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Marian Sheppard, BOS
12/15/2015

RESOLUTION NO. 15-12-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, ACCEPTING THE RESIGNATIONS OF TWO (2) GOVERNING BOARD MEMBERS OF THE SOLITUDE TRAILS DOMESTIC WATER IMPROVEMENT DISTRICT (STDWID); REVOKING THE AUTHORITY OF THE STDWID; NAMING THE GILA COUNTY BOARD OF SUPERVISORS AS THE BOARD OF DIRECTORS FOR THE STDWID; AND RESERVING THE AUTHORITY TO CALL FOR NEW ELECTIONS FOR THE STDWID.

WHEREAS, the Gila County Board of Supervisors has been made aware that two (2) of the three (3) board members of the Solitude Trails Domestic Water Improvement District (herein after STDWID) have resigned their positions on the STDWID Board; and

WHEREAS, these two (2) board members are: Mark J. Fumusa and Mark Peschman and;

WHEREAS, the STDWID Board will be unable to make a quorum of its board with its one (1) remaining board member; and

WHEREAS, without being able to make a quorum, the STDWID will be unable to appoint new members to its board and will therefore be unable to conduct business now or in the future; and

WHEREAS, the STDWID has and will have business that can only be conducted by a board and that without action by the Gila County Board of Supervisors, the STDWID will be unable to conduct its business that must be handled by a board; and

WHEREAS, A.R.S. §48-1016 authorizes that the Gila County Board of Supervisors "may at any time revoke the authority of an elected board of directors in order to protect the residents of the district; and

WHEREAS, the Gila County Board of Supervisors finds that due to the STDWID Board's inability to make a quorum and thereby perform the responsibilities of the STDWID Board, it is necessary to revoke the authority of the STDWID Board; and

WHEREAS, pursuant to A.R.S. §48-1016 and §48-908, the Gila County Board of Supervisors has authority to revoke the power of the STDWID Board and to govern the STDWID as its Board of Directors; and

WHEREAS, pursuant to A.R.S. §48-1016 the Gila County Board of Supervisors acting as the STDWID Board has "the option of calling for new elections for the district board of directors."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA:

1. That the Gila County Board of Supervisors accepts the resignations of Mark J. Fumusa and Mark Peschman of the STDWID Board;

2. That pursuant to A.R.S. §48-1016, the Gila County Board of Supervisors revokes the authority of the STDWID Board;

3. That pursuant to A.R.S. §48-1016 and §48-908 the Gila County Board of Supervisors hereby assumes the authority to govern the STDWID as its Board of Directors; and

4. That the Gila County Board of Supervisors reserves its authority pursuant to A.R.S. §48-1016 to call for new elections for the STDWID Board of Directors.

PASSED AND ADOPTED this 22nd day of December 2015.

Attest:

Marian Sheppard, Clerk

GILA COUNTY BOARD OF SUPERVISORS

Michael A. Pastor, Chairman

Approved as to Form:

Jefferson R. Dalton
Deputy Gila County Attorney
Civil Bureau Chief