

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL/EXECUTIVE MEETING HELD ON
Tuesday, August 18, 2014**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, August 18, 2014 1:00 p.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

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
Ed Rheinheimer, County Attorney
Elda Orduno, Civil Deputy County Attorney

Chairman Call called the meeting to order at 1:00 p.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 a lawsuit to determine placement of certain candidates on the ballot for the November general election.

Vice-Chairman English moved to go into Executive Session. Supervisor Searle seconded the motion; it carried unanimously and the Board convened in Executive Session at 1:01 p.m.

The Board reconvened in Open Session at 1:21 p.m.

Chairman Call said that the main reason for the decision to begin a declaratory judgment was about keeping candidates on the ballot due to an issue of equity. However, the County Attorney's Office advise was opposite of the Board's decision, which means that they would not be able to represent the Board. Since allowing the Board to hire and independent

attorney is within the County Attorney's authority and he advised against it, the Board cannot file a declaratory judgment.

Mr. Rheinheimer stated that the best option at this point is to communicate to the independent candidates that did meet the minimum signature requirements that if they disagree with the Board's decision they will have to file a lawsuit. If they prevail, the County would not object to paying for attorney fees. He noted that legally the independent candidates that did not meet the signature requirements should not be on the ballot.

Vice-Chairman English said that the Board understood the law and the County Attorney's position, but thought that it was an equity issue since the error had been made by the County. She added that she would still like the candidates to be left on the ballot.

Supervisor Searle said that he also would like to keep the candidates on the ballot, but respects the County Attorney's position.

Chairman Call noted that the Board's decision to leave the two independent candidates on the ballot stood.

Chairman Call adjourned the meeting at 1:35 p.m.

APPROVED:

Patrick G. Call, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board