

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: July 14, 2010

MICHAEL A. PASTOR
Chairman

JOHN F. NELSON
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

SHIRLEY L. DAWSON
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV conferencing); Shirley L. Dawson, Supervisor; Don E. McDaniel, Jr., County Manager; John Nelson, Deputy County Manager, Marian Sheppard, Chief Deputy Clerk; and Bryan Chambers, Chief Deputy County Attorney.

Item 1 – Call to Order – Pledge of Allegiance – Invocation

The Gila County Board of Supervisors met in Special Session at 10:00 a.m. this date in the Board of Supervisors hearing room. John Armer led the Pledge of Allegiance and Reverend Dennis Bennet of the Ponderosa Baptist Church in Payson delivered the invocation.

Item 2 - Update on the activities of the County Supervisors Association (CSA) by Craig Sullivan, CSA Executive Director, including a discussion of recent legislative activities.

Craig Sullivan, CSA Executive Director, introduced his staff members Todd Madeska, Legislative Director, and Annabell Abarka, CSA's new Research Analyst. Mr. Sullivan stated that he appreciated the ongoing participation and commitment that this County has had in the coalition of counties at the CSA. He stated, "We benefit from your involvement and we really appreciate all the time you spend helping us serve the counties and county constituents." He then gave a PowerPoint presentation beginning with CSA's purpose, core goals and services. He then moved on to a Legislative Session Report in which CSA's directives were the State's budget and minimizing and mitigating fiscal damage to counties by the State; advancing county-initiated CSA-sponsored legislation; and protecting county interests before the Legislature. Included in the Session Report were the budget impacts to counties by the State where in January, the Executive proposal was to shift an additional \$10.8 million in FY10 down to the 15 counties. This was of grave concern because the counties were already dealing with the fiscal downturn and these shifts would have come late in the

fiscal year and caused additional damage to the county finances. Through CSA's collective efforts and the counties working together with their legislators, this was reduced from \$10.8 million to \$2.6 million. It is also anticipated that this will be further reduced through a series of grants from the ARRA (American Recovery and Reinvestment Act) resources to compensate reducing the impact to \$825,000. For FY11, the Executive proposed \$97.4 million in shifts and fund sweeps impacting counties, including the elimination of the State of the Arizona Department of Juvenile Corrections at a savings to the State of \$63 million and shifting those costs and that inmate population to the counties. The final FY11 budget contained \$78.3 million in impacts to counties, which included the following: 1) mandated payments from Maricopa County; 2) mandated payments to the Arizona State Hospital; 3) required Maricopa County to pay 100% of the Superior Court judge salaries; 4) eliminated the County Assistance Fund and 5) eliminated Proposition 204 Hold Harmless. CSA is also reviewing additional impacts that are coming down from State agencies such as the Arizona Department of Water Resources and the Arizona Department of Environmental Quality that received reductions in their programs and will no longer be passing down grants and other resources to the counties. So the \$78.3 million in impacts is really much larger. Included in the Session Report: State Budget Impacts, Mr. Sullivan stated that the transfer of the Arizona Department of Juvenile Corrections and responsibilities to the counties was prevented for an additional year to June 30, 2011, and an off season commission was put in place to review juvenile justice reform. Chairman Pastor inquired if that commission has held a meeting. Mr. Sullivan replied that the committee has assigned its members, but they have not held a meeting and he didn't expect them to meet until after the summer. The 'flexibility language' was also expanded as follows: 1) for FY11 and FY12, a county may meet any county fiscal obligation from any source of county revenue, including special taxing districts controlled by the boards of supervisors; and 2) exempted major county impacts from expenditure limitations. He reported that the State Legislature did enact the following for the FY11 Budget, which did impact all counties including Gila County: 1) HURF (Highway User Revenue Funds) were shifted to the Department of Public Safety impacting Gila County by \$242,250; 2) eliminated the County Assistance Fund at a cost to Gila of \$550,035; 3) 100% of the Restoration to Competency Funds for those prisoners housed at the Arizona State Hospital were shifted to the counties at a cost to Gila County of \$329,461; 4) 25% of the costs for sexually violent prisoners also housed at the Arizona State Hospital were shifted to the counties, but did not impact Gila County; 5) maintained the increase in the county share of the Justice of the Peace salaries at a cost to Gila County of \$37,682; and 6) eliminated Proposition 204 Hold Harmless—did not impact Gila County; 7) required Maricopa County only to pay 100% of Superior Court judge salaries; and 8) county transfers (only for Maricopa and Pima Counties). The total of the costs the State shifted to Gila County was \$1,159,428. Mr. Sullivan presented a chart showing the Estimated County Impacts in the State budget for FY08-FY11. Continuing with his Session

