

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
Tuesday, May 22, 2018**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 22, 2018 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Patrick G. Call, Vice-Chairman; Ann English, Supervisor  
Staff Edward T. Gilligan, County Administrator; Elda Orduno, Civil Deputy County Attorney;  
Present: Arlethe G. Rios, Clerk of the Board

Chairman Judd called the meeting to order at 10:00 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

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***CALL TO THE PUBLIC***

Chairman Judd opened the call to the public.

No one chose to speak and Chairman Judd 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.*

***PRESENTATION***

Presentation to Cochise County Day Care Centers recognizing Certified Breast Feeding Friendly Day Care Providers.

Ms. Renee Cooper, Health & Social Services Women Infant and Children (WIC) Program Coordinator, gave the background on the program and thanked the Board for recognizing child care facilities that have become certified as breastfeeding friendly.

Ms. Pricilla Lord, Health & Social Services WIC Coordinator, presented the certificates to the recognized providers.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 8, 2018.

### **County Sheriff**

2. Approve a Cooperative Service Agreement No. 18-73-04-0228-RA between Cochise County and the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service, Wildlife Services, to assign a Wildlife Specialist to Cochise County for predator and disease control under the Wildlife Damage Management program to be conducted from July 1, 2018 through June 30, 2019.

### **Elections**

3. Approve the appointment of Precinct Committee Member for the Democratic Party upon the recommendation of the 2nd Vice Chair, Cynthia Aspengren: Precinct 10 DO CARLSON, Lourdes M. Quijada.

### **Finance**

4. Approve demands and budget amendments for operating transfers. Warrants Nos. 25634-25895 were issued in the amount of \$1,385,825.28.

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

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

### **Health & Social Services**

5. Approve Intergovernmental Agreement (IGA) #YH16-0028-12 between Cochise County and Arizona Health Care Cost Containment System (AHCCCS) for the suspension of AHCCCS eligibility for jail inmates, effective May 1, 2018.
6. Approve Intergovernmental Agreement (IGA) YH16-0018-13 between Cochise County and the Arizona Health Care Cost Containment System (AHCCCS) for detention inmate inpatient medical care, effective May 1, 2018.

### **Information Technology**

7. Approve Communications Use Lease Agreement amendment between the United States Department of the Interior Bureau of Land Management and Cochise County for May 22, 2018 through February 28, 2020 for tower site on Mule Mountain known as Juniper Flats tower site.

### **Workforce Development**

8. Approve the appointment of Ms. Lauri Martin to the Local Workforce Development Board to fill an unexpired term, effective immediately and through 6/30/2021.

Supervisor English moved to approve items 1-8 on the consent agenda. Vice-Chairman Call seconded the motion and it carried unanimously.

## **PUBLIC HEARINGS**

### **Community Development**

9. Adopt Zoning Ordinance 18-05 approving Docket Z-18-05 amending certain zoning district boundaries from RU-4 (rural, one dwelling per four acres) to RU-2 (rural, one dwelling per two acres), pursuant to the application of Carla Reaves.

Mr. Peter Gardner, Planner II, presented this item using a PowerPoint presentation.

He 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 4.57 acre site north of Huachuca City.
- The parcel, 106-04-110A, is located on the northeast corner of W. Camino de Mesa and N. Appaloosa Place. The home is addressed as 2472 N. Appaloosa Place, and the Quonset is addressed as 315 N. Camino de Mesa.
- The dual nature of the site, split by a 6-foot block wall, which also encompasses the perimeter, is unique to the area. The Quonset was permitted and constructed as a church, but the site was never completed, nor was the building ever used as a church.
- The parcel is located in a 1957 subdivision, Cochise Ranchos, which has seen a mixture of rural, commercial, and high density residential development since 1957.
- The Applicant is Carla Reaves.

