PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
FORMAL BOARD MEETING HELD 0N
TUESDAY, JUNE 6, 2006

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 6, 2006 at 9:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona. In attendance were Patrick Call, Chairman; Paul Newman, Vice-Chairman; Richard Searle, Member; Jody Klein, County Administrator; Jim Vlahovich, Deputy County Administrator; Charles Irwin, Deputy County Attorney; Katie Howard, Clerk of the Board.

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 – Chairman Call, Vice-Chairman Newman and Supervisor Searle were in attendance.

CALL TO THE PUBLIC (MATTERS RELATED TO COUNTY GOVERNMENT - LIMIT OF 3 MINUTES PER PERSON OR AT THE DIRECTION OF THE CHAIRMAN) – Chairman Call opened the Call to the Public. No one wished to address the Board under this item and Chairman Call closed the Call to the Public.

REPORT BY MR. JODY KLEIN, COUNTY ADMINISTRATOR ON RECENT AND PENDING COUNTY MATTERS—Mr. Klein reported that the focus is on budget activities this week and next week. In addition, he mentioned the Executive Committee meeting of the Upper San Pedro Partnership (USPP) on Wednesday, and on Thursday the Information Technologies Advisory Committee meeting, an Economic Development and Tourism Steering Committee Meeting and also the Economic Forum luncheon in Benson. On Friday, he reported that there will be a County Managers meeting which will focus on the impact of state legislation to counties.

CONSENT

ATTORNEY
ITEM 1
APPROVE THE ARIZONA AUTOMOBILE THEFT AUTHORITY GRANT AGREEMENT BETWEEN THE ARIZONA AUTOMOBILE THEFT AUTHORITY AND THE COCHISE COUNTY ATTORNEY'S OFFICE FROM JULY 1, 2006 TO JUNE 30, 2007.

BOARD OF SUPERVISORS
ITEM 2
ADOPT RESOLUTION NO. #06-38 TO APPROVE AMENDMENT #2 TITLE I ADULT, YOUTH, DISLOCATED WORKER AND RAPID RESPONSE CONTRACT E5706002 BETWEEN COCHISE COUNTY AND THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR THE COCHISE WORKFORCE INVESTMENT ACT (WIA) SERVICE DELIVERY AREA FROM APRIL 1, 2005 TO JUNE 30, 2008.

ITEM 3
ACCEPT THE RESIGNATION OF SHIRLEY BUCHANAN, DEMOCRATIC PRECINCT COMMITTEEPERSON, PRECINCT #39, SV-CENTRAL BUSINESS, AND APPOINT THE FOLLOWING AS DEMOCRATIC PRECINCT COMMITTEEPERSONS: HELENE L. YOUNG, PRECINCT #39, SV-CENTRAL BUSINESS; AND BARBARA ANN MOODY, PRECINCT #58, TOMBSTONE.

ITEM 4
ADOPT RESOLUTION #06-39 APPROVING AMENDMENT #3 THE TITLE I ADULT, YOUTH, DISLOCATED WORKER, AND RAPID RESPONSE CONTRACT E5706002 BETWEEN COCHISE COUNTY AND THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR THE WIA SERVICE DELIVERY AREA FROM APRIL 1, 2005 TO JUNE 30, 2009

ITEM 5
APPROVE PAYMENT OF A $75.00 RESERVATION FEE FOR MEETING ROOMS AT COCHISE COLLEGE BENSON CENTER FOR THE COMMUNITY WATERSHED ALLIANCE MEETING ON JUNE 27, 2006.

ITEM 6
APPROVE THE LETTER OF SUPPORT AND COMMITMENT FOR MATCHING FUNDS FOR THE HEALTHY HOMES LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM FOR THE COCHISE COUNTY LEAD HAZARD CONTROL PROGRAM.

ITEM 7
APPROVE THE MINUTES OF THE REGULAR BOARD OF SUPERVISORS' MEETING ON MAY 23, 2006 AND THE MINUTES OF SPECIAL BOARD MEETINGS FOR MAY 23, 2006 AND MAY 30, 2006.

