



Cochise County Board of Supervisors

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District 3

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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, April 12, 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 submitted by the Board of Supervisors on March 21, 2016 to the Transfer of Federally Managed Lands Study Committee to gather information to evaluate the management of certain federal lands in Arizona.
2. Approve the Minutes of the regular meeting of the Board of Supervisors of March 22, 2016.
3. Ratify a letter submitted to the USDA Coronado National Forest-Douglas Ranger District with comments for the Douglas District Travel Management Plan EA dated April 4, 2016 and signed by Richard R. Searle, Chairman, Board of Supervisors.
4. Approve a letter of support from the Board of Supervisors so that Cochise County can apply to become a Healthy Arizona Worksite.
5. Approve acceptance of Warranty Deed from Mildred T. Chojnacky (Grantor) to Cochise County for real property described as "Lot 2290, Cochise College Park, Unit Nine, a subdivision according to the plat thereof, Recorded in Book 6, Page 33, of the Public Records of Cochise County, State of Arizona" (APN 406-27-204) as recommended by the Highway & Floodplain Division and the County Attorney's Office.

County Sheriff

6. Approve Governor's Office of Homeland Security (GOHS) Contract 2016-CIOT-020, providing the Cochise County Sheriff's Office with \$4,000 to cover overtime expenses as well as employee related expenses to participate in the two week "Buckle Up Arizona... It's the Law" program.

Emergency Services

7. Approve an Intergovernmental Agreement (IGA) to allow the City of Willcox 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 Willcox.

Finance

8. Approve demands and budget amendments for operating transfers.

Health & Social Services

9. Approve Amendment No. 2 to IGA# ADHS14-071556, STD Services, between the Arizona Department of Health Services and Cochise Health and Social Services, changing the contract expiration date to December 31, 2018.

Housing Authority

10. Approve a Fair Housing Proclamation and proclaim April 2016 as Fair Housing Month in Cochise County.

Juvenile Probation

11. Approve an Intergovernmental Agreement (IGA) between the Arizona Supreme Court, the Cochise County School Superintendent and the Cochise County Superior Court for FY 2015/2016 governing title funds in the amount of \$78,530 for use in the Cochise County Juvenile Detention Center for education programs effective as of the date of execution of the agreement by all parties through June 30, 2016.

ACTION

Board of Supervisors

12. Approve an additional funding of \$30,000 to support wolf and jaguar litigation and efforts to research the Mexican Gray Wolf and an additional funding of \$5,000 for water litigation efforts in support of the City of Sierra Vista.

Community Development

13. Approve demands over six months to Fisher Sand and Gravel for crushed aggregate for road construction in the amount of \$297,275.76.

STATE & FEDERAL LEGISLATION

14. 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

Regular Board of Supervisors Meeting**Board of Supervisors****Meeting Date:** 04/12/2016

Ratify a letter submitted to the Transfer of Federally Managed Lands Study Committee

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:** N/A **TITLE of PRESENTER:** N/A**Docket Number (If applicable):****Mandated Function?:** Not Mandated **Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Ratify a letter submitted by the Board of Supervisors on March 21, 2016 to the Transfer of Federally Managed Lands Study Committee to gather information to evaluate the management of certain federal lands in Arizona.

Background:

On January 21, 2016, the County Supervisors Association (CSA) forwarded Cochise County a survey developed by the State of Arizona Transfer of Federally Managed Lands Study Committee to gather information from all counties to evaluate the management of certain federal lands in Arizona, assessing risk, and identifying solutions. The Committee is chaired by Representative Brenda Barton and the Vice Chair is Senator Sylvia Allen. Staff met with members of the Cochise County Public Lands Advisory Committee (PLAC) as well as consultants and Department Directors to obtain the information requested. The survey was completed and submitted to the State Committee on March 21, 2016 along with additional comments, federal issues impacting Cochise county, and the Cochise County Comprehensive Plan. A copy was also provided to CSA.

Department's Next Steps (if approved):

N/A

Impact of NOT Approving/Alternatives:

N/A

To BOS Staff: Document Disposition/Follow-Up:

N/A

AttachmentsSurvey and CommentsFederal Issues Impacting County

Comprehensive Plan

Transfer of Federally Managed Lands Study Committee
Survey of Counties Land Management and Conditions

This survey is being promulgated by the Transfer of Federally managed Lands Study Committee to gather information to evaluate the management of certain federal lands in Arizona, assessing risks, and identifying solutions.

Please return your survey by March 22, 2016 to:

Chairman: REPRESENTATIVE BRENDA BARTON

bbarton@azleg.gov

Vice Chairman: SENATOR SYLVIA ALLEN

sallen@azleg.gov

GINA KASH-HOUSE POLICY ADVISOR

gkash@azleg.gov

TOM SAVAGE -- HOUSE RESEARCHER FOR AGRICULTURE WATER
LAND; ENERGY NATURAL RESOURCES COMMITTEES

tsavage@azleg.gov



COCHISE COUNTY

BOARD OF SUPERVISORS RESPONSE MARCH 21, 2016

Cochise County is located in the Southeastern corner of the State of Arizona, bordering both the Country of Mexico and the State of New Mexico. The County covers 6,219 square miles and is home to almost 130,000 residents. It is a destination tourist location, with over 200,000 visitors each year. We have two international Ports of Entry in the County, and it is estimated nearly 2,000,000 people legally enter the United States each year just between those two Ports to shop and work. \$7.3 million dollars per day on average is spent by Mexican visitors in Arizona. The tourism, agriculture, ranching and international trade dollar is critical to our region.

###

A. PUBLIC HEALTH, SAFETY, AND WELFARE: (Attach explanation for each response as needed)

1. Do current wildfire conditions on federally managed lands within your county pose a significant threat to: [Check all that apply add percent or comments]

X Public Health and Safety Public Property Private Property

In recent years the county has experienced catastrophic wildfires that severely affected both public and private property, e.g., the Monument Fire in the Huachuca Mountains and the Horseshoe Fire in the Chiricahua Mountains. Factors contributing to these wildfires (drought conditions and unhealthy/excessive vegetation on both national forest and other public lands) still exist today and pose a continuing threat. **(Public Lands Advisory Committee Member)**

The property of many private residential neighborhoods and businesses abut federally managed lands (i.e.; Coronado National Forest). The high fuel loads that have built up in areas of federally managed lands pose a significant life-safety and property threat to residents and businesses. **(Emergency Services Coordinator)**

Many of the federally managed lands preclude any fire management due to special designations, federal laws or regulations (i.e. National Parks, Fort Huachuca, designated Wilderness areas). In some instances, particularly around Sierra Vista, these properties form a barrier to providing protection for residential and businesses. On lands outside of these special designated lands, federal and state fire agencies have reduced fuel loads in and around Wildland Urban Interfaces. State, Federal, County and State entities have developed Firescape programs to educate landowners on reducing fuels. Fuel reduction projects have been ongoing for at least 10 years on the east side of the Huachuca Mts. In more recent years along the western edge of the Huachuca Mts. Some landowners have bought into these programs, while others decline and allow their properties to remain in an undisturbed state. As should be noted, local Forest Service protocol and funding is primarily dependent on Regional or National policy and funding availability. **(Public Lands Advisory Committee Member)**

2. Do you believe fire hazard on federally managed lands should be reduced to protect public health and safety within your county? [Check all that apply add percent or comments]

X Yes

In my view there is a pressing need to treat both Forest Service and Bureau of Land Management (BLM) managed public lands for reduction of hazardous fuel loads and to establish a more fire resilient landscape. This would not only better protect public health and safety but also contribute to improved watershed function. **(Public Lands Advisory Committee Member)**

As mentioned above, the fuel current and future fuel loads in Wildland-Urban Interface (WIU) areas pose an increased hazard for large-scale wildfires. We've had this experience in the County previously with the Monument and Horseshoe Fires. **(Emergency Services Coordinator)**

Within the Sierra Vista area, those special designated lands mentioned above prevent adequate protection due to the immense amount of land that has been removed from fire. Once a fire such as the Monument Fire takes off and runs through lands that have not practiced, nor are off limits, to fire management practices it makes protection of Urban interfaces very difficult. Additionally, many of our catastrophic or very large fires have begun in Mexico during extremely windy periods and have jumped the border directly adjacent to non-fire managed lands such as National Park Service or Wilderness areas. **(Public Lands Advisory Committee Member)**

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3. Regarding the water supply your citizens use, does current federal land management of watersheds:
[Check all that apply add percent or comments]

X Optimize water yield Diminish water yield Have no impact

Fort Huachuca has undertaken extreme conservation measures and has decreased groundwater pumping on the fort by 67%. They have helped to optimize the water supply in the Sierra Vista Subwatershed. The US Forest Service (Coronado National Forest) and the National Park Service (Coronado National Monument and Chiricahua National Monument) have had no significant impact on water supply. **(Water Consultant)**

The Department of Interior, Bureau of Land Management (BLM), has significantly impacted the water supply in the Sierra Vista Subwatershed (SVS), primarily with its management and/or failure to manage the San Pedro Riparian National Conservation Area (SPRNCA). Since the designation of the NCA, BLM has increased riparian vegetation approximately 250% and then complains that the surface water levels in the San Pedro River are decreasing. The impact to surface water levels is caused by their water use for riparian vegetation that has increased by 250%. They are involved in litigation to limit development in the SVS even though they are the ones who have significantly impacted surface water levels. Research by the US Geological Survey shows that the cone of depression from pumping in the regional aquifer has yet to have measurable impact on surface water flows. **(Water Consultant)**

While there have been some good initiatives by federal agencies in support of healthy watersheds, they pale in comparison to the vast acres of unhealthy, eroded landscapes that reflect the long term cumulative effects of mismanagement and neglect. On balance, federal land management practices in the county have not adequately promoted on-the-ground treatments necessary to support and improve healthy watersheds. As an example, on March 21, 2014, a field trip was conducted by the BLM to review rangeland conditions and grazing allotments as part of the development of alternatives for the San Pedro Riparian National Conservation Area (SPRNCA) Resource Management Plan. It was possible to view BLM managed lands that were adjacent to lands managed by a grazing permittee. The BLM managed lands were heavily overgrown with invasive weeds such as whitethorn and had spotty grass cover. In contrast, the permittee managed lands across the road had healthy grass cover due to the permittee's use of herbicides to eliminate invasive weeds and to foster growth of native grasses. In my view, the permittee managed lands were far superior in terms of supporting healthy watershed function. This was also seen on several other allotments during the field trip. In fact, on the Babocamari Allotment, the private landowner's management practices resulted in recovery of spring flow and a much improved riparian area. **(Public Lands Advisory Committee Member)**

4. How important is it for people of your county to have motorized access to public lands for sustenance activities such as gathering wood, picking mushrooms and berries, hiking, harvesting wild game, CAMPING OR PICNICING etc.?

X Very Important

Federal public lands comprise a large portion of Cochise County real estate. Included are forest lands in four ranger districts of the Coronado National Forest (Sierra Vista, Douglas, Safford, and Santa Catalina Ranger Districts), BLM managed lands within the Tucson Field Office, three units managed by the National Park Service (Coronado National Memorial, Fort Bowie National Historic Site, and Chiricahua National Monument), and the San Bernadino National Wildlife Refuge managed by the US Fish and Wildlife Service.

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These lands are very important to county residents and visitors for their diverse range of recreational opportunities and multiple uses. Motorized access is critical to the public's ability to enjoy these lands, particularly considering the far ranging, remote locations of destinations used by the public. A robust system of transportation routes on federal public lands is a necessary foundation for the public's ability to visit the many recreational attractions, historic sites, and scenic landscapes of Cochise County. **(Public Lands Advisory Committee Member)**

Public access to the natural amenities of Cochise County is a major attraction to residents, tourists, and businesses. Restricting motorized access (especially off-road vehicles) will negatively impact the County and overall quality of life. **(Emergency Services Coordinator)**

5. Is there an adequate supply of motorized roads on federally managed lands in your county to accommodate emergency ingress/egress for search and rescue, facility maintenance, public access, and resource management? [Check all that apply add percent or comments]

X No

In recent years, both the Forest Service and BLM have embarked on developing travel management plans for public lands within the county. Draft plans have been published by the Coronado National Forest that propose dramatic reductions in National Forest System Roads, many of which have provided historic access to existing and previous generations of forest users for a wide range of recreational activities, e.g., hunting, camping, hiking, wildlife viewing, backcountry touring, etc. Of major concern is that in many cases, the existing system of forest roads is already inadequate and would be further reduced by proposed travel management plans. In the Whetstone Mountains unit of the Coronado National Forest, there is only one legal access road that provides public access to the forest (Dry Canyon). Virtually all of this mountain range is landlocked by state or private lands and lacks adequate motorized access for resource management including fuels reduction, emergency ingress/egress for search and rescue, and public access for recreation. When the public is unable to access federal lands, it is most probable that those lands become the haven for drug smugglers and other illegal activities. **(Public Lands Advisory Committee Member)**

Public Safety access must not be compromised by further restricting access routes. This was researched significantly in the County Community Wildfire Protection Plan (CWPP). This is currently being discussed under the proposed Traffic Management Plan for the Douglas Ranger District of the Coronado National Forest. **(Emergency Services Coordinator)**

I am in complete agreement that motorized travel on federally managed lands is vital and, in some areas such as the Whetstone Mts, are very limited due to the reasons mentioned by another PLAC Member above. On the other hand, some public lands are becoming decimated due to the illegal use of off road vehicles. These roads were not historical roads utilized for emergency response, maintenance, public access or recreation. Closure of roads that produce severe resource damage, are a hindrance to public safety, recreation or travel, and have no long term standing have been designated for closure and, by doing so, benefit those wanting to enjoy the beauty and health of our public lands. Developing roads up every canyon and on top of every ridge is not responsible, nor will it benefit multi-use recreational access which has become, and needs to become, a primary concern and point of emphasis. **(Public Lands Advisory Committee Member)**

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6. Regarding multiple-use recreational access routes on federally managed lands, does your county desire: [Check all that apply add percent or comments]

X Increased Multi-Use Access

There are distinct benefits the county could derive from increased multi-use access. Inadequate motorized access limits the potential for tourism and recreation and constrains the economic productivity of public lands. In other areas of the country, a system of motorized recreational trails on national forest lands has boosted the economies of nearby rural communities. Examples are the Paiute Trail in Utah and the Hatfield–McCoy off-highway vehicle trail system in West Virginia. With abundant federal lands and a year round favorable climate, Cochise County could easily attract more tourism from the development of motorized trails in appropriate locations on federal lands. Motorized trails would also benefit other users who value recreational access for hunting, camping, hiking, wildlife viewing, etc. **(Public Lands Advisory Committee Member)**

Better recreational and public safety access to federal lands is always preferred. **(Emergency Services Coordinator)**

7. Do you know the quantity of federally manages acres in your county? What agency administers policies over that land and what percentage is that of your county?

X Yes

Office of the Cochise County Assessor 6219 Sq.
Miles
Cochise County-Total Acreage as of 10/03/2013 3,980,538

Entity	Percentage	Acreage	Totals
State Trust Land	34.66%	1,379,654	ac
National Forest	12.33%	490,800	ac
BLM	9.94%	395,665	ac
Ft Huachuca	2.16%	85,980	ac
Willcox Bombing	0.55%	21,893	ac
National Park Service	0.44%	17,514	ac
San Bernadino Land Grant	0.05%	1,990	ac
Private Land	39.87%	1,587,041	ac 3,980,538

###

B. ENVIRONMENTAL QUALITY: (Attach explanation for each response as needed)

1. Do you believe current fuel loads on any of the federally managed lands within your county could result in severe, uncontrollable, or catastrophic wildfires? (If so, provide, if practicable, geographic location and approximate acreage in an attachment) [Add percent or comments]

X Yes

The Forest Service and Ft. Huachuca conduct regular controlled burns on their lands. The BLM has not had a controlled burn in the San Pedro Riparian National Conservation Area (SPRNCA) in years, and should do those regularly. A fire on BLM land could cause catastrophic damage to homes and businesses in our County. **(Water Consultant)**

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See also the response to A1 and A2. In my view, the following locations harbor excessive fuel loads and pose a danger for severe wildfires: Huachuca Mountains, Chiricahua Mountains, Whetstone Mountains, and the San Pedro Riparian National Conservation Area. **(Public Lands Advisory Committee Member)**

Any specially designated lands that prohibit fuel and fire management result in the potential for uncontrollable, catastrophic wildfires (i.e. Wilderness areas, National Parks, higher elevations of Fort Huachuca which are not designated Wilderness, but are not utilized for regular or high intensity training, SPRNCA). **(Public Lands Advisory Committee Member)**

2. Is a high intensity wildfire on federally managed lands likely to cause a loss of important fish & wildlife habitat or harm to Threatened or Endangered Species in your county (e.g. Apache Trout, Spiked Dace, Loach Minnows, black-footed ferret)? [Check all that apply add percent or comments]

X Yes

I believe it is likely that high intensity wildfires on federal public lands could harm Threatened or Endangered Species given the presence of such species throughout the county. For example, Mexican Spotted Owl habitat within national forest lands in the county is vulnerable to severe wildfires. The Draft Programmatic Environmental Impact Statement for Revision of the Coronado National Forest Land and Resource Management Plan (October 2013) states the following on p. 235: "Southwestern forests have experienced larger and more severe wildfires from 1995 to present. Climate variability combined with dense forest conditions may also synergistically result in increased negative effects to habitat from fire. The intensification of natural drought cycles and the ensuing stress placed upon overstocked forested habitats could result in even larger and more severe fires in Mexican spotted owl habitat." **(Public Lands Advisory Committee Member)**

In many instances, the listing of various species of flora and fauna as Threatened/Endangered or with special designations prevents fire management due to NEPA regulations, USFWS protocol, air quality standards or litigation from environmental groups. **(Public Lands Advisory Committee Member)**

3. Are environmental threats such as noxious weeds, invasive species and bark beetle adequately controlled on federal lands within your county?

X No

I believe that noxious weeds and invasive species are a growing menace to the health of federal public lands in Cochise County. See also the response to A3. In addition, there is an increased vulnerability to bark beetle damage on federal lands due to the cumulative effects of excessive tree density, high fuel loading, drought, warmer temperatures, and tree damage from severe wildfires. **(Public Lands Advisory Committee Member)**

Private lands (ranchers/farmers) have done a good job controlling or attempting to control invasive weeds off of their property, but it's a serious problem on Federal land specifically BLM managed land. **(Cochise County Survey Group)**

4. Does the air quality in your county fall below acceptable health standards due to smoke originating from wild fires and/or prescribed burns on federally managed lands?

X Yes

Although fires and controlled burns have a significant impact where/when they occur locally, County air quality monitoring does not indicate this is a huge problem on a regular basis. This is only due to the fact that there are very few controlled burns on Federal lands and our air is not impacted negatively on a

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consistent basis by automobile or other commercial pollution. **(Health Director and Environmental Consultant joint comment)**

I believe that air quality is usually within acceptable limits. However, high levels of smoke from prescribed burns or wildfires could pose localized impacts to health. The Draft Programmatic Environmental Impact Statement for Revision of the Coronado National Forest Land and Resource Management Plan (October 2013) states the following on p. 201: "PM2.5 in smoke is of paramount importance because these fine particles are known to lodge deep in the human respiratory system and are quite difficult to expel (USDA FS 2002). Consequently, they can have significant impacts on the health and well-being of sensitive populations, such as the elderly, young children, and persons with lung disease or compromised immune systems." **(Public Lands Advisory Committee Member)**

###

C. ECONOMIC PRODUCTIVITY AND SUSTAINABILITY: (Attach explanation for each response as needed)

1. Is the Payment in Lieu of Taxes (PILT revenues) your county derives from federally managed lands equivalent to the amount that actual land taxation of that these lands would bring? (Present Current fall 2015 revenue)

Yes Please provide actual amount received and estimate PILT as a percentage of your county budget.

2015 federal year PILT funds \$2,117,677 which is 4% of the FY15 County General Fund Budget and 1.5% of the total County Budget. **(Deputy Finance Director)**

2. Are there any federally managed lands in your county for which you do not receive PILT payments? Please be specific: acreage name of facility etc. (e.g. Indian reservations, National Parks)

Yes

The PILT acreage of 901,148 does not include Ft. Huachcua or Willcox Bombing (Military establishments). **(Deputy Finance Director)**

3. Is the amount your county derives from the Secure Rural Schools (SRS) funds equivalent to the amount that your county could derive from responsible harvest or extraction of natural resources?

No Please provide actual amount received and estimate SRS as a percentage of county budget (include present short fall).

2015 Secure Rural Schools funds was \$372,598, which is split evenly between Highways and a Special Revenue Schools' Fund. This is 1.6% of the County highway budget and the Schools Fund is passed through to various rural schools outside the county budget. The total is .25% of the total County Budget. **(Deputy Finance Director)**

4. Is the economic productivity and number of related private sector jobs commensurate with the resource production capacity of the federally managed lands within your county? (Forestry, mining, ranching, recreation management)

No

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5. Are federal policies for Threatened or Endangered Species adversely impacting private land owners, businesses, industries, or citizens within your county? (Species details and / or details where possible)

___ ___ Yes

As noted in A.3. above, the BLM is in litigation against development in the SVS. They are attempting to use the Endangered Species Act and federal reserve water rights as the basis for limiting development. In addition, they are using the Assured Water Supply requirements of the State of Arizona as another factor in the desire to limit development in the SVS. They are stating that, due to federal reserve water rights for the SPRNCA, there is not a 100 year assured water supply, even though the aquifer has 100s if not 1000s of years of supply available. This litigation has halted all significant development in the SVS while it is fought in the courts. **(Water Consultant)**

Due to pressure from environmental organizations that want to see US military bases, including Huachuca, closed, several petitions to list threatened and endangered species and designate critical habitat on or near Fort Huachuca are generated yearly. These petitions are not based on science. Normally the species petitioned for listing are plants, springsnails, tree frogs, insects, birds or mammals that are rare and unstudied. Lack of data results in listing too many species. Many of the species listed are common in Mexico and rarely travel north into the USA. The species are not threatened or endangered in their core area. Our County is at the northern fringe of the range for many species from Mexico. Examples include but are not limited to the jaguar, Mexican garter snake, lesser long-nosed bat, ocelot, water umbel, and numerous small cyprinid fish. **(Environmental Consultant)**

Federal policies for Threatened or Endangered Species seem to be largely driven and influenced by special interest groups outside of the county. Impacts to private landowners and citizens are frequently not fully considered. For example, the proposed introduction of a Mexican wolf population to Cochise County would very likely result in cattle depredation and economic losses to ranchers due to an inadequate prey base in the county. Designation of critical habitat for the jaguar along the east side of the Huachuca Mountains within Cochise County did not fully consider the high level of human use and recreation that occurs along the east side canyons (e.g. Ramsey Canyon, Carr Canyon, and Brown Canyon). **(Public Lands Advisory Committee Member)**

6. Has federally managed land management resulted in adverse impacts to your county's economy? (details where possible)

___ Yes

The Horseshoe II and Monument fires denuded hundreds of thousands of acres of steep upper watersheds, causing vastly increased floods and sediment transport OFF the forest, onto private property and public infrastructure. Since the damage occurred outside federal lands, the forest took no responsibility for any damage and contributed nothing to repair/mitigation costs or damages caused. Over \$1million dollars in County infrastructure damage has been documented in 2014 as a direct result of still denuded Chiricahua watersheds within National Forest and damaged land's response to heavy tropical storm rains in September 2015. Other instances can be claimed. **(Director of Highways and Floodplains, P.E.)**

The Horseshoe II fire burned 222,954 acres and destroyed over 20 buildings at a cost of \$52,000,000. The Monument Fire burned more than 32,000 acres and destroyed more than 80 buildings at a cost of \$20,411,500. **(Cochise County)**

The City of Sierra Vista, Cochise County and Fort Huachuca spend considerable time and money

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coordinating with various federal land management agencies. However, the federal agencies do not put enough weight on coordination with local government. Instead they tend to weigh the possibility of a lawsuit from an environmental organization more in their decision making. **(Environmental Consultant)**

Federal land management policies have constrained the economic potential of the county's natural resources. Policies tend to promote an over emphasis on expanding habitat for threatened and endangered species or protecting natural resources from human uses. Federal public lands within the county have good potential to attract additional tourism and recreation but federal policies are limiting that potential by continued lack of visitor friendly infrastructure and recreational opportunities. For example, visitors to the San Pedro Riparian National Conservation Area (SPRNCA) are limited to day use due to the lack of campgrounds. Campgrounds could encourage visitors to stay longer in the community. In addition, some roads in the SPRNCA were closed by the BLM but could serve as backcountry byways to offer visitors a way to visit scenic portions of the SPRNCA "backcountry". Not all visitors can hike for long distances and motorized access would support additional tourism opportunities. As another example, the Forest Service has over the years closed areas used for recreational target shooting (e.g., Miller Canyon and Hunter Canyon in the Sierra Vista Ranger District). A suitable, designated shooting area (consistent with Forest Service standards) on the east side of the Huachuca Mountains would enhance responsible opportunities for target shooting and provide a destination for local residents and visitors to enjoy their sport. Also, despite the growing popularity of off-highway vehicles (OHV) in the county, neither the Forest Service nor the BLM have designated any motorized recreational trails on public lands in the county. Other Arizona national forests such as the Apache-Sitgreaves have designated long distance motorized trails (Maverick Trail, about 50 miles; Long Draw Trail, 30 miles; and Saffel Canyon Trail, 25 miles) that have given local communities both a recreational and economic boost. **(Public Lands Advisory Committee Member)**

The economic conditions are not being enhanced like they could be – additional campgrounds, specifically at the San Pedro House and to encourage tourism and educational benefits. The impact to ranchers who practice responsible grazing could be enhanced as well on Federal Land. The Federal focus is more on conservation and endangered species and less on recreation and tourism use. **(Cochise County Survey Group)**

Tourism provides a significant amount of income to Cochise County. According to the Arizona Office of Tourism, in 2014, total direct spending of tourism alone accounted for 349.5 million dollars in our County. This accounted for Local and State tax receipts of \$27.9 million dollars. Closing roads on Federal land, wildfires, preventing access to public lands because of conservation efforts that are politically motivated instead of based on science hurts the County as well as the State of Arizona when it comes to tourism dollars. **(Community Relations Administrator)**

The County has a strong and vibrant agricultural economy that continues to be threatened by Federal regulations. Cochise County is an important agricultural area. Specialty crops like pistachios and pecans play an important role in the local economy. 80% of the grapes used in Arizona wines are grown in the Willcox area. A 2014 Economic Report from the University of Arizona shows that in 2011, 30% of Cochise County's farms specialize in beef cattle ranching with more than 324 having 50% or more of their income coming from livestock. Cochise County ranks 3rd in the state when it comes to the cattle industry. With 6% of the State of Arizona's livestock inventory, the cattle industry had a \$59 million impact in 2011 on the County's economy with 289 employees. This figure taken on a State scale isn't that impressive – but to our rural County, that figure is a significant amount of money we can't afford to lose. **(Supervisor)**

7. Do you believe changes in federally managed land management is necessary to increase positively impact your county's economy, employment opportunities, or tax base?

X Yes

Changes to federal land management policies are needed to provide more emphasis on multiple use, recreation, and public enjoyment of federal lands. This could lay the foundation for improved tourism, economic productivity, and revenue producing activities. See also the response to C6. **(Public Lands Advisory Committee Member)**

###

D. CONSISTENCY WITH STATE AND LOCAL OBJECTIVES: (Attach explanation for each response as needed)

1. Are federally managed land management actions consistent with your county's objectives? (specifics sectors where possible)

 X No

Article 1 101-Title, Purpose and Background – Cochise County Comprehensive Plan states: **“The actions of other governmental agencies that impact the people, land, and resources within Cochise County must be carried out in a manner consistent with, or implemented in coordination with, the goals and policies expressed in this Comprehensive Plan.”** **See Cochise County Comprehensive Plan attachment**

Link to Plan on website:

https://www.cochise.az.gov/sites/default/files/planning_and_zoning/Cochise%20County%20Comprehensive%20Plan%202015%20FINAL.pdf

Example: The Proposed Changes to the Motorized Travel System in the Douglas Ranger District. This could result in possible access closures to camping and recreational areas that are currently accessible. Federal (BLM, USDA, and Forest Service) actions need to take existing local plans into consideration before final decisions are made.

In particular, the **Economic Development Goal: Support the preservation and expansion of the Cochise County tourism sector.** Any reduction in access to public lands would hamper tourism and marketing efforts in these recreational areas. **The Renewable Energy Element Goal: To protect the culture, history, economy, environment, and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple land use plans consistent with the following policies: d. Public Access f. Recreation and Tourism.** Again reduced access to public lands would have a negative impact on County residents who have historical utilized these areas for recreational purposes and on visitors seeking out new recreation opportunities within Cochise County. **(Planning and Zoning Director)**

The Bureau of Land Management and the U.S. Forest Service frequently fail to do consistency reviews of county policy. It is incumbent on the County to review every document produced and submit comments noting that a consistency review was not completed or even addressed in the document. Even when the County comments, the policies in the County’s plan are consistently written off in the final document. **(Water Consultant)**

Section F (Federal Government Coordination Element, pages 14 - 19) of the 2015 Cochise County

Transfer of Federally Managed Lands Study Committee
Survey of Counties Land Management and Conditions

Comprehensive Plan lays out goals, policies, and objectives pertaining to federal land management of public lands within the county. The Plan includes policies that seek to ensure that the Federal Government provides Cochise County the opportunity to participate in the development of land use plans, to cooperate and coordinate with Cochise County in developing such plans, and to ensure that federal policies are consistent with local or regional policies. The Plan's rationale is as follows: "Approximately 26% of land in Cochise County is administered by federal agencies. Policies for managing these lands significantly impact Cochise County's culture, history, economy, environment, and lifestyles. Therefore, it is extremely important for Cochise County to participate in making these policies, with opportunities for the public to be heard." The Plan stresses the importance of grazing, recreation, public access, and tourism to the county's economy and rural character; the need for careful collaboration and cooperation regarding wilderness and other designations; and that designations or reintroductions of threatened or endangered species be supported by scientific data, have the full coordination and cooperation of the county, and have full public disclosure.

Here are some examples of Federal agency actions that are not consistent with the county's objectives.

1. In my view, the US Fish and Wildlife Service has failed to fully consider the county's concerns regarding Mexican wolf reintroduction plans as well as concerns over designation of critical habitat for species such as the jaguar.
2. Also, proposed or actual road closures by the Forest Service and the BLM have been counter to policies and objectives in the county's Comprehensive Plan. Specifically, Draft Travel Management Plans have failed to consider the following policies and objectives in the county's Comprehensive Plan: page 17, paragraph d(i): "Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.", and on page 19, paragraph i(iv): "Federal Travel Management Plans should consider the growing popularity of OHV recreation and provide reasonable and responsible opportunities for OHV uses."
3. Within the SPRNCA, the BLM has failed to provide a timely decision on reauthorizing grazing on lands that were temporarily set aside (10 year moratorium). Plus the BLM is considering draft alternatives that would either further reduce grazing or fail to authorize suitable additional grazing allotments. This is contrary to policies and objectives in the county's Comprehensive Plan, specifically page 19, paragraph h, subparagraphs i, ii, and iii which state the following:

"i. The proper management and allocation of forage on public lands is critical to the viability of the Cochise County's agriculture, recreation, and tourism industry."

"ii. The viability of a large number of agriculture and livestock operations is dependent on access to grazing on public lands."

"iii. Forage allocated to livestock should not be reduced for allocation to other uses. Current livestock allocation should be maintained and can be increased when resource conditions warrant additional livestock." **(Public Lands Advisory Committee Member)**

2. Would your county like state assistance incorporating local government objectives into Federally managed land management actions?

___ ___ Unsure

It would depend on the type of assistance along with the mutual benefit to all parties. We currently have Cooperating Agency Status and partnerships with several Federal agencies.

###

E. OWNERSHIP AND JURISDICTIONAL RESPONSIBILITIES:

1. Has your county experienced conflicts with federally managed or federal claimed ownership or jurisdictional responsibilities?

Yes (Please attach detailed description of conflicts)

The San Pedro River Riparian National Conservation Area management has resulted in legal claims of federal reserved water rights. Those claims may go beyond the intent of Congress. (Environmental Consultant)

2. How much influence do you believe special interests have on the ability of federal agencies to develop and implement effective land and resource management plans on federal lands in your county?

Significant (please explain)

In regards to endangered species, I believe special interests have moderate influence on the ability for federal agencies to develop or implement effective land and resource management plans on federal lands in Cochise County. **(Planning and Zoning Director)**

There are a number of non-governmental organizations (NGOs) that frequently comment and/or litigate actions contemplated by federal agencies. To avoid litigation with the NGOs, federal agencies (especially the US Fish and Wildlife Service) agree to requirements that are not supported by science or consistent with the County's plans. A prime example of this is the latest decision with regards to the Mexican Gray Wolf. There is insufficient prey base in Cochise County for introduction of an additional predator. Large predatory species (especially bear) already are intruding onto urban and suburban areas to obtain food. With the introduction of MGWs, the primary prey base required to support another predator in Cochise County will be livestock and pets. **(Water Consultant)**

Special interest groups have been very active in the review and development of Federal land use plans that affect Cochise County. The Coronado National Forest (CNF) Draft Land and Resource Management Plan (October 2013) has attracted considerable interest and participation by numerous special interest groups. Many of these groups are located in Tucson, Arizona, which gives them easy access to the CNF Supervisor's Office that is also located there. It was very evident at a workshop hosted by the Coronado National Forest on Wilderness and Draft Land Management Plan (May 17, 2014 in Tucson, Arizona) that numerous special interest groups were pushing for additional wilderness proposals in the Draft Resource Management Plan. These groups and likeminded individuals easily outnumbered residents attending from Cochise County. It seems that these special interest groups have more influence over forest policies affecting rural areas in Cochise County than county residents. This was also observed during the development of Draft Travel Management Plans for the Coronado National Forest. This problem is compounded by the fact that management decisions affecting rural areas in Cochise County are made by federal officials based in Tucson, Arizona (i.e., the Coronado National Forest Supervisor's Office and the BLM Tucson Field Office) who are geographically removed from Cochise County and thus are not as familiar with the county's unique challenges and concerns. **(Public Lands Advisory Committee Member)**

Transfer of Federally Managed Lands Study Committee
Survey of Counties Land Management and Conditions

3. **On a separate sheet**, please describe your county's most significant concerns with federal land management, including current and past relations and communications with federal agencies and other relevant factors you believe legislators should be aware of. Provide any ideas that may help reduce risks or resolve concerns in these areas. Please be as specific as possible. **See Attachment**

Submitted by: Cochise County Board of Supervisors

Signature: 
Richard R. Searle, Chairman, District 3

Signature: 
Patrick G. Call, Vice-Chair, District 1

Signature: 
Ann English, Supervisor, District 2

Date: March 21, 2016

CONTACT: Arlethe G. Rios, Clerk of the Board
520-432-9200
Arios@cochise.az.gov

Attested by: 
James E. Vlahovich, County Administrator

- Attachments:**
- Survey – This form
 - Cochise County Comments
 - Cochise County Comprehensive Plan
 - Federal Issues Impacting Cochise County

**Transfer of Federally Managed Lands Study Committee – Additional Information
Cochise County
March 21, 2016**

E. Ownership and Jurisdictional Responsibilities

3.

Cochise County Comments: Some Federal agencies, along with the County, have made great strides in creating and continuing good working relationships. The County is officially a cooperating agency and partner with several Federal entities.

Cochise County initiated quarterly meetings with the Forest Service and BLM. These meetings have enhanced the working relationship with all agencies participating.

Fort Huachuca is an incredible partner and an example of how the Federal gov't can play an integral part in relationships when it comes to local government. For years the Fort has partnered with Cochise County in regards to water conservation. By working together, we have funded the Palominas Recharge Project which benefits the San Pedro River, a BLM riparian habitat protected by Congress. When Federal and local government work together for the sole benefit of what is best for the public, everyone wins. Although there is turnover at times with command staff, the projects never get left behind because their goal is consistent with ours – develop the best plans, fund the projects, implement and monitor the success.

We have regular attendance by the Forest Service and BLM at our Public Lands Advisory Council meetings where they are encouraged to share information and updates regarding plans and updates and it's been very successful, when they attend.

Transition in federal agencies has a huge impact on relationships. We develop contacts, they attend meetings and share information, and then they get promoted and relocated, often very quickly before a successor is put in place. We are then assigned someone new to take over who needs time to learn their system as well as get up to speed on our joint issues. There is a huge learning curve whenever new people are brought into a new job in a new region.

Local branches of Federal gov't often times do not get adequate funding to do the land management actions they have planned and so desperately need. If they are mandated to do something, they must be funded in order to make that action happen.

Local Government and Public Participation:

It's critical to get effective local government input and comment as well as the public when Federal plans impact a County.

For example: There are two separate electric transmission lines impacting Cochise County – The Southline Transmission Line and the SunZia Transmission Line. Both had serious challenges when it came to Federal oversight and implementing public/private comment.

The Southline Transmission Line EIS did not adequately consider wildlife and vineyard issues (local wine producers/growers) in the Willcox Valley until several agencies and landowners protested loudly. It seemed as though local government input and public comments were ignored until people threatened court action. Now, the project proponents are taking the comments more seriously and attempting to appease Arizona Game and Fish Department and local landowners.

The SunZia Transmission Line EIS had more environmental issues that the NEPA team overlooked. The Winkelman NRC, Cascabel Working Group, Sierra Club, Tucson Audubon and others are filing law suits to stop the project from impacting the San Pedro River corridor. SunZia ignored all comments from the County (and many, many others). There were good alternative routes outside the Buffalo Soldier Electronic Test Range and avoiding the San Pedro River valley. However, BLM and the federal Energy Department chose the route anyway. The Department of Defense strongly

opposed the SunZia project until the NEPA team reluctantly developed an alternative to avoid adverse impact White Sands Missile Range.

Fort Huachuca opposed having SunZia pass through its Buffalo Soldier Electronic Proving Ground and Cochise County supported the Fort's position. The project proponents made some concessions to the Fort to reduce impacts to the Proving Ground, but there will still be impacts. Besides the impacts to the military and the San Pedro River Valley, environmental groups are concerned about the SunZia line's impact on wilderness areas in the Galiuro and Santa Teresa mountains and Aravaipa Canyon east of Tucson. The Nature Conservancy has stated that the power line would split the landscape in half and introduce roads into a roadless area.

The oversight agency, BLM, ran the Southline and Sunzia Projects from a distance, which isolated them from direct relationships and limited their interaction with affected federal, state and local government personnel as well as the local affected public.

Public Lands Advisory Committee Member: Based on my observations from participating in federal land management plans over the past 20+ years, I would like to offer the following concerns and suggestions.

1. **Lack of Accountability.** It seems that federal officials are frequently not held accountable for complying with established land use plans and/or existing Congressional legislation. Frequent personnel turnover and lack of institutional knowledge are continuing challenges. Plus it appears on occasion that personal opinions and biases of federal employees lack balance and objectivity regarding agency policies and priorities.

2. **Transparency and Public Involvement.** In my view, special interest groups (many of which are well organized and well funded) have exercised undue influence on Federal land use plans and decisions. Members of the general public typically do not have the time nor geographical proximity to federal agencies. Development and implementation of Federal land use plans must be more transparent and enable a robust level of public involvement. Too frequently federal agencies work closely with special interest groups to achieve certain policies and objectives. However, lack of transparency and public involvement breeds mistrust and suspicion over the fairness and objectivity of federal actions. It also seems that federal agencies are influenced by the threat of litigation from special interest groups instead standing up for the public interest.

3. **Land Use Priorities.** In my reviews of both Forest Service and BLM resource management plans, I have observed that federal agencies have placed excessive emphasis on promoting threatened and endangered species, resource conservation, and wilderness restrictions at the expense of policies that support multiple use, public access, and recreation. There is a lack of balance and fairness. These federal decisions impact the county's economy, lifestyles, and rural character. Rural communities depend on adjacent public lands to enable viable ranching and grazing operations and to enable residents and visitors to access and enjoy outdoor recreational opportunities. Rural communities, unlike large metropolitan areas, do not have a "parks and recreation department", but rely on adjacent public lands for access to recreational opportunities. Federal decisions and land use plan priorities are frequently inconsistent with county policies and objectives and thus adversely affect rural communities and lifestyles. Considering that both the Coronado National Forest Supervisor's Office and the BLM Tucson Field Office are both located in Tucson, it is not surprising that decisions by these agencies do not always reflect the needs of Cochise County communities and residents. Policies that are influenced by proximity to a major metropolitan area such as Tucson are not necessarily consistent with policies appropriate to rural communities.

4. **In summary,** perhaps a mechanism should be established to enable county governments (who have elected and accountable officials) to have more influence on federal decisions regarding the development and implementation of federal land use plans. As a minimum, there should be a more collaborative, cooperative, and public process for federal agency decisions given the large scope and impacts they have on affected counties, rural communities, and the general public. In

2005, the White House Council on Environmental Quality hosted a conference on "Cooperative Conservation" which was attended by a broad cross section of individuals, groups, and government organizations throughout the country. See the attached press release below. This conference showcased numerous success stories involving the cooperation of agencies, partners, and private landowners working together to solve conservation issues. Given the continuing conflicts and concerns created by federal land management decisions, it seems that federal agencies should renew their commitment to the proven success of the 4 C's philosophy - conservation through communication, consultation and cooperation.

Attachment:

Copy of Press Release Text from:

https://www.doi.gov/sites/doi.gov/files/archive/news/archive/05_News_Releases/050407c.htm

Department of the Interior

DOI News Header

Office of the Secretary CONTACT: Joan Moody

April 7, 2005 202-208-6416

MEDIA ADVISORY:

Scheduled for Aug. 29-31 in St. Louis: 2005 White House Conference on Cooperative Conservation

The Bush Administration announced today that invitations to the 2005 White House Conference on Cooperative Conservation have been distributed to a broad cross-section of private individuals; agricultural and forestry organizations; local community groups; businesses; outdoor organizations, conservation groups; local, state and tribal governments; heritage groups; philanthropic foundations; members of Congress and state governors.

Federal participants include the Departments of Agriculture, Commerce, Defense, and the Interior, as well as the White House Council on Environmental Quality and Environmental Protection Agency.

From Aug. 29 - 31, 2005, these representatives will convene in St. Louis, Mo., to consider President Bush's cooperative conservation vision defined in his Executive Order issued on Aug. 26, 2004.

The White House Conference on Cooperative Conservation seeks to:

- Broaden cooperative conservation with state, tribal and local governments, communities, private for profit and non-profit organizations, and private citizens;
- Enhance and integrate public and private land stewardship;
- Bring together interested participants and decision makers who can advance cooperative conservation;
- Identify ideas for future conservation and environmental policies and initiatives;
- Facilitate the exchange of information and advice for successful partnerships; and
- Institutionalize cooperative conservation to enhance on-the-ground conservation results and progress.

Secretary of the Interior Gale Norton, a leader in cooperative conservation, will be a keynote speaker at the conference. To foster a nation of citizen stewards, Secretary Norton is advancing a 4 C's philosophy - conservation through communication, consultation and cooperation. Many of the case stories and issues at the conference will showcase Interior agencies and partners. Department of the Interior is expanding the conservation tools available to private land owners and federal land managers. These tools include conservation grants, the Cooperative Conservation Initiative (CCI), which includes funds for the highly successful Partners for Fish and Wildlife Program, DOI Coastal Program, and cooperative conservation challenge cost-share grants. The DOI Private Stewardship Grant program and Landowner Incentive Program, founded on initiatives envisioned by President

Bush when he was Governor of Texas, provide assistance to private land owners in their voluntary efforts to protect threatened, imperiled and endangered species.

The text of President Bush's Executive Order can be viewed at <http://www.whitehouse.gov/news/releases/2004/08/20040826-11.html>. More information on the Department of the Interior's cooperative conservation activities can be viewed at <http://www.doi.gov/initiatives/conservation.html>. DOI-Selected News Releases

Federal challenges facing Cochise County, Arizona

March 21, 2016

PILT (Payment in Lieu of Taxes)

This program provides payments to counties and local governments to offset losses in tax revenues due to the presence of tax-exempt federal land in their jurisdictions. This program is a critical source of revenue for rural counties like ours with large areas of tax exempt federal land. 22.6% of Cochise County is covered under this program, which in 2014 equaled \$2,142,985. Funding is not secure – we never know for certain if it will be funded each year, and we rarely get the full funding due to federal budget issues (i.e. sequestration). This revenue is vital for use in supporting public safety, health care, and transportation for our residents. In terms of our budget, each \$45,000 lost is one employee position we lose, yet we still must maintain the programs in place. The need for a sustainable long term funding mechanism is crucial to protect this revenue for our County.

Fort Huachuca Army Post – Sequestration and BRAC (Base Realignment and Closure)

Ft. Huachuca, established near Sierra Vista, AZ in 1877, was the home base for the famed “Buffalo Soldiers”. Today, the Fort is home to the Army’s Electronic Proving Ground (EPG) and the largest employer in the County. They provide critical resources, infrastructure, and services for military intelligence, unmanned aerial systems, and cyber-security missions. EPG is the Army’s Command, Control, Communications, Computers and Intelligence (C4I) Developmental Tester headquartered in Arizona. It’s imperative that the base is protected for the services it provides the United States, many which cannot be performed anywhere else in the world because of this area’s unique physical features. Although they are located in our County, the true benefit is to national security. In 2008, the economic impact to our County alone was \$2.4 billion annually, 42% of which was attributable to indirect and induced economic activity. The employment impact was estimated at 26,921 jobs countywide which include the fort’s direct employees, government contracts, and spending by the fort and its employees. They generated \$23.2 million per year in local sales tax, and \$17.3 million in local property tax. The greatest threat to the Fort is sequestration cuts which are automatic cuts between defense and domestic spending programs with no regard to the long term national security of our Nation. Due to the ongoing efforts of the Fort and surrounding communities to conserve water, the long-term availability of water within the Sierra Vista sub-watershed is no longer considered a threat to Fort operations.

Transportation Funding

Congress won’t fund transportation for multiple years and the long term needs of the States. Transportation needs adequate and annually proportioned funding for critical maintenance on our highways. The gas tax, underfunded for years, is not sufficient as a complete funding source. The US economy, public safety, and national defense all depend on functioning infrastructure.

Port of Entries and Transportation (Our County has two: Douglas Port of Entry and Naco Port of Entry. The only road to the Naco Port is a County, not State roadway)

Improvements and staffing are critical to the movement of international freight; nearly 70% of fresh vegetables reach the US through our Arizona ports of Entry. Rural areas grow and move much of the nations' goods as well as serve as the recreational areas for many non-county residents. Cochise County takes on the burden of moving international freight, as well as oversized loads, on our county-maintained roadways. One of these is Davis Road. We were granted a dedicated congressional earmark for improvements to this critical connecting roadway. It connects the historic area of Tombstone to our Douglas Port of Entry. Escalating design costs incurred to satisfy federal regulations have delayed road construction. Inconsistencies between federal agencies on implementing NEPA, is just one of the contributing factors. The County has expended over \$1.17 million in design, to date, for an estimated \$6 million dollar road construction project. About a third of that cost went towards producing 11 environmental reports. The US Dept. of Transportation NEPA process could be less cumbersome if it incorporated best practices from other federal agencies. Time delays due to right of way acquisition are also significant and a costly process. When one penny of federal money is put into a project, the entire project becomes federal dollars and all federal regulations must apply. Full design to federal standards or nothing is not an effective use of limited tax dollars when an incremental or phased improvement may be all that can be funded.

