

Meeting Agenda

PINE CREEK CANYON DOMESTIC WATER IMPROVEMENT DISTRICT
P.O. Box 945 Pine, AZ 85544
NOTICE AND AGENDA OF REGULAR MEETING

Date, Place, and Time:

Saturday, December 18, 2010

Place: Pine Fire Department, West Hardscrabble Mesa Road, Pine, Arizona

Telephone: 1-800-391-1709, bridge code # 151596

9:30 AM

The Pine Creek Canyon Domestic Water Improvement District will meet in regular session on Saturday, December 18, 2010 at 9:30 AM. The meeting will be held at Pine Fire Department, West Hardscrabble Mesa Road, Pine, Arizona. The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) for legal advice with the District's attorney on matters as set forth in the agenda item. Board Members or other participants may attend by telephonic conference 1-800-391-1709, bridge code # 151596. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

1. Call to Order
2. Discussion and/or action regarding open meeting law training requirements: specifically “[a] person elected or appointed to a public body shall review the open meeting later materials at least one day before the day that person takes office”
3. Discussion and/or action regarding nomination of officers for 2011
4. Call to the Public

Those wishing to address the District need not request permission in advance of a meeting but they should indicate their desires to speak to the Board on the sign-in guest register. Action taken as a result of public comments will be limited to directing the District to study the matter, rescheduling the matter for further consideration at a later date, or incorporating the public comments into the discussion of the same topic if the topic is a posted agenda for the current meeting. The Chairman of the meeting may limit the number and length of public comments in order to maintain a reasonable meeting schedule.

5. Call for Motion to approve September 18, 2010 Regular Meeting Minutes
6. Legal Status
 - a) Portal IV LLC vs. PCCDWID - Rulings on cross-motion for summary judgment, Judge Peter Cahill on 11/8/2010 (received 11/23/2010) states “actions taken at the District Board of Director’s 6/25/2005, 4/15/2006 and 6/17/2006 meetings were.. in violation of the (open meeting laws).. Thus, action taken at the meetings is void”
 - i. Discuss and take possible action to ratify all the decisions and points of discussion and considerations as attached hereto related to the Pine Creek Canyon Domestic Water Improvement District meeting of 6-25-2005 as indicated in the attached [agenda](#) and [minutes](#) of the meeting, including:
 1. The call to order.
 2. The approval of the minutes of the Districts April 16, 2005 special meeting.
 3. The ratification of the transactions including payment of District expenses and bills previously undertaken by the District Manager.

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4. The update by Wayne Bench, Plant Operator, of the wastewater treatment and drinking water plant conditions.
 5. The approval of the District's Proposed 2005-2006 budget.
 6. The approval of the proposed District Rates, Fees, and Charges for wastewater and water for the fiscal year 2005-2006 as presented at the Public Hearing at 2:30 p.m. June 25, 2005.
 7. The inaction of no representation at the meeting by Brad Leith, Vintages, PMC, Inc.
 8. The action to establish procedures for approving additional development/interconnection requests by adoption of the Interconnection Policy within the District.
 9. The discussion of the Long Range Plan.
 10. The actions to establish the meeting dates for the Board of Directors for the fiscal year 2005-2006.
 11. The discussion and comments within the Call to the Public.
 12. The Adjournment of the meeting.
- ii. Discuss and take possible action to ratify all the decisions and points of discussion and considerations as attached hereto related to the Pine Creek Canyon Domestic Water Improvement District meeting of 4-15-2006 as indicated in the attached [agenda](#) and [minutes](#) of the meeting, including:
1. The call to Order.
 2. The approval of the minutes of the District's March 4, 2006 special meeting.
 3. The update on the WWTP and DWP facilities by Wayne Bench, Plant Operator and the approval of the road repair on Ruin Hill loop.
 4. The ratification of transactions including payment of District Expenses and bills previously undertaken by the District Manager.
 5. The discussion of the PCCDWID budget and Rates, Fees and Charges for the fiscal year 2006-2007 that will be considered at a future work/study session.
 6. The update of information by Mary Lou Myers and others as presented.
 7. The discussions and decisions related to answers to questions addressed to the attorney related to the powers of Domestic Water Improvement Districts and the review of the Interconnection policy as to enforceability and suggested improvements and the adoption of revisions to the interconnection process.
 8. The action and discussions on interconnection requests –Water and Wastewater by Tetra Tech, Inc. on behalf of proposed Anasazi Hills project and the request from JNL Real Estate, LLC for the proposed Rim Rock Villas project and the action to identify a technical consultant to review the applications and give bid costs for their reports.
 9. The discussion and action on the November 18, 2005 letter from the Portal IV HOA Board.
 10. The discussion and possible action-Long Range Plan-Emergency water supply and information on tanker owned by Gila County.
 11. The discussions and action related to establishing future meeting dates.
 12. The lack of comments in the Call to the Public.