ITEM 8
APPROVE THE PROCLAMATION TO DECLARE JUNE 10, 2006 AS GED RECOGNITION DAY FOR COCHISE COLLEGE

ITEM 9
WAIVE THE OBLIGATIONS TO PARTICIPATE IN THE COST TO CONSTRUCT OFF-SITE IMPROVEMENTS FOR A PORTION OF FRONTAGE ROAD IN SUNSITES AS NOTED IN THE "AGREEMENT TO PARTICIPATE IN THE COST TO CONSTRUCT OFF-SITE IMPROVEMENTS" BETWEEN THE BOARD OF SUPERVISORS AND JAMES W. CRAFT, SUNSITES ENGINEERING, DATED NOVEMBER 3, 1997.

EMERGENCY SERVICES
ITEM 10
ACCEPT HOMELAND SECURITY AND ARIZONA DIVISION OF EMERGENCY MANAGEMENT GRANTS IN THE AGGREGATE AMOUNT OF $142,977.00: EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR $60,798.00; ARIZONA DEPARTMENT OF EMERGENCY MANAGEMENT/ARIZONA EMERGENCY RESPONSE COMMISSION FOR $2179.00; HOMELAND SECURITY GRANT FOR $80,000.00 FOR INTEROPERABLE COMMUNICATIONS

FACILITIES/SOLID WASTE
ITEM 11
APPROVE A FIVE (5) YEAR LEASE AGREEMENT BETWEEN COCHISE COUNTY AND THE U.S. DEPARTMENT OF AGRICULTURE FOR OFFICE SPACE AT THE BISBEE-DOUGLAS INTERNATIONAL AIRPORT (BDI) TERMINAL BUILDING.

ITEM 12
APPROVE A JOB ORDER WITH CENTENNIAL CONTRACTORS FOR MOLD REMEDIATION, SEALING AND TESTING WORK AT THE SIERRA VISTA REGIONAL SERVICE CENTER AND AUTHORIZE THE TRANSFER OF $89,911.00 FROM GENERAL FUND CONTINGENCY TO THE FACILITIES DEPARTMENT TO PERFORM THE WORK.

FINANCE
ITEM 13
DEMANDS
Warrant No. 15056 through 15698 were issued in the amount of $1,420,414.39. Voided warrants listed below.

VOIDED WARRANTS
Fund 508--Warrant #3231, Calonje, Diego H. MD PC - $100.96
Fund 130--Warrant # 14351, Skaggs, Carletta - $162.78
Fund 130--Warrant #14673, Radisson Woodland - $748.80

Fund 243--Warrant #13950, Elvia's Kitchen - $100.00
Fund 508--Warrant # 13806, Northest Hosp. E. Dorado - $862.07
Fund 100--Warrant #13676, Mastroberte, Stephanie - $86.34
Fund 225--Warrant #13741 U of A/Co-Op Ext. - $50.00
Fund 100--Warrant # 14222, Catholic Comm. - $416.25
Fund 585--Warrant # 14613, Hansen, John - $149.65
Fund 100--Warrant #5743, Clerk of the Superior Court - $36.00
Fund 508--Warrant #13170, Takyi-Oppong, Frank - $640.21
Fund 100--Warrant # 14885, Caballero, Irma - $72.98
Fund 101--Warrant #16472, A F M A FY04/05 - $60.00

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
ITEM 14
APPROVE THE NEW LETTER OF AGREEMENT BETWEEN THE COCHISE COUNTY HEALTH DEPARTMENT'S TOBACCO EDUCATION & PREVENTION PROGRAM AND OUR LADY OF THE MOUNTAINS CATHOLIC SCHOOL TO PROVIDE TOBACCO USE PREVENTION AND EDUCATIONAL SERVICES FOR STUDENTS OF THE SCHOOL IN ACCORDANCE WITH ADHS CONTRACT #HG354374.

