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COCHISE COUNTY
BOARD OF SUPERVISORS
2014 APR 18 A 11:49



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CHILD AND FAMILY PROTECTION DIVISION
CIVIL AND CRIMINAL LITIGATION AND ADVICE SECTION

KEVIN R. SMITH
ASSISTANT ATTORNEY
GENERAL
(602) 542-9758

April 17, 2014

Ann English, Chairman
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603

RE: Open Meeting Law Complaint

Dear :

The Attorney General's Office Open Meeting Law Enforcement Team has received a complaint against the Cochise County Board of Supervisors ("Board") alleging Open Meeting Law violations. A copy of the complaint is attached. The complaint has been assigned to me for investigation.

The complaint alleges the following:

1. The Board improperly held two meetings on April 7, 2014 by failing to notify the public of the starting times of those meetings. Specifically, the complainant alleges that two meetings were scheduled and held in a morning session on April 7, 2014, and again two meetings were scheduled and held in an afternoon session on the same day. The complainant alleges that the start times of the first meetings of each session were the only start times given and that the Board should have posted start times for the second meeting in each session.

In order for me to determine whether there has been a violation of the Open Meeting Law, please provide me with a copy of the following items:

1. A copy of the Meeting Notices, Agendas and Minutes (including Executive Session Minutes) for all Board meetings held on April 7, 2014.
2. Any other information that you believe is pertinent to the complaint.

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This request is made pursuant to the Attorney General's authority set out in A.R.S. § 38-431.06. Providing minutes and other materials from the executive session to the Attorney General pursuant to an investigative demand does not constitute the waiver of any privilege. A.R.S. § 38-431.03(F).

Please provide the requested materials to me no later than May 30, 2014. If you have any questions or need additional time to comply with my request, please feel free to telephone me at the number listed above. If legal counsel will be representing you in connection with this inquiry, please have counsel contact me directly.

Sincerely,



Kevin R. Smith
Assistant Attorney General

Cc: Complainant

PHX-#3786031

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APR 11 2014

SOLICITOR GENERAL'S OFFICE

April 10, 2014

Arizona Attorney General's Office
Attention: Open Meeting Law Enforcement Team/SGO
1275 West Washington
Phoenix, AZ 85007



The Cochise County Board Of Supervisors just had two meetings without giving notice of their starting time. The meetings occurred on Monday, April 7. The Supervisors are Pat Call, Ann English, and Richard Searle.

On April 7, two meetings were set for a morning session, and two for an afternoon session. In each session, two meetings were set, with the second at a different street address than the first. But only the starting time for the first meeting in each session was given.

Here are the listings:

- TIME: 9:45 a.m. - 12:00 p.m. / Board of Supervisors' Budget Discussion with the County Attorney's Office, 150 Quality Hill Rd, 2nd Floor, Bisbee and the School Superintendent's Office, 100 Clawson Ave, 3rd Floor, Bisbee (no legal action will be taken)

- TIME: 1:30 p.m. - 4:00 p.m. / Board of Supervisors' Budget Discussion with the Sheriff's Office, 205 North Judd Drive, Highway 80, Bisbee and with Procurement, Human Resources, Information Technologies, Finance, and Constable, Conference Room, 1415 Melody Lane, Building F, Bisbee (no legal action will be taken)

I informed the Board clerk of this on April 3, but she answered "legal counsel ... do not see an issue." So I contacted the Ombudsman's office, which answered "We see a problem with the agenda you asked about. It is unreasonable for the county to have an agenda that only gives the begin time of one event and states the end time of another when they are in entirely different locations. It means the time for one of the meetings is not disclosed. The Attorney-General Agency Handbook ... 7.6.4 says that the notice should include the date, time and place of the meeting.... You may want to file a complaint with the AG OMLET (open meeting attorneys) group to follow up on this."

This is that complaint. I will be glad to cooperate in any way you wish. Thanks for any assistance you can give. Cochise County government often "drops the ball" on OML compliance, and I hope that this incident helps generate a State-level response which will get County's attention.


Mike Jackson