

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
SPECIAL/EXECUTIVE MEETING HELD ON  
Tuesday, February 12, 2019**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, February 12, 2019 at 9:30 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Patrick G. Call, Vice-Chairman; Ann English, Supervisor

Staff Present: Edward T. Gilligan, County Administrator  
Sharon Gilman, Associate County Administrator  
Britt W. Hanson, Chief Civil Deputy County Attorney  
Elda Orduno, Civil Deputy County Attorney  
Amanda Baillie, Public Information Officer  
Arlethe G. Rios, Clerk of the Board

Chairman Judd called the meeting to order at 9:31 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

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***ACTION***

**Board of Supervisors**

1. Discussion regarding the process for filling the vacancy for Justice of the Peace in Justice Precinct 5.

Ms. Orduno explained that ARS 16-230 governs the process for the Board to fill the vacancy. She said that the Board will appoint someone of the same party, republican, to cover the term until the election in November of 2020.

Mr. Gilligan confirmed his attendance telephonically.

Mr. Hanson added that there was no mandated legal process to fill a county officer vacancy and that the process was up to the Board's discretion of taking applications or not taking applications and making a direct appointment. He noted that due to timing of the vacancy he recommended that the Board move through the process as quickly as possible to not disrupt the operations of JP 5.

Chairman Judd said that she did not think the Board should take applications as it would lengthen the process and added that one of the precinct judges had suggested forming a

committee with the interested stakeholders and receive their input.

Supervisor English said that it was important to note that a justice of the peace did not have to have a legal background and that she wanted to choose someone that could comply with the duties of the position until the election and then the voters from that precinct would decide.

Mr. Gilligan entered the meeting in person at 9:37 a.m.

Supervisor English continued and said that she was not sure that she would want to go through an application process.

Chairman Judd said that she also did not want to go through an application process, but would be very open to a committee driven process.

Supervisor English said that a committee would only be an advisory capacity and the Board might not agree with their input.

Vice-Chairman Call agreed that accepting applications would be a lengthy process and agreed that if a committee was put together and the Board did not agree with their suggestion, it would be disappointing to those involved.

Chairman Judd said that she had not considered the comments regarding a committee process, but now agreed that a committee might not be the best idea.

Mr. Gilligan said that he spoke to Judge Tim Dickerson and he also shared the perspective that a committee could be formed to help sort through applications because Judge Dickerson agreed that this type of vacancy would draw a significant volume of interested parties. Judge Dickerson had made arrangements for a Pro Tem to cover his calendar from March 1, 2019 to a date uncertain, when the person the Board selects takes office. Judge Dickerson said that this would allow for enough time for a thorough vetting of potentially hundreds of applications.

Mr. Gilligan said that it was his recommendation that a simple direct appointment would be the most prudent action for the Board and listed several reasons:

1. He did not think that long; drawn-out recruitment would be appropriate with the current timeline.
2. Budget season was approaching and appointing instead of recruiting would assist the person in that position to be a part of that process.
3. There is a major concern for continuity of operations and personnel if this decision is delayed.
4. The person chosen should be familiar with county processes, have a proven record of public service, and the Board should be confident in their ethical bearing because a mistake would ultimately be the Board's responsibility
5. With the given timeline appointing rather than recruiting is practical.

The Board thanked Mr. Gilligan for his thoughts on the process and his direction on how to move forward.

Supervisor English said that she thought this would be an appropriate time to go into executive session and move onto item number two.

2. Appoint \_\_\_\_\_ as Justice of the Peace for Justice Precinct 5.

*This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), paragraph(1), the Board may go into executive session for the discussion or consideration of appointment of a public officer, appointee or employee of the public body.*

Supervisor English said that the process was simple and she would like to go into executive session to discuss the matter in more detail.

Ms. Gilman and Ms. Baillie exited the room.

Mr. Hanson said that he recommended the Board go into executive session if more details needed to be discussed.

Supervisor English moved to go into executive session. Vice-Chairman Call seconded the motion, it carried unanimously, and the Board went into executive session at 9:47 a.m.

The Board came out of executive session at 10:14 a.m.

Supervisor English moved to table this item until 11:30 a.m. on the same day. Vice-Chairman Call seconded the motion.

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

Chairman Judd reconvened the meeting at 12:31 p.m. in open session past the original time of 11:30 a.m. due to the Board's attendance to a regular meeting and work session that were already scheduled.

Supervisor English moved to appoint Pat Call as Justice of the Peace in Precinct 5. Chairman Judd seconded the motion.

Supervisor English asked if she should note an effective date as part of the motion.

Mr. Hanson said that Judge Dickerson would vacate that office on March 1, 2019; that would be the effective date of Vice-Chairman Call's appointment.

Supervisor English stated that over the years while serving along side Vice-Chairman Call he had always shared interest for that position and that when she was aware that there could be a vacancy there she thought that it would be a good fit.

Chairman Judd said that she was not aware of an interest from Vice-Chairman Call, but that she thought it was a good choice, especially with the knowledge that the voters of that area had confidence in Vice-Chairman Call's character.

Mr. Hanson suggested that the Board relay a message on why they decided to appoint and not recruit.

Supervisor English said that due to timing and the required training for justice of the peace, along with the upcoming budget, she did not think an application process would be the most beneficial decision. She noted that the justice of the peace decision did not require a law degree or law experience since it was a citizen's court and added that the voters would have the opportunity to make their voices heard at the next general election in 2020.

Chairman Judd said she agreed with Supervisor English and was comfortable foregoing the application process.

Chairman Judd called for the vote and it was approved 2-0-1 (Call abstained).

Chairman Judd adjourned the meeting at 12:36 p.m.

APPROVED:

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Peggy Judd, Chairman

ATTEST:

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Arlthe G. Rios, Clerk of the Board