

D) Next Meeting Date and Time (*Friday, March 4, at 9:00 a.m.*)

E) Other Business

F) Adjourn