

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY  
BOARD OF SUPERVISORS MEETING

December 16, 2024

St. Johns, Arizona

Present were, Chairman Joe Shirley, Jr., Vice Chairman Alton Joe Shepherd and Supervisor Nelson Davis. Also present was Clerk of the Board/County Manager Ryan N. Patterson. and legal representative Emily Craiger.

Chairman Shirley called to order the Board of Supervisors meeting at 1:03 p.m. in the Board of Supervisors' chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance. Chairman Shirley outlined the protocol for the meeting.

Mr. Patterson presented the item for discussion, questions and consideration of applicants Jasmine Blackwater-Nygren, Devin Brown, and Criss E. Candelaria for appointment to the vacant Office of Apache County Attorney pursuant to A.R.S. §16-230(A)(2). Mr. Patterson stated in a previous meeting the Board requested staff and Ms. Craiger look into the eligibility of each candidate and that has been completed. Mr. Patterson stated the three items or criteria to be a successful candidate are; a citizen of Apache County, held a bar license in good standing and was a registered democrat. Mr. Patterson stated Mrs. Blackwater-Nygren has a bar license in good standing, is a resident of Apache County and is a registered democrat. Mr. Devon Brown is a citizen of Apache County, is a registered democrat and as a bar license in good standing. Mr. Criss Candelaria is a citizen of Apache County, has a bar license in good standing but is a registered Independent.

Mr. Candelaria stated he changed his registration 2-3 weeks ago.

Mr. Patterson stated he met with the Recorder's office today at 12:50 p.m., and as of that time, Mr. Candelaria's party is listed as Independent. Mr. Patterson stated unless there is a document verifying Mr. Candelaria is a registered Democrat he would refer to legal counsel for a legal opinion. Mr. Candelaria stated that is not true, he registered online. Ms. Craiger stated the Board of Supervisors needs to move forward based on the information received from the Recorder's Office. Ms. Craiger asked Mr. Candelaria if he had a copy of the document he completed for his registration. Mr. Candelaria stated he submitted it online but was not able to provide verification.

Chairman Shirley stated he was recently ill and is struggling with his hearing and asked Vice Chairman Shepherd to chair the remainder of the meeting.

Ms. Craiger stated she recommended the Board proceed with the meeting if the Board has and interview questions for the candidates, Mr. Candelaria can research his verification of being a registered democrat and then move to executive session for any questions the Board has.

Mr. Davis asked if verification of Mr. Candelaria's party could be completed before the Board went into an executive session. Mrs. Craiger stated yes.

Mr. Patterson stated he will go to the Recorder's Office and obtain that verification.

Chairman opened the floor for the candidates to provide an introduction.

Jasmine Blackwater-Nygren introduced herself to the Board and stated it is in the best interests of the county that she be selected as the next county attorney and outlined her priorities if she was selected, Mrs. Blackwater-Nygren stated this position calls for the fair and equitable administration of justice under the law and that will be her first priority. Mrs. Blackwater-Nygren stated she resided in Red Mesa, the very northern part of the county and it doesn't matter if it is the northern or southern part of the county, people should feel safe in their own homes and our communities are safe. Mrs. Blackwater-Nygren stated her next priority is to make sure all key staff positions are filled with qualified, competent people in the position of chief deputy and chief of staff, and the third priority is re-establishing morale in the office since it has been a difficult past few months for them and she want to make sure the staff feels like they are being heard and that someone is standing up for them and that the person who successfully fills this position and stands up for all of Apache County. Mrs. Blackwater-Nygren stated it is her hope that she is selected so she is able to do that for the office of county attorney.

Devon Brown addressed the Board and stated he has worked for the county for many years, in different departments which helped him understand the county and the challenges of the employees and with that, and his legal experience, he can offer a lot to the office of county attorney. Mr. Brown stated he has been a prosecutor for several years and a criminal defense attorney and his weakest area is he has never been an attorney who advises the Board but with assistance from Mrs. Craiger, she could get him up to speed. Mr. Brown stated he gets along with people and can manage people in a positive way and that is what is needed in that office right now to help the entire county move forward. Mr. Brown stated he has previously advised the Town of Eagar as their attorney, and he knows that good leadership from the attorney is like the oil in the engine, assisting employees and the city council.