Douglas, AZ Port of Entry (The Raul Hector Castro Port of Entry)

In 2007, the U.S. General Services Administration (GSA) determined through a feasibility study, that there is needed expansion to the Douglas POE facility. In 2013, Arizona Dept. of Transportation (ADOT) determined that the existing port will not allow Customs and Border Protection (CBP) to adequately meet its mission within the next five years. It is too small and outdated to accommodate the thousands of travelers who use the entry every year. The port of entry was built in 1932 and is 83 years old. It's been 30 years since any improvements have been made.

The Douglas port is the second-largest commercial port in Arizona and sees more than \$4 billion worth of trade annually between the US and Mexico. In 2014, more than 64,000 commercial trucks were processed in two-way traffic. Additionally, the port processed 2.9 million cars and 2.3 million pedestrians in 2014, for a combined total of 8.3 million people in two way traffic. Truck traffic has been growing at an annualized rate of more than 5% per year since 2010.

It is a gateway for a large number of overweight and oversized mining related shipments. Facilitating an oversized cargo crossing requires a complete port shut down of several hours, which significantly inhibits the crossing of pedestrians and vehicles in both directions that significantly contribute to local economy on both sides of the border. The mining industry also requires cross border shipments of hazardous chemicals – the existing POE configuration requires these shipments travel through heavily urbanized areas on both sides of the border. The expansion of the commercial port, just west of the City, would create an expanded infrastructure that would support the processing of billions of dollars of cargo resulting in tens of millions of dollars in tax revenue. This new location would also further CBP's mission and ability to provide security for the region

Since 2014, the City of Douglas, in Partnership with Douglas International Port Authority, has been actively engaged with private and public stakeholders on both sides of the border to advance development of a new Douglas Commercial Port of Entry.

Understanding the Federal Gov't has limited funds, the City developed a public-private partnership. In 2015, the City's Section 559 Donation Acceptance Authority Application was denied. The Federal government currently has billions of dollars worth of pending improvements at the northern and southern borders; some that do not have near the traffic, growth, or economic investment opportunity that the Douglas POE project represents to the local, regional and national economy

Employment Law, Health Care and the Affordable Care Act (ACA)

Proposed sweeping changes to the Dept. of Labor's Fair Labor Standards Act (FLSA) regulations, if approved in their current form, pose a significant challenge to a small rural county. If the exempt salary is raised, from \$23,660 to \$50,440 and employees who are now exempt must be paid overtime, we will be forced to either make all of the affected employees non-exempt or, raise all of those salaries, which is impossible in our current economic situation. This proposal costs us one of three ways: higher salaries, lost productivity, or in newly acquired payments for those extra work hours now being performed by exempt staff. As written and poised to go into place, the revisions are neither fair to employees or employers. We anticipate approximately 73 employees impacted at an estimated cost to our County of \$631,102.

Local governments are also struggling to comply with all the rapidly moving Affordable Care Act (ACA) provisions as well. We have a self-funded employee health trust fund, which, due to management oversight and employee engagement, enables us to provide excellent health care for our employees. We should not be penalized with "Cadillac taxes" because of our due diligence. Also, due to reporting requirements, we are now faced with the additional cost to have our entire payroll system reconfigured in order for us to complete federally mandated reporting requirements in 2016. Over regulation by the Federal government is being shifted to employers who are already understaffed and overburdened by unnecessary compliance issues. (Congress just gave 2 year "Cadillac Tax" Delay 12/18/15) However, we need a long term solution fix.

Environmental Law (Clean Water Act and Endangered Species)

Dozens of federal environmental laws that are on the books need to be revised to assure implementation meets the original intent. The true costs and benefits must be weighed without bias such that informed decisions are made. The two laws impacting Cochise County the most, with the least benefit to the environment, are the Endangered Species Act and the Clean Water Act. Millions of dollars a year are spent on jaguars, wolves, cuckoos, owls, frogs and snakes without any true benefit to the species, the County or the nation.

Millions of dollars will be spent each year on the EPA's new Clean Water Act "Waters of the US" definition with no tangible benefit to clean water, if the definition is implemented. These laws threaten the continued existence of Fort Huachuca and the economic stability of both the City of Sierra Vista and Cochise County. However, implementation under the current bureaucracies does little if anything to protect or improve the environment. The focus is wrong. Politics, emotion, propaganda and public policy decisions have been allowed to override facts, science and economic data to the detriment of our local economy and the nation as a whole.

Bureau of Land Management (Sub-watershed Adjudication)

The BLM is attempting to stop development in the San Pedro Watershed until their Federal Reserve water rights are adjudicated. This long standing court battle, the first of its kind in Arizona, with a claim to halt development, is actually a test case in our small, rural area. If successful, the BLM could take control of groundwater away from the states and place it under the control of the federal government. This legal action has been in court since 1974 as part of the Gila River adjudication. The issue at hand is not so much establishing Federal Reserve water rights, but rather the attempt by the federal government to stop commercial and residential development or growth in a particular area. This legal case impacts the whole western United States, which is already struggling with water issues in the Colorado River. If they are successful in this court case, it would cripple our county from an economic development standpoint as our current population and tax base are not enough to sustain growth.

Impairments to watersheds, waterways, surface water, and downstream allocation of water due to excessive federal agency regulations are damaging local economies and historic uses in the United States. These matters need to be left up to States and local jurisdictions, not the Federal government. This issue is not only critical to residents of the County, but to the over 200,000 tourists who visit the County each year which provide needed tax dollars through tourism.

Reauthorization of STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)

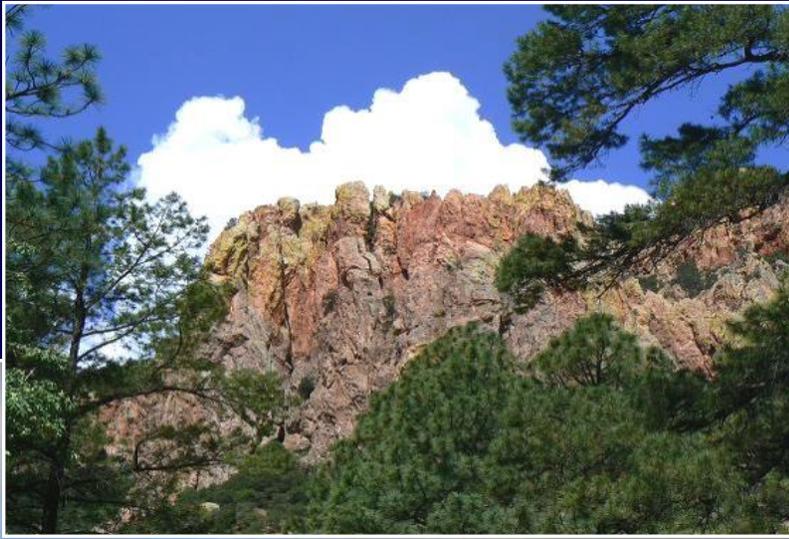
Brian McIntyre, County Attorney

Since October, our county has taken the initiative to prosecute juvenile drug smugglers along with their adult counter parts when apprehended by U.S. Border Patrol or Customs agents. For approximately 40 years in this county alone, such prosecutions were not permitted and the tremendous problem went ignored. An individual could be apprehended with significant quantities of illegal drugs and be returned immediately to Mexico solely because of the badge the arresting officer wore or the age of the individual. The resulting revolving door simply encouraged further efforts to utilize young offenders to facilitate the drug trade. (Either by statute or by policy, the U.S. Attorney's Office will not charge a juvenile for drug trafficking offenses.) Since standing up the program to coordinate with federal agencies along our border, our office has initiated prosecution of 38 suspects, 24 juveniles and 14 adults. Each of the offenders must be housed in our local jail, at great expense to the county, until being sentenced to the Arizona Department of Corrections, at great expense to the State. While the monetary loss is significant, the continued cost of allowing the illegal drug trade to run undeterred through our county is surely much greater. The personal loss to families, the danger trafficking poses to our citizens, and the overall decrease in quality of life in our county can no longer be tolerated.

###



Cochise County Comprehensive Plan



Adopted 1984

Amended 1992

Amended & Readopted 1996

Amended 2001

Amended 2002

Amended & Readopted 2003

Amended 2006

Amended 2011

Amended and Readopted 2015

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Article 1

101—Title, Purpose, and Background

There is hereby established and adopted a plan for the guidance of growth in Cochise County, to be known as the Cochise County Comprehensive Plan.

The purpose of the Cochise County Comprehensive Plan is to provide an official long-range vision and framework for Cochise County land use and development policies. The Plan will serve to protect and enhance natural resources, the customs, culture, economy and the qualities of the places where people choose to live. Arizona Revised Statutes specifically requires counties to adopt and maintain comprehensive plans for the purpose of “guiding and accomplishing a coordinated, adjusted, and harmonious development of the area of jurisdiction.” This plan provides a blueprint to be used as a decision-making tool by residents, land owners, developers, conservationists, the County Community Development Department, Planning and Zoning Commission, and the Board of Supervisors.

The land use pattern in Cochise County reveals extensive rural landscapes and a mixture of urban and small crossroads communities, with a long history of farming, ranching, and mining. Fort Huachuca, the County’s largest single employer, has been and remains a significant part of the County’s history. The varied climate and topography supports a biologically rich county, attracting a wide range of outdoor enthusiasts. The County’s location along the international border proves a wide range of economic opportunities. Free market dynamics should be allowed to determine land use activity patterns to the maximum extent feasible within the public’s legitimate interest of health, safety, welfare, conservation and convenience.



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The Comprehensive Plan and its accompanying Land Use Map provide policies for the use of land, and guide the type and scope of development that should occur in the County. The Zoning Regulations, Subdivision Regulations, Light Pollution Code and the Building Codes are the tools for implementation of those policies. The actions of other governmental agencies that impact the people, land, and resources within Cochise County must be carried



out in a manner consistent with, or implemented in coordination with, the goals and policies expressed in this Comprehensive Plan.

Cochise County saw an explosion of growth and development in the mid-2000s, quickly followed by the Great Recession of 2008. This recession halted many development plans while also slowing population growth. The 2010 Census showed Cochise County grew by less than 1.2% annually in the last decade with a 2010 population of 131,346.

Envisioning 2020, in 2008, was a significant public outreach by the county to ascertain and document citizen sentiment. Utilizing telephone surveys and a series of 13 public meetings



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throughout the county this effort asked participants what they valued about their communities, their thoughts about the future, what aspects of their communities they wanted to see changed, and what they wished to keep. It was also explained to participants that one result of the Envisioning 2020 process would be to incorporate the findings into a Comprehensive Plan update. This is the promised update of the Plan and includes the information gathered during the Envisioning process directly from the citizens of Cochise County.

Four new Elements were incorporated into Article 1, with goals and policies formulated from the Envisioning 2020 study, including Rural Character, Economic Development, Renewable Energy, and Agriculture and Ranching.

The overall goal of this Plan is to promote the growth of Cochise County as prescribed by the Arizona Revised Statutes. Each county is directed to form a Comprehensive Plan, and to update it every ten years. This Comprehensive Plan includes three Articles:

Article 1 contains eleven Elements, each consisting of a narrative, followed by goals and supporting policies.

Article 2 establishes the Comprehensive Plan Land Use Map, and describes the Growth Categories and Plan Designations.

Article 3 provides for administration and procedures for amending the Plan.



102 - Comprehensive Plan Elements—Goals and Policies

A. Land Use Element

The Land Use Element's Goals and Policies form the foundation of the Comprehensive Plan. Arizona State Law requires that counties adopt a Comprehensive Plan for "the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the area of jurisdiction pursuant to the present and future needs of the County." State law further requires that the Plan "be developed so as to conserve the natural resources of the County, to ensure efficient expenditure of public monies and to promote the health, safety, convenience, and general welfare of the public." This Land Use Element fulfills the primary statutory requirement by setting forth the general land use policies for Cochise County. It identifies where and how growth should occur.



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Goal

1. Development in the Cochise County's unincorporated areas should occur in a manner consistent with the established Growth Categories and Plan Designations provided in this Plan with accompanying maps, plats, charts, and descriptive matter as per ARS.

Policies

- a. New intensive development should be located in areas designated for growth and higher densities in close proximity to adequate facilities and infrastructure, particularly in category A and B Growth Areas.



- b. Cochise County should work with and encourage incorporated municipalities to upgrade and expand water and sewer utilities to accommodate new compact development on adjacent lands, especially in Category A and B Growth Areas.
- c. In order to preserve the character and intent of each plan designation, maintain orderly growth patterns, and provide a direct relationship between the Comprehensive Plan and the regulatory mechanisms, the formation of zoning districts within Cochise County should be guided by Plan Designations. A compatible mixture of zoning districts should be promoted within each plan designation.
- d. Growth Areas and Plan Designations should be regularly reviewed in order to reflect changes over time as appropriate and as desired by Cochise County residents.

Goal

- 2. Development should occur in a manner that preserves open space, agricultural and ranching resources, and existing historical sites which may include: wildlife corridors; hydrologic recharge areas; floodplains; geologic features; historic, archaeological, or cultural resources; or arable soils.

The Land Use Element identifies where and how growth in the County should occur.

Policy

The protection of resource areas, and historical sites/landmarks especially in Category D Rural areas, should be considered by landowners and the County when developing or updating new regulations, master development plans, area plans, or the Comprehensive Plan. Protections may take the form of increased setbacks, open space dedication, consideration of viewsapes, private deed restrictions, land purchases, and voluntary conservation easements.

Goal

- 3. The Zoning Regulations, Subdivision Regulations, the Light Pollution Code, the Building Code, and other related documents or regulatory ordinances shall implement the land use policies in this Plan.

Policies

- a. The County should monitor, review and update the Zoning and Subdivision Regulations, as necessary, to:
 - i. Ensure compliance with this Comprehensive Plan.
 - ii. Facilitate cost-efficient development and innovative land use design.
 - iii. Reduce complexity, contradictions, and unnecessary regulations.



- iv. Tailor the number of zoning districts to accommodate the diversity of land use proposals found throughout the County.
- v. Create a compatible mix of uses conducive to convenient and economical circulation and the efficient provision of services and facilities within each zoning district.
- vi. Encourage subdivision development in lieu of minor land divisions of property through density bonuses and other incentives.
- b. To the maximum extent feasible, the Zoning Regulations should specify requirements for each permitted use within the Regulations themselves, in most cases allowing property owners to obtain building/use permits immediately upon compliance with the specified criteria. Administrative delays should be kept to a minimum.
- c. A number of uses having a more intense impact than permitted uses on surrounding properties may require a "Special Use" hearing procedure. This would apply to uses and areas which can only be evaluated on a case-by-case basis using review criteria adopted in the Zoning Regulations.
- d. Statutory exemptions and non-conforming uses should be permitted to the full extent required by state law, but should be otherwise discouraged through a strict interpretation as to their existence and extent.
- e. Overlay zoning districts may be proposed by landowners or by Cochise County in areas or neighborhoods that warrant a relaxation or intensification of specific site development standards.
- f. Rezoning should not create sites, either within the area of the rezoning or adjacent to it, which cannot be developed with the typical use, permitted in the applicable zoning district (s).
- g. Small, isolated rezonings, also known as "spot zonings" should be discouraged.
- h. Rezonings that result in non-conforming land uses or sites should be discouraged.
- i. The County should require the following information for all proposed land uses involving hazardous materials (toxic, explosive, flammable, radioactive, corrosive, chemically reactive and biologically hazardous), and transmit these applications to all applicable Federal, State, and local agencies with an interest in regulating such land uses. To ensure the health, welfare and safety of the County citizens, industrial rezonings or special uses will be evaluated according to the following factors:
 - i. Impact on sensitive land uses such as schools, residentially developed or zoned areas, hospitals and parks.
 - ii. Impact on air, floodplains, wells, water systems and aquifers.
 - iii. Suitability of soils.
 - iv. Appropriateness of transport routes.



- v. Impact upon and adequacy of the infrastructure serving the site.
- j. Exclusion of residences and schools from a potential hazardous materials containment areas.
- k. Adequate information for the review of rezonings and special uses should be provided before they are scheduled for Planning and Zoning Commission action. Information provided should include at a minimum, submission of a concept plan and a complete application, and public participation, as adopted in the Zoning Regulations.
- l. "Downzonings" should be encouraged through reduced regulatory requirements, and deemed appropriate in rural areas to increase the minimum lot size required for development. They should be viewed as a tool to decrease an area's overall potential residential density.

Incentives are used to encourage clustered development and conservation subdivisions.
- m. Federal and state lands will be zoned by Cochise County so that these lands are regulated should they transfer into private ownership.
- n. Viable, cost-effective, voluntary development alternatives for the subdivision of land should be provided through the subdivision regulations. These alternatives might include:
 - i. Incentives, such as density bonuses, to encourage clustered development or conservation subdivisions, while maintaining a minimum percentage of a property as open space or conservation area, or other performance standards.
 - ii. Allowing for smaller lots with provision of shared ownership in common open space while maintaining overall densities of the zoning district.
 - iii. Conservation and agricultural easements for preservation of open space, agricultural and ranching resources.



- iv. Streamlining and expediting certain subdivision processes as an alternative to lot-splitting.
- v. Transfer of development rights to accommodate higher densities in growth areas while preserving open space, agricultural and ranching resources in undeveloped rural areas.

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Goal

4. Cochise County should maintain official maps that visually demonstrate the boundaries of Growth Categories and Plan Designations in unincorporated areas of the county.

Policy

Significant resource areas, such as wildlife corridors, hydrologic recharge areas, floodplains, geologic features, and known historic or cultural resources should be identified and maintained as map layers in Cochise County's mapping software and available to landowners and County staff for consideration when developing new regulations, community plans, or updates to this Plan. Overlay zoning districts should also be maintained as part of the County's official map set and be made available to stakeholders.

Goal

5. Identify sources of aggregates in the Comprehensive Plan when maps identifying such resources become available from State agencies.

Policy

Cochise County will develop policies to preserve currently identified aggregates, once State maps become available.



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B. Affordable Housing, Neighborhood Rehabilitation, and Enterprise Redevelopment Element

The needs of some groups within Cochise County are not provided for by the free-market system. These groups often need either direct provision of housing or government subsidies to meet the affordable housing demand. Cochise County has numerous designated Colonias which are characterized by being within 150-miles of the US/Mexico border; lacking critical infrastructure; and housing in poor condition. The rehabilitation of Colonias remains a national priority and as such these communities are eligible for additional funds from HUD and USDA. Community based planning provides a framework in which different agencies can understand the residents' priorities and allow those agencies to work more effectively. To be eligible for some grants and assistance, adopted community development plans must be in effect.

Development standards within the Zoning and Subdivision Regulations can be a barrier to the development of affordable housing. Density bonuses, flexible development standards or other tools can lower these barriers, offering incentives to build or rehabilitate affordable housing while ensuring the health, safety, and welfare of the community. Flexibility is especially important in areas when rehabilitation and upgrading of infrastructure is ongoing. In 2013, the Board of Supervisors adopted an Anti-Displacement and Relocation Assistance Plan in accordance with federal law, to accomplish all of the above.

As the State housing trust fund is facing funding reductions, communities around Arizona need to create their own solutions to fill this gap. A regionally based housing trust fund could be a way for the entire county to pool resources and coordinate activities.

Promote safe and affordable housing while ensuring the health and welfare of the community.

Goal

1. Revitalize and redevelop economically distressed areas within Cochise County.

Policies

- a. Residential neighborhoods having a high percentage of substandard lots or uses, but with sufficient potential for improvement to become acceptable places to live should be designated for neighborhood rehabilitation; only residential or neighborhood business zoning districts should be formed in such areas.
- b. Distressed areas that have become unsuitable for residential development due to condemnations for public right-of-way, the existence of a substantial percentage of incompatible uses, or extreme pressures for commercial development, should be designated for enterprise redevelopment; rezoning to residential districts in such areas should be prohibited.



- c. The development of Area or Neighborhood Plans should be encouraged and supported for distressed communities, including Colonias, to enable residents to focus their efforts to successfully compete for grant and other funding.

Goal

2. Promote Safe and Affordable Housing.

Policies

- a. Work with the Housing Authority of Cochise County to develop housing strategies affordable to very low, low, and moderate income persons as defined by the United States Department of Housing and Urban Development (HUD) income limits.
- b. Support Accessory Living Quarters or other affordable housing options as a means of increasing housing for seniors, the disabled, and vulnerable populations.
- c. Create mechanisms to allow for flexible standards and codes to facilitate affordable housing within the limits of public health and safety in areas deemed appropriate.
- d. The County should partner with non-profits, state and federal agencies, and the Housing Authority of Cochise County to meet the housing needs of very low, low and moderate income special needs groups, including, but not limited to, the elderly, disabled, junior enlisted military personnel, and seasonal workers.
- e. The Housing Authority of Cochise County should create a task force comprised of representatives from Cochise County, all municipalities, and other stakeholders in order to address county-wide concerns and to examine the feasibility of creating and funding a housing trust fund.

Goal

3. Cochise County should work with developers and agencies to encourage the development of safe and affordable housing for all segments of the county.

Policy

Creative funding mechanisms could be examined including, but not limited to, a real estate transfer fee, impact fees, and inclusionary zoning with a buyout or in lieu of fee option.



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C. Agriculture and Ranching Element

It is important to ensure protection of Cochise County’s agricultural lands as agricultural landowners come under financial pressure to subdivide their land. Some of that pressure may be relieved for those landowners if Cochise County permits a range of land use activities which provide supplemental income in agricultural areas.

Accessory agricultural uses that would generate minimal off-site impacts should continue to be permitted by-right. Those uses that would potentially create significant impacts will be required to obtain Special Use approval. Cochise County has rich agricultural resources and agriculture-based economic opportunities including wineries, orchards, community gardens, u-pick farms, nurseries, and farmers markets. By allowing a mixture of agricultural and other uses to occur on the same site, Cochise County would continue to support local agricultural economies and encourage innovative forms of production. The rich heritage of farming and ranching should remain a vital part of the County’s future.

Goal

Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses.

Accessory agricultural uses that would generate minimal off-site impacts should continue to be permitted by-right.

Policies

- a. Residential development proposed in agricultural lands should minimize disruption to existing agriculture by using conservation subdivisions, conservation easements, and renewable energy development.
- b. Continue encouraging development of agricultural processing, both on-site and at industrial scale, to support production of value-added agriculture products in Cochise County.
- c. Support local initiatives for community-based agriculture, such as farmers' markets and community gardens.
- d. Support an increased awareness of the importance of agricultural resources to

Cochise County’s culture and economy through marketing and education programs.



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D. Economic Development Element

Education, creativity, and entrepreneurship are essential and should be encouraged as part of an economy-based land use policy. Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness, but will also foster resilience in the face of economic challenges such as natural disasters.

Fort Huachuca provides a major anchor in Cochise County's economy, providing high-quality jobs and supporting Sierra Vista as a regional hub for retail goods and services. Cochise County supports the missions of Fort Huachuca, the men and women who serve on the Post, and the associated civilian workforce.

Tourism is one of the key components of the regional economy. Bed and breakfasts, wineries, art galleries, cultural and historic sites, wildlife, and a variety of outdoor recreation opportunities draw thousands of tourists to Cochise County each year. It is important to preserve the historic and rural landscape, due to its significance for our tourist economy.

With the expansion of the Douglas Port of Entry, a large increase in truck freight along US Highway 191 is expected. This will result in a major opportunity for Cochise County to provide goods and services for a burgeoning international trading hub. The existing Enterprise area along this corridor is pre-positioned for future development in support of international trade and traffic.

Expand tourism, technology, agriculture and renewable energy efforts for a more vibrant economy.

Airports and surrounding aviation-related land uses are also potential economic resources. In 2014, the County began the process of updating the airport master plans for both the Bisbee- Douglas International Airport, and the Cochise County Airport in Willcox, to develop these assets to their full economic potential.

Cochise College provides economic development and employment studies for both the County and its cities. In addition to being a major employer, Cochise College provides the local economy with workforce development. The University of Arizona-Sierra Vista provides residents with the opportunity to complete their undergraduate degrees in their own communities. Together, these institutions provide education and job training in areas that directly support sectors of the local economy, including Fort Huachuca.

Goal

1. Support the preservation and expansion of the Cochise County's tourism, technology, agriculture, security, renewable energy, and transportation sectors.

Policies

- a. Continue to support Fort Huachuca, the Ports of Entry, and related businesses as regional economic clusters.



Cochise County | Comprehensive Plan

- b. Encourage commercial development that enhances and complements regional tourism.
- c. Continue to communicate with the business community, and be responsive to the changing needs of established and new businesses.
- d. Encourage development in areas with access to existing infrastructure and services.
- e. Protect existing businesses from non-compatible land uses.
- f. Maintain infrastructure to meet existing and future economic development needs.
- g. Support the development of renewable energy projects.

Goal

- 2. Promote and support Cochise College, the University of Arizona-Sierra Vista, and other sources as providers of an educated and capable workforce, and as a source of quality employment.

Policy

Support education and job training for residents in order to develop and enhance skills, particularly those with focus on tourism, technology, security, and renewable energy.



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E. Renewable Energy Element

Abundant solar and wind resources, close proximity to existing and proposed regional power distribution infrastructure, and a capable workforce all indicate Cochise County is positioned to build a strong economy with local energy production facilities. A high resolution land use suitability analysis for locating utility-scale solar facilities was conducted by the University of Arizona in 2013 that shows over 770,000-acres of high potential for small scale solar projects of 5-Mega Watts (MW) or less, and over 640,000-acres of high potential for large scale solar projects greater than 5-MW, throughout the county. As a governmental entity, Cochise County directly and indirectly influences energy efficiency in the county through its planning activities.

Goal

1. Support the development of local renewable energy projects and technologies.

Policies

- a. Encourage utility-scale renewable energy projects, using the University of Arizona's Renewable Energy Opportunity Analysis and other resources as a guide for determining the suitability of proposals in any one location.
- b. Encourage renewable energy business development.
- c. Support renewable energy employment training opportunities at local colleges.
- d. Permit flexible site development standards.

Goal

2. Foster a development climate where increased energy efficiency is encouraged.

Policies

- a. Encourage builders to meet high-efficiency energy standards such as LEED (*Leadership in Energy and Environmental Design*) or WaterSense® for new development.
- b. Encourage the growth of county-wide recycling programs.



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F. Federal Government Coordination Element

Approximately 26% of land in Cochise County is administered by federal agencies. Policies for managing these lands significantly impact Cochise County's culture, history, economy, environment, and lifestyles. Therefore, it is extremely important for Cochise County to participate in making these policies, with opportunities for the public to be heard. The National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLPMA) require federal agencies to allow local governments, including Cochise County, to participate in the developing of land use plans, to cooperate and coordinate with local governments in developing such plans, and to ensure that federal policies are consistent with policies of local governments.



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Furthermore, Arizona Revised Statutes mandate that "[i]f a county has laws, regulations, plans or policies that are less restrictive than a federal or state regulation, rule, plan or policy, the county shall demand by any lawful means that the federal or state government coordinate with the county before the federal or state government implements, enforces, expands or extends the federal regulation, rule, plan or policy within the county's jurisdictional boundaries."

Goal

1. To ensure that the Federal Government provides Cochise County the opportunity to participate in the development of land use plans, to cooperate and coordinate with Cochise County in developing such plans, and to ensure that federal policies are consistent with local or regional policies.

Policies

- a. Public lands, including the SPRNCA (San Pedro Riparian National Conservation Area), shall be managed so as to minimize negative impacts on the regional ground water aquifer.
- b. Public access to public lands for recreation should be consistent with multiple use and conservation of a viable conservation area.
- c. Agricultural uses, including grazing, should be permitted on all public lands within limits consistent with multiple use and conservation goals.
- d. Sub-watershed-wide conservation, reuse, recharge and augmentation policies, and projects must be used to resolve both riparian condition issues and the overall balance of water levels in the aquifer.



- e. All water use, including riparian water use, must be carefully managed to help maintain a viable riparian area and protect the economic and social sustainability of Cochise County.

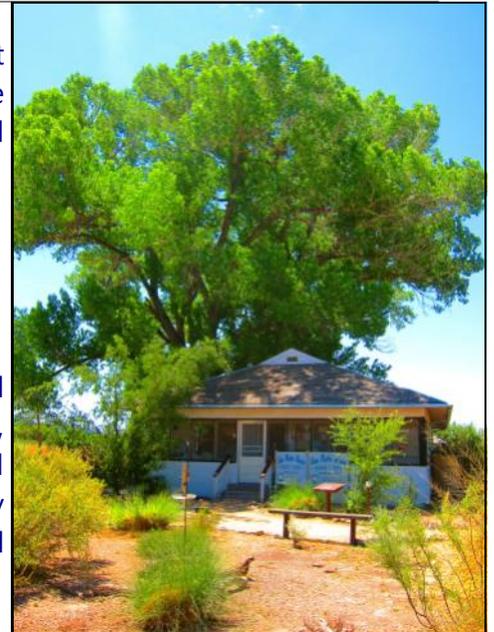
San Pedro Riparian National Conservation Area (SPRNCA)

Goal

2. Coordinate efforts with other organizations and jurisdictions, including the Bureau of Land Management, to protect the SPRNCA, as well as the economic and social well-being of Cochise County residents, by assisting Fort Huachuca in meeting its environmental goals, especially regarding water conservation.

Policies

- a. Cochise County recognizes both the historic and current value of the SPRNCA as a national riparian wildlife habitat, migratory bird corridor, recreational and agricultural resource, and critical habitat for an endangered species.
- b. Fort Huachuca and its dependent and associated organizations both on and off the military reservation form the economic underpinning of communities in the surrounding area and contribute nearly \$3 billion annually to the economy of the State of Arizona. The economic, social, and cultural character of Cochise County would change unacceptably were we to fail to preserve the SPRNCA and thereby protect the Fort from environmental sanctions.



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Other Federal Lands

By becoming a participating and/or cooperating agency, Cochise County is guaranteed a “seat at the table” in the preparation of Environmental Assessments (EAs), Environmental Impact Statements (EISs) and other federal land use considerations that have the potential to affect the cultural, historical, recreational, economic and environmental character of Cochise County, and to preserve traditional rural ways of life, including farming, ranching and other agricultural-related activities in the county. In addition, however, Cochise County seeks to require federal agencies to establish plans consistent with County policies by requiring them to coordinate with County government.

Goal

3. To protect the culture, history, economy, environment, and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple use of public lands consistent with the following policies:



Policies

a. Wilderness Designations

- i. Any consideration of any new wilderness designations of federal lands in Cochise County will be a result of a collaborative process, including federal, state, and county officials.
- ii. The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress; any new wilderness designation must be provided for by Congress and created in cooperation and coordination with Cochise County and the State.
- iii. Wilderness designation limits potential land uses significantly to those compatible with the designation. Care should be taken to balance the need for resource protection from such designations with potential economic and other impacts. Diverse stakeholder input is critical and consensus is desirable, if not essential, in seeking such designations. In some instances, the lands in question can be adequately protected through mitigation, minimizing negative impacts and proper reclamation, so that wilderness designation is unnecessary.
- iv. Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights.
- v. WSAs released by Congress must be managed based on the principles of multiple use and sustained yield.



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b. Other Designations

- i. Special designations, such as Areas of Critical Environmental Concern (ACEC), and critical habitat: protect areas by precluding specific intrusive uses like motorized travel. In some cases, these designations can restrict uses in ways that impact the area's economy, lifestyles, cultures, and heritage. Care must be used to balance the value of such designations with the potentially undesirable impacts.
- ii. No special designations or management plan should be proposed until it is determined and substantiated by reproducible scientific data, that there is a need for the designation, that protections cannot be provided by well-planned and managed development, and the area in question is unique when compared to other area lands.



- iii. Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- iv. Designations must not be made without the full coordination and cooperation of Cochise County and full public disclosure, and must provide for the continued full use and enjoyment of all existing rights.

c. Introduced, Threatened, Endangered and Sensitive Species, Recovery Plans, Experimental Populations and Related Guidelines and Protocols

- i. Such designations or reintroductions can have impacts beyond the boundaries and scope that may affect the area's economy, lifestyles, cultures, and heritage, so care should be exercised in both their planning and implementation with stakeholder input.
- ii. Such designations or reintroductions should be made only after it is determined and substantiated by reproducible scientific data that there is a need for such action, that protections cannot be provided effectively by other methods and the area in question is unique or a scarce resource when compared with other area lands.
- iii. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without the full coordination and cooperation of Cochise County and full public disclosure.
- iv. Any analysis of such proposed designations or reintroductions must be inclusive and provide written details of all needed actions associated with the proposal to prevent growth beyond the scope and boundaries that were analyzed in the proposal.
- v. Recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.

d. Public Access, RS 2477 Roads

- i. Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.
- ii. No roads, trails, rights-of-way, easements, or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without coordination and cooperation with the County and full public disclosure and analysis.
- iii. Roads covered by RS 2477 should remain open and Cochise County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.

Consistency throughout the agencies in Cochise County is vital for development of policy and vision.



- iv. Access to all water-related facilities such as delivery systems, monitoring facilities, livestock water and handling facilities, should be maintained taking account of restrictions, if any, associated with public lands. Access routes may be adequately maintained by the owner of that route or the holder of access rights. Unreasonable restrictions may result in the loss of use of such facilities and property rights.

e. Land Exchanges, Acquisitions, and Sales

- i. The State and Federal Governments hold a sufficient amount of land to protect public interest, so there shall be no net loss of private land base.
- ii. Any affected district within Cochise County must be compensated for any net loss of private lands with public lands of equal value or compensated for any loss of assessed valuation resulting from these exchanges by the appropriate acquiring agency.
- iii. A private property owner has a right to dispose of or exchange their property as they see fit within applicable law.

f. Recreation and Tourism

- i. Cochise County has outstanding potential for recreation and tourism.
- ii. Resource development, recreation, and tourism are compatible through proper planning and management.
- iii. Potential developments should include family-oriented activities and developments that are accessible to the general public and not limited to special interest groups.
- iv. Cochise County supports cultivating recreational facility development and maintenance partnerships with other entities, agencies, and general special interest groups.



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g. Wildlife

- i. Properly managed wildlife populations are important to the recreation and tourism economy of Cochise County and to the preservation of the culture and lifestyles of its residents.
- ii. With proper management and planning, healthy wildlife populations are compatible with other resource development.
- iii. No management actions resulting in increases in wildlife numbers or the introduction of additional species may be made until the availability of forage or habitat has been



determined to be sufficient and the impacts on other wildlife species have been assessed and determined not to be detrimental. All steps in the planning process must be done in coordination and cooperation with the County.

h. Forage Allocation/Livestock Grazing

- i. The proper management and allocation of forage on public lands is critical to the viability of the Cochise County's agriculture, recreation, and tourism industry.
- ii. The viability of a large number of agriculture and livestock operations is dependent on access to grazing on public lands.
- iii. Forage allocated to livestock should not be reduced for allocation to other uses. Current livestock allocation should be maintained and can be increased when resource conditions warrant additional livestock.
- iv. Livestock management should be considered as a tool in any vegetative fuel management plans.

i. Off Highway Vehicles (OHVs)

- i. OHVs have become an important segment of the recreation industry and are an important tool and mode of transportation for farmers, ranchers, and resource development.
- ii. Public Land Management agencies must implement and maintain an aggressive OHV program to educate users on how to reduce resource impacts. This is to be followed by an aggressive enforcement program.
- iii. The non-recreational use of OHVs, such as development and livestock operations, should be provided for where essential to operations and appropriate according to existing management plans, unless restricted by law.
- iv. Federal Travel Management Plans should consider the growing popularity of OHV recreation and provide reasonable and responsible opportunities for OHV uses.

G. Intergovernmental Coordination Element

This Comprehensive Plan, along with the Comprehensive Plan Land Use maps, are the basic land use planning documents of Cochise County. The goals and policies included herein collectively represent that which is determined by this local government to be necessary for the protection and preservation of the community stability, the heritage, the culture, the resources, the economy and the health and welfare of this area and its people. As required by applicable law, the actions of other governmental agencies which may impact upon the people, land, and resources within Cochise County must be carried out in a manner consistent with and implemented in coordination with the goals and policies expressed in this Comprehensive Plan.



H. Adequate Facilities and Services Element

The purpose of this Element is to ensure that new development is served by adequate services and infrastructure.

Goal

Facilities for sewage disposal, water service, fire protection, streets, and utilities should be commensurate with the growth area classification and the intensity of proposed development. New development should not be permitted to degrade the quality of those facilities for existing users or place an unreasonable financial burden upon those users or the public.

Policies

- a. Subdivision developers should be required to construct street improvements or post security for deferred construction of street improvements before lots can be conveyed to the public.
- b. Developers should be encouraged to place construction of utilities beneath the surface of the public right-of-way or dedicated easement and make provisions other than alleys for garbage pick-up.
- c. Permissibility of individual septic systems will depend upon applicable health codes. However, availability of a sanitary sewer system or a State-approved waste disposal system alternative should be a guiding factor in the consideration of high-density development, especially within Category A (Urban Growth) areas.
- d. No Category A (Urban Growth) area should be formed unless said area is within an organized fire district.
- e. Development within flood hazard zones shall be subject to the Cochise County Floodplain Regulations, and shall be further controlled through site plan requirements.
- f. Where the need for such improvements is reasonably related to the use a developer proposes to establish, conditions of site plan approval should include on-site or off-site street improvements, acceptable State-approved waste disposal systems, and water systems.



I. Rural Character Element

The *Envisioning 2020* process consistently revealed that rural character is an important community asset worthy of protection. Participants in *Envisioning 2020* mentioned farming and ranching economies, scenic vistas, ecotourism activities, dark night skies, unimproved roads, and large lots as measures of rural character.

The Rural Character Element seeks to preserve and enhance the rural nature of Cochise County, protect the character, landscape, and development patterns that many Cochise County residents embrace. Although a number of unique crossroad communities with diverse attitudes and interests exist in the county, the scenic rural landscape represents a commonly shared value. This Element works in harmony with other Plan Elements to provide additional guidance about the types and patterns of development appropriate in our rural areas.

Maintaining Cochise County's rural character is fundamental to residents whose lifestyles and economic activities depend on it. It is also important to larger incorporated communities which benefit by close proximity to the scenic vistas and recreation opportunities of the County's rural lands.

Maintaining Cochise County's rural character is fundamental to residents whose lifestyles and economic activities depend on it.

Goal

1. Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas.

Policies

- a. With property rights considered, protect rural character from the intrusion of urban uses and recognize that resources, such as agricultural lands, open space, and scenic view sheds, provide economic, social, and environmental benefits.
- b. Maintain and enhance a reasonable and diverse overall level of rural development that balances the need for rural growth against impacts on rural character.
- c. Encourage conservation design practices and other land use strategies, such as conservation subdivisions and cluster development for new residential and commercial projects.
- d. Encourage protection of Cochise County's scenic resources and recognize these resources are a vital part of the county rural character by discouraging development which has the potential to seriously compromise view shed integrity.
- e. Recognize the importance of rural, native-surfaced roads for the purpose of protecting rural character and ensure that these roads help to maintain this character



considering new road improvement standards.

- f. Support the establishment of voluntary County transfer of development rights (TDR) programs with landowners who adopt conservation easements to preserve habitat.
- g. Develop a recognition program to encourage habitat protection and enhancement, to recognize efforts by individuals, communities, and developers.

Goal

- 2. Preserve the dark night skies of Cochise County, to the greatest extent possible.

Policies

- a. Discourage new billboards in order to preserve dark skies and scenic vistas.
- b. Encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare, and light trespass.
- c. Encourage the use of low pressure sodium lights or other low intensity lights in commercial developments.
- d. Encourage pedestrian-scaled and shielded lighting.
- e. Encourage new technologies such as timers, dimmers and motion sensors, and other methods to limit unnecessary lighting during the nighttime hours.
- f. Discourage lighting that is misdirected, excessive, or unnecessary.

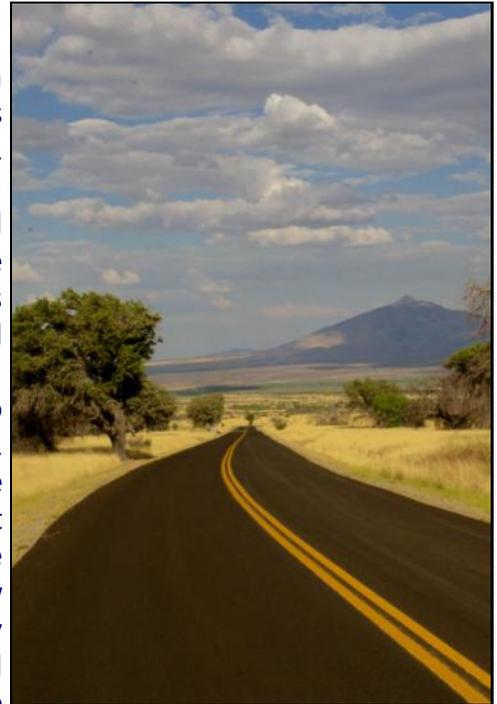


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J. Transportation Element

Transportation infrastructure is the means by which people and goods move throughout the county, and is tied to the way land uses create a sense of place. Providing rural residents safe and efficient routes, and the level of infrastructure and services that will afford opportunities for economic growth, while at the same time protecting rural lifestyles may be Cochise County's biggest transportation-related challenge. Rural businesses struggle to estimate the level of traffic that will ultimately be generated and it may be difficult for them to immediately fund necessary roadway improvements. Concerns that roadway improvements could promote undesired growth must be balanced with concerns that development could occur without needed infrastructure improvements. Other issues include long distances, low residential densities, dependence on the state highway system, and the seasonal impacts of flooding, dust, and tourist travel. Developing and maintaining adequate rural native surfaced roads, with minimal drainage features, helps to keep local ranches, agricultural areas, and rural residents connected to the larger transportation network while also facilitating storm water recharge.



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Providing multi-modal opportunities for travel are also important to provide adequate travel options for those either physically or financially unable to rely upon a personal vehicle as their primary means of transportation.

Goal

Provide a safe, appropriate, well-maintained, cost-effective and energy efficient transportation network for the use and enjoyment of county residents and businesses, including residents who are transit-dependent or mobility-impaired or those who prefer non-motorized modes.

Policies

- a. Roadways should be classified using the federal functional classification system. Function and design should be guided by the Cochise County Road Construction Standards and Specifications for Public Improvements. However, some flexibility in construction and design standards may be considered on a case-by-case basis in the interest of providing alternatives, conserving resources, and safety.
- b. Coordinate land use and circulation planning activities to encourage comprehensive and efficient land development patterns that support adjacent land uses, complement the character of communities and adjacent neighborhoods, and minimize impacts to the natural environment.



- c. Circulation systems and patterns should be designed to integrate land use development with adequate, multi-modal transportation infrastructure using existing roads where possible.
- d. The interconnecting public street network should be based upon existing streets, topographic conditions, drainage, and surrounding land uses.
- e. Signs should be regulated to permit legibility and effectiveness but to prevent over-concentration and improper placement. Much more restrictive standards should be applied to signs in residential zonings districts; non-accessory billboards shall be severely restricted.
- f. New major development should, where applicable, develop and maintain a safe, integrated, efficient, multi-modal transportation system that meets the needs of the development.
- g. The County should work to ensure quality access management in new developments by encouraging street connections with adjacent developments when considering subdivisions, master development plans, street improvement proposals, and other developments. The use of cul-de-sacs, dead-end streets, and other design features that reduce circulation options should be minimized.
- h. Commercial development consisting of a shallow tier of unrelated commercial developments lining a major thoroughfare should be discouraged.
- i. The County should allow start-up businesses, especially those serving rural areas, to defer or phase significant on-site or off-site improvements.
- j. The County should collaborate with other jurisdictions and organizations to develop a multi-use trails network throughout the County in order to promote tourism, protect the environment, maintain rural character, and enhance quality of life.
- k. The County should support alternative surfacing methods that mitigate the impacts of surface water runoff and conserve water by facilitating aquifer recharge.
- l. Development along a street should be at a location and in a manner consistent with preservation of the function of the street:
 - i. Commercial development should be discouraged from accessing directly onto streets that primarily serve residential areas.
 - ii. Adequate street capacity shall be assured for full build-out of areas served by arterials and collectors.
 - iii. If a street is identified as a major thoroughfare on a transportation plan, master development plan or community plan or by approval of the Board of Supervisors, direct access should be limited.
 - iv. Single-household dwellings, where possible, should not have direct access onto arterial and collector streets.



- v. Local subdivision streets should be designed and constructed so that connectivity is preserved.
- vi. Public alleys should be discouraged.

Goal

2. Support air travel opportunities while minimizing the impacts on human and natural communities.

Policy

- a. As airport facilities are proposed, including heliports and private airstrips, compatibility with local land use patterns should be considered and adverse impact from aircraft noise minimized.

Goal

3. Improve non-motorized circulation networks and provide greater opportunity for alternative modes of travel.

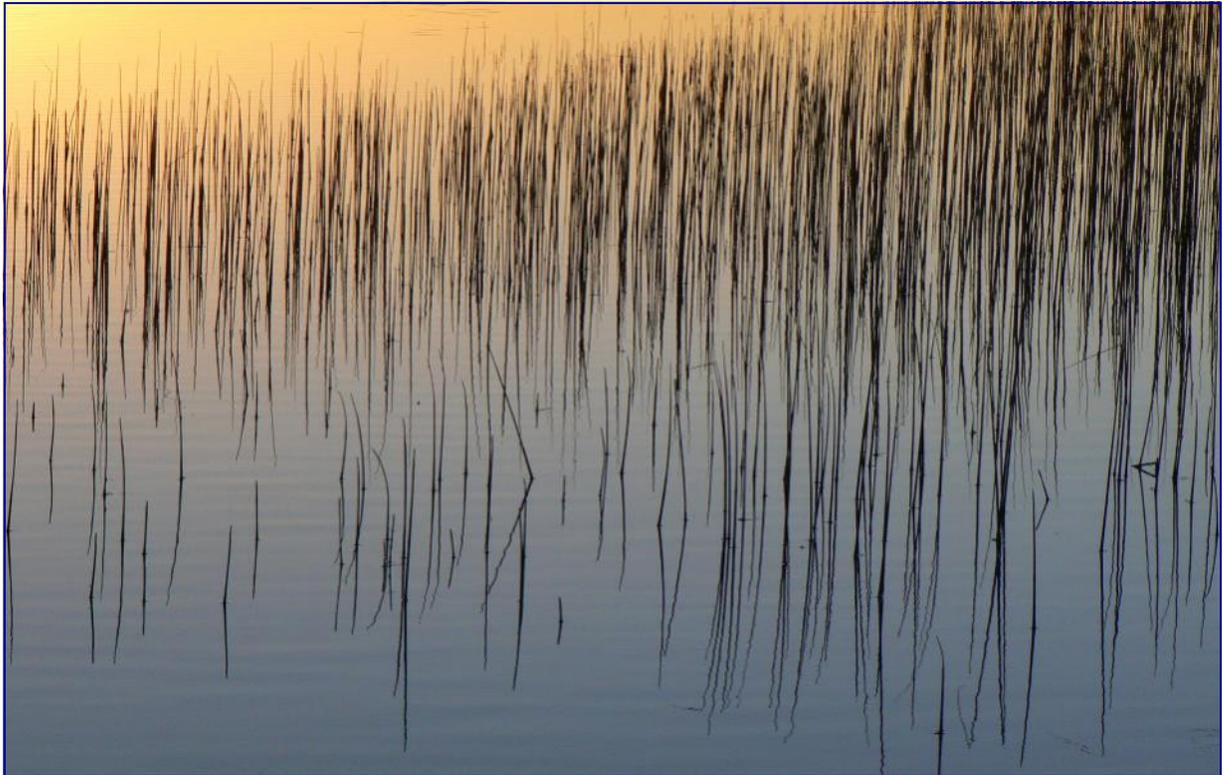
Policies

- a. The County encourages development projects to provide infrastructure for non-motorized travel, and when appropriate for new developments along major roadways. The County encourages the installation of trails and bicycle lanes.
- b. In coordination with ADOT, the Forest Service, and land managers and owners, the County promotes the connection of existing neighborhoods and communities (at both a local and regional scale) with trails, non-motorized, and multimodal facilities.
- c. Multimodal and non-motorized travel facilities should be designed to complement and enhance local community character and provide opportunities for interaction among residents.
- d. Where pedestrian and bicycle routes exist on adjacent properties, major developments, including subdivisions, will be encouraged to maintain connections and continue the cohesive development of the non-motorized circulation network.



