

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE COUNCIL SPECIAL MEETING HELD ON WEDNESDAY, JUNE 27, 2018, AT 12:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

The meeting was called to order at 12:00 pm.

2. ROLL CALL:

**Present: Walter, Woolridge, Hawkins, Guilin, Anderson, *Wall, *Larsen
Councilmember Wall and Councilmember Larsen appeared telephonically.**

3. 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.

4. ADJOURN TO EXECUTIVE SESSION

Discussion and possible action to authorize the holding of an Executive Session during the Council Meeting for the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- a. Town's position and instruct its attorneys regarding the Petition for Review of Underground Injection Control Permit Issued by USEPA Region 9 for the Florence Copper Project, UIC Appeal 17-03, and related proceedings, including Ninth Circuit appeals of the 1997 Aquifer Exemption (Case No. 17-73170) and the decision of the Environmental Appeals Board (Case No. 17-73168).
- b. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.
- c. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015 -000325.
- d. Discussion or consultations regarding the Town of Florence Intervention In the Matter of the Commission's Investigation into the Billing Practices and Water Quality Issues of Johnson Utilities, LLC before the Arizona Corporation Commission or in regard to any matters involving the Commission's review, public participation, investigations into Johnsons Utilities, LLC Operations including but not limited to Case Numbers: WS-02987A-17-0392; WS-02987A-18-0151; WS-02987A-18-0050; WS-02987A-06-0667.

On motion of Vice-Mayor Woolridge, seconded by Councilmember Guilin, and carried to adjourn to Executive Session.

5. ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to adjourn from Executive Session.

Mayor Walter and Councilmember Larsen left the meeting at 2:25 p.m.

6. NEW BUSINESS

- a. Discussion/Approval/Disapproval of authorizing the Town Manager and Town Attorney to file Motions to Intervene with and/or appear before the Arizona Corporation Commission on behalf of the Town of Florence in regard to any matters involving the Commission's review, public participation, investigations into Johnsons Utilities, LLC Operations including but not limited to Case Numbers: WS-02987A-17-0392; WS-02987A-18-0151; WS-02987A-18-0050; WS-02987A-06-0667; and any other ACC proceedings regarding Johnson Utilities, LLC as the Town Manager and Town Attorney deem necessary or appropriate to protect the interest of the Town.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to authorize the Town Manager and Town Attorney to file Motions to Intervene with and/or appear before the Arizona Corporation Commission on behalf of the Town of Florence in regard to any matters involving the Commission's review, public participation, investigations into Johnsons Utilities, LLC Operations including but not limited to Case Numbers: WS-02987A-17-0392; WS-02987A-18-0151; WS-02987A-18-0050; WS-02987A-06-0667; and any other ACC proceedings regarding Johnson Utilities, LLC as the Town Manager and Town Attorney deem necessary or appropriate to protect the interest of the Town.

- b. Motion to approve and ratify the Terms of Engagement for Legal Services approved at the June 18, 2018 Council Meeting as it relates to the expenditures for legal services with Ryley Carlock & Applewhite and Albert H. Acken for legal representation of the Town of Florence in regulatory matters, including administrative appeals and potential litigation with respect to Matters of Commission's Investigation of Johnson Utilities LLC, before the Arizona Corporation Commission.

On motion of Councilmember Guilin, seconded by Councilmember Anderson to approve and ratify the Terms of Engagement for Legal Services approved at the June 18, 2018 Council Meeting as it relates to the expenditures for legal services with Ryley Carlock & Applewhite and Albert H. Acken for legal representation of the Town of Florence in regulatory matters, including administrative appeals and potential litigation with respect to Matters of Commission's Investigation of Johnson Utilities LLC, before the Arizona Corporation Commission.

7. TOWN MANAGER'S REPORT

8. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

9. ADJOURNMENT

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, and carried to adjourn the meeting at 2:39 p.m.

Posted this 27th day of June 2018, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.