

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
Tuesday, October 11, 2016**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, October 11, 2016 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

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

Chairman Searle called the meeting to order at 10:20 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**

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***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of September 27, 2016.
2. Approve a letter appointing a member and alternate of the Cochise County Board of Supervisors to the Sierra Vista Metropolitan Planning Organization pursuant to the Joint Project Agreement between the State of Arizona and the City of Sierra Vista as specified by Governor Janice K. Brewer.
3. Ratify the signature of Chairman Richard Searle to accept additional funding in the amount of \$15,325 for the Fiscal Year 2016 Community Development Block Grant for the Children's Haven Project.
4. Approve acceptance of Quit Claim Deed from Samuel A. Burkes, III & Michael Paul Burkes (Grantors) to Cochise County for real property described as "Lot 402, Willow Lakes Unit I, according to Book 7, Maps and Plats, page 12, records of Cochise County, Arizona as recommended by the Highway & Floodplain Division and the County Attorney's Office.

**Community Development**

5. Adopt Resolution 16-43 to rescind the weight restriction on certain reconstructed bridges as described therein.

6. Adopt Zoning Ordinance 16-05 approving Docket Z-16-03, amending the zoning district designation for parcels 101-36-045, -046, -048A, &-049 to RU-4 from R-36, pursuant to the request of Mr. Daniel Oldfield & Mrs. Jo Oldfield.

### **County Schools**

7. Approve Intergovernmental Agreement (IGA) SABG-GR-17-070116-02 between the Arizona State Office of Youth, Faith, & Family and the Cochise County School Superintendent's Office for substance abuse prevention for the period of July 1, 2016 through January 31, 2017 in the amount of \$30,000.

### **County Sheriff**

8. Accept a donation in the amount of \$1,100 from the Howard G. Buffet Foundation to the Cochise County Sheriff's Office for training equipment from the Career Technology Education Student Enhancement Program.

### **Finance**

9. Approve demands and budget amendments for operating transfers. Warrants Nos. 12283-12374, 12378-12500, 12511-12586 were issued in the amount of \$1,081,571.66.

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>
147	Cochise County Adult Probation	\$7,000.00

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

### **Health & Social Services**

10. Approve ADHS16-109191 Amendment 2, Healthy People Healthy Communities, between the Arizona Department of Health Services and Cochise Health & Social Services, for the period of 07/01/2016 to 6/30/2017 in the amount of \$667,862, which adds \$40,686 in funding for three additional quarters of the accreditation component.

### **Workforce Development**

11. Approve the appointment of Mr. Jason Bowling to the Local Workforce Investment Board to fill an unexpired term, effective immediately and through June 30, 2018.

Vice-Chairman Call moved to approve items 1-11 on the consent agenda. Supervisor English seconded the motion and it carried unanimously.

### ***PUBLIC HEARINGS***

### **Community Development**

12. Adopt Zoning Ordinance 16-04 approving Docket Z-16-02, amending the zoning district designation for parcel 105-28-004A to RU-2 from RU-4, pursuant to the request of Mr. Scott Kerr.

Mr. Peter Gardner, Planner 1, Planning & Zoning Division, presented this item using a PowerPoint presentation. Mr. Gardner gave the background:

- The Applicant is requesting rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres) on a 10.11 acre parcel in the Parker Lake area.
- The parcel, 105-28-004A, abuts the Parker Lakeview Estates subdivision. This subdivision is zoned RU-4, but as originally platted, the average lot size is less than 0.5 acres. The lots are legal non-conforming, but are at a much higher density than RU-4 or RU-2.
- The Applicant is Scott Kerr.
- On September 14, 2016, the Planning & Zoning Commission voted unanimously to forward the docket with a recommendation of Conditional Approval.

He said these types of dockets can usually go on the consent agenda, but since the department had received several letters of public dissent the docket had to be presented as a public hearing. He showed the map of the parcel and pictures of the surrounding area.

Mr. Gardner went over the factors in favor and those against:

#### Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area and create a buffer between the small subdivision lots and larger RU-4 zoned parcels;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Eight letters of support have been received.

#### Factors Against Approval

1. Without a conceptual split plan, Staff cannot guarantee that access issues, topographical issues, and appropriate site development standards will be met;
2. Three letter of opposition or concern have been received.

He said that there were conditions for approving the rezoning and listed them:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The Applicant shall work with the Highway Department to submit for Board of Supervisor acceptance and, if applicable, dedicate road easements to ensure access to the public, per the letter from Joaquin Solis dated September 1, 2016; and
4. The Applicant shall submit within 12 months a proposed split map identifying all proposed and existing property lines, all proposed and existing easements, and building envelopes.

