

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL/EXECUTIVE MEETING HELD ON
TUESDAY, FEBRUARY 25, 2025**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, February 25, 2025 at 1:00 p.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Frank Antenori, Chairman; Tom Crosby, Vice-Chairman; Kathleen L. Gomez, Supervisor, telephonic

Staff Present: Sharon Gilman, Interim County Administrator
Joe Casey, Interim Deputy County Administrator
Paul Correa, Chief Civil Deputy County Attorney
Lara Loewenheim, Clerk of the Board

Chairman Antenori called the meeting to order at 1:00 p.m.

ACTION

Board of Supervisors

This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), (1).

1. Discussion and possible direction regarding job titles and job descriptions for the current Interim County Administrator and Interim Deputy County Administrator.

Pursuant to A.R.S. § 38-421.03 (A)(1), the board may go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting.

The Board discussed the position of County Administrator and the related job titles and descriptions. There was some confusion about whether the discussion was about individual roles or the job description itself. The main focus was on the need to clarify and possibly adjust the roles, particularly the need for a position that handles the day-to-day management of staff to allow elected officials to focus on other duties. The idea of a Chief of Staff was also mentioned, with an emphasis on making sure there is a clear flow of information to the Board of Supervisors.

Vice-Chairman Crosby discussed the County Administrator position, focusing on the job description and organizational structure. His concern about the potential power imbalance in the existing structure, especially the possibility of the Board needing to fire the Administrator to enforce their direction. He raised another issue concerning

whether delegating too much authority to an Administrator could be seen as an abdication of the Board's executive responsibilities, citing examples where this had occurred in the past. He stated the trust required in an Administrator to effectively manage staff without resistance, especially regarding compliance with merit systems and Board policies.

Vice-Chairman Crosby discussed paragraph 10, which outlines the County Administrator's role as the primary point of contact between employees, officials, and the Board of Supervisors. He raised concerns about the Administrator's discretion in deciding whether certain issues, such as budget or policy matters, should be brought before the Board. He expressed fear that an Administrator could withhold important matters from the Board, relying on their judgment rather than the Board's. He expressed a preference to eliminate the County Administrator role altogether.

The Board discussed different approaches to staff management, including whether staff should report directly to individual supervisors or be handled collectively. Vice-Chairman Crosby emphasized the importance of clearly defining the scope of authority, particularly regarding routine or day-to-day operations, to avoid giving the Administrator unintended decision-making power. The point was made that without clear boundaries, an Administrator could take actions that the Board may not support or approve.

The Board discussed the need to clarify language around interactions between employees and individual supervisors. Vice-Chairman Crosby emphasized that requesting information directly from staff, like a budget printout, should not be prohibited, as long as it doesn't lead to policy implementation without the Board's approval. The idea of a direct report system for department heads was brought up, with some members supporting a reorganization where each department head reports directly to the Board. There was agreement that the County Administrator's past role had too much power, and a stronger, clearer structure with the Board as the primary decision-making body was needed for future governance.

Vice-Chairman Crosby expressed concern over language in paragraph 10, which involves the Clerk of the Board being involved in resolving disputes with the County Administrator. He pointed out that the position of County Administrator is not recognized in the ARS, while the Clerk of the Board is, making it problematic to place the Clerk under the Administrator's authority. He further criticized the broad language in the Clerk of the Board's duties, suggesting it could lead to confusion or redundancy. Vice-Chairman Crosby emphasized the need to reassess the Clerk's role and avoid creating overlapping or unnecessary responsibilities.

The Board discussed the need for a restructured reporting system for department directors, where they would report directly to the Board of Supervisors, giving the Board authority over hiring and firing decisions. There was agreement that this could be achieved with a County Administrator handling personnel actions following Board decisions. The discussion also touched on scenarios where the Board could step in if a department head is not following Board directives. The Board emphasized that these decisions should be made by the Board, with transparency and compliance with open meeting laws.

Chairman Antenori acknowledged the need for the Board to have more direct authority over department heads but also recognized the necessity of having someone handle day-to-day operations. He mentioned that while he doesn't want to sit through individual departmental budget meetings, he wants an executive summary of the budgets, including justifications and figures. He stated the County Administrator

would be responsible for rolling up these budgets and ensuring alignment with the Board's legislative intent, but decisions on budget additions would still require Board approval.

The Board discussed the balance between the Board's authority and the need for someone to manage daily operations. The Board was in agreement that department heads should report directly to the Board, giving them the power to hire and fire these leaders. However, it was acknowledged that someone needs to handle the day-to-day administrative tasks, like budget roll-ups and departmental coordination, to ensure smooth operations. The Board emphasized the importance of clearly defining roles and responsibilities while maintaining control over key decisions, such as departmental budget allocations and leadership appointments.

Ms. Gilman agreed with the Board on the need for updates, acknowledging that the document is over 20 years old and was created under different circumstances. She mentioned making some changes to the document, noting the inclusion of a lobbyist section and highlighting that certain items, like the Emergency Management assistance funds, are no longer relevant. She suggested that there are many areas in the document that could be tightened up and shortened.

Mr. Correa discussed potential risks associated with employment decisions being made by the entire Board. He pointed out that, with three people involved, it could lead to situations where something is inadvertently said, like "you're fired," which could be misinterpreted as an individual action. He noted that this could increase the risk of lawsuits, especially in high-stakes cases involving department heads. Mr. Correa emphasized the importance of being cautious to avoid legal claims and highlighted that improper handling of such situations could result in significant financial and legal consequences for the county.

The Board discussed the need for clearer authority regarding department heads and employment decisions. Chairman Antenori emphasized that, as an at-will state, department heads can be appointed and removed by the Board at their discretion. However, he noted that the process should be formalized with proper procedures, such as executive sessions, to ensure that decisions are made with valid cause. There was agreement that the Board now has more oversight than before, especially with the departure of previous figures, but there's still a need to ensure processes and policies are in place to prevent misuse of power in the future.

The Board discussed improving communication and oversight over department heads, specifically the process for handling performance issues and the authority of the Board in appointing or removing department heads. Chairman Antenori expressed the desire for more direct control over department heads, with the Board having the authority to remove or hire individuals. It was noted that department heads should feel empowered to come to the Board if they face issues with the County Administrator. The discussion also touched on transparency, with concerns about whistleblower protections and ensuring that such issues are brought to the Board's attention properly.

The Board discussed the idea of department heads serving at the Board's pleasure, similar to the County Administrator, with no individual contracts needed for each department head. The Board's concern is about protecting individual board members from liability, with the assurance that acting collectively as a Board would provide legal protection. It was noted that if actions are taken by the Board as a unified body, it shields individual members and the County from personal liability.

The Board discussed the next steps for moving forward with the County Administrator position. The Board acknowledged the importance of updating the job description and ensuring it reflects the necessary legal and functional aspects. The Board agreed to refine the details of the resolution and schedule further meetings to solidify decisions.

Chairman Antenori adjourned the meeting at 1:58 p.m.

APPROVED:

Frank Antenori, Chairman

ATTEST:

Lara Loewenheim, Clerk of the Board