

INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTIES OF  
APACHE, GILA, GRAHAM, GREENLEE AND NAVAJO, ARIZONA  
TO PARTICIPATE IN, SUPPORT AND ENDORSE THE ACTIONS AND DECISIONS OF THE EASTERN  
ARIZONA COUNTIES ORGANIZATION (ECO) WHICH ARE IN COMPLIANCE WITH THE ADOPTED  
BYLAWS  
OF THE ORGANIZATION.

Whereas, Arizona Revised Statutes 11-952 authorizes two or more public agencies to enter into agreements with one another for joint or cooperative action, and;

Whereas, the Arizona Counties of Apache, Gila, Graham, Greenlee and Navajo ("Counties") requested by joint resolution (Exhibit A) that the State of Arizona assist the Counties in developing a process to implement Presidential Executive Order 12372 (P.E.O. 12372) related to the clearinghouse process for review of Federal programs which affect the custom, cultures and economic well being of the Counties, and;

Whereas, in accordance with P.E.O. 12372, the Counties have been designated by the State as County Official Reviewers (COR) with responsibility to the residents of the Counties to provide local and areawide land use, demographic, economic and social information and expertise in the review of federal programs and projects particularly in relationship to the U.S. Department of Agriculture and the U.S. Department of the Interior land management activities, as well as programs involving State Land, and;

Whereas, a primary function of ECO is to efficiently and effectively implement the *Procedures for Arizona Single Point of Contact Review Process According to Presidential Executive Order 12372*, and;

Whereas, it is believed that the best method for ensuring that the overall functions of ECO are carried out is to formalize the ECO structure through adoption of a cooperative agreement and approval of appropriate Bylaws to guide the conduct of ECO business, and;

Whereas, the Counties are all dependent on measured and appropriate development of all resources to ensure public welfare and promote economic stability, and;

Whereas, it is in the best interests of the Counties to combine their efforts whenever possible to further the goals of ensuring cultural and social preservation, and enhancing economic stability and growth as relates to the management of resources, and;

Whereas, the Counties have undertaken to make scientific, economic, social and cultural information and other data available for analysis to help guide themselves and other agencies in making the best resource management decisions, and;

Whereas, cooperation on the regional level between all parties involved in such decisions is deemed to be most advantageous.

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

Section 1. The Eastern Arizona Counties Organization (ECO) consisting of membership from Apache, Gila, Graham, Greenlee and Navajo Counties is hereby created. The term of this agreement is for one (1) year to be automatically renewed at one (1) year intervals as specified in Section 7 herein.

Section 2. By execution and acceptance of this agreement, each ECO County hereby adopts the *Procedures for Arizona Single Point of Contact Review Process According to Presidential Executive Order 12372* which is fully incorporated into this document as Exhibit B.

Section 3. In accordance with the provisions of Item 4 on Page 1 of Exhibit B, each ECO County, Board of Supervisors or its designee shall act as County Official Reviewers (COR) for the explicate review of direct federal projects for the U.S. Department of Agriculture and its respective agencies which include the Forest Service, Soil Conservation Service and Farmers Home Administration, U.S. Department of the Interior and its respective agencies which include the Bureau of Land Management, National Park Service and U.S. Fish and Wildlife Service affecting their areas. The County Official Reviewers will attend scoping meetings, receive direct federal notices from the Single Point of Contact (SPOC), and attend the meetings in the early stages for the purpose of review and assuring the consistency of the proposed activity to be in the best interest and development each of their counties.

Section 4. The purpose of ECO is set forth in the Bylaws as incorporated in Exhibit C to this agreement and adopted as part of this agreement and as may be subsequently amended in accordance with the adopted Bylaws.

Section 5. Each ECO County Board of Supervisors shall, in accordance with adopted Bylaws, appoint two representatives to the ECO Board of Directors, one of whom will be a member of that County's Board of Supervisors.

Section 6. The finances and budgetary matters of the ECO shall be addressed in the manner set forth in Article V of the Bylaws with annual budgets established by the Board of Directors and approved annually by each County Board of Supervisors. \_\_\_\_\_ County will act as fiscal agent for the purposes of this Intergovernmental Agreement. Each member's manner of financing their participation in ECO shall be at the discretion of each County's Board of Supervisors and may include commitment of general funds, grant funds or other available funding.