ITEM 15
APPROVE THE RENEWAL LETTER OF AGREEMENT WITH PANAYIOTIS A. ELLINAS, M.D., MPH TO PROVIDE THE COCHISE COUNTY HEALTH DEPARTMENT WITH THE SERVICES OF A MEDICAL DIRECTOR.

HIGHWAYS AND FLOODPLAIN
ITEM 16
ACCEPT A GRANT OF RIGHT-OF-WAY FROM THE ARIZONA STATE LAND DEPARTMENT FOR DOUBLE U RANCH ROAD.

HUMAN RESOURCES
ITEM 17
AUTHORIZE A TRANSFER IN THE AMOUNT OF $70,000 FROM THE GENERAL FUND CONTINGENCY TO THE HUMAN RESOURCES DEPARTMENT RISK MANAGEMENT JUDGMENT/DAMAGE FUND LINE DUE TO UNUSUALLY HIGH CURRENT AND PRIOR-YEAR EXPENSES PAID IN FY 2005/2006.

PLANNING & ZONING
ITEM 18
APPROVE THE WALNUT VALLEY RANCH SUBDIVISION FINAL PLAT, ASSURANCE AGREEMENT AND STATE LANDS APPLICATION FOR ASSIGNMENT OF LEASE, PERMIT OR RIGHT OF WAY & ASSUMPTION OF INTEREST.

ITEM 19
AUTHORIZE A TRANSFER IN THE AMOUNT OF $27,000 FROM THE GENERAL FUND CONTINGENCY TO THE PLANNING DEPARTMENT HAZARD ABATEMENT FUND TO ABATE A LONG-STANDING HAZARD IN FRY TOWNSITE.

SCHOOLS
ITEM 20
APPROVE THE AGREEMENT BETWEEN THE COCHISE COUNTY SCHOOL SUPERINTENDENT'S OFFICE (CCSSO) AND THE FORT HUACHUCA ACCOMMODATION SCHOOL DISTRICT TO MAKE AVAILABLE THE SERVICES OF VALERIE QUARTO, ON LOAN TO THE CCSSO FOR ONE YEAR, AS A TECHNOLOGY INTEGRATION SPECIALIST UNDER ARIZONA'S STATEWIDE INSTRUCTIONAL TECHNOLOGY PROGRAM REIMBURSING FORT HUACHUCA ACCOMMODATION SCHOOL DISTRICT IN AN AMOUNT NOT TO EXCEED $53,795.00 IN SALARY, PLUS ASSOCIATED BENEFITS FOR THE PERIOD AUGUST 1, 2006 THROUGH JUNE 30, 2007.

SHERIFF
ITEM 21
APPROVE THE PUBLIC AWARENESS GRANT FROM THE ARIZONA AUTOMOBILE THEFT AUTHORITY IN THE AMOUNT OF $5,700 FOR THE SHERIFF'S OFFICE TO CONDUCT VIN ETCH AND PUBLIC AWARENESS CAMPAIGNS.

Vice-Chairman Newman made a motion to remove Item 7 from the Consent Agenda and to approve Consent Agenda Items 1through 6 and 8 through 21. The motion was seconded by Supervisor Searle and carried unanimously.

PUBLIC HEARINGS

PLANNING & ZONING
ITEM 22
ADOPT RESOLUTION 06-40 AND APPROVE DOCKET R-06-03 TO AMEND SECTION 607 OF THE COCHISE COUNTY ZONING REGULATIONS TO ALLOW "RESEARCH AND TESTING LABORATORIES" AS A SPECIAL USE IN RURAL ZONING DISTRICTS.

Supervisor Searle made a motion to adopt Resolution 06-40 and approve Docket R-06-03 to amend Section 607 of the Cochise County Zoning Regulations to allow "Research and Testing Laboratories" as a special use in rural zoning districts. Vice-Chairman Newman seconded the motion.

