

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

April 10, 2019
St. Johns, Arizona

Participating via the telephone was Chairman Joe Shirley, Jr., Vice Chairman Travis Simshauser, Supervisor Alton Shepherd and County Attorney Michael Whiting. Present was County Manager/Clerk of the Board Ryan N. Patterson,

Chairman Shirley called to order the Board of Supervisors meeting at 9:00 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona.

Angela Romero, Election Director, presented the item for possible action to allow the White Mountain Communities Special Health Care District to hold a vote by mail election on June 25, 2019 to re-authorize the authority to levy a secondary property tax. Mrs. Romero stated this item was tabled at the April 2, 2019 Board of Supervisors meeting. Chairman Shirley asked for Mrs. Romero's recommendation. Mrs. Romero recommended the election not be conducted on June 25, 2019 as an all-mail election. Mr. Patterson stated Linda Martin representing the health care district was present. Mr. Shepherd stated since the last board meeting, the research and feedback shows the timeline issues and statute requirements are not met so it comes before the Board as an approval or a disapproval. **Mr. Shepherd stated at this time the election going forward does not meet the statutory requirements and based on attorney advice, he made the motion to disapprove, seconded by Mr. Simshauser.** Linda Martin, a representative from the health care district asked what statutes indicate the election can not go forward. Mr. Shirley stated the county attorney sent the Board of Supervisors a memo outlining the statutes. Mrs. Martin requested she also get something in writing. County Attorney Whiting stated a legal memo was submitted to the Board which is client/attorney privileged and not something disclosed to the public. Mr. Whiting stated as to what statutes the legal advice to the board was based on, the applicable statutes are Title 16, ARS 16-225B, 16-558, 16-558.02, 16-227 and 16-545.01. Mr. Whiting stated the request for a June 25th election does not comply with those required statutes. Vote was unanimous to disapprove the request for a call for an all-mail election on June 25, 2019.

Mr. Patterson presented notification of an Open House event in recognition of National County Government Month on April 25, 2019 at 9:00 a.m. MST (10:00 a.m. DMST) at the District II Road Yard, 30 Coal Mine Road, in Ft. Defiance, Arizona where two or more members of the Apache County Board of Supervisors may be in attendance. No action was needed or taken.

Mr. Simshauser moved to adjourn the special meeting, seconded by Mr. Shepherd. Vote was unanimous.

Approved this 7th day of May 2019.

/s/ Dr. Joe Shirley, Jr.
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board