Report, Mr. Sullivan reported on the Estimated Aggregate Impacts for FY08-FY11 that impacted Gila County as follows: 1) HURF Shifts--\$726,750; 2) Lost Revenue Streams--\$823,190; 3) Program Shifts \$792,758; and 4) Mandated Contributions/Swept ALTCS (Arizona Long Term Care System) Overpayment--\$183,743 for an estimated total fiscal impact to Gila County of \$2,526,441. He reported on legislation that was supported through the work of CSA, whereby 8 of the 8 CSA-sponsored bills were enacted into law; HB2627 was amended; and the Arizona Association of Counties' agenda was supported. CSA effectively was able to get legislation modified whereby 7 bills were amended to address county concerns and legislators were educated regarding elements of the "Jobs Bill" and state parks legislation. Legislation that was directly opposed by CSA included 5 bills that were all killed; however, SB1017--elected county officer's authority--and an effort to cap special districts are likely to come back to the Legislature in some form next year. In conclusion, Mr. Sullivan reported that the next steps will include the following: 1) with the passage of Proposition 100, the FY11 State budget depends on 3 additional actions in the amount of \$863 million as follows: A) repeal and sweep of First Things First (\$345 million); B) sweep of the Land Conservation Fund (\$124 million); and C) extension of the Enhanced FMAP (Federal Medical Assistance Percentages) (\$394 million); 2) a commission on Juvenile Corrections reform is to be set up by the State and will include 2 county supervisors or designee with a report due to the Legislature by November 20, 2010; and 3) inform legislative candidates and constituents regarding impacts of State action on county operations. Mr. Sullivan reminded the Board that the County legislative proposals for the next legislative session are due to CSA by September 1, 2010, and a review of all county proposals by the supervisors in conjunction with CSA will be conducted at the CSA Legislative Policy Summit to be held in Thatcher, Arizona on November 8-10, 2010. He encouraged all supervisors to attend. Supervisor Dawson addressed the damage that was done by the State Legislature this year and the programs that were closed and the issues counties will be facing in the coming year. She thanked Mr. Sullivan and his staff for their dedication and responsiveness to Arizona counties. Vice-Chairman Martin thanked Mr. Sullivan and staff for the clarity and simplicity of the information that he shares with not only the supervisors, but with the legislators. She inquired of Mr. Sullivan about his thoughts for the upcoming year. Mr. Sullivan replied that there is a lot of unpredictability right now and he believes a full third of the legislators are going to change. He believes the fiscal situation of the State will remain grave and the tools to solve problems are more limited. CSA will be working on monitoring people in the Legislature who know local government in the rural areas and are willing to stand up for same. John Nelson, Deputy County Manager, inquired if the commission on juvenile correction reform was given a directive on how to do juvenile corrections better or on how to transfer it to the counties. Mr. Sullivan stated that there was enormous pressure from CSA that any commission should be about the future of juvenile corrections, how the State is going to serve the population, how the State is going to resource it and that having a