Vice Chairman Shepherd stated Mr. Candelaria has stepped out of the meeting. Devon Brown stated he told Mr. Candelaria to go to the Recorder's Office and register as a democrat so that is where he is right now.

Vice Chairman Shepherd opened the floor for questions of the applicants.

Mr. Davis asked if the applicants plan on having an active presence in the day-to-day operations of the office.

Mrs. Blackwater-Nygren stated yes, she is excited to be in the office as much as she can; because she lives so far up north, there is a question as to whether she will be in the office and she does fully intend to be in the office and having a presence there and we do have abilities with zoom and she is open to those opportunities as well.

Mr. Brown stated he will be in the office; he lives in St. Johns and enjoys coming to work.

Mr. Davis stated an important role of an elected official is who you pick for your chief deputy and asked if they had thoughts on who they would pick and if not, what is their criteria for that position.

Mrs. Blackwater-Nygren stated she probably shouldn't put the cart in front of the horse and if she is selected she will give much consideration to that position and criteria she would consider is not only their work ethic but also their ability to get things done, representing all of the county and the experience and the leadership qualities that is required of the office and so she would not take filling that position lightly. Mrs. Blackwater-Nygren stated far as stating an individual name, she is not putting that cart before the horse.

Mr. Brown stated he did not a specific name in mind who his chief deputy would be, but he would like to find someone who has ties here or grew up in the area so they wouldn't just turn around and leave. Mr. Brown stated it would probably take several weeks or months to find the right person, but it needs to happen quickly since there is a lot of work to be done in that office.

Mr. Davis asked Mrs. Blackwater-Nygren, as the first lady of the Navajo Nation if she was the successful candidate as head legal counsel for Apache County, did she see any issue with a conflict of interest. Mr. Davis stated during the last election, the Navajo Nation filed suit against the County. Mrs. Blackwater-Nygren stated that is something she is sure everyone in the room is wondering and if any one of us were to accept a position like this, we all have some kind of conflict with a family member for whoever accepts this position. Mrs. Blackwater-Nygren stated specific to the Nation, as first lady she respects her husband and his office and he respects her the same way and we have defiantly had to navigate some interesting waters over the years as when she was a state representative and he was running for Navajo Nation President, so they are not new to these kinds of conflicts. Mrs. Blackwater-Nygren stated as county attorney she would simply recuse herself from a case like that and in that specific case the county attorney's office isn't even handling that case so if there was a big enough conflict first, she would recuse herself and bring in a special counsel from a neighboring county or law firm.

Mr. Davis thanked the candidates for being so forthcoming with their answers.

Vice Chairman Shepherd invited Mr. Candelaria to the podium for his introduction and presentation.

Mr. Candelaria stated he grew up in Springerville, Arizona with nearly 40 years with a quarter century in county attorney offices throughout the northern part of the State of Arizona. Mr. Candelaria stated he lives in Concho and will be available all the time; when he was the previous county attorney for two terms, he was active daily attorney and will be again. Mr. Candelaria stated when he was county attorney he didn't get as much money as his predecessor and his successor, but he was able to produce more quality legal advice and services to the county. Mr. Candelaria stated if the Board was to contact any of the elected officials in place during the time he was there; Lenora Johnson, Rodger Dahozy, Katherine Arviso, they would all tell you he was integral to their success because there were so many people that wanted to bring them down. Mr. Candelaria stated

his job is to serve everyone without regard to who they are or what color skin they have. Mr. Candelaria stated he has lots of trial experience and done nearly 130 jury trials and prosecuted thousands of criminal cases and he would still be a prosecutor if not for losing the election to Mr. Whiting, so he became a defense attorney which allowed him to see the other side of the bench and get a feel for what some of these people are going through. Mr. Candelaria stated they are decent people who just had a bad day so he can temper that with the law enforcement side and show no favoritism. Mr. Candelaria stated his wife has always supported him; she is a private investigator but stated he wouldn't hire her since that would be an obvious conflict of interest. Mr. Candelaria stated he has run the county attorney's office and has administrative skills and most important, he has a copy of his registration as a democrat so that hurdle has been satisfied, he doesn't know what happened to the electronic party change but he has been a democrat his whole career but ran as an independent so he could run in the general election here and switched back almost immediately to a democrat so he has been a lifelong conservative democrat. Mr. Candelaria stated he is happy to answer any questions the Board may have.