The item was presented by Britt Dveris, Planning and Zoning Planner who explained that the request is to amend Section 607 of the Cochise County Zoning Regulations to allow Research and Testing Laboratories as a special use in rural zoning districts. He pointed out that if approved, this would apply to all rural zoning districts. He said that the regulation amendment was requested in conjunction with a special use permit application by Raytheon and that on May 10, 2006, the Planning Commission had approved the special use permit contingent upon the Board approving the zoning regulation amendment. He said that in December, 2005, Raytheon had been cited for being out of compliance with zoning on the subject parcel. Subsequently, Raytheon submitted a request for rezoning the property to Heavy Industry (HI) but public sentiment was expressed against the rezoning due to the wide array of activities such rezoning would permit. At that point, an alternative course of action was identified and a special use permit application was filed, in lieu of actually rezoning the property. Mr. Dveris acknowledged that the Planning Department had received two letters of protest against the proposed special use. He highlighted the factors favoring approval of the regulation amendment, and also reviewed the factors against the regulation amendment. He added that the special use permit for the specific property that initiated this action is being appealed and would be coming before the Board on July 11, 2006.

Chairman Call opened the Public Hearing. Ms. Vonnie Hedges addressed the Board, wishing to appeal Raytheon's special use anticipated for the property near her ranch. Mr. Charles Irwin, Deputy County Attorney advised the Board that the issue before the Board is whether the Zoning Regulations should be changed to allow research and testing facilities, not whether such a facility is appropriate for a given property. Ms. Hedges indicated that the planned use is not conducive to raising cattle or pigs, that there are loud noises within 1/3 of a mile of her home. She stated that the ranch has been in her family since 1940 and to rezone adjacent land for this purpose would be a travesty.

Mr. Ben Susman spoke in opposition to this item, saying that to approve research and testing is a pretty general approval. He added that the distance of one- to one-and-a-half miles is not much of a distance and that people can hear and smell things over that distance. He urged the Board to research the item before approving it.

Mr. Andrew Noll spoke against the item also, telling the Board that they were opening Pandora's Box for what could occur within the county. He indicated that this would allow weapons testing in what is now a rural and agricultural community.

There being no other members of the public wishing to address the Board on this matter, Chairman Call then closed the Public Hearing.

Chairman Call asked Mr. Dveris to explain what research and testing encompassed and what process was to be followed by Planning & Zoning for approval of such requests. Mr. Dveris read the definition of research and testing facilities from the state code. He explained that special use permits have lists of factors that are evaluated with each special use permit application on a case-by-case basis and that compatability with and impacts on neighboring lots are part of that consideration. He said that by virtue of being a special use permit applications, these applications are subjected to additional scrutiny.

Mr. Mark Apel, Senior Planner from Planning & Zoning then addressed the Board saying that there is a special step required of the applicant before the applicant submits an application for a special use permit to Planning & Zoning. He stated that the applicant must conduct a citizen review process prior to submitting the application. The applicant must send out letters of intent to all property owners within 1,500 feet of the subject property and also hold a public meeting if a group of citizens wishes to discuss the proposed use. He went on to say that for certain high impact special uses, such as feed lots, the Planning & Zoning Department has developed more rigorous set of parameters for evaluation of a specific requested special use.

Chairman Call then called for a vote on the item. The motion passed unanimously.

ITEM 23
ADOPT RESOLUTION 06-41 AND APPROVE DOCKET Z-06-06 TO REZONE APPROXIMATELY 28 ACRES FROM RU-4 TO TR-36 FOR THE PURPOSE OF ESTABLISHING A RESIDENTIAL SUBDIVISION WITH A TOTAL OF 28 DWELLING UNITS IN THE BABOCOMARI PLAN AREA.

Vice-Chairman Newman moved to adopt Resolution 06-41 and approve Docket Z-06-06 for the rezoning of 28 acres from RU-4 to TR-36 in the Babocomari Plan Area subject to the conditions listed in the staff memorandum and direct the Clerk to include the conditions in the minutes. Supervisor Searle seconded the motion.

The item was presented by Britt Dveris, Planning and Zoning Planner. He reviewed a PowerPoint presentation showing the two properties included in the application for rezoning for the purposes of establishing a single subdivision with a total of 28 proposed units within the Babocomari Plan Area. One parcel, owned by Farkas, is a 20-acre parcel and one an 8-acre parcel, owned by Hough. Both parcels are in Growth Category B, both are zoned RU-4 and the proposed rezoning for both is TR-36. He showed a map of the subject parcels within the Babocomari Plan Area and a concept plan, showing the lot layout after rezoning.

