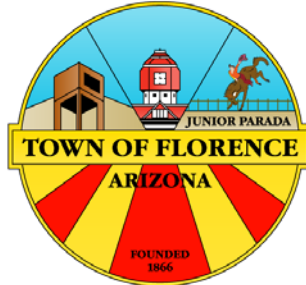


TOWN OF FLORENCE SPECIAL MEETING AGENDA

Mayor Tom J. Rankin
Vice-Mayor Tara Walter
Councilmember Vallarie Woolridge
Councilmember Bill Hawkins
Councilmember Becki Guilin
Councilmember John Anderson
Councilmember Karen Wall



Florence Town Hall
775 N. Main Street
Florence, AZ 85132
(520) 868-7500
www.florenceaz.gov
Meet 1st and 3rd Mondays

Monday, August 22, 2016

5:00 PM

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Town of Florence Council and to the general public that a Regular Meeting of the Florence Town Council will be held on Monday, August 22, 2016, at 5:00 p.m., in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona. The agenda for this meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL: Rankin __, Walter __, Woolridge __, Hawkins __,
Guilin __, Anderson __, Wall ____.

3. PLEDGE OF ALLEGIANCE

4. CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

5. NEW BUSINESS

- a. **Resolution No.1598-16:** Discussion/Approval/Disapproval of a RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE TOWN OF FLORENCE'S APPEAL CHALLENGING THE VALIDITY AND ISSUANCE OF TEMPORARY AQUIFER PROTECTION PERMIT NO. P-106360, PLACE ID 1579, LTF 61845, SIGNIFICANT AMENDMENT; AUTHORIZING THE FULL PROSECUTION/LITIGATION OF THE APPEAL, AND THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DECLARING AN EMERGENCY.

6. CALL TO THE COUNCIL

7. ADJOURN TO EXECUTIVE SESSION

An Executive Session will be held during the Council Meeting for legal matters pursuant to A.R.S. Section 38-431.03 (A)(3) to receive legal advice from the Town Attorney on the Town's Rules of Procedure and Code of Conduct.

8. ADJOURN FROM EXECUTIVE SESSION

9. ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

POSTED ON AUGUST 19, 2016, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 5a.

MEETING DATE: August 22, 2016

DEPARTMENT: Administration

STAFF PRESENTER: Clifford L. Mattice, Town Attorney

SUBJECT: Resolution No. 1598-16: Appeal of ADEQ
Permit No. P-10630

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

Adoption of Resolution No 1589-16: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE TOWN OF FLORENCE'S APPEAL CHALLENGING THE VALIDITY AND ISSUANCE OF TEMPORARY AQUIFER PROTECTION PERMIT NO. P-106360, PLACE ID 1579, LTF 61845, SIGNIFICANT AMENDMENT; AUTHORIZING THE FULL PROSECUTION/LITIGATION OF THE APPEAL, AND THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DECLARING AN EMERGENCY.

BACKGROUND/DISCUSSION:

March 6, 2012 Curis Resources, Inc., now known as Florence Copper Inc., submitted an application for a Temporary Individual Aquifer Protection Permit to the Arizona Department of Environmental Quality. On September 28, 2012, the Arizona Department of Environmental Quality authorized and issued to Florence Copper Inc. the Temporary Individual Aquifer Protection Permit and after an appeal hearing, on September 29, 2014, the presiding Administrative Law Judge recommended to the Water Quality Appeals Board that the Temporary Individual Aquifer Protection Permit be rescinded.

November 14, 2014, the Water Quality Appeals Board remanded the matter back to the Arizona Department of Environmental Quality for "further proceedings consistent with this Order", as a remand which would allow the Arizona Department of Environmental Quality "to implement the required amendments through the process of a significant amendment as set forth in relevant statutes and rules.

April 1, 2015, Florence Copper Inc. submitted its application for significant amendment to the Temporary Aquifer Protection Permit No. P-106360.

August 3, 2016 the Arizona Department of Environmental Quality authorized a Temporary Aquifer Protection Permit No. P-106360, Significant Amendment (the "Permit") and issued same to Florence Copper Inc.; and

By adopting Resolution No. 1598-16, the Town will file an appeal challenging the validity and issuance of the Permit and the full prosecution/litigation thereof is in furtherance of the purposes of the Town of Florence (the "Town") and in the public interest.

FINANCIAL IMPACT:

It is estimated that filing the appeal and actions association with the appeal will cost approximately \$50,000.