He added that the conditions were there to protect the County, future residents, and current residents.

Chairman Searle asked how condition 4 would be enforced.

Mr. Gardner said that it would be enforced during the permitting phase of the process.

Chairman Searle asked the applicant if he wanted to speak.

Mr. Scott said that he did not have additional comments and agreed to all the conditions.

Vice-Chairman Call asked about the maintenance of the roads.

Mr. Hanson said that this issue was still being discussed with the applicant.

Chairman Searle opened the public hearing.

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

Supervisor English moved to adopt Zoning Ordinance 16-04 approving Docket Z-16-02, amending the zoning district designation for parcel 105-28-004A to RU-2 from RU-4, pursuant to the request of Mr. Scott Kerr. Vice-Chairman Call seconded the motion.

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

## ***ACTION***

### **Board of Supervisors**

13. Approve the over-the-counter sales of tax deed properties remaining unsold following the May 2016 online tax deed land auction as set forth in the attached Exhibit A, plus related administrative fees.

Ms. Rios presented this item. She said that there had been one bid received for five parcels for a total sale of \$3,737 (\$3,662 for the bid and \$75 for the administrative fee). She said that with this sale total year to date sales were at \$212,334.53 and there would be 40 parcels left.

Vice-Chairman Call moved to approve the over-the-counter sales of tax deed properties remaining unsold following the May 2016 online tax deed land auction as set forth in the attached Exhibit A, plus related administrative fees. Supervisor English seconded the motion.

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

### **County Assessor**

14. Approve a withdrawal from the General Fund contingency fund line in the amount of \$29,083.49 for the Assessor's Office to complete the migration from the Oracle to MSSql software and purchase a new server.

Chairman Searle moved this item before the public hearing at the request of Mr. Phil Leiendecker, County Assessor.

Mr. Leiendecker explained the request. He stated that in order to convert from the current system to the new system this purchase had to be made along with the purchase of a new server. He noted that the annual maintenance cost for the new software would be less than the current software.

Vice-Chairman Call asked Mr. Vlahovich about the funding.

Mr. Vlahovich said that there is usually \$200,000 set aside each year for InformationTechnology projects, but there was not enough money in this fiscal year's budget to address this project and added that staff does recommend approval of this item.

Supervisor English moved to approve a withdrawal from the General Fund contingency fund line in the amount of \$29,083.49 for the Assessor's Office to complete the migration from the Oracle to MSSql software and purchase a new server. Vice-Chairman Call seconded the motion.

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

## **County Attorney**

15. Accept grant funding from the Tohono O'odham Nation in the amount of \$17,924 for the Spillman Prosecutor software.

Mr. Brian McIntyre, County Attorney, presented this item. Mr. McIntyre gave the background and said that this would save the County money and simplify a time consuming process. He added that the request was to have the Board approve funding and noted that there was no County match for this grant.

Supervisor English said that the Board appreciated when departments looked for other funding to purchase equipment that would improve processes and did not impact the General Fund.

Vice-Chairman Call moved to accept grant funding from the Tohono O'odham Nation in the amount of \$17,924 for the Spillman Prosecutor software. Supervisor English seconded the motion.

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

## **County Sheriff**

16. Approve Intergovernmental Agreement (IGA) 2016-107 between the Arizona Department of Public Safety (DPS) and the Cochise County Sheriff's Office to hire five new deputies for the Border Strike Force Bureau effective August 30, 2016 to June 30, 2017 with automatic annual renewal options through June 30, 2021.

Chief Thad Smith, Sheriff's Office, presented this item. Chief Smith gave the background and said that there had been some mistakes on the previously presented IGA. He presented the new details of the IGA and explained that due to funding from a different DPS grant there would not be a County match required. He added that they would use a previously approved grant with DPS to cover the 25% cost not covered by this grant. He explained that an annual operational cost would have to be covered by the County totaling \$112,000. He noted that the new IGA had been modified to show that this agreement goes through June 30, 2026 and would also fund salary raises or modification for deputies assigned to the task force.

Supervisor English said that she did not think that the Board had been given a reason on why more deputies were needed. She added that her duty was to be fiscally responsible in all decisions made that impacted County costs and operations. She also stated that she did not mind supporting hiring additional deputies, if needed, but wanted the Sheriff's Office to commit to pay for salaries.

