



MEMORANDUM

Date: February 5, 2010

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator *CHH*

Re: **Cost of Continuing Litigation in Pima County Democratic Party versus Pima County
Related to Election Issues**

As the Board knows, past litigation over the release of databases and other matters related to the Regional Transportation Authority (RTA) election has been long settled. The Attorney General, in a criminal investigation, hand counted the RTA ballots and arrived at the same election result as that reported by Pima County.

Unfortunately, litigation over final ballot disposition continues. Because the litigation involves the Treasurer, the Board, and Administration, the County Attorney declared a conflict, resulting in two law firms being retained by Pima County to defend the County in the continuing litigation regarding this matter: DeConcini McDonald Yetwin & Lacy, PC and Gabroy Rollman and Bosse, PC.

On the Board's agenda of February 2, 2010 was a contract addendum adding \$30,000 to the \$50,000 contract with DeConcini McDonald Yetwin & Lacy, PC to defend the Treasurer in this litigation.

In addition, the firm Gabroy Rollman and Bosse, PC, representing the Board and Administration has spent \$50,000 on this litigation. Ronna Fickbolm, the attorney representing the County, has changed law firms; therefore, we will be executing a new contract with Slosser, Hudgins, Struse & Freund in the amount of \$25,000 to continue and complete the litigation.

In total, in excess \$150,000 of taxpayer money has been spent on this continuing litigation, and additional costs will likely be incurred.

This continuing litigation deals only with obtaining certain information contained with the ballots in boxes stored by the Treasurer. Because the materials are stored with ballots, the court must order the opening of the boxes. Both the County and the Treasurer have stipulated that the plaintiff, the Pima County Democratic Party, and attorney William Risner

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may have copies of the requested information; however, litigation continues over how the information is to be obtained. Adding to the cost of this litigation is the fact that Mr. Risner has now advised the court he intends to depose a number of individuals regarding how to obtain information contained in the RTA ballot boxes such as precinct yellow sheets and poll tapes.

This litigation is a complete waste of taxpayer money. The primary issue was whether the RTA election was flipped. The hand count by the Attorney General proved this was not the case. This continuing expenditure of public funds is an example of waste and litigation abuse.

CHH/mjk

c: Dr. John Moffatt, Office of Strategic Technology Planning