predetermined outcome is something that CSA and the counties would never accept. When leadership met with the governor, the charge came out that said, "Let's evaluate the process and oh, by the way, evaluate as well whether we can shift it to the counties." So it's still a threat, but he did not believe the commission itself has a predetermined outcome. CSA will be working with the membership of the commission to ensure they work with CSA and not be driven towards a budget number for the State. Mr. Nelson also mentioned the 2 propositions that are now on the November General Election ballot that could bring \$400 million into the State and questioned if the State has any plans if the propositions do not pass. Mr. Sullivan stated that if the State does have plans, they have not been shared with CSA. Mr. Sullivan stated that John Arnold, Office of Strategic Planning and Budgeting (OSPB) Director for the governor, will be attending CSA's management meeting on August 13, 2010, and he has requested that Mr. Arnold present the State's contingency plans on that issue. Mr. Nelson also inquired if OSPB or the Joint Legislative Budget Committee (JLBC) have ever come out with an estimate of the amount SB1070 (Support Our Law Enforcement and Safe Neighborhoods Act) will cost local governments. Mr. Sullivan replied, "Not to my knowledge." Mr. Nelson inquired if there is any plan by the State for funding local governments for this mandated SB1070. Mr. Sullivan stated that there is no plan at the Legislature, but CSA is moving in that direction. He will also be talking to county managers in August on how to put in place tracking mechanisms to help CSA build a case once SB1070 is implemented so that CSA can go back and ask for additional resources or a resource stream to fund this State mandate. Chairman Pastor introduced Don McDaniel, the new Gila County Manager, to Mr. Sullivan and thanked Mr. Sullivan for his presentation.

Item 3 - Public Hearing - Truth In Taxation Hearing for 2010-2011. Information/Discussion/Action to levy increased property taxes in the amount of \$493,993. (Action will be taken by a roll call vote.)

Vice-Chairman Martin advised that she had 2 requests from the public in Payson to speak on this item. John Nelson stated that last week, Gila County was fortunate to host members from the Arizona Tax Research Association (ATRA), Salt River Project and Arizona Public Service for a review of Gila County's budget. One of the main areas they reviewed was what the State has done to Gila County and how Gila County has handled it. Mr. Nelson stated that what he reported to ATRA was that cost shifts from the State of Arizona to Gila County totaled \$1.8 million. He stated that although Mr. Sullivan in his CSA presentation stated that the impact to Gila County was \$1.159 million, Mr. Nelson has also added in the program changes that have affected Gila County such as the County's \$300,000 contribution to the community college and the cost it will pay for the school resource officers. He stated that the \$1.8 million cost shifts by the State to Gila County along with the 2% increase from both last year and this year totals \$900,000, of which half of that has been passed on to the taxpayer and the County has absorbed the other half. With

