

OFFICIAL IBSD MINUTES

July 7, 2009

Iona-Bonneville Sewer District (IBSD) Special Board Meeting

Meeting called to order by John Price at: 7:00 p.m.

Board Members Present: John Price (Chairman); Mike Klingler; Susan Ring, Jason Blundell, Glen Clark

IBSD Staff: Cindy Wellman, Donna Bridges

Attorney: Eileen McGovern

Public: Susan Farnsworth, Dan Gubler, Terry McNamara Sally Price, Kevin Harris, Rebecca Klingler, Brenda Klingler; Nick Draper

Agenda Items:

1. Further discussion and decision regarding report to patrons
2. Adjournment

REPORT TO PATRONS

Chairman Price stated that this special meeting was called for further discussion regarding the report to patrons which had been approved by the Board for dissemination last meeting. Chairman Price indicated there was an objection that the prior Board meeting that dissemination of the report constituted electioneering. Chairman Price stated the Board spoke consulted he Attorney General's Office and the Board's attorney and the general consensus amongst those parties was that the report did not constitute electioneering. However, sending the report may complicate the election process and incur additional costs to defend the Board's position. As a result of those discussions, Board Member Klingler wanted to call a subsequent meeting to address that situation.

Board Member stated it is too bad that the newsletter will not be sent. He continued, the Board does not believe the report constitutes electioneering because the report does not mention the recall election or any particular names, it just provides facts about some decisions made by the board to give patrons information regarding lawsuits and happenings within district, etc. It is too bad the report could be twisted to be something it is not intended to be.

MOTION: Board Member Klingler made a motion to withdraw printing and distribution of the report, and instead, to send it out after the recall election in order to still provide information to patrons without complicating the election process. **MOTION SECONDED:** Board Member Clark commented, stating a lot of effort went into that report and that he read it thoroughly more than once and could not find one thing could disagree with. He believes it to be factual, correct, and irrefutable. However, given the problems IBSD has had "with fabricated things that come along", he has to agree with Mike. Board Member Clark indicated his belief that there are enough patrons that know what is going on in the district without the report. **MOTION PASSED** (Yay: Board Member Klingler, Board Member Ring, Board Member Clark; Nay: Board Member Blundell; Chairman abstains)

Chairman Price asked whether the sample ballot should we still be sent. Board Member Klingler responded that the Board is required by law to send ballot out and that it must be advertised in the newspaper and be made available to patrons. Mrs. Wellman indicated the twenty-third (23rd) and thirtieth (30th) are the two dates currently designated to publish the notice of election.

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Board Member Ring indicated she was shocked the Board is having this meeting because she thought the electioneering issue had been resolved.

Ms. McGovern indicated that all entities agree that it would not be electioneering to send out the report. However, the Attorney General's report raises a question whether the newsletter constitutes use of public funds to disseminate material in support or against election issue. To extent sending the newsletter could be construed as answering to election issues or attempting to say electors, it is appropriate not to send it to patrons. To the extent it is seen as neutral information, it is all right to send it.

Board Member Klingler stated the issue came to his attention when he received a call from Bobbie at Bonneville County Elections. Bobbie indicated a patron came in to speak with her, which patron is a friend of Board Member Ring's, and that this patron threatened "to do something to call this electioneering." Board Member Klingler stated that Bobbie called him and expressed that in her opinion as an election officer it would be best if the Board did not send the report because that act could be used as avenue to question the validity of the election. Based on that recommendation and previous similar recommendations from EchoHawk attorneys, Board Member Klingler believed that, even though the sending the report is not electioneering, that argument could be used to frustrate the process he felt it prudent to reconsider the decision to send it.

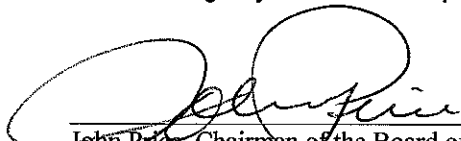
Chairman Price asked for clarification from Board Member Ring regarding whether she was indicating that she did not bring up electioneering repeatedly in the prior meeting.

Board Member Ring indicated she did bring it up at the prior meeting, but did not know about any of the events that had occurred since the prior meeting and is surprised to hear about them.

Board Member Klingler indicated that no one had been aware of those events except himself and Bobbie with Bonneville Elections.

Chairman Price asked if IBSD can we give out newsletter to people who ask for them. Ms. McGovern indicated that IBSD may, so long as public funds are not expended, and people are soliciting the newsletter from the Board. The Board may also send a notice to patrons indicating they may contact the IBSD office if they have any questions about the election.

The meeting Adjourned at 7:11 p.m.



John Price, Chairman of the Board of Directors

11-10-09
Date



Mike Klingler, Secretary/Treasurer

11-11-09
Date