Ms. Dveris then addressed the water budget, comparing the projected consumption under existing RU-4 zoning for seven lots as six acre-feet per year; the projected consumption for TR-36 zoning for 28 lots is 8 acre-feet per year. He said that Mr. Huff would address the Board regarding agreements that have been reached between Babocomari Plan Area developers and the Algonquin Water Company, which included a rate structure that would encourage lower water use. He also pointed out that the projected consumption figures do not reflect the impact of water conservation measures such as turf limits, drought-tolerant landscaping, hot water recirculation and storm water recharge. He said that these factors would bring the projected water usage down.

He also displayed photos of the subject properties. He stated that Planning & Zoning has received two letters in protest, and two letters in support of the proposed rezoning. One of the letters of protest came from an adjacent property but the single letter does not constitute 20% of the area or property owners within 300 feet of the properties

within the proposed rezoning. He pointed out that the presentation includes a listing of the factors in favor of and against, the proposed rezoning.

Mr. Jim Huff, representative for the applicants, addressed the Board, also showing a PowerPoint presentation. He reminded the Board that the water conservation measures within the Babocomari Plan Area are the most forward-looking of any developer proposal within the county. He then reviewed the history of how the Babocomari developers moved away from the Whetstone Water District to Algonquin Water Company. The company that would serve this area is the Northern Sunrise Water Company, a subsidiary of the Algonquin Water Company. He said that Whetstone Water Company was not willing to make necessary contributions to the infrastructure for water delivery and that Algonquin had agreed to do so. He pointed out that the donation of land by the Babocomari developers on which to place a water storage tank had been critical to the success of negotiations with Algonquin Water Company. He added that the rate structure is between 9-22% higher for Algonquin than Whetstone Water Company and that historically there has been a high correlation between water consumption and water rates. He then reviewed a slide showing comparative water rates, across water companies to illustrate the Algonquin rate penalties that would apply as water usage increased. He showed examples of the monthly amounts that would be paid by water consumers, using the rates supplied by each of the companies. He pointed out that the County has listed six conditions for approval of the rezoning application. He stated that five of these have been consistent across all rezoning applications and that the sixth one that had been added was that the developer must adequately demonstrate that projected water consumption will not exceed the threshold at the platting process. He said they believe that the rate structure will be able to do that at the platting phase. Mr. Huff then reviewed the actions completed and ongoing for the overall Babocomari Plan Area. He concluded by recommending approval saying that the county conditions can be met.

Supervisor Searle confirmed with Mr. Huff that the applicants are participants in the Babocomari Road Improvement District and also requested clarification of figures on the water budget slide. Mr. Huff acknowledged that there were a lot of impacts in the water budget that were difficult to measure and that many of the offsets to the water use budget are yet to be determined.

Chairman Call indicated that one of the reasons he originally supported the concept was because of the alliance with the Whetstone Water District which lies outside of the Arizona Corporation Commission's (ACC) prevue and the fact that they can institute a pricing structure that is conservation-based. He added that they also have a proven history as a water company. He stated that the bottom line is a concern for the watershed and the ACC does not have to approve or maintain this rate structure. Chairman Call also pointed out that all other offsets in the water budget are 'to be determined'. Therefore, he stated, he believes this application is premature until the ACC approves the rates and the "to be determined" items have been confirmed. Chairman Call indicated that he regarded this as a significant shift in direction and that he could not support the proposal at this time.

Chairman Call opened the Public Hearing. No one responded and Chairman Call closed the Public Hearing.

Mr. Mark Apel addressed the Board saying that staff is fairly comfortable with the correlation between price rates and water consumption. He reminded the Board that the burden to be in conformance with the Babocomari Area Plan water conservation requirements is incumbent on each of the proposed subdivisions within the area. He also clarified for the Board that there is a condition that no development can be done on the properties until the subdivision is approved.