Section 7. This agreement shall remain in effect for one (1) year from the effective date and will be automatically renewed for successive one (1) year intervals unless terminated by any member County after 30 days written notification to the Chairman provided, however, that the termination by any one County shall not affect the agreements with other Counties.

Section 8. The acquisition of property under the ownership of ECO is not anticipated. However, should this occur, the disposition of such property upon partial or complete termination of this agreement shall be decided by the Board of Directors in an open meeting with the approval of each Board of Supervisors which is participating in the agreement at the time of the termination.

Section 9. It is agreed that all proceedings, meetings, actions and decisions of the Board of Directors will comply with the Arizona Open Meeting Law. No representation of an ECO decision, position or action shall be made without proper notification pursuant to the Arizona Open Meeting Law nor without prior approval of the Board of Directors in compliance with the provisions of the adopted Bylaws.

Section 10. Any contract, memorandum of understanding, or agreement entered into by ECO on behalf of or binding upon any member County must be approved by the affected County's Board of Supervisors in order to be effective.

Section 11. Nothing in this agreement shall in any way abrogate the member Counties' rights, obligations and abilities to conduct mandated and discretionary County functions, or otherwise protect, in any lawful manner deemed appropriate, the best interests of the County.

Section 12. This agreement shall become effective upon filing with the Secretary of State.

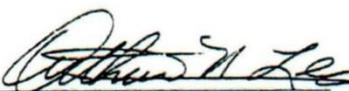
Section 13. Attached hereto as Exhibit D are resolutions of each County Board of Supervisors approving this agreement.

Section 14. All agreements in conflict with this are hereby rescinded.

APPROVED by each County on the date indicated below.

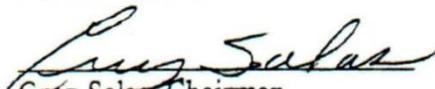
BOARD OF SUPERVISORS

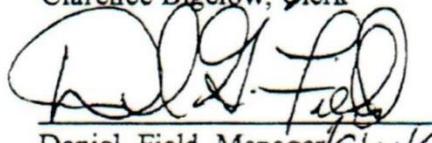
ATTEST:

  
Arthur N. Lee, Vice-Chairman  
Apache County

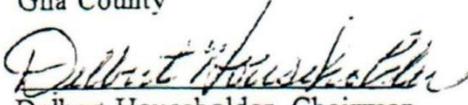
  
Clarence Bigelow, Clerk

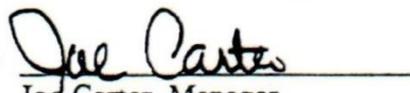
9/21/93  
Date

  
Cruz Salas, Chairman  
Gila County

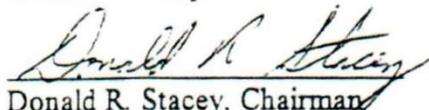
  
Daniel Field, Manager/Clerk

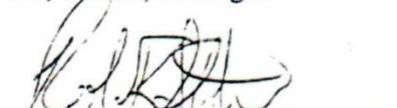
10/15/93  
Date

  
Delbert Householder, Chairman  
Graham County

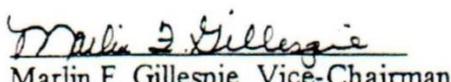
  
Joe Carter, Manager

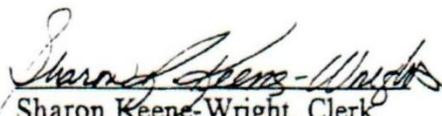
10-13-93  
Date

  
Donald R. Stacey, Chairman  
Greenlee County

  
Rob Stokes, Administrator

10-27-93  
Date

  
Marlin F. Gillespie, Vice-Chairman  
Navajo County

  
Sharon Keene-Wright, Clerk

10-19-93  
Date

Exhibit A

RESOLUTIONS OF THE BOARDS OF SUPERVISORS OF APACHE, GILA  
GRAHAM, GREENLEE AND NAVAJO COUNTIES TO AVAIL THEMSELVES  
OF THE INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS  
PROVIDED BY PRESIDENTIAL EXECUTIVE ORDER 12372 OF  
JULY 14, 1982 AND 12416 OF APRIL 8, 1983

