

Mike Cobb, Chair  
Constable  
Mohave County

Scott Blake  
Constable  
Maricopa County

Dennis Dowling  
Justice Court  
Yavapai County



STATE OF ARIZONA

## CONSTABLE ETHICS, STANDARDS AND TRAINING BOARD

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Valerie Beckett  
County Administrator  
Maricopa County

Adam Shepherd  
Sheriff  
Gila County

Vacant  
Public Member

Christine Shipley  
Multihousing  
Association

### Minutes of Public Meeting – July 22, 2019

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on July 22, 2019 at 3:32 p.m. at the High Country Conference Center 201 W Butler Ave, Flagstaff, AZ 86001. Present were the following members of the CESTB: Chairman Mike Cobb, Constable Scott Blake, Sheriff Adam Shepherd and Judge Dennis Dowling. CESTB members absent were Christine Shipley and Valerie Beckett. The following staff was present – Tracy Unmacht. Members of the public in attendance included Constable Ron Williams, Constable Ray Cullison, Constable Doug Middleton, Constable Mike Hamilton, Constable Martin Standsberry, Constable Mike Branham.

A quorum was reached and the following matters were discussed and decided at the meeting:

#### **Minutes of Previous Meetings:**

Corrections: None

Constable Blake made a motion to approve the minutes as presented from the June 19, 2019 CESTB meeting and Sheriff Shepherd seconded. The motion passed unanimously.

**Financial Report:** Staff reported the EOY/June financial report has not yet been received. There were issues with closing out the Fiscal Year in AFIS, so Central Services Bureau has not yet created our reporting.

**Call to the Public:** None

#### **Constable Complaints:**

Initial Screening of new Constable Complaints:

Complaint received 6-19-19 Czekaj vs Bernal - Chairman Cobb introduced the complaint which involved an alleged confrontation between the complainant and the constable while the constable was off-duty. Judge Dowling pointed out that the Code of Conduct directs constables to act in good character at all times, even when not performing their constable duties, and as such, the situation should be investigated. Sheriff Shepherd made a motion to move forward with the complaint process and Judge Dowling seconded. The motion passed unanimously. Staff will send the request for constable response and place the complaint on the September agenda to review.

**Discussion and Possible Action on County Population Guidelines** ARS 22-136(A)(1) and (2) provides for appointment of constables to the CESTB from counties with populations of less than one million and more than one million, respectively. However, our statutes don't state how the population is to be determined. Staff contacted our representative at the State Attorney General's office and he recommended we use the official decennial US census figures to make this determination. He also recommended we confer with AZ DES as well as Pima County to find out what they use to determine population. Staff did so, and DES sent estimated population numbers. Pima County follows ARS definitions to define terms in the statutes. ARS 1-215.30 states "Population" means **the population according to the most recent United States decennial census**. The most recent decennial census is 2010. This is relevant not only to make sure we define this going forward, but we have a board position that needs to be filled at this time for a constable from a county exceeding 1 million residents. Up to this point, Maricopa County has been the only county exceeding 1 million residents. Recent Pima County population **estimates** exceed 1 million, but the official US decennial census conducted in 2010 reports Pima County's population at 980,263. The CESTB board needs to define how population will be applied so that the appropriate candidates can be considered for appointment to this and future open board positions. Judge Dowling made a motion to follow state statute in defining population using the official US decennial census. Sheriff Shepherd seconded and the motion passed unanimously. This means only constables elected in Maricopa County are eligible for appointment to the CESTB for the position representing a county with population exceeding 1 million residents until such time that the US decennial population census shows otherwise.

#### **Administrative Update**

Staff has been working on end of fiscal year tasks. Included was a grant audit. Staff reported just three grants remain open at this time, and closing is currently in progress.

Staff has also been reviewing compliance for submission of writ fees. Several counties are in the process of setting up automatic payment transfers and staff will monitor closely to make sure those processes are completed. Greenlee County submitted a letter stating they collected no writ fees during FY19. The previous year they collected only \$10, so this is not unexpected.

Staff will be creating an end of year complaint summary. There were only 8 complaints received in FY19, 2 remain open with hearings scheduled for the August 2019 board meeting.

Staff reported on open and soon expiring board positions. Valerie Beckett's position is expiring and staff has reached out to the appointing entity, which is the County Supervisors Association. They are currently working on this appointment. Staff sent the online application link to Christine Shipley and when she completes that, the Governor's office can re-appoint her to the AZ Multihousing position. Judge Dowling's position will be expiring at the end of August. He will be contacting the Chief Justice regarding the appointment. Sheriff Shepherd's position will also expire in August. That position is now appointed by AZPOST. Chairman Cobb will be contacting AZPOST about that appointment. The public position vacated when Dan Ryan resigned is still unfilled. Constable Blake reported the AZ Constables Association has been looking for candidates and has found several people interested. They have directed them to complete the online application. The Governor's office would like a minimum of 3 applicants from which to choose for this position.

Staff has posted the complete FY20 Grant Application schedule to the CESTB website. The first cycle for constable equipment is now open and the application has been added to the website. Deadline to apply is September 9th.

Chairman Cobb requested staff provide the end of year cash flow report for each of the last 5 years at the next board meeting.

**Adjournment:** Constable Blake made a motion to adjourn the meeting and Sheriff Shepherd seconded. The motion passed unanimously. Meeting was adjourned at 3:49 p.m.

Dated this 21 day of Aug, 2019  
Constable Ethics, Standards and Training Board  
By



Chairman Mike Cobb