the half of the costs absorbed by the County plus the decrease in sales tax of \$1.5 million along with other cost increases, the total effect to Gila County has been \$2.5 million. The budget currently being presented to the Board has a budgeted loss of \$2.4 million. The budget has been balanced as required by law because the County had the foresight to choose to set aside a rainy day fund instead of expanding programs. If everything in the budget goes as projected this year, the County will still have a loss in this year's budget of \$2.4 million even though half of the hit by the State is being passed onto the County's taxpayers. Chairman Pastor opened the public hearing and called for public comment. Stan Langham, Joe Pickens and Jeanie Langham, all residents of Payson, gave statements on their reasons for opposing an increase in property taxes. Jesse Bryant representing KQSS Radio questioned Supervisor Dawson about her comments a few weeks ago when she stated that she would be meeting with Mr. Nelson and finding a way in the budget to keep from raising taxes and he was curious about the outcome of that meeting. Supervisor Dawson replied that the Board would be discussing this as they go through the budget process and she had certainly looked very carefully at this budget and what needs to be done. In reference to comments made by the public, Supervisor Dawson stated, "I have often stated I would much rather give my money to public schools than to the Sheriff's Office and in particular to prisons and building more jails, but that's where we are at and the more we cut money for education, the bigger the jails need to grow. We, in this budget, have money that's going to fund the operation of a new women's jail dormitory. I often look at those women and wonder if they would have had the opportunity for programs that we have eliminated from the public schools, would their life have been different? If we decided not to open the new jail, which is certainly an option, we could eliminate \$400,000 from this budget. It would take about a year maybe before the federal government would be in here. We have 32 women at an average and 40 this morning in an 18-bed facility. We have little plastic boats that they stack underneath the bunks and pull them out for beds. I don't want to pay more taxes. I don't want to hurt any small or large business, but I want to be able to protect the citizens of this County from the federal government coming in here and taking over our jail. That was a place where I really hoped there was a way we could cut costs. We are mandated to treat people humanely." She also discussed all of the programs and services that have been eliminated by the State for the handicapped children, the requirements for treating the county's prisoners humanely and the various other costs that have been passed down to the counties including the full cost of restoration to competency ensuring that prisoners have their fair day in court. She stated, "That's an expense that you and I get to share and if we don't want to share it, there are certainly other countries we can go to where people are not given that privilege. So it comes down to what is the price for living in the USA and then it comes down to what is the price for living in Arizona? The price right now in Arizona, I believe, is added to by the State leadership that we lack and when we continually vote to pay our legislators \$24,000/year we get what we have—people who do a really poor job in

representing us. I believe that those of us who choose to live in Gila County should look carefully at the fact that one of the reasons we don't live in Scottsdale is because we don't like traffic or crime...I like living in Globe. So with that privilege of living in Gila County, I have to be able to say that my tax dollar that I pay won't go as far as the tax dollar I would pay in Maricopa County because there are a thousand people plus to every person in Gila County and the amount of land that we have to help support the services that are required is only 4%." Vice-Chairman Martin stated that County services are a full one-third of the County's budget to operate the Sheriff's Office and another third for the courts and indigent health care. She stated that when the counties were formed, they were formed as an arm of the State, so the County has to supply those services and for some services, the County is mandated to pay for the entire cost. Some of the mandates come with funding and some don't. Vice-Chairman Martin stated, "It's the strangest setup I ever looked at. There is so much that we have to do and we have absolutely no say over where the money comes from except for the one little piece we are doing this year and years past. Now the assessed valuation has fallen this year and some of you will be paying less taxes because of that. The 2% increase will be less than inflation as that is the cap." She stated that the final third of the budget goes into health and roads, etc. and the Board has reviewed the budget with a "fine-tooth comb" and has implemented a 120-day hiring freeze. She stated that the County is doing more with less all the way across the Board as are the other elected officials and the County is caught between no leadership at the State level while still being mandated to provide services however it can. She stated that because the County had the foresight to put away a rainy day fund over the past 10 years, the Board does not now have to shift all of these additional costs from the State on to the taxpayers at one time. She also commented that it is true that the taxpayers live on 4% private land in Gila County, but only 1.5% is productive. The other 2.5% is generally mine dumps. So this County is run on 1.5% of private land. She stated that 1 penny in property tax in Maricopa County raises approximately \$400 million and 1 penny in property tax in Gila County raises approximately \$40,000. Vice-Chairman Martin stated, "That is why I am always on a tangent to get the forest productive in order to get some of the taxes off the back of the small business owner and small home owners and get it back onto this natural resource base that we're sitting on and letting it burn up, wash away, etc." Ted Lake, a resident of both Globe and Mesa and a local reporter, stated that he believes the Board has done very well considering what it is facing this year with the budget, but all indications are that if there is no improvement in the economy of this State there will be a real problem coming. He stated, "Mr. Nelson said that he put this budget together facing a \$2.4 million shortfall from the State. What are you going to do next year? I think you've used most of your rainy day fund, which is gone and you've got a real critical situation." Vice-Chairman Martin stated to Mr. Lake's comments that the County does have a deficit budget this year of \$2.4 million and that is the reason the Board is recommending putting in place a hiring freeze of 120 days. If the County can maintain a 10% vacancy

