

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
EMERGENCY MEETING HELD ON  
MONDAY, APRIL 17, 2023**

An emergency meeting of the Cochise County Board of Supervisors was held on Monday, April 17, 2023 at 10:00 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  
Tim Mattix, Clerk of the Board

Attendees: Timothy La Sota, Outside Legal Counsel, telephonic

Chairman English called the meeting to order at 10:00 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**

Mr. Karwaczka stated that this is regarding the lawsuit under case number CV202300106. On April 13, 2023, notice was received from Mr. La Sota that he needed to consult with the Board, his clients, on this case. Due to time constraints and the inability to schedule a meeting within the five days, this had to be scheduled as an Emergency Meeting. The hearing on the Plaintiff's Motion for Preliminary Injunction is tomorrow, April 18, 2023. This is an Emergency Meeting to allow Mr. La Sota to meet and consult with the Board prior to tomorrow's hearing.

***ACTION***

**Board of Supervisors**

1. Discussion and possible direction to outside legal counsel, Mr. Timothy La Sota from Timothy A La Sota PLC, regarding litigation and options in the matter of The State of Arizona, *ex rel.* Kristin K. Mayes, Attorney General, v. Cochise County, et al., CV202300106.

*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.*

Agenda items 1 and 2 were considered together.

2. Possible action to make a decision on stipulation with the Arizona Attorney General's Office and provide instruction to outside legal counsel, Mr. Timothy La Sota from Timothy A La Sota PLC, regarding The State of Arizona, *ex rel.* Kristin K. Mayes, Attorney General, v. Cochise County, et al., CV202300106.

*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.*

Supervisor Crosby made a motion to move into Executive Session for discussion and possible direction to outside legal counsel, Mr. Timothy La Sota from Timothy A La Sota PLC, regarding litigation and options in the matter of The State of Arizona, *ex rel.* Kristin K. Mayes, Attorney General, v. Cochise County, et al., CV202300106 and agenda item 2, possible action to make decision on stipulation with the Arizona Attorney General's Office and provide instruction to outside legal counsel, Mr. Timothy La Sota from Timothy A La Sota PLC, regarding The State of Arizona, *ex rel.* Kristin K. Mayes, Attorney General, v. Cochise County, et al., CV202300106. Discussion ensued regarding not making a decision in Executive Session, and the motion specifying that the Board will go into Executive Session. Vice-Chairman Judd seconded the motion. The Board did not vote on this motion.

Supervisor Crosby made a motion to go into Executive Session for the aforementioned reasons, item number 1 and item number 2. Vice-Chairman Judd seconded the motion. Chairman English called for the vote and it was approved 3-0.

The Board moved into Executive Session at 10:05 a.m.

The Board came out of Executive Session at 10:23 a.m. Chairman English, Vice-Chairman Judd (telephonic) and Supervisor Crosby (telephonic) were present.

Chairman English asked the Board if there is any desire for a motion or any action to take. Vice-Chairman Judd stated that the Board is not going to take any action at this point. Supervisor Crosby stated that if everyone is content to adjourn, he is also content to adjourn.

Chairman English adjourned the meeting at 10:25 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board