

**PROCEEDINGS OF THE COCHISE COUNTY JAIL DISTRICT BOARD OF DIRECTORS
MEETING HELD ON
TUESDAY, JUNE 11, 2024**

A meeting of the Cochise County Jail District Board of Directors was held on Tuesday, June 11, 2024 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Tom Crosby, Vice-Chairman, telephonic; Peggy Judd, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator
Sharon Gilman, Deputy County Administrator/Interim Clerk of the Board
Christine Roberts, Chief Civil Deputy County Attorney
Lara Loewenheim, Deputy Clerk of the Board

Attendees: Monica Miranda, Finance Director
Juan Frisby, Budget Manager

Chairman English called the meeting to order at 10:18 a.m.

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

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

ACTION

Board of Supervisors

1. Adopt the Tentative Budget of the Cochise County Jail District for fiscal year 2024-2025 in the amount of \$17,220,607.

Supervisor Judd made a motion to adopt the Tentative Budget of the Cochise County Jail District for fiscal year 2024-2025 in the amount of \$17,220,607. Vice-Chairman Crosby seconded the motion.

Mr. Karwaczka explained that the half-cent sales tax did not trigger the truth and taxation hearing, as it was still in effect and budgeted for FY25. Mr. Karwaczka clarified that the county's contribution to the jail district, known as the maintenance of effort, had been determined by the Auditor General to be \$6,572,609 for the fiscal year. Mr. Karwaczka stated that progress was being made towards an agreement for a needs assessment, which would be presented to the jail district board and used to build a new jail.

Chairman English emphasized the importance of mentioning the maintenance of effort to ensure the public understood that the intent was not to reduce spending but to continue using the same amount as before, with additional taxes funding the new

jail.

In response to Supervisor Judd, Mr. Karwaczka clarified that the \$6,572,609, funded by the General Fund as the county's contribution, did not require a truth in taxation hearing since such hearings are for new property tax revenue, not existing budget allocations.

Vice-Chairman Crosby stated that the Board of Supervisors violated the due process of the US and Arizona constitutions in establishing itself as a jail district board. Vice-Chairman Crosby stated that since the jail district did not receive the required 60% approval according to the Arizona Constitution, it did not exist, and thus neither did the jail district board. Vice-Chairman Crosby stated he believed the Arizona Constitution superseded A.R.S. §48-4021B and criticized the announcement of the all-mail election without prior Board approval.

Ms. Roberts indicated that Vice-Chairman Crosby was straying from the agenda's topic, which was the tentative budget, and warned of a potential open meeting law violation if the discussion continued.

Vice-Chairman Crosby repeatedly called for a point of order in response. Vice-Chairman Crosby asserted that the attorney was out of order and criticized the inclusion of non-agenda items and special guests without public comment, suggesting that board members should vote on whether to hear from the attorney. When interrupted by the Chairman, Vice-Chairman Crosby claimed his civil rights were being violated and appealed the decision of the Chairman who asserted her authority over the meeting.

Chairman English emphasized that comments should be focused on the current agenda item, not on unrelated county issues.

Vice-Chairman Crosby questioned whether the revenue from the sales tax increase for the jail district was not pertinent to the budget discussion. Chairman English declined to answer.

Vice-Chairman Crosby cited the Open Meeting Law, Section 38-431.02, paragraph 8, emphasizing that discussions and decisions should only pertain to agenda-listed matters and related issues, including revenue from the sales tax increase election as relevant to the budget discussion.

Chairman English called for the vote and it was approved 2-0 (Crosby did not vote).

Chairman English adjourned the meeting at 10:29 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Sharon Gilman, Interim Clerk of the Board