Chief Smith said that the Sheriff's Office was committed to paying for salaries, but the operating costs for the additional deputies were new and his office did not have funds to pay for that. He noted that a study done in 2006 supported the need for more deputies in the County and he believed that hiring more deputies was a step in the right direction.

Supervisor English said that she was still not sure there was a need, but asked where the new

deputies would be assigned. She noted that special units are not what the residents want; they want deputies on the road.

Chief Smith said that the new deputies would be on the road freeing up K9 units to address special needs. He added that the deputies would be assigned to one of the six geographical areas in the County.

Chairman Searle asked what the annual operational costs would be.

Chief Smith said that it would be an estimated \$112,000 annually.

Supervisor English asked if there were vehicles available for the new deputies.

Chief Smith said that there were vehicles available.

Mr. Vlahovich said that there were four vehicles available, but the additional vehicle would have to be requested through a decision package.

Vice-Chairman Call asked what the cost for five deputies would be over ten years for the County.

Chief Smith said that at the current rate it would be \$5,000,000, but with the IGA it would only cost the County \$1,100,000.

Supervisor English amended the motion to approve Intergovernmental Agreement (IGA) 2016-107 between the Arizona Department of Public Safety (DPS) and the Cochise County Sheriff's Office to hire five new deputies for the Border Strike Force Bureau effective August 30, 2016 to June 30, 2017 with automatic annual renewal options through June 30, 2026.

Vice-Chairman Call seconded the motion.

Vice-Chairman Call said he appreciated staff's effort to ensure all of the Board's questions were answered. He thanked Mr. Vlahovich for his concern over operational annual costs. He added that he did not think as many deputies were needed as Chief Smith had mentioned as the County's population had decreased, but was in support due to the savings of this agreement.

Supervisor English said that she took her fiscal responsibility very serious. She added that she had still not been presented with any statistics on why more deputies were needed due to crime or other public safety needs. She noted that even though this agreement provided more deputies for a lower cost, she did not consider it a savings because it was money that the County would not have spent in the first place.

Chairman Searle said that his district was always in need of more deputies due to the rural nature.

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

## **Facilities**

17. Approve an Agreement for the purchase and sale of real estate in Benson between Cochise County and FAS Benson LLC in the amount of \$12,500.

Mr. Jay Howe, Facilities Director, presented this item. Mr. Howe gave the background and said that the Benson Service Center needed additional parking. He thanked Chairman Searle for his help in acquiring the parcel needed for the additional parking area and said that he would get more information on the actual cost of the parking area in the near future.

Chairman Searle said that he would use funding from District 3 to help cover the cost of building the additional parking area.

Vice-Chairman Call moved to approve an Agreement for the purchase and sale of real estate in Benson between Cochise County and FAS Benson LLC in the amount of \$12,500. Supervisor English seconded the motion.

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

## **Housing Authority**

18. Adopt Resolution 16-44 dissolving the Quasi-Independent Housing Authority and reintegrating it as a department into the Cochise County government.

Ms. Anita Baca, Housing Director, presented the item. Ms. Baca gave the background and said due to auditing issues the County Attorney's Office had advised staff to dissolve the Housing Authority in order for its employees to be considered County employees. She added that she had polled the other counties on how they have housing set up and all other counties advised that it was better to have it be part of the County and noted that there were no benefits to have it be a separate entity. She also said that the Housing Commissioners had voted to dissolve and noted that the Board of Supervisors would become the Housing Board.

Supervisor English said that she was in favor of making processes easier and noted that public input was always encouraged by the Board.

Supervisor English moved to adopt Resolution 16-44 dissolving the Quasi-Independent Housing Authority and reintegrating it as a department into the Cochise County government. Vice-Chairman Call seconded the motion.

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

## **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 thanked Ms. Rios and the Information Technology Department for their work on upgrading the audio equipment in the hearing room.

## **SUMMARY OF CURRENT EVENTS**

**Report by District 1 Supervisor, Patrick Call**

Vice-Chairman Call said that he would be attending the Borderlands Tour, which would also be hosted in the Board Hearing Room on October 13; he added that he would also be attending the Martha McSally tour on October 19.

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

Supervisor English said that she would not be able to attend the Newman Path opening ceremony on October 15, but thanked staff for their work on the project.

**Report by District 3 Supervisor, Richard Searle**

Chairman Searle said he would be attending the Benson Economic Forum on October 18 and the Arizona Department of Water Resources meeting on October 25.

Chairman Searle adjourned the meeting at 11:28 a.m.

APPROVED:

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Richard R. Searle, Chairman

ATTEST:

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Arlethe G. Rios, Clerk of the Board