STAFF RECOMMENDATION:

Adoption of Resolution No. 1598-16

ATTACHMENTS:

Resolution No. 1598-16

RESOLUTION NO. 1598-16

RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE TOWN OF FLORENCE'S APPEAL CHALLENGING THE VALIDITY AND ISSUANCE OF TEMPORARY AQUIFER PROTECTION PERMIT NO. P-106360, PLACE ID 1579, LTF 61845, SIGNIFICANT AMENDMENT; AUTHORIZING THE FULL PROSECUTION/LITIGATION OF THE APPEAL, AND THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DECLARING AN EMERGENCY.

WHEREAS, on March 6, 2012 Curis Resources, Inc., now known as Florence Copper Inc. (hereafter referred to "Florence Copper Inc."), submitted an application for a Temporary Individual Aquifer Protection Permit to the Arizona Department of Environmental Quality; and

WHEREAS, the Arizona Department of Environmental Quality authorized and issued to Florence Copper Inc. the Temporary Individual Aquifer Protection Permit on September 28, 2012; and

WHEREAS, the authorization and issuance of Temporary Individual Aquifer Protection Permit was appealed; and

WHEREAS, after an appeal hearing, on September 29, 2014, the presiding Administrative Law Judge recommended to the Water Quality Appeals Board that the Temporary Individual Aquifer Protection Permit be rescinded; and

WHEREAS, on November 14, 2014, the Water Quality Appeals Board remanded the matter back to the Arizona Department of Environmental Quality for "further proceedings consistent with this Order", as a remand would allow the Arizona Department of Environmental Quality "to implement the required amendments through the process of a significant amendment as set forth in relevant statutes and rules. . ."; and

WHEREAS, on April 1, 2015, Florence Copper Inc. submitted its application for significant amendment to the Temporary Aquifer Protection Permit No. P-106360; and

WHEREAS, on August 3, 2016 the Arizona Department of Environmental Quality authorized a Temporary Aquifer Protection Permit No. P-106360, Significant Amendment (the "Permit") and issued same to Florence Copper Inc.; and

WHEREAS, the filing of an appeal challenging the validity and issuance of the Permit and the full prosecution/litigation thereof is in furtherance of the purposes of the Town of Florence (the "Town") and in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, that:

Section 1. The execution, filing, delivery, and the full prosecution/litigation of the Town's appeal challenging the validity and issuance of the Permit, and notices, filings, certificates, pleadings, correspondence, proceedings, agreements and other documents as may be necessary or convenient related thereto is approved and authorized.

Section 2. The Mayor, the Town Manager, the Attorneys for the Town and other officers of the Town, on behalf of the Town, are authorized and directed, without further order of the Mayor and Common Council of the Town, to do all such acts and things, including the full prosecution/litigation of the appeal, and to execute, file and deliver all such notices, certificates, filings, pleadings, correspondence, proceedings, agreements and other documents as may be necessary or convenient to be executed, filed and delivered on behalf of the Town, to evidence compliance with, or further the purposes of, all the terms and conditions of this Resolution and the consummation of the transactions contemplated by, and as may be necessary to carry out the terms and intent of, this Resolution.

Section 3. All actions of the officers and agents of the Town which conform to the purposes and intent of this Resolution and which further the Town's rights with respect to the Permit as contemplated by this Resolution, whether heretofore or hereafter taken, are ratified, confirmed and approved.

Section 4. If any section, paragraph, clause or phrase of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or phrase shall not affect any of the remaining provisions of this Resolution. All orders, resolutions and ordinances or parts thereof inconsistent herewith are hereby waived to the extent only of such inconsistency. This waiver shall not be construed as reviving any order, resolution or ordinance or any part thereof.

Section 5. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, particularly to immediately preserve the Town's rights with respect to the approval by the Arizona Department of Environmental Quality for operation of a Florence Copper Project-Pilot Test Facility over groundwater of the Pinal Active Management Area and to assert, before the expiration of the September 2, 2016 appeal deadline, an appeal challenging the validity and issuance of Temporary Aquifer Protection Permit No. P-106360, Place ID 1579, LTF 61845, Significant Amendment, and an emergency is hereby declared to exist, and this Resolution will be in full force and effect from and after its passage by the Mayor and Common Council of the Town and it is hereby excepted from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, and approved by the Mayor of the Town of Florence, Arizona, this 22nd day of August, 2016.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

CERTIFICATION

I hereby certify that the foregoing Resolution No. _____ was duly passed and adopted by the Mayor and Common Council of the Town of Florence, Arizona, at a special meeting held on the 22nd day of August, 2016, and the vote was _____ ayes and _____ nays.

Lisa Garcia, Town Clerk