Supervisor Searle indicated that he had experienced some reservations about the speed and the volume of the rezoning applications coming before the Board. He indicated a shared concern that the ACC might not approve the rates and said he would support tabling the item until the ACC has acted.

Mr. Huff indicated that he would prefer not to go through the rezoning application process again and that he believes the requirement to be in conformance with the overall Babocomari Plan Area water conservation measures provides sufficient safety net for the Board and protects against lot splits.

Supervisor Searle made a motion to table this item until the ACC makes a ruling on the water rates for Northern Sunrise Water Company. The motion carried 2-1 (Chairman Call opposed).

ITEM 24
ADOPT RESOLUTION NO. 06-42 AND APPROVE DOCKET R-04-03A: PROVIDES OPTIONS TO RURAL-RESIDENTIAL OWNER-BUILDERS FOR THE APPLICATION OF THE BUILDING SAFETY CODE; AMENDS THE CODE FEE SCHEDULE; RAISES THE VALUE THRESHOLD FOR REPAIRS OR IMPROVEMENTS FROM $500 TO $1000; AMENDS SECTION 508 OF THE ZONING REGULATIONS REGARDING APPLICATION OF THE CODE TO RURAL ZONED AREAS.

Supervisor Searle made a motion to adopt Resolution No. 06-42 and approve Docket R-04-03A which provides options to rural-residential owner-builders for the application of the building safety code; amends the code fee schedule; raises the value threshold for repairs or improvements from $500 to $1000; amends Section 508 of the Zoning Regulations regarding application of the code to rural zoned areas. Vice-Chairman Newman seconded the motion.

The item was presented by Judy Anderson, Director of Planning who advised that since this matter had been presented at the Work Session the previous week, she would not be reviewing the entire presentation at today's meeting. She did, however, point out that a change had been made to the last section of the rural owner-builder amendment to read that if a structure on a property has been built or altered under the relief granted by this amendment, it could be considered a factor against a rezoning.

Chairman Call opened the Public Hearing. He advised the Board that some members of the public had donated their time to Ms. Kelly Savage and that she would be given six minutes to address the Board.

Ms. Savage showed the Board images that have appeared in Arizona Highways, published by the State's Department of Transportation as the state's official tourism magazine, pointing out that Cochise County is portrayed and promoted in the magazine as a rural county. She stated that by passing the no plan review, this Board can help to keep Cochise County rural. The amendment, she said, states that most owner-builders who take the exemption cannot turn around in the future and rezone the property to a higher density. It will remain at least an RU-4 zoning. In the past, the county had decided that four acres is sufficient to preserve the rural character of the county. She went on to say that Cochise County is like "two counties"—Sierra Vista and surrounding areas which are experiencing significant development, and the remainder of the county, which is rural. She pointed out that, due to an inexpensive supply of land, Sierra Vista runs the risk of a building boom similar to what occurred in Phoenix between 1990 and 2000, during which Phoenix experienced 43% growth, gaining more than one million people in ten years. She argued that a "yes" vote on the amendment today will help to staunch sprawl. Every owner-builder who chooses rural exemption will be preserving the county's rural character.

Mr. Mike Jackson addressed the Board saying that if the Board votes to begin Phase 2 at all, with or without the amendment, then the Board will be violating the Resolution that adopted the Building Code because, he argued, the Board did not conduct an adequate team evaluation of Phase 1 as contemplated when the original Resolution was passed. The Phase 1 evaluation, he asserted, was not adequate or consistent with what the Board described when they passed the Resolution to enact the Building Code initially.

Mr. Joseph Green addressed the Board saying that he had some questions he wished to ask regarding the presence of a Sheriff's Deputy in the Board Hearing Room at today's meeting. He opined that the presence of the Sheriff's Deputy intimidated people from expressing their opinions freely.