WHEREAS, the President of the United States, through his Presidential Executive Order (P.E.O.) 12372 of July 14, 1982 and P.E.O. 12416 of April 8, 1983, ordered federal agencies to provide opportunity for State and local governments through their respective elected officials for consultation with those Federal agencies having a direct affect on the custom, culture and economic well being of their respective governmental jurisdictions, to support state and local governments by discouraging Federal funding of planning organizations that are not adequately representative of or accountable to local elected officials, and further directed federal agencies to utilize the state process to determine official views of state and local elected officials; and

WHEREAS, the under signed counties wish to avail themselves of their rights to have the Federal agencies obtain the official views of the local elected officials concerning any plans and actions which may affect their custom, culture and economic well being, communicate early with governmental entities concerning any such plans and action, accommodate concerns of local elected officials when directly affected, allow review of Federal programs in another State which may affect this State by their implementation; and

WHEREAS, the State of Arizona has the authority to request and implement the process necessary to bring the federal agencies into compliance with the above referenced Presidential Executive Orders; and

WHEREAS, the President is relying on the local process to foster an intergovernmental partnership and a strengthened federalism through these orders; and specifically authorizes state delegation to local elected officials the review, coordination, and communication with federal agencies; and

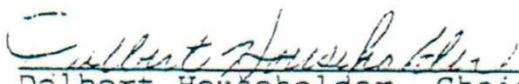
NOW THEREFORE BE IT RESOLVED, the above signed counties request the State of Arizona to assist in developing a process which will implement P.E.O. 12372 and P.E.O. 12416 to maintain an effective clearing house process of Federal plans which affect the custom, cultures and economic well being of the governmental entities involved and we request the Governor delegate county and municipal elected officials the review, coordination and communication with Federal agencies.

  
\_\_\_\_\_  
Joe Shirley Jr., Chairman  
Apache County Board of Supervisors

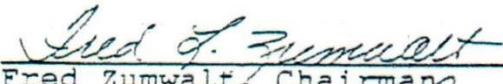
ATTEST:   
\_\_\_\_\_  
Clarence Bigelow  
Clerk of the Board

  
\_\_\_\_\_  
Ror Christensen, Chairman  
Gila County Board of Supervisors

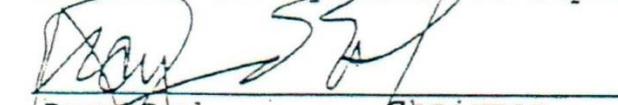
ATTEST:   
\_\_\_\_\_  
Daniel Field  
County Manager

  
\_\_\_\_\_  
Delbert Householder, Chairman  
Graham County Board of Supervisors

ATTEST:   
\_\_\_\_\_  
JOE CARTER  
COUNTY MANAGER

  
\_\_\_\_\_  
Fred Zumwalt, Chairman  
Greenlee County Board of Supervisors

ATTEST:   
\_\_\_\_\_  
ROB STOKES  
COUNTY ADMINISTRATOR

  
\_\_\_\_\_  
Perry Deal, Chairman  
Navajo County Board of Supervisors

ATTEST:   
\_\_\_\_\_  
Sharon R. Keene  
Clerk of the Board

Exhibit B

PROCEDURES FOR ARIZONA SINGLE POINT OF CONTACT  
REVIEW PROCESS ACCORDING TO PRESIDENTIAL EXECUTIVE ORDER 12372

Policies and Procedures for Arizona's Review Process in Compliance with Presidential Executive Order 12372 (EO 12372)

The Governor's Executive Order 90-21 establishes the Arizona Department of Commerce, State Clearinghouse, as the Single Point of Contact (SPOC) for federal agencies in Arizona.

The Governor's Executive Order 83-6 designates the six Councils of Governments in Arizona as areawide clearinghouses.

