

From: Hanson, Britt
Sent: Tuesday, April 22, 2014 9:30 AM
To: kevin.smith@azag.gov
Cc: Rios, Arlethe; Ortega, Michael
Subject: FW: OML complaint
Attachments: OML Complaint.pdf

Kevin,

I'm responding to your April 17, 2014 letter requesting information regarding the OML complaint submitted by Mike Jackson.

The County has neither an agenda nor minutes for the budget discussions held on April 7th. That is because the County does not consider these budget discussions to be "meetings" as defined in Arizona's Open Meeting Law, A.R.S. § 38-431(4).

By way of background, these discussions between the Board of Supervisors and the many County departments and offices start the annual budgetary process. They are informal, and preliminary to the formal annual budget process, typically consisting of questions and answers between individual Board and the department/office representatives concerning the status of programs, budgets, personnel needs, etc. Following these informal discussions, more formal work sessions are scheduled (usually in May, I believe) by the Board with the same departments and offices. The work sessions then lead to final budget proposals for the upcoming fiscal year, which are considered, modified and approved at formal Board meetings.

Because the discussions that you have asked about are informal, and are not intended to result in concrete final budget proposals, the Clerk of the Board posts them as "courtesy" postings and clearly labels them "no legal action will be taken." I've attached a Word document with the posting. The posting can better be viewed (without the Word formatting being added) at http://agenda.cochise.az.gov/agenda_publish.cfm?id=&mt=ALL&get_month=4&get_year=2014&dsp=ag&seq=677.

The Board scheduled certain budget discussions back to back, but in separate locations, eg., the County Attorney budget discussion at 9:45 a.m. at the County Attorney's office followed by the School Superintendent discussion at the School Superintendent's office. As I understand it, when the Board previously held back to back discussions, the Clerk of the Board had set the second discussion at a definite time; however, one or more Board members thought that this was inefficient because, if the first discussion ended quickly, it would result in "down time" for the Board and staff while waiting for the second discussion. Consequently, the Clerk of the Board was requested to schedule the next back to back discussions in the manner that Mr. Jackson complains of, so that as soon as the Board finished one discussion they could travel to the next one and begin it right away without time wasted.

The public has seldom shown interest in these budget discussions. However, every once in awhile a member of the public has expressed a desire to attend them and has done so. When a member of the public has wanted to attend multiple (or all) budget discussions, they've just followed the Board around from place to place.

If someone wanted to attend only a second or subsequent discussion, it is true that he or she would not know precisely when it would begin—just that it would occur some time between 9:45 a.m. and 12:00 p.m. (noon) for the Monday morning discussions and between 1:30 p.m. and 4:00 p.m. for the Monday afternoon discussions. But this is also true for agenda items on regular Board meetings. Regular Board meetings begin at 10:00 a.m. on Tuesday mornings, with numerous agenda items. If a member of the public is interested in a particular agenda item, he or she won't know precisely when that agenda item will be heard; it depends on the length of time spent on the preceding agenda items.

In any event, as stated at the outset, we do not believe that these budget discussions fall within the definition of "meeting" in the OML.

If you need anything further, please let me know. Thanks,

Britt Hanson
Chief Civil Deputy
Cochise County Attorney
520/432-8755

From: Vlahovich, Jim
Sent: Friday, April 18, 2014 12:12 PM
To: Ortega, Michael; Hanson, Britt
Subject: FW: OML complaint

Fyi.

From: Lemons, Kim
Sent: Friday, April 18, 2014 12:11 PM
To: Vlahovich, Jim
Cc: Rios, Arlethe
Subject: OML complaint

Jim,

Attached is the OML complaint we talked about. The original is in Arlethe's inbox.

Thank you,

Kim Lemons

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