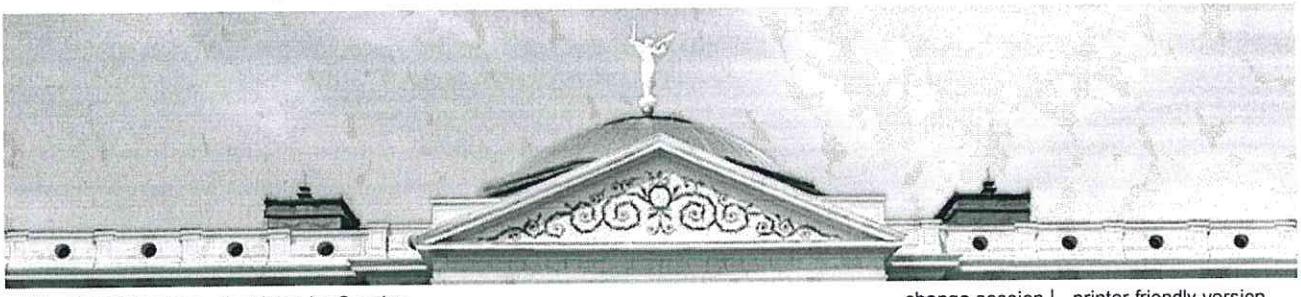

48-1012. Elected board of directors; initial members; qualifications; terms; filling vacancy; chairperson; qualifications of electors

A. At the option of the board of supervisors after presentation of a petition requesting the establishment of a domestic water improvement district or a domestic wastewater improvement district, or upon the submission of a separate petition following the establishment of an improvement district as prescribed by section 48-903, and subsequent to the approval of the county board of supervisors, the district shall be governed by an elected board of directors. The elected board shall consist of the number of members, not less than three, specified in the petition for establishment of the district. The first directors of such board shall be selected by the board of supervisors at the time the district is established. Members of the board of directors shall be qualified electors of the district and, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district.

B. Immediately after the selection and qualification of the first directors of the board, the directors shall meet and divide themselves by lot into two classes as nearly equal in number as possible. Directors of the first class shall serve for a term of four years, and directors of the second class shall serve for a term of two years. Every director shall continue to discharge the duties of office until a successor is appointed and qualifies. Thereafter, at each regular election, one director for each expired term shall be elected and shall hold office for a term of four years, and until a successor is elected and qualifies. The dates of elections and of expiration of terms shall be specified in the petition for establishment of the district.

C. If a vacancy in the district board occurs due to death or disability or any other cause other than resignation, the board of directors of the district shall appoint a qualified elector of the district to fill the office for the remaining portion of that term. If there is a vacancy in the district board due to resignation, the district board shall accept the resignation and appoint a qualified elector to fill the remaining portion of that term of office. If the district board lacks a quorum for any reason for more than thirty days, the county board of supervisors may revoke the authority of the appointed or elected board of directors pursuant to section 48-1016.

D. The board of directors shall annually elect a chairperson from among its members.

E. If only one person files or no person files a nominating petition for election to fill a position on the board of directors of the district, the county board of supervisors, by resolution, may cancel the election for that office and appoint the person who filed the nominating petition to fill that position. If no person files a nominating petition for an election to fill a district board office, the county board of supervisors, by resolution, may cancel the election for those offices and those offices are deemed vacant and shall be filled as otherwise provided by law. A person who is appointed pursuant to this section is fully vested with the powers and duties of the office as if elected to that office.

F. For the purposes of either a domestic water improvement district or a domestic wastewater improvement district that is organized pursuant to this article and that serves at the time of organization a population of ten thousand persons or less according to the most recent United States decennial census, in addition to any other qualified elector of the district, any natural person who is a qualified elector of this state and who is a real property owner within the district is eligible to vote in a district election without regard to that person's residency and shall be deemed a qualified elector of the district for purposes of service on the board of directors.

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MINUTES

PINE CREEK CANYON DOMESTIC WATER IMPROVEMENT DISTRICT

PO Box 945, Pine, AZ 85544

September 21, 2013

Regular Meeting
Date, Place and Time:
Saturday, September 21, 2013
Place: Pine/Strawberry Fire Dept.
6198 W Hardscrabble Mesa Rd.
Pine, Arizona
For conference call-in
Teleconference Number 1-877-594-8353, Participant Passcode 20932491#
Phone in participants will be placed on hold listening to music until the Chairperson joins the meeting
Time: 9:30 AM
DRAFT

1. **CALL ORDER**
The meeting was called to order at 9:30 AM by Acting Chairman Allan Johnson.

2. **ROLL CALL OF BOARD MEMBERS/DECLARATION OF QUORUM**
Jim Cleary, Allan Johnson, Jim Crews and James Semrad present.
Others Present: Harry Jones, District Manager, Pat Watson, Admin. Asst. and Michael Roberts.

3. **CALL FOR MOTION TO APPROVE MINUTES OF THE FOLLOWING MEETING HELD ON June 15, 2013, Regular Meeting.**
Jim Crews moved to accept the minutes of the June 15, 2013 meeting. Mr. Cleary seconded. Roll Call: Mr. Crews, Mr. Semrad, Dr. Johnson and Mr. Cleary all say Aye. None say Nay. Motion Passed.