Clearinghouse Functions

There are three types of clearinghouses:

1. State Clearinghouse: A state agency with comprehensive planning capacity, designated by the Governor. The SPOC for the Federal agency to respond to the concerns of the State and the Governor.
2. Metropolitan Clearinghouse: A metropolitan areawide agency recognized as such by the Office of Management and Budget for the purposes of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.
3. Regional Clearinghouse: A non-metropolitan areawide agency with general planning capability, designated by the Governor.
4. County Official Reviewers (COR): Five counties, Apache, Gila, Graham, Greenlee, and Navajo Counties, have entered into an agreement to act as County Official Reviewers (COR) for the explicate review of direct federal projects for the U.S. Department of Agriculture and its respective agencies which include the Forest Service, Soil Conservation Service and Farmers Home Administration, U.S. Department of Interior and its respective agencies which include Bureau of Land Management, Park Service and U.S. Fish and Wildlife, U.S. Department of the Interior and its respective agencies which include Bureau of Land Management, Park Service and U.S. Fish and Wildlife affecting their areas. The County Official Reviewers will attend scoping meetings, receive direct federal notices from the SPOC (or federal agency if an agreement between the counties and a federal agency have been entered into agreeing to also send notices to them), and attend the meetings in the early stages for the purpose of review and assuring the consistency of the proposed activity to be in the best interest and development of their counties. The COR will work with their regional clearinghouses and transmit their comments to the regional clearinghouse and also ~~the~~ State Clearinghouse.

**The COR may enter into a Memorandum of Understanding with the regional clearinghouse and/or the federal agency, however, all comments must be submitted to the State Clearinghouse to insure the accommodate or explain clause of the EO 12372.**

The function of these clearinghouses is to identify the relationship of any project to the plans and programs of state or local governments and agencies. To accomplish this function, the state clearinghouse examines the project from the standpoint of state comprehensive planning and also forwards a copy of the notification to any state agencies having plans or programs that might be affected. The regional or metropolitan clearinghouse will, similarly, contact specific local governments and agencies which might be affected. Comments from the state or local agencies will be sent back to the clearinghouses. This information is then

used to coordinate the proposal with other plans and programs. The reviews by the different types of clearinghouses are conducted simultaneously. All comments are then returned to the State Clearinghouse to be forward to the Federal agency.

The rules, policies and Memorandum of Understanding (MOU) are found in the Clearinghouse Procedure Manual.

### Intergovernmental Review Process:

#### 1. Purpose:

The general purpose of the Intergovernmental Review Process is to:

- . avoid duplication of effort in the use of federal funds
- . insure compliance with federal and State statutes, and State and local plans
- . carry out the policies of the Governor
- . "early warning system" to facilitate coordination of state, regional, and local planning and development.

#### 2. Distribution of Grant-in-Aid Programs

Applicants applying for federal assistance must submit their application to the clearinghouse, if required by EO 12372 or they are a State agency, to the SPOC prior to submittal to the Federal agency. The project will be distributed to the areawide clearinghouses and State agencies if major to their area.

A Bi-Weekly report is sent to the areawide clearinghouses, legislature, State agencies, and other official reviewers. This allows the reviewer to choose the type of application they wish to review, major or minor to their area.

All comments must be returned to the SPOC. The response is sent to the Federal agency with the State process recommendation based upon the results of the review.

Projects are reviewed for:

1. Is project consistent with your agency goals and objectives?
2. Does project contribute to statewide and/or areawide goals and objectives of which you are familiar?
3. Overlap or duplication with other state agency or local responsibilities and/or goals and objectives?
4. Will project have an adverse effect on existing programs in your agency or within project impact area?
5. Does project violate any rules or regulations of your impact area?
6. Does project adequately address the intended effects on target population?
7. Is project in accord with existing applicable laws, rules or

regulation with which you are familiar?

8. Any other comments you wish to make in addition and/or expand on any of the above.

If a problem arises, a conference would be called by the reviewer and the applicant or the federal agency would be ask to attend the meeting and try to resolve the conflict of interest. The Clearinghouse would act as the chairperson and the problem(s) would be discussed and hopefully resolved, if not, a State process recommendation letter would be transmitted to the Federal agency triggering the "accommodate or explain" procedure.

The Clearinghouse also reviews NEPA programs separate from the E.O. 12372.

Direct Federal Development Programs:

1. Must notify SPOC when the planning or decision making process begins on a program or activity covered by the new process. In addition, the Federal agency has the responsibility to notify the SPOC of proposed actions considered to have an interstate impact.
2. Inform sub-units of the agency about the state process, and assign these units responsibilities to insure that the process is carried out.
3. Encourage the applicant to comply with all provisions of the state process.
4. Send NEPA mandated scoping notices, planning documents, environmental statements and decision notices to the SPOC.
5. Send "non-accommodation" notices to the SPOC. In addition, when the SPOC transmits substantial comments on a project, and the federal agency's decision notice to the single point.
6. Ask to participate in meetings chaired by the SPOC to discuss and resolve "non-accommodated" issues.
7. Negotiate agreements with the SPOC and selected reviewing agencies to implement the new consultation and review process.

