**TOWN OF SUPERIOR**
**Special Council Meeting**
**Thursday, August 1, 2013, 5:30 P.M.**
**Superior Senior Center**
**360 W. Main Street, Superior, AZ 85173**
**MINUTES**

**CALL TO ORDER:**

Council Member Gilbert Aguilar called the meeting to order at 5:38 p.m.

**ROLL CALL: Present:** Council Members Michael Alonzo, Stephen Estatico, John Tameron, Kiki "Soyla" Peralta, Vice Mayor Olga Lopez and Mayor Jayme Valenzuela; **Absent:** N/A

**INVOCATION:**

Mr. FredMiramon gave the invocation.

**PLEDGE OF ALLEGIANCE:**

Council Member Aguilar led the Pledge of Allegiance.

**1. ACTION ITEMS:**

**A.** Presentation on Town's Position on the Southeast Arizona Land Exchange Bill

Council Member Tameron recused himself because of conflict of interest and left the dais.

Mayor Valenzuela recused himself because of conflict of interest and said he would stay in his seat as this was not an action item.

Vice Mayor Lopez indicated the same as the mayor.

Council Member Peralta read the document "Superior Town Council Concerns Regarding the Southeast Arizona Land Exchange Legislation," dated August 1, 2013, into the record. (On File with Town of Superior)

Have you asked yourself what is your duty to maintain, protect and move forward? Where do your loyalties lie, to whom will we send our future generations to for help and answers if we don't work towards maintaining, protection and moving our town forward?

In Superior we have a serious question to ask of ourselves and of our fellow residents, what is our responsibility, as a resident and how can we fulfill our duty to maintain, protect and move forward for the benefit of all the residents of the Town of Superior?

These questions affect all of us as residents. Imagine our next few years of possible growth, booming business, new homes flattened by the ever present economic turmoil. Business growth and money we jumped at without safeguarding our future and environment, now boarded up and empty, environmental messes with expensive, long-term clean-up costs left for our future generations to deal with along with any possible health issues.

We are long-term residents of Superior. We are town council members of Superior. We were elected into our positions by our fellow residents, our neighbors, our friends. We love this town and have families here of all ages and generations, and loved ones buried here who, like us, loved this town too.

They lived here, worked, sweated and died here. Our council wants to see Superior grow and thrive like the rest of you, but we want to make sure questions are answered and legal assurances are made before any offer is taken. We want the entire community to be aware of what outcome our decision today can have. We do not want to give them our hopes and confidence but instead a real and exact account of what will happen. We want to do what we feel is our personal and public responsibility which is to protect our town for our current and future residents. We want to make sure we can hold our heads up and know that we asked the hard but necessary questions, and received the hard answers, not vague promises.

First, we would like to discuss the seriousness of the questions we must ask. Second, we will discuss the importance of the answers and the possible outcomes. Next we will present the possible solutions we believe can benefit all of us and answer our serious questions.

There are serious questions we as residents must ask ourselves. The effects are extensive.

Superior has one of the largest ore bodies in the Country and has been a mining community for over 100 years. We have seen the growth and decline that comes along with mining.

In 2008, Resolution submitted a pre-feasibility Plan of Operations which was just to explore and assess. We, to this date, have not seen or received answers regarding an actual Mining Plan of Operations.

We do not know for sure what mining method will be used nor the impact on the environment from that method.

As an example, block cave mining will create subsidence. Resolution has indicated they will monitor this subsidence. However, at their Bingham Canyon Open Pit Mine in Utah, they experienced an extremely severe landslide even though a monitoring system was in place. Where are the guarantees that this will not happen at Oak Flat and Apache Leap?

We have not received any written amounts of water expected to be used and discharged and the effect on our own water table.

We have not received any written assurances of who will be responsible for any environmental effects and possible health hazards both physically and financially. A perfect example would be from Mr. Lira's own stated experience with tailings. (Interjection by Ms. Peralta regarding an article.)