factor in the General Fund, which will be tough, it will save the County almost \$2 million to take down that deficit. However, as the State starts passing new costs to the County, that deficit is going to increase. She stated, "It is not our intention to pass this budget and then forget it. With the economy we are in and the state we are living in, this is going to be a week by week process...Mr. Lake is correct. We cannot spend it (the rainy day fund) all this year. We've got a couple more years to go and then we're going to have to take more drastic measures." Chairman Pastor stated that this is his second budget review and he believes the work Mr. Nelson has done in managing the County finances over the last 15 years and moving it in a positive direction, is very commendable. Chairman Pastor stated, "I understand the need we have for providing services for our constituents. I think it's important and it's unfortunate that they don't understand all the services that we do provide them, but they are there for every citizen that pays taxes in this County and we provide them with much pride." Vice-Chairman Martin stated, "I would also like to echo your appreciation to Mr. Nelson and the Finance Department as it's not an easy thing and they just come through in spades." Chairman Pastor closed the public hearing and entertained a motion. Supervisor Dawson made the motion to approve a levy to increase property taxes in the amount of \$493,993. The motion was seconded by Vice-Chairman Martin. Chairman Pastor then called on Marian Sheppard, Chief Deputy Clerk, to take the vote by roll call. Chairman Pastor, Vice-Chairman Martin and Supervisor Dawson all individually voted "aye" to unanimously increase property taxes in the amount of \$493,993.

Item 4 – Motion to convene as the Gila County Library District Board of Directors. Information/Discussion/Action to adopt the 2010-2011 fiscal year budget for the Gila County Library District in the amount of \$1,712,058.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened as the Gila County Library District Board of Directors.

Jacque Griffin, Assistant County Manager/Librarian, stated that this is the same budget that was presented to the Board a few weeks ago and it is listed on page 7 of the budget. There were no changes and the grants that were applied for and budgeted for are being received. The tax rate for the Library District will remain the same at \$.20 as a secondary tax rate. She requested that the Board adopt the Gila County Library District budget. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted the 2010-2011 fiscal year budget for the Gila County Library District in the amount of \$1,712,058.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board reconvened as the Gila County Board of Supervisors.

Item 5 – Public Hearing - Information/Discussion/Action to adopt Resolution No. 10-07-02, which authorizes the adoption of the 2010-2011 fiscal year budget for Gila County in the amount of \$104,308,843. (John Nelson) (Action will be taken by a roll call vote.)

Mr. Nelson stated that the budget being presented today is very similar to the tentative budget that was previously approved by the Board. He did make a few changes based on the recent hiring of some employees and some reorganization. One position has been moved from Emergency Services-Fairgrounds to the Board of Supervisors to closer align how the County is set up, but no dollar amounts have changed and the total dollars remain the same as the tentative budget. He then reviewed the highlights that were presented during the tentative budget process, which included the following: the tax rate proposed in this budget is \$4.19, a 2% increase in the tax levy from last year; the budget includes 6 new positions for the new 40-bed women's jail dorm expansion and 1 new position for the Sheriff's Office evidence and storage management; and funding for 2 school resource officers that the state is no longer funding. This budget does require \$1.8 million from the rainy day fund to balance the General Fund. The General Fund budget, even with the \$1.8 million of rainy day funds, goes from a beginning fund balance of \$2 million to a contingency or ending fund balance of \$1.4 million or a \$600,000 loss. Recommended in the budget is a continuation of the 120-day hiring freeze and no salaries increases are included. He also noted that listed in the green section of the budget are the budgeted positions along with a summary sheet of where those positions reside. About 70% of the cost of the total budget goes to law enforcement and the courts and in reviewing the authorized positions in the General Fund, 71% of those positions are in the same 2 areas. Included in this budget there are 699.88 budgeted positions and compared to FY 2009, there were 708 positions so even with the expansion of staffing for the women's jail and the evidence storage, the County has still decreased slightly about 8 positions in the last 2 years. Chairman Pastor opened the public hearing and called for public comment; none was received. Chairman Pastor then closed the public hearing. Supervisor Dawson made some closing comments about other counties having made 10%-20% cuts in positions; however Gila County has not done that, but instead implemented a hiring freeze. She also noted the many homes in the Hayden-Winkelman area that are boarded shut, but many are still paying taxes on their property and hoping that one day they can return. She stated that on a regularly scheduled basis the budget will be reviewed during the year and requested the need for all elected officials and department heads to be diligent in keeping down costs. She stated, "I have no reason to look at the State Legislature and believe that sanity is going to suddenly happen...so we need to be very judicious in this coming year." She agreed with Mr. Lake's comments about the upcoming year not looking good so the Board will have to watch carefully where the County will be in the coming year. Vice-Chairman Martin thanked all the elected officials for "rolling up their sleeves and pulling together...; however next year will be just as tough."