The State Clearinghouse may negotiate and sign Memorandum of Understanding or cooperative agreements with Federal agencies to emphasize, strengthen, or supplement existing comment procedures. This option exists primarily for major, direct Federal development activities. However, memorandum of understanding or cooperative agreements may also be negotiated for Federal assistance programs or other projects of major importance to the state in order to assure effective coordination and that state viewpoints are taken into account early in the Federal planning process.

The Federal agency allows for a 60 day review, however, we take 30 days for grant-in-aid projects, 45 days for State plans and direct federal projects. This allows for time to negotiate if a problem should arise.

Exhibit C

**BYLAWS  
EASTERN ARIZONA COUNTIES ORGANIZATION**

**ARTICLE I  
Name and Definitions**

Section 1. Name. The organization shall be known as the Eastern Arizona Counties Organization (ECO). The membership in ECO is composed of Apache, Gila, Graham, Greenlee and Navajo, Arizona Counties.

Section 2. Definitions. This section to be reserved for future use.

**ARTICLE II  
Statement of Purpose**

The purpose of the organization shall include, but not be limited to the following:

Section 1. To implement to the fullest extent practicable the *Procedures for Arizona Single Point of Contact Review Process According to Presidential Executive Order 12372* (Exhibit A) and any other lawfully executed cooperative agreement which provides the member Counties with the means to exercise a more effective and unified political force on public land management issues affecting the Counties.

Section 2. In order to be effective in accomplishing the purpose stated in Section 1, ECO shall to the greatest extent practicable provide to the member Counties a clearinghouse of technical, scientific, social, cultural and economic information and advice to the individual counties for more effective interaction in the decision making process with federal and state agencies. In this regard ECO will assist the Counties in procuring professional services for studies and other activities as may be required to fulfill the needs of the member Counties.

**ARTICLE III  
Board of Directors**

Section 1. General Powers. The Board of Directors shall have only those powers necessary to carry out the management, business, and affairs of the organization and such other powers as are necessary and incidental to the performance of ECO not in conflict with the Intergovernmental Agreement (Exhibit B), these Bylaws, and the laws of this State.

Section 2. Board of Directors. The Board of Directors shall consist of 10 Directors. Each County shall appoint two directors; one shall be a member of each County's Board of Supervisors, and one shall be another person appointed by each County.

Section 3. Appointment and Term of Office. Each Director will serve at the discretion of each individual County Board of Supervisors.

Section 4. Voting. Each member County has one vote which will be cast by the Supervisor member when in attendance. Board decisions will be made by majority vote of the Counties represented by duly appointed officials at any meeting.

Section 5. Meetings. The Board of Directors may provide by resolution the time and place, either within or without the State of Arizona, for holding regular meetings of the Board. Unless otherwise specified by resolution of the Board, the Board shall meet at the call of the Chairman.

Section 6. Special Meetings of the Board. A special meeting of the Board of Directors may be called by or be held at the request of the Chairman or of any five Directors. Any place within the State of Arizona may be designated by the calling authority as the place for holding such special meeting.

Section 7. Quorum. A majority of the Counties in representation shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than a majority of the Counties are present at such meeting, a majority of the Counties present may adjourn the meeting from time to time without further notice.

Section 8. Manner of Acting. The act of the majority of the Directors present at a meeting at which a quorum is present shall be necessary to determine a motion, unless the act of a greater number is required by law or by these Bylaws.

Section 9. Compliance with Arizona Open Meeting Law. All meetings and notices thereof shall be subject to and conducted in accordance with the Arizona Open Meeting Laws. Notice of all meetings, including agendas shall be posted at the office of the Board of Supervisors of each member County not less than twenty-four (24) hours prior to the meeting.

#### **ARTICLE IV Officers**

Section 1. Board of Directors. The Officers shall consist of a Chairman, Vice Chairman, and Secretary/Treasurer, who shall have authority to act in those circumstances and on those matters as directed by the Board.

Section 2. Term of Office. Each officer of the Board of Directors shall serve for a period of one year or until his successor is duly elected and qualified. New officers shall be elected at the first meeting of the calendar year.