He added that on May 9, 2018 the Planning & Zoning Commission had voted 6-2 against the rezoning. He showed maps and pictures of the parcel and related area. He said that staff had used the County's Re-Zoning Factors to make a determination on this docket and noted that out of the 15 factors this rezoning complied with 14 of the factors and that the public input factor was the only factor it did not comply with.

He went over the factors in favor of the rezoning:

1. Allowing the request will not alter the character of the existing development in the area as the site is already developed;
2. The unique nature of this site precludes it being used as precedent for future potential requests;
3. The request will be supported by the existing infrastructure and services;
4. Rezoning to RU-2 for the purpose described would not change minimum site development standards other than density requirements for any future construction;
5. Allowing the rezoning would permit the applicant to split the property in a legal manner;
6. The Comprehensive Plan policies prescribe developing areas to grow towards build-out. This request would bring the zoning into compliance with the Plan;
7. Owners of two parcels have expressed written support.

He then went over the factors against approving the rezoning:

1. The Planning and Zoning Commission voted 6-2 against recommending approval.
2. Owners of 65 parcels have expressed written opposition to the request.

Chairman Judd opened the public hearing.

She stated that two people did not wish to speak, but wanted to be heard on the record in opposition to the rezoning:

James M. Houlihan, neighbor  
Kenneth G. Rempson, neighbor

She then called everyone else who wished to speak:

Ms. Linda Guinter, neighbor, addressed the Board regarding her concern that the rezoning of this property would set a precedent in the neighborhood and she requested that the Board uphold the Planning & Zoning Commission's vote to deny this rezoning.

Ms. Debra A. de Rosa, neighbor, addressed the Board on her concern over the rezoning and requested that it be denied.

Mr. James V. de Rosa, neighbor, addressed the Board regarding his concerns over a precedent being set in the neighborhood and voiced his opposition.

Mr. Elijah Lake, neighbor, addressed the Board regarding his opposition of this rezoning.

Mr. Lee Ray Gray, neighbor, addressed the Board regarding his opposition of this rezoning.

Mr. Fredy Arevalo, neighbor, addressed the Board regarding his opposition of this rezoning.

Mr. Charles W. Everett, neighbor, addressed the Board regarding his opposition of this rezoning.

Ms. Kim Jackson, neighbor, addressed the Board regarding her opposition of this rezoning.

Ms. Carla J. Reaves, property owner, addressed the Board regarding her application for the rezoning of her parcel. She noted that she truly appreciated all the research that Cochise County did on this rezoning. She added that she thought her situation was unique and that her property had originally been classified as a commercial/non-residential property, which she had altered for taxing purposes, but did not think this would impact her request for rezoning.

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

Supervisor English asked if Ms. Reaves could sell half the property without the rezoning.

Mr. Gardner said that she could, but if the new owner ever wanted to add to the current state the Development Services Department would not be able to issue permits and it would be a non-conforming parcel. He added that when Ms. Reaves had the property reclassified it was for assessment purposes, not for zoning.

Chairman Judd said that she thought public opinion was important and also supported the decisions made by the Planning & Zoning Commission.

Supervisor English moved to adopt Zoning Ordinance 18-05 approving Docket Z-18-05 amending certain zoning district boundaries from RU-4 (rural, one dwelling per four acres) to RU-2 (rural, one dwelling per two acres), pursuant to the application of Carla Reaves. Vice-Chairman Call seconded the motion for discussion.

Chairman Judd called for the vote and it was disapproved 3-0.

## ***ACTION***

### **Community Development**

10. Approve a substitution and extension of the Assurance Agreement for Red Hawk II Units 2 and 3 with Pioneer Title Agency, Inc as Trustee under Trust No. TR140133 for Red Hawk Ranch Properties, LLC as Beneficiary of Trust No. TR140133 to May 22, 2021.

Mr. Paul Esparza, Planning Manager, presented this item by using a PowerPoint presentation.