K. Water Conservation and Resources Element

This Element establishes Goals and Policies that encourage the County and residents to conserve existing resources, develop alternative sources of collecting and distributing water, and reuse water whenever possible. Arizona Revised Statutes require counties to specifically plan for development as it relates to available water resources.



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Goal

1. Sustain an adequate, safe water supply through water conservation measures, incentive programs, education, conservation and enhancement of natural recharge areas, and cooperative, multi-jurisdictional planning.

Policies

- a. The County will use current water resource inventories of available surface water, groundwater, and effluent supplies to evaluate the potential impacts to local water supplies from master development plans, subdivisions, rezonings, special uses, major amendments to this plan, and other major developments.
- b. The County will encourage effective water conservation Best Management Practices (BMPs) such as water harvesting features, storm water recharge, treated wastewater and gray water for non-potable use in new development throughout Cochise County, and in County facilities.



- c. All subdivisions and non-residential, multi-family residential and manufactured home park developments of one-acre or larger should indicate the design features that will be incorporated into the development to:
 - i. Minimize overall water use through water conservation measures such as native, drought-tolerant landscaping, low-flow fixtures, re-use, water harvesting, deed restrictions, and other water conservation methods.
 - ii. Use Best Management Practices (BMPs) to minimize accelerated run-off generated by impervious surfaces or construction activities.
 - iii. Conserve and enhance aquifer recharge through methods such as the use of detention basins, protection of open space, and minimizing disturbance of soils.
- d. Working with water conservation resource groups, Cochise County will support methods for individual homeowners and businesses to decrease water use through incentives, education, various zoning mechanisms, and encouraging native, drought-tolerant landscaping in development throughout the county.
- e. Promote a stewardship ethic by continuing outreach and education programs that inform residents about sustainable water use.
- f. In order to minimize or mitigate water usage, high water uses, such as golf courses and water parks, will be considered only on a discretionary basis.
- g. Cochise County should develop additional water conservation and management policies to be applied to all new development on a sub-watershed by sub-watershed basis.

Obtaining greater local or regional control over water issues is one of the County's biggest challenges.

Goal

- 2. Protect hydrologically sensitive and unique areas such as the San Pedro River and Sierra Vista Sub-watershed, by adopting a regional, watershed-based approach to water resource management.

Policies

- a. Work with agencies, organizations, and local watershed groups throughout Cochise County to address regional water resource issues as they relate to growth and protection of natural resources.



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- b. Cochise County may implement joint development plans for individual basins or watersheds through intergovernmental agreements and a joint planning effort with incorporated cities that choose to participate, per Arizona Revised Statutes. The joint development plans may address water issues that include existing and proposed mechanisms for conserving water, infrastructure, vested property rights, incentive programs, implementation schedules, and other issues as they relate to development.
- c. Overlay zoning districts may be used by Cochise County as a tool to implement such additional water conservation and management policies, through the enforcement of applicable provisions of adopted building codes and specific site development standards for all residential and non-residential development, where appropriate.



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Article 2

201 — Growth Areas, Plan Designations

A. Area Categories

The entire area of Cochise County, with the exception of incorporated cities, shall be divided into four (4) categories, based on each area's existing or foreseeable infrastructure, character and capacity for growth:

1. **Category A—Urban Growth Areas:** This category includes those areas adjacent to or surrounded by incorporated cities, and having the necessary facilities and services to support it. These areas are largely built out or established but may have pockets of vacant land. Category A Urban Growth Areas include the areas presently identified as "Category A" and any additional areas that have been determined to meet the following criteria:

- a. The area has established or planned residential and/or non-residential development, and has the potential to be annexed by an abutting incorporated city.
- b. The area can be adequately served by a community sewer system, water system, and fire district.
- c. Average residential lot sizes are less than one-acre in size.
- d. The area provides major regional commercial and other non-residential services.
- e. Street improvements and urban site development standards (e.g. limitations on residential outdoor storage and requirements for asphaltic parking areas) are appropriate.
- f. The area has the potential for or is currently served by adequate drainage, transportation and K-12 school systems, as well as organized recreational facilities that can serve high-density development.

2. **Category B—Community Growth Areas:** This category includes those areas adjacent to Category A Urban Growth Areas as well as the larger unincorporated communities of the County, which are experiencing growth. These are areas in transition from a traditional rural environment to something more urbanized. Category B Community Growth Areas include the areas presently identified as "Category B" and any additional areas that have been determined to meet the following criteria:

- a. The area to be designated has a moderate level of residential and/or non-residential growth.
- b. The area serves as a logical transition between urban growth and rural areas and/or has a distinctive community identity.



- c. The area has adequate water, access, drainage and sewage disposal capability to accommodate medium to high density development.
- d. In general, residential lot sizes are one acre or less in size but may transition to larger lot sizes at the fringes of the area. Smaller lot sizes have access to sewer and/or water and are commonly found in established subdivisions and manufactured/mobile home parks or historic town sites.
- e. Improved streets designated as arterial or collectors can support limited non-residential development.
- f. There is substantial potential for further development along with opportunities to preserve undeveloped recreational resources, i.e. open space and washes.

3. Category C—Rural Community Areas: This category includes less populated rural communities that are characterized by a slow rate of growth and the desire to maintain the existing neighborhood or rural atmosphere. These areas are generally found as small clusters of residential and non-residential development adjacent to agricultural production areas. Non-residential enterprises generally serve or coincide with local agricultural, ranching or tourist activities. Category C areas are often populated enough to warrant or provide a K-8 grade school. Their rural, low density, and often scenic qualities have the potential to attract future residents at a growth rate that may warrant consideration of a plan change to Category B. Category C Rural Community Areas include those areas presently identified as "Category C" and additional areas that have been determined to meet the following criteria:

- a. Residential and non-residential development is clustered in settlements on a variety of lot sizes as typified in established town sites and immediate environs.
- b. Other than arterials and collectors, roads are generally unimproved. However, increases in residential and non-residential development will likely warrant improvements, such as paving, in the future.
- c. Farming and ranching are prevalent activities adjacent to these areas.
- d. Non-residential enterprises generally serve the rural/agricultural community as well as visitors passing through if located on a major arterial road.

4. Category D—Rural Areas: This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots.



These sparsely populated rural lands also have the potential for future master-planned communities that will provide the infrastructure to support any proposed increases in residential density or non-residential activities. Category D Rural Areas include those areas presently identified as "Category D" and all areas that do not meet the criteria for inclusion in either Category A, B or C.

B. Plan Designations

Within the four Growth Categories, there are seven potential plan designations. These designations more specifically identify the existing character of smaller areas within each Growth Area. Plan Designations may be established, in addition to those that presently exist, based upon the following criteria:

1. Neighborhood Conservation (NC): A "Neighborhood Conservation" (NC) plan designation identifies an area as having an established character which is primarily residential, and which needs special rezoning protections to maintain the character of land use that occurs, in general, on lot sizes of one acre or less. The NC plan designation may occur within a Growth Category A, B or C Area, and shall be established according to the following criteria:

- a. The area to be designated is a developed residential neighborhood that warrants protection from non-residential uses; or
- b. The area is an approved subdivision for which all the improvements are in place and constructed to minimum County standards.

2. Enterprise (ENT): An "Enterprise" (ENT) plan designation identifies an area as having an established pattern of commercial and/or industrial land use; any future development should follow that trend. The ENT plan designation may occur in Category A, B, or C Growth Area Categories, and shall be established according to the following criteria:

- a. The area consists of existing or proposed commercial or industrial enterprises.
- b. Enterprise development has reached the level whereby additional residential growth within the area to be designated is undesirable to the parties in interest.
- c. The area to be designated contains or can provide sufficient dedicated public access, improved to County standards, to carry traffic, which will be generated by and to such area.
- d. The infrastructure can accommodate enterprise uses.



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3. **Developing (DEV):** The "Developing" (DEV) plan designation is used to describe areas experiencing non-rural growth rates that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth as the more populated areas reach build-out. Since these areas are assumed to be in transition, the Planning Department will periodically re-evaluate these areas to determine if the rate of new development warrants a new designation or growth area that is either more or less intense. The Developing designation may occur in Growth Category A, B, and C Areas that do not meet the criteria of the other designations.

4. **Neighborhood Rehabilitation (NR):** The "Neighborhood Rehabilitation" (NR) plan designation is assigned to deteriorating residential neighborhoods which show potential need for revitalization as residential neighborhoods. Such areas may be designated for improvement projects when the necessary funding is available. An NR plan designation may occur within a Growth Category A, B, or C Area, and shall be established according to the following criteria:

- a. The area is a residential neighborhood with a high number of dilapidated, or unsafe dwellings.
- b. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.
- c. There is some existing private and/or municipal interest in improving the area.
- d. Some flexibility in site development and building code standards may be appropriate to facilitate investment.

5. **Enterprise Redevelopment (ER):** An "Enterprise Redevelopment" (ER) plan designation is assigned to an existing developed area undergoing change which may be designated for improvement as a commercial/industrial area. An ER plan designation may occur within a Growth Category A, B, or C Area, and shall be established according to the following criteria:

- a. The area is:
 - i. Composed of dilapidated or unsafe enterprise uses; and/or
 - ii. Has a large number of incompatible neighborhood and enterprise uses that are dilapidated or unsafe.
 - iii. The infrastructure of the area is unable to provide for adequate public health, safety, welfare and general convenience.
 - iv. There is some existing private and/or municipal interest in improving the area.



- iii. Some flexibility in site development and building code standards may be appropriate to facilitate investment.

6. **Rural Residential (RR):** The “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with a definite pattern of residential development on larger lots, two acres or larger in size. Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.

7. **Rural:** Areas designated as “Rural” are identified as those remaining lands in Category D Rural Areas that are not designated Rural Residential. They are identified by one or more of the following characteristics: sparsely populated; larger lot sizes, agricultural production or grazing, availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas, large expanses of private and public lands, and/or have developed and undeveloped recreational resources.

C. Area Plans

The Comprehensive Plan allows for the establishment of Area Plans that articulate the vision and desires of a given community with regard to land use. These are considered community-specific sub-sets of the overall Comprehensive Plan. Approval by the Board of Supervisors of an Area Plan constitutes an amendment to the Comprehensive Plan, and proceeds according to the procedures described herein (See Article 3). To date, the following Area Plans have been adopted by the County Board of Supervisors:

1. *Babocomari Area Plan*
2. *Elfrida Community Plan*
3. *Mid-Sulphur Springs Valley Area Plan*
4. *Naco Community Plan*
5. *Saint David Area Plan*
6. *Sierra Vista Sub-Watershed Policy Plan*
7. *Southern San Pedro Valley Area Plan*
8. *Tres Alamos Community Plan*

Plans articulate the vision and desires of a given community.

Area Plans are primarily vision or policy statements accompanying a map, and may include unique Plan Designations, and architectural and landscape design standards found within the Plan area. When applicable, Plan Designations that are specific to a given Area Plan may be found on the adopted map accompanying that Plan.



D. Master Development Plans

A master development plan is an adopted component of the Cochise County Comprehensive Plan, initiated by a developer, that provides a detailed plan for the coordinated development of a specific private property. Master development plans may result in changes to the boundaries of a Growth Area, Plan Designations, or, similar to Area Plans, the establishment of plan-specific designations and development standards. Approval by the Board of Supervisors of a master development plan amends this Comprehensive Plan.

E. Other Plan Areas

There may be established other plan areas, including community plans, area plans, neighborhood plans, specific plans and master development plans, which may either replace existing plan designations identified in this Section, or which may have policies, elements, or standards which modify, replace or supersede those in otherwise applicable growth areas or plan designations. Such plan areas may be adopted in whole or in part, and may contain elements such as: a land use element, circulation element, transportation element, housing element, conservation, rehabilitation or redevelopment element, recreation element, safety element, public services and facilities element, bicycling element, economic development element among others as well as policies and procedures applicable thereto.



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202 - Comprehensive Plan Land Use Element Plan Map

A. Adoption of Map

The Cochise County Comprehensive Plan Use Element Map is hereby adopted by reference and declared to be a part of this Resolution.

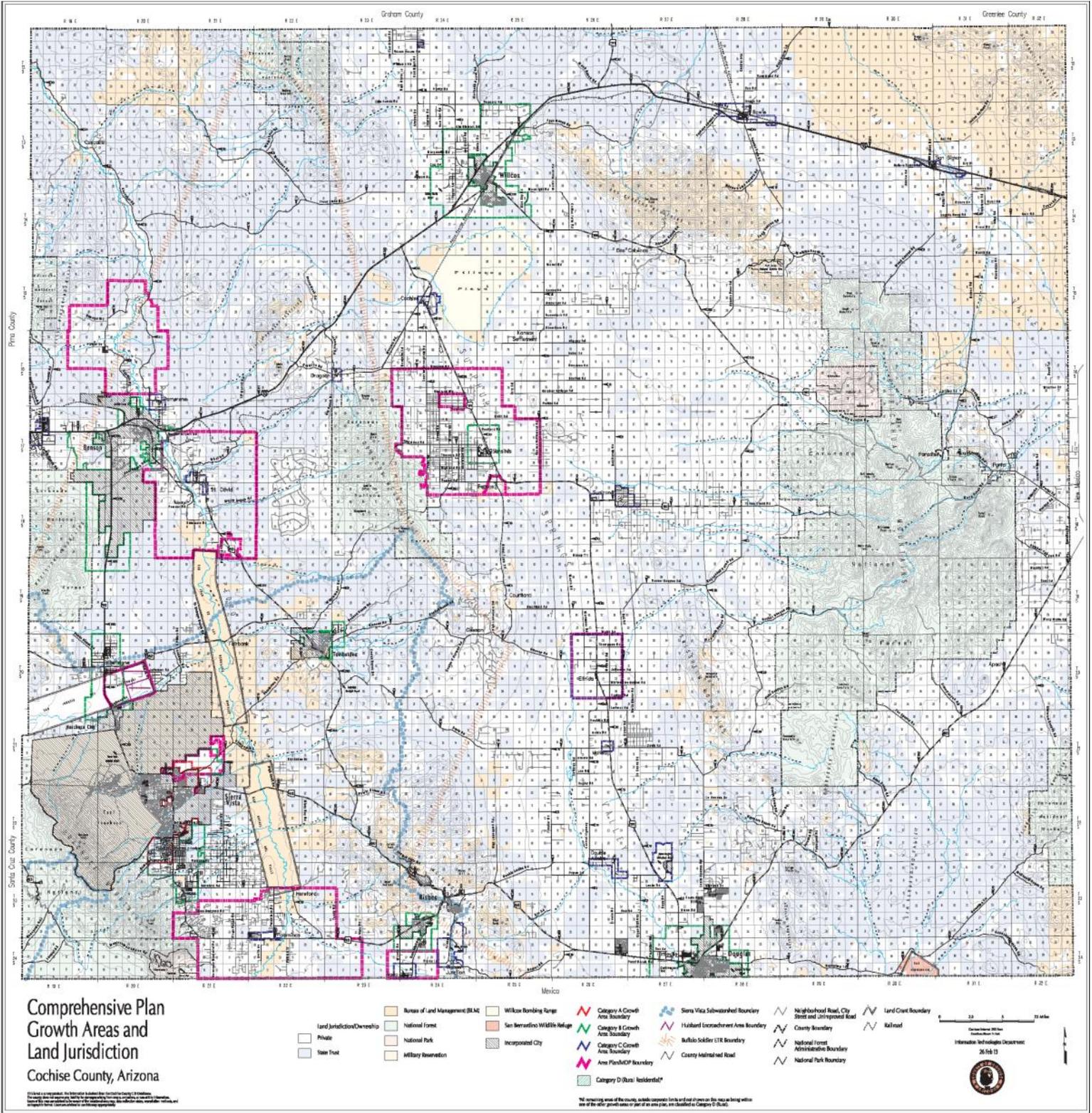
B. Boundary Determination

Where uncertainty exists as to the boundaries of plan designations on the official land use plan map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following the centerlines.
2. Boundaries indicated as approximately following city limits shall be construed as following city limits.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) above shall be so construed.
7. Distances not specifically indicated on the land use plan maps shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the plan map; or in other circumstances not covered by subsections (1) through (7) above, the Board of Adjustment shall interpret the designation boundaries.



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C. Amendments and Corrections

Whenever amendments or changes are made in plan area boundaries, such amendments or changes shall be made promptly on the official plan. The Planning Director may order correction to drafting or other errors or omissions in the official plan map, but no such corrections shall have the effect of amending the Growth Area Category or Plan Designation of any property. No other changes shall be made in the official plan map except in conformance with the procedure set forth herein.

1. Whenever amendments or changes are made in plan area boundaries, such amendments or changes shall be made promptly on the official plan.
2. The Planning Director may order correction to drafting or other errors or omissions in the official plan map, but no such corrections shall have the effect of amending the Growth Area Category or Plan Designation of any property. No other changes shall be made in the official plan map except in conformance with the procedure set forth herein.
3. In the event that the official plan map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and amendments thereto, the Board of Supervisors may, by resolution, adopt a new official plan map, which shall supersede the prior plan map.
4. Per Arizona Revised Statutes, the Planning and Zoning Commission will review the entire Comprehensive Plan every ten years or more frequently as needed.



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Article 3

301—Administration

The Cochise County Planning and Zoning Commission, the Board of Supervisors, and any other County department, commission, official, or employee acting in an advisory capacity to the Board of Supervisors shall consult, consider, and generally be guided by the Comprehensive Plan stated herein. The Cochise County Zoning Regulations, Subdivision Regulations, building code, and other ordinances affecting growth and land use in Cochise County shall be constructed to implement the policies and elements of the Comprehensive Plan.

302—Comprehensive Plan Amendments

The Cochise County Comprehensive Plan may be amended from time to time. The Comprehensive Plan Growth Area Categories and Designations are designed to provide a measure of protection to the existing character of an area. An amendment must be justified by citing specific examples of existing or future growth patterns that do not support continuing the pattern that is implied by the existing Area Category or Designation. Otherwise, the presumption is in favor of retaining the existing Area Category or Designation.

Plan Amendments raise regional issues about the future character of an area. Once established, a precedent is set to request additional plan changes in proximity to the original request thus significantly changing the pattern of growth and drawing development away from established communities. Due to these larger issues, a small acreage plan amendment may not be supported unless a master development plan is submitted.

A. Amending Growth Area Categories and Plan Designations

1. Consideration of a change in Growth Area or Plan Designation should depend upon an evaluation of the following criteria:
 - a. The extension of urban standard facilities and services (including major road improvements and extensions of waste disposal systems and water service) into the area has changed the optimum intensity of development appropriate for the area.
 - b. Nearby growth areas have reached capacity and there is continued demand for new growth areas.
 - c. A master development plan is proposed.
 - d. The new Growth Area Category is an extension of an existing Growth Area Category or otherwise is not limited to a single parcel but is large enough to be expected to develop with the range of services and land uses expected in the Growth Area Category proposed.
2. Consideration of a change in a Plan Designation shall depend upon an evaluation of the following criteria:



- a. The pattern of growth in the area no longer reflects the type of growth expected in the current designation.
- b. Substantial changes in an area, for example a designated neighborhood conservation area, may make continuation of the conforming development within the plan designation undesirable. Such changes may include the deterioration of surrounding development, a change in character in the area due to capital improvements, non-conforming development by exempt entities, or approval of special uses or rezonings.
- c. The extensions of urban standard facilities and services (including major road improvements and extension of waste disposal systems and water service) into the area have changed the optimum type of development appropriate for the area.
- d. There is substantial support from property owners for the proposed change.
- e. 'Developing' designations should be changed to another appropriate designation as a distinguishable pattern of development has occurred.
- f. New designations should be of a size, type or design to provide a harmonious transition between existing designations.

B. Plan Amendments, Definition of Major Amendment

1. The Commission, either upon the application of interested persons or upon its own motion, may initiate Plan Designation or Growth Category Area amendments, or the adoption of new elements of the Plan, Area Plans, or master development plans.
2. An amendment shall be considered a "major amendment," per Arizona Revised Statutes, if it would result in a substantial alteration of the County's land use mixture or balance as established in the existing Comprehensive Plan land use element for that area of the County.
3. A "substantial alteration" is defined as an amendment of the Comprehensive Plan that would result in an increase in the potential densities or intensities of uses for an area of two thousand (2,000) acres or more.

C. Time Frame for Acceptance of Major Amendments

1. Applications for major amendments shall be accepted from January 1 to the last business day in May.
2. The Board of Supervisors hearing shall be the first available meeting in December.



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303—Public Participation Requirements

The applicant shall complete the public participation process as described herein, before any amendment is presented to the Board of Supervisors for final adoption.

A. Purpose

The Cochise County public participation process is intended to:

1. Allow for effective, early and continuous public participation by citizens from all geographic, ethnic and economic areas of the county in the consideration of amendments;
2. Provide sufficient information to the public to give each citizen the opportunity to develop an informed response;
3. Provide opportunities for other interested governments, agencies and community groups to consult with, advise and provide official comment on Comprehensive Plan updates and amendments; and
4. Comply with ARS requirements.

B. Public Participation Requirements for Comprehensive Plan Amendments

The requirements described below are the minimum County requirements for public notification.

1. Pre-application meeting with County Planners:

Prior to submitting a formal plan amendment application, an applicant shall participate in a pre-application meeting with planning staff. This meeting has a four-fold purpose:

- a. Review the public participation requirements;
- b. Review the application requirements;
- c. Familiarize staff with the project and identify and discuss any issues related to the amendment; and
- d. Determine if the plan amendment boundaries represent a logical plan amendment area.

2. A formal plan amendment application consists of:

The plan amendment application and all supporting documentation, and a report documenting the public participation process, including:

- a. Copies of notices;
- b. Copies of all information provided to the public
- c. Letters, advertisements, posters, flyers;



- d. Sign up sheets from all public meetings if any;
- e. Any responses received from the public during this process; and
- f. A description of how the applicant responded to this feedback.

C. Notification Requirements for Major Comprehensive Plan Amendments

1. The applicant shall send notices of the proposed amendment to, and if requested, meet with the following individuals and organizations. The notices shall contain a copy of the plan amendment application and all supporting documentation as submitted to the Planning Department so that the notified parties can effectively evaluate the impacts of the project:
 - a. Each municipality in the County.
 - b. Each other county that is contiguous to the County.
 - c. The regional planning agency in the County (Southeastern Arizona Government Organization (SEAGO)).
 - d. The Arizona commerce authority or any other state agency that is subsequently designated as the general planning agency for this state.
 - e. The department of water resources for review and comment on the water resources element, if a water resources element is required.
 - f. If the comprehensive plan or an element or amendment of the comprehensive plan is applicable to territory in the vicinity of a military airport or ancillary military facility as defined in §28-8461
 - g. If the comprehensive plan or an element or major amendment of the comprehensive plan is applicable to property in the high noise or accident potential zone of a military airport or ancillary military facility as defined in §28-8461, the attorney general. For the purposes of this paragraph, "major amendment" means a substantial alteration of the county's land use mixture or balance as established in the county's existing comprehensive plan land use element for that area of the county.
 - h. Any person or entity that requests in writing to receive a review copy of the proposal.
2. The applicant shall place an 1/8th of a page display advertisement in the official County paper and at least one other subscription paper published in each geographical quarter of Cochise County, such that citizens of all geographic, ethnic, and economic areas of Cochise County are notified of the amendment. This advertisement shall include a description and location of the project and how verbal and written comments can be submitted. If public meeting (s) are scheduled, the time, date, and location of the meeting (s) shall be included.



D. Notification Requirements for Comprehensive Plan Amendments Not Defined as Major Amendments

1. The applicant shall notify and, if requested, meet with all adjacent and potentially impacted property owners. These property owners shall be defined to include:
 - a. All of those who own property located within the area subject to the amendment.
 - b. In Category D Rural Areas, all of those property owners who own property outside of the area subject to the application, but within 1500 feet from the boundaries of the subject property.
 - c. In Category A, B, or C Growth areas, all of those property owners who own property outside of the area subject to the application, but within 1000 feet from the boundaries of the subject property.
2. This notification shall include a description and location of the project and how verbal and written comments can be submitted. If public meeting(s) are scheduled, the time, date, and location of the meeting(s) shall be included.

E. Formal Notification for Major Amendments

1. Pursuant to ARS §11-805.F and 805.G., at least sixty days before a new element or major amendment of the Comprehensive Plan is noticed for a public hearing, the Commission shall transmit the proposal to the board of supervisors and submit a copy for review and further comment to:
 - a. All municipalities in the County.
 - b. Each other county that is contiguous to the County.
 - c. The regional planning agency in the County (Southeastern Arizona Government Organization (SEAGO)).
 - d. The department of commerce or any other state agency that is subsequently designated as the general planning agency for this state.
 - e. The department of water resources for review and comment on the water resources element, if a water resources element is required.
 - f. The military airport if the comprehensive plan or a portion, element or amendment of the comprehensive plan is applicable to territory in the vicinity of a military airport as defined in section ARS §28-8461.
 - g. Any person or entity that requests in writing to receive a review copy of the proposal.



Cochise County | Comprehensive Plan

2. After considering any recommendations from the review, the Commission shall hold at least one public hearing. Notice of the time and place of a hearing and availability of studies and summaries related to the hearing shall be given at least fifteen and not more than thirty calendar days before the hearing by:
 - a. Publication at least once in a newspaper of general circulation in the county seat.
 - b. Publication at least once in a newspaper of general circulation in the area to be affected, or adjacent to the area to be affected, if the area affected is other than the county seat.
 - c. Such other manner in addition to publication as Cochise County may deem necessary or desirable.

3. After the Commission recommends the Comprehensive Plan or any section of the Plan, the Plan shall be submitted to the Board of Supervisors for its consideration and official action. Before the adoption, amendment, or extension of the Comprehensive Plan, the Board shall hold at least one public hearing on the Plan. After the Board considers the Commission's recommendation and any recommendations from the review required under this Article, the Board shall hold at least one



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public hearing at which residents of the county shall be heard concerning the matters contained in the Plan. At least fifteen days' notice of the hearing shall be given by one publication in a newspaper of general circulation in the county seat. The Board shall consider protests and objections to the plan and may change or alter any portion of the Comprehensive Plan. However, before any change is made, that portion of the Comprehensive Plan proposed to be changed shall be re-referred to the Commission for its recommendation, which may be accepted or rejected by the Board. The Board of Supervisors may adopt the Comprehensive Plan as a whole or by successive actions adopt separate parts of the Comprehensive Plan. The adoption or re-adoption of the Comprehensive Plan or any amendment to the Comprehensive Plan shall be by resolution of the Board. The adoption or re-adoption of, or a major amendment to, the Comprehensive Plan shall be approved by the affirmative vote of at least two-thirds of the members of the Board. All major amendments proposed for adoption to the Comprehensive Plan by the Board shall be presented at a single public hearing during the calendar year the proposal is made.



Article 4—VALIDITY

401—Severability

If any provisions of the Cochise County Comprehensive Plan be held invalid, such invalidity shall not affect other provisions which can be given effect with the invalid provision, and to this end the provisions of the Cochise County Comprehensive Plan are declared to be severable.

402—Conflicting Provisions Repealed

All other ordinances, regulations, resolutions and parts thereof which conflict with the provisions of the Cochise County Comprehensive Plan, to the extent of such conflict and not further, are hereby repealed.

403—Effective Date

The Cochise County Comprehensive Plan shall become effective beginning on the 27th day of August, 1984 and remaining in full force thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 27th DAY OF AUGUST, 1984.

AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 14th DAY OF DECEMBER, 1992, ORDINANCE NO. 006-92

AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 1st DAY OF APRIL, 1996, RESOLUTION NO. 96-34

AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 27th DAY OF NOVEMBER, 2001, RESOLUTION NO. 01-72

AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 9th DAY OF SEPTEMBER, 2002, RESOLUTION NO. 02-79.

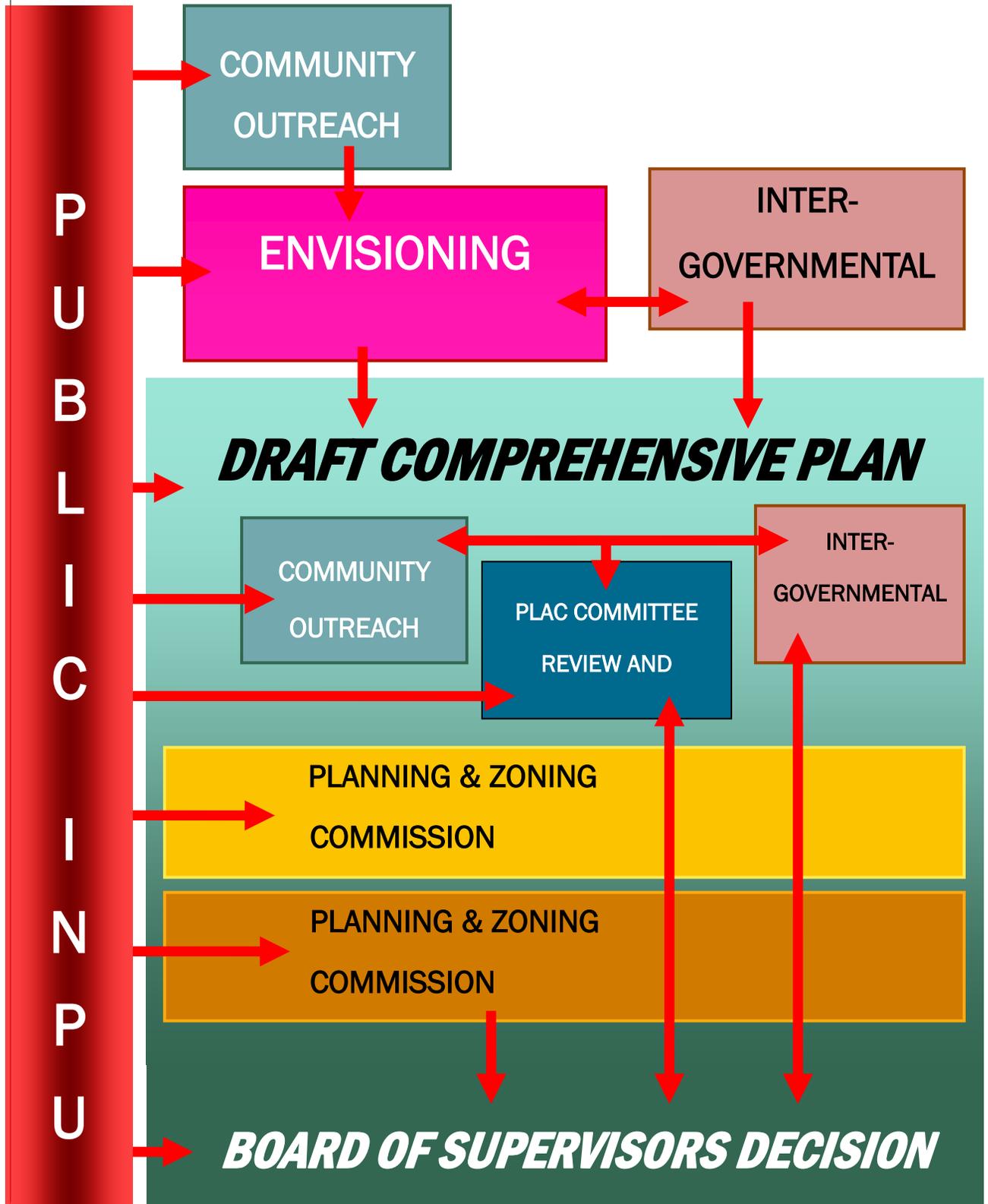
AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 16th DAY OF DECEMBER 16, 2003, RESOLUTION NO 03-88.

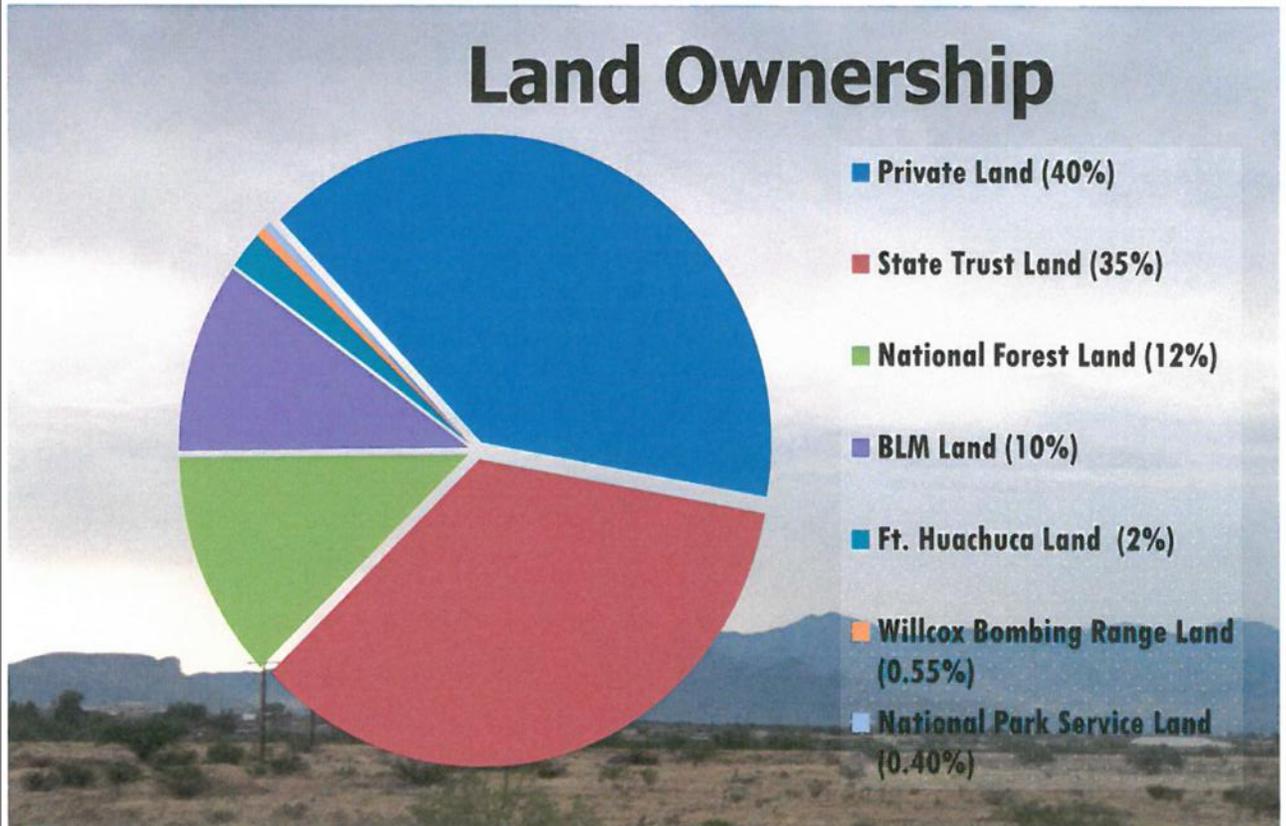
AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 26TH DAY OF JULY, 2011, RESOLUTION NO. 11-34

AMENDED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 19TH DAY OF MAY, 2015, RESOLUTION NO. 15-05.



THE COMPREHENSIVE PLAN PROCESS

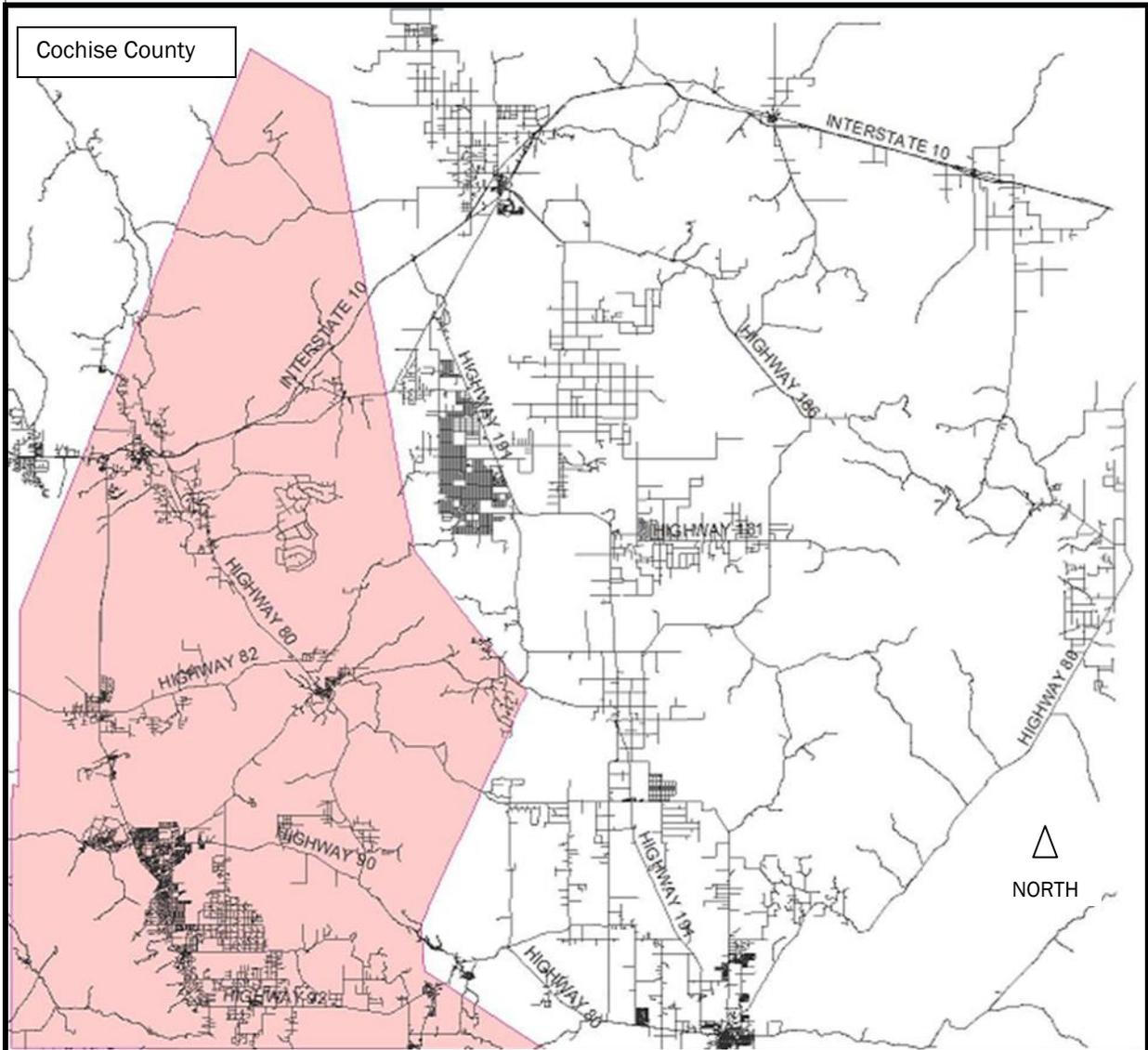




Source: 2014, Cochise County



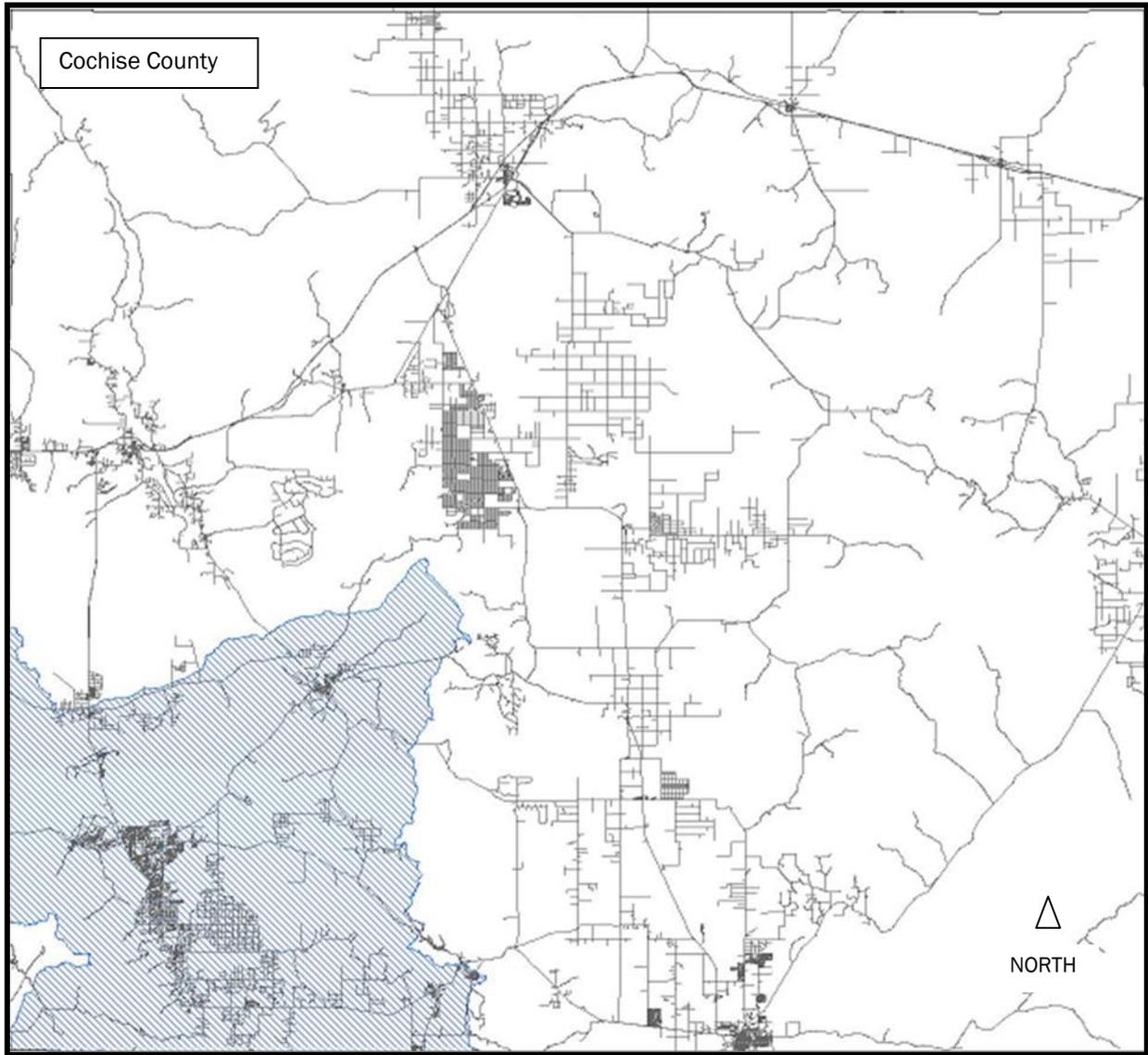
Buffalo Soldier Electronic Testing Range



Source: 2014, Cochise County



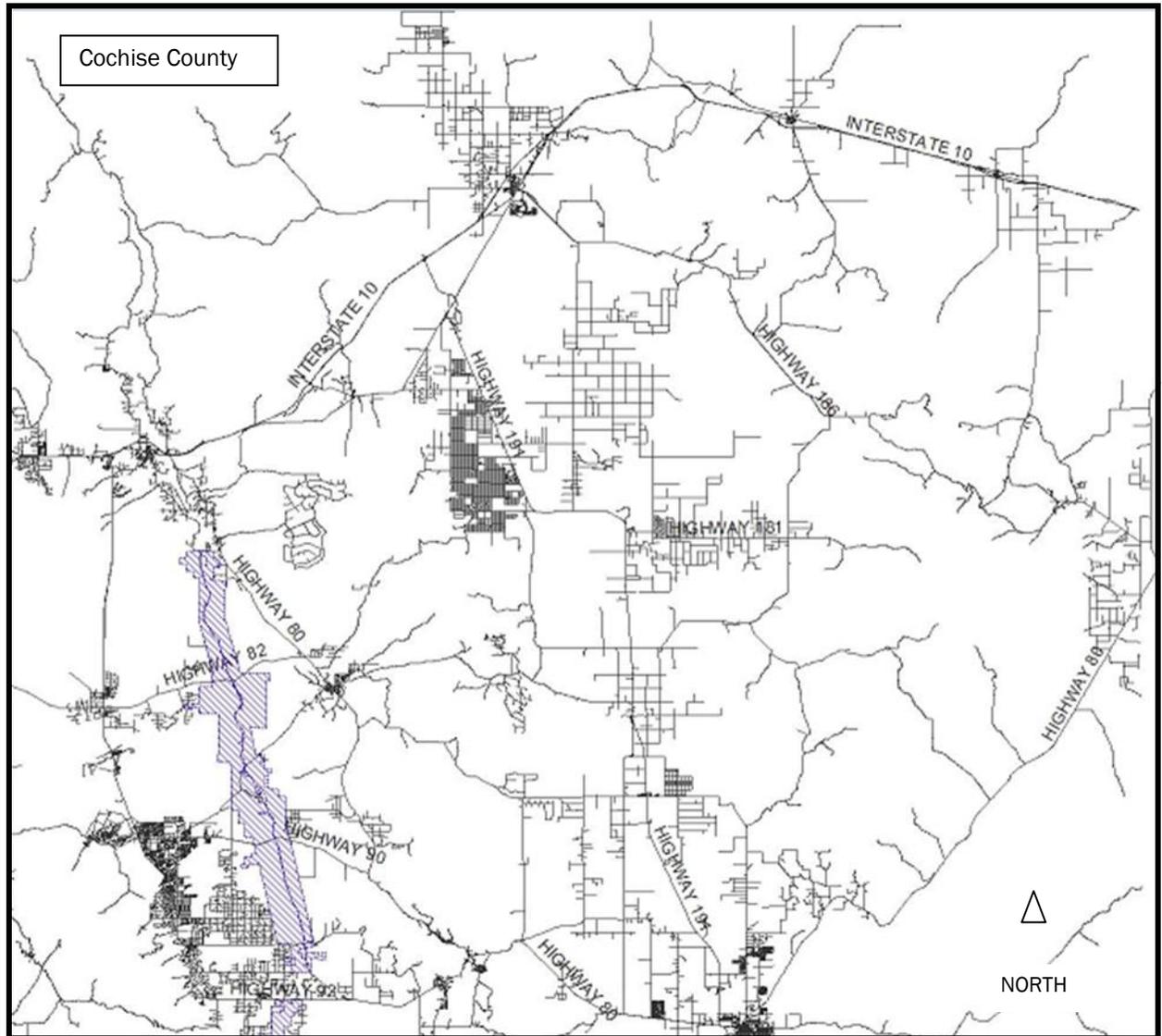
Sierra Vista Sub-Watershed



Source: 2014, Cochise County



San Pedro Riparian National Conservation Area



Source: 2014, Cochise County



Cochise County | Comprehensive Plan

Zoning District	Specific Districts	Minimum Lot Size	Examples of Permitted Uses – (Not all Permitted Uses are shown below)
RU (Rural)	RU-36 RU-18 RU-10 RU-4 RU-2	36 acres 18 acres 10 acres 4 acres 2 acres	All single- and multiple- household dwellings
R (Residential)	TR-36 TR-18 TR-9	36,000 sq. ft. 18,000 sq. ft. 9,000 sq. ft.	All single-household and multiple-household dwellings
SM (Single Household/ Manufactured Home Residential)	SM-36 Acres SM-18 Acres SM-10 Acres SM-174 SM-87 SM-36 SM-18 SM-9	36 acres 18 acres 10 acres 4 acres 2 acres 36,000 sq. ft. 18,000 sq. ft. 9,000 sq. ft.	All single- and multiple-household dwellings, but <u>excluding</u> mobile homes
SR (Single-Household Residential)	SR-36 Acres SR-18 Acres SR-10 Acres SR-174 SR-87 SR-43 SR-22 SR-12 SR-8	36 acres 18 acres 10 acres 4 acres 2 acres 1 acre 22,000 sq. ft. 12,000 sq. ft. 8,000 sq. ft.	All single-household dwellings, <u>excluding</u> mobile and manufactured homes
MR (Multiple- Household Residential)	MR-1	3,600 sq. ft.	Single- and multiple-household dwellings <u>excluding</u> mobile and manufactured homes and recreational vehicles
	MR-2	3,600 sq. ft.	Single- and multiple-household dwellings including mobile and manufactured homes and parks and recreational vehicle parks
NB (Neighborhood Business)	NB	3,600 sq. ft.	Neighborhood-oriented commercial uses, e.g. small shops and offices (residential uses are also permitted)
GB (General Business)	GB	None	General commercial uses, e.g. retail trade, offices, light repair, service establishments, limited warehousing
LI (Light Industry)	LI	None	General light industrial uses, e.g. wholesaling and warehousing operations, manufacturing, repair services
HI (Heavy Industry)	HI	None	General heavy industrial uses, e.g. manufacturing, recycling centers, junkyards

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

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 March 22, 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, March 22, 2016**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 22, 2016 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Richard R. Searle, Chairman; Ann English, Member

Absent: Patrick G. Call, Vice-Chairman

Staff Present: James E. Vlahovich, County Administrator; Edward T. Gilligan, Deputy County Administrator; Arlethe G. Rios, Clerk of the Board; Elda Orduno, Civil Deputy County Attorney

Chairman Searle called the meeting to order at 10:12 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 March 8, 2016.
2. Approve a proclamation to proclaim April 5, 2016 as "National Service Day" in Cochise County.
3. Approve a proclamation to proclaim April 2016 as National County Government Month - "Safe and Secure Counties" in support of counties taking pride in our responsibility to protect and enhance the health, well-being and safety of our residents in efficient and cost-effective ways.
4. Approve a letter to Senator Griffin, Representative Gowan, and Representative Stevens asking for support of the mission of the Eastern Arizona Counties Organization (ECO).

