

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
EMERGENCY MEETING HELD ON
WEDNESDAY, NOVEMBER 2, 2022**

An emergency meeting of the Cochise County Board of Supervisors was held on Wednesday, November 2, 2022 at 4:00 p.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

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

Staff Present: Richard G. Karwaczka, County Administrator
Sharon Gilman, Deputy County Administrator
Christine Roberts, Chief Civil Deputy County Attorney
Tim Mattix, Clerk of the Board

Attendees: Kris Carlson, Civil Deputy County Attorney

Chairman English called the meeting to order at 4:00 p.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

Mr. Karwaczka stated that the reason for the Emergency Meeting is that yesterday, the Board was formally served with a lawsuit. The court date was set for this Friday at 9:00 a.m. to appear. There is a response to the complaint that is due tomorrow at noon. At this point in time, the Board needs to obtain counsel; based on those tight timeframes, an Emergency Meeting was scheduled.

ITEMS FOR DISCUSSION

Board of Supervisors

1. Discussion regarding the selection of outside legal representation in the matter of Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson, v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, CV202200518.

Chairman English stated that at the last Board of Supervisors meeting, Vice-Chairman Judd provided information on two possible candidates; today, a third possible candidate was presented. The person needs to be contacted and an Engagement Letter entered into for the services. The motion should be to both hire an individual and authorize the County Administrator to sign an Engagement Letter.

Vice-Chairman Judd recommended one attorney, Mr. Bryan Blehm. Supervisor Crosby recommended Mr. Timothy LaSota. Mr. LaSota is willing to rely on private

funding and would accept working with another attorney. Ms. Roberts stated that Mr. LaSota is involved in active litigation against the Board; Supervisor Crosby stated that Mr. LaSota indicated that he felt it was a minor conflict of interest but that he would drop the case if a large conflict exists.

Vice-Chairman Judd noted that it is of benefit that Mr. LaSota is willing to accept private funding; she does not know that about Mr. Blehm. She is seeking private funding to pay her portion of counsel costs. Chairman English stated that the important thing at this time is that the Board have representation, rather than focus on private or public funding. Vice-Chairman Judd stated that Mr. Blehm is able to work within the required timeframe. Mr. Blehm is aware that other attorneys are representing individuals in the matter.

In response to the Board, Ms. Roberts stated that she is advising the Board that Mr. LaSota has ongoing adverse litigation against the Board, and thus cannot represent the Board. The Board and staff discussed Mr. LaSota's conflict and willingness to drop the other litigation; appointing Mr. Blehm and Mr. LaSota, with Mr. LaSota as co-counsel, if possible; and, authorizing the County Administrator to seek engagement and sign the Engagement Letter, with it later being ratified by the Board.

ACTION

Board of Supervisors

2. Approve obtaining outside legal representation for the matter of Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson, v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, CV202200518.

Supervisor Crosby made a motion to direct Mr. Karwaczka to engage, and execute any necessary documents, obtaining outside legal representation of Mr. Blehm and Mr. LaSota as co-counsel, if possible, for the matter of Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson, v. Tom Crosby, Ann English, Peggy Judd, David Stevens, and Lisa Marra, all in their official capacities, CV202200518. Vice-Chairman Judd seconded the motion.

Supervisor Crosby recognized Mr. Stevens for his work on the hand count. Ms. Roberts cautioned the Board about Open Meeting Law violations as the agenda item is for the purpose of obtaining counsel.

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

Chairman English adjourned the meeting at 4:23 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board