Mr. Esparza gave the background information:

- 192 lot subdivision on 655 acres, zoned SR-87, average lot size is three acres.
- Title Security Agency no longer does business in Cochise County. The Substitute Assurance Agreement is now held with Pioneer Title Agency.
- Phases 3 and 4 improvements and portions of Phases 5, 9 and 11 improvements have been completed. 49 lots have been released. 25% of the subdivision improvements have been completed.
- If approved, the Assurance Agreement would expire on May 22, 2021.

He then showed a map of the location, said that this request was recommended for approval by staff, and noted that all five criteria set by the board had been met.

Vice-Chairman Call moved to approve a substitution and extension of the Assurance Agreement for Red Hawk II Units 2 and 3 with Pioneer Title Agency, Inc as Trustee under Trust No. TR140133 for Red Hawk Ranch Properties, LLC as Beneficiary of Trust No. TR140133 to May 22, 2021. Supervisor English seconded the motion.

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

## **Human Resources**

11. Adopt Resolution 18-07 amending the Cochise County Compensation Plan.

Ms. Julie Morales, Human Resources Director, presented this item. Ms. Morales said that the resolution presented today was going to make a minor change to the compensation plan that was significantly limiting departments and their ability to address employees who required a salary increase of more than 10% to be at market value. She added that a 5% cap would be added to those already at market or above.

Chairman Call asked what the cost of removing this cap would be.

Mr. Gilligan said that this should not add additional costs to the \$3,000,000 budget already set for compensation over a three year period.

Supervisor English moved to adopt Resolution 18-07 amending the Cochise County Compensation Plan. Vice-Chairman Call seconded the motion.

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

## **Information Technology**

12. Approve a Major Accounts Agreement between Automatic Data Processing (ADP) and Cochise County with a one-time cost of \$94,300 and an annual recurring cost of \$188,138 for a 60 month period.

Mr. Gregory Walton, Project Manager, presented this item. Mr. Walton said that the Board had been briefed at a work session in March where direction was given to bring a contract

forward. He added that the staff recommendation was that the contract be approved and signed. He went over the timeline and added that it was critical that the board approve as soon as possible for implementation by January 1, 2019.

Mr. Gilligan said that this would have all County employees using one solid electronic platform for recording work hours and added that this would implement an efficient process with reduction of errors, as well as insuring the County stayed in compliance with federal law changes. He added that the system was user friendly and intuitive.

Mr. Walton gave yhe background on ADP and their long standing experience in payroll services.

Supervisor English added that a lot of research went into choosing the right system to fit the County's needs.

Vice-Chairman Call moved to approve a Major Accounts Agreement between Automatic Data Processing (ADP) and Cochise County with a one-time cost of \$94,300 and an annual recurring cost of \$188,138 for a 60 month period. Supervisor English seconded the motion.

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

### ***REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS***

Mr. Gilligan announced that Cochise County had been awarded a \$475,000 grant from the Arizona Commerce Authority and the Arizona Department of Transportation for projects related to road improvement in the Willcox Wine Country and applauded Ms. Amanda Baillie's effort regarding the grant award. He also thanked Ms. Carrie Langley, Health & Social Services Director, for the successful State Health Audits in the Health Department and County Jail.

### ***SUMMARY OF CURRENT EVENTS***

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

Vice-Chairman Call said he would be attending a water discussion with the Bureau of Land Management (BLM).

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

Supervisor English said that she was very happy to announce that Community Bridges, a mental health clinic, would be opening up its facility for overnight stay in Benson helping treat local citizens with mental health conditions.

#### **Report by District 3 Supervisor, Peggy Judd**

Chairman Judd said that she would be attending the Western Regional Conference hosted by the National Association of Counties (NACo) and announced a successful wine tasting weekend in Willcox.

Chairman Judd adjourned the meeting at 11:17 a.m.

APPROVED:

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Peggy Judd, Chairman

ATTEST:

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Arlthe G. Rios, Clerk of the Board