Mr. Davis asked who his chief deputy would be and if he hasn't selected someone, what is the criteria for his selection. Mr. Candelaria stated it would be someone who has experience practicing law and he has spoken with Navajo County Attorney Brad Carlyn (who served as Mr. Candelaria's chief deputy when he was in office) and Mr. Carlyn stated he would support him until he got his office staffed so all of his attorneys in his office would be available to provide legal assistance and counsel to any departments in the county temporarily, so he will have the luxury of Mr. Carlyn's assistance and then be able to select people who will work hard and has trial and prosecution experience because prosecutions affect people's lives forever whether they are found guilty or not. Mr. Candelaria stated his main job is to treat everyone fairly, regardless of who they are.

Mr. Shepherd opened the floor for call to the public.

Paul Ramsey, City Manager for St. Johns, addressed the Board and urged them to choose a county attorney that can put this office back together and bring it forward in a good functional manner to bring honor back to the office and build the confidence back and take care of the issues open since it was vacated. Mr. Ramsey stated the successful candidate needs to be able to organize and put a group of people together that can support the county attorney since there is a tremendous amount of work that needs to be done.

Criss Candelaria stated he had completed the questionnaire where they wanted to have the interviews before the public or in executive session and he had deferred to the wishes of the majority of the applicants and he understands that it will be in executive session, but he waived any right he has to keep the proceeding a secret and it should be open to the public.

Tracy Candelaria, wife of Criss Candelaria, thanked the Board for the opportunity to speak and stated that Criss has a broad support within Apache County and since married, have been in the area for 35 years and he has letters of support from previous selected officials and residents of the county as we had 2,504 voters when Criss ran as a write in candidate for county attorney. Mrs. Candelaria expressed the importance of the position. Mrs. Candelaria stated Criss is the best choice for county attorney based on his experience.

Darryl Ahasteen, a resident of Sanders, Arizona addressed the Board and expressed his support for Mr. Candelaria as the candidate for county attorney.

Arthur N. Lee, a resident of St. Johns, and previous 7 terms as sheriff, thanked the Board for their service and understands the tough decision before them today. Mr. Lee stated he spent most of his adult life serving the citizens of the county and what matters is whoever is chosen, they administer justice, and the Board has a big job filling the vacancy of county attorney.

Lenora Fulton, a resident of the county and a previous county recorder and expressed her recommendation and support of Criss Candelaria for county attorney.

There was no one else wanting to address the Board.

Vice Chairman Shepherd presented the item for consideration of action to recess to Executive Session pursuant to A.R.S. §38-431.03(A)(1) Personnel matters, applicants for appointment to the vacant Office of Apache County Attorney: Jasmine Blackwater-Nygren, Devin Brown, and Criss E. Candelaria and related legal advice pursuant to A.R.S. §38-431.03(A)(3) legal advice. **Mr. Davis moved to go into executive session, seconded by Mr. Shirley.** Vote was unanimous.

Executive Session was held.

**Mr. Shirley moved to come out of executive session, seconded by Mr. Davis.** Vote was unanimous.

Emily Craiger stated that Mr. Candelaria has avowed today his belief that he changed his registration with the secretary of state in November and then subsequently went into the recorder's office, so the Board is operating under the assumption that all three candidates are eligible by statute for purposes of today's vote.

Vice Chairman Shepherd presented the item for possible appointment of candidate to the vacant office of Apache County Attorney pursuant to A.R.S. §16-230(A)(2). Mr. Shirley moved to appoint Jasmine Blackwater-Nygran. **Mr. Shirley stated the Board has worked with her before when she was State Representative and has seen what she can get done and has the credentials necessary to take on the reins of Apache County Attorney. Mr. Shepherd stated he has seen the honesty, integrity and abilities of Mrs. Nygran and seconded the motion.** Motion passed 2-1 with Mr. Davis voting nay. Mr. Davis thanked everyone who took the time to apply and stated with all elections, everyone votes but not everyone votes for the same person, and each of the applicants has characteristics that make them number one and he believes all the candidates would do a good job, but at the end of the day, regardless of the vote, he will support Mrs. Nygran 100%.

**Mr. Shirley moved to adjourn the meeting, seconded by Mr. Davis.** Vote was unanimous.

Approved this 7<sup>th</sup> day of January 2025.

/s/ Nelson Davis  
Chairman of the Board

/s/ Ryan N. Patterson  
Clerk of the Board