In February of this year The Mutual Benefits Agreement was terminated. There were many areas that had legal issues and areas that were not beneficial to the town. Previously we were assured our concerns would be addressed and we hoped we would have a mutually

beneficial future working with Resolution, however, after many years and lack of answers from RCM, along with many questions and opposition from residents and new legal advisement we understood that hope alone was not enough. When we became aware of Hank Gutierrez's conviction for a conflict of interest, which caused the Mutual Benefits Agreement to be null and void, we expected RCM to act in good faith and re-address the Agreement with open negotiations. However RCM chose to move ahead with their land exchange legislation without any consideration of the Town of Superior. As a result, the current legislation does not include **any** benefit to our town.

Currently, Resolution Copper has requested our support for land exchange legislation. That legislation has been revised many times and offers no immediate benefit for the town. Previous drafts included alternative recreation areas that are not included now. Numerous attempts and conversations were made to discuss our concerns with the legislation and we were told our concerns would be addressed both before our initial support and after our withdrawal of support but have received no action from Resolution Copper Mine. These attempts were never requested in writing but we have learned from that. This year the RCM legislation was dropped in the House without ever discussing it with our town council or addressing our concerns. We have been told that if we support the bill with a written letter first, *then* RCM will open up negotiations. Repeated requests to meet with Gosar and Kirkpatrick only resulted in an email from Gosar in March where we were told they were absolutely committed to resolving this problem and promise not to advance the bill into law without doing so. This promise was not kept.

Our lack of answers can lead to decisions that affect us long-term.

RCM is part of Rio Tinto and their history with other mining communities is not comforting. Rio Tinto has sold their interest or abandoned other mining communities such as Greenscreek, Alaska, Northparkes, Australia and Palabora, South Africa. We do not know what private agreements were made or concerns the community had but all of that no longer matters once the interest was sold. If the same happens to our community the land we freely support in a land exchange will be owned by another and any agreement worked out without a legal binding contract with RCM no longer counts.

The lack of knowledge of tailing sites leaves us blind as to where the next mountain of tailings will be. We know several sites have been studied, including some within or around our town limits but RCM has not shared the exact sites with us only possibilities.

Jobs and our town's economic growth is on all of our wish lists, however, no guarantees or commitments have been legally documented. No training for our community, no commitments to be a U.S. employer or a local (as in town of Superior residents) employer. The best some can hope for is a "trickle-down effect" which only applies if RCM doesn't sell. Rio Tinto also has a history of outsourcing their jobs and has the capability to run remote equipment from anywhere in the United States.

Water is a main concern and one of our necessities to live. We have not received any Hydrology reports. Grout is currently being added to stop shaft leaks, and we have no idea if this impacts our water quality or if the underground wells are interconnected. We just do not have any answers or legal assurances.

RCM needs to give us written, legal assurances with exact accounts of jobs, water quality, tailing sites and environmental impact. We need to make sure they are responsible for any new company they sell to for any and all future environmental issues. Maybe provide royalties like oil companies do.

And most importantly, a mining plan of operations must be made public before we can give our support. This ties everything together. We are interested and very concerned with the results of the NEPA study before the land exchange is done because we are not clear on the differences between NEPA for public vs. private land ownership.

We have to know how this proposed project will affect our community and our future generations. It is our responsibility, everybody's responsibility, to ask these questions and get answers. Make sure your voices, each individual voice, is heard. Do not let a "committee's" blind approval speak for you. We all make up the population of Superior and it is each of our responsibility and our duty to maintain, protect and ensure our communities' growth and to ensure our future residents do not suffer negative financial, environmental and medical effects of our decisions today.

Council Member Aguilar indicated this was the information. They would allow public comments of 3-5 minutes.

Penny Pew, District Director for Congressman Paul Gosar, indicated that Rep. Gosar felt the town's action had serious consequences in Washington, making it hard to get the legislation into law. Community members have contacted his office in support of the effort and saying they do not support the town's action. He hopes they reverse the decision.