Mr. Ben Susman requested that before the Board approved the amendment that they strike Section 23 which calls for the installation of smoke detectors. He stated that it was not a question of whether smoke detectors were a good idea, but that the inclusion of this section in the amendment is in contrast to the spirit of the amendment exempting rural owner-builders from the amendment. He argued that Section 23 does nothing that other state code and fire codes don't also achieve, pointing out that the amendment to the Building Code clearly states that the rural owner-builder exemption does not exempt the owners from the fire code provisions of the state, the fire districts or the county. The other regulations require the installation of smoke detectors. What Section 23 does, he opined, is to create an unnecessary exception to the exemption that sets a precedent for future encroachment of the rural owner-builder exemption. He also requested that the Board change the language to allow the exemption to include legal non-conforming lot sizes of less than four acres, but which are zoned RU-4.

Ms. Angela Betting stated that many people had moved to the area to leave air pollution. She said she moved here because she could afford to live here and because she would have a lifestyle that would give something back to her. She is retired on disability, and with increasing taxes and the higher cost of living, her lifestyle is threatened. The move here, she stated, allowed her to escape air pollution but more growth will result in increased air pollution in Cochise County. She added that the availability of water is also a problem, causing many farmers to leave the area because their wells have gone dry. She said that the community she lives in is a poor area and that the fines and permit costs are excessive.

Mr. Andrew Noll addressed the Board reminding them that he had distributes a letter to each of them at the previous week's Work Session regarding the Building Code. He stated that the exemption should be offered to all properties in Growth Category D, regardless of lot size, saying that this would be fairer application of the exemption. He also argued in favor of striking the last sentence in Section 10 and amending Section 19.

Chairman Call indicated that no other members of the public wished to address the Board on this topic and so closed the Public Hearing. Vice-Chairman Newman thanked Ms. Savage for her comments and stated that he felt the compromise reached, by the rural owner-builder amendment, satisfied most of the people who wanted the supervisors from moving forward with the Building Code at all. Mr. Ron Durgin, Building Official for the County addressed Section 23, the section dealing with the smoke detector requirement. He said that the state, the individual fire districts and the county all have this requirement and that, although it may be a duplication of codes already in place, it was left in the Code to provide owners with notification of the requirement.

Following additional discussion of points raised by members of the public, Supervisor Searle mad a motion to amend the original motion to include the staff recommendation on June 6, 2006 in regards to Section 27, regarding rezoning. Vice-Chairman Newman seconded the motion and it carried, 3-0.

Chairman Call then commented that virtually all of the growth occurring along the San Pedro River in the past eight years has been single family homes and that he would like to see the owner-builder exemption not apply to the area of the Sierra Vista Sub-Watershed. He made a motion that the Sierra Vista Sub-Watershed area not be included in the owner-builder exemption. Supervisor Searle seconded the motion for purposes of discussion. Following discussion among the Supervisors, Chairman Call called for a vote on the motion. The motion failed: 1-2 (Vice-Chairman Newman and Supervisor Searle opposed).

Vice-Chairman Newman made a motion, seconded by Supervisor Searle, that there is a complete evaluation of the implementation of Building Codes to be done by July 6, 2007. The motion carried, 3-0.

Chairman Call then called for a vote on the original motion and the motion was approved 2-1 (Chairman Call opposed).

ACTION

WORK SESSIONS (FUTURE)
ITEM 25
WORK SESSION REQUEST FOR A FOLLOW-UP DISCUSSION ON THE HIGHWAYS & FLOODPLAIN 06-07 WORK PLAN; DISCUSS RESPONSES TO QUESTIONS RAISED AT MAY 8, 2006 SESSION.

Vice-Chairman Newman made a motion to hold a Work Session for follow-up discussion on the Highways and Floodplain 06-07 work plan and responses to questions raised at the May 8, 2006 Work Session. Supervisor Searle seconded the motion and the Work Session was approved.

STATE AND FEDERAL LEGISLATION
ITEM 26
STATE AND FEDERAL LEGISLATION: DISCUSSION, STRATEGY AND/OR GUIDANCE/DIRECTION ON CURRENT OR PENDING STATE OR FEDERAL LEGISLATIVE PROPOSALS/BILLS AND COCHISE COUNTY'S POSITION THEREON, TO INCLUDE:

STATE BUDGET - IMPACT ON COUNTIES – There was no discussion on this item.

