

NOTICE OF SPECIAL BOARD MEETING

DECEMBER 6, 2012 AT 4:00 P.M.

**SUNSIDES-PEARCE FIRE DISTRICT
GOVERNING BOARD OF DIRECTORS**

**At the Sunsites Community Center located at
1216 E. Treasure Rd., Pearce, AZ 85625**

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Sunsites-Pearce Fire District and the general public that the Sunsites-Pearce Fire Districts Governing Board will hold a meeting open to the public on December 6, 2012 at 5:00 pm at the Sunsites Community Center located at 1216 E. Treasure Rd., Pearce, Arizona 85625.

The Board may vote to go into executive session on any agenda item. Board Members or other participants may attend by telephonic conference. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

A copy of the agenda provided to the SPFD Board members is available for pickup at SPFD, 105 Tracy Road, Pearce, AZ 85625 between the hours of 8 a.m. and 5 p.m. Monday through Friday.

AGENDA

1. CALL TO ORDER: CHAIRMAN LANCE

Declaration of Conflict of Interest – If you have a conflict of interest. You will need to declare that conflict prior to any discussion of the agenda item and excuse yourself from the vote on the issue.

2. ROLL CALL

3. NEW BUSINESS:

A. REVIEW AND DISCUSS AGENDA ITEM 10-E FROM THE NOVEMBER 20, 2012 AGENDA AS TO THE REPAIRS TO ENGINE 305 PUMP LEAKS. DISCUSS & VOTE ON DELAYING REPAIR.

B. DISCUSS PUBLIC RECORDS MANAGEMENT STATUTE ARS 41-151.14

(I) DISCUSS & VOTE: ON PUBLIC RECORDS ONLINE FOR PUBLIC ACCESS

(II) DISCUSS & VOTE: ON NEED FOR PUBLIC RECORDS UPDATE

(III) DISCUSS & VOTE: ON BOARD SUPPORT POSITION FOR PUBLIC RECORDS MANAGEMENT

(IV) DISCUSS & VOTE: ON FILLING BOARD SUPPORT POSITION.

ATTACHED STATUTES:

41-151.14: State and local public records management; violation; classification; definition

29-121.01: Definitions; maintenance of records, copies, printouts or photographs of public records; examination by mail; index

39-121.02: Action on denial of access; costs and attorney fees; damages

41-151-18: Definition of records

38-421: Stealing, destroying, altering or secreting public record; classification

C. DISCUSS & VOTE: CHANGE CHOICE OF SPFD ATTORNEY FROM COUNTY ATTORNEY TO PRIVATE "AFDA" ATTORNEY.

D. DISCUSS & VOTE: NUMBER OF "AFDA" CONFERENCE ATTENDEES & COSTS.

4. ADJOURN

Posted by: _____

Date: _____ Time Posted: _____

Persons with a disability may request a reasonable accommodation by contacting Chairperson Fino at (520) 678-5578 or calling the Sunsites-Pearce Fire Station at (520) 826-3645. Requests should be made as early as possible to arrange the accommodation.

The Agenda is posted at the Sunsites-Pearce Fire District Station 1 located at 105 N. Tracy Rd., Pearce, AZ 85625; the US Post Office, 107 N. Frontage Rd., Pearce, AZ 85625 and the Produce Wagon, 1036 E. Eastland Rd., Cochise, AZ 85606. Only these locations can be relied upon for official postings under the Arizona Open Meeting Law. Any Technological problem or failure that either prevents the posting of public notices on the 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 pursuant to ARS 38-431.02 A. 1. (b)

Board Support Position

41-151.14. State and local public records management; violation; classification; definition

A. The head of each state and local agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency.
2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.
3. Submit to the director, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.
4. Submit a list of public records in the agency's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.
5. Once every five years submit to the director lists of all essential public records in the custody of the agency.
6. Cooperate with the director in the conduct of surveys.
7. Designate an individual within the agency to manage the records management program of the agency. The agency shall reconfirm the identity of this individual to the state library every other year. The designated individual:
 - (a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.
 - (b) Shall act as coordinator and liaison for the agency with the state library.
8. Comply with rules, standards and procedures adopted by the director.

B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records. Such governing body, as far as practicable, shall follow the program established for the management of state records. The director, on request of the governing body, shall provide advice and assistance in the establishment of a local public records management program.

C. A head of a state or local agency who violates this section is guilty of a class 2 misdemeanor.

D. For the purposes of this section, "records management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation.

39-121.01. Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

2. "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.

B. All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state.

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-151.15 and 41-151.19.

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.

2. If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person. The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order. This paragraph shall not be construed by an administrative tribunal or a court of competent jurisdiction to prevent or require an order compelling a public body other than an agency to furnish an index. For the purposes of this paragraph, "agency" has the same meaning prescribed in section 41-1001, but does not include the department of public safety, the department of transportation motor vehicle division, the department of juvenile corrections and the state department of corrections.

3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs

shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

E. Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record or fails to provide to the requesting person an index of any record or categories of records that are withheld from production pursuant to subsection D, paragraph 2 of this section.

41-151.18. Definition of records

In this article, unless the context otherwise requires, "records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records as used in this article.

38-421. Stealing, destroying, altering or secreting public record; classification

A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

B. A person not an officer who is guilty of the conduct specified in subsection A of this section is guilty of a class 6 felony.

13-701. Sentence of imprisonment for felony; presentence report

C. Except as provided in section 13-604 the term of imprisonment for a felony shall be determined as follows for a first offense:

1. For a class 2 felony, five years.
2. For a class 3 felony, three and one-half years.
3. For a class 4 felony, two and one-half years.
4. For a class 5 felony, one and one-half years.
5. For a class 6 felony, one year.

In Arizona, felony offenses are given classes from class 2 to class 6, with class 2 felonies being the most severe and class 6 felonies being the least severe.