

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
SPECIAL/EXECUTIVE MEETING HELD ON
TUESDAY, OCTOBER 25, 2022**

A special meeting of the Cochise County Board of Supervisors was held on Tuesday, October 25, 2022 at 9:00 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman, telephonic; Tom Crosby, Supervisor, telephonic

Staff Present: Richard G. Karwaczka, County Administrator
Paul Correa, Chief Civil Deputy County Attorney
Tim Mattix, Clerk of the Board

Attendees: Lisa Marra, Elections Director

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

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

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

ACTION

Board of Supervisors

1. Discussion, direction, and possible action regarding the ongoing litigation and potential settlement regarding *Hoffard v. Cochise County Board of Supervisors*, CV-20-00243-TUC-SHR.

Pursuant to A.R.S. § 38-431.03 (A)(3) and (4), the Board may go into executive session for legal advice with the attorney of the public body and to consider its position and instruct attorneys regarding the public body's position in pending litigation.

In response to the Board, Mr. Correa stated that he will give a synopsis of settlement discussions, rather than legal advice. There is no need for Executive Session.

Chairman English made a motion to approve the actions of the County Attorney. Supervisor Crosby seconded the motion.

Mr. Correa reviewed background information on the case. The County was sued in 2019 by the Arizona Center for Disability Law, representing plaintiff Kathleen Hoffard. Ms. Hoffard suffers from a disability and wanted to vote from the curbside at a Voting Center on Election Day. Curbside voting was last provided in 2016; the County moved to not permitting it as all Vote Centers are Americans with Disabilities Act (ADA) compliant, per

Department of Justice guidelines. Ms. Hoffard was unable to vote curbside in 2019. The case was contentious and the County Attorney's Office could see that the case would continue. In conjunction with the Elections department, the decision was made to off what Ms. Hoffard desired. It is now possible for individuals with disabilities to ask to have a ballot pre-printed and taken to the Voting Center of their choice; the voter may then go to the specified Voting Center and vote from their car. There is no legal requirement under the ADA that this be done. The Center for Disability Law agreed to this but had counter terms regarding items such as information presented to the public. The sticking point was money; the basic term, subject to approval by the Board, is giving them the detailed items they requested and \$5,000. Staff is seeking the Board's approval of the \$5,000 expenditure.

The Board and Mr. Correa discussed voting being accessible to as many people as possible; everybody having the ability to vote via various means; and, being unable to move the voting machines back and forth to the curb without damaging or destroying them.

Chairman English restated her motion that the Board take the action as proposed by the County Attorney.

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

Chairman English adjourned the meeting at 9:11 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board