4. **CALL TO THE PUBLIC FOR INPUT ON SCHEDULED AGENDA TOPICS**
No comments from the public.

5. **REPORTS**
   a. **Treasurer's Report**
      i. **Balance Sheet**
      Mr. Crews stated the balance sheet shows that operations are on budget and cash position is as expected.

ii. Revenues and Expenses

Expenses for the wastewater treatment plant are somewhat over budget due to replacement of electrical equipment at the wastewater plant. The water expenses are under budget.

iii. Budget vs. Actual Comparison

No discussion except total expenses are under budget by 5.8%.

iv. Check Register last three months

No discussion

v. Independent Accountant's Review 2012-2013

Review of the summary for the fiscal year ended June 30, 2013 shows a net loss of $19,884.43. The depreciation is $51,162.16. Showing a positive cash flow. The largest amount used was for the water tank recoating. The reduction of principal of debt to WIFA was $23,105.29.

Mr. Cleary made the motion to accept the Treasurer Report, Mr. Semrad seconded. Mr. Crews, Dr. Johnson, Mr. Cleary and Mr. Semrad all vote Aye. None vote Nay. Motion is passed.

b. District Manager's Report

v. Depth to water in wells.

Depth in the shallow well is down a little.

The Deep Well is doing fine. The depth is about the same as last two months.

vi. Water usage

There are no leaks at this time and water supply is good.

vii. Future projects

None at this time. Will need to consider coating the outside of the water tank next year.

viii. Legal status

No legal issues.

6. DISCUSS AND TAKE POSSIBLE ACTION TO FILL THE VACANT SEAT ON THE BOARD OF DIRECTORS.

Mr. Crews moved to appoint Michael Roberts (Lot #27) to the Board of Directors to complete the term of Ernie Borgoyne that ends December 31, 2014.

Mr. Semrad seconded. Mr. Cleary, Dr. Johnson, Mr. Semrad and Mr. Crews all say Aye. None vote Nay. Motion Passed

7. DISCUSS AND TAKE POSSIBLE ACTION TO FILL THE DIRECTOR OFFICER POSITIONS.

MINUTES

PINE CREEK CANYON DOMESTIC WATER IMPROVEMENT DISTRICT

PO Box 945, Pine, AZ 85544

September 21, 2013

Mr. Crews moved to elect Dr. Johnson, Chairman, Mr. Cleary Secretary and Mr. Crews, Treasurer and to keep this slate until January 2015. Mr. Cleary seconded. All vote Aye. None vote Nay. The motion is passed.

MINUTES

PINE CREEK CANYON DOMESTIC WATER IMPROVEMENT DISTRICT

PO Box 945, Pine, AZ 85544

September 21, 2013

8. CALL TO THE PUBLIC FOR NON-AGENDA ITEMS
There were none.

9. ESTABLISH A TENTATIVE DATE FOR THE NEXT BOARD OF DIRECTOR'S MEETING.
The next meeting will be the scheduled quarterly meeting on December 21, 2013.

10. MOTION TO ADJOURN.
Mr. Crews moved the meeting to adjourn and Mr. Cleary seconded. The meeting was adjourned at 10:05 AM

Submitted By: _____

HARRY JONES

From: "HARRY JONES" <harryjoneshdj@msn.com>
To: "John Nelson" <jnelson@co.gila.az.us>
Cc: "Marian Sheppard" <msheppard@co.gila.az.us>
Sent: Friday, March 22, 2013 7:32 AM
Subject: Fw: Resignation

John and Marian: Please see resignation below. Ernie has his PCCDWID house for sale and has returned to Mesa to go back to work. He was laid off by Motorola after 38 years and hopes to gain a position with Honeywell.

Harry D. Jones
HDJ Management LLC
harryjoneshdj@msn.com
(928) 595-1111

----- Original Message -----
From: Ernie Borgoyne
To: Harry Jones ; Jim Crews ; Jim Semrad ; Allan Johnson
Sent: Monday, March 18, 2013 12:37 PM
Subject: Resignation

Harry and Board Members,

Please accept my resignation from the PCCDWID effective 10:30 am, Saturday March 16th. Please forward to Jim Cleary.

Sincerely,
Ernie Borgoyne

OATH OF OFFICE

Pine Creek Canyon
Domestic Water Improvement District

I, the undersigned, hereby execute this document in compliance with A.R.S. § 38-231 and § 11-542:

OFFICERS AND EMPLOYEES REQUIRED TO TAKE LOYALTY OATH; CLASSIFICATION; DEFINITION

A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.

B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.

C. Any officer or employee having taken the form of an oath or affirmation prescribed by this section and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism defined in section 13-2301 the government of this state or any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.

D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.

E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation: (Below)

F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district or public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

A.R.S. § 38-231 (E) Oath:

State of Arizona, County of Gila

I, Michael J. Roberts do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of office of Director according to the best of my ability, so help me God (or so do I affirm).

Signature

Subscribed and sworn (or affirmed) to before me on this 26th day of September, 2013
(SEAL)

Celena Y Ramos
Notary Public

Celena Y Ramos
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
October 17 2016