

Sheriff: Tim Sumner

Chief Deputy: Mark Crandell

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State of Arizona County of Greenlee

Dear Honorable Gary Griffith
Greenlee County Attorney,

The Greenlee County Board of Supervisors is usurping authority of the Sheriff by attempting to assume the duties of dispatch services from my Office. Dispatch is critical to public safety and performing my constitutional and statutory duties. Dispatch services, infrastructure, and personnel have properly been under the direction and control of the Elected Sheriff for the history of Greenlee County.

The Board of Supervisors has no authority to create a department or director to oversee and run dispatch for my Office. They have fiduciary responsibilities and have many years of documentation proving that personnel are those of the Sheriff to hire for dispatch services of the Sheriff's Office; as well as infrastructure and systems purchased for the Sheriff's Dispatch Center. The Sheriff is the 911 Authority for the Greenlee County Sheriff's Office PSAP and the Local Public Safety Agency; not the BOS.

BACKGROUND

Greenlee County Sheriff's Office has performed dispatch services for the Sheriff to fulfill the constitutional and statutory duties of the Office for the history of Greenlee County as far as I know. A dispatch center was built over 20 years ago for the purpose of having centralized dispatch in the county. Many different elected and appointed officials over the past two decades have not agreed and the centralized dispatch has never occurred. Our most relevant neighboring county has a centralized dispatch for at least 36 years operating under the Office of the Graham County Sheriff.

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I also attempted to establish the centralized dispatch after taking Office in 2017 without fruition due to the Town of Clifton. NG911 has been in the works since 2019/2020. In January of 2022, Arizona Department of Administration (“ADOA”) advised Greenlee County Sheriff’s Office (“GCSO”) and Clifton Police Department (“CPD”) that with the state’s NG911 program implementation upcoming it was now going to enforce ADOA rule A.A.C. Title 2, Chapter 1, Article 4 (R2-1-408) that law enforcement agency PSAP dispatch centers must meet the minimum 911 call volume requirements to be reimbursed by ADOA. This once again began conversation about consolidation of dispatch services between GCSO and CPD; which the respective law enforcement agency heads presented this information to the respective governing bodies, the BOS and Town Council. The purpose was for the governing body to be aware for upcoming budget developments if there were no longer ADOA reimbursements.

Neither governing body has decided on any action and both, without vote, have implemented a pseudo-Board to meet with ADOA and stakeholders to determine if and how a consolidation should occur. Despite that I have made it clear that I would only allow dispatch services to be performed by my Office or the Clifton Police if they had the infrastructure, BOS personnel Matt Bolinger (contractor) and Austin Adams continually claim the BOS will have a department to oversee and run dispatch and that the Sheriff has no statutory authority to operate dispatch services. They are proceeding as they are in charge and that the BOS has the authority to usurp the Sheriff. GCSO and CPD are Local Public Safety Agencies, not the Town of Clifton or BOS. The Town of Clifton nor BOS have the authority to remove dispatch services from the Sheriff. They do have fiduciary responsibilities and would need to sign the contract for the two law enforcement agencies (GCSO and CPD) to consolidate dispatch centers for the purpose of determining the cost sharing, not operations.

QUESTIONS

The following questions need to be addressed by you or the Attorney General:

- 1) Does the Greenlee County Board of Supervisors (“BOS”) have the authority to withdraw consent for previously approved dispatchers within the Greenlee County Sheriff’s Office and assign those positions to a newly formed department that reports to the BOS?
- 2) Does the BOS usurp the authority of the Sheriff by assuming control, without consent of the Sheriff, over the Sheriff’s Office Dispatch infrastructure, equipment, and systems of the dispatch services of the Sheriff’s Office?

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- 3) Does the BOS usurp the authority of the Sheriff by attempting to manage or oversee the functions and operations of the Greenlee County Sheriff's Office dispatch center?
- 4) What constitutional or statutory requirements exist that allow the BOS to implement, oversee, and run law enforcement dispatch services?
- 5) What constitutional or statutory requirements exist that allow the BOS to remove long-established law enforcement dispatch services from the Sheriff?

REQUEST

Therefore, I am officially requesting that you, as my legal representative for my Elected Office of the Sheriff, provide an opinion on this matter or request an Attorney General opinion. I provided you with AG Opinion No. 115-013 (R15-017) reference Yavapai BOS usurpation in Yavapai County. I also understand BOS personnel Matt Bolinger (contractor) and Austin Adams have already been in communication with you regarding this issue so I will allow you to make the determination if a conflict of interest exists for you to create an opinion. I respect your decision on the best course of action to proceed for an opinion in this matter.

Respectfully submitted this 3rd day of October, 2023.

Thank you,

Greenlee County Sheriff Tim Sumner

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