

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING HELD ON
Tuesday, February 14, 2023**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, February 14, 2023 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman; 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

Chairman English called the meeting to order at 10:00 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. Approve demands and budget amendments for operating transfers.

Supervisor Crosby made a motion to approve demands and budget amendments for operating transfers. Vice-Chairman Judd seconded the motion.

Allison Morse spoke in opposition to warrant number 60237 in the amount of \$88,616.74 to Elias Law Group and other concerns.

Supervisor Crosby responded to criticism.

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

2. Discussion and possible direction regarding election functions and duties potentially being transferred to the County Recorder.

Vice-Chairman Judd made a motion to go into discussion and possible direction regarding election functions and duties potentially being transferred to the County Recorder. Supervisor Crosby seconded the motion.

Vice-Chairman Judd stated there has been interest in doing something different with

elections and she wants to keep an open dialogue. Vice-Chairman Judd referred to A.R.S. Title 16 where the Recorder is statutorily recognized as the person responsible for much of the election process. Vice-Chairman Judd stated she pictured asking the Recorder to take his role where the Recorder was listed in the Statutes, to hire the Elections Director and run the Elections Office and would not be taking any of the Board's responsibilities. Chairman English asked Vice-Chairman Judd if she was aware that counties have tried this in the past and there are not any counties in Arizona that have the elections under the Recorder. Vice-Chairman Judd responded that she was aware and did not get the details about when other counties have tried it in the past. Statutes do not state that it is not possible.

Supervisor Crosby stated that he has repeated his viewpoint that County government is not properly organized. Supervisor Crosby read excerpts of A.R.S. § 11-251 and stated that the role of the County Administrator does not exist in the statutes but the Recorder role does. Supervisor Crosby stated that the statutes for the Recorder in A.R.S. Title 19 are narrower in scope than those of the County Supervisors and that the County Elections Director should be under the County Recorder instead of the Board of Supervisors.

Chairman English stated that there are several people that have requested to speak on this issue.

Joan Murphy spoke in opposition of this item and discussed the reasons.

Diane W. Davidson spoke in opposition of this item and discussed the reasons.

Christie S. Brown spoke in opposition of this item and discussed the reasons.

Jennifer Druckman spoke in opposition of this item and discussed the reasons.

James Knox spoke in favor of this item and discussed the reasons.

Kathy Debolt spoke in favor of this item and discussed the reasons.

Jeff Sturges spoke in opposition of this item and discussed the reasons.

Joseph W. Patterson spoke in favor of this item and discussed the reasons.

Lisa Braiterman was called upon but did not speak.

Stephani Stephenson spoke in opposition of this item and discussed the reasons.

Steve Marlatt spoke in opposition of this item and discussed the reasons.

Allison Morse spoke in opposition of this item and discussed the reasons.

Fred Miller spoke in opposition of this item and discussed the reasons.

Joy Banks spoke in opposition of this item and discussed the reasons.

Kim DePew spoke in favor of this item and discussed the reasons.

Cado Daily spoke in opposition of this item and discussed the reasons.

Catherine Welch spoke in opposition of this item and discussed the reasons.

Anne Carl spoke in opposition of this item and discussed the reasons.

Al Anderson spoke in opposition of this item and discussed the reasons.

Kara Harris spoke in favor of this items and discussed the reasons.

Sanda Clark spoke in opposition of this item and discussed the reasons.

Chairman English stated that 19 people did not wish to speak but were in opposition to this item and 2 in favor.

Supervisor Crosby stated that Mr. Stevens is qualified for this position and addressed several of the issues that were brought up by the public. Supervisor Crosby discussed potential motions and the addition of appointing Mr. Stevens as Interim Elections Director. Chairman English stated that if functions are to be moved to the Recorder, it needs to be in a contract or Intergovernmental Agreement (IGA).

Vice-Chairman Judd stated that she would like the Recorder to do everything that he is statutorily allowed, while statutory requirements of the Board such as canvassing and precinct locations would remain under the Board. Mr. Karwaczka stated the current structure is that the Board has delegated the administrative and managerial functions of Elections to the County Administrator and if the Board intends to transfer those responsibilities to the Recorder an IGA needs to be drafted.

Mr. Karwaczka asked the Board if they wish to transfer the administrative and managerial functions to the Recorder, which includes the hiring of an Elections Director and staff. Supervisor Crosby stated that is what he wants. Vice-Chairman Judd and Supervisor Crosby agreed that the Recorder would appoint and the Board would approve an Elections Director.

The Board discussed and agreed that the term of the IGA be until the end of their term and possible renewal in January 2025 by a new Board. The Board agreed that this IGA may be terminated by either party no fewer than 45 days prior and discussed the timing of terminating the IGA if ballots have been printed prior to a general or primary election.

The Board discussed and agreed that the Recorder communicate with the Board via work session as requested by either party. The Board discussed and agreed that the Recorder bring requests to contract with other municipalities for election services and requests for outside legal services, prior to incursion of expenses, to the Board for approval. Chairman English clarified that she understood that the Board would like to transfer all of the administrative and managerial responsibilities of Elections but not statutory responsibilities.

Mr. Karwaczka asked the Board if they would like him to proceed with creating the IGA for Board approval. Vice-Chairman Judd and Supervisor Crosby indicated yes. Chairman English stated that she did not choose this direction but she wanted to make sure that the Board had all the stipulations that they want in the IGA.

Chairman English adjourned the meeting at 11:45 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board