Community Development

5. Adopt Resolution 16-10 to amend the Context Sensitive Road portion of the Road Design and Construction Standards and Specifications, as described therein.

6. Approve the award of Invitation for Bids No. IFB 16-02-HFP-04 for emulsified asphalt for the Community Development Department, Highway and Floodplain Division to Western Emulsions, Inc. in the not to exceed amount of \$2,000,000 for the period of April 1, 2016 through March 31, 2017 with the option to extend the contract up to four additional years in one year increments.

County Attorney

7. Approve the proposed tax appeal settlement in Chambers/Wakeman v. Cochise County, ST2015-000588, now pending in the Arizona Tax Court, a division of the Superior Court of Arizona in Maricopa County.
8. Approve the proposed tax appeal settlement in Milosevich v. Cochise County, ST2015-000032, now pending in the Arizona Tax Court, a division of the Superior Court of Arizona in Maricopa County.

County Sheriff

9. Accept a donation in the amount of \$130,287.65 from the Howard G. Buffet Foundation for the purchase of two 2016 Chevrolet Tahoes for the Sheriff's Assist Team and one 2016 Chevrolet Tahoe for the Sheriff's Search and Rescue Unit.

Court Administration

10. Approve reappointments of Justice Court Precinct Five Pro Tempore, Leslie Sansone and county-wide Justices of the Peace Pro Tempore Gerald F. Till, Paul Julien, C.J. Garan, Pamela Housh, William Lakosil, David Howe and Ron Zack for emergency or temporary coverage, both pursuant to ARS 22-121; and approve authorization to call upon an appropriately-appointed Justice of the Peace Pro Tempore from another county in extenuating circumstances pursuant to ARS 22-122 for the period beginning July 1, 2016 to and including June 30, 2017.

Finance

11. Approve demands and budget amendments for operating transfers. Warrants Nos. 96843-96866, 96877-97019, 97030-97046 were issued in the amount of 483,976.71.

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. The voided warrants are listed below:

<u>Fund</u>	<u>Vendor</u>	<u>Amount</u>
549	Integrity Security Solution, Inc.	250.00

Issued warrants are listed as an attachment at the end of the minutes.

Health & Social Services

12. Approve the Inter-Agency Subcontract Agreement 16-28-HEA-03 between Cochise Health & Social Services (CHSS) and Child and Family Resources, Inc. (CFR), for the Maternal Infant and Childhood Home Visiting Program (MIECHV), for the period 4/1/2016 - 9/30/2016 in the not to exceed amount of \$7,850.
13. Approve an award from First Things First in the amount of \$2,000 to Cochise Health & Social Services on behalf of the Cochise Strong Families Home Visiting Collaboration (CSFC) to buy books for CSFC "March Into Books" events.

Human Resources

14. Approve the appointments of Eugene Sanders, Jennifer Ryan, Ludwig Kuttner, and Ana Urquijo to the Cochise County Merit Commission for four year terms from March 22, 2016 to March 22, 2020.

Supervisor English moved to approve items 1-14 on the consent agenda. Chairman Searle seconded the motion and it carried unanimously.

Supervisor English noted that two proclamations were approved celebrating National Service Day and National County Government Month and said she hoped that these celebrations would encourage citizens to volunteer and employees to promote county services.

PUBLIC HEARINGS

Board of Supervisors

15. Approve a new liquor license application for a Series #10 (Beer & Wine) liquor license submitted by Mr. Randy Nations for Sunmart 605, located at 2521 W Business I-10 in San Simon, AZ 85632.

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 #10 (Beer & Wine) liquor license submitted by Mr. Randy Nations for Sunmart 605, located at 2521 W Business I-10 in San Simon, AZ 85632. Chairman Searle seconded the motion.

Chairman Searle called for the vote and it was approved 2-0-1 (Call absent).

16. Adopt Resolution 16-09 granting an Electric Services franchise to Arizona Power Electric Cooperative, Inc.

Ms. Elda Orduno, Deputy Civil County Attorney, presented this item. Ms. Orduno gave the background, said there had been no formal complaints, the franchise had been published as required by statute, and staff recommended approval.

Chairman Searle opened the public hearing.

Mr. Charles Alves, representative of Arizona Electric Power Cooperative (AEPCCO), gave some background, apache station, merged back together.

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

Supervisor English moved to adopt Resolution 16-09 granting an Electric Services franchise to Arizona Power Electric Cooperative, Inc. Chairman Searle seconded the motion.

Chairman Searle called for the vote and it was approved 2-0-1 (Call absent).

ACTION

Chairman Searle removed item 17 from the agenda.

Board of Supervisors

17. Approve an additional funding of \$30,000 to support wolf and jaguar litigation and efforts to research the Mexican Gray Wolf.

Chairman Searle removed this item from the agenda.

Community Development

18. Approve an Intergovernmental Agreement with the City of Tombstone regarding maintenance of Charleston Road and Monument Road effective March 22, 2016 through March 22, 2021.

Ms. Karen Riggs, Highway and Floodplain Director, presented this item using a PowerPoint presentation. Ms. Riggs gave the background and said that with this agreement the City of Tombstone would maintain a portion of Monument Road and in exchange the County would maintain a portion of Charleston Road. She noted that the agreement would be in effect for five years and reviewed at the end of that period.

Chairman Searle noted that the Board encouraged staff to form partnerships with local entities to better serve County citizens.

Supervisor English moved to approve an Intergovernmental Agreement with the City of Tombstone regarding maintenance of Charleston Road and Monument Road effective March 22, 2016 through March 22, 2021. Chairman Searle seconded the motion.

Chairman Searle called for the vote and it was approved 2-0-1 (Call absent).

19. Approve Grant Agreement P16006, authorizing the department to receive funds from Arizona Game and Fish Heritage Grant to acquire Geronimo Trail across Arizona State Trust Land (ASLD).

Ms. Karen Riggs, Highway & Floodplain Director, presented this item using a PowerPoint presentation. Ms. Riggs said in February Arizona Game & Fish awarded this year's public access Heritage Grant in the amount of \$50,000 to Cochise County's Geronimo Trail project, which includes: obtaining archeological/environmental reports, road centerline surveys and other engineering reports as well as paying ASLD's appraised value. She added that the grant would be used to initiate an application through ASLD, obtain reports as necessary and acquire rights with remaining funds and noted that the only staff time allocated to this project would be in-house surveys to prepare legal descriptions for the road centerline.

Supervisor English moved to approve Grant Agreement P16006, authorizing the department to receive funds from Arizona Game and Fish Heritage Grant to acquire Geronimo Trail across Arizona State Trust Land. Chairman Searle seconded the motion.

Chairman Searle called for vote and it was approved 2-0-1 (Call absent).

STATE & FEDERAL LEGISLATION

20. 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.

Chairman Searle noted that the proposals submitted by the County were moving forward in the process.

Supervisor English thanked staff for their quick responses to questions regarding the legislative proposals.

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 deferred his report.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Vice-Chairman Call was absent.

Report by District 2 Supervisor, Ann English

Supervisor English congratulated Mr. Ed Gilligan, Deputy County Administrator, for his recent completion of a Masters of Science in Management/Executive Leadership.

Report by District 3 Supervisor, Richard Searle

Chairman Searle deferred his report.

Chairman Searle adjourned the meeting at 10:40 a.m.

APPROVED:

Richard R. Searle, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board

Cochise Co. Demands 3.22.16

96599	03/02/2016	A-L Financial Corp	\$218.02	96676	03/03/2016	CenturyLink	\$67.84
96600	03/02/2016	Cochise County/Sheakley/National Bank	\$8,784.44	96677	03/03/2016	CenturyLink	\$658.11
96601	03/02/2016	DCS	\$491.17	96678	03/03/2016	CenturyLink	\$33.62
96602	03/02/2016	Internal Revenue Service	\$188.71	96679	03/03/2016	CenturyLink	\$1,203.85
96603	03/02/2016	NYS Child Support Processing Center	\$32.00	96680	03/03/2016	Champ Software Inc	\$19,879.00
96604	03/02/2016	Pennsylvania SCDU	\$215.00	96681	03/03/2016	Chavez, Alma E.	\$27.03
96605	03/02/2016	Pre-paid Legal Services, Inc. dba LegalShield	\$1,606.50	96682	03/03/2016	Christie, Darin	\$0.98
96606	03/02/2016	Support Payment Clearinghouse	\$6,429.44	96683	03/03/2016	Copper Queen Community Hospital	\$90.00
96607	03/02/2016	Treasurer of Virginia	\$104.50	96684	03/03/2016	Copper Queen Community Hospital	\$9.98
96608	03/02/2016	U.S. Department of Education	\$157.62	96685	03/03/2016	Copygraph Inc.	\$23,909.94
96609	03/02/2016	American Planning Association	\$451.00	96686	03/03/2016	Deneke, Buffy	\$252.00
96610	03/02/2016	Arizona Public Service (APS)	\$923.21	96687	03/03/2016	Desert Vista Neuropsychological Specialists, LLC	\$3,150.00
96611	03/02/2016	Arizona Public Service (APS)	\$922.40	96688	03/03/2016	Douglas NAPA	\$712.99
96612	03/02/2016	Arizona Public Service (APS)	\$8,512.37	96689	03/03/2016	Douglas NAPA	\$270.41
96613	03/02/2016	Arizona Public Service (APS)	\$2,939.18	96690	03/03/2016	Empire Southwest LLC	\$15,670.13
96614	03/02/2016	Arizona Public Service (APS)	\$1,122.22	96691	03/03/2016	Empire Southwest LLC	\$15,903.03
96615	03/02/2016	Arizona Water Company	\$195.82	96692	03/03/2016	Enriquez, Aurora O.	\$49.84
96616	03/02/2016	Arizona Water Company	\$2,223.00	96693	03/03/2016	Espinoza, Francisco	\$1.87
96617	03/02/2016	Bella Vista Water Company-Liberty Water	\$972.87	96694	03/03/2016	Federal Express Corporation	\$31.91
96618	03/02/2016	Bisbee Observer	\$72.71	96695	03/03/2016	Flores, Juan P	\$4,135.32
96619	03/02/2016	CenturyLink	\$65.38	96696	03/03/2016	Fontes, Marsha	\$1.69
96620	03/02/2016	CenturyLink	\$65.72	96697	03/03/2016	Gale Group	\$1,057.17
96621	03/02/2016	CenturyLink	\$1,830.90	96698	03/03/2016	Gamez, Dyanna	\$24.71
96622	03/02/2016	CenturyLink	\$171.48	96699	03/03/2016	George Medina - George's Upholstery	\$65.34
96623	03/02/2016	CenturyLink	\$32.86	96700	03/03/2016	GlaxoSmithKline LLC	\$1,055.10
96624	03/02/2016	CenturyLink	\$65.72	96701	03/03/2016	Gregory, Michael	\$25.54
96625	03/02/2016	Elfrida Water Improvement	\$50.08	96702	03/03/2016	Greth, Celia	\$27.74
96626	03/02/2016	Pueblo del Sol Water Company	\$132.77	96703	03/03/2016	Grijalva, Carols A.	\$2.14
96627	03/02/2016	Runbeck Election Services	\$2,584.18	96704	03/03/2016	H&H Treatment Programs, LLC	\$1,170.00
96628	03/02/2016	Southwest Gas Corporation	\$274.85	96705	03/03/2016	Hector J F Barillas, PhD, PC	\$5,760.00
96629	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$898.20	96706	03/03/2016	Hodges Glass Co Inc	\$932.40
96630	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$50.72	96707	03/03/2016	Honeman, Van G. RDR	\$747.60
96631	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$292.19	96708	03/03/2016	John William Lovell, PC	\$1,485.00
96632	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$851.50	96709	03/03/2016	JWS Web Design LLC	\$500.00
96633	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$3,547.49	96710	03/03/2016	Keefe Supply Company	\$1,193.24
96634	03/02/2016	Sulphur Springs Valley Electric Coop, Inc.	\$313.31	96711	03/03/2016	Kehl, Mary Patricia	\$24.36
96635	03/02/2016	Waste Mgmt of AZ- Sierra Vista Hauling	\$318.66	96712	03/03/2016	Keith Manufacturing Company	\$32,924.72
96636	03/02/2016	Willcox, City of	\$1,958.73	96713	03/03/2016	Kelly, Peter A.	\$7,815.61
96637	03/02/2016	Willcox, City of	\$781.18	96714	03/03/2016	Kerrick James Photography	\$250.00
96638	03/03/2016	A Check America	\$72.50	96715	03/03/2016	Law Office of Daniel DeRienzo PLLC	\$3,256.48
96639	03/03/2016	Alphagraphics	\$51.43	96716	03/03/2016	Law Offices of Ruben Teran S.	\$1,672.60
96640	03/03/2016	Annesley, John	\$20.20	96717	03/03/2016	Long, Jerrod D. DDS	\$54.00
96641	03/03/2016	Arizona Counties Insurance Pool	\$11,143.18	96718	03/03/2016	Lopez, Angela	\$100.00
96642	03/03/2016	Arizona Department of Corrections - Douglas	\$576.00	96719	03/03/2016	M J's Interiors	\$300.00
96643	03/03/2016	Arizona Department of Corrections - Douglas	\$52.00	96720	03/03/2016	Madden Preprint Media	\$268.00
96644	03/03/2016	Arizona Department of Corrections - Douglas	\$230.50	96721	03/03/2016	Maddux & Sons Inc	\$6,822.24
96645	03/03/2016	Arizona Department of Corrections - Douglas	\$36.00	96722	03/03/2016	Maddux & Sons Inc	\$31,849.77
96646	03/03/2016	Arizona Department of Corrections - Douglas	\$162.00	96723	03/03/2016	Maley, Brenda	\$2.23
96647	03/03/2016	Arizona Department of Corrections - Douglas	\$80.00	96724	03/03/2016	Manny's St. David Automotive & Towing, Inc.	\$248.00
96648	03/03/2016	Arizona Department of Corrections - Douglas	\$1,804.35	96725	03/03/2016	McNeil's Custom Engraving	\$101.24
96649	03/03/2016	Arizona Department of Corrections - Douglas	\$64.00	96726	03/03/2016	Medical Diagnostic Imaging Group	\$167.85
96650	03/03/2016	Arizona Department of Economic Security	\$1,904.10	96727	03/03/2016	Merle's Automotive Supply, Inc.	\$1,837.19
96651	03/03/2016	Arizona Department of Revenue	\$120.51	96728	03/03/2016	Morales, Jr., Daniel R.	\$0.71
96652	03/03/2016	Arizona Department of Revenue	\$2,614.39	96729	03/03/2016	Mundt, Lester E.	\$45.36
96653	03/03/2016	Arizona Department of Transportation	\$1,464.63	96730	03/03/2016	Natale, Gail Gianasi	\$325.00
96654	03/03/2016	Arizona State Law Journal	\$45.00	96731	03/03/2016	National Geographic Society	\$4,860.00
96655	03/03/2016	Arizona State Prison Complex - Fort Grant	\$262.50	96732	03/03/2016	National Pen Co, LLC	\$141.40
96656	03/03/2016	Arizona State Prison Complex - Fort Grant	\$357.34	96733	03/03/2016	Noriega, Francisco	\$27.03
96657	03/03/2016	Arizona Waste Oil Service, Inc.	\$1,885.00	96734	03/03/2016	Northern Cochise Community Hospital, Inc.	\$48.90
96658	03/03/2016	Ascent Aviation Group, Inc.	\$10,498.09	96735	03/03/2016	Nyander, Penny Sue	\$13.00
96659	03/03/2016	Auletta, Susan P	\$1,200.00	96736	03/03/2016	O'Rielly Chevrolet, Inc.	\$429.49
96660	03/03/2016	AZ Communications Group	\$3,286.37	96737	03/03/2016	OverDrive, Inc.	\$1,329.30
96661	03/03/2016	Baker & Taylor, Inc.	\$962.70	96738	03/03/2016	Padia, Debra Ann	\$200.00
96662	03/03/2016	Banner-Univ Med Center South Campus LLC	\$1,294.50	96739	03/03/2016	Perspective Enterprises	\$1,551.00
96663	03/03/2016	Banner-University Physicians Healthcare, Inc.	\$1,125.00	96740	03/03/2016	Pfizer, Inc.	\$1,563.98
96664	03/03/2016	Banning Creek Enterprises, LLC	\$5,348.80	96741	03/03/2016	Pittsburg Tank & Tower	\$2,250.00
96665	03/03/2016	Beacon Secure	\$11,603.50	96742	03/03/2016	Prisoner Trans Services America LLC (PTS)	\$1,168.20
96666	03/03/2016	Bisbee Observer	\$508.97	96743	03/03/2016	Prudential Overall Supply	\$116.47
96667	03/03/2016	Bisbee Towing	\$125.00	96744	03/03/2016	Prudential Overall Supply	\$61.95
96668	03/03/2016	Bisbee, City of (Ambulance)	\$5,365.84	96745	03/03/2016	Prudential Overall Supply	\$211.02
96669	03/03/2016	Brown and Caldwell	\$11,652.50	96746	03/03/2016	Pueblo Mechanical & Controls, Inc.	\$835.31
96670	03/03/2016	Bug-Wiser Exterminating, Inc.	\$180.00	96747	03/03/2016	Purcell's Western State Tire Company	\$3,037.42
96671	03/03/2016	Call, Pat	\$81.40	96748	03/03/2016	Purcell's Western State Tire Company	\$1,290.04
96672	03/03/2016	Campbell, Carlos	\$0.45	96749	03/03/2016	Ralph Malanga, PC	\$1,192.50
96673	03/03/2016	Canyon Vista Medical Center	\$1,220.00	96750	03/03/2016	Recorded Books, LLC	\$56.90
96674	03/03/2016	Cardinal Health Inc.	\$887.64	96751	03/03/2016	Reed, Cynthia - Court Reporter	\$100.80
96675	03/03/2016	CEMEX Construction Materials South, LLC	\$5,374.42				

96752	03/03/2016	Reinhart, Lowenid B	\$84.46	96829	03/03/2016	Huntley, Martha	\$54.00
96753	03/03/2016	Rodrck, James	\$141.80	96830	03/03/2016	Kolano, Hillary	\$87.22
96754	03/03/2016	Rothrock Investigations, LLC	\$897.16	96831	03/03/2016	Lord, Priscilla	\$54.54
96755	03/03/2016	RWC International, LTD	\$7,117.42	96832	03/03/2016	Munoz, Patricia G	\$597.63
96756	03/03/2016	RWC International, LTD	\$190.04	96833	03/03/2016	Pitzlin, Maria	\$170.00
96757	03/03/2016	Safelite Autoglass Corp.	\$849.18	96834	03/03/2016	Powell, Rayna	\$68.31
96758	03/03/2016	Sanofi Pasteur	\$102.48	96835	03/03/2016	Saathoff, April	\$178.74
96759	03/03/2016	Senergy Petroleum LLC	\$11,315.51	96836	03/03/2016	Stewart, Eric W.	\$144.72
96760	03/03/2016	Senergy Petroleum LLC	\$2,630.20	96837	03/03/2016	Swartz, LaRae	\$54.00
96761	03/03/2016	Senergy Petroleum LLC	\$7,259.92	96838	03/03/2016	Traywick, Cathy (Travel Reimb Only)	\$201.00
96762	03/03/2016	Sierra Vista NAPA	\$504.09	96839	03/03/2016	Vickers, Roza	\$127.95
96763	03/03/2016	Sierra Vista NAPA	\$408.37	96840	03/03/2016	Welch, Catherine	\$150.93
96764	03/03/2016	Sierra Vista, City of	\$982.25	96841	03/03/2016	The Hameroff Law Group, PC	\$188.71
96765	03/03/2016	Sierra Vista, City of	\$273.76	96842	03/08/2016	AZ Dept of Administration-Risk Managemt	\$4,770.24
96766	03/03/2016	Sound Off Signal	\$2,483.55	96843	03/09/2016	AFLAC	\$10,856.85
96767	03/03/2016	Southwestern Scale Co., Inc.	\$1,008.00	96844	03/09/2016	Aqua Life	\$11.00
96768	03/03/2016	Stamback Septic Service	\$611.50	96845	03/09/2016	Arizona Public Service (APS)	\$252.61
96769	03/03/2016	Staples	\$202.86	96846	03/09/2016	Arizona State Treasurer	\$184,567.00
96770	03/03/2016	State Bar of Arizona	\$86.45	96847	03/09/2016	Arizona Water Company	\$992.70
96771	03/03/2016	Stericycle Inc.	\$215.06	96848	03/09/2016	Benson, City of	\$52.24
96772	03/03/2016	Streitfeld, Stephen V. MD PC	\$500.00	96849	03/09/2016	Bowie Water Improvement District	\$39.79
96773	03/03/2016	Syson, D. Paul	\$200.00	96850	03/09/2016	Cable One	\$110.50
96774	03/03/2016	Technical Resource Management, Inc.	\$1,031.20	96851	03/09/2016	CenturyLink	\$79.22
96775	03/03/2016	The Manch Law Firm, P.L.L.C.	\$1,519.80	96852	03/09/2016	CenturyLink	\$179.82
96776	03/03/2016	Thomson West	\$2,613.54	96853	03/09/2016	CenturyLink	\$33.81
96777	03/03/2016	Thorn Law Office	\$4,717.11	96854	03/09/2016	CenturyLink	\$64.56
96778	03/03/2016	Tombstone Monument Ranch	\$795.75	96855	03/09/2016	Cochise County Farmers Association	\$1,067.59
96779	03/03/2016	Trinity Services Group, Inc.	\$4,155.40	96856	03/09/2016	Cochise County Treasurer	\$1,221.26
96780	03/03/2016	Truck and Trailer Parts	\$1,636.14	96857	03/09/2016	Culligan of Tucson	\$69.05
96781	03/03/2016	Udall Law Firm, LLP	\$3,919.54	96858	03/09/2016	Douglas, City of	\$27.50
96782	03/03/2016	UniFirst Corporation	\$181.91	96859	03/09/2016	Douglas, City of	\$259.78
96783	03/03/2016	United Fire Equipment Co	\$10.00	96860	03/09/2016	Southwest Gas Corporation	\$1,428.75
96784	03/03/2016	United Fire Equipment Co	\$90.26	96861	03/09/2016	St. David Domestic Water Improvement District	\$519.39
96785	03/03/2016	United Fire Equipment Co	\$729.75	96862	03/09/2016	Sulphur Springs Valley Electric Coop, Inc.	\$157.55
96786	03/03/2016	United Fire Equipment Co	\$142.68	96863	03/09/2016	US Postal Service	\$8,000.00
96787	03/03/2016	Valencia, Leslie Moreno	\$117.04	96864	03/09/2016	Valley Telephone Cooperative, Inc.	\$116.49
96788	03/03/2016	Valley Telephone Cooperative, Inc.	\$208.85	96865	03/09/2016	Verizon Wireless	\$8,345.13
96789	03/03/2016	Valley Telephone Cooperative, Inc.	\$188.01	96866	03/09/2016	Willcox, City of	\$134.87
96790	03/03/2016	Valley Telephone Cooperative, Inc.	\$187.16	96867	03/10/2016	AOC Corrections Officer Retire	\$18,224.25
96791	03/03/2016	Verizon Wireless	\$22.32	96868	03/10/2016	AOC Corrections Officer Retire	\$127.16
96792	03/03/2016	Walmart	\$8.94	96869	03/10/2016	Correction Officers	\$6,911.36
96793	03/03/2016	Watson Chevrolet	\$346.09	96870	03/10/2016	EODCRS	\$9.06
96794	03/03/2016	Waxie Sanitary Supply	\$863.76	96871	03/10/2016	Nationwide Retirement Solutions	\$507.50
96795	03/03/2016	Waxie Sanitary Supply	\$2,207.53	96872	03/10/2016	Public Safety Retirement Syst	\$21,474.89
96796	03/03/2016	Wells, Doris	\$490.00	96873	03/10/2016	Public Safety Retirement Syst	\$17,150.41
96797	03/03/2016	West Elsberry Longenbaugh & Zickerman, PLLC	\$2,217.44	96874	03/10/2016	Public Safety Retirement Syst	\$1,244.08
96798	03/03/2016	Wick Communications	\$36.40	96875	03/10/2016	Public Safety Retirement Syst	\$634.38
96799	03/03/2016	Wick Communications	\$379.68	96876	03/10/2016	Public Safety Retirement Syst	\$1,231.94
96800	03/03/2016	Wick Communications	\$708.24	96877	03/10/2016	A-1 Appraisal Service, Inc.	\$5,000.00
96801	03/03/2016	Willcox Auto Parts Inc.	\$1,134.25	96878	03/10/2016	ACE Hardware - Bisbee	\$194.05
96802	03/03/2016	Willcox Auto Parts Inc.	\$899.31	96879	03/10/2016	Address DATA Services, Inc.	\$625.00
96803	03/03/2016	Willcox Auto Parts Inc.	\$338.21	96880	03/10/2016	ADW Communications Services, Inc.	\$2,625.00
96804	03/03/2016	Wilson, Betty L.	\$1.78	96881	03/10/2016	Alternative Counseling Service, Inc	\$1,030.00
96805	03/03/2016	WR Ryan Company	\$5,079.10	96882	03/10/2016	Amazon.com LLC	\$2,050.48
96806	03/03/2016	CenturyLink	\$33.92	96883	03/10/2016	Arizona Department of Corrections - Douglas	\$88.00
96807	03/03/2016	Cochise County Justice Court #5	\$50.42	96884	03/10/2016	Arizona Dept of Corrections ASPC-Tucson	\$103.50
96808	03/03/2016	Cochise County Juvenile Court Services	\$77.38	96885	03/10/2016	Arizona Department of Environmental Quality	\$3,964.07
96809	03/03/2016	Cochise County Treasurer c/o Justice Court #5	\$100.00	96886	03/10/2016	Arizona Public Service (APS)	\$4,722.13
96810	03/03/2016	Cochise Private Industry Council, Inc.	\$53,905.00	96887	03/10/2016	Arizona Public Service (APS)	\$21,885.25
96811	03/03/2016	Cochise Private Industry Council, Inc.	\$112,464.00	96888	03/10/2016	Arizona Secretary of State	\$43.00
96812	03/03/2016	Pitney Bowes Reserve Account	\$10,000.00	96889	03/10/2016	Arizona State Hospital	\$2,750.94
96813	03/03/2016	Robert J. Zohlmann, Esq.	\$2,500.00	96890	03/10/2016	Arizona State Prison Complex - Fort Grant	\$180.00
96814	03/03/2016	Simmons, Bradley	\$132.76	96891	03/10/2016	Arizona Supreme Court	\$4,875.00
96815	03/03/2016	Traywick, Benton	\$8.40	96892	03/10/2016	Arizona Supreme Court	\$38,500.00
96816	03/03/2016	US Postal Service	\$7,000.00	96893	03/10/2016	AZ Communications Group	\$3,083.33
96817	03/03/2016	US Postal Service	\$400.00	96894	03/10/2016	Banning Creek Enterprises, LLC	\$7,392.00
96818	03/03/2016	Arzaga, Kelsey	\$16.20	96895	03/10/2016	Barnetts Towing LLC	\$96.00
96819	03/03/2016	Borer, Thomas E.	\$57.02	96896	03/10/2016	Batelli Enterprises, Inc.	\$150.00
96820	03/03/2016	Brown, Kristen	\$168.48	96897	03/10/2016	Battaglia, Mark E.	\$75.00
96821	03/03/2016	Cazares, Jeanette	\$54.00	96898	03/10/2016	Beacon Secure	\$50.00
96822	03/03/2016	Cooper, Renee	\$113.40	96899	03/10/2016	Bisbee, City of	\$8,125.16
96823	03/03/2016	Dunlap, Mary Ellen	\$12.31	96900	03/10/2016	Bob Barker Company, Inc.	\$14.20
96824	03/03/2016	Flannigan, Ana	\$168.21	96901	03/10/2016	Bowie Water Improvement District	\$79.58
96825	03/03/2016	Garcia, Lynn	\$48.38	96902	03/10/2016	Bug-Wiser Exterminating, Inc.	\$45.00
96826	03/03/2016	Graves, Sarah C	\$54.00	96903	03/10/2016	Bug-Wiser Exterminating, Inc.	\$180.00
96827	03/03/2016	Hagle, Suzanne	\$149.01	96904	03/10/2016	Bug-Wiser Exterminating, Inc.	\$770.00
96828	03/03/2016	Honorable Trevor L. Ward	\$73.66	96905	03/10/2016	Cable One	\$110.50
				96906	03/10/2016	Cable One	\$113.58

96907	03/10/2016	CEMEX Construction Materials South, LLC	\$1,019.96	96984	03/10/2016	Wick Communications	\$166.56
96908	03/10/2016	Center for Disease Detection, LLC	\$238.50	96985	03/10/2016	Wick Communications	\$198.03
96909	03/10/2016	CenturyLink	\$32.90	96986	03/10/2016	Wick Communications	\$136.50
96910	03/10/2016	CenturyLink	\$65.38	96987	03/10/2016	Wick Communications	\$97.50
96911	03/10/2016	CenturyLink	\$66.00	96988	03/10/2016	Wick Communications	\$708.25
96912	03/10/2016	CenturyLink	\$33.00	96989	03/10/2016	Wick Communications	\$126.56
96913	03/10/2016	CenturyLink	\$127.93	96990	03/10/2016	Wick Communications	\$72.19
96914	03/10/2016	Creative Communications Sales & Rentals, Inc.	\$543.04	96991	03/10/2016	Wick Communications	\$25.38
96915	03/10/2016	CRM of America LLC	\$1,800.29	96992	03/10/2016	Willcox Auto Parts Inc.	\$929.60
96916	03/10/2016	DataBank IMX LLC	\$165.00	96993	03/10/2016	WIST Office Products Co	\$213.98
96917	03/10/2016	Deluxe Business Forms	\$102.42	96994	03/10/2016	WR Ryan Company	\$2,922.17
96918	03/10/2016	Diebold Incorporated	\$622.12	96995	03/10/2016	Zumar Industries Inc	\$5,238.60
96919	03/10/2016	Direct TV	\$17.99	96996	03/10/2016	Anaya, Dilxia Celeste	\$173.60
96920	03/10/2016	Douglas, City of	\$23,325.00	96997	03/10/2016	CACH, LLC	\$25.00
96921	03/10/2016	Douglas, City of	\$943.00	96998	03/10/2016	English, Ann	\$809.67
96922	03/10/2016	Douglas, City of	\$136.90	96999	03/10/2016	Garcia, Teresa	\$174.00
96923	03/10/2016	Fimbres, Manuel R	\$150.00	97000	03/10/2016	Maddux, Catherine	\$67.69
96924	03/10/2016	Gignac, Judith	\$25.92	97001	03/10/2016	Moran, Rosa	\$286.60
96925	03/10/2016	Granite Construction Company	\$2,343.05	97002	03/10/2016	Mortensen, Cynthia	\$84.02
96926	03/10/2016	H&H Treatment Programs, LLC	\$780.00	97003	03/10/2016	Sharp, Mandy Dawn	\$16.81
96927	03/10/2016	Hewlett Packard Enterprise Company	\$4,234.94	97004	03/10/2016	Smyth Industries Inc	\$5,143.50
96928	03/10/2016	Hopper Jr., Albert N	\$7,700.00	97005	03/10/2016	Sullivan, William II R.MD PLLC	\$75.00
96929	03/10/2016	HOV Services/Lason Systems	\$101.25	97006	03/10/2016	Torres, Jose V	\$100.00
96930	03/10/2016	Judicial Dialog Systems	\$6,292.85	97007	03/10/2016	Wilkins, Curtis	\$418.00
96931	03/10/2016	JWS Web Design LLC	\$500.00	97008	03/10/2016	Bery, Trudy	\$368.28
96932	03/10/2016	Keefe Supply Company	\$2,268.85	97009	03/10/2016	Borbon, Lissete	\$55.19
96933	03/10/2016	Lawley Motors	\$2,183.92	97010	03/10/2016	Florez, Gina	\$68.00
96934	03/10/2016	LexisNexis Risk Data Management, Inc.	\$114.25	97011	03/10/2016	Hanson, Britt W	\$91.75
96935	03/10/2016	Little Caesars	\$62.75	97012	03/10/2016	Honorable Alma Vildosola	\$54.11
96936	03/10/2016	Medical Diagnostic Imaging Group	\$679.29	97013	03/10/2016	Kennon, Maria D.	\$128.89
96937	03/10/2016	Merle's Automotive Supply, Inc.	\$285.72	97014	03/10/2016	Lamberton, Karen Lynn	\$51.00
96938	03/10/2016	NI Government Services Inc	\$222.29	97015	03/10/2016	Maddux, Catherine	\$85.00
96939	03/10/2016	Nyander, Penny Sue	\$643.00	97016	03/10/2016	McCleave, Keturah M	\$99.63
96940	03/10/2016	O'Rielly Chevrolet, Inc.	\$246.53	97017	03/10/2016	Mena, Maria	\$21.33
96941	03/10/2016	Paull Jr., Joseph	\$150.00	97018	03/10/2016	Swartz, LaRae	\$70.74
96942	03/10/2016	Personnel Evaluation Inc.	\$180.00	97019	03/10/2016	Thornton, Betsy	\$28.08
96943	03/10/2016	Prudential Overall Supply	\$108.55	97020	03/15/2016	A-L Financial Corp	\$218.01
96944	03/10/2016	Prudential Overall Supply	\$622.52	97021	03/15/2016	Cochise County/Sheakley/National Bank	\$8,784.44
96945	03/10/2016	Quality Carriers, Inc.	\$46.72	97022	03/15/2016	DCS	\$491.17
96946	03/10/2016	RF Eye PC dba Cochise Eye & Laser	\$86.69	97023	03/15/2016	Licking County CSEA	\$178.61
96947	03/10/2016	Safelite Autoglass Corp.	\$139.88	97024	03/15/2016	NYS Child Support Processing Center	\$32.00
96948	03/10/2016	San Diego Police Equipment Co	\$19,718.17	97025	03/15/2016	Pennsylvania SCDU	\$215.00
96949	03/10/2016	Schlesinger, Aaron	\$459.20	97026	03/15/2016	Pre-paid Legal Services, Inc. dba LegalShield	\$1,606.50
96950	03/10/2016	Schlesinger, Aaron	\$77.00	97027	03/15/2016	Support Payment Clearinghouse	\$6,530.99
96951	03/10/2016	Senergy Petroleum LLC	\$8,290.70	97028	03/15/2016	Treasurer of Virginia	\$104.50
96952	03/10/2016	Service Solutions Group	\$378.25	97029	03/15/2016	U.S. Department of Education	\$157.62
96953	03/10/2016	Sheakley Pension Administration Inc.	\$1,512.75				
96954	03/10/2016	SHI International Corp.	\$621.75				
96955	03/10/2016	Sound Off Signal	\$58.89				
96956	03/10/2016	Southwest Disposal LC	\$90.29				
96957	03/10/2016	Southwest Gas Corporation	\$874.98				
96958	03/10/2016	Sparkletts	\$106.52				
96959	03/10/2016	Sparkletts	\$30.13				
96960	03/10/2016	Specialized Office Systems	\$326.88				
96961	03/10/2016	St. Patrick Church	\$900.00				
96962	03/10/2016	Technical Resource Management, Inc.	\$1,026.60				
96963	03/10/2016	Thompson Publishing Group	\$536.99				
96964	03/10/2016	Trinity Services Group, Inc.	\$234.25				
96965	03/10/2016	Turner, Doris	\$300.00				
96966	03/10/2016	UniFirst Corporation	\$181.91				
96967	03/10/2016	UniFirst Corporation	\$1,590.37				
96968	03/10/2016	United Fire Equipment Co	\$1,676.77				
96969	03/10/2016	Valley Telephone Cooperative, Inc.	\$35.80				
96970	03/10/2016	VCA Apache Animal Hospital	\$550.74				
96971	03/10/2016	Verizon Wireless	\$3,000.71				
96972	03/10/2016	Verizon Wireless	\$372.35				
96973	03/10/2016	Vista Service Station Maint & Construc, Inc.	\$7,632.01				
96974	03/10/2016	Voyager Fleet System, Inc.	\$1,568.48				
96975	03/10/2016	Vulcan Incorporated	\$1,425.00				
96976	03/10/2016	Waste Mgmt of AZ- Sierra Vista Hauling	\$146.89				
96977	03/10/2016	Waste Mgmt of AZ- Sierra Vista Hauling	\$161.88				
96978	03/10/2016	Waterfall, Economidis, Caldwell, Hanshaw & Villamana PC	\$590.00				
96979	03/10/2016	Watson Chevrolet	\$14.51				
96980	03/10/2016	Waxie Sanitary Supply	\$507.27				
96981	03/10/2016	Waxie Sanitary Supply	\$839.49				
96982	03/10/2016	Weems, Elizabeth Annette	\$150.00				
96983	03/10/2016	Weigel, David	\$95.08				

Regular Board of Supervisors Meeting**Board of Supervisors****Meeting Date:** 04/12/2016

Ratify a letter to the USDA Coronado National Forest-Douglas Ranger District

Submitted By: Kim Lemons, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation **Recommendation:** Approve**Document Signatures:** BOS Signature Required **# of ORIGINALS Submitted for Signature:** 1**NAME of PRESENTER:** n/a **TITLE of PRESENTER:** n/a**Docket Number (If applicable):****Mandated Function?:** Not Mandated **Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Ratify a letter submitted to the USDA Coronado National Forest-Douglas Ranger District with comments for the Douglas District Travel Management Plan EA dated April 4, 2016 and signed by Richard R. Searle, Chairman, Board of Supervisors.

Background:

See Letter

Department's Next Steps (if approved):

Letter has already been sent.

Impact of NOT Approving/Alternatives:

n/a.

To BOS Staff: Document Disposition/Follow-Up:

n/a

Attachments[4.4.16 Letter](#)[3.6.14 Letter](#)[Map Chiricahua1North](#)[Map Chiricahua2Central](#)[Map Chiricahua3South](#)[Map Dragoon](#)[Map Peloncillo](#)



Cochise County Board of Supervisors

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Clerk of the Board

April 4, 2016

USDA Coronado National Forest
Douglas Ranger District
Doug Ruppel, District Ranger
1192 West Saddlevue Road
Douglas, AZ 85607
Email: druppel@fs.fed.us

Tel: (928) 474-7921

On behalf of Cochise County, Arizona (County) please incorporate the following comments into the Douglas District Travel Management Plan EA dated February 2016. The County has standing in this matter due to overlapping legal jurisdiction of the lands and overlapping land use plans.

We appreciate the opportunity to comment as local government. We value our natural resource, the Forest's management and we appreciate the motorized vehicle roads, dispersed camping areas and other recreational opportunities that are provided to share this resource.

We understand that you are new to the position as District Ranger on the Douglas Ranger District so we have taken time to provide relevant background information so that we can turn the corner and begin working together in a more coordinated manner.

We request that the Forest Service further analyze the proposed travel management decisions in light of this letter and take care not to exclude the general population from the ability to enjoy the forest through restricting access to only those who are capable of hiking great distances. We understand that some existing roads and trails may be decommissioned or obliterated and we request that if this action is taken that the alignment be placed in a status where, once funds are available, the roads and trails may be maintained, or if needed, restored without a lengthy federal land disturbance clearance.

While the USDA Forest Service has many legal responsibilities on the lands they manage, the public health, safety and general welfare responsibilities of local governments, including Cochise County, must also be recognized and addressed.

All previous comments by the County including their represented input to the Coronado National Forest Land and Resource Management Plan Revision and Travel Management Collaborative Alternative Team (CAT) processes are herein incorporated by reference.

The key concern of the County is that the Coronado National Forest (Forest) and its subunit, Douglas Ranger District, are not meeting the intent of numerous laws and regulations as discussed below. The Forest and District failed to meaningfully work with local agencies during the travel management planning process. The Forest and District had numerous personnel changes and the processes for cooperation and collaboration were virtually non-existent during preparation of the EA.

The Forest and its District are planning major federal actions that can have significant adverse impacts to the economies of the local area. As documented below and in past correspondence, the legally required coordination, cooperation and collaboration have not taken place. We request proper consideration of our comments before any decisions are made on the proposed new Travel Management Plan.

On its face, the EA clearly lacks several required NEPA components including but not limited to:

A. Failure to Cooperate with Local Agencies

The Coronado National Forest and its Douglas Ranger District personnel have the responsibility and legal requirement to “*solicit cooperation from other Federal, Tribal, State or local agencies with jurisdiction by law or special expertise on environmental issues that should be addressed in the environmental analysis*”. (40 CFR 1508.5)

Cochise County is clearly a local agency with jurisdiction by law and special expertise on environmental issues that should be addressed in the EA. The County has economic, cultural, health, safety, general welfare and emergency service legal responsibilities, intertwined road maintenance responsibilities, and environmental expertise that would benefit the Forest Service.

The Douglas District as well as the Supervisor’s Office failed to meet the legal requirement to cooperate with Cochise County. The Forest and District merely informed the County of their proposed actions. That informational process is not “cooperation” in legal terms.

The list of agencies at the back of the EA does not meet the legal requirement to “solicit cooperation” from local agencies. Please examine the NEPA record and insert a section in the EA that describes what was done by the Forest Service to “solicit cooperation.” Forest Service personnel attending Cochise County Public Land Advisory Committee meetings and informing Committee members of the fact that the Forest and Ranger District were engaging in plan updates is not sufficient “cooperation” to meet legal standards.

If the Collaborative Alternative Team (CAT) process is what the Forest relied on to meet the legal requirement for cooperation with local governments on travel management, it does not satisfy the requirement for the following reasons:

- Five meetings were scheduled when the Cochise County Representative to the CAT originally joined the team. More than a dozen CAT meetings ensued. The Cochise County representative attended the first five scheduled CAT meetings (Benson, Safford, Nogales, Tucson and Sierra Vista) but not every single unscheduled additional meeting, including some that lasted past midnight.

- As a result, the County representative was told that behind their back the rules were changed and that they were voted off the team by new rules made up during their absence. With persistence and a hard fight, the Cochise County representative was able to get back on the CAT for three of the five districts but only after several unscheduled CAT meetings had occurred without their presence, after the original five scheduled CAT meetings.
- The CAT organizers took a poll at one CAT meeting, told the Cochise County representative and others specifically NOT to take notes. The CAT organizers promised that they would provide a written analysis of the poll results and then recanted on their promise to provide the polling data. That event created confusion and mistrust.
- Each CAT meeting was chaotic because the rules were continually changed, the organizers manipulated the process, and the Forest Service failed to disclose relevant data. A prime example was during the Whetstone Mountains deliberations when the Forest Service showed numerous roads on maps and pretended they were open and available to the public. The maps the Forest Service displayed were intended to lead the CAT members to believe it was acceptable to close other roads. Only after a great amount of pressure from Arizona Game and Fish Department representatives did the Forest Service display the layer of the map showing numerous locked gates that affected CAT members' choices. The deception by the Forest Service was evident and undeniable.
- The CAT meetings were not open to more than a small subset of the public, resulting in the Forest losing the opportunity to learn about the importance of certain roads to the public.
- The CAT representatives were not always provided accurate information by Forest Service personnel concerning travel management rules and guidelines. Example: treatment of existing roads and motorized trails within Inventoried Roadless Areas (IRAs). The Forest Service asserted that existing roads within IRAs would have to be closed. However, we later learned that the Roadless Area Conservation Rule does not require that. In our view, the CAT process was a failure. The Douglas District should take a fresh and serious look at each of the CAT recommendations.
- Local government agencies that took part in the CAT process were treated the same as the public. There was no agency to agency cooperation, coordination or collaboration within the CAT process.

