

**MINUTES OF MEETING
BOARD OF DIRECTORS
NORTHERN GILA COUNTY SANITARY DISTRICT**

The Board of Directors of the Northern Gila County Sanitary District met in a Special Meeting on Friday November 16, 2018 at 12:00 p.m. in the Conference Room located at 2200 West Doll Baby Ranch Rd., Payson, AZ.

Agenda Item No. 1 – Invocation, Pledge of Allegiance, and Call to Order

- Shirley Dye gave the Invocation.
- William Easton led those present in the Pledge of Allegiance.
- Pat Underwood called the meeting to order at 12:02 p.m.

Agenda Item No. 2 – Roll Call

- The following Board Members were present for the meeting: Sheila DeSchaaf, Board Member; Shirley Dye, Board Member; William Easton, Secretary; Patrick Underwood, Vice-Chairman and Robert Sanders, Chairman - Via conference call.
- The following public and staff members were present for the meeting: Jim Muhr, 2018 NGCSD Board Member Candidate; Mike Harper, Legal Counsel for the Governing Board, Garrett Goldman, District Manager; Deniese Morgan, Administrative Services Manager.

Agenda Item No. 3 – Call to Public

- There were no public comments.

Agenda Item No. 4 – Administration

- 2018 General Election Update- Garrett stated at our last meeting we did not have legal counsel, and turned the topic over to Attorney Mike Harper. Mike asked Rob Sanders, and Bill Easton to recuse themselves from this discussion, both Rob and Bill recused themselves. The Board is now a 3 member quorum. Mike explained to the Board, he has done extensive research regarding the 2018 General Election. He stated he has spoken extensively with the Gila County Elections, and they are not disputing multiple errors made, and that leaves the question, of what does that mean for the District as entity, what should we, or can we do legally as an entity. Mike stated his opinion is that the District Board is not the entity that decides if the mistakes that were made would have affected the outcome of the election. He added, that process is done through the courts, and there is a specific process that allows voters to challenge the results of an election, which is known as an election contest. The board would not have a standing to bring a contest, as the board is not a voter, the board is the entity. Mike stated his recommendation would be to accept the tallies from Gila County Elections that will then start the process of results to the Board of Supervisors, and then the opportunity for any voter to challenge the election results and raise the issue through Superior Court. The Superior Court would then decide whether to change the results, throw the election out, or to simply do nothing. He reiterated, it is not for the Board to make a determination of whether the election should be challenged, it would be up to the candidates or a voter. He added, he has prepared a blank Resolution that would canvass the election and states the District would accept the results from Gila County Elections. He asked if there were any questions. Shirley asked, since there was only 50.21% voter turnout for the Sanitary District, would that be enough for a candidate to challenge the results? Mike stated Arizona Revised Statutes allows any voter, not just a candidate to begin an election contest, not specifically on percentage, but there would need to be a finding of error or misconduct. Shirley then asked if the resolution stated based on the

trend of the election, the District would accept the outcome of the election. Mike stated, no, the resolution is not based on trend, it will have the final tally given to us from Gila County Elections, and we will treat that as the result of the election. Sheila stated she is relieved the board does not have a decision to make, as ultimately it would be an additional expense to the rate payers.

- Official Canvass of November 6, 2018 Gila County General Election Results- Garrett stated within the last hour we received the final results from Gila County Elections, and for the record total registered voters are 10, 105. Total ballots cast 5,074, blank ballots cast 194, which equals 50.24% voter turnout. Garrett added the vote breakdown is as follows Bill Easton received 2,432 for 27.31%, Gregory Friestad 1,673 for 18.79%, Jim Muhr 2,412 for 27.09% and Robert Sanders 2,370 for 26.62%, and 17 write-in candidates for 0.19%. Mike stated the resolution must be completed with the above named results.

12:15p.m. the Board took a 5 minute recess, as to allow Deniese Morgan to complete the resolution with the final results from Gila County Elections Office.

12:20p.m. Patrick Underwood called the meeting back to order.

- Pat asked the Board review Resolution 654, and asked if there were questions. Sheila DeSchaaf motioned to approve Resolution 654 Canvassing the 2018 Gila County General Election Results, Shirley Dye seconded the motion, which passed unanimously 3/0.

12:23 p.m. – Robert Sanders departed-Telephonically

Agenda Item No. 5 – Executive Session

- There was none

Agenda Item No. 6- Discussion/Possible Action

- There was none

Agenda Item No. 7 –Schedule any topic or issue

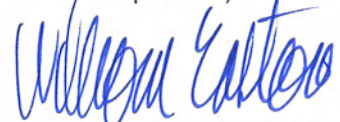
- Next regular meeting is scheduled for Thursday December 13th, 2018. If anyone is unable to attend, please let us know, or if anyone would like to add something specific to the agenda, please advise the office at their earliest convenience, no later than 10:00 a.m. the day prior to the scheduled meeting.

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Agenda Item No. 8 –Adjournment

- A motion to adjourn was made by Shirley Dye at 12:28 p.m. Sheila DeSchaaf seconded the motion which passed unanimously 3/0.

Respectfully Submitted,



William Easton, Secretary

Prepared: November 16, 2018

Approved this _____ Day of December, 2018