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13. The action to recess to go into executive session for the purpose of discussing personnel issues.
 14. The action to adjourn the meeting.
- iii. Discuss and take possible action to ratify all the decisions and points of discussion and considerations as attached hereto related to the Pine Creek Canyon Domestic Water Improvement District meeting of 6-17-2006 as indicated in the attached [agenda](#) and [minutes](#) of the meeting, including:
1. The call to order.
 2. The discussions and actions related to the public hearing considering the District's rates, fees, and charges applicable during the fiscal year 2006/2007.
 3. The discussions and actions related to the public hearing considering the District's annual statement of estimates and expenses (budget) for the fiscal year 2006-2007.
 4. The decisions establishing the District's rates, fees and charges applicable during the fiscal year 2006-2007.
 5. The decisions to adopt the District's Statement of Estimates and Expenses (budget) for the fiscal years 2006-2007.
 6. The approval of the minutes of the District's June 3, 2006 special meeting.
 7. The approval of the ratification of the transactions including payment of District expenses and bills previously undertaken by the District Manager.
 8. Action to attend the Arizona Small Utilities Association Leadership Conference.
 9. The discussion and scheduled presentation by Ralph Bossert of Tetras Tech, Inc. related to the Anasazi Hill, Tract D, and project at Portal IV.
 10. The discussion and presentation by Ralph Bossert, Michael Ploughe, and Larry Field related to the Rim rock Villas, Tract A, B-1 and B-2, Portal IV.
 11. The actions taken related to the inter-connection applications and the report submitted by the consultants HDR and directions given to the attorney
 12. The update on the WWTP and DWP by Wayne Bench, Plant Operator.
 13. The actions taken related to establishment of meeting dates for the fiscal year 2006-2007.
 14. The call to the public
 15. The motion to adjourn.
- b) Discuss and take possible action to call for a motion to meet in Executive Session at a time convenient to our attorney to (a) consider advice from legal counsel concerning review of potential errors in public notice posting requirements related to Board actions in 2005 and 2006 involving adoption and administration of the District's Interconnection Policy and (b) to re-ratify the actions taken in those meetings.
- c) Discuss and take possible action to authorize the District Manager to engage attorney William Whittington of Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C. to offer legal advice to the Board on potential Open Meeting Law violations and procedures and policies to follow to avoid such legal issues in the future.

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7. Discussion and/or action regarding Status Reports
 - a) Treasurer Report
 - i. Profit and Loss Balance Sheet
 - ii. Actual to Budget Comparison
 - iii. Bank Account Balances and list of checks written
 - iv. Liens Placed on Properties
 - v. Invoices from District Manager
 - vi. Motion to approve payments
 - vii. Upcoming Key Dates
 - b) District Manager Reports
 - i. Proposed purchase of auto-dialers
 - ii. Well Depth and Monthly water usage
 - iii. Invoices from Hydrologist
 - iv. Invoices from Computer/Website consultant
 - v. Deep Well Project
 1. Expenses to date
 2. Expense to complete (already bid)
 3. Expenses to complete (yet to bid)
 - vi. ADOT/Pond Project
 1. Expenses to date
 2. Expense to complete (already bid)
 3. Expenses to complete (yet to bid)

8. Motion to adjourn

After voting to do so, the Board may go into executive session at any time during this scheduled meeting for consideration of items included on the above agenda if the topics to be discussed meet the requirements ARS 38.431.02(a), (1), (3) and/or (5). Additionally, the Board may, during this meeting call for an executive session to be held at a future time after this meeting. Per ARS 38.431.03, executive sessions are closed to the public and only the following seven categories topics are permitted to be discussed: 1) Personnel Matters; 2) Discussion of Confidential Records; 3) Legal Advice from attorney; 4) Litigation, Contract Negotiations, and Settlement Discussions with attorney; 5) Discussions with Designated Representatives Regarding Salary Negotiations; 6) International, Interstate and Tribal Negotiations; and 7) Purchase, Sale or Lease of Real Property.