She stated, "I appreciate that we have not had to lay anybody off, furlough anybody or cut back on services; in fact, we've been able to add some services in these times. I think it's the right thing to do in the times we are in. I too can't believe the lack of leadership that we have at the state level and what we have to do to bridge that gap, but we are all bridging that gap and I'm very appreciative of all of us pulling together and making this work." She stated that the following 2 years could possibly be worse and we could possibly be looking at a new bottom in the economy. Chairman Pastor stated that in reviewing the budget and looking at each individual department managed through the County, he can see where some of those savings have been gained over the year and "It's a testament to everyone banding together and trying to keep us in the position that we are in...Each elected official has taken it upon themselves to manage their budgets within restraints and that's helped us out. I just want to express my gratitude." Chairman Pastor inquired if a new Finance Director has been hired yet. Mr. Nelson replied that a new Finance Director has been hired and he will begin work on June 19, 2010. Vice-Chairman Martin made the motion to adopt Resolution No. 10-07-02, which authorized the adoption of the 2010-2011 fiscal year budget for Gila County in the amount of \$104,308,843. The motion was seconded by Supervisor Dawson. There was a question as to whether Chairman Pastor had closed the public hearing; so he closed the public hearing again. Vice-Chairman Martin and Supervisor Dawson repeated the motion and second. Chairman Pastor called on Marian Sheppard, Chief Deputy Clerk, to take the vote by roll call. Chairman Pastor, Vice-Chairman Martin and Supervisor Dawson all individually voted "aye" to unanimously adopt Resolution No. 10-07-02. **(A copy of the Resolution and the budget are permanently on file in the Board of Supervisors' Office.)**

Item 6 - Information/Discussion/Action to discuss the Board of Supervisors' options to proceed with filling the position of Globe Regional Justice of the Peace.

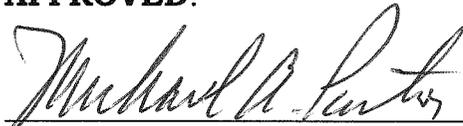
Daisy Flores, County Attorney, stated that it was her understanding that Judge Patty Nolan, Globe Regional Justice of the Peace, had tendered her resignation effective July 30, 2010, leaving a vacancy in that position. She then read aloud the statute A.R.S. §16-230, which states, "The Board (of Supervisors) shall appoint a person of the same political party as the person vacating the office to fill the portion of the term until the next regular general election." She advised that Judge Nolan was a Democrat so whoever would be appointed would also have to be a Democrat. The appointed person would only be able to start serving after August 1, 2010, and would only serve to the end of the year, a period of approximately 5 months. The person would not be able to run for that office because the time for filing petitions and getting on the ballot had passed. Ms. Flores stated, "This is an unusual situation in that whoever takes this position is the absolute lame duck because they will not be able to serve past the end of December 2010. Whoever is elected in the General Election