Section 3. Duties of Officers. The Officers shall have the following powers and duties:

Subd. 1. Chairman. The Chairman shall preside at all meetings of the Board of Directors of ECO. He shall perform the usual duties of the Chairman and may speak for and on behalf of the organization when so instructed by the Board. The Chairman, with the concurrence of the Board, shall make all committee appointments and shall be an ex officio member of all committees. He may sign, with the Secretary/Treasurer or any other proper officer of the organization authorized by the Board of Directors, any documents which the Board of Directors has authorized to be executed. And in general, he shall perform all duties incidental to the office of Chairman and such other duties as may be prescribed by the Board of Directors from time to time.

Subd. 2. Vice Chairman. In the absence of the Chairman, or in the event of his inability or refusal to act, the Vice Chairman shall perform the duties of the Chairman, and when so acting, shall have all the powers of and be subject to all restrictions upon the Chairman. A Vice Chairman shall perform such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

Subd. 3. Secretary/Treasurer. The Secretary/Treasurer will be appointed from the County acting as the fiscal agent of ECO under the IGA. The Secretary/Treasurer shall attend all meetings of the Board of Directors and shall preserve in books of the organization true minutes of the proceedings of all such meetings. He shall give all notices required by statute, Bylaws, or resolution. The fiscal agent shall have custody of ECO funds and shall keep an accurate account of all receipts and disbursements, and shall maintain all monies in a separate fund in the Treasurer's Office of the County acting as fiscal agent.

## ARTICLE V

### Contract, Checks, Deposits, and Funds

Section 1. Contracts. The Board of Directors may authorize in compliance with the IGA any officers, agent or agents of the organization to enter into any contract or agreement or execute and deliver an instrument in the name of or on behalf of ECO and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, etc. All warrants, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of ECO shall be payable by the fiscal agent and in such manner as customarily used by the fiscal agent.

Section 3. Funds Any funds which may come in this organization or be subject to its control, for its use in furthering and promoting the aims and purposes of ECO or its policies shall be received, disbursed, controlled and accounted for by the Secretary/Treasurer and the fiscal agent.

Section 4. Money Commitment. The amount of financing will be set from time to time on an individual project basis and/or may be provided for by the payment of dues on an annual basis as requested by the Board of Directors. Any action that shall involve a commitment to contribute funds to any program or project of the organization, or a commitment to pay annual dues shall be ratified by each member County to be binding on it.

## ARTICLE VI

### Amendment to Bylaws

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted in the following manner:

Section 1. These Bylaws may be added to or amended after being proposed for addition or amendment by the Board of Directors and said addition or amendment being approved by all Counties.

Section 2. Notice of proposal of new Bylaws or an amendment to an existing Bylaw stating the purpose of each new proposed Bylaw or amendment, the reason therefor and a copy of the proposed new Bylaw or amendment shall be sent by the Secretary/Treasurer, by mail, to each member of the Board prior to the next scheduled meeting of the Board.

Section 3. After a new Bylaw or an amendment to an existing Bylaw has been proposed as herein provided, such new Bylaw or amendment may be approved for presentation to the Counties by a vote representing the concurrence of two-thirds of the Board membership provided that proper notice has been given. The new Bylaw or amendment shall be sent to all Counties for approval.

Section 4. Such addition or amendment to an existing Bylaw when duly approved by all Counties shall go into immediate effect following its adoption unless otherwise provided.

**ARTICLE VII**  
**General Provisions**

Conduct of Meetings. The procedures of *Robert's Rules of Order* shall be used to conduct all meetings.

ACCEPTED, APPROVED AND ADOPTED BY EACH COUNTY BY RESOLUTION AND IN CONJUNCTION WITH THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ON THE DATE INDICATED BELOW.

  
\_\_\_\_\_  
Apache County

9/21/93  
Date

  
\_\_\_\_\_  
Gila County

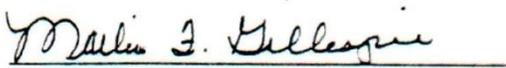
10/15/93  
Date

  
\_\_\_\_\_  
Graham County

11-13-93  
Date

  
\_\_\_\_\_  
Greenlee County

10-27-93  
Date

  
\_\_\_\_\_  
Navajo County

10-19-93  
Date