B. Failure to Include Local Agencies on the Interdisciplinary Team

“Whenever invited Federal, State, Tribal and local agencies elect not to become cooperating agencies, they should still be considered for inclusion in interdisciplinary teams engaged in the NEPA process and on distribution lists for review and comment on NEPA documents.” (CEQ Memorandum for Heads of Federal Agencies, 1/30/2002).

In the case at hand, Cochise County made a request to the District Ranger, Kevin Warner, to be a cooperating agency and a member of the interdisciplinary team for the EA. The County was denied cooperating agency status and was not invited to interdisciplinary team meetings regarding the travel management NEPA process. Nor was the County on any distribution lists for review and comment on the early internal drafts of the Travel Management Plan EA, though numerous verbal and written requests were made to the Forest for the County to be made a cooperating agency and receive administrative drafts of Travel Management EAs.

Instead, the treatment of the County the same as the public in relation to their opportunity to review the Draft and Final Forest Land and Resource Management Plan and the Douglas Ranger District Travel Management Plan EA

disenfranchised local county government from meaningful input into decisions where the County has jurisdiction by law and special expertise.

C. Failure to Cooperate in Order to Reduce Duplication

Other provisions of NEPA require cooperating with State and local agencies to the fullest extent possible to reduce duplication.

(40 CFR 1506.2):

“Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law...such cooperation shall to the fullest extent possible include:

(1) Joint planning processes.

(2) Joint environmental research and studies.

(3) Joint public hearings (except where otherwise provided by statute). (4) Joint environmental assessments.

Please add a section on Coronado National Forest and Douglas Range District cooperation with Cochise County “*to the fullest extent possible to reduce duplication*” in your response to this letter and in the next version of the EA. Please list the joint planning processes, joint research and studies, joint public hearings, and joint environmental assessments.

D. Failure to Perform the Required Consistency Review

(40 CFR 1506.2):

“To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2)”

The County has an approved local plans, regulations, laws, and policies that include economic, cultural, health, safety and general welfare provisions that are inconsistent with the District’s Travel Management EA as discussed below.

The proposed EA is inconsistent with the Cochise County Comprehensive Land Use Plan. The Douglas District is legally required to discuss any inconsistencies of their proposed action with the County plans and laws. Where inconsistencies exist, the Forest Service is legally required to describe the extent to which they will reconcile their proposed action with the County plan and laws. Instead, the EA fails to even mention consistency with local plans and laws.

The majority of the Douglas District is within Cochise County. The County’s plans, laws, regulations and policies must be addressed and any inconsistencies must be reconciled. Cochise County requests that all

relevant elements of their Comprehensive Land Use Plan be included in the EA and analyzed in detail including but not limited to:

“Approximately 26% of land in Cochise County is administered by federal agencies. Policies for managing these lands significantly impact Cochise County's culture, history, economy, environment, and lifestyles. Therefore, it is extremely important for Cochise County to participate in making these policies, with opportunities for the public to be heard. The National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLPMA) require federal agencies to allow local governments, including Cochise County, to participate in the developing of land use plans, to cooperate and coordinate with local governments in developing such plans, and to ensure that federal policies are consistent with policies of local governments. Furthermore, Arizona Revised Statutes mandate that “[i]f a county has laws, regulations, plans or policies that are less restrictive than a federal or state regulation, rule, plan or policy, the county shall demand by any lawful means that the federal or state government coordinate with the county before the federal or state government implements, enforces, expands or extends the federal regulation, rule, plan or policy within the county's jurisdictional boundaries.”

Goal

1. To ensure that the Federal Government provides Cochise County the opportunity to participate in the development of land use plans, to cooperate and coordinate with Cochise County in developing such plans, and to ensure that federal policies are consistent with local or regional policies.

Policies

a. Public lands, including the SPRNCA (San Pedro Riparian National Conservation Area), shall be managed so as to minimize negative impacts on the regional ground water aquifer.

b. Public access to public lands for recreation should be consistent with multiple use and conservation of a viable conservation area.

c. Agricultural uses, including grazing, should be permitted on all public lands within limits consistent with multiple use and conservation goals.

d. Sub-watershed-wide conservation, reuse, recharge and augmentation policies, and projects must be used to resolve both riparian condition issues and the overall balance of water levels in the aquifer.

e. All water use, including riparian water use, must be carefully managed to help maintain a viable riparian area and protect the economic and social sustainability of Cochise County. ...

By becoming a participating and/or cooperating agency, Cochise County is guaranteed a “seat at the table” in the preparation of Environmental Assessments (EAs), Environmental Impact Statements (EISs) and other federal land use considerations that have the potential to affect the cultural, historical, recreational, economic and environmental character of Cochise County, and to preserve traditional rural ways of life, including farming, ranching and other agricultural-related activities in the county. In addition, however, Cochise County seeks to require federal agencies to establish plans consistent with County policies by requiring them to coordinate with County government.

Goal

3. To protect the culture, history, economy, environment, and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple use of public lands consistent with the following policies:

Policies

a. Wilderness Designations

- i. Any consideration of any new wilderness designations of federal lands in Cochise County will be a result of a collaborative process, including federal, state, and county officials.*
- ii. The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress; any new wilderness designation must be provided for by Congress and created in cooperation and coordination with Cochise County and the State.*
- iii. Wilderness designation limits potential land uses significantly to those compatible with the designation. Care should be taken to balance the need for resource protection from such designations with potential economic and other impacts. Diverse stakeholder input is critical and consensus is desirable, if not essential, in seeking such designations. In some instances, the lands in question can be adequately protected through mitigation, minimizing negative impacts and proper reclamation, so that wilderness designation is unnecessary.*
- iv. Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights.*
- v. WSAs released by Congress must be managed based on the principles of multiple use and sustained yield.*

b. Other Designations

- i. Special designations, such as Areas of Critical Environmental Concern (ACEC), and critical habitat: protect areas by precluding specific intrusive uses like motorized travel. In some cases, these designations can restrict uses in ways that impact the area's economy, lifestyles, cultures, and heritage. Care must be used to balance the value of such designations with the potentially undesirable impacts.*
- ii. No special designations or management plan should be proposed until it is determined and substantiated by reproducible scientific data, that there is a need for the designation, that protections cannot be provided by well-planned and managed development, and the area in question is unique when compared to other area lands.*
- iii. Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.*
- iv. Designations must not be made without the full coordination and cooperation of Cochise County and full public disclosure, and must provide for the continued full use and enjoyment of all existing rights.*

c. Introduced, Threatened, Endangered and Sensitive Species, Recovery Plans, Experimental Populations and Related Guidelines and Protocols

- i. Such designations or reintroductions can have impacts beyond the boundaries and scope that may affect the area's economy, lifestyles, cultures, and heritage, so care should be exercised in both their planning and implementation with stakeholder input.*
- ii. Such designations or reintroductions should be made only after it is determined and substantiated by reproducible scientific data that there is a need for such action, that protections cannot be provided effectively by other methods and the area in question is unique or a scarce resource when compared with other area lands.*
- iii. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without the full coordination and cooperation of Cochise County and full public disclosure.*

iv. Any analysis of such proposed designations or reintroductions must be inclusive and provide written details of all needed actions associated with the proposal to prevent growth beyond the scope and boundaries that were analyzed in the proposal.

v. Recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.

d. Public Access, RS 2477 Roads

i. Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.

ii. No roads, trails, rights-of-way, easements, or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without coordination and cooperation with the County and full public disclosure and analysis.

iii. Roads covered by RS 2477 should remain open and Cochise County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.

iv. Access to all water-related facilities such as delivery systems, monitoring facilities, livestock water and handling facilities, should be maintained taking account of restrictions, if any, associated with public lands. Access routes may be adequately maintained by the owner of that route or the holder of access rights. Unreasonable restrictions may result in the loss of use of such facilities and property rights.”

i. Off Highway Vehicles (OHVs)

Subpara iv. Federal Travel Management Plans should consider the growing popularity of OHV recreation and provide reasonable and responsible opportunities for OHV uses.

The Douglas District must perform a legally adequate consistency review for Cochise County and for each Natural Resource Conservation District within the area affected by the EA. The District must also analyze State level plans in the EA.

E. Failure to Provide an Adequate Programmatic NEPA Document for Tiering

Many of the above comments were made to the Coronado National Forest Supervisor’s Office during the recent Forest Land and Resource Management Plan revision process. The County was assured the District level Travel Management EAs would address consistency with local plans and laws. In order to make sure the Forest level planning staff promises are met, please perform a complete and thorough consistency analysis.

We understand that the Forest Land and Resource Management Plan EIS provides overall travel management direction and the Forest delegated further NEPA analysis for actual site specific road closures and other changes in the Forest travel management system to the Districts. The way the Coronado National Forest implemented the two tiered approach became a proverbial “Catch 22” for local governments including Cochise County.

The Forest stated in the February 13, 2014 meeting with Cochise County and the City of Sierra Vista that no travel management decisions are made at the LMP/EIS level. Coronado Forest personnel stated that the County already had input to the Forest Travel Management Plans via the Collaborative Alternative Team (CAT) and that each District was in the process of finalizing NEPA documents for individual road closures at that time.

Early in 2014 we realized that Cochise County would be disenfranchised from effectively coordinating, collaborating or cooperating on travel management decisions on the Forest if that was correct so we immediately requested meetings to discuss travel management (see the attached letter dated March 6, 2014).

Though some Forest personnel attended County Public Land Advisory Committee meetings in 2014, this did not in any way meet the coordination and cooperation requirements on NEPA. Forest and Douglas District personnel have only had limited attendance at these meetings and provided little to no meaningful information about the content of the EA or how to meaningfully participate in the NEPA process.

F. Additional Specific Requests

1. Wilderness/Nonmotorized Analysis

The District has a large workload ahead to meet minimum NEPA requirements on the Travel Management EA. We hope to work with you to address these legal inadequacies and offer our technical expertise to go forward positively with your travel management plans.

In particular, please describe the collaborative process and decision making tools used to determine that the two large wilderness study areas where motorized travel is prohibited: Whitmire Canyon (12,840 acres) and Bunk Robinson (15,690 acres) should continue to be off limits to multiple use.

Please describe the inconsistencies between the Douglas District Travel Management Plan and the following Cochise County Land Use Plan policies cited above.

As documented on page 20 of the Douglas Travel Management Plan EA, the District covers nearly 433,692 acres of public land. At least 27% of the District is completely off limits to any motorized vehicles:

“No motorized travel is allowed in the Chiricahua Wilderness covering 87,250 acres.... The Peloncillo EMA covers 87,985 acres on the Arizona-New Mexico border.... Access is limited to primitive roads and there are no developed recreation sites.... There are two large wilderness study areas where motorized travel is prohibited: Whitmire Canyon (12,840 acres) and Bunk Robinson (15,690 acres).”

According to the Travel Management EA, there are only 625 visits to wilderness within the entire five districts of the Coronado National Forest per year.

The County recommends releasing the Whitmire Canyon and Bunk Robinson wilderness study areas to multiple use per the above cited Comprehensive Land Use Plan policies.

2. Critical Habitat

Please add a table to the EA and maps that clearly display the 19,426 acres of jaguar critical habitat, 186,842 acres of Mexican spotted owl critical habitat and 574 acres of Chiricahua leopard frog critical habitat, the number of acres within existing roadless areas and the number of miles of roads reduced due to critical habitat in the No Action and Modified Proposed Action alternatives.

3. Cultural Resources

The Travel Management EA, in Table 2-2 states. *“Restrictions on off-road motor vehicle travel on certain District roads would likely result in decreased direct and indirect effects on cultural resources. Potential for vehicular access and subsequent impacts to cultural resources would decrease across thousands of acres of Forest with the proposed limitations on vehicle travel in sensitive areas. Non-vehicular access may also be reduced in some cases.”*

Please provide the maps with the “thousands of acres” affected by cultural resource protection measures and other pertinent details. Language including but not limited to “thousands of acres of Forest” and “Non-vehicular access may be reduced in some cases” does not meet the intent of NEPA to provide a detailed proposed action that can be analyzed in relation to the No Action alternative. Though we understand there are sensitive areas that the Forest Service does not want to map, the miles of road and number of acres of land that is withdrawn from multiple use needs to be documented and analyzed in order for the EA to meet the minimum legal requirements of NEPA.

4. Labor Income

Table 2-2 of the EA states *“The Modified Proposed Action would reduce motorized opportunities on the District. This change would not measurably affect employment; however, it may have a minor effect on labor income.”*

Page 103 of the EA states *“Both study area counties have per capita income and median earnings below their respective states (U.S. Census Bureau 2012b). These data indicate a somewhat higher share of economic vulnerability in the study area relative to the state and nation. Economically vulnerable areas are less able to adapt to change. Changes to employment and income in the study area should be considered within this context.”*

The EA needs to define “minor effect on labor income”, especially in light of the fact that the EA documents a population decrease in Cochise County. These statistics directly correlate to decreased economic activity within Cochise County. We request the Ranger District work directly with the County to assure that labor income remains unaffected or positively affected by the Travel Management Plan final decisions.

5. Persons with Mobility Limitations

Table 2-2 of the EA states *“The reduction in motorized opportunities may disproportionately affect individuals with mobility limitations. Individuals who rely on motorized transportation to visit their favorite sites on the District may have a lower quality of life under the Modified Proposed Action.”*

Page 103 of the EA states both *“Cochise County, AZ and Hidalgo County, NM have higher median ages than their respective states and the nation (U.S. Census Bureau 2010). Furthermore, both counties have a higher share of individuals with disabilities than the state and nation.”*

We request the Ranger District work directly with the County to assure that individuals with limited mobility or other disabilities remain unaffected or positively affected by the Travel Management Plan final decisions.

6. Hunting Income

The EA states that *“hunting expenditures contribute almost \$6 million annually to Cochise County”* and that *“the Modified Proposed Action would create more opportunities for access to hunters since this action would include additions of user created roads which would be legal and legitimate to use by this user group. This also includes areas that have dispersed camping opportunities. This action would create a positive recreation experience.”*

We encourage the District to continue to maintain roads and to leave them open for a variety of recreational uses including hunting.

G. General Travel Management Comments

These following general road comments are supported by land use and development policies contained within the Cochise County Comprehensive Plan Elements. In particular, the Economic Development Goal: Support the preservation and expansion of the Cochise County tourism sector. Any reduction in access to public lands would hamper tourism and marketing efforts in these recreational areas.

1. The Renewable Energy Element Goal:

To protect the culture, history, economy, environment, and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple land use plans consistent with the following policies:

d. Public Access

f. Recreation and Tourism. Again reduced access to public lands would have a negative impact on promoting tourism and recreation in these areas.

Based on the maps provided for Alternative 2, the Modified Proposed Action, the Community Development Department has identified certain routes that we recommend consideration other than documented to date in the EA. These routes are identified on the attached maps and the specific concern for an identified route falls within one of three categories:

A. Connectivity

- To provide access to trails and recreation areas
- To connect routes, loops, etc. and otherwise minimize dead-end/backtracking situations.
- To provide alternative access corridors.

B. Dispersed Camping

- To provide camping alternatives that are separate and complement developed (pavement, tables, restrooms, etc) camping areas.
- Instead of removing entire corridors from permitted camping, allow 300' dispersed camping in areas away from private property or other sensitive areas.

C. Off main travel way access

- To provide safe parking and pull off access.
- To minimize congestion of main thoroughfare.

H. Specific Travel Management Comments

Further, we concur with comments submitted by Cochise Trails Association, including but not limited to the following general and specific comments pertaining to the proposed changes to the motorized transportation system within the Douglas Ranger District:

1. Changes from early draft EA to current draft EA

Please detail the reasons for changes between the earlier draft EA in 2012 and this more restrictive version. The new draft proposes to decommission historic routes that provide public access and recreational opportunities for a variety of forest users. It appears that the value of public access and recreation in large portions of the forest was not fully considered.

2. Off-Highway Vehicles

The current version of the Draft EA also fails to recognize the growing popularity and use of off-highway vehicles by not designating motorized trails where meaningful opportunities exist. This further exacerbates user conflicts by placing motorized users on the main forest roads instead of a separate class of motorized trails. Other forests have successfully used the Travel Management Process to designate motorized trails by converting old logging or mining roads to motorized trails. We request analysis of this concept within the next draft of the EA.

3. Vehicle Length Restrictions

Another major concern is the vehicle length restriction placed on motorized dispersed camping along certain roads. The proposed restriction places car campers too close to the road. Safety, especially for small children, is compromised by this rule. The danger this restriction places on families will discourage compliance.

4. Motorized Trails

It should be noted that the Douglas District, unlike the other Districts in the Coronado National Forest, has virtually no proposals for designating motorized trails. This is a major deficiency. Motorized trails can be designated in appropriate locations to provide better opportunities for dirt bikes, ATVs and other recreational OHVs and to minimize conflicts with other users. The Douglas Ranger District serves a growing population of residents in Cochise County who value both non-motorized and motorized trail opportunities. The Douglas Ranger District has expansive areas suited for non-motorized recreation, including wilderness areas, wilderness study areas, and inventoried roadless areas. However, in terms of balance, the availability of areas for motorized recreation is much more limited. We believe that the District has some good opportunities to designate motorized trails in this travel management process and help support the need for responsible places to enjoy motorized recreation. We suggest the District re-evaluate roads proposed for closure or decommissioning to ensure their recreational values are fully considered. We also recommend that motorized trails be re-defined to include vehicles less than or equal to 65 inches in width. This is needed to accommodate a growing class of recreational vehicles such as utility terrain vehicles or side x side vehicles (e.g., Rhinos and RZR) that exceed the 50-inch width limitation.

5. Chiricahua Mountains EMA

(a) Route 74-spur. The proposed change would decommission this road.

Comment: The 74-spur road provides access to the boundary of an inventoried roadless area and offers opportunities for dispersed camping. We recommend the District reconsider the proposed change and retain the road as “open to all vehicles” unless it has serious resource issues.

(b) Route 721. The proposed change would decommission 1.55 miles of this NFSR road.

Comment: This road should be retained as “open to all vehicles” or else designated a motorized trail as it has recreational value. This portion of route 721 forms a loop by connecting other NFSR roads and offers motorized access to the area of High Lonesome Canyon and the western boundary of a nearby inventoried roadless area. This access and connectivity has recreational value for hunters and a variety of forest users.

(c) Route 357. The proposed change would redesignate this NFSR road from “open to all vehicles” to “closed to all vehicles” (3.55 miles).

Comment: We understand the District’s concerns about public safety and erosion. However, this road traverses a large swath of the national forest and forms a loop with other NFSR roads. We believe the District has an opportunity to create a venue for off-highway vehicle (OHV) enthusiasts who enjoy a challenging motorized trail. We recommend the District designate this portion of route 357 as a motorized trail and consider applying for an OHV grant from Arizona State Parks to rehab portions of the road where erosion or safety issues exist.

(d) Route 4253. The proposed change would redesignate this NFSR road from “open to all vehicles” to “closed to all vehicles” (1.03 miles).

Comment: This historic road is shown on topo maps and provides important access to the forest for hunters and other recreational users. It has public recreational value in addition to the access it provides to range improvements. We recommend the road be retained as “open to all vehicles”.

(e) Route 360-6.39R-1. The proposed change would designate this road as “closed to all vehicles” (.96 miles).

Comment: This historic road is shown on topo maps and provides access into and along upper John Long Canyon. It ends near the wilderness boundary where it provides access to a non-motorized trail that enters the wilderness and connects to other trails near Pole Bridge Canyon. This road provides important motorized access to a wilderness trailhead and has high recreational value. We recommend it be retained as “open to all vehicles”.

6. Peloncillo Mountains EMA

(a) Route 707. The proposed change would decommission about 2.76 miles of this NFSR road from “open to all vehicles” (from Blackwater Hole to Maverick Spring).

Comment: This portion of route 707 is historic and shown on topo maps as a primitive route. It provides important motorized access to a large area of the forest that otherwise would be inaccessible and provides connectivity between the northern and southern portions of route 707. Though primitive, it is an established NFSR road, is important for hunters and other forest users, and has high recreational value. We recommend the road either be retained as “open for all vehicles” or else designated as a motorized trail. If it needs to be rehabilitated, recommend the District consider applying for an OHV grant from Arizona State Parks.

7. Dragoon Mountains EMA

(a) Route 2002 and Route 4390. The proposed change would decommission .96 miles of NFSR road 2002 and .72 miles of NFSR road 4390.

Comment: These are historic roads that are shown on topo maps. They provide motorized access to mining prospects and higher elevations in the Dragoon Mountains. These roads offer scenic, far-reaching views of the Dragoon Mountains and surrounding country. They have important recreational value and should either be retained as “open to all vehicles” or else designated as motorized trails. The area to and south of China Peak is a popular area for motorized access and recreation.

(b) Route 697-0.30R-1. The proposed change would decommission this road (.84 miles).

Comment: While the District may consider this an unauthorized road, it is shown on topo maps as a historic route to China Peak. It offers a rare opportunity for motorized access to the higher elevations of the Dragoons. This route together with routes 2002 and 4390 is a great venue for OHV enthusiasts to enjoy a challenging ride in the scenic higher elevations of the Dragoon Mountains. We recommend the road be retained as “open to all vehicles” or else designated a motorized trail. The area to and south of China Peak is a popular area for motorized access and recreation.

(c) Route 4226 and Route 4231. The proposed change would decommission route 4226 (.43 miles) and route 4231 (.81 miles).

Comment: These historic roads are shown on topo maps and provide important motorized access to recreational destinations in the southern area of the Dragoon Mountains. They have high recreational value for hunters, hikers, campers, rock climbers, and other forest users. We recommend these roads be retained as “open to all vehicles”.

8. Dispersed Camping along Various Routes in the Dragoon and Chiricahua EMAs.

The Draft EA states: “Change 300-foot corridor for 21.84 miles of NFSRs to eliminate off-road travel up to a distance of 300 feet for dispersed motorized camping for protection of natural resources. Reduce pull-off distance to a vehicle car length for safe passage of traffic.”

Comment: The proposed change would eliminate the 300-foot corridor for dispersed motorized camping and reduce the pull-off distance to a vehicle car length. The proposed change would place dispersed campers too close to the roadway where they will be exposed to excessive dust and noise and this would discourage compliance.

Elimination of the 300-foot corridor creates a new, unanalyzed safety hazard, particularly for families with children. We believe that a more reasonable pull-off distance is 100 feet or more from the road centerline. Logically, the terrain around the road corridor may limit pull-off distances to some degree as well. A more effective option may be to replace the 300-foot corridor by designating and signing existing or proposed dispersed campsites along the road corridor that are in suitable locations (an example: designated campsites similar to those along the Happy Valley Road in the Santa Catalina District). This would minimize the risk of continued expansion of the dispersed camping footprint.

It should be noted that these roads are located in popular areas in the southern Dragoon and Chiricahua Mountains where families enjoy overnight visits to the forest via dispersed motorized camping. Rather than discourage camping due to overly restrictive rules, the District should encourage families and children to enjoy the forest by providing a family friendly and family safe camping environment.

In addition, Forest Roads 687 and 688 provide good opportunities for dispersed camping on the west side of the Dragoons and should be re-evaluated as they can accommodate a 300-foot corridor along most of their length. The District in our view is proposing unnecessary, unsafe and burdensome restrictions to dispersed camping in this area.

Summary

Thank you for the opportunity to provide meaningful input to the NEPA process. Please incorporate our recommendations in the NEPA analysis. We hope to meet with you to review the next draft EA. We understand that our recommendations may or may not be incorporated into the final decision. However, we want to make sure we are involved in the process and our recommendations are considered and analyzed.

We look forward to working with you as this process goes forward to ensure the Travel Management Plan EA meets the needs of both of our respective agencies and all relevant laws, regulations and policies.

Sincerely,



Richard R. Searle
Chairman

Attachments: March 6, 2014 Letter from Cochise County to the Coronado National Forest
Travel Management Map with Comments – Dragoons
Travel Management Map with Comments – Peloncillos
Travel Management Map with Comments – Chiricahua1
Travel Management Map with Comments – Chiricahua2
Travel Management Map with Comments – Chiricahua3



March 6, 2014

USDA, Forest Service
Coronado National Forest
Email: CoronadoNF@fscomments.org

RE: Coronado National Forest Plan Revision Comments - Cochise County and City of Sierra Vista, Arizona

On behalf of Cochise County (County) and the City of Sierra Vista (City), please consider the following comments in this letter including Attachment A regarding the Coronado National Forest Land and Resource Management Plan Revision and Draft EIS (LMP/EIS).

The City and County have standing due to proximity to the Coronado National Forest and potential economic, social, custom and cultural impacts that would be incurred as the result of the proposed LMP Revisions. All previous comments by the City and County including their represented input to the Travel Management Collaborative Alternative Team (CAT) process are herein incorporated by reference.

The key concern of the County and City is that the Coronado National Forest failed to coordinate during preparation of the LMP/EIS. The Forest is planning major federal actions that could have significant adverse impacts to the economies of the local area without the legally required coordination. The CAT process is not deemed "coordination" by the County and City as it was an experimental "consensus" process. Most parties failed to reach consensus on the majority of roads, thus the process failed and decisions were deferred to District Rangers.

The County and City appear to have been treated as part of the "public" in the Forest LMP Revision process, with no consideration of their responsibilities to provide for the health, safety and welfare of their constituents. Major changes in Forest Service policy and management direction regarding roads, sustainability of land uses, fire management, etc. will impact the ability of the County and City to fulfill their legal responsibilities.

Though required by law, no consistency analysis was presented to address differences between proposed Forest LMP actions and local plans, regulations, laws, and policies. The proposed revisions in the LMP are inconsistent with the Cochise County Comprehensive Land Use Plan and City of Sierra Vista plans.

The City and County request Coronado National Forest line officers and planning staff meet with County and City officials including managers, planners, transportation and public works engineers, natural resource consultants and other key personnel to assure the Forest LMP is consistent with

Coronado National Forest Plan Revision Comments
March 6, 2014

existing local City and County plans. Any inconsistencies need to be addressed. The Forest Service needs to work with local government before the Revised LMP process continues.

Please contact James Vlahovich at JVlahovich@cochise.az.gov to set up meetings.

Thank you.

Respectfully submitted on behalf of Cochise County and the City of Sierra Vista by:



Mary E. Darling, MS, JD^{1/}
Darling Geomatics
Natural Resource Consultant
^{1/} Acting as a Biologist, not an attorney

Attachment A: Table of Comments



**ATTACHMENT A
 CORONADO NATIONAL FOREST
 PROPOSED REVISED LAND AND RESOURCE MANAGEMENT PLAN AND
 ENVIRONMENTAL IMPACT STATEMENT
 Dated October 2013**

Comments by Cochise County and the City of Sierra Vista, Arizona (Consultants Kim Mulhern, RG, and Mary Darling, MS JD), Dated March 6th, 2014

No.	Chapter/Section/ Page Number	Comments
Land and Resource Management Plan		
1	Roads	<p>We request a meeting as soon as possible to coordinate travel management needs of the County and City with those of the Forest Service. As noted in Item 2 below, the County Comprehensive Land Use Plan has very specific direction on road closure and changes in road maintenance levels. We understand that broad policies on travel management plans will be made at the Forest LMP Revision/EIS level and that more detailed plans will be made during individual NEPA assessments at the District level. Since there are four Coronado National Forest Service Districts that overlap Cochise County, we request a meeting with the Forest Supervisor and District Rangers from each of the four Districts. We also request specific details of how cooperating agency status will be implemented at the District level to review all NEPA documents in administrative draft form in order to provide valuable input to the Forest Service regarding the health, safety and general welfare as well as social, economic and cultural significance of various roads within the County and City.</p>
2	General/Coordination	<p>Please address the following items from the Cochise County Comprehensive Land Use Plan and perform the requisite consistency analysis:</p> <p>Goal: To protect the culture, history, economy, environment and lifestyles of Cochise County residents by requiring federal agencies to coordinate land use plans with Cochise County and to establish plans that provide for continued multiple use of public lands consistent with the following policies: Comment: By becoming a participating and coordinating agency, Cochise County is guaranteed a “seat at the table” in the preparation of</p>



No.	Chapter/Section/ Page Number	Comments
		<p>Environmental Assessments (EAs), Environmental Impact Statements (EISs) and other federal land use considerations that have the potential to affect the cultural, historical, economic and environmental character of the County, and to preserve traditional rural ways of life, including farming, ranching and other agricultural-related activities in the County. In addition, however, the County seeks to require federal agencies to establish plans consistent with County policies by requiring them to coordinate with County government. To that end, the following policy statements were developed regarding various public land management issues:</p> <p><i>A. Wilderness Designation</i></p> <ol style="list-style-type: none"> 1. Any consideration of any new wilderness designations of federal lands in Cochise County will be a result of a collaborative process, including federal, state and county officials. 2. The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress; any new wilderness designation must be provided for by Congress and created in cooperation with the County and the State. 3. Wilderness designation is not always an appropriate, effective, efficient, economic or wise use of land. These lands can be adequately protected through mitigation, minimizing negative impacts and proper reclamation. 4. Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights. 5. WSAs released by Congress must be managed based on the principles of multiple use and sustained yield. <p><i>B. Other Designations</i></p> <ol style="list-style-type: none"> 1. Special designations, such as Areas of Critical Environmental Concern (ACEC), critical habitat, semi-primitive and non-motorized travel, etc., result in single-purpose or non-use and may be detrimental to the area economy, lifestyles, cultures, and



No.	Chapter/Section/ Page Number	Comments
		<p>heritage.</p> <p>2. No special designations or management plan should be proposed until it is determined and substantiated by reproducible scientific data, that there is a need for the designation, that protections cannot be provided by well-planned and managed development, and the area in question is unique when compared to other area lands.</p> <p>3. Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.</p> <p><i>C. Introduced, Threatened, Endangered and Sensitive Species, Recovery Plans, Experimental Populations and Related Guidelines and Protocols</i></p> <p>1. These designations or reintroductions could grow beyond boundaries and scope and may result in detrimental effects on the area economy, lifestyles, cultures and heritage.</p> <p>2. No such designations or reintroductions should be made until it is determined and substantiated by reproducible scientific data that there is a need for such action, that protections cannot be provided by other methods and the area in question is unique when compared to other area lands.</p> <p>3. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without the full involvement of the County and full public disclosure.</p> <p>4. Any analysis of such proposed designations or reintroductions must be inclusive and analyze all needed actions associated with the proposal to prevent growth beyond the scope and boundaries that were analyzed in the proposal.</p> <p>5. Recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.</p> <p><i>D. Public Access, RS 2477 Roads</i></p> <p>1. Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.</p> <p>2. No roads, trails, rights-of-way, easements or other traditional</p>



No.	Chapter/Section/ Page Number	Comments
		<p>access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis.</p> <p>3. Roads covered by RS 2477 should remain open and the County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.</p> <p>4. Access to all water-related facilities such as delivery systems, monitoring facilities, livestock water and handling facilities, etc., must be maintained. Access routes must be adequately maintained by the owner of that route. Unreasonable restrictions may result in the loss of use of such facilities and property rights.</p> <p><i>E. Land Exchanges, Acquisitions and Sales</i></p> <p>1. The State and Federal Governments hold a sufficient amount of land to protect public interest, so there shall be no net loss of private land base.</p> <p>2. Any affected district within the County must be compensated for any net loss of private lands with public lands of equal value or compensated for any loss of assessed valuation resulting from these exchanges by the appropriate acquiring agency.</p> <p>3. A private property owner has a right to dispose of or exchange his property as he/she sees fit within applicable law.</p> <p><i>F. Recreation and Tourism</i></p> <p>1. The County has outstanding potential for recreation and tourism.</p> <p>2. Resource development, recreation, and tourism are compatible through proper planning and management.</p> <p>3. Potential developments should include family-oriented activities and developments that are accessible to the general public and not limited to special interest groups.</p> <p>4. It supports cultivating recreational facility development and maintenance partnerships with other entities, agencies, and general special interest groups.</p>



No.	Chapter/Section/ Page Number	Comments
		<p><i>G. Wildlife</i></p> <ol style="list-style-type: none"> 1. Properly managed wildlife populations are important to the recreation and tourism economy and to the preservation of the culture and lifestyles of its residents. 2. With proper management and planning, healthy wildlife populations are compatible with other resource development. 3. No increases in wildlife numbers or the introduction of additional species may be made until the availability of forage or habitat has been determined and the impacts on other wildlife species have been assessed. <p><i>H. Forage Allocation/Livestock Grazing</i></p> <ol style="list-style-type: none"> 1. The proper management and allocation of forage on public lands is critical to the viability of the county’s agriculture, recreation and tourism industry. 2. The viability of a large number of agriculture and livestock operations is dependent on access to grazing on public lands. 3. Forage allocated to livestock should not be reduced for allocation to other uses. Current livestock allocation should be maintained. <p><i>I. Off Highway Vehicles (OHVs)</i></p> <ol style="list-style-type: none"> 1. OHVs have become an important segment of the recreation industry and is an important tool and mode of transportation for farmers, ranchers, and resource development. 2. Public Land Management agencies must implement and maintain an aggressive OHV program to educate users on how to reduce resource impacts. This is to be followed by an aggressive enforcement program. 3. The non-recreational use of OHVs, such as development and livestock operations, should be provided for in all areas unless restricted by law. <p>Please also address the appropriate sections in the City of Sierra Vista planning documents.</p>
3	General/ Management	Throughout this document, sections have Desired Conditions and Objectives, but many of the sections fail to discuss Management



No.	Chapter/Section/ Page Number	Comments
	Approaches/13 and 14	Approaches. As noted on page 14, management approaches “may illustrate suggestions as to how desired conditions or objectives could be met, convey a sense of priority among objectives, or indicate a possible future course of change to a program” In order to those potentially impacted by these conditions and objectives to understand how and when (based on priority) these desired conditions or objectives will be met, it is important for each section to include management approaches. We suggest that this information be included throughout this document.
4	2/Climate Change/ 19 and 20	<p>Under Management Approaches, we have concerns regarding whether or not preventing fires in non-adapted desert communities is the best approach. We suggest that the background information provided before the Desired Conditions section provide rationale and justification for this approach.</p> <p>Also under Management Approaches, we are concerned about potential follow-up actions that may occur as a result of "identifying the water rights status of water resources". Is there a potential in this process for pursuing litigation to impact current water rights/use? We suggest that this action be clarified by what CNF plans to do with this information once it is collected.</p>
5	2/Vegetation Communities/21 and 22	<p>Under Desired Conditions, we have concerns regarding whether or not well-distributed snags and coarse woody debris would potentially increase fuel load resulting in more high-intensity fires?</p> <p>Under Standards, we suggest that somewhere in the background information you include rationale and justification for using five years following final harvest as the appropriate time for being adequately restocked for regeneration.</p>
6	2/Natural Water Sources/56	Is there a specific reason why the Huachuca water umbel was not included in the list of species under General Description? If so, please state the rationale. If not, please include.
7	2/Natural Water Sources/57	Under Objectives, it is unclear who currently has instream flow water rights for the areas where USFS would apply for the rights. What entities already own or use these water rights? How would they be compensated for the loss of the water rights?
8	2/Natural Water Sources/58	<p>Under Management Approaches, see comment #5 above. Also, please consider including removal of invasive plant species that compete with native plant species.</p> <p>Although it may be mentioned elsewhere, the management of natural water sources should include management for recovery of</p>



No.	Chapter/Section/ Page Number	Comments
		T&E species. Please consider addition of management approaches for this effort.
9	2/Constructed Waters/59	<p>Huachuca water umbel has been found in association with constructed waters as well as natural waters. Please add this species to the list.</p> <p>In addition to aquatic species, there are a number of native water-dependent plant species (such as Huachuca water umbel) that should be included in management species. Please clarify the need to manage for these species as well.</p>
10.	2/Soil/60	Invasive mesquite can cause hydrophobic soils that cause increased runoff. We suggest that you add removal of invasive mesquite and restoration of native grasslands as a potential management approach to increase infiltration of precipitation and reduce runoff and erosion.
11.	2/Air/62	Under Management Approaches, we suggest that consideration be given to including management of fugitive dust through application of water at areas where USFS actions may result in increases of particulates becoming airborne.
12.	2/Animals and Rare Plants/63	Under General Description, we suggest clarifying text to include plant species that occur closely adjacent to aquatic environments (such as the Huachuca water umbel).
13	2/Invasive Species/66 and 67	Please include Johnson and Bermuda grasses which can outcompete Huachuca water umbel and invasive mesquite that have outcompeted native grasses in areas that were native grasslands prior to the mesquite invasions.
14	2/Scenery/81	Under Management Approaches, we suggest including restoration and reseeding requirements for all projects.
15	2/Special Uses/83	Under Management Approaches, we suggest requiring all high- and low-power communication uses to coordination with the Encroachment Board at Fort Huachuca as required by Arizona SB 1387 that established the 2600 square mile Buffalo Soldier Electronic Test Range. This legislation ensures that there is no significant interference with testing and training activities that would impact missions or National Security at Fort Huachuca.
16	2/Tribal Relations/87	Why is only one area and one tribe called out specifically in the Management Approaches? Numerous other tribes have concerns in other areas, especially the Huachuca and Chiricahua Mountains.
17	2/Range Management/89	Under Management Approaches, we suggest that permit applications for grazing must require that the land be grazed rather than left fallow as some non-ranching organizations have attempted to do. This avoids socioeconomic impacts and environmental justice impacts under the National Environmental

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		Policy Act for historic ranching operations.
18	2/Land Ownership Adjustments and Boundary Management/90 and 91	Throughout this section, we suggest inclusion of how USFS plans to manage to maintain the tax base for the Arizona Counties that would be impacted by withdrawal of land that is currently part of the tax base for the Counties.
19	3/Wild Backcountry/97	Under Management Approaches, we suggest inclusion of efforts to remove trash left by illegal aliens who traverse USFS land.
20	3/Figure 4/101	Please add County boundaries to this figure.
21	3/Fire in Wilderness/103	Under Management Approaches, we suggest inclusion of restoration following wildland fires.
22	3/Wildlife in Wilderness/104	Under Standards, we suggest inclusion in #2 of “and when conditions exist that support re-introduction”. For example, when there is an ongoing upgradient source that continues to provide predatory invasive species, there are not appropriate conditions to reintroduce the native species.
23	4/Huachuca EMA/147	Please add Canelos Ladies Tresses to the list as this species is exclusively located in this area.
Environmental Impact Statement		
A	General	See comments above regarding the need for coordination, cooperation, and collaboration. All previous comments to the LMP Revision and all previous EIS comments are herein incorporated by reference into these EIS comments.
B	General Comment on Travel Management Process	<p>It is our understanding that the LMR Revisions and accompanying EIS provide overall travel management direction and the CNF is completing independent NEPA analysis for actual site specific road closures and other changes in the Forest travel management system. This two tiered approach is a proverbial “Catch 22” for local government including Cochise County and the City of Sierra Vista. The CNF stated in the February 13, 2014 meeting with Cochise County and the City of Sierra Vista, that no travel management decisions are made at the LMP/EIS level. They stated that the County already had input to the Forest Travel Management Plans via the Collaborative Alternative Team and that each CNF District was in the process of finalizing NEPA documents for individual road closures at this time. Cochise County and the City of Sierra Vista would be effectively disenfranchised from effectively coordinating, collaborating or cooperating on travel management decisions on CNF if this is correct.</p> <p>First, the CNF did not fulfill their legal duty to coordinate with the</p>



No.	Chapter/Section/ Page Number	Comments
		<p>County or City on the LMP/EIS. Second, the Collaborative Alternative Team approach used by CNF for travel management was designed as a consensus process. However, on the majority of roads in Cochise County and possibly some roads within the City of Sierra Vista, the Collaborative Alternative Team failed to reach consensus. Therefore, the CNF defaulted to the position that the District Rangers will make the travel management decisions. To date the County and City have NOT had effective input on the CNF travel management plans. To date the CNF has not cooperated or coordinated with the County and City.</p> <p>The CNF needs to take a step back and involve local government including Cochise County and the City of Sierra Vista in all land management planning and all travel management decisions within the County and City’s jurisdiction. The County and City are responsible by law for the health, safety and general welfare of its citizens. The County and City maintain roads that cross National Forest Management System lands. The County Board of Supervisors, County Manager, County Engineer, County Planner and other key County personnel as well as City Council, City Manager, Mayor, City Department of Public Works, etc must be notified of all CNF travel management changes proposed within their respective jurisdictions and provided the opportunity for coordination, collaboration and cooperating agency status on NEPA document.</p> <p>The following items from the Cochise County Land Use Plan must be included in any travel management process:</p> <p><i>D. Public Access, RS 2477 Roads</i></p> <ol style="list-style-type: none"> 1. Access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands. 2. No roads, trails, rights-of-way, easements or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis. 3. Roads covered by RS 2477 should remain open and the County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.