SUMMARY OF CURRENT EVENTS BY BOARD MEMBERS:-

ITEM 27
REPORT BY SUPERVISOR PATRICK CALL, DISTRICT NO. 1
REPORT BY SUPERVISOR PAUL NEWMAN, DISTRICT NO. 2
REPORT BY SUPERVISOR RICHARD SEARLE, DISTRICT NO. 3

Due to the time and schedule, Supervisors' Reports were foregone. There being no further business before the Board, the Chairman adjourned the meeting at 11:37 p.m.

APPROVED:

Patrick Call, Chairman

ATTEST:

Katie A. Howard, Clerk of the Board

(SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE)

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), COCHISE COUNTY DOES NOT, BY REASON OF A DISABILITY, EXCLUDE FROM PARTICIPATION IN OR DENY BENEFITS OF 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 E, BISBEE, ARIZONA 85603.

Cochise County Demands
June 6, 2006

Az State Retirement Syst-Plan 5/26/2006 Total $170,005.53;
Az State Savings&Credit Union 5/26/2006 #15067 $2,838.00;
Cochise Cnty Payroll W/H Tax 5/26/2006 #15069 $33,595.87;
Correction Officers 5/26/2006 #15061 $8,968.72;
Bank One 5/26/2006 Total $924,029.18;
Bank One 5/26/2006 #15071 $328,344.78;
Huachuca Federal Credit Union 5/26/2006 #15074 $9,944.36;
NACO West 5/26/2006 #15075 $32,032.70;
Public Safety Retirement Syst 5/26/2006 #15076 $10,485.38;
Public Safety Retirement Syst 5/26/2006 #15080 $34,227.70;
Southeastern Az Fed Cr Union 5/26/2006 #15082 $5,469.18;
Tombstone Federal Credit Union 5/26/2006 #15085 $1,220.00;
Support Payment Clearinghouse 5/26/2006 Total $5,914.44;
National Bank 5/26/2006 #15065 $3,160.94;
American Investment Bank 5/26/2006 Total $1,127.66;
Copper Queen Hospital 6/01/2006 Total $2,044.48;
Devon Gables 6/01/2006 #15456 $3,148.83;
Sierra Vista Medical Investors 6/01/2006 #15425 $3,094.00;
Sierra Vista, City of 6/01/2006 Total $1,061.40;
Sierra Vista Regional Hlth Ctr 6/01/2006 #15394 $1,884.96;
Kindred Nursing Ctrs West, LLC 6/01/2006 Total $11,818.65;
Fry Fire District 6/01/2006 Total $1,038.71;
Catholic Community Services 6/01/2006 Total $1,633.98;
United Drugs 6/01/2006 Total $2,538.01;
Tombstone Pharmacy 6/01/2006 Total $3,813.26;
Kindred Pharmacy Services 6/01/2006 Total $10,328.71;
Rocky Mountain Hldgs LLC 6/01/2006 Total $4,294.87;
Southwest Ambulance/86-0758145 6/01/2006 Total $2,909.26;
Apria Healthcare Inc 6/01/2006 Total $4,260.35;
Medicine Shoppe (The) 6/01/2006 #15466 $1,838.51;
Medicap Pharmacy 6/01/2006 Total $2,007.77;
GAMBRO Healthcare-Sierra Vista 6/01/2006 Total $3,580.87;
Az Pulmonary Specialists 6/01/2006 Total $1,019.71;
Cornerstone Hosp of SE AZ 6/01/2006 Total $15,994.57;
Casa De Esperanza 6/01/2006 Total $1,342.96;
Az World Express 6/01/2006 Total $1,061.51;
MDMED Inc. 6/01/2006 #15410 $1,551.08;
Food City-#111 & #112 6/01/2006 Total $7,796.08;
Waverly Park HCC 6/01/2006 Total $2,104.34;
White Mountain Sleep Lab, Inc 6/01/2006 Total $1,017.10;