

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
EMERGENCY MEETING HELD ON  
TUESDAY, NOVEMBER 29, 2022**

An emergency meeting of the Cochise County Board of Supervisors was held on Tuesday, November 29, 2022 at 2:30 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  
Brian McIntyre, County Attorney  
Christine Roberts, Chief Civil Deputy County Attorney  
Tim Mattix, Clerk of the Board

Chairman English called the meeting to order at 2:30 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**

***ITEMS FOR DISCUSSION***

**Board of Supervisors**

1. Discussion regarding the selection of outside legal representation in the matter of Katie Hobbs, in her official capacity as Arizona Secretary of State v. Tom Crosby, Ann English, Peggy Judd, in their official capacities as members of the Cochise County Board of Supervisors, and Cochise County, a political subdivision of the State of Arizona, CV202200553, and any other filed lawsuits naming the Board of Supervisors as Defendants regarding the General Election Canvass.

Mr. Karwaczka stated that the purpose of the Emergency Meeting is that last evening, he heard that a lawsuit was filed against the Board, and he was made aware of the additional filing this morning. The Emergency Meeting was set due to the urgency of determining who will represent the Board in the legal matter. The agenda mentions one case number; the other case, not available when the Emergency Meeting was set, is Arizona Alliance of Retired Americans and Stephani Stephenson v. Tom Crosby, Ann English, and Peggy Judd in their official capacities as the Cochise County Board of Supervisors, was filed as CV202200552. The Board received service of both lawsuits this afternoon.

In response to the Board, Mr. Karwaczka confirmed his recommendation that the

wording, "and any other filed lawsuits naming the Board of Supervisors as Defendants regarding the General Election Canvass" be included in the motion. Mr. McIntyre stated that the scheduling order for the cases establishes a deadline for service of not later than 5:00 p.m. today for service, the Board's response at 5:00 p.m. tomorrow (November 30), and the hearing on December 1, 2022 at 1:00 p.m. Supervisor Crosby expressed concern with the hearing being prior to the Board's December 2, 2022 Special Meeting.

Vice-Chairman Judd stated that she had not yet had an opportunity to speak with Mr. Blehm. The Board discussed selecting Mr. Blehm for outside legal representation, and not knowing if Mr. Blehm will be able to represent them. Vice-Chairman Judd stated that Mr. Blehm confirmed he had received a copy of CV202200553.

Mr. Karwaczka recommend the Board include in their motion authorization for him to sign a retainer agreement, and Mr. McIntyre recommended that the Board include the wording regarding any other filed lawsuits in their motion.

Supervisor Crosby discussed the use of private funding for the outside legal representation. Mr. Karwaczka noted that the outside legal representation would be for the Board as a whole, making the Board responsible for fees. He does not believe the Board can accept private funding and explained the reasons. The Board can have a similar agreement with Mr. Blehm in place; if the County receives a bill, it will need to be placed on an agenda for Board approval of payment. If no bill is received, there is no action for the Board to take. Discussion ensued. Mr. McIntyre recommended that the issue of private donations or funds be left for another day.

## **ACTION**

### **Board of Supervisors**

2. Approve obtaining outside legal representation for the matter of Katie Hobbs, in her official capacity as Arizona Secretary of State v. Tom Crosby, Ann English, Peggy Judd, in their official capacities as members of the Cochise County Board of Supervisors, and Cochise County, a political subdivision of the State of Arizona, CV202200553, and any other filed lawsuits naming the Board of Supervisors as Defendants regarding the General Election Canvass.

Supervisor Crosby made a motion to approve obtaining outside legal representation and authorize the County Administrator to execute necessary agreement with the Valley Law Group for the matter of Katie Hobbs, in her official capacity as Arizona Secretary of State v. Tom Crosby, Ann English, Peggy Judd, in their official capacities as members of the Cochise County Board of Supervisors, and Cochise County, a political subdivision of the State of Arizona, CV202200553, and any other filed lawsuits naming the Board of Supervisors as Defendants regarding the General Election Canvass. Vice-Chairman Judd seconded the motion.

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

Chairman English adjourned the meeting at 2:49 p.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board