No.	Chapter/Section/ Page Number	Comments
		<p>4. Access to all water-related facilities such as delivery systems, monitoring facilities, livestock water and handling facilities, etc., must be maintained. Access routes must be adequately maintained by the owner of that route. Unreasonable restrictions may result in the loss of use of such facilities and property rights.</p> <p>The CNF must also incorporate the appropriate City of Sierra Vista land use plan content into their LMP Revisions, EIS and Travel Management planning processes.</p>
C	General	<p>A discussion of potential impacts to the electromagnetic (EM) spectrum within the Buffalo Soldier Electronic Test Range (BSETR). The BSETR is a significant natural resource, which has been designated and protected by Arizona Senate Bill 1387. The unique topography and geology of the mountain ranges surrounding the BSETR create an extremely quiet EM spectrum. The EM spectrum within the BSETR is a natural resource that can be severely damaged by an increase in electromagnetic interference just as other natural resources, such as species habitat, can be impacted by projects.</p> <p>Fort Huachuca has included the EM spectrum as a natural resource in its NEPA documentation over the past several years. Their recent EA for Construction of a Photovoltaic System on United State Army Garrison Fort Huachuca, Arizona, demonstrates how this natural resource is evaluated. Construction of communications infrastructure and powerlines that are permitted under the LRMP needs to be evaluated in this EIS.</p>
D	General – Existing rights	<p>The EIS needs to analyze impacts to existing rights under each alternative including the No Action alternative.</p> <p>Existing rights include water rights, exploration and mining rights, special use permit and livestock grazing permit stipulations, RS2477 roads, etc.</p> <p>The EIS fails to address impacts to existing private water rights due to the proposed wilderness under each alternative. The County and City were told that these rights would not be impacted by the proposed LMP Revision. When the CNF was asked about Tombstone water rights in wilderness, the County and City representative were told that Tombstone’s water rights are not impacted by wilderness, including the Town’s ability to utilize mechanized equipment to repair their water sources within</p>



No.	Chapter/Section/ Page Number	Comments
		<p>wilderness.</p> <p>The issue at hand is disclosure. Private landowners within the proposed wilderness areas within Cochise County need to know the true impacts. What will happen in the future, be in 10, 20 or even 100 years, when they need to maintain their water rights? The issue of whether they will continue to be able to use motorized/mechanized equipment to the same level they use it now is critical to the NEPA analysis. Until that is done, the EIS is legally deficient.</p> <p>The same analysis must be done for all existing rights.</p>
E	<p>2/Land Use Zones Including Wild 2/Land Use Zones/19-20</p>	<p>The below information is quoted from the EIS (highlighted and bolded emphasis added). CNF proposes to manage 91% of the Forest for “quiet recreation” and No OHVs. Motorized vehicles will be allowed on less than 1% of the Forest if the LMP Revision is approved as written.</p> <p>The proposed land use zones are inconsistent with Cochise County and the City of Sierra Vista land use plans. These inconsistencies must be analyzed. We request that CNF meet with local government agencies including the City and County, allow cooperating agency status, attend coordination meetings, and address local plans.</p> <p>Land Use Zones Wild Backcountry The proposed action would designate a Wild Backcountry Land Use Zone of 626,167 acres (35 percent of the national forest) to accommodate various nonmotorized uses while concurrently providing for limited motorized access to the area on National Forest System roads designated as maintenance level (ML) 2.11 The zone comprises inventoried roadless areas, areas adjacent to designated wilderness areas, and other relatively pristine areas. Desired conditions are described, and guidelines are established to maintain desired conditions and visitor experiences. Suitable uses specified for the Wild Backcountry Land Use Zone are livestock grazing, harvesting of timber for restoration purposes, mountain biking, and collection of forest products and fuelwood. Off-highway vehicle (OHV) recreation, developed recreational facilities, and timber production are not suitable uses.</p>



No.	Chapter/Section/ Page Number	Comments
		<p>Comment: Please explain how this designation and the ones listed below will influence the individual NEPA documents for travel management. Will the District level NEPA documents tier to the Revised LMP by defaulting to the position that OHV use is not suitable within wild backcountry, roaded backcountry, and special areas? This needs to be clarified to readers to assure that local government agencies and the public understand the full force and effect of the Revised LMP and how it plays into the District level travel management NEPA analyses.</p> <p>Roaded Backcountry A proposed 647,013-acre (37 percent of the national forest) Roaded Backcountry Land Use Zone would accommodate a range of dispersed uses and motorized access, with an emphasis on quiet recreation. This area would be managed to retain its natural character and to limit the degree and type of development. Desired conditions are described, and guidelines are established to maintain conditions and visitor experiences.</p> <p>Suitable uses specified for the Roaded Backcountry Land Use Zone include livestock grazing, motorized access, motorized dispersed camping, mountain biking, recreation facilities, harvesting of timber in conjunction with restoration projects, and collection of forest products and fuelwood.</p> <p style="padding-left: 40px;">This zone is not suitable for OHV trails and timber production.</p> <p>Comment: Please explain how the emphasis on quiet recreation and the statement that the zone is not suitable for OHV trails effects existing roads and trails within the upcoming District level travel management decisions. Will District Managers tier to the Revised LMP and prohibit noisy recreation including OHVs within Roaded Backcountry? Many dirt roads are currently considered “OHV trails” by OHV users. Will existing dirt roads be closed during the District travel management process in an effort to make the District level travel management decisions compliment the Revised LMP?</p> <p>Motorized Recreation Approximately 3,251 acres of the Coronado (less than 1 percent)</p>



No.	Chapter/Section/ Page Number	Comments
		<p>are designated for management as a Motorized Recreation Land Use Zone. This zone includes areas that currently experience heavy use by motorized recreational vehicles. Management direction is focused on providing a wide variety of recreational experiences, including OHV use and vehicular sightseeing, while mitigating effects of motorized use and minimizing conflicts with other users. Desired conditions are described, and guidelines are established to maintain conditions and visitor experiences. Most forest uses, except for timber production, are suitable in this management area.</p> <p>Special Areas Existing Wilderness Areas Eight designated wilderness areas, which add up to 338,294 acres (19 percent of the national forest), are included in the draft revised plan. Generic desired conditions (goals), objectives, standards, and guidelines are defined for the following resource and social elements of designated wilderness areas: wilderness character, scenic quality, vegetation, wildlife, soil and water, recreation and education, trails and signage, fire, insects and disease, and research. In addition, the draft revised forest plan defines wilderness area specific desired conditions, objective, guidelines, standards, and suggested management approaches.</p> <p>In the draft revised plan, wilderness areas are suitable for livestock grazing, nonmechanical harvesting of traditional forest products, and outfitter and guide services compatible with wilderness character. Selected activities not suitable in wilderness areas include motorized and mechanized use, recreation facilities, timber harvest, fuelwood harvest, and commercial uses that are not wilderness dependent (see chapter 4 of draft revised forest plan).</p>
F	1/Decision Framework/10	<p>“A copy of the most recent draft revised forest plan and a wilderness evaluation report are provided as companion documents to this EIS.”</p> <p>Comment: A consistency analysis needs to be performed to address the following requirement within the Cochise County Land Use Plan:</p> <p><i>A. Wilderness Designation</i> 1. Any consideration of any new wilderness designations of federal lands in Cochise County will be a result of a collaborative process, including federal, state and county officials.</p>



No.	Chapter/Section/ Page Number	Comments
		<p>2. The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress; any new wilderness designation must be provided for by Congress and created in cooperation with the County and the State.</p> <p>3. Wilderness designation is not always an appropriate, effective, efficient, economic or wise use of land. These lands can be adequately protected through mitigation, minimizing negative impacts and proper reclamation.</p> <p>4. Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights.</p> <p>5. WSAs released by Congress must be managed based on the principles of multiple use and sustained yield.</p>
G	2/Table/50	<p>“Greatest potential positive effects on water resources because of wilderness restrictions that decrease ground-disturbing activities.”</p> <p>Comment: Please explain the effect of wilderness expansions and additions in relation to use of mechanized equipment to maintain pre-existing water rights. With the proposed expansion of the Chiricahua Wilderness and other wilderness additions, explain whether any permission from the Forest Service would be necessary prior to use of mechanized equipment within each proposed wilderness expansion/new wilderness area. What restrictions might be placed on use of mechanized equipment within the wilderness areas (threatened and endangered species, soils, noise restrictions, etc). Explain the details of any permits necessary, any studies that would be required prior to maintenance activities, the time frames, costs, who bears the costs, etc.</p> <p>How does the “minimum requirements decision guide:” effect the right to use mechanized equipment in emergencies? If a water sources is damaged during a fire, storm or other event, can the holder of the water right enter the wilderness immediately with mechanized equipment? If so, please clearly state this within the Revised LMP and the EIS. If not, please thoroughly explain what</p>



No.	Chapter/Section/ Page Number	Comments
		notice the water right holder needs to give the Forest, timelines, data necessary prior to the decision, who makes the decision, what restrictions can be places on use of mechanized equipment in wilderness (timing, noise level, size of equipment, types of equipment, number of vehicles/people, etc)
H	2/Table/52	<p>Restriction on motorized uses in new recommended wilderness area would reduce the potential for jaguar mortality from vehicle collisions in recommended wilderness.</p> <p>Comment: How many jaguars have been hit by vehicles on CNF? We believe the answer is “zero”. We suggest the Forest choose a better parameter to evaluate alternatives than potential jaguar mortality from vehicle collisions. Zero is zero and that does not change from alternative to alternative. At this time in history there appears to be one lone jaguar in southern Arizona and it has been photographed only in remote areas, far from potential vehicle collisions.</p>
I.	3/Social Impacts and Environmental Justice/419 and 420	<p>The section on Environmental Justice fails to evaluate the potential inclusion of additional lands currently on the tax rolls within CNF. This would result in a decrease in tax collections for the Counties in Arizona. Although the plan acknowledges federal payments, this needs to be evaluated in the EIS.</p> <p>Fort Huachuca has an economic impact within Cochise County of approximately \$2.4B annually. Impacts to the EM spectrum through additional communications infrastructure and powerlines have the potential to impact the EM spectrum which would impact the number of DOD jobs in the area as well as to national security. Both have socioeconomic and environmental justice impacts that need to be included in this EIS.</p>
J.	References	<p>2008c. Coronado National Forest Social and Economic Sustainability Report. On file at: Coronado National Forest Supervisor’s Office, Tucson, AZ.</p> <p>Comment: This document is cited in the reference section of the EIS, however, the EIS fails to analyze economic sustainability. Though the EIS is replete with ecological sustainability information it is virtually devoid of any economic sustainability analysis. We suggest this be corrected prior to issuance of the FEIS.</p>

Coronado National Forest
Douglas Ranger District



Chiricahua EMA, Map 1
Travel Management Proposed Action & CAT Alternative
January 2015

Legend

- Eliminate 300 FT Camping Corridor
- Route Designation**
- Existing NFSR*
- Obliterated NFSR*
- Add as NFSR*
- Decommission
- Add as, or Change to NFSR* (Maintenance Level 1)
- Add as, or Change to NFSR* Restricted
- Add as, or Change to NFST** Non Motorized
- State, County, City Roads
- Trails
- Arizona Trail
- Alternative Description
- * National Forest System Road
- ** National Forest System Trail

- Land Ownership**
- Other Non-FS Lands
 - Forest Boundary
 - Inventoried Roadless Areas
 - Wilderness

1:24,000



42-25-506-1
42-26-506-1
42-26-506-2
Off road travelway access

709-0.336-1
Connectivity



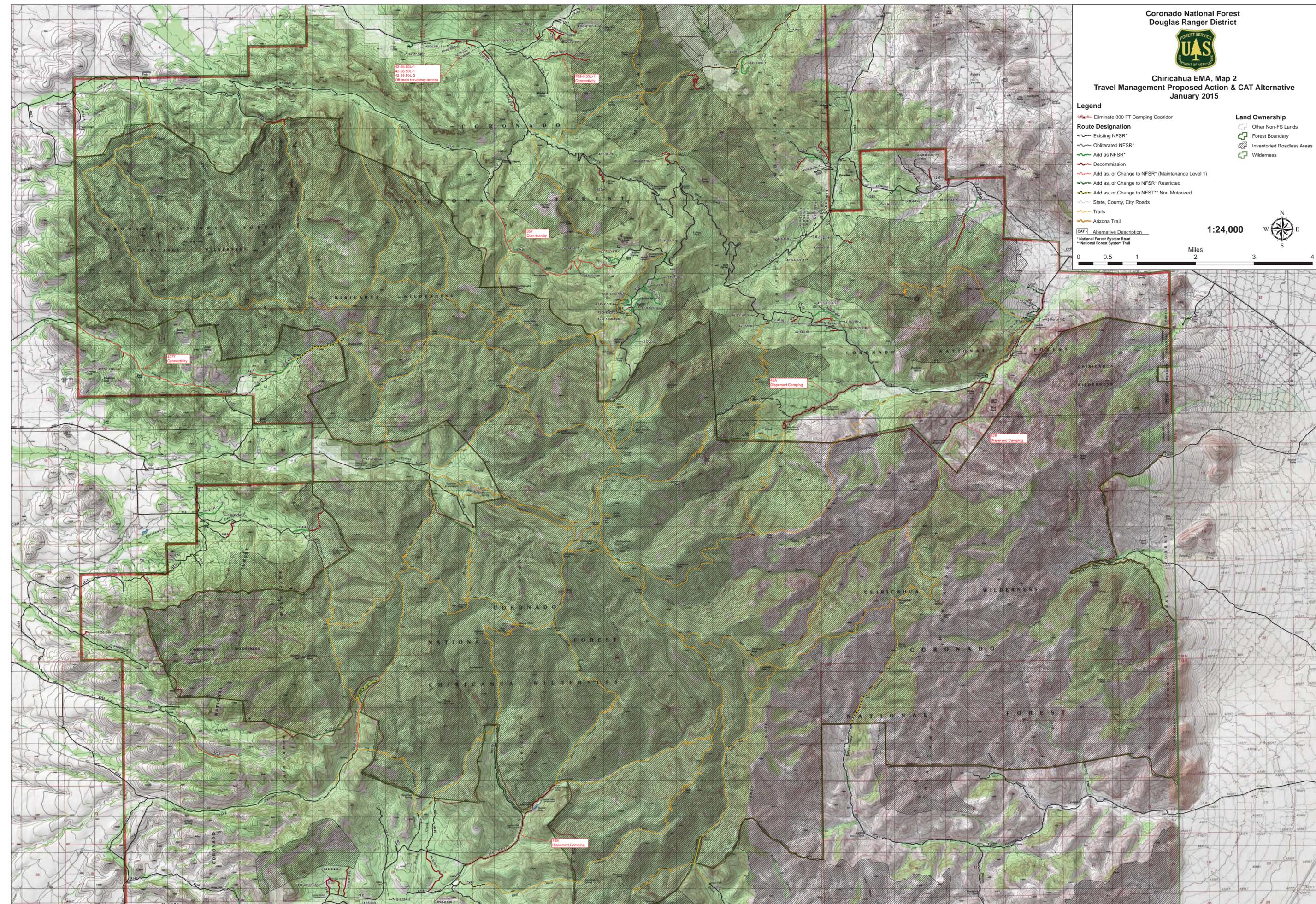
Chiricahua EMA, Map 2
Travel Management Proposed Action & CAT Alternative
January 2015

Legend

- Eliminate 300 FT Camping Corridor
 - Route Designation**
 - Existing NFSR*
 - Obliterated NFSR*
 - Add as NFSR*
 - Decommission
 - Add as, or Change to NFSR* (Maintenance Level 1)
 - Add as, or Change to NFSR* Restricted
 - Add as, or Change to NFST** Non Motorized
 - State, County, City Roads
 - Trails
 - Arizona Trail
 - Land Ownership**
 - Other Non-FS Lands
 - Forest Boundary
 - Inventoried Roadless Areas
 - Wilderness
- [CAT] Alternative Description
* National Forest System Road
** National Forest System Trail

1:24,000

Miles



Coronado National Forest
Douglas Ranger District



Chiricahua EMA, Map 3
Travel Management Proposed Action & CAT Alternative
January 2015

Legend

- Eliminate 300 FT Camping Corridor
- Route Designation**
- Existing NFSR*
- Obliterated NFSR*
- Add as NFSR*
- Decommission
- Add as, or Change to NFSR* (Maintenance Level 1)
- Add as, or Change to NFSR* Restricted
- Add as, or Change to NFST** Non Motorized
- State, County, City Roads
- Trails
- Arizona Trail
- Land Ownership**
- Other Non-FS Lands
- Forest Boundary
- Inventoried Roadless Areas
- Wilderness

CAT - Alternative Description
* National Forest System Road
** National Forest System Trail

1:24,000



711-3-16L-1
Connectivity

721
Connectivity

CAT - Add as NFSR ML2

723A
We assume entire length
to be Decommissioned

Coronado National Forest
Douglas Ranger District



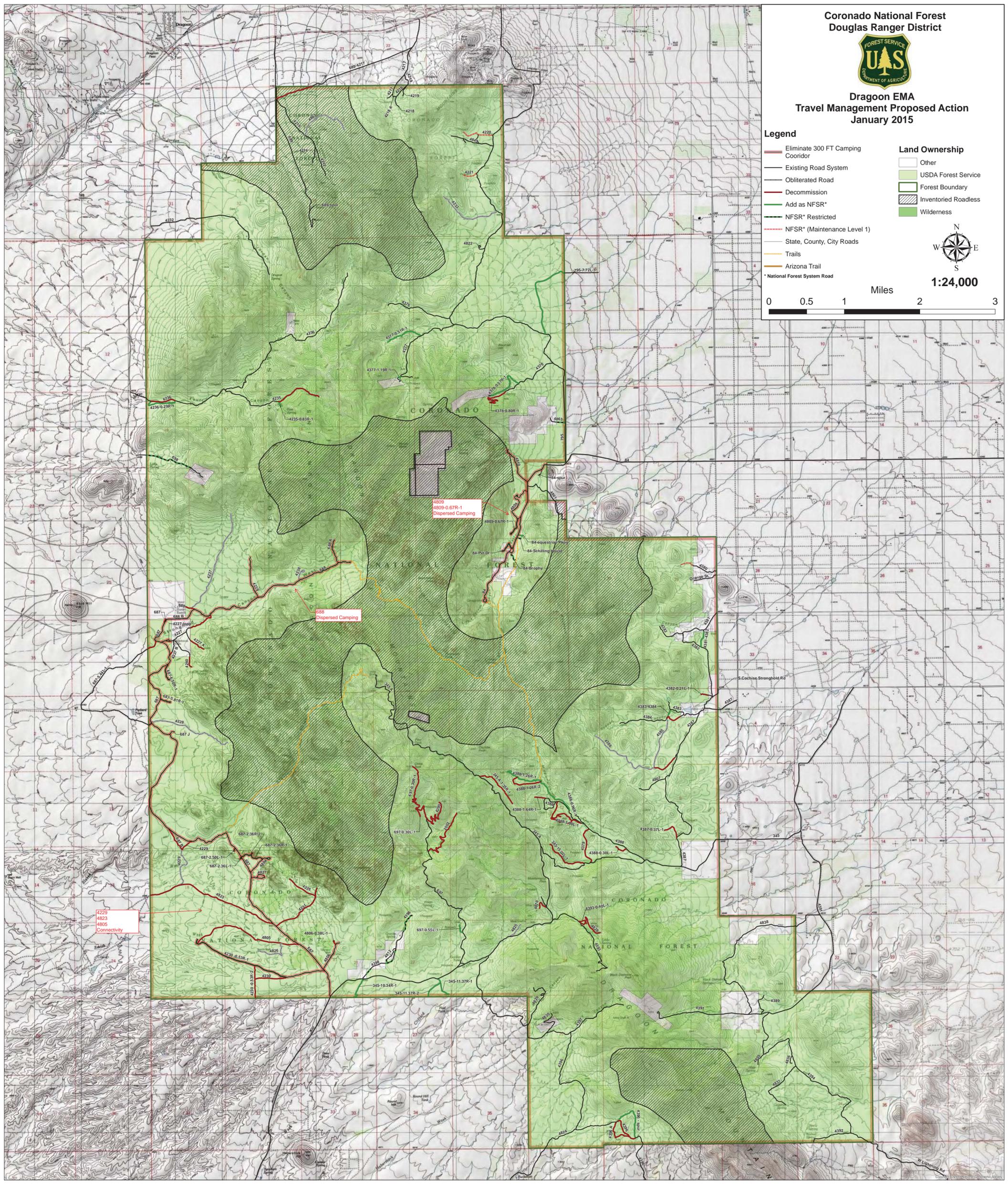
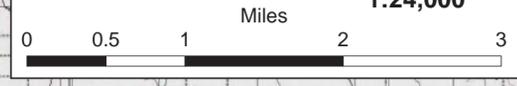
Dragoon EMA
Travel Management Proposed Action
January 2015

Legend

- Eliminate 300 FT Camping Corridor
 - Existing Road System
 - Obliterated Road
 - Decommission
 - Add as NFSR*
 - NFSR* Restricted
 - NFSR* (Maintenance Level 1)
 - State, County, City Roads
 - Trails
 - Arizona Trail
 - National Forest System Road
- Land Ownership**
- Other
 - USDA Forest Service
 - Forest Boundary
 - Inventoried Roadless
 - Wilderness



1:24,000



4809
4809-0.67R-1
Dispersed Camping

688
Dispersed Camping

4229
4823
4805
Connectivity



Peloncillo EMA
Travel Management Proposed Action & CAT Alternative
June, 2014

Legend

- Existing NFSR*
- Add as, or Change to NFSR** Motorized
- Obliterated NFSR*
- Decommission
- Add as NFSR*
- Add as, or Change to NFSR* Restricted
- Add as, or Change to NFSR* (Maintenance Level 1)
- State, County, City Roads
- Trails
- Arizona Trail
- National Forest System Road
- National Forest System Trail

Land Ownership

- Other
- USDA Forest Service
- Forest Boundary
- Inventoried Roadless Areas
- Wilderness Study Areas
- CAT - Alternative Description

1:24,000



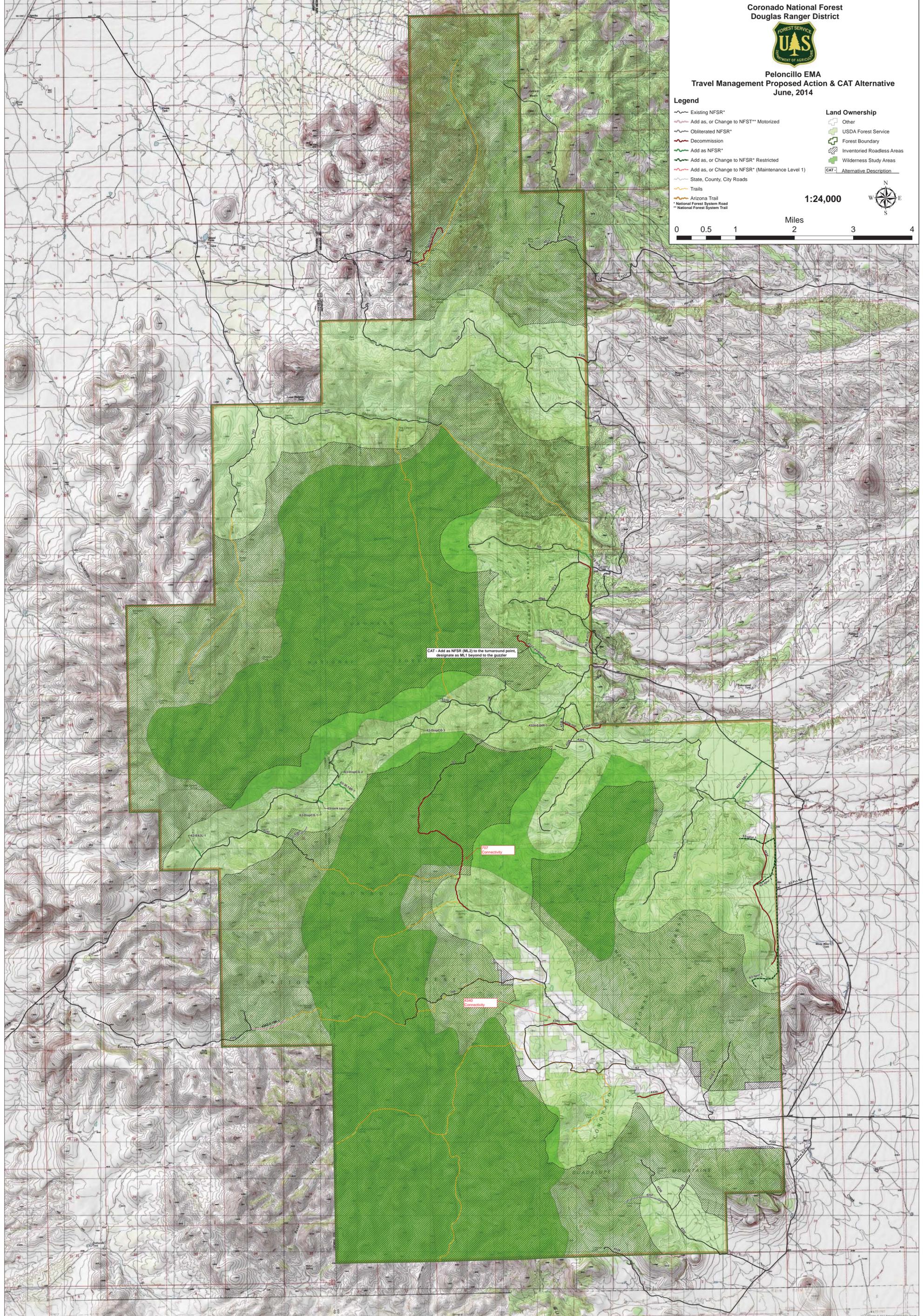
Miles



CAT - Add as NFSR (M,2) to the turnaround point designate as M,1 beyond to the guzzler

707 Connectivity

4340 Connectivity



Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Letter of Support for Healthy Arizona Worksites Program and Award

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Recommendation:

Document Signatures:

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 a letter of support from the Board of Supervisors so that Cochise County can apply to become a Healthy Arizona Worksite.

Background:

Cochise County is pleased to commit its support to the Healthy Arizona Worksites Program and Award process. Cochise County strives to provide adequate health promotion, resources, and programs that would allow all employees to achieve their optimal health goals. Through our partnership with internal Active Adult programs, and support from Human Resources, and Humana Vitality, Cochise County has taken great strides to ensure the wellness and wellbeing of their employees is addressed.

Department's Next Steps (if approved):

Send the letter to the Arizona Department of Health.

Impact of NOT Approving/Alternatives:

The county will not be considered for the designation of an Arizona Healthy Worksite.

To BOS Staff: Document Disposition/Follow-Up:

Send original letter to Roza Vickers, Health Department and keep copy in Board's correspondence 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

Letter



Cochise County Board of Supervisors

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

RICHARD R. SEARLE
Chairman
District 3

JAMES E. VLAHOVICH
County Administrator

PATRICK G. CALL
Vice-Chairman
District 1

EDWARD T. GILLIGAN
Deputy County Administrator

ANN ENGLISH
Supervisor
District 2

ARLETHE G. RIOS
Clerk of the Board

April 12, 2016

Sherry Haskins
Maricopa County Department of Public Health
4041 N. Central Ave #1400
Phoenix, AZ 85012

RE: Healthy Arizona Worksites Program and Award

Cochise County is pleased to commit its support to the Healthy Arizona Worksites Program and Award process. Cochise County strives to provide adequate health promotion, resources, and programs that would allow all employees to achieve their optimal health goals. Through our partnership with internal Active Adult programs, and support from Human Resources, and Humana Vitality, Cochise County has taken great strides to ensure the wellness and wellbeing of their employees is addressed.

At this time Cochise County qualifies for the Healthy Arizona Worksites Program Silver award. In February of 2016, members of Cochise Health and Social Services attended the Healthy Arizona Worksites Program Training that was held by the Arizona Department of Health and their partners, Health Benefits Group of Chandler, Arizona. The Health Promotion Team and Health Policy Manager of Cochise Health and Social Services, Active Adults Coordinator, and Humana Vitality Wellness Champions have all come together to create the wellness team necessary to ensure the current programs Cochise County provides remain effective and sustainable.

The next step in moving forward with the Healthy Arizona Worksites Program Award is to complete the Center for Disease Control and Prevention Worksite Health Scorecard. With the assistance of Human Resources staff, Active Adults staff, and Health Promotion staff, the Scorecard will be submitted to the Healthy Arizona Worksites Program for review and feedback.

The goal of Cochise County is to select at least two objectives from the Scorecard feedback or other areas in which the County may wish to focus on in order to continue to strive and improve the healthy work environment for all county employees.

Cochise County has already collected anonymous data through biometric screenings, health risk assessments through Humana Vitality, and through the employee interest survey that was sent out in 2015 to all county employees. Ensuring this data is used to track the ongoing success of the wellness initiatives in place within the county will validate and reinforce the Arizona Healthy Worksites Award.

Sincerely,

Richard R. Searle
Chairman

Patrick G. Call
Vice-Chairman

Ann English
Supervisor

1415 Melody Lane, Building G
Bisbee, Arizona 85603
520-432-9200
520-432-5016 fax
board@cochise.az.gov

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Acceptance of Parcel from Mildred T. Chojnacky as a donation to the County

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation Recommendation: Approve

Document Signatures: BOS Signature Required # of ORIGINALS Submitted for Signature: 1

NAME of PRESENTER: n/a TITLE of PRESENTER: n/a

Docket Number (If applicable):

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

Information

Agenda Item Text:

Approve acceptance of Warranty Deed from Mildred T. Chojnacky (Grantor) to Cochise County for real property described as "Lot 2290, Cochise College Park, Unit Nine, a subdivision according to the plat thereof, Recorded in Book 6, Page 33, of the Public Records of Cochise County, State of Arizona" (APN 406-27-204) as recommended by the Highway & Floodplain Division and the County Attorney's Office.

Background:

Mr. Michael Chojnacky, son of Ms. Mildred T. Chojnacky, reached out to the County to donate a piece of property she no longer had any use for. Through the land donation process the parcel gets reviewed by Highways, Planning, Facilities, and Solid Waste to research if it is useful for the county. The Highways Division recommended acceptance of the land donation because it would be useful to Highways operations as a material storage site and went through the Attorney's Office for legal procedure. After proper paperwork was put together we reached out to Ms. Chojnacky who signed all needed documents to move forward with the donation.

Department's Next Steps (if approved):

Record Warranty Deed/Death Certificate of Mr. Lee Edwin Chojnacky to ensure property is in County's name.

Impact of NOT Approving/Alternatives:

The County will not acquire the parcel.

To BOS Staff: Document Disposition/Follow-Up:

Record Warranty Deed with Death Certificate.

Attachments

Warranty Deed

Exhibit A

Lot 2290, Cochise College Park, Unit Nine, a subdivision according to the plat thereof, Recorded in Book 6, Page 33, of the Public Records of Cochise County, State of Arizona.

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

CERTIFICATE OF DEATH

Date Filed SEPTEMBER 22, 2009

State File No. 2009-07632

DECEDENT - LEGAL NAME LEE EDWIN CHOJNACKY			
SEX MALE	SOCIAL SECURITY NUMBER 518-26-4941	AGE 85 YEARS	DATE OF BIRTH NOVEMBER 14, 1923
BIRTHPLACE BUHL, IDAHO		PLACE OF RESIDENCE JEROME, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) MILDRED TERESA NUTSCH	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME RICHARD VINCENT CHOJNACKY			BIRTHPLACE POLAND
MOTHER - MAIDEN NAME BERTHA MARY SARALBERG			BIRTHPLACE HOLLAND
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE DAVID C. FARNSWORTH	
NAME AND ADDRESS OF FUNERAL FACILITY FARNSWORTH MORTUARY, JEROME, IDAHO			
DATE OF DEATH AUG. 29, 2009	TIME OF DEATH 8:30 P.M.	CITY, TOWN OR LOCATION OF DEATH JEROME, IDAHO	COUNTY OF DEATH JEROME
CAUSE OF DEATH (underlying cause last) a. BOWEL PERFORATION			Approximate Interval Between Onset and Death 24-48 HOURS
DUE TO (or as a consequence of): b.			
DUE TO (or as a consequence of): c.			
DUE TO (or as a consequence of): d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER JAMES D. LOHMANN, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

SEPTEMBER 22, 2009

DATE ISSUED: _____

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith

JANE S. SMITH
STATE REGISTRAR



Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Buckle Up Arizona Campaign

Submitted By: Mark Genz, County Sheriff

Department: County Sheriff

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS Submitted for Signature: 2

NAME of PRESENTER: Mark Genz

TITLE of PRESENTER: Commander

Mandated Function?: Not Mandated

Source of Mandate 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 Governor's Office of Homeland Security (GOHS) Contract 2016-CIOT-020, providing the Cochise County Sheriff's Office with \$4,000 to cover overtime expenses as well as employee related expenses to participate in the two week "Buckle Up Arizona... It's the Law" program.

Background:

As part of the National Click It or Ticket Program, Arizona is participating in a statewide campaign designed to enforce seat belt and child restraint laws. Statistics have shown that the probability of being critically injured in a motor vehicle crash goes up significantly when occupants are not wearing the proper restraints. As a part of the Governor's Office of Highway Safety campaigns, the Sheriff's Office, as well as other agencies throughout the state, are provided this funding to participate in the two week campaign. The campaign runs from 23 May through 5 June. Acceptance of these funds as well as participation in the campaign is expected by the Governor's Office as a part of their overall support of enforcement and education campaigns to reduce injuries and fatalities from impaired, distracted and aggressive driving. This contract has been approved as to form by the County Attorney's Office.

Department's Next Steps (if approved):

Conduct enforcement details during this two week period in support of the Governor's Office of Highway Safety efforts. The results of these details will be reported to the Governor's Office.

Impact of NOT Approving/Alternatives:

The Sheriff's Office will not have the funds to participate in this campaign unless they are paid out of the general fund.

To BOS Staff: Document Disposition/Follow-Up:

Please approve and sign both copies of the contract so that it can be sent back to Governor's Office for final 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

Buckle Up Arizona Campaign

Grant Approval Form

HIGHWAY SAFETY CONTRACT

This page, the Project Directors Manual and attached hereto and incorporated herein by reference, constitute the entire contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

CFDA: 20.600

1. APPLICANT AGENCY Cochise County Sheriff's Office	GOHS CONTRACT NUMBER 2016-CIOT-020
ADDRESS 205 North Judd Drive, Bisbee, Arizona 85603	PROGRAM AREA 402-OP
2. GOVERNMENTAL UNIT Cochise County	AGENCY CONTACT Tod Linendoll
ADDRESS 205 North Judd Drive, Bisbee, Arizona 85603	3. PROJECT TITLE Buckle Up Arizona Enforcement Campaign (CIOT)
4. GUIDELINES 402 – Occupant Protection (OP)	

5. BRIEFLY STATE PURPOSE OF PROJECT:
Federal 402 funds will support Personnel Services (Overtime) and Employee Related Expenses to participate in the two-week Buckle Up Arizona Enforcement Campaign from May 23, 2016 through June 5, 2016 to enhance seat belt and child safety seat usage throughout the Cochise County.

6. BUDGET COST CATEGORY	Project Period FY 2016
I. Personnel Services	\$2,857.14
II. Employee Related Expenses	\$1,142.86
III. Professional and Outside Services	\$0.00
IV. Travel In-State	\$0.00
V. Travel Out-of-State	\$0.00
VI. Materials and Supplies	\$0.00
VII. Capital Outlay	\$0.00
TOTAL ESTIMATED COSTS	\$4,000.00

PROJECT PERIOD FROM: Effective Date (*Date of GOHS Director Signature*) TO: 06-05-16

CURRENT GRANT PERIOD FROM: 05-23-16 TO: 06-05-16

TOTAL FEDERAL FUNDS OBLIGATED THIS FY: \$4,000.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded contract.

PROBLEM IDENTIFICATION AND RESOLUTION:

Motor vehicle collisions continue to be the leading cause of death, injury and property damage in Arizona and the United States. A number of factors contribute to the risk of collision including; vehicle design, speed of operation, road design, road environment, driver skill and/or impairment and driver behavior. The human factor that has been consistently identified in reducing collisions and minimizing their effects is consistent usage of seat belts and child safety seats.

According to the Arizona Motor Vehicle Crash Facts, there were 774 vehicle occupant (driver/passenger) fatalities in 2014, of which 266 (34%) were unrestrained. Children under the age of five accounted for 5 passenger fatalities in 2014, of which 2 (40%) were unrestrained.

In 2015, seat belt usage in Arizona reached **86.6%**, a decrease of **.6%** since 2014. The noted decrease is attributed partly to the Arizona Governor's Office of Highway Safety (GOHS) funded statewide enforcement campaigns, enhanced earned media, and extensive outreach support of educational and public awareness activities.

The summary of the 2011 through 2015 Arizona Seat Belt Use Survey results are presented in the following table:

GROUPS OBSERVED	2011	2012	2013	2014	2015
Total Front Seat Occupants Seat Belt Use	82.9%	82.2%	84.7%	87.2%	86.6%
All Drivers Seat Belt Use	83.5%	82.6%	84.7%	87.1%	87.1%
Front Seat Passenger Seat Belt Use	80.6%	80.2%	84.0%	87.7%	84.8%
Children Safety Restraint Use	79.1%	75.0%	n/a	n/a	n/a

Seat belts and child safety seats have proven to significantly reduce the chance of death and injuries of passengers in vehicles. According to the Center for Disease Control and Prevention, seat belt use reduces serious crash-related injuries and deaths by about **50%**. The proper and consistent use of Child Safety Seats has been found to reduce the risk of fatal injury by **71%** for infants (younger than 1 year old) and by **54%** for toddlers (1 to 4 years old) in passenger cars. Properly installed booster seats reduce the risk for serious injury by **45%** among children ages 4 to 8 year old.

Numerous factors affect the occupant protection enforcement program in Arizona:

- Arizona presently conducts enforcement under a secondary seat belt law and a primary child safety seat law
- Arizona currently exceeded the national average seat belt usage rate of 87% in 2014
- Arizona continues to develop and expand a highly visible Occupant Protection Enforcement Program

Selective Traffic Enforcement Programs (STEP) is a proven approach that can be used to quickly change motorists' behavior in a short period of time. This particular STEP is a widely publicized enforcement campaign focused on changing a particular behavior among motorists.

As part of the National Click It or Ticket Campaign, Arizona has developed and promoted the **"Buckle Up Arizona... It's the Law!"** program, which has been an effective enforcement message in a secondary law state.

This program unites state-wide law enforcement agencies to engage in aggressive traffic enforcement with a **"zero tolerance"** approach to seat belt and child safety seat violations. The goal is to sustain and increase seatbelt usage rates in the designated geographical areas of the participating agencies.

The mobilizations begin with earned media generated at the State and local level followed by a high visibility enforcement campaign lasting two weeks. Paid media phases in approximately one week later followed by high-visibility enforcement lasting for two weeks. Additional earned media conducted through the GOHS has been paramount in enhancing occupant protection message.

OVERVIEW OF PROGRAM:

Federal 402 funding will support Personnel Services (Overtime) and Employee Related Expenses to participate in the national two-week **"Buckle Up Arizona"** enforcement campaign from **May 23, 2016 through June 5, 2016**.

The purpose of the campaign is for the Cochise County Sheriff's Office to engage in aggressive traffic enforcement with a **"zero tolerance"** approach to seat belt and child safety seat violations. The goal is to sustain seatbelt usage rates in the designated geographical areas of the participating agencies.

The campaign will be supported by earned media to reinforce the occupant protection message. The Cochise County Sheriff's Office will participate in other educational and public awareness activities to support the enforcement component.

Occupant protection usage surveys will be conducted subsequent to the enforcement campaign by an independent research organization to analyze the effectiveness of the program. Results will be provided to the respective law enforcement agency upon receipt of the completed study.

GOALS/OBJECTIVES:

The Cochise County Sheriff's Office is required to complete the following goals and objectives under the guidelines of the contract:

- Provide intensive traffic enforcement during designated period with zero tolerance for safety belt/child restraint laws
- Heighten enforcement visibility through news media contacts, safety belt/child seat inspections, and other public awareness and educational activities
- The Cochise County Sheriff's Office shall provide a written press release announcing the enforcement program to the local media affecting their respective areas (a copy of this press release shall be sent to the GOHS Director prior to the initiation of the enforcement campaign)

- The Cochise County Sheriff's Office is additionally encouraged to invite media representatives for live interviews and ride-a-longs during the enforcement activities
- The Cochise County Sheriff's Office shall develop and participate in some form of enforcement activity, such as saturation patrols, multi-agency enforcement task forces etc. related to respective areas with low restraint usage.
- The Cochise County Sheriff's Office shall submit a Final Enforcement Summary Report to GOHS no later than **June 8, 2016**
- The Cochise County Sheriff's Office shall a Final Statement of Accomplishments Report including press releases, news stories, educational/public awareness activities, enforcement statistics and quality photographs by **June 15, 2016**
- **The Cochise County Sheriff's Office shall provide the names of top enforcement performers for possible future recognition by GOHS and their respective agency**

MEDIA RELEASE

To prepare complete press release information for media (television, radio, print and on-line) during each campaign period including a main press release, schedule of events, departmental plans and relevant data. **The material will emphasize the campaign's purpose, aggressive enforcement and the high cost of Occupant Protection in terms of money, criminal and human consequences.**

The Cochise County Sheriff's Office will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Cochise County Sheriff's Office to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00a.m. the morning following each day of the event.**

PURSUIT POLICY:

All law enforcement agencies receiving federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

METHOD OF PROCEDURE:

The Cochise County Sheriff's Office will make expenditures as follows to meet the outlined Program Goals/Objectives:

Personnel Services – To support Overtime for two-week Buckle Up Arizona Enforcement Campaign from May 23, 2016 through June 5, 2016

Employee Related Expenses – To support Employee Related Expenses for Agency Overtime

PRESS RELEASE:

Agencies are required to develop and distribute a press release announcing this grant award (a copy of this press release shall be sent to the GOHS Director at the same time it is sent to the media). This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety. A sample press release for the Buckle Up Arizona Campaign will be provided to the agency.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Mark Dannels, Sheriff, Cochise County Sheriff's Office, shall serve as Project Director.

Tod Linendoll, Sergeant, Cochise County Sheriff's Office, shall serve as Project Administrator.

Gabby Gallegos, Occupant Protection Coordinator, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Project Director shall submit a Report of Costs Incurred (RCI) with supporting documentation attached, to the Governor's Office of Highway Safety within thirty (30) days of the enforcement period in correlation with the required report.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation, to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted.** Expenditures submitted after the expiration date will not be reimbursed and the agency will accept fiscal responsibility.

The RCI template and instructions are available on the Governor's Office of Highway Safety website at <http://www.azgohs.gov/grant-opportunities/>. Failure to meet the reporting requirements may be cause to terminate the project.

FINAL ENFORCMENT SUMMARY REPORT:

All participating agencies shall complete and submit total enforcement statistical data implementing the attached form no later than **June 8, 2016**, to the Governor's Office of Highway Safety.

FINAL STATEMENT OF ACCOMPLISHMENTS:

The Project Director shall complete and submit the attached Final Statement of Accomplishments Report no later than **June 15, 2016**, to the Governor's Office of Highway Safety. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report. The report is a summary overview of the contracted project and is reviewed by the Governor's Office of Highway Safety project coordinator to determine the effectiveness of the project.

PROJECT MONITORING:

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring also serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning, and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project-grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount:	Type of Monitoring:
Under \$50,000	Desk Review/Phone Conference
\$50,000 and over	May have an In-House GOHS Review
\$100,000+	May have an On-Site Review
Capital Outlay Greater than \$25,000 (combined)	May have an On-Site Review
Desk Review and Phone Conference	Internal Review of all written documentation related to contractual project including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.
In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written

	by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including but not limited to contract, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's agency with monitoring form completed on-site by Project Coordinator. Any findings or areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or In-house monitoring for grantees of designated projects with large capital outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems might need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to assure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly reports
- Status of expenditures related to the outlined budget
- Accounting records
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated project administrator will assure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the grantee's respective federal file. Findings will be discussed with the grantee designated contract representative (project administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance will be placed on a performance plan as outlined by the project coordinator. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The Project Period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on June 5, 2016 of that or subsequent year as indicated on the Highway Safety Contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Project Director will submit notification on the Agency's letterhead and hand-deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of 90 days prior to the end of the project period.

The Agency shall address all requests to modify the contract to the Director of the Governor's Office of Highway Safety on Agency letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$2,857.14
II.	Employee Related Expenses	\$1,142.86
III.	Professional and Outside Services	\$0.00
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies	\$0.00
VII.	Capital Outlay	\$0.00
	TOTAL ESTIMATED COSTS	*\$4,000.00

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Cochise County Sheriff's Office shall absorb any and all expenditures in excess of **\$4,000.00**.

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

- A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.
- B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

- A. AGENCY'S Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under section XX herein, "Termination and Abandonment".

- B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.
- C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

- A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.
- B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY'S regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be sub-contracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR, Part 18): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

OMB Circular No. A-102 (Revised): Grants and Cooperative Agreements with State and Local Governments

The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS, §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Equal Opportunity

- A. Pursuant to the requirements of the Federal-Aid Highway Act of 1968 (U.S.C. §103 et. seq.), AGENCY, as a condition to receiving approval of this Contract submitted under the Highway Safety Act of 1966, as amended, hereby gives its assurance that employment in connection with the subject Highway Safety Project will be provided without regard to race, color, creed, sex, or national origin, and that any contract it enters into with any private agency pursuant hereto will include provisions in compliance with this paragraph (XI).

As a condition of receiving approval of this Contract, AGENCY will be subject to and will comply with Title VI of the Civil Rights Act of 1964 and all applicable requirements of the Department of Commerce regulations as adopted by the USDOT, providing that no person in the United States shall on the ground of race, color, creed, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the subject Highway Safety Project.

- B. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE or the USDOT may take any or all of the following actions.
1. Cancel, terminate, or suspend, in whole or in part, the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and
 2. Refrain from extending any further Federal financial assistance to AGENCY under the Highway Safety Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from AGENCY.
- C. Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), AGENCY must operate this Highway Safety Project so that it is accessible and otherwise non-discriminatory to handicapped persons.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

AGENCY will notify all of its employees whose principal employment is in connection with any highway safety project, financed in whole or in part by loans or grants under the Highway Safety Act of 1966, as amended, of the provisions of the Hatch Act (5 U.S.C. §7321 et. seq.).

XIV. Minority Business Enterprises (MBE) Policy and Obligation

- A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR, Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR, Part 23 apply to this Contract.
- B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR, Part 23 have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both Parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. Both Parties warrant that they have registered with and participate with E-Verify. If either Party later determines that the other non-compliant Party has not complied with E-Verify, it will notify the non-compliant Party by certified mail of the determination and of the right to appeal the determination.

XX. Termination and Abandonment

- A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.
- B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.
- C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.
- D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.
- E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or chief executive officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE**Acceptance of Condition**

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

In accordance with the Buy America Act (49 U.S.C. 5323(j)):
Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

REIMBURSEMENT INSTRUCTIONS

1. Agency Official preparing the Reports of Costs Incurred:

Name: SHELLEY RITENOUR

Title: ADMINISTRATIVE ASSISTANT

Telephone Number: 520.432.9527 Fax Number: 520.432.3517

E-mail Address: SRITENOUR@COCHISE.AZ.GOV

2. Agency's Fiscal Contact:

Name: REA ANNE SERVA

Title: ADMINISTRATIVE MANAGER

Telephone Number: 520.432.9515 Fax Number: 520.432.3517

E-mail Address: RSERVA@COCHISE.AZ.GOV

Federal Identification Number: 86.6000398

3. REIMBURSEMENT INFORMATION:

Warrant/Check to be made payable to:

COCHISE COUNTY SHERIFF'S OFFICE

Warrant/Check to be mailed to:

CCSO

(Agency)

205 N. JUDD DRIVE

(Address)

BISBEE, AZ 85603

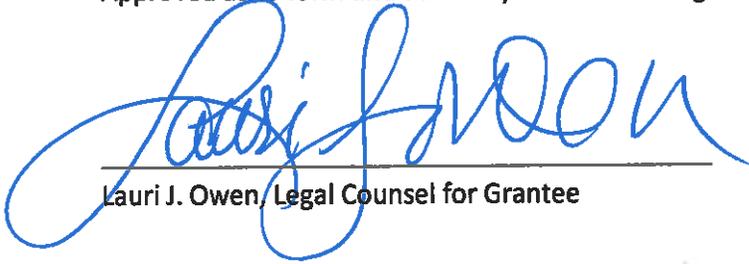
(City, State, Zip Code)

GOHS Highway
Safety Contract

Cochise County Sheriff's Office

2016-CIOT-020

Approved as to form and authority to enter into Agreement:



Lauri J. Owen, Legal Counsel for Grantee

March 10, 2016
Date

Lobbying Restrictions

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

Mark Dannels, Sheriff
Cochise County Sheriff's Office



03/08/16 520-432-9505
Date Telephone

*Signature of Authorized Official of
Governmental Unit:*

Patrick Call, Chairman
Cochise County

Date Telephone



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.

Emergency Services

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Emergency Notification System IGA - Willcox

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

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 Willcox 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 Willcox.

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 Willcox's Police Department's dispatch staff. Once trained, Willcox will begin managing and using the WENS system within their jurisdiction.

Impact of NOT Approving/Alternatives:

If not approved, Willcox 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 Willcox. Alternatively, Willcox can purchase their own notification subscription.

To BOS Staff: Document Disposition/Follow-Up:

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

Attachments

IGA Willcox for WENS

**EXHIBIT “A”
INTERGOVERNMENTAL AGREEMENT
BETWEEN COCHISE COUNTY AND CITY OF WILLCOX
FOR SHARING THE
WIRELESS EMERGENCY NOTIFICATION SYSTEM**

THIS INTERGOVERNMENTAL AGREEMENT dated March 17, 2016 (“**Agreement**”), is made by and between COCHISE COUNTY, a political subdivision of the State of Arizona (“**Cochise County**”) and the CITY OF WILLCOX, a political subdivision of the State of Arizona (“**Willcox**”). Cochise County and Willcox 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 Willcox 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 Willcox initiates a WENS public notification, Willcox Police Chief 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. Willcox may use WENS internally to send and receive messages between agency employees, and may conduct monthly test notifications, without violating this Agreement.

B. Willcox 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 Willcox 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. Willcox shall be solely responsible for any costs Willcox 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 Willcox: City Manager
101 S. Railroad Ave. Suite B
Willcox, AZ 85643

B. WAIVER OF TERMS AND CONDITIONS: The failure of Cochise County or [Willcox] 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.

“Willcox”
CITY OF WILLCOX, a political
subdivision of the State of Arizona

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

By: Robert A. Irvin
Mayor, Robert A. Irvin

By: _____
Chairperson, Board of Supervisors

Dated: 3/17/2016

Dated: _____

ATTEST:

ATTEST:

[Signature]
Clerk of the City of Willcox

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

Date

SIGNATURE [Signature]
City of Willcox Attorney

3/17/16
Date

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

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

Meeting Date: 04/12/2016
ADHS 14-071556 Amendment #2 (STD grant)
Submitted By: Ray Falkenberg, Health & Social Services
Department: Health & Social Services
Presentation: No A/V Presentation
Document Signatures: BOS Signature NOT Required

Recommendation: Approve
of ORIGINALS Submitted for Signature: 0
TITLE of PRESENTER: PHN III
Source of Mandate or Basis for Support?:

NAME of PRESENTER: Catherine Welch
Mandated Function?: Not Mandated

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 Amendment No. 2 to IGA# ADHS14-071556, STD Services, between the Arizona Department of Health Services and Cochise Health and Social Services, changing the contract expiration date to December 31, 2018.

Background:

Cochise Health and Social Services (CHSS) has received funds from the ADHS for many years to provide screening, laboratory testing, treatment, and follow-up for sexually transmitted diseases (STDs) primarily Gonorrhea, Chlamydia, and Syphilis. The funding changed in January of 2014 and ADHS no longer funds testing for or treatment of STDs but funds the county to educate providers and assist in reporting and tracking clients with STDs in the county. Through this contract CHSS is funded to educate providers in our county regarding STD treatment and services available and to track and report STDs within the county.

These grant funds primarily subsidize the cost for tracking and following all people testing positive for STDs within the county. General Funded nursing staff continues to provide testing and treatment services based on a sliding fee schedule.

Department's Next Steps (if approved):

Your approval is respectfully requested to continue to provide STD testing and counseling services to constituents of Cochise County.

Impact of NOT Approving/Alternatives:

Not approving this amendment would increase impact on General Funds, may cause the inability of CHSS to collect for the cost associated with STD tracking and reporting services and the costs associated with educating county providers from the ADHS; and could cause cessation of this important public health service to the community.

To BOS Staff: Document Disposition/Follow-Up:

N/A -- Dept. Director to sign amendment upon approval.

Budget Information

Information about available funds

Budgeted: **Funds Available:** **Amount Available:** 15405
Unbudgeted: **Funds NOT Available:** **Amendment:**

Account Code(s) for Available Funds

1:

Fund Transfers

Fiscal Year: 2016

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

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

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

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): 3185

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

Attachments

Exec Summary

Grant Approval Form

Amendment #2

Executive Summary Form

ADHS14-071556
(STD SERVICES) Amendment No.2

Agenda Number: 2804 4/12/16

Recommendation:

Approve Amendment No. 2 to IGA# ADHS14-071556, STD Services, between the Arizona Department of Health Services and Cochise Health and Social Services, changing the contract expiration date to December 31, 2018.

