

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL/EXECUTIVE MEETING HELD ON
Monday, August 11, 2014**

A special/executive session meeting of the Cochise County Board of Supervisors was held on Monday, August 11, 2014 9:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Patrick G. Call, Chairman; Ann English, Vice-Chairman; Richard R. Searle, Member (telephonic)

Staff Present: Michael J. Ortega, County Administrator
Jim Vlahovich, Deputy County Administrator
Britt W. Hanson, Chief Civil Deputy County Attorney
Arlethe G. Rios, Clerk of the Board
Juanita Murray, Elections Director
Elda Orduno, Civil Deputy County Attorney

Chairman Call called the meeting to order at 9:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ACTION

Board of Supervisors

This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), paragraph 3.

1. Pursuant to A.R.S. 38-431.03 (A)(3), the Board may vote to go into executive session to discuss or consult with the attorneys of the public body for legal advice.

Discussion and possible action regarding the placement of certain candidates on the ballot for the November general election.

Mr. Ortega stated that there had been an issue with the requirements for the signatures for independent candidates.

Mr. Hanson suggested the Board go into executive session for discussion.

Vice-Chairman English moved to go into Executive Session. Supervisor Searle seconded the motion. The motion was approved unanimously and the Board convened in Executive Session at 9:04 a.m.

The Board reconvened in Open Session at 9:31 a.m.

Mr. Hanson stated that this issue was sensitive since a mistake was made in part by the County, but the County, specifically the Board did not have the statutory authority to fix the issue. He said that the candidates in question had not met the eligibility requirements set forth by the statute so the legal opinion from the County Attorney's Office was that these candidates should not be on the ballot.

Chairman Call asked if it was required that the Board follow the legal advice.

Mr. Hanson clarified that the Board is free to act independent of the County Attorney's advice and make their own decisions.

Vice-Chairman English stated that the legal opinion did not address the fairness or responsibility factor and thought the decision should be made by a third party who is neutral.

Mr. Hanson stated that an option was to submit a declaratory judgment to the Superior Court with the Board's decision and let a judge make a final decision. He said that since the ballots do not go out for printing until September 6th and there is time for the Board's decision to be challenged.

Supervisor Searle said he was ready to move forward with a decision today.

Chairman Call stated that it was a fairness factor to allow those candidates that had met the requirements given to them by the County to be on the ballot and let the court make the final decision.

Mr. Hanson stated that the County Attorney's Office would have to notify the court of their legal opinion regarding this matter.

Chairman Call said that he understood the County Attorney's stance, but the Board felt this was an equity issue and the County's mistake. He noted that the Elections Office had notified all the candidates affected by this issue.

Ms. Murray stated that she had notified the opponents affected by this issue and noted that Mr. Dickerson, Mr. Edmiston, and Mr. Thola had no comments or questions regarding the issue; Mr. Nelson could not be reached; and Mr. Bradley and Mr. Staggs had stated that Mr. Garan should be left on the ballot.

Chairman Call said that although this issue was the top priority, the responsibility of the Board after this mistake was to discuss the integrity of the elections process and address the confidence of voters, which would occur at a meeting on Tuesday.

Vice-Chairman English moved that the Board ask the Superior Court through a declaratory judgment to allow the independents who met the signature requirements to be allowed on ballot. Supervisor Searle seconded the motion.

Chairman Call thanked the County Attorney's Office for their work on this issue and noted that it is very rare that the Board not follow their legal opinions, but in this case it was necessary in order to be fair to those that followed the rules.

Chairman Call called for the vote and it was approved 3-0.

Chairman Call adjourned the meeting at 9:53 a.m.

APPROVED:

Patrick G. Call, Chairman

ATTEST:

Arlthe G. Rios, Clerk of the Board