Sandra Doyle, 81 Smock Avenue, responded to points in the statement, including the reference to loving the town. She indicated a lot of people who are dead would be appalled at what is going on, at not going through the mine. She also referenced the statement on the council not having not received a written account regarding water. She said if they attended all the workshops and came in on time, they would get a lot of those answers. She discussed the reference to when the Mutual Benefits Agreement became null and void and asked why at the time council did not wipe the slate clean and start communicating again. Referencing the area in the document about Rep. Gosar and the bill, she said it didn't help when two board members went to Washington saying they represented the town, which was not true, they did not represent her. Saying they did not want the mine in the town was deceptive. A lot of people in the town want the mine.

Mila Besich Lira, thanked council for having the session. She indicated that Resolution was a very big project in the community. They had to look at it responsibly and get the most benefit they could for the community. The biggest thing is how everything was done and everyone blindsided. If they knew the Mutual Benefits Agreement would have to be revised, a smart thing to do would have been to have a meeting. The reason the community has been in an uproar for six months was lack of transparency. Meetings had not been agendized properly. The mine would go through whether or not the town supported it but if they supported it, they might get benefits for their community. She made further comments and stated they would get the town back on track and get behind this economic engine.

Andrew Taplan of Resolution discussed difficulties in the past 6-7 months and how the company would be pleased to put this history behind them. It was evident the council had serious concerns about the project and questions and needed answers that were not provided. Going forward, they as a company must do a better job of addressing concerns and questions of the town council. He would like to think that the actions they have taken in the past 4-5 months with their active engagement in communications have gone a long way in addressing the past shortfall. He believed that would be the modus operandi going forward.

He discussed how they did not have a solid, trust based relationship with the Town of Superior. For their mutual success they need this. The Resolution Copper Project is a long term project. They need a very solid relationship with the TOS and other towns in the region.

He discussed some of the comments by the TOS in its statement. These included the need for written legal assurances regarding jobs, water quality, tailing sites and environmental impact, ensuring RCM is responsible for any new company they sell to for any and all future environmental issues and a mining plan of operations that must be made public before TOS can give its support. He said this last tied everything together. In looking at all these requests, he thought the majority, if not all of them, could be rapidly addressed.

He indicated he would welcome the opportunity to sit down at the first opportunity. He is confident they can work out the outstanding issues quickly.

Curt Shannon, Gold Canyon, said he represented the Access Fund, a group that advocates for recreational areas threatened by destruction by mining or other types of development. He has been involved with this mining project in opposition to it in some ways since 2004. He clarified they are not anti-mine. There are things the mine could do that would allow them to be able to support the project. They are not getting there yet but think they can. A land exchange is putting the cart before the horse. They are arguing about water and tailings and a lot of other things and if there were a complete Mining Plan of Operation and if there was a complete Environmental Impact Study done before asking for a land exchange, they could have a more intelligent discussion. They would like to see the water issues solved and some way the copper could be extracted without completely destroying all the recreational resources that are out at Oak Flat and some others around the area. They would not at all object to positive economic impacts coming to the TOS or to the state of Arizona, but doing it blindly without doing all the proper studies at first is not the right way to proceed.

Roger Featherstone, Director, Arizona Mining Reform Coalition, said this was a coalition to ensure that mining in Arizona is done responsibly. He indicated the coalition's applause of the town's decision to abandon the Mutual Benefits Agreement and support of the land exchange. Both of those are not in the town's best interest nor the general public. He said he would not really go into the reasons re the Mutual Benefits Agreement other than just to say the town's support of the land exchange was unconditional in the Mutual Benefits Agreement. Rio Tinto had the ability to change the legislation at will and has done a tremendous amount of changes to this legislation in the past 11 and now the 12$^{th}$ attempt

to pass it. The Mutual Benefits Agreement would have bound the town to support the legislation no matter what the language in the document said. He indicated the land exchange had a fatal flaws and discussed examples. He discussed the NEPA process and the land exchange. He suggested Rio Tinto halt the land exchange and not pick it up until after the Mining Plan of Operations. He discussed tailings and that Rio Tinto had talked about being transparent but the coalition had to ferret out information on tailings sites in Florence Junction.

