

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
WORK SESSION HELD ON
TUESDAY, SEPTEMBER 10, 2024**

A work session of the Cochise County Board of Supervisors was held on Tuesday, September 10, 2024, at 2:00 p.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
Joe Casey, Associate County Administrator
Christine Roberts, Chief Civil Deputy County Attorney
Lara Loewenheim, Clerk of the Board

Attendees: David Thorn, Presiding Judge
Niltza Flores, Court Administrator
Amy Hunley, Clerk of the Court
Rita Shipley, Budget Finance Director

Chairman English called the meeting to order at 2:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION

ITEMS FOR DISCUSSION

Board of Supervisors

1. Discussion and possible direction regarding establishing an Intergovernmental Agreement (IGA) that outlines the roles and responsibilities of Cochise County and Cochise County Superior Court.

Judge Thorn presented this item. Judge Thorn stated that several people at the meeting would not be present in the future and reflected on the challenges he faced as a new presiding judge. He shared his experiences over the past nine months, during which he learned about the responsibilities of his position, including budget coordination and facility management, such as addressing safety issues in the courthouse parking lot. Judge Thorn emphasized the importance of creating an intergovernmental agreement (IGA) to clarify roles and responsibilities between the Superior Court of Arizona and Cochise County, especially with new leadership expected soon.

Chairman English expressed concerns about the proposed IGA between the courts and the county, questioning if it implied dissatisfaction with the county's responsiveness, such as regarding the parking lot repairs. Judge Thorn responded by pointing out longstanding issues with the court administration building's maintenance, noting safety hazards and poor upkeep, and expressing frustration over the reactive nature of repairs. He emphasized that the IGA would clarify responsibilities for facility

maintenance, ensuring timely action and improving the court's appearance and functionality.

The Board questioned how an IGA would address facility issues, citing the example of delayed jail repairs. Judge Thorn responded that the IGA would provide clarity for future Board members on the costs of maintaining buildings and allow the court to hire private contractors, bypassing the county's facilities department. He emphasized that hiring external contractors would improve accountability, as they could be easily replaced if their work was unsatisfactory, unlike county employees.

Rita Shipley, Budget Finance Director, highlighted procurement challenges faced by the court as a state agency. She explained that the court has access to state contracts, but recent issues arose when county procurement refused to allow the use of a state contract, requiring intervention from their AOC procurement chief, and emphasized the need for clarity due to upcoming leadership changes.

Judge Thorn emphasized that he's not complaining or placing blame, but is taking his responsibilities as presiding judge seriously, especially when it comes to maintaining the court's facilities. He highlighted the importance of having a plan to ensure the courts appear professional and dignified, and expressed his intent to prepare an IGA to address these concerns, leaving the final decision to the Board.

In response to the Board, Judge Thorn acknowledged that while the court facilities belong to the county, there is a history of the county not adequately addressing maintenance needs. He expressed frustration over repeated delays and insufficient manpower, noting that it creates a cycle of issues, but he doesn't want an adversarial relationship with the county's facilities department.

Mr. Karwaczka noted that the parking lot issue is new to him and upon checking the request was put in 30 days ago. He emphasized that previous discussions about maintenance have occurred during lunch meetings and other conversations, and questioned the need for an additional IGA suggesting that it would simply add more paperwork. He acknowledged that while the county has historically managed budget constraints without raising property taxes significantly, there has been a good relationship with ongoing dialogue about issues.

Judge Thorn expressed frustration over the delayed landscaping project, which is currently on hold pending funding, and the need for immediate repairs to the parking lot to ensure accessibility for individuals with disabilities. He criticized the lack of clarity regarding responsibilities for maintenance tasks, highlighting his own efforts to address issues like weeds in the courthouse parking lot while emphasizing that such tasks should not fall on the presiding judge.

The Board discussed whether an IGA would address ongoing issues regarding facility maintenance, noting that historically, the relationship between the courts and the county has been cooperative, with few direct requests from judges for urgent repairs. There was an emphasis on the need for communication and responsibility among staff to report maintenance issues, as it was unclear why requests for repairs had not been submitted in the past. The Board acknowledged the importance of maintaining facilities for public perception while recognizing the limitations of budget constraints and the need for collaboration to prioritize necessary improvements.

Vice-Chairman Crosby inquired about the courthouse's HVAC expenses over recent years, with Mr. Karwaczka estimating around \$2.8 million for both the HVAC and the bridge project. Vice-Chairman Crosby expressed openness to communication and

collaboration regarding facility needs while emphasizing the challenge of meeting increasing demands with limited resources, highlighting the broader implications of government spending and taxation on the community's economy.

Chairman English expressed concerns about the timing of discussions regarding budgetary issues, stating that the Board must work collaboratively with the courts despite these challenges. She acknowledged the frustrations stemming from unmet needs and limited resources, emphasizing that any proposals, such as an IGA, would have budgetary implications that cannot be addressed immediately, especially since the current budget has already been passed. Chairman English highlighted the historical reluctance to raise tax rates, which has left the county behind in funding essential services and maintaining facilities.

Supervisor Judd expressed appreciation for the attendees' efforts to bring new ideas for improvement, emphasizing the importance of openness and encouraging everyone to feel comfortable coming forward to share their thoughts.

Vice-Chairman Crosby inquired about the current staffing levels of attorneys for both defense and prosecution, noting a previous estimate that suggested a shortage of 10 to 15 attorneys. After discussing recent vacancies, he emphasized the importance of having adequate personnel to uphold the Bill of Rights and ensure public safety.

Judge Thorn expressed gratitude for the meeting and invited further questions. Chairman English emphasized that discussion about proposals would be conducted publicly. Chairman English acknowledged the importance of formal agreements, like IGA's, to clarify roles and responsibilities, while also recognizing that future Boards may have different perspectives on these agreements.

Chairman English adjourned the meeting at 2:59 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board