would begin in January 2011 when they are sworn into office.” She explained that the Board must consider how it will undertake appointing someone to that position. She briefed the Board on the process other counties have used in making similar appointments, which included the Board appointing a person to serve on a citizens committee that would make a recommendation to the Board or people could put in letters of interest directly to the Board or the outgoing person could make a recommendation to the Board. The statute does not set a time limit for when the Board needs to make an appointment; it just says that “you shall.” Ms. Flores stated that it is her understanding from Superior Court Judge Cahill that even though there will be a new Justice of the Peace coming in if the Board determines to appoint somebody, he still has authority over the Justice Court, through a directive from the presiding judge of the Supreme Court. He still has the power to appoint a pro tempore (pro tem) judge who can still function and keep the court running during the time that there is not a Justice of the Peace, in order to hear whatever matters come before the court. She stated that Rebecca Baeza, as a Magistrate, has sat from time to time for Judge Nolan and she would still be there. It was also Ms. Flores’ understanding that Judge Cahill does have a plan for appointing a pro tem judge. She then reviewed the qualifications for any candidate, which would include being a Democrat, must be at least 18 years old, live in the jurisdiction that they would possibly be elected from, be able to sign their name and be registered to vote. If an attorney is interested in the position, he/she is required to cease privately practicing law because a judge cannot have his/her own separate law practice while serving as a Justice of the Peace. She advised that decision would be made by the Board as to how to determine if anyone is interested in being appointed to the position and what process the Board would go through in determining who it would like to appoint. Chairman Pastor stated that he met with Superior Court Judge Cahill several times in the past couple of weeks and the Judge stated that there is an attorney, a retired Justice of the Peace, another sitting Justice of the Peace and others that have been used as pro tem judges and the suggestion has been that the Board possibly ask them to fill in through scheduling by Judge Cahill’s office to serve as pro tem judges and in instances when none of them could be available, Rebecca Baeza would pick up that load and stay in her current position. That would allow the Court to run without any temporary appointment since it is only for 5 months and there are currently 3 candidates running for the office of the Globe Regional Justice of the Peace. Chairman Pastor stated that the Board could appoint one of the 3, but he would rather afford all 3 candidates the opportunity to run and be elected by the voters. Supervisor Dawson stated that she would like to leave the position in the hands of Judge Cahill and as soon as the Board canvasses the General Election results in November, whoever is elected could take office at that time even though the person’s term would not start until January 1st. And if the Democrat person running wins the election, the Board could appoint that person to finish out the last 2 months of Judge Nolan’s term. Vice-Chairman Martin stated that it makes sense to her to let Judge Cahill fill in with pro tem judges since it’s only 5

months and if a Democrat is elected, the Board could appoint that individual after the election. Chairman Pastor stated, "The Globe Regional Justice Court has been under the Supreme Court's umbrella for the past year and with Presiding Judge Cahill managing it, I think his suggestion has some value for the County. Legally we would be okay following that plan and then if we have to, we will appoint someone." Ms. Flores advised, "All the statute says is that 'you shall appoint.' It doesn't tell when you have to appoint and we are in a very unusual situation. I couldn't find anything that was similar in Arizona especially in this scenario since Judge Cahill does actually have specific authority over the court already and it appears that he can maintain judicial guidance over the court in the interim." Mary Hawkins, Court Administrator, stated that she wanted to make it clear that Judge Cahill will either work with whomever the Board appoints at this time or work with the pro tems. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved leaving the position of Globe Regional Justice of the Peace open with Judge Cahill appointing pro tem judges to fill in and he would return to the Board if that becomes a difficulty or a problem in the functioning of the Globe Regional Justice Court.

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 11:34 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:



Marian Sheppard, Chief Deputy Clerk