Anna Jeffrey indicated that she had been born and raised in Superior. To her it had always been beautiful and special. Their culture, history, recreation are the true qualities of what they have to offer. Mining companies come and go. Driving through Miami she used to look at the tailings and say there was no way they would do that to Superior. It is too beautiful, too precious. Eisenhower put a protection on it and Nixon reinforced it. She is scared of the mine. She had heard they wanted to put a 15-mile tailings dump near the Arboretum. She wanted people to think about it some more because this is a special place and if they let this mining company do what they want, it is not going to be special anymore.

Manuel Ortega discussed the cancer rate in Superior. There is a problem in Superior. Protect the people. What is causing the cancer? He advised sampling the whole town, cleaning up the health of the town.

R.C. Chavez, 104 Palo Verde Drive, said he was a lifelong Superior resident. He was mayor in 1996 when Rio Tinto came to town and advised him they were considering opening the mine. He was ecstatic, but the town had done a lot of diversifying since the mine had closed. He discussed the improvements that had been made without a substantiated economic base and made further comments. He indicated that the only thing the mines had contributed to the community was employment taxes. The town did not collect direct revenue from these companies with the exception of Hayden. The Hayden School District is ready to close. Every mining company is losing population. This is not your grandfather's mine. He did not want a new form of environmental impact and hazard. They can't put all their eggs in a mine basket again. He shared a map of the Copper Triangle and said that was what was going to be mined, not just the Oak Flat. These companies are not looking 40-50 years out. They are looking 100 years, 120-150. If they want to live with this, follow this format, this template, fine, make sure, watch out what they wish for because this is the future, not just the Oak Flat Campground. The Concerned Citizens & Retired Miners Coalition supports the industry, but the industry has changed. Either they change the method of mining and make it less environmentally impacted or royalties are collected from foreign companies. Those are the only two ways to do this.

Michael Hing, 115 N. Kellner, told the council they were in tough shoes. He indicated the council's statement was a clear response. When he was mayor and Rio Tinto came and said they had found something really big, an ore body. He could not believe that had been more than 10 years ago now. They have seen their presence there and shared in the benefits for the community. You can't hide from that. But they live in a very blessed, beautiful area, but also in a rich ore body area and this huge company wants to mine that ore body. On the surface people thought they were being bought out. They were creating a partnership that it was hoped would last the endurance of the mine. But he saw where the council is seeking some assurance. He understood where the council is coming from. He made further

comments including those regarding cancer, water and health issues, clean-ups, the good faith showed by Resolution, and how the decision belongs to council. He indicated he was there to support the council and the community and asked Resolution to help the community out, take the lead role on this and take a look at the health of the community. Come with a clean slate, because if they are going to mine for the next 60 years, tell him what he is exposed to. He urged council to communicate. Are they supporting mining or not? If they are they need to work together to find solutions. There are solutions out there.

Nancy Vogler, 502 Church, said she was a 6-year resident and thanked the mayor and council for having the meeting as there were questions about their non-support of the mine. It probably would have helped if they had the meeting a little bit sooner. She made further comments regarding feelings of a group of people and how they did not want to be angry but wanted answers. A burning question was regarding who paid for a trip to Washington D.C.

Fred Miramon said he did not came with a prepared speech, just to listen. He indicated how he cherished the beauty of the surrounding. He said Mr. Ortega's point about cancer was a good one. Other towns have had that and taken care of it. He discussed points having to do with cancer, rain water, clean-ups, BHP and the Northwest Study. He supported the town council, supported the mine being here but there are other issues that he does not support.

