

**NOTICE AND AGENDA OF THE INITIAL MEETING OF THE BOARD OF
DIRECTORS OF THE ESCUDILLA MOUNTAIN DOMESTIC WATER IMPROVEMENT
DISTRICT OF APACHE, ARIZONA**

Nutriosos Fire Station 41765 US191 Nutriosos, AZ 85932 on Saturday, May 27th, 2023 at 10:00am.

Melissa Chivers, Board Member
John Cochran, Board Member
Pat Cruse, Board Member
Mike Draper, Board Member
David Knobbe, Board Member

Pursuant to Arizona Revised Statutes section (A.R.S. §) 38-431.02, notice is hereby given to the members of the Board of Directors and to the general public that the Board of Directors of the Escudilla Mountain Improvement District of Apache County, Arizona (sometimes referred to in this Notice and Agenda as the "EM DWID") will hold a meeting open to the public on Saturday, May 27th, 2023, at or after 10:00 a.m Mountain Standard Time, located at the Nutriosos Fire Station 41765 US 191, Nutriosos, AZ 85932.

ACTION MAY BE TAKEN BY THE BOARD OF DIRECTORS ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. In that case, the revised agenda will be provided to the members of the Board of Directors and will be available to the general public at the Nutriosos Post Office on the bulletin board.

This NOTICE AND AGENDA was posted no later than 24 hours prior to the meeting, at the Nutriosos Post Office on the bulletin board.

**INITIAL MEETING OF THE BOARD OF DIRECTORS OF THE ESCUDILLA
MOUNTAIN DOMESTIC WATER IMPROVEMENT DISTRICT OF APACHE COUNTY,
ARIZONA**

- 1. CALL TO ORDER AND ROLL CALL.**
- 2. DISCUSSION AND ELECTION OF THE BOARD OF DIRECTORS POSITIONS.**

At this time, the Board may select one person from its membership to chair this and other Board meetings. A.R.S. § 48-1012 paragraph D provides: “The board of directors shall annually elect a chairperson from among its members.”

- 3. SELECTION OF BOARD MEMBERS WITH TWO-YEAR TERM.** Paragraph 12 of the petition for establishment of the EM DWID provides that election dates for Board members shall be the county wide general election date of each even numbered year, beginning in 2024, and terms of the applicable class of directors shall expire on December 31 following the election. The term of office of one Board member will end on December 31, 2024; and the terms of office of the remaining two Board members will end on December 31, 2026. A.R.S. § 48-1012 (“Elected Board of Directors”) paragraph D provides in relevant part:

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. Should a board member resign prior to completing his term, the remaining board members appoint a qualified replacement. “Qualified” is understood to mean a property owner in the District who is registered to vote anywhere in the state of Arizona.

- 4. SELECTION AND/OR APPOINTMENT OF DISTRICT OFFICERS AND STAFF.**

At this time, the Board may select or appoint individuals to serve the EM DWID, voluntarily or with such compensation as is determined by the Board as part of its discussion on this item.

District Manager

District Clerk

District Attorney

- 5. IDENTIFICATION OF WHERE PUBLIC NOTICES OF EM DWID BOARD OF DIRECTORS MEETINGS WILL BE POSTED, AND CONSIDERATION AND DISCUSSION OF WHETHER TO ESTABLISH A EM DWID WEBSITE.** A.R.S. § 38-431.02 (“Notice of meetings”) paragraph (C) provides in relevant part:

A. Public notice of all meetings of public bodies shall be given as follows:

3. Special districts that are formed pursuant to title 48:

(a) May conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) May post all public meeting notices on their website and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

(c) If a statement or notice is not posted pursuant to subdivision (a) or (b) of this paragraph, shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give additional public notice as is reasonable and practicable as to all meetings.

6. CURRENT EVENTS REPORT BY DAVID KNOBBE

7. DISCUSSION, AND POSSIBLE ACTION REGARDING THE LEASE AGREEMENT BETWEEN THE EM DWID AND THE MORGANS.

8. DISCUSSION AND POSSIBLE ACTION ON FUTURE ANNEXATIONS INTO THE DISTRICT.

9. DISCUSSION, AND POSSIBLE ACTION REGARDING SEEKING REIMBURSEMENT FROM PROPERTIES LOCATED WITHIN THE JURISDICTIONAL BOUNDARIES OF THE EM DWID FOR THEIR FAIR-SHARE PROPORTION OF COSTS OF FORMATION OF THE EM DWID.
EM DWID formation costs have been fronted by the Knobbes.

10. DISCUSSION, AND POSSIBLE ACTION ON PROPOSED ASSESSMENTS AND/OR FEES AND THE SETTING OF A HEARING FOR THEIR ADOPTION.

The EM DWID has statutory authority to establish certain kinds of fees (see A.R.S. § 48-910 for specific information about the types of fees authorized). A hearing must be held prior to the approval of such fees and the Apache County Board of Supervisors must be notified of the hearing at least ten days in advance. The Board of Supervisors has the authority to be represented at the hearing and to advise the district's governing board (A.R.S. §48-910(C)).

11. DISCUSSION, AND POSSIBLE ACTION REGARDING PURSUIT OF FUNDING FROM WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA AND THE US DEPARTMENT OF AGRICULTURE.

12. **CALL TO THE PUBLIC.** At this time any member of the public is allowed to address the Board of Directors on any issue within the jurisdiction of the EM DWID. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Board may respond to criticism made by those who have addressed the Board, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.
13. **FUTURE AGENDA ITEMS.** At this time, any member of the Board may request that an item be placed on a future EM DWID Board of Directors agenda.
14. **EXECUTIVE SESSION (IF AND AS REQUIRED).** Pursuant to A.R.S. § 38-431.03, the Board of Directors may vote to go into executive session, which will not be open to the public, to discuss certain matters. The Board may ask for discussion or consideration, or consultation with designated EM DWID representatives, or consultation for legal advice with the EM DWID's attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).
15. **ADJOURNMENT.**