Background (Brief):

Cochise Health and Social Services (CHSS) has received funds from the ADHS for many years to provide screening, laboratory testing, treatment, and follow-up for sexually transmitted diseases (STDs) primarily Gonorrhea, Chlamydia, and Syphilis. The funding changed in January of 2014 and ADHS no longer funds testing for or treatment of STDs but funds the county to educate providers and assist in reporting and tracking clients with STDs in the county. Through this contract CHSS is funded to educate providers in our county regarding STD treatment and services available and to track and report STDs within the county.

These grant funds primarily subsidize the cost for tracking and following all people testing positive for STDs within the county. General Funded nursing staff continues to provide testing and treatment services based on a sliding fee schedule.

Fiscal Impact & Funding Sources:

This is a grant-funded, cost-reimbursement program from the Arizona Department of Health Services in the amount of \$15,405 for the twelve-month January - December funding cycle in CY 2016.

The net county subsidy is calculated as follows:

Grant Total	\$15,405
Authorized Salaries/EREs	\$6,877
A-87 OH @ 46.31%	\$3,185
Authorized OH	\$0
Net County Subsidy	<u>\$3,185</u>

Next Steps/Action Items/ Follow-up:

Your approval is respectfully requested.

Impact of Not Approving:

Not approving this amendment would increase impact on General Funds, may cause the inability of CHSS to collect for the cost associated with STD tracking and reporting services and the costs associated with educating county providers from the ADHS; and could cause cessation of this important public health service to the community.

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.

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Fair Housing Proclamation 2016

Submitted By: Kim Lemons, Board of Supervisors

Department: Board of Supervisors

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

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

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

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate **Source of Mandate or Basis for Support?:** 24 CFR Part 100

Information

Agenda Item Text:

Approve a Fair Housing Proclamation and proclaim April 2016 as Fair Housing Month in Cochise County.

Background:

The Fair Housing Proclamation ensures compliance with certifications to affirmatively further fair housing in relation to State housing funds (CDBG, HOME, etc.) that are received on a regular basis by Cochise County.

Department's Next Steps (if approved):

Post proclamation appropriately at the Board of Supervisors bulletin board and at the Housing Authority office.

Impact of NOT Approving/Alternatives:

The County will not be compliant with federal law or CDBG Affirmatively Furthering Fair Housing requirements.

To BOS Staff: Document Disposition/Follow-Up:

Two originals of the Fair Housing Proclamation will be provided to the Clerk of the Board. After formal Board approval and appropriate signatures, please post one original on the Board of Supervisors bulletin Board and return the other original to Lisa Marra.

Attachments

Proclamation



Cochise County Board of Supervisors

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

RICHARD R. SEARLE
Chairman
District 3

JAMES E. VLAHOVICH
County Administrator

PATRICK G. CALL
Vice-Chairman
District 1

EDWARD T. GILLIGAN
Deputy County Administrator

ANN ENGLISH
Supervisor
District 2

ARLETHE G. RIOS
Clerk of the Board

FAIR HOUSING PROCLAMATION APRIL 2016



WHEREAS, the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act and the Fair Housing Amendments Act of 1988 prohibit discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing or in the provision of brokerage services on the basis of race, color, religion, sex, handicap, familial status or national origin; and

WHEREAS, the 1986 and 1988 Federal Fair Housing Acts declare that it is a national policy to ensure equal opportunities in housing; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States.

NOW, THEREFORE, the Board of Supervisors of Cochise County do hereby proclaim April 2016 as Fair Housing Month in the County of Cochise and does hereby urge all residents of this County to comply with and show their support for the letter and spirit of the Fair Housing Acts.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF APRIL 2016 BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA.

RICHARD R. SEARLE, CHAIRMAN
COCHISE COUNTY BOARD OF SUPERVISORS

ATTEST:

ARLETHE G. RIOS, CLERK OF THE BOARD

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016
IGA, Contract #KR16-0006
Submitted By: Teresa Rockrich, Juvenile Probation
Department: Juvenile Probation
Presentation: No A/V Presentation
Document Signatures: BOS Signature Required

Recommendation: Approve
of ORIGINALS Submitted for Signature: 4
TITLE of PRESENTER: Chief Probation Officer
Source of Mandate or Basis for Support?: A.R.S. ss 11-952

NAME of PRESENTER: Patricia Munoz
Mandated Function?: Federal or State Mandate

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Information

Agenda Item Text:

Approve an Intergovernmental Agreement (IGA) between the Arizona Supreme Court, the Cochise County School Superintendent and the Cochise County Superior Court for FY 2015/2016 governing title funds in the amount of \$78,530 for use in the Cochise County Juvenile Detention Center for education programs effective as of the date of execution of the agreement by all parties through June 30, 2016.

Background:

Federal Title funds are distributed by the Arizona Department of Education to the Arizona Supreme Court - Administrative Office of the Courts (AOC) for distribution to the juvenile detention centers. As mandated by statute, the county is required to provide education at the same level as public schools to juvenile detainees.

Department's Next Steps (if approved):

Provide the signed IGA to the Arizona Supreme Court - AOC for funding to be sent to Cochise County.

Impact of NOT Approving/Alternatives:

Lack of compliance with A.R.S. sub-section 15-913 and no title funding received for school operated at Juvenile Detention Center.

To BOS Staff: Document Disposition/Follow-Up:

Will provide a paper original of the IGA document for four signatures in blue ink by Chairman, Richard Searle for signature by April 15th.

Budget Information

Information about available funds

Budgeted: **Funds Available:** **Amount Available:** 78,520.00
Unbudgeted: **Funds NOT Available:** **Amendment:**

Account Code(s) for Available Funds

- 1: 551-1200-1210
- 2: 551-1200-1220
- 3: 551-1200-1221
- 4: 551-1200-1224

Fund Transfers

Fiscal Year: 2016

One-time Fixed Costs? (\$\$\$): 0
Ongoing Costs? (\$\$\$): 0
County Match Required? (\$\$\$): 0
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): 0
Source of Funding?: AOC

Fiscal Impact & Funding Sources (if known):

Federal Title funds are distributed by the Arizona Department of Education to the Arizona Supreme Court - Administrative Office of the Courts (AOC) for distribution to the juvenile detention centers. As mandated by statute, the county is required to provide education at the same level as public schools to juvenile detainees.

Attachments

IGA Juvenile FY16
Grant Approval Form

**INTERGOVERNMENTAL AGREEMENT AMONG
THE ARIZONA SUPREME COURT,
THE COCHISE COUNTY SCHOOL SUPERINTENDENT AND
THE COCHISE COUNTY SUPERIOR COURT**

This is an Intergovernmental Agreement, hereinafter referred to as "IGA", among the Arizona Supreme Court through the Administrative Office of the Courts, hereinafter referred to as "AOC", the Cochise County Board of Supervisors, hereinafter referred to as "Board", the Cochise County School Superintendent, hereinafter referred to as "Superintendent", and the Cochise County Superior Court through the Juvenile Court, hereinafter referred to as "Court", subject to the following terms and conditions:

1. Recitals

The AOC, on behalf of the Superior Courts for all counties in Arizona and the superintendents of schools for each county, applied for and received **\$1,322,535.73** as a sub-grant from the Arizona Department of Education (ADE) pursuant to PL 107-110, The Elementary and Secondary Education Act of 2001 (ESEA), 20 USCA Ch. 70, Subch. I, Improving the Academic Achievement of the Disadvantaged, 20 USCA Ch. 70, Subch. I, § 6301 et. seq. and 34 CFR 76 State Administered Programs, as applicable. The specific sections of 20 USCA Ch. 70, Subch. I include Part D- Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At-Risk (20 USCA Ch. 70, Subch. I, Part D, § 6421 et. seq.). Additional sources of funding include: 20 USCA Ch. 70, Subch. II, Part A (Teacher and Principal Training and Recruiting Fund); Part B Individuals with Disabilities Education Act (IDEA) Basic; P.L. 108-446, 20 USCA Ch. 33, Sections 1400-1409, 1411-1419, 1431-1444, 1450-1455, 1461-1466, 1470-1475 and 1481-1482, Special Education Secure Care Grant, and other associated funds.

2. Purpose

The purpose of the IGA is to define the responsibilities of the parties in the development of education programs and the use of funds in the amount of \$78,530.00 which represents a portion of the funds sub-granted to the AOC and is set forth in the attached Exhibits A-1 and A-2.

3. Authority

The AOC and the Court have the authority to enter into this IGA pursuant to Article VI, section 3, of the Arizona Constitution, A.R.S. §§ 11-952, 8-371 (as applicable), and § 15-913. The Superintendent has the authority to enter into this IGA pursuant to A.R.S. §§ 15-302, 15-308 (as applicable), 15-913, 15-342, (as applicable), and § 11-952. The Board has the authority to enter into this IGA pursuant to § 11-952.

4. Term and Renewal

This IGA shall become effective on the date of final signature, and shall terminate on March 31, 2017.

5. Duties of the AOC

The AOC Shall:

- a.** Provide technical assistance regarding Title I and associated other funds, including its purpose, appropriate use of funds, reporting requirements and the development of appropriate Title I and associated fund programs.
- b.** Provide Cochise County \$78,530.00 to the Superintendent to be spent as outlined in Exhibit A-1 and A-2.
- c.** Provide administrative support services for the application, budget and reporting to the Arizona Department of Education for the sub-grant which was obtained on behalf of the parties.
- d.** Provide administrative support for the preparation of the application to the Department of Education for Fiscal Year 2016 sub-grants.
- e.** Provide training, education and support for detention educators, as well as providing appropriate resources for educational remediation for detention students.
- f.** Review contracts with third parties relating to this IGA and school operations, as necessary to carry out obligations as the fiscal pass-through agent and maintain documentation of contracts reviewed.
- g.** Make financial distributions based on the state-wide allocation approved by the Arizona Department of Education (ADE) to the Superintendent within 10 business days after all of the following conditions have been met:
 - (1) Receipt of funds from the ADE;
 - (2) A current, original, and executed IGA or Amendment.
- h.** In order to properly carry out duties as the Sub Grantee of funds received from the ADE, the AOC shall:
 - 1.** Conduct monitoring reviews to ensure compliance with all funding and program requirements within this IGA.
 - 2.** Document and submit all findings to the County School Superintendent and Presiding Juvenile Court Judge for review and any necessary actions. All parties shall agree on a reasonable timeframe for achieving compliance with the requirements of the IGA.
 - 3.** Have the authority to postpone the next fiscal year's allocations until the party or parties achieve compliance with the requirements of the IGA. It is

incumbent upon all parties to act in good faith to achieve compliance in a timeframe that permits timely disbursement and use of funds.

4. Resolve disputes arising during this process pursuant to Paragraph 34, Disputes.

6. Duties of the Court

The Court shall:

- a. Work in cooperation with the Superintendent and shall agree on the method of delivery of the juvenile detention center education program, pursuant to A.R.S. § 15-913.
- b. Work in cooperation with the Superintendent pursuant to the court's statutory obligation, to develop and deliver programs which are in accordance with the Arizona Consolidated State Application which received approval by the United States Department of Education (USDOE) on June 10, 2003, the State Plan (20 USCA Ch. 70, Subch. I, § 6311) and the Title Funds Budget Application, attached as Exhibit A-1.
- c. Comply with any applicable requirements of The Elementary and Secondary Education Act of 2001 (ESEA) P L 107-110, 20 USCA Ch. 70, Subch. I, § 6301 et. seq.; 20 USCA Ch. 70, Subch. I, Part D, § 6421 et. seq. and applicable CFRs, Titles II-A; Part B IDEA Basic, Special Education Secure Care Grant, and other associated funds.
- d. Carry out the duties of the court in a manner that assists and supports the Superintendent's duties as enumerated in section 7 of this IGA.
- e. Work in cooperation with the superintendent to provide a minimum of 225 total instructional days in the juvenile detention center consisting of a minimum of 240 minutes (4 hours) of instructional time pursuant to A.R.S. §15-913(E)(1) . Instructors shall have the proper certification as required by the Arizona Department of Education.
- f. Provide program reports, as requested by the AOC, and maintain adequate documentation for purposes of fiscal audit, monitoring and program evaluation.

7. Duties of the Superintendent

The Superintendent shall:

- a. Work in cooperation with the Court and shall agree on the method of delivery of the juvenile detention center education program, pursuant to A.R.S. § 15-913.
- b. Work in cooperation with the Court pursuant to the Superintendent's statutory obligation, to develop and deliver programs which are in accordance with the Arizona Consolidated State Application which received approval by the United States Department of Education (USDOE) on June 10, 2003, the State Plan (20 USCA Ch.

70, Subch. I, § 6311) and the Title Funds Budget Application, attached as Exhibit A-1.

- c.** Comply with any applicable requirements of The Elementary and Secondary Education Act of 2001 (ESEA) P L 107-110, 20 USCA Ch. 70, Subch. I, § 6301 et. seq.; 20 USCA Ch. 70, Subch. I, Part D, § 6421 et. seq. and applicable CFRs, Titles II-A; Part B IDEA Basic, Special Education Secure Care Grant, and other associated funds.
- d.** Work with the Court and the AOC in the preparation of the application for ESEA and associated funds for Fiscal Year 2016.
- e.** Ensure the detention education program is aligned to the Arizona College & Career Ready Standards as defined by criteria established by the State Board of Education.
- f.** Ensure all education information and records are maintained in the juvenile's education file at the facility consistent with state and federal law. Education staff shall maintain the confidentiality of these records pursuant to the Family Education Rights and Privacy Act, (FERPA), 20 U.S.C. §1232g; A.R.S. § 15-141.
- g.** Ensure all state required achievement tests (i.e. AIMS, AIMS-A) are administered to any student that is being detained on the scheduled date of testing as determined by the Arizona Department of Education.
- h.** Ensure the Child Find process as provided in 34 C.F.R. §300.111 et seq., is implemented for each student that is enrolled in the detention education program. If the assessment process provides an indication of any special needs or if an Individual Education Plan (IEP) currently exists, all state and federal law requirements shall be observed. If a student has a current IEP with information that is not applicable to a detention setting, the IEP shall be amended in accordance with federal law.
- i.** Ensure the content and curriculum aligns with the Arizona College & Career Ready Standards and addresses the juvenile's educational needs as identified in their educational plan.
- j.** Work with the Court to ensure all juveniles' education plans include provisions for transition. Transition planning should be consistent with federal IDEA, ESEA, and any applicable Arizona State Board of Education requirements for transition planning. Examples of transition programming include but are not limited to the Education and Career Action Plan (ECAP), Arizona Career Inventory System (AzCIS) and Merging Two Worlds.
- k.** Spend Title I funds for salaries which reflect at least 12%, but no more than 35%, in benefits.
- l.** Follow requirements of the Uniform System of Financial Records (USFR), described in A.R.S. § 15-271, and published in a manual by the Arizona Department of Education and the Auditor General.

- m.** Work in cooperation with the Court to provide a minimum of 225 total instructional days in the juvenile detention center consisting of a minimum of 240 minutes (4 hours) of instructional time pursuant to A.R.S. 15-913(E)(1). Instructors shall have the proper certification as required by the Arizona Department of Education.
- n.** Maintain a comprehensive inventory of all capital equipment purchased and file an annual financial report with the AOC using the forms supplied by the AOC, which include the "Capital Outlay" worksheet.
- o.** Maintain and provide to the AOC upon request, job descriptions, certification information, annual teacher assessments, salary schedules, and documented performance initiatives, if applicable.
- p.** Ensure that the funds are not used to supplant already existing funds that would, in the absence of Title I and all related funds, be available from non-federal sources for the education of these juveniles.
- q.** Work with the Court to ensure all juveniles are enrolled in the education program within 48 hours of admission to the facility pursuant to A.R.S. §15-913(E)(1).
- r.** Work with the Court to provide services for all students that include:
 - (1)** Performing educational assessments given within 24 hours of enrollment that include but are not limited to math, reading and language arts to align with the Arizona College & Career Ready Standards. This information shall be updated at a minimum of every six (6) months.
 - (2)** Developing education plans within 48 hours of enrollment that include the results from an education staff and student interview, the results of the academic assessments, and provisions for transition as required by Title I and IDEA Basic federal funding guidelines. This information shall be updated at a minimum of every six (6) months.
 - (3)** Requesting educational records from student's home school within 5 school days after enrollment into the detention education program pursuant to A.R.S. §15-828(G). Upon receipt, update education plan accordingly.
 - (4)** Coordinating the program with each pupil's school district of residence to assist the pupil's transition back to the school district at the appropriate time pursuant to A.R.S. §15-913, or into public and/or alternative education placements.
 - (5)** Supervising and assisting students to ensure they successfully complete assigned work while in the detention facility.

- (6) Awarding transferable credits for work completed while in the detention facility.
- (7) The opportunity for juveniles between sixteen (16) and eighteen (18) years of age to take the General Education Development (GED) test if appropriate as determined by the detention education teacher and pursuant to the rules and regulations of the GED Testing Service and the Arizona Department of Education Arizona Administrative Code R7-2-307 (B)(2)(a) and (b).
- (8) Developing a defined method of alternative education services for those juveniles removed from the classroom due to their status as an immediate or ongoing security risk to self, others or the institution. These services shall be consistent with the student's education plan and developed by a certified teacher. Any removal shall be documented in the individual student's education file.

- s. Retain contracts with third parties relating to this IGA and school operations. Documentation of contracts shall be maintained at the Superintendent's office and will be provided as requested. Adequate documentation will be maintained for audit and monitoring purposes.

8. Fund Accounting

Funds distributed to the Superintendent shall be deposited in a Special Reserve Fund *and each program must be accounted for separately*. Any interest earned on these monies while in the possession of the Superintendent shall accrue to *each separate program account* and must be reverted to the AOC when the Fiscal Closing Report is submitted in accordance with Exhibit A-1 and the terms of this IGA.

9. Program Reporting and Expenditures

- a. Closing Reports.** Submit an annual closing report which includes all required information pursuant to Title I Institution Wide Programs and assurances given pursuant to Title II-A. In addition, a Title Funds Closing Budget form, General Ledgers documenting expenditures of funds associated with this IGA, and carryover justification form shall be included and submitted to the AOC by September 1st of each fiscal year.
- b. Program Reports.** Provide program reports, as requested, and maintain adequate documentation for purposes of fiscal audit, monitoring and program evaluation and shall adhere, in particular, to assurances given pursuant to Title II-A.
- c. Expenditures.** Ensure that funds are spent and programs are developed in accordance with all state and federal funding rules and regulations, as well as the Arizona

Consolidated State Application approved by the USDOE on June 10, 2003.
Expenditures shall also be in accordance with Exhibit A-1 and A-2.

- d. Inappropriate Expenditures.** The superintendent shall expend funds only for the purposes and uses specified in the budgets which were approved by the AOC. The Superintendent agrees to reimburse the AOC for any unauthorized or inappropriate expenditures which are not in compliance with this IGA. However, funds may be used to pay county or city administrative costs for legitimate services associated with receipt of these funds to not exceed a combination of 8%, if approved in the budget, attached as Exhibit A-1. All equipment purchased with these funds shall be used solely for purposes identified in this IGA unless written permission is received from the AOC to utilize such equipment for other specified purposes, as appropriate within the guidelines and intent of the funds as defined in this agreement.
- e. Unexpended Funds.** The Superintendent may carry over no more than 15% for Title I funds unexpended as of June 30th of each fiscal year, unless approved by the ADE. Additionally, if the AOC determines that the funds have been misspent or that the Superintendent shall not be approved to receive funds for the next fiscal cycle, or the AOC shall not receive funds from the ADE for the next fiscal cycle, all unexpended funds and interest shall be returned to the AOC within 30 days of written notification. A closing financial statement shall be signed by the Superintendent and Director of Juvenile Court Services. Unexpended funds shall be handled pursuant to federal and state requirements.
- f. Budget Modifications.** The Superintendent shall not shift funds from, to, or within budgeted categories of the approved budgets by more than 10% without prior written authorization from the AOC. All budget modifications shall be in accordance with federal and state budget policies.
- g. Termination of Funding.** In the event that this IGA is terminated prior to March 31, 2017 all unexpended funds in the possession of the Superintendent shall be returned to the AOC within 30 days of such termination, along with, but not limited to: (1) a closing financial statement; (2) a final report outlining the program achievements and progress toward identified goals; and (3) an inventory, including serial numbers, of all equipment purchased with these funds. If termination is due to failure of the Superintendent to comply with the approved plan or the terms of this IGA, the AOC may require return of equipment and supplies purchased with these funds.

10. Books and Records

- a. Financial Records and Examination.** The Superintendent shall maintain and shall require its subcontractors to maintain acceptable accounting systems, records, and documents to properly reflect all funds expended in the performance of this IGA. All books, records and other documents relevant to this IGA shall be retained by the Superintendent and subcontractors for a period of 5 years after the final payment has been made, or until after the resolution of any audit questions or contract disputes,

whichever is longer. AOC, state, or federal auditors, as applicable, and any other persons duly authorized by the AOC shall have full access to, and the right to examine, audit, copy and make use of any and all said materials. All subcontracts shall include a provision acknowledging the authority of the AOC to conduct such audits or examinations.

b. Program Records and Evaluation. The AOC shall monitor and evaluate compliance with this IGA. The Superintendent and Court agree to maintain and provide to the AOC such data and statistics as may be required by the AOC for purposes of evaluation. The Superintendent and Court further agree that authorized agents of the AOC shall have the right to conduct on-site visits for purposes of compliance monitoring and program evaluation. All subcontracts shall include a provision acknowledging the authority of the AOC to conduct such inspections and evaluations.

11. Inventory

The Superintendent shall retain ownership of equipment purchased with all federal funds distributed by the AOC and pursuant to this and all previous IGA's. Written inventory and property control policies and procedures in accordance with federal requirements shall be maintained.

12. Transfer of Program Duties

Should the Superintendent and the Court agree that the Court rather than the Superintendent perform these duties a written agreement shall record such intent and operations. Such an agreement shall be presented by the Court to the AOC for review and approval as the pass-through fiscal agent for funds associated with this IGA, prior to the execution of the IGA.

13. Property Acquired

In the event of a transfer of program duties, termination, or cancellation of the IGA, all property shall belong to the Superintendent but shall remain at the detention center as long as the property is being used for educational purposes.

14. Use, Loss and Disposition of Equipment

Equipment must be used as required by this IGA for five years, unless written permission is given by the AOC. After this time, the equipment may be transferred upon agreement between the presiding judge and the Superintendent. The Superintendent is responsible for any maintenance, loss or damage to the equipment. Equipment which is no longer needed or usable shall be surplus as required by local surplus property procedures and may be utilized as long as the procedures are consistent with federal and state requirements.

15. Confidentiality

- a.** There shall be no disclosure of personally identifiable information from any student's education records except in compliance with A.R.S. § 15-141, the Family Educational Rights and Privacy Act (FERPA) and regulations adopted pursuant to that Act, the Individuals with Disabilities Education Act (IDEA) and regulations adopted there under, and applicable school board policies.
- b.** The parties shall establish and maintain procedures and controls that are acceptable to the AOC for the purpose of assuring that no information contained in court records or obtained for the Court shall be disclosed by anyone except as is necessary in the performance of the duties as described herein. No information pertaining to juveniles shall be divulged, other than as required in the performance of the duties as described herein.
- c.** The provision and use of all information covered by the terms of this Agreement shall be in strict compliance with federal and state statutes, court rules and regulations concerning confidentiality, in particular, Rule 19, Rules of Procedure Juvenile Court, and Rule 123, Rules of the Supreme Court. The parties shall establish and maintain procedures and controls that are acceptable to the Court for the purpose of assuring that no information contained in its records or obtained from the Court or from others in carrying out its functions under the IGA shall be used or disclosed by it, its agents, officers, or employees, except as is necessary in the performance of duties under this IGA. Persons requesting such information shall be referred to the Court. The parties also agree that any information pertaining to probationers or juveniles shall not be divulged, other than to employees of the Superintendent as required in the performance of duties under the IGA, except upon the prior, written consent of the Court.

16. Modification

Any modification to this IGA must be done in writing and executed by all parties, including transfer of funds to another county.

17. Termination

This IGA may be terminated by any party upon 30 days written notice to all parties by certified mail due to:

- a.** lack of funding;
- b.** statutory changes in the program;
- c.** failure of any party to comply with this IGA;
- d.** other circumstances necessitating such action.

18. Indemnity

Each party agrees to be responsible for the conduct of its operations and performance of contract obligations and for any accidents or injuries to persons or property arising out of acts or omissions by its officers, agents or employees acting in the course or scope of their employment while performing duties undertaken pursuant to this IGA.

19. Rights and Duties of Party Only

The provisions of this IGA govern the duties and responsibilities of the parties to the IGA and are not intended to confer any right, entitlement, privilege or benefit on any third party.

20. Entire IGA

This IGA contains the entire understanding of the parties hereto. There are no representations or other provisions other than those contained herein, and any amendment or modification of this IGA shall be made only in writing and signed by the parties to this IGA.

21. Incorporation by Reference and Invalidity of Part of the IGA

The parties agree that should any part of this IGA be held to be invalid or void, the remainder of the IGA shall remain in full force and effect. This IGA shall be deemed to have incorporated by reference all laws governing the intergovernmental agency agreements and mandatory contract provisions of state agencies required by statute or executive order and shall be construed accordingly.

22. Compliance with Non-Discrimination Laws

All parties shall comply with applicable provisions of Title VII of the Civil Rights Act of 1964, as amended by the Age Discrimination in Employment Act, and State Executive Order No. 2009-9 which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliations, shall have equal access to employment opportunities. The parties shall also comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement of qualified persons because of physical or mental disability, and the Americans with Disabilities Act.

23. Conflict of Interest

The parties acknowledge that this IGA is subject to cancellation provisions pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein and made a part thereof.

24. Legal Authority

By entering into this Agreement, the parties are not relieved of any obligation or responsibility imposed upon them by law.

25. 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.

26. No Joint Venture

It is not intended by this IGA to, and nothing contained in this IGA shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between the employees of one Party to another Party. Neither party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold social Security and income taxes for itself or any of its employees.

27. No Third Party Beneficiaries

Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not parties to this IGA or affect the legal liability of either party to the IGA by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

28. Availability of Funds

Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

29. Compliance with the Arizona Legal Workers Act, A.R.S. § 41-4401

a. Each party warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with A.R.S. § 23-214(A). (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program."). If this compliance requirement disqualifies any of the parties' key personnel or individuals working at the direction of any of the parties and no acceptable alternative is provided the Court may terminate this contract.

b. A breach of a warranty regarding compliance under subparagraph A shall be deemed a

material breach of the contract that is subject to penalties up to and including termination of the contract.

- c. The Court retains the legal right to audit and inspect the papers of any of the parties' employees or subcontractor's employees who work on the contract to ensure that the parties' personnel and any person working at the direction of any party is complying with the warranty under subparagraph A.

30. Audits

Pursuant to A.R.S. §§ 35-214 and 35-215, the parties shall retain all records relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the State of Arizona at reasonable times. Upon request of either party, the other party shall produce the original of any or all such records at the offices of the requesting party.

31. Change in Duties

Should the Court and Superintendent agree that the Court rather than the Superintendent perform these duties; a written agreement shall record such intent and operations. Such an agreement shall be presented by the Court to the AOC for review and approval as the pass-through fiscal agent for funds associated with this IGA, prior to the execution of the IGA.

32. Arbitration

The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

33. Disputes

Should any dispute arise concerning this IGA among the AOC, the County School Superintendent, and the County Superior Court through the Juvenile Court, the parties shall first meet and confer to resolve the issues. As stated in Section 5(h)(3) it is incumbent upon all parties to act in good faith to achieve compliance in a timeframe that permits timely disbursement and use of funds. Should the effort to meet and confer not resolve the issues, the parties shall follow the dispute resolution procedures established in the Supreme Court Administrative Office of the Courts, Policies and Procedures Manual No. 7.04 (C) and (D). If, after exhausting the administrative remedies set forth in those provisions, the dispute is subject to the mandatory arbitration provisions of A.R.S. §12-133, the AOC and the parties shall submit the matter to arbitration in compliance with A.R.S. §12-1518.

34. Notice

All notices, requests for payment, or other correspondence between the parties regarding this IGA shall be mailed or delivered personally to the respective parties to the following addresses:

AOC:

Teasie Colla
Arizona Supreme Court
Juvenile Justice Services Division
1501 West Washington, Suite 337
Phoenix, AZ 85007

COURT:

Ms. Patricia Munoz
Director of Juvenile Court Services
Cochise County Juvenile Court
Bisbee, Arizona

SUPERINTENDENT:

Ms. Trudy Berry
Cochise County Superintendent of Schools
Bisbee, Arizona

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement on the date written below.

AOC:

By: David K. Byers
Administrative Director
Arizona Supreme Court

Date

Superior Court of Arizona in and for Cochise County:

By: Honorable Karl D. Elledge
Presiding Juvenile Court Judge

Date

Superintendent:

By: Ms. Trudy Berry

Date

Board of Supervisors:

By: Chairman

Date:

Superintendent's Counsel:

By:

Date:

Board of Supervisors Counsel:

By:

Date:

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: Teresa Rockrich

Date Prepared: 03/31/2016

Point of Contact: Teresa Rockrich

Phone Number: 520-432-8819

Department: **Juvenile Probation**

PRIMARY GRANT

Primary Grantor: Arizona Supreme Court

CFDA:
www.CFDA.gov

Grant Title: Title 1 Fund

Grant Term From: 07/01/2015

To: 06/30/2016

Total Award Amount: 78,530.00

New Grant: Yes No

Grant No: KR13-0130

Amendment: Yes No

Amendment No: KR16-0006

GL Account No: 551-1200

If new, Finance will assign a fund number.

Strategic Plan: **Other**

District: **Select District Below**

Mandated by Law Yes No

Number of Positions Funded: 1.17

Asset(s) Acquired:

None

Grantor's reimbursement mileage rate:

Health or pension reimbursement:

Other reimbursement:

Briefly describe the purpose of the grant:

Funding for Juvenile Detention education and transition programming.

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

A.R.S. 15-913

PRIMARY FUNDING SOURCE

Funding Year: 2015/2016 Federal Funds 332.100 78,530.00

State Funds 336.100

County Funds 391.000

Other Funds:

Total Funds: 78,530.00

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: \$ 0.00

(b) Amount of overhead allowed by grant: \$ 0.00

County Subsidy (a) - (b) = \$ 0.00

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.

Exhibit A-1
FY16 Budget Application

Public Educational Agency (PEA) Arizona Supreme Court	Cochise	Name	Phone	Line Item Totals
Function Code	Object Code	Title I-D	Title II-A	Line Item Totals
Current FY16 Allocation		\$19,005.00	\$47,461.00	\$6,829.00
Carryover from FY15 (+)		\$6,929.42	\$513.65	\$9,714.83
Additional Funds				
*Total Program Budget Allocation FY16 (=)		\$25,934.42	\$47,974.65	\$16,543.83
Instruction 1000				
Salaries	6100	\$12,384.32		\$12,384.32
Employee Benefits	6200	\$8,688.43		\$8,688.43
Purchased Professional Services	6300	\$1,830.50		\$1,830.50
Purchased Property Services	6400	\$1,000.00		\$1,000.00
Other Purchased Services	6500			
Supplies	6600	\$2,031.17		\$1,000.00
Other Expenses	6800		\$5,215.05	\$10,043.83
Support Services 2100, 2200, 2600-2900				
Salaries	6100		\$27,614.00	\$27,614.00
Employee Benefits	6200		\$11,045.60	\$11,045.60
Purchased Professional Services	6300		\$6,000.00	\$10,100.00
Purchased Property Services	6400			
Other Purchased Services	6500			\$5,500.00
Supplies	6600			\$6,000.00
Other Expenses	6800			\$1,157.62
Support Services - Admin 2300, 2400, 2500				
Salaries	6100			\$0.00
Employee Benefits	6200			\$0.00
Purchased Professional Services	6300			
Purchased Property Services	6400			
Other Purchased Services	6500			
Supplies	6600			
Other Expenses	6800			
Capital Outlay	6700 et al.			
PROPOSED BUDGET EXPENDITURE TOTAL FY16		25,934.42	13,157.62	16,543.83
				\$103,610.52

Trudy Berry
County School Superintendent Date

Patricia B. Muns
Director of Juvenile Court Services Date

03/28/16

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

Natural Resource Consulting Funding FY 15/16

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

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

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

NAME of PRESENTER: James E. Vlahovich **TITLE of PRESENTER:** County Administrator

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

Docket Number (If applicable):

Information

Agenda Item Text:

Approve an additional funding of \$30,000 to support wolf and jaguar litigation and efforts to research the Mexican Gray Wolf and an additional funding of \$5,000 for water litigation efforts in support of the City of Sierra Vista.

Background:

In order to continue to support natural resource projects and litigation efforts staff was directed by the Board during a work session to fund these projects with an additional \$30,000.

These breakdown of these funds:

- Mary Darling- \$15,000- wolf litigation document review
- Mary Darling- \$5,000- jaguar litigation document review
- AZ/NM Coalition- \$5,000- litigation fund
- EACO- \$5,000- DNA Study

Department's Next Steps (if approved):

Move \$35,000 from the general fund into the natural resources fund line.

Impact of NOT Approving/Alternatives:

The County would not be able to continue to fund natural resource projects/litigation for fiscal year 2015/2016.

To BOS Staff: Document Disposition/Follow-Up:

If approved, notify Finance so that they can transfer \$30,000 to the natural resources consulting fund line from the general fund.

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

Meeting Date: 04/12/2016
Demands over 6 months
Submitted By: Nike Noack, Board of Supervisors
Department: Board of Supervisors
Presentation: No A/V Presentation
Document Signatures: BOS Signature NOT Required

Recommendation: Approve
of ORIGINALS Submitted for Signature: 0

NAME of PRESENTER: Nike Noack
Mandated Function?:

TITLE of PRESENTER: Financial Services Manager
Source of Mandate or Basis for Support?: 11-622

Docket Number (If applicable):

Information

Agenda Item Text:

Approve demands over six months to Fisher Sand and Gravel for crushed aggregate for road construction in the amount of \$297,275.76.

Background:

Fisher Sand and Gravel is requesting payment for two unbilled invoices for concrete crushing and sand. These invoices were mistakenly left unbilled by Fisher Sand and Gravel for several months and now both exceed the 6 month claim limit allowed by Arizona Revised Statute 11-622. Ron Ellis confirmed materials and services for these invoices were accurate and received. We have spoken with the vendor and reminded them of the claim limit. They have agreed to be more diligent about invoicing in the future.
Invoice# 67307 in the amount of \$169,355.76 was to be billed on 8/31/2015, but the invoice was not billed and received until 3/22/2016. This invoice was for concrete crushing and sand for ADEMA repairs.
Invoice# 67057 in the amount of \$127,920 was to be billed on 4/30/2015, but the invoice was not billed and received until 3/22/2016. This invoice was for crushed aggregate at the Hereford Pit. This invoice was issued under blanket PO# 2015-554.

Department's Next Steps (if approved):

If approved, the demands will be entered and paid.

Impact of NOT Approving/Alternatives:

If not approved, invoices will remain unpaid and considered past due by the vendor.

To BOS Staff: Document Disposition/Follow-Up:

None. If approved, a copy of the minutes will be attached to the invoice and kept in the vendor file for audit records.

Budget Information

Information about available funds

Budgeted: **Funds Available:** **Amount Available:** 297275.76
Unbudgeted: **Funds NOT Available:** **Amendment:**

Account Code(s) for Available Funds

1: 261-4120-9 413.700
2: 261-4110-9 413.900

Fund Transfers

Fiscal Year: 2016

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):

There is budget capacity to pay for these invoices. The ADEMA invoice in the amount of \$169,355.76 will be partially reimbursed through the ADEMA grant and can be paid out of 261-4120-9 413.700. The Flood Control District invoice in the amount of \$127,920 can be paid out of 261-4110-9 413.90.

Attachments

ARS 11-622

Fisher Invoices

Arizona Revised Statute

11-622. Demand; time limit for presentation of claim

A. A person having a claim against a county shall present to the board of supervisors of the county against which the demand is held an itemized claim executed by the person under penalties of perjury, stating minutely what the claim is for, specifying each item, the date and amount of each item and stating that the claim and each item of the claim is justly due.

B. Sellers of goods or services to a county may submit claims in writing or by electronic data interchange if such method is approved by the county board of supervisors. All other claims shall be submitted in writing.

C. The board of supervisors shall not pay any claim unless demand for payment is made within six months after the last item of the account accrues.



FISHER SAND & GRAVEL CO.
 P.O. Box 1034, Dickinson, ND 58601-1034
 Phone: 701-468-8184 Fax: 701-468-2176

INVOICE

Project: COUNTY OF COCHISE COCHISE
 COUNTY #1

PO Number:

Customer Number: 90716

COCHISE COUNTY
 1415 MELODY LANE BLDG F
 BISBEE AZ 85603

Job Number 14822	Sub Job	Period From 00/00/0000	To 08/31/2015	Date 08/31/2015	Application Number 57307
COUNTY OF COCHISE COCHISE COUNTY #1					

Item No	Description of Work	Contract Unit Price	Contract Units	Contract Amount	Current Units	Current Amount	Current Material Stored	Retention Percent	To Date Units	To Date Completed & Stored
01	CRUSHED CONC AB	5.250 TN	25,611.0000	134,457.75	25,611.0000	134,457.75	.00	.00	25,611.0000	134,457.75
02	SAND	1.250 TN	20,129.0000	25,161.25	20,129.0000	25,161.25	.00	.00	20,129.0000	25,161.25
Totals				159,619.00		169,619.00	.00		159,619.00	159,619.00
Taxes						5736.76				
Less Retained						.00				
Invoice Total						169,356.76				.00

COMMENTS:
 COCHISE COUNTY #1
 BISBEE, AZ
 AUGUST 2015

TERMS - NET 30 DAYS
 SERVICE CHARGE OF 1 1/2% PER MONTH (18% PER ANNUM)
 WILL BE CHARGED ON ALL PAST DUE ACCOUNTS



FISHER SAND & GRAVEL CO.
 P.O. Box 1034, Dickinson, ND 58601-1034
 Phone: 701-458-9184 Fax: 701-458-2176

Project: COCHISE COUNTY COCHISE-
 HEREFORD PIT

PO Number:

Customer Number: 90716

2015-554

COCHISE COUNTY
 1415 MELODY LANE BLDG F
 BISBEE AZ 85603

INVOICE

Job Number	Sub Job	Period	To	Application Number
15863		From 02/02/2015	04/30/2015	
COCHISE COUNTY				
COCHISE-HEREFORD PIT				
				67057

Item No	Description of Work	Quantity	Unit	Rate	Amount	To Date Completed & Shipped
01	CRUSHED AGGREGATE PO 554	4,000	TN	17,500.0000	70,000.00	70,000.00
02	ROAD MATERIALS PO 556	4,000	EA	12,500.0000	50,000.00	50,000.00
Totals					120,000.00	120,000.00
Taxes					7,320.00	
Less Retained Invoices Total					.00	
					127,320.00	.00

COMMENTS:
 COCHISE-HEREFORD PIT
 SIERRA VISTA, AZ
 APRIL 2015

TERMS - NET 30 DAYS
 SERVICE CHARGE OF 1 1/2% PER MONTH (18% PER ANNUM)
 WILL BE CHARGED ON ALL PAST DUE ACCOUNTS

JOB FILE

Regular Board of Supervisors Meeting

Meeting Date: 04/12/2016

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

Agenda

Tracking Report



**COUNTY SUPERVISORS ASSOCIATION
LEGISLATIVE POLICY COMMITTEE**

(Teleconference Made Available)

County Supervisors Association

1905 West Washington

Phoenix, Arizona

MINUTES

April 1, 2016

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

Others present telephonically: Mike Pastor, John Marcanti, Delwin Wengert, Terry Cooper, Jennifer St. John, Marlyn Summers

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

With permission from President Metzger, the Budget Update agenda item would be delayed to when Craig Sullivan returned to the meeting. Penny Adams called roll and a quorum was present.

Approval of the Minutes

Supervisor Ann English moved to approve the minutes of the March 25, 2016, Legislative Policy Committee meeting. Supervisor Rudy Molera seconded the motion and the motion passed unanimously.

Legislative Bills for Discussion

Courts & Criminal Justice

- 1) [HB 2300 firearms; prohibited governmental activities](#). Kristin Cipolla reported on the bill and advised that the Arizona Association of Counties and the Sheriffs Association opposed this bill. Discussion occurred. Supervisor Ann English moved to oppose HB 2300. President Mandy Metzger advised that without a second, the motion would not be considered, but that CSA will continue to monitor this bill and bring it back to the LPC, if necessary.

Taxes

- 1) [HB 2403 tax lien deeds; aggregate fees](#). Dan Bogert commented that the LPC had authorized CSA earlier in the session to engage in the stakeholder process for this bill. CSA has done that and Dan reported on the bill. CSA will continue to actively engage in the process of this bill.

- 2) [HB 2614 cooperative associations](#). Dan Bogert reported on the bill and advised that CSA has been in communication with legislative staff and the Arizona Department of Revenue regarding the implications of this bill. CSA will continue to monitor the bill.

Budget Update

Craig Sullivan reported that earlier this week the Senate convened small group meetings regarding the basics of the budget. The House did similarly yesterday. Craig noted that the basics include discussions on revenue and expenditures and agency resolves, but there are still significant gaps in the budget, particularly on the one-time money the state has. The state is trying to be cautious on anything that would represent ongoing expenditures.

Craig reported that the transportation dialogue appears to be for a one-time appropriation basis. There is a difference of opinion with the Senate appropriation proposed at \$96 million and the House proposed at \$30 million. CSA continues to advise legislators that the HURF money is important and it helps with county road maintenance, but there is also a need for general fund relief, which would include the Lottery monies. Craig noted that the PPE monies are still in the budget discussions.

Craig stated that budget negotiations may start rolling quickly and a deal could be expected within the next few weeks. He requested counties target legislators and thank them for their efforts on restoring HURF, but to notify them that general fund relief is important. CSA will provide e-mail messages to the counties to use in their contact with key legislative members. CSA will continue to communicate with lawmakers. President Metzger requested CSA continue to notify counties on how they can help in the communications.

CSA Legislative Agenda

Craig Sullivan reported that the CSA team has been very active in moving the CSA Legislative Package through the process. [HB 2021 codes; adoption by reference; copies](#) and [HB 2146 municipalities; property sale threshold; election](#) have both been successful and signed by the Governor. He noted that the Governor's office has signaled that the Governor does not want any more bills sent to his desk until the budget is finalized. Some CSA bills are primed for passage to the Governor's desk, but will most likely be slowed down until after the budget is done.

- 1) [HB 2021 codes; adoption by reference; copies](#)
- 2) [HB 2368 county contributions; hospitalization; medical; repeal](#)
- 3) [HB 2373 regional transportation authority; membership; election](#)
- 4) [HB 2430 county libraries; general fund](#)
- 5) [HB 2512 pension contributions; expenditure limit exemption](#)
- 6) [HB 2541 S/E: primitive campgrounds; exemption; definition](#)
- 7) [HB 2564 appropriation; indigent defense fund](#)
- 8) [SB 1198 public libraries operation; third party contracts](#)
- 9) [SB 1250 intergovernmental public transportation authority; taxation](#)
- 10) [SB 1308 juvenile charged as adult; detention](#)
- 11) [SB 1316 board of trustees; disincorporation; repeal](#); amended onto [HB 2146 municipalities; property sale threshold; election](#)
- 12) Folder # TBD Expenditure Limit Exclusion of RICO Funds

President Metzger thanked CSA staff for keeping the counties updated and informed. She said she appreciated all the counties' participation on these calls throughout the session.

Next Meeting Date and Time

President Metzger advised that the next LPC meeting will be on Friday, April 8, at 9:00 a.m.

Other Business and Adjournment

There being no further business, President Mandy Metzger adjourned the meeting at 9:24 a.m.