Marilee Lasch, 200 N. Magma, addressed the fact that cancer is worldwide. She listed family members who had cancer and said none of them lived in Superior. Cancer is an enemy of human beings. It probably more concerns the food we eat and the air we breathe. They can't finger point at one thing. She made further comments on the period when she had first moved to Superior, her love for Superior and for meetings such as this that are informative. She encouraged attendance at meetings. She has tried to show the town she is for it. She has had many activities in the town. She has tried to push the beauty of the town. To say that Resolution is going to save them is a pipe dream. They have to keep the faith.

Hank Gutierrez commentedthatthe position statement was a day late and a dollar short. The decision had been made. The council came up short by not being transparent. This was a joke for the most part. This is about the upcoming recall. He was not going to address all the things about Resolution. There was some truth in what was being provided to the community. The document starts off about where loyalties are. What does that have to do with Town Council making decisions, especially big ones when it comes to the Mutual Benefit Agreement and terminating the agreement?He discussed the number of those who voted for the termination and how many were actually elected, the statement regarding conflict of interest and responded on a variety of the statement's concerns.

Council Member Aguilar asked if there were council comments.

Council Member Peralta reaffirmed that the council is not against mining. She advised keeping an open mind. Resolution is not the only mining company and that ore body is not going anywhere. There are other companies that may very easily be willing to come in and mine it more responsibly.

Council Member Aguilar said he also had a comment because he was one of those who had voted. Someone said up there that nothing was said. Yes, he did. He stated: I talked to you. You know I talked to you and I told you exactly what went on. So when he got back to me and said, "What's your second plan of action?" I said we are going to look into it. To say that nothing was said or nothing was done, yes we did. I went to a lot of you and explained why the decision was made. I didn't hide about it. I let you know exactly why the decision was made, and you can come up here and say that nothing was said, nothing was done? I am sorry but that is entirely a lie because you know I spoke to a lot of you. I told you exactly why the decision was made. In truth, just as I spoke to Mr. Taplan, this thing probably would have been done already. We probably would have negotiated already. We would have gone to the table, but we kept wanting to see what the outcome of all this was going to be. Now they talk about the tailings and I flat out said I don't want it in my time. I'm sorry but, you know what, I lived through the days where at 4 o'clock or when it was windy, we had to breathe all that. Have you people forgotten that? We breathed all that, and that's what our concerns are. If it happens again, who is responsible? It might not be us that are going to be living by then. But it could be our kids. It could be our grandkids. It could be your nephews. Not everybody is going to move from here. You've got to understand. I've got to make sure that down the road these questions are answered. To make sure that these things are going to be taken care of. Yeah, good faith. I would love that. But put it in writing. Make sure that's in good faith. Yeah, good faith. We're going to go back to it. We're going to talk about it. Yeah, we are. I hope so. I think we've got a good relationship. But these questions are going to be answered and that's what I'm going to bring back to them and that's what I'm going to bring back to you. Am I going to make a decision? No. Are we going to make a decision, yes. And that decision is going to be made by all of us, all of us four, but we will go over every little thing that's involved here we're not going to close one eye and just see part of it. That's what you deserve. All of us. I am not going to go through those days. It is going to be years if the tailings are around. It'll be years and years. But it is going to happen. Something will happen. You know, as Michael says, we've got to work together. It is all about this whole community. It is not about me. It is not about her. It is not about you. It's about the whole community. All I am asking is let's work and talk to us. Don't ignore us because we have differences of opinion. We can talk about it. We can discuss these things and I'm hoping to take some of this to you people and say look, this is what's there. What do you think? Are there going to be differences of opinion. Yes there are, but at least I am going to have all of you. That's all I'm asking. Thank you.

**2. <u>ADJOURNMENT</u>:**

**MOTION:**Council Member Peralta moved for adjournment. Council Member Estatico seconded. **VOTE:** The motion carried unanimously. Council Member Aguilar adjourned the meeting at 7 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the Town Council of the Town of Superior held on the 1st day of August, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

**/S/_____**
**Jayme Valenzuela, Mayor**

These minutes were compiled & transcribed by Cindy Tracy, an independent contractor.
Final editing of these minutes & their content was completed & verified by Town of Superior staff.