

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
March 15, 2017**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on March 15, 2017 at 10:05 a.m. at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present were the following members of the CESTB Constable Mike Cobb, Constable David Lester, and. Present via teleconference were the following members of the CESTB - Sheriff Adam Shepherd, Constable Brandon Schmoll, Constable Scott Tipton and Judge Barbara Brown. The following staff was present – Tracy Unmacht. Member of the public in attendance – Constable Kevin Jones, Constable Lennie McCloskey, Constable Mark Sinclair, Constable Ken Sumner, Phil Hazlett and Tim Moder. Absent were the following members of the CESTB – Christine Shipley, Valerie Beckett.

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

Minutes of Previous Meetings:

Sheriff Shepherd made a motion to approve the minutes as presented from the February 15, 2017 CESTB meetings. Constable Lester seconded the motion. The motion passed unanimously without discussion.

Financial Report: Staff reviewed the February report from the Department of Administration Central Services Bureau (CSB) and reported everything is up to date. The projected expenditures in the cash flow report have been updated to include encumbered funds for grants already awarded but not yet paid. Also included in the report was a summary of grant activity to date. Constable Lester made a motion to approve the February financial report and Constable Tipton seconded. The motion passed unanimously without further discussion.

Call to the Public: no public comments.

Outside Training Grant Applications: One grant application was received from the AZ Constables Association requesting funding for Organizational Firearms Training in the amount of \$46,540.18. Funds available are \$47,000. Scores were submitted and tallied and staff reported the results.

Sheriff Shepherd made a motion to approve the requested funding. Constable Lester seconded and the motion passed unanimously without further discussion.

Rules: Chairman Cobb requested a formal quote from Jeanne Hann, who is an expert rule writer. She will charge \$85 per hour, and estimates services should not exceed \$5,000 for the entire package start to finish. The CESTB has budgeted \$30,000 for this purpose. Chairman Cobb also shared her explanation of the rules process. Constable Lester made a motion to hire Ms. Hann to assist in rule writing. Judge Brown seconded and the motion passed unanimously without further discussion.

Constable Complaints:

CNA192-2017 Coplan – Chairman Cobb reviewed the nature of the complaint. Constable Lester made a motion to dismiss the complaint and Sheriff Shepherd seconded. The motion passed unanimously without further discussion.

CNA193-2017 Munoz - Chairman Cobb reviewed the nature of the complaint and the constable response. The constable has been out on medical leave, but he has failed to make sure his work is being covered, and he has not filed any logs for the past 2 months as is required by statute. Constable Lester made a motion to send a letter to Constable Munoz asking him to resign his position and forward to the Maricopa County Attorney's office for investigation of nonfeasance of office. Motion failed for lack of second.

Discussion continued. Judge Brown stated that it is the responsibility of any elected official to make sure their work is being completed while absent from the job. Constable Lester emphasized that he has not made any attempt to turn in activity logs, which he is required to do even if he hasn't completed any activity. Sheriff Shepherd pointed out that the medical information the Constable submitted to the board was several months old and suggested we ask him to appear at the next meeting to provide more current information. Staff reported that the constable was invited to attend this meeting and chose not to. Sheriff Shepherd made a motion to send a letter to Constable Munoz asking him to resign from office. Constable Schmoll seconded. Discussion – Constable Schmoll suggested that we also pursue the action suggested by Constable Lester to refer the case to the County Attorney. Sheriff Shepherd amended his motion to include the suggested action. Constable Schmoll seconded. The motion passed unanimously without further discussion.

CNA194-2017 Austin – Constable Austin did not complete any training in 2016. Chairman Cobb confirmed that Austin did not seek re-election, and no replacement was elected. He also confirmed that legally, Constable Austin is required to continue serving in his elected position until he is replaced or resigns from office. He has not resigned. Constable Schmoll made a motion to file a legal notice of job abandonment with the county superior court asking for his removal. Constable Lester seconded. The motion passed unanimously without further discussion.

CNA195-2017 Curtis – Constable Curtis did not complete the required training in 2016, completing 12 of the required 16 hours. Motion by Constable Schmoll to send a letter of warning and require the constable to complete an extra 4.0 hours of training in calendar year 2017. Second by Sheriff Shepherd. The motion passed unanimously without further discussion.

Administration Report: Staff created a new draft of the proposed rules and asked board members to review and send feedback. Staff also drafted the request for exception to the Governor's moratorium on rule making and will work with Ms. Hann to file the document.

Staff has been auditing all awarded grants looking for those that have not filed the required reports or final funding requests as well as those more recently awarded who have not returned the required contract to needed to encumber their funds.

Staff will be posting a status report on complaints to date on the website.

Staff was directed to look into holding the August board meeting at the annual constables meeting in Flagstaff. Will need to review calendar and budget for planning purposes.

Staff will begin assembling information for FY18 budget.

Adjournment: Constable Schmoll made a motion to adjourn the meeting and Constable Lester seconded. The motion passed unanimously. Meeting was adjourned at 10:51 a.m.

Dated this 19th day of April, 2017
Constable Ethics, Standards and Training Board

By



Chairman Mike Cobb