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

April 1, 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) Approval of the Minutes of the March 25, 2016, Legislative Policy Committee Meeting

B) Budget Update

C) Legislative Bills for Discussion

Courts & Criminal Justice

- [HB 2300 firearms; prohibited governmental activities](#) (*Kern*)

Taxes

- 1) [HB 2403 tax lien deeds; aggregate fees](#) (*Leach*)
- 2) [HB 2614 cooperative associations](#) (*Gray*)

D) CSA Legislative Agenda

- 1) [HB 2021 codes; adoption by reference; copies](#) (*Stevens*)
- 2) [HB 2368 county contributions; hospitalization; medical; repeal](#) (*Thorpe*)
- 3) [HB 2373 regional transportation authority; membership; election](#) (*Shope*)
- 4) [HB 2430 county libraries; general fund](#) (*Stevens*)
- 5) [HB 2512 pension contributions; expenditure limit exemption](#) (*Coleman*)
- 6) [HB 2541 S/E: primitive campgrounds; exemption; definition](#) (*Finchem*)
- 7) [HB 2564 appropriation; indigent defense fund](#) (*Cobb*)
- 8) [SB 1198 public libraries operation; third party contracts](#) (*Griffin*)
- 9) [SB 1250 intergovernmental public transportation authority; taxation](#) (*Shooter*)
- 10) [SB 1308 juvenile charged as adult; detention](#) (*Griffin*)
- 11) [SB 1316 board of trustees; disincorporation; repeal](#) (*Kavanagh*); amended onto [HB 2146 municipalities; property sale threshold; election](#) (*Leach*)
- 12) Folder # TBD Expenditure Limit Exclusion of RICO Funds

E) Next Meeting Date and Time (*Friday, April 8, at 9:00 a.m.*)

F) Other Business

G) Adjourn

Ongoing Bill List: All LPC Bills

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2001	unlawful distribution of private images	Mesnard	Makes changes to current law regarding the unlawful distribution of private images. The bill would make it unlawful for a person to intentionally disclose an image of another person who is identifiable from the image or information displayed in connection with the image if certain conditions apply. Includes an emergency clause.	Passed House 58-0; Passed Senate 29-0, Signed by Governor.	1/15 - LPC took a position to support the proposed legislation. This proposed legislation is the same issue we supported in 2015.
HB 2005	tax abatement; no parcel number	Finchem	The list of circumstances for abating a tax removing a lien is expanded to include failure by the county assessor to assign a valid property tax parcel identification number.	Held in House Ways & Means	2/5 - Members discussed purpose behind bill and liability concerns, no action was taken. 2/12 - Informational purposes, bill no longer moving.
HB 2010	collection; voted early ballots; limitation	Kern	A person who knowingly collects more than two voted or unvoted early ballots during any two year cycle is guilty of a class 6 felony. Does not apply to a family member, household member or caregiver of the voter or to a candidate or a candidates spouse. Similar to SB1339 sponsored by Senator Shooter in 2015.	Held in House Elections	1/15 - Informational purposes, no action was taken.
HB 2015	publicity pamphlets; counties; municipalities	Stevens	Stipulates all contracts for pamphlet publication or mailing contain a penalty of \$0.01 each day mailing is delayed, to be paid by the contractor to the office of the officer in charge of elections.	Passed House 58-0; Passed Senate 30-0, Signed by Governor.	1/15 - Informational purposes, no action was taken.
HB 2023	delivery; early ballots; limitation	Ugenti-Rita	A person who knowingly collects voted or unvoted early ballots from another person is guilty of a class 6 felony. Any person who is allowed by law to transmit U.S. mail is deemed not to have collected an early ballot while engaged in official duties. Does not apply to a "family member," "household member" or "caregiver" of the voter.	Passed House 34-23; Passed Senate 17-12, Signed by Governor.	1/15 - Informational purposes, no action was taken.
HB 2024	immigration laws; attorney fees	Finchem	Removes a provision allowing court costs and attorney fees to be awarded in immigration enforcement proceedings.	Passed House 35-23, Passed Senate Government 4-3, awaiting floor action.	1/15 - Informational purposes, no action was taken.
HB 2025	utilities TPT; sales of propane	Mitchell	The list of deductions from the tax base for the utilities classification of transaction privilege and use taxes is expanded to include gross proceeds of sales or gross income derived from sales of propane to a business that is principally engaged in manufacturing or smelting operations and that uses at least 51 percent of the propane in the manufacturing or smelting operations.	Passed House 46-14; Passed Senate Finance 4-1, awaiting Rules.	1/15 - Informational purposes, no action was taken. 2/25 - LPC took a position of opposition.
HB 2028	taxes; payment; condemned property	Mitchell	If a municipality, county, school, community college, special taxing district, the state or any agency or instrumentality of the state acquires real or personal property by condemnation, they're not required to pay unpaid taxes, penalties and interest in an amount that exceeds the fair market value of the property interest acquired.	House Ways & Means Held	1/21 - No discussion.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2040	county boundary change; study committee	<i>Finchem</i>	This bill would establish a 9 member joint committee on county boundary changes, to study the feasibility of changing county boundaries, including the fiscal and related impacts of county boundary changes.	House County & Municipal Affairs Held	1/15 - Some LPC members raised concerns.
HB 2051	catastrophic public nuisance; determination; abatement	<i>Finchem</i>	The mayor of a municipality may determine that a "catastrophic public nuisance "exists on state or federal land within the municipal borders, and the chairman of the county board of supervisors or the county sheriff may determine that a catastrophic public nuisance exists.	Held House County & Municipal Affairs	1/15 - Informational purposes, no action was taken. 2/5 - Members expressed concerns regarding the role of the chair of the BOS or county sheriff. LPC took a position to oppose.
HB 2055	class six property; elderly homeowners	<i>Cardenas</i>	Classifies a property owned by an individual who qualifies for senior citizen property valuation protection as a class six property.	Passed House 40-18, referred to Senate Finance.	2/18 - Informational purposes only, no action taken.
HB 2082	S/E law enforcement officers; investigations	<i>Stevens</i>	Places additional requirements on an employer that intends to discipline a law enforcement officer (officer), under certain circumstances.	Passed Senate Public Safety, Military and Technology 6-0, awaiting floor action.	3/25 - CSA Staff explained concerns that additional requirements included in this bill could result in unnecessary increased costs, LPC took a position of opposition.
HB 2088	schools; assessments; surveys; informed consent	<i>Finchem</i>	Requires written informed consent from a parent prior to the administration of surveys that investigate the attitudes, behaviors, beliefs, experiences, opinions or thoughts of a pupil or group of pupils. Could impact ability of ACJC to collect data for the Arizona Youth Survey, which is used by counties to apply for federal grants.	Passed House 34-24, passed Senate Education 5-2, awaiting floor action.	3/11 - Informational purposes only, LPC asked to have the bill put to full BOD. 3/17 - Board took position to oppose unless amendment is attached to ensure that this bill does not apply to the Arizona Youth Survey.
HB 2107	substance abuse recovery homes	<i>Campbell</i>	Municipalities and counties are authorized to adopt by ordinance health and safety standards and enforcement mechanisms for "structured sober living homes" (defined), which must include a list of specified provisions, including mandatory registration, supervision requirements, and qualifications of the house manager.	Passed House 49-9, Passed Senate Government 5-2, Passed Health & Human Services amended 7-0, awaiting floor action	1/15 - Informational purposes, no action was taken.
HB 2130	municipalities; counties; energy use reporting	<i>Petersen</i>	Counties and municipalities are no longer prohibited from requiring an owner, operator or tenant of a business, commercial building or multifamily housing property to measure and report energy usage and consumption, including energy consumption benchmarking and building facility energy efficiency audits.	Passed House 35-24; Passed Senate 18-11, Signed by Governor.	2/5 - Informational purposes, no action was taken.
HB 2131	municipalities; counties; auxiliary containers; prohibitions	<i>Petersen</i>	Repeals and reinserts statute relating to the prohibition on cities, towns and counties from regulating auxiliary containers.	Passed House 35-24; Passed Senate 18-11, Signed by Governor.	2/5 - Informational purposes, no action was taken.
HB 2133	TPT exemption; aerial applicators	<i>Shope</i>	The list of deductions from the tax base for the retail classification of transaction privilege taxes and use taxes is expanded to include the gross proceeds of sales or gross income derived from sales of "agricultural aircraft," defined as an aircraft built for agricultural use for the aerial application of pesticides or fertilizer or for aerial seeding, retroactive to taxable periods beginning April 18, 1985.	Passed House 48-12, Passed Senate Finance 4-1, Passed Senate Appropriations 6-2, awaiting Rules.	2/12 - Informational purposes, no action was taken.
HB 2156	legislative vacancies; appointments	<i>Friese</i>	The county board of supervisors is required to appoint a person to fill a legislative vacancy within five business days after receiving the list of names submitted by the precinct committeemen.	Passed House 60-0, Passed Senate Government 7-0, awaiting Rules.	2/12 - Information only, discussion on 5-day time frame already applies to legislative districts w/fewer than 30 elected PCs, no action taken.
HB 2157	ASRS; political subdivision entities	<i>Ugenti-Rita</i>	Employees of "political subdivision entities" who are hired on or after the effective date of this legislation are excluded from membership in the Arizona State Retirement System.	Passed House COW; awaiting 3rd Reading	1/29 - LPC moved to oppose bill.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2163	S/E pet sales; regulations	Thorpe	Establishes requirements and prohibitions regarding pet dealers and the sale of dogs and cats. Prohibits cities or towns from imposing local law, rule, regulation or ordinance prohibiting sale of dogs or cats.	Passed House 35-22, Passed Senate Appropriations 5-3 amended, awaiting Rules	3/4 - LPC discussed the underlying bill. The strike everything amendment includes new language that the LPC has not yet discussed. 3/25 - CSA staff discussed concerns with preemption of local control; LPC took a position of opposition.
HB 2185	property tax; hotels and motels	Mitchell	Real and personal property and improvements that are used primarily for operating a hotel, motel, campground or similar lodging facility for transient occupancy of guests who rent lodging space on a temporary basis for fewer than 30 consecutive days is classified as class 6 property for property tax purposes.	Referred to House Ways & Means	1/21 - No discussion., 1/29 LPC moved to oppose bill due to its impact on the county and county taxpayers
HB 2191	S/E employee scheduling; preemption	Finchem	Restricts a city, town or county (municipality) from adopting any kind of regulation that requires an adjustment to an employee's schedule.	Passed Senate Commerce and Workforce Development 5-1; passed Senate 20-8; awaiting House action on Senate amendments	2/26 - Informational purposes, no action was taken.
HB 2198	fire districts; vacancies; board operations	Coleman	If a vacancy occurs on a fire district board, a quorum of the remaining board members is required in order to fill the vacancy by appointment of an interim member. If the board lacks sufficient members to constitute a quorum, the board of supervisors is required to appoint an administrator to administer the district and serve until the board members take office after the next general election or until a special election is called to fill vacancies on the board.	Passed Senate Government 7-0; passed Senate 29-0; ready for governor	2/5 - Members discussed concerns regarding appointing a single person, no action was taken.
HB 2201	sovereign authority; commandeering; prohibition; exception	Thorpe	Prohibits the State of Arizona and its political subdivisions from using personnel and financial resources to enforce, administer or cooperate with any United States Government actions that constitute commandeering. Commandeering is defined as any action that is either not in pursuance of the United States Constitution, has not been affirmed by a vote of Congress and signed into law; or exceeds the powers of Congress enumerated in the United States Constitution.	Passed Senate Federalism, Mandates and Fiscal Responsibility 4-3, passed Senate COW; awaiting 3rd Read	3/17 - Members discussed concerns, took a position to monitor.
HB 2267	prime contracting classification; repeal	Cobb	Eliminates the prime contracting transaction privilege tax classification and replaces it with the manufactured building dealer classification for selling manufactured buildings. Eliminates many of the deductions from the tax base.	Referred to House Ways & Means	1/21, 1/29, 2/5 - Informational purposes, no action was taken. 2/12 - Informational purposes, will bring back to BOS meeting next week. 2/18 - Staff discussed though bill is dead, issue keeps arising, no action taken.
HB 2287	presiding constable; selection; duties	Bowers	In each county in which there are four or more constables, the constables shall select by majority vote one constable to serve as the presiding constable. Establishes duties of the presiding constable, which include serving as the liaison between the constables and the county manager, assigning and managing clerical staff for constables, and assigning deputy constables.	Passed House 51-7, Senate Public Safety Military and Technology 3.16.2016, also referred to Senate Government	1/29 - Informational purposes; no action was taken; however, there are concerns regarding potential costs. 2/18 - Informational purposes, no action taken.
HB 2288	constables; duties; training; discipline	Bowers	Various changes to statutes relating to constables. The Constable Ethics Standards and Training Board is authorized to suspend a constable from performing his/her duties, with or without pay. If the Board determines that a constable has committed a criminal act, the Board must refer the investigation to the county attorney's office. A constable may seek judicial review of a final order suspending the constable in the superior court.	Passed House 60-0, passed Senate Public Safety Military and Technology 5-0, awaiting Senate floor action	1/29 - Informational purposes; concerns on an expansion of power. 2/18 - Staff discussed Rep. Bowers proposal to create county CESTB. Members talked pros/cons. CSA staff will continue work w/sponsor & legislators. 3/4 - CSA staff will continue work w/sponsor & legislators. 3/17 - Staff provided update on latest amendment language.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments
HB 2300	firearms; prohibited governmental activities	Kern	Prohibits any agent, employee or political subdivision of this state from engaging in activities that violate the Second Amendment to the United States Constitution. Prohibits the State Treasurer from transferring monies to a political subdivision of this state if that political subdivision has adopted policies that violate the above provisions.	Passed House 35-24. Passed Senate Federalism, Mandates and Fiscal Responsibility, awaiting Floor action.	4/1 - Informational purposes, no action was taken, may bring back to future LPC.
HB 2326	agricultural feed; sales; tax exemption	Pratt	Exempts, from transaction privilege tax (TPT), under the retail classification, use and municipal tax, the sale of livestock and poultry feed and other additives to entities feeding their own livestock or boarding livestock non-commercially.	Passed Senate Finance 4-1; awaiting Rules	2/12 - Informational purposes, no action was taken.
HB 2339	constables; repeal	Mitchell	Repeals statute establishing the powers and duties of constables and the Constable Ethics Standards and Training Board. References to constables throughout statute are deleted and in some cases replaced with the county sheriff. All unexpended and unencumbered monies remaining in the Board Fund are transferred to the general fund on the effective date of this legislation.	Referred to House Military Affairs & Public Safety	1/29 - Informational purposes; however, members expressed support for the idea of local control and allowing counties to determine how to utilize the services provided by constables; CSA will monitor issue for now
HB 2350	S/E traumatic event counseling	Finchem	For the purposes of workers' compensation regulations, the definition of "personal injury by accident arising out of and in the course of employment" is expanded to include "post-traumatic stress disorder" (defined) that is due to causes and conditions characteristic of and peculiar to a particular trade, occupation, process or employment.	Passed House 59-0, passed Senate Public Safety Military and Technology 6-0, Passed Senate Appropriations 8-0; awaiting Rules	1/21 - Concerns raised regarding the broad definition of PTSD. CSA will work w/ACIP. 2/26 - LPC took a position of opposition. 3/11 - LPC moved to approve proposed compromise language from ACIP and ASIA. 3/25 - CSA staff gave status update.
HB 2367/ SB 1402	class six property; higher education	Thorpe/ Yarbrough	The list of property classified as class six for property tax purposes is expanded to include real and personal property and improvements that are used as an institution of higher education that offers baccalaureate and/or post baccalaureate degree programs and that is accredited by a regional or national accreditation agency.	Referred to House Ways & Means/ Passed House Government & Higher Education 4-3	1/21 - No discussion. 1/29 - Members expressed concerns over the impact on counties and taxpayers; more information requested. 2/12 - LPC took a position of opposition on SB 1402 as HB 2367 is no longer moving.
HB 2369	forfeiture; criminal conviction; procedures; remedies	Thorpe	Makes changes to laws relating to forfeiture proceedings, including establishing a list of property that the court is authorized to order a person, who has been convicted of a criminal offense, to forfeit. The Arizona Criminal Justice Commission is required to establish and maintain a searchable public website. Establishes a list of prohibited uses of monies in the Anti-Racketeering Revolving Fund and each county's Anti-Racketeering Revolving Fund. A county board of supervisors is required to appoint an independent review board is required to review the sources and expenditures of all monies in these Funds.	Referred to House Judiciary	1/29 - Informational purposes; no action was taken
HB 2398	S/E: fireworks; definition	Kern	Adds mine and shell devices, firecrackers and multiple tube mine and shell devices to the definition of permissible consumer fireworks.	Passed House 31-27, passed Senate Government 4-3, awaiting Senate floor action	3/4 - Informational purposes, discussion regarding potential negative impacts to forests. Staff will monitor and bring back next week for position. 3/11 - Members discussed concerns with danger of fireworks, LPC took position of opposition.
HB 2402	bonds; disclosure; notice	Leach	Specifies information that must be included in county and municipal bond election pamphlets and ballots.	Passed House 34-23; passed Senate 17-12 amended; House refused to concur on Senate amendments; awaiting conference committee	2/12 - Information only, circulated to managers, no action taken. 2/26 - LPC took a position of opposition. 3/4 - Continuing to oppose, as potential amendment to fix issues was not attached to bill.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2403	tax lien deeds; aggregate fees	Leach	The maximum aggregate fee the county treasurer may require to execute and deliver a deed for any judgment foreclosing the right to redeem ten or more individual parcels is \$500. Applies to any judgment entered before the effective date of this legislation for which a treasurer's deed has not been applied or issued.	Passed House 31-28, passed Senate Finance 3-2, awaiting Senate floor action	1/21 - No discussion. 2/5 - Members discussed concerns w/ \$500 figure being too low, possible replacement w/allowing counties to adjust fees, LPC authorized CSA staff to participate with Rep. Leach & Rep. Thorpe in stakeholder process. 4/1 - Staff provided update, shared ongoing concerns regarding \$500 cap provision.
HB 2439	property tax valuation	Petersen	For property tax purposes, the definition of "assessed valuation" is modified to mean the value derived by applying the applicable percentage to the limited property value of the property, instead of to the full cash value or limited property value, as applicable.	Passed House Ways & Means amended 6-3, awaiting Rules.	2/12 - Information shared, AACo opposed bill, LPC took a position of opposition.
HB 2474	county floodplain regulations; mobile homes	Ackerley	Seeks to alter county flood control district board regulations for mobile homes installed to replace homes located in a floodplain, since August 3, 1984, in a town with fewer than 5,000 persons in a county with a population of fewer than 50,000 persons. It decreases the elevation requirement from regulatory flood to base flood elevation. Allows the governing body of a city or town, by majority vote, to exempt the town from this statute.	Passed House 57-0; Passed Senate 29-0; ready for House action on Senate amendments	1/21 - No discussion.
HB 2481	schools; primary property tax rates	Olson	Requires school districts to levy the lesser of the QTR or the district support level and eliminates the four percent budget balance carryforward cap.	Passed Senate Education 6-0 and passed Senate Finance 4-1; awaiting Senate 3rd Read	2/12 - Information only, discussion on floor amendment requiring county school superintendent and county BOS to approve levy, no action taken.
HB 2483	municipal population estimates; use	Olson	An emergency measure that allows counties and municipalities to submit an updated population estimate after a federal decennial census (census) for certain revenue distributions.	Passed House Appropriations 59-0; passed Senate Appropriations 8-0, awaiting Senate floor action	2/5 - Informational purposes, no action was taken.
HB 2495	sporting event tax revenue; tourism	Livingston	The State Treasurer is required to pay from the transaction privilege tax distribution base a specified amount to the Office of Tourism for the sole benefit of the "host facility" of a "special sporting event" where the cost of the event is at least \$50 million. Amount to be paid is \$1 million to \$2 million, based on the total amount spent by the owner of the host facility on the special sporting event. Office is required to use the monies for the promotion and marketing of the special sporting event and its host facility.	Passed House 35-25, Passed Senate Transportation 6-0, passed Senate Appropriations 5-3, awaiting Rules.	2/5 - Informational purposes, no action was taken. 3/11 - Informational purposes only, no action was taken.
HB 2497	local governments; permits; equipment	Mitchell	Requires a political subdivision to allow specified persons to install, operate and maintain microcell equipment in the public highways within the municipality's boundaries and prohibits recurring fees, tax, rent or other charges from the services provided from microcell or Wi-Fi radio equipment.	Passed House 37-22, passed Senate 30-0 amended; ready for House action on Senate amendments	3/4 - Informational purposes, discussion regarding what other enterprises are given this leeway, amendment language expected. CSA will monitor.
HB 2517	business professionals; regulation restrictions	Petersen	Creates the Right to Earn a Living Act that requires municipalities, counties and agencies to limit entry regulations (regulations) and public service restrictions(restrictions) that apply to businesses and professions as necessary to ensure the public health, safety and welfare.	Passed House 33-24, passed Senate Government 4-3, awaiting Senate floor action.	2/5 - Informational purposes, no action was taken. 2/12 - LPC took a position of opposition. 3/17 - Staff discussed potential amendment to fix concerns.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2526	animal control; mandatory impound periods	Rivero	The minimum time period that a stray dog or cat impounded and not eligible for a sterilization program must be kept and maintained at the county pound is reduced to 48 hours, from 72 hours, except for an animal that is healthy, and animal that is sick or injured and treatable, and a dog that is surrendered by its owner. No change to minimum time period of 120 hours for an animal that is impounded with a microchip or discernible ID.	Passed House Rural and Economic Development amended 8-0, awaiting Rules.	2/26 - Informational purposes, no action was taken. Awaiting amendment language.
HB 2533	charter aircraft; tax exemption	Shope	Exempts specified sales of aircraft and aircraft equipment from Transaction Privilege Tax (TPT) and use tax.	Passed Senate Finance 4-1 amended; awaiting Rules	2/12 - Informational purposes, no action was taken.
HB 2536	fine art; TPT exemption	Ugenti-Rita	The list of exemptions from the retail classification of transaction privilege tax is expanded to include sales of "work of fine art" at an art auction or gallery in Arizona to nonresidents if the vendor ships or delivers the work of fine art to a destination out of state. Retroactive to January 1, 2016.	Passed House 42-17, passed Senate Finance 4-1, awaiting Rules.	2/26 - LPC took a position of opposition.
HB 2568	community facilities districts; formation; governance	Gowan	Modifies the procedures to form a community facilities district and the membership of the district board.	Passed House 60-0, passed Senate Government 5-1, awaiting Rules.	2/18 - Members discussed concerns regarding local control, BOD took position of opposition. 3/11 - Informational purposes, staff updated LPC regarding status of issue and potential amendments. 3/17 - Staff provided additional information, CSA continues to oppose despite new amendment language.
HB 2570	local government bonds; ballot statement	J. Allen	At an election for school district, municipal, county or special taxing district bonds, the ballot must include a statement that the issuance of the bonds will result in a property tax increase to pay debt service on the bonds, and that the increased tax will cost a specified amount annually for a home valued at the median full cash value of residential property in the appropriate jurisdiction.	Passed Senate Government 4-3; awaiting Rules	2/5 - Informational purposes, no action was taken. 2/26 - LPC took a position of opposition.
HB 2583	open meetings; audio visual recordings	Stevens	All public bodies are required to provide for a complete audiovisual recording of all their meetings, including executive sessions, and are required to post the audiovisual recording of a meeting on its website within 24 hours after the meeting.	Failed House 23-36; Failed House on reconsideration 28-31.	2/26 - Informational purposes, but no action taken as the bill died on the floor.
HB 2597	delinquent property tax; interest; reduction	Olson	The interest rate on delinquent property taxes is decreased to 10 percent per year simple, from 16 percent per year simple.	Passed House 55-4, referred to Senate Finance	2/18 - CSA staff shared concerns, BOD took position of opposition.
HB 2602	fireworks; permitted uses; regulation	Borrelli	The list of transactions that are not prohibited by fireworks regulations is expanded to include the sale of full-line consumer fireworks to out-of-state residents and in-state residents who sign a document indicating that they will remove the fireworks from Arizona within 48 hours after the purchase. The use of full-line consumer fireworks is prohibited in Arizona without a permit issued by a local jurisdiction.	Failed House Military Affairs & Public Safety 2-5.	2/18 - No discussion, bill failed.
HB 2612	rental properties; prohibited penalties	Plumlee	The bill would prohibit counties and municipalities from adopting or enforcing any ordinance that penalizes tenants or landlords based on a list of specified circumstances relating to domestic violence or sexual violence. Condo associations and HOAs are prohibited from imposing on a unit owner or member a requirement to terminate or not renew a lease agreement based on specified circumstances relating to domestic/sexual violence.	Passed House 34-23, ready for Senate.	2/26 - Informational purposes only, no action taken.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HB 2613	regulatory boards; licensing revision	Petersen	Eliminates several occupational licenses and the related statutes. Requires a cost benefit analysis and feasibility report concerning the transfer of all non-health regulatory boards to a new division within the Arizona Department of Administration (ADOA).	Passed House 31-20, passed Commerce and Workforce Development amended 5-3; awaiting floor action	2/26 - CSA staff shared concerns, LPC took a position of opposition.
HB 2614	cooperative associations	Gray	Adopts guidelines for membership composition, business filing and authorized activities for cooperative associations.	Passed House 58-1; passed Senate Commerce & Workforce Development 6-0; passed Senate Natural Resources 7-0, awaiting floor action.	4/1 - Informational purposes, will continue to monitor.
HB 2618	medical marijuana dispensaries; location change	Leach	Permits a nonprofit medical marijuana dispensary (dispensary) to change locations if the new location is within the same community health analysis area (CHAA).	Passed House COW, awaiting 3rd Read.	2/18 - Informational purposes only, no action taken. 2/26 - CSA staff shared feedback from counties, LPC took a position of support.
HB 2651	floodplain regulation; aggregate extraction	Ugenti-Rita	County flood control districts are prohibited from adopting or enforcing a regulation that restricts or limits the extraction of aggregate for the sole reason that the extraction may cause erosion to or aggravate existing flood-related erosion on property that is adjacent to or near the property on which the extraction is occurring.	Held in House Appropriations.	2/12 - Information only, no action taken. 2/26 - CSA staff shared concerns, LPC took a position of opposition.
HB 2666	governor's economic opportunity office; consolidation	Fann	Establishes the Governor's Economic Opportunity Office, the Arizona Finance Authority and the Arizona Industrial Development Authority. Enables data collection and reporting by the Workforce Data Task Force. Modifies the Qualified Facilities Income Tax Credit and Arizona Competes Fund.	Passed Senate Commerce and Workforce Development 8-0, Passed Senate Finance 5-0; awaiting Rules	3/17 - Informational purposes, no action taken.
HB 2669	TPT exemptions; health sciences institutions	Livingston	The list of exemptions from the utilities classification of transaction privilege taxes is expanded to include the gross proceeds of sales or gross income derived from sales to a qualifying health sciences educational institution. The list of deductions from the tax base for the restaurant classification of transaction privilege taxes is expanded to include sales to a qualifying health sciences educational institution.	Passed House 36-23, referred to Senate Finance.	2/26 - CSA staff shared concerns, LPC took a position of opposition.
HB 2676	utilities; manufacturing; smelting; TPT	Rivero	Exempts the gross proceeds of sales or gross income derived from the sale of electricity or natural gas to a qualified manufacturing or smelting business from transaction privilege tax and use tax.	Passed Senate Finance 4-1; awaiting Senate Rules	3/25 - CSA staff discussed concerns raised by legislators. LPC asked that CSA monitor the issue. Provisions of SB 1291 were amended onto this bill.
HB 2677	peace officer employment; study committee	Rivero	Establishes the Peace Officer Employment Study Committee to research staffing levels, recruitment and retention policies and practices and the impact these have on attrition rates and public safety.	Passed House 58-0; Passed Senate Public Safety, Military and Technology 5-0-1, Passed Senate Appropriations 8-0; awaiting Rules	3/25 - LPC discussed lack of county supervisor representation on the study committee. CSA staff will follow up with sponsor and monitor the issue going forward.
HB 2683	elderly assistance fund; county funding	Olson	Provides a funding mechanism for the Elderly Assistance Fund (Fund) for each Fiscal Year (FY). Requires the board of supervisors to restore monies transferred from the Fund that were not used for the Elderly Assistance Program (Program) if the Fund balance will be exhausted in any FY.	Passed House 31-28, referred to Senate Finance and Appropriations.	3/4 - LPC took a position to oppose, due to the resulting cost shift.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
HCR 2014	S/E minimum wage	Thorpe	Subject to voter approval, statutorily raises the minimum wage and preempts political subdivisions from adopting a minimum wage.	Passed House 32-28, Passed Senate Appropriations 5-3; awaiting Rules	3/25 - CSA staff discussed concerns raised by legislators. LPC asked that CSA monitor the issue.
HCR 2031	personal property tax; exemption	Mesnard	The 2016 general election ballot is to carry the question of whether to amend the state Constitution to prohibit the Legislature from levying a tax on the first \$2.4 million of full cash value of personal property that is initially acquired during or after tax year 2016 and that is used for agricultural purposes or in trade or business. The Legislature is permitted to provide by law for increasing \$2.4 million exempt amount.	Passed the House 35-24; Passed Senate Finance 5-0; awaiting Rules	2/12 - LPC took a position of opposition.
SB 1004	garden produce; regulatory exemption	Farnsworth	The list of food that must be exempt from Arizona Department of Health rules is expanded to include: whole fruit or vegetable grown in a home garden, public school garden, food establishment garden or community garden; a whole fruit or vegetable offered for commercial or noncommercial purposes at a farmers' market; and commercially prepackaged food that is offered at a public or private school facility.	Passed Senate 20-9, referred to House Agriculture Water & Lands.	1/15 - Informational purposes, no action was taken.
SB 1047	county attorney; powers and duties	Kavanagh	The county attorney is permitted to provide civil legal services to another county or other political subdivision or an officer, employee or agency of a political subdivision at the request of that county's or political subdivision's elected or appointed general counsel.	Passed Senate 29-0; passed House 57-0; Signed by Governor.	1/15 - LPC took a position to monitor. CSA Staff will present additional information at future LPC. 1/29 - LPC moved to support the bill
SB 1050	food producers; prohibited ordinances	Farnsworth	Producers of food products in residential and community gardens cannot be denied or restricted the right to sell and dispose of their products except as already provided in statute for owners, proprietors and tenants of agricultural lands, orchards, farms and gardens.	Referred to Senate Government	1/15 - Informational purposes, no action was taken.
SB 1102	guardians; duties; access to ward	Barto	A guardian is required to make good faith efforts to maintain the ward's historical relationships as evidenced by past patterns and practices and ensure that the ward has reasonable access to family and friends. A guardian is required to notify specified family members of an adult ward if the ward is admitted to a hospital for more than 3 days or if the ward dies.	Passed Senate 29-0, passed House Children and Family Affairs amended 9-0, awaiting floor action.	2/5 - Informational purposes, no action was taken. 2/26 - Informational purposes, no action was taken.
SB 1159/ HB 2647	S/E prosperity districts; formation; governance/S/E prosperity districts; formation; powers; expansion	Smith/ Montenegro	Allows for the formation of a Prosperity District in which most taxes and regulations would not apply. Specifies that the original owners of a property may submit a written petition to form a prosperity district to the Governor, Speaker of the House, President of the Senate, and to the council of any city or town (no county notification). Once the first district is formed, the Governor is required to negotiate an interstate compact regarding prosperity districts. Still requires the state, county, and municipalities to perform certain services within the district but restricts them in other places.	Passed Senate 30-0; Passed House Ways and Means 5-4, awaiting Rules/ Passed House 35-23; held in Senate Federalism, Mandates and Fiscal Responsibility	3/17 - CSA Board moved to oppose due to concerns regarding financial implications with the bill.
SB 1189	department of forestry	Griffin	Establishes the Arizona Department of Forestry and Fire Management to provide resources for land management and the prevention and suppression of wildland fires on state land and private property located outside of municipalities. The State Forester is responsible for the direction, operation and control of the Dept, and the powers and duties of the State Forester are expanded to reflect those responsibilities. The Dept terminates on July 1, 2024.	Passed Senate 30-0; passed House Agriculture Water and Lands 7-0, awaiting floor action.	1/29 - Informational purposes; no action was taken; CSA will send background information on creation of new department to members.
SB 1244	fire districts; wildland fires; budget	Allen	Modifies statute relating to Fire District Assistance Tax (FDAT) and wildland fire reimbursement claims.	Passed Senate 28-0, passed House Military Affairs & Public Safety 8-0, awaiting Rules.	3/11 - Information shared by staff, LPC took a position of support.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
SB 1257	misconduct involving weapons; public places	Kavanagh	A person who possesses a valid concealed weapons permit is exempt from the prohibition on carrying a concealed weapon in a public establishment other than a vehicle or craft or at a public event. Some exceptions, including for public establishments or events that are a "secured facility" (defined), that are the licensed premises of a liquor licensee, or that are an educational institution.	Passed Senate 18-12, passed House Judiciary 4-2, awaiting Rules.	1/29 - Informational purposes; no action. 2/5 - Staff shared county feedback, no action. 2/12 - Additional county information shared, will bring to full board. 2/18 - Concerns discussed on local control and potential costs, BOD took position to oppose. 3/17 - Staff explained, despite CSA opposition bill continues to move forward.
SB 1263	county seal; use violation	McGuire	The county board of supervisors is no longer required to issue a cease and desist order to any person who is in violation of regulations on the use of the county seal. A person who knowingly violates these regulations, instead of a person who fails to comply with the cease and desist order, is guilty of a class 3 (lowest) misdemeanor.	Passed Senate 25-5; passed House County and Municipal Affairs 6-0, awaiting 3rd Read.	2/5 - Informational purposes, no action was taken. 3/4 - LPC took a position of support.
SB 1268	adequate water supply requirements; municipalities	Griffin	ADWR is no longer required to give written notice of county adequate water supply ordinances to the mayors of all municipalities in the county, and municipalities that receive the notice are no longer required to comply with specified adequate water supply requirements. Applies to any municipality that received a notice from the Dept before the effective date of this act that the county in which the municipality is located enacted an adequate water supply ordinance affecting the municipality, and those municipalities are no longer bound by that county's adequate water supply ordinance.	Passed Senate 21-8; passed House 33-25; ready for Senate action on House amendments.	1/29 - Informational purposes; no action was taken
SB 1282	public records; unduly burdensome requests	Kavanagh	It is a defense to any action under public records law that the request for access to public records is unduly burdensome or harassing.	Passed Senate 22-7; Failed in the House 19-40	2/5 - Members discussed perspectives on burdensome or harassing public records requests. LPC took a position of support.
SB 1291	TPT; utilities; manufacturing; smelting	Lesko	The exemption from the utilities classification of transaction privilege taxes for gross proceeds of sales or gross income derived from sales of electricity or natural gas to a business that is principally engaged in manufacturing or smelting operations is modified to remove the requirement for the business to use at least 51 percent of the electricity or natural gas in the manufacturing or smelting operations, to require at least 51 percent of the gross income of the business to be derived from the sale of products produced by the business.	Passed Senate 20-8, held in House Ways and Means.	2/5 - Informational purposes, no action was taken. 2/12 - LPC took a position of opposition.
SB 1306	county development fees	Griffin	Numerous changes relating to county development fees. A county is required to calculate the development fee based on an adopted infrastructure improvements plan, and requirements for the plan are specified, including procedures for plan adoption. County development fees cannot exceed a proportionate share of the cost of "necessary public services" (defined) and must be based on the same level of service provided to existing development in the "service area" (defined). Establishes a list of prohibited uses for development fees.	Passed Senate 20-9; passed House Commerce 7-1, awaiting 3rd Read.	2/5 - Informational purposes, no action was taken.
SB 1310	TPT exemption; billboard rentals	Griffin	The list of exemptions from the personal property rental classification of transaction privilege taxes is expanded to include leasing or renting billboards that are designed, intended or used to advertise or inform and that are visible from any street, road or other highway.	Passed Senate 19-9; passed House Ways & Means 7-0; awaiting 3rd Read.	2/26 - CSA staff shared concerns, LPC took a position of opposition.
SB 1346	home-based businesses; detached buildings; storage	Farnsworth	The list of actions that a county ordinance cannot restrict or otherwise regulate the owner of a "home-based business" that holds a valid "license" (both defined) from taking is expanded to include maintaining operating hours from 8AM to 6PM, constructing and using a detached building or providing up to 5,000 square feet of outside storage on the private lot or parcel of land that is at least 1/2 acre if other specified conditions apply, and operating a wedding venue or wedding chapel within a residential zoning district if a list of specified conditions applies.	Referred to Senate Government	2/12 - Information purposes, bill is no longer moving, no action was taken.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
SB 1347	county dust control; residential property	Farnsworth	For any dust control permit for occupied residential property, the control officer is prohibited from charging more than \$50 per acre per year.	Passed Senate 18-11, held House Agriculture Water and Lands.	2/5 - Informational purposes, no action was taken. 2/12 - LPC took a position of opposition.
SB 1350	online lodging marketplaces; taxation	Lesko	Beginning January 1, 2017, establishes the administration for online home sharing transactions; preempts local governments from banning short term rentals.	Passed Senate 27-1, passed House Ways & Means 8-1, awaiting Rules	3/11 - Informational purposes, members expressed concerns regarding the preemption provisions of the bill, will be brought to BOD next week. 3/17 - CSA Board moved to oppose preemption provision of the bill.
SB 1377	sentence enhancements; unlawful presence; release	Smith	Requires courts to sentence persons convicted of a misdemeanor or felony to the maximum term of imprisonment or full presumptive sentence if it is determined that a U.S. immigration offense was an aggravating factor and makes such persons ineligible for probation, suspension of sentence, community supervision, commutation or release on any basis until the sentence imposed is served.	Passed Senate 19-11, passed House Military Affairs& Public Safety 5-3, awaiting House Rules.	3/11 - Members indicated concerns with potential financial impact, LPC took a position of opposition.
SB 1386	rural and tribal infrastructure; development	Begay	Establishes the Rural Arizona and Tribal Infrastructure Authority to administer and coordinate the rural Arizona and Tribal infrastructure capital improvement plan established by this legislation. Establishes an 11-member Board of Directors of the Authority and specifies Authority powers and duties. Establishes the Rural Arizona and Tribal Infrastructure Revolving Fund and specifies authorized uses for monies in the Fund.	Referred to Senate Government.	2/12 - Informational purposes, no action was taken.
SB 1398	fuel taxes; streets & highways	Griffin	Specifies HURF monies generated from motor vehicle fuel taxes and use fuel taxes are only for road, street and highway purposes. Requires counties to publish an annual financial report containing expenditures of HURF Fund monies.	Passed Senate 29-1; passed House Agriculture Water & Lands 8-0, awaiting 3rd Read	3/4 - LPC took a position to oppose, bill will not stop state from sweeping HURF funds.
SB 1412	incompetent; nonrestorable defendants; involuntary commitment	Driggs	Various changes related to defendants who are incompetent to stand trial.	Passed Senate 30-0. Referred to House Appropriations, language amended onto SB 1510, passed out of House Judiciary 6-0.	2/5 - Informational purposes, no action was taken. 2/12 - Has been distributed, awaiting feedback. 3/4 - LPC took a position of opposition, LPC requested financial obligation be put on the state, removing any county financial burden.
SB 1419	inmate medical services; rate structure	Griffin	Statute establishing reimbursement rates for health care services provided to an inmate in a county jail that the county jail cannot provide applies in counties with a population of more than 250,000 (Maricopa, Pima and Pinal), instead of in all counties.	Passed Senate Government 4-2, Held Senate Appropriations.	2/5 - Members discussed that bill would undo legislation passed in 2015 to reduce county costs. LPC took a position of opposition.
SB 1431	property tax; disabled veterans' residences	Griffin	Real and personal property and improvements to the property that are used as the primary residence of a qualifying veteran with a disability that is owned by the veteran and/or the veteran's spouse is classified as class nine property for property tax purposes. Requirements for the property to be classified as class nine under this qualification are specified.	Referred to Senate Finance Committee	2/5, 2/12 - Informational purposes, no action was taken.
SB 1487	state law; local violations; penalties	Biggs	Requires the Arizona Attorney General to investigate alleged violations of state statute or the Arizona Constitution by a county, city or town. Prescribes penalties for violations that withhold the Local Jurisdiction's state shared revenues.	Passed Senate 17-12, passed House 32-28, signed by Governor.	3/11 - Members indicated concerns with unintended consequences of implementation, LPC took a position of opposition. 3/17 - CSA continues to oppose bill, will continue to monitor implications.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
SB 1505	tax exemption; natural gas delivery	<i>Worsley</i>	Exempts gas transportation services from transaction privilege tax (TPT) under the utilities classification and use tax and requires municipalities to either tax or exempt gas transportation services.	Passed Senate 22-8, Passed House Appropriations 11-3; awaiting Rules	2/5 - Informational purposes, no action was taken. 2/12 - LPC took a position of opposition. 3/25 - CSA Staff gave update on current status; will continue to oppose.
SB 1523	truth in taxation	<i>Smith</i>	Directs a political subdivision governing body to approve any proposed tax levy increase of 15% or more, excluding increases due to new construction, by a roll call vote.	Passed Senate 17-11, passed House Ways & Means 6-3, awaiting 3rd Read	2/18 - Informational purposes only, no action taken. 3/4 - Informational purposes, no action was taken, staff will monitor.
SB 1524	regulatory actions; limitation	<i>Smith</i>	Limits the ability of a city, town, county or state agency to adopt regulations that affect individuals or businesses unless specifically authorized.	Passed Senate 23-7, passed House 35-23; ready for Senate action on House amendments	3/11 - Informational purposes only.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments & Position
AACo Bills					
HB 2125	district boundary modification; parcel lines (Shope)	<i>Shope</i>	Allows the county assessor to narrowly modify special taxing jurisdiction boundaries on request of the property owner and upon approval of the governing board.	Passed House 58-0; passed Senate Finance 5-0; awaiting 3rd Read	1/29 - Informational purposes; no action was taken. 2/5 -LPC took a position of support.
HB 2127/ SB 1157	small property tax balance delinquency	<i>Mesnard/ Borges</i>	If the total amount of property taxes is \$100 or less, the entire amount that is unpaid become delinquent after December 31 at 5:00 PM, instead of after November 1 at 5:00 PM.	Passed House 56-0; Passed Senate Finance, awaiting floor action/Passed Senate 30-0; passed House Ways & Means, awaiting 3rd Read.	1/29 - Informational purposes; no action was taken. 2/5 -LPC took a position of support. Now: live dog racing; prohibition
HB 2183	inmate body scan; contraband	<i>Shope</i>	Permits the Department of Corrections (ADC) or a county jail to perform a low-dose ionizing radiation body scan of an inmate to prevent contraband from entering into a correctional facility. An order from a licensed practitioner is not required.	Senate passed 29-0; House concurred on Senate amendments, passed on House Final Read 60-0, signed by Governor.	2/12 - LPC took a position of support.
HB 2234	schools; audits; county school superintendent	<i>Boyer</i>	The independent certified public accountant that conducts statutorily required school district financial and compliance audits is required to send a copy of the applicable audit reports to the county school superintendent of the county where the school district is located.	House passed 57-0; passed Senate 28-0; ready for House action on Senate amendments	1/29 - Informational purposes; no action was taken. 2/5 -LPC took a position of support.
HB 2451	release of prisoners; detainees; repeal	<i>Mitchell</i>	Repeals the law allowing the Director of the Arizona Department of Corrections (ADC) to release prisoners to United States Immigration and Customs Enforcement (ICE) custody.	Passed House 36-21; Passed the Senate 17-12; ready for Governor	2/12 - Informational purposes, additional discussion needed, will bring to BOS next week, no action taken. 2/18 - Information only to clarify no negative financial impact to counties, no action taken.
SB 1348	county treasurer; warrants; electronic transfer	<i>Borges</i>	Incorporates electronic versions of fund transfers and notices to the warrant payment process by a county treasurer.	Passed Senate 26-3; passed House County and Municipal Affairs 7-0; awaiting Rules	2/12 - LPC took a position of support.
SB 1360/ HB 2534	countywide vote by mail/ county elections; vote by mail	<i>Worsley/ Shope</i>	Permits counties to conduct countywide elections utilizing mail ballots.	Referred to Senate Government./ No action.	2/12 - Informational purposes, no action was taken.
SB 1511	county elected office salary increase	<i>Driggs</i>	The annual salaries of county elected officials are increased each year from 2017 through 2020. The annual salaries of clerks of the superior court are increased each year from 2019 through 2022.	Failed in Senate Government 2-5	2/12 - Informational purposes, the bill is no longer moving.

CSA Legislative Agenda

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments
HB 2020	electronic notice; hearings; ordinances	Stevens	Allow counties to modernize posting requirements for publishing adopted planning and zoning items. In lieu of posting the full text of a county ordinance in a newspaper of general circulation, a county may post the ordinance's title, as well as a short statement of the ordinance's content, and list where the text of the ordinance is posted on a county website.	Referred to Government & Higher Education	1/15 - Stakeholders raised concerns, CSA staff will seek direction from full board. 1/21 - CSA Board voted to table proposal for this year.
HB 2021	codes; adoption by reference; copies	Stevens	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.	Passed House 56-0; Passed Senate 29-0; signed by the Governor	1/15, 1/21, 1/29 - No discussion.
HB 2037	county liens; abatements	Borrelli	Amend A.R.S. § 42-18204 to preserve a county's nuisance abatement liens and dangerous property abatement liens from extinguishing on the foreclosure of a property due to non-payment of property taxes from investors or other parties, unless the county board of supervisors votes to waive the lien on the property.	No action posted for bill	1/15, 1/21 - No discussion. 1/29 - Title companies are seeking an amendment to require a specified time period for the board to waive the lien. 2/26 - Bill no longer moving.
HB 2368	county contributions; hospitalization; medical; repeal	Thorpe	Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state.	Referred to House Appropriations Committee; moving to budget discussion	1/15 - Staff gave an update on the status of the bill. 1/21, 1/29 - No discussion.
HB 2373	regional transportation authority; membership; election	Shope	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.	Passed House 60-0; passed Senate Transportation 6-0, passed Rules, passed Senate COW; awaiting 3rd Read in Senate.	1/15, 1/21, 1/29 - No discussion.
HB 2430	counties; free library system	Stevens	Allows the board of supervisors (BOS) to use county General Fund monies for a county free library system.	Passed the House 57-0, Passed Senate Government 6-0, awaiting Senate floor action	2/5- Staff gave update, no discussion.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments
HB 2499	truth in taxation; detailed notice	<i>Barton</i>	Add options to the Truth in Taxation (TNT) statutory notice requirements to more completely explain to the citizens any changes in property taxes and to more accurately reflect and describe what effects of any changes to the tax rate and/or Net Assessed Value (NAV) will have on a residential property.	Referred to House Ways & Means	1/15, 1/21, 1/29 - No discussion. 2/26- County moved to table the bill.
HB 2512	pension contributions; expenditure limit exemption	<i>Coleman</i>	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.	Passed the House 39-18, passed Senate Finance 5-0, passed Rules and Caucus, awaiting floor action.	1/15 - Language will not be included in PSPRS bill b/c of constitutional concerns. 1/21, 1/29 - No discussion. 3/11 -ATRA objects due to belief that counties have too much capacity under expenditure limits. 3/17 - ATRA continues to oppose bill, asked board to share support of issue w/legislators.
HB 2541	primitive camp grounds; areas; rules	<i>Finchem</i>	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.	Passed House 58-1, passed Senate Natural Resources Committee 5-0, awaiting Senate floor action	1/15, 1/21, 1/29 - No discussion.
HB 2525	counties; annual audits	<i>Thorpe</i>	Grant counties the same authority as cities to have the option of hiring an outside audit firm to complete the county audit and submit it to the Office of the Auditor General (OAG).	Referred to House County & Municipal Affairs	1/15 - Concerns raised about the language, we will continue to work with the county and stakeholders. 1/21 - No discussion. 1/29 Sponsoring county confirmed decision to table proposal.
HB 2564	appropriation; indigent defense fund	<i>Cobb</i>	Allocate \$1.8 million 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.	Referred to House Judiciary & House Appropriations.	1/15, 1/21, 1/29 - No discussion.

Bill Number	Short Title	Prime Sponsor	Summary	Status	LPC Comments
SB 1198	public libraries operation; third party contracts	<i>Griffin</i>	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.	Passed Senate 30-0; passed House County & Municipal Affairs 8-0; passed Rules & Caucus, passed House COW; awaiting 3rd Read	1/15, 1/21, 1/29 - No discussion. 2/5 - Discussion of possible striker amendment to another bill to allow counties to expend GF on library services.
SB 1250	intergovernmental public transportation authority; taxation	<i>Shooter</i>	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.	Passed Senate Transportation 7-0-1, assigned Senate Finance.	1/15, 1/21, 1/29 - No discussion.
SB 1308	juvenile charged as adult; detention	<i>Griffin</i>	Clarify that judges have the option to detain pre-trial youth, transferred to adult court, in juvenile detention centers instead of county jails.	Passed Senate 30-0; passed House 56-0; ready for Senate action on House amendments	1/15, 1/21, 1/29 - No discussion. 3/4 - Discussed concerns shared by House Judiciary chair. 3/11 - Bill assigned to House Judiciary committee; expected to receive hearing. 3/17 Bill amended to alleviate concerns shared by Judiciary chair and passed committee.
SB 1316-HB 2146	board of trustees; disincorporation; repeal (municipalities; property sale threshold; election)	<i>Kavanagh-Leach</i>	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.	Passed Senate 27-2, passed the House on Final Reading 54-4; signed by the Governor	1/15, 1/21, 1/29 - No discussion. 3/4 - Bill was used for a striker on an unrelated issue. 3/11 - Content will be added as a floor amendment HB 2146 next week.
TBD	expenditure limit exclusion of RICO funds	<i>TBD</i>	Exclude all Racketeer Influenced and Corrupt Organizations (RICO) expenditures from the county expenditure limit under Article IX §20 of the Arizona Constitution.		1/15, 1/21, 1/29 - No discussion.
TBD	supermajority to levy county excise taxes	<i>TBD</i>	Change the existing general fund one-half cent sales tax authority to allow a five-member board to levy the tax with a super-majority vote, rather than a unanimous vote.		1/29 Sponsoring county confirmed decision to table this proposal.