

# OFFICIAL IBSD MINUTES

## July 2, 2009 Iona-Bonneville Sewer District (IBSD) Board Meeting

Meeting called to order by John Price at: 5:07 p.m.

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

**IBSD Staff Present:** Cindy Wellman; Edie Richmond; Donna Bridges

**Attorneys:** Tony Sasser; Eileen McGovern

**Public:** Brenda Klingler; Nick Draper

### **Agenda Items:**

- Amended Open Meeting Laws
- Board Consideration re: Sending a July 2009 Newsletter to Include:
  - Facts pertaining to the resolution of the Bonneville County and Ashwood Acres lawsuits;
  - Severance of relationship with former management and engineering firm;
  - Facts pertaining to recent refunds of service fees and permit fees;
  - Secretary/Treasurer report of current financial statement of the District;
  - Other possible additions to newsletter as determined by the Board.
- Purchasing of Lot 4, Block 4 of the Ammon-Lincoln Industrial Park Div #3 and completion of paperwork associated with it. Next steps for purchasing lot and action items for those steps.
- Employee Benefits
- Adjournment.

### **PRELIMINARY MATTERS**

Chairman Price identified those present, noting Board Member Glenn Clark is absent.

Board Member Ring made a request to begin the meeting by attending to the issue of employee benefits directly after discussion of open meeting laws, to be fair to the staff present at the meeting and prepared to present their proposals to the Board. Chairman Price indicated that would be fine.

### **OPEN MEETING LAWS AMENDMENTS**

Chairman Price requested discussion of the first agenda item, open meeting laws. Cindy Wellman indicated she, and other staff, participated in the online webinar that addressed the Amended Open Meeting Laws and she is prepared to address them.

Eileen McGovern introduced herself to the Board and proceeded to discuss the open meeting laws, recently amended by the legislature. Ms. McGovern addressed four statutes: §§67-2343, 67-2344, 67-2345, and 67-2347, relating, respectively to posting and amending meeting agendas, the method of taking executive session minutes, the conduct of executive session and violations of the act

Ms. McGovern explained that the amendments to the statutes relating to executive session minutes are generally targeted to clarify when, why and how executive session are called and held. She stated members of the public are explicitly excluded; minutes and motions must identify the specific code section(s) authorizing any executive session which is called; once in executive session, discussions are limited to the reasons the executive sessions are called. One such reason is for discussion related to specific qualities of specific people.

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Ms. McGovern stated the general policy of this act, and the purpose of the amendments is to ensure a narrow interpretation of the rules relating to executive sessions

Ms. McGovern discussed the new penalty structure relating to violations of the open meeting laws, specifically involving penalties, remedies and the cure process.

Mrs. Wellman clarified some practical consequences of the amendments to the open meetings law, clarified in the webinar she attended, regarding posting, time for dissemination of agendas, public comments and ensuring they are part of the record, reports, timing of meetings and the processes and conduct of sub-committees. The Board concluded that, for the most part, it is already adhering to these rules.

Ms. McGovern advised the board that any discussion between board members outside the context of a public meeting should be avoided, but administrative tasks may be conducted by individual board members.

Mrs. Wellman noted executive sessions may occur even if they are not mentioned on the meeting agenda. She discussed the hazards of using e-mail to do board business and recommended not using e-mail to do any Board business that could be done in a meeting.

Ms. McGovern suggested not discussing anything on e-mail that it wouldn't be appropriate to discuss outside of a public meeting. Chairman Price indicated it is good policy not to discuss public business or do anything of a definitive nature over e-mail.

Tony Sasser explained that discussing the content of a newsletter, or working on it outside of the public meeting context, is appropriate so long as it is commented on and approved in the public meeting setting.

## EMPLOYEE BENEFITS

Chairman Price initiated discussion of the fourth agenda item, Employee Benefits and how to arrive at a worthwhile benefit package. He requested input from the staff members.

Edie Richmond, IBSD Senior Account Specialist, addressed the Board and presented a proposal as follows: in lieu of health, life, retirement or cafeteria benefits package, Mrs. Richmond proposed the Board pay a higher wage to keep IBSD money with IBSD employees instead of outside companies.

Mrs. Richmond indicated she had broken down her proposal into wage, vacation and sick days. Mrs. Richmond noted her proposal is still lower than median area wage for similar work. Mrs. Richmond stated that, based on a wage report from the State regarding "Office and Administrative Support Workers" the median range is \$16 to \$23.18 per hour. She stated she believes eighteen dollars (\$18) per hour is appropriate.

Mrs. Richmond requested a scale of raises, starting from the thirty (30) day anniversary of her start date, be calculated for the last six (6) months, and retroactive reimbursement be calculated and provided as a bonus. Mrs. Richmond indicated agreement with 6 holidays and one personal day and vacation be calculated at one day per month. She requested medical leave of up to forty (40) hours be determined and approved, only as needed in situations regarding illness or family bereavement.

Mr. Sasser clarified the eighteen dollars (\$18) per hour she requested does not include insurance. Mrs. Richmond agreed.

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Mrs. Wellman clarified that she never indicated, upon hiring Mrs. Richmond, that she promised a "much higher wage" upon employment after a certain period of time. Mrs. Richmond indicated she remembers that differently.

Board Member Klingler clarified that it was his understanding, upon hiring temporary employees, that no promises were made regarding staffing level, which positions would be made permanent, the duration of employment, or amounts to be paid.

Mrs. Wellman stated her understanding was that current staff was informed, upon hiring, that decisions regarding permanence needed to be made quickly because previous employees had waited a while to find out the status of their employment. Board Member Klingler and Chairman Price indicated they understood that current employees have not been told their positions would certainly be made permanent.

Mrs. Wellman and Chairman Price stated they were under the impression that at thirty (30) days employees would be informed whether or not their job would be made permanent. Chairman Price stated he wants to ensure IBSD is a happy and equitable place to work.

Board Member Ring asked if everyone is temporary but Cindy. Cindy indicated uncertainty regarding whether she was a temporary or permanent employee. Chairman Price responded, indicating his understanding that Cindy is a permanent employee.

Board Member Klingler stated the original pay rate offered to temporary IBSD employees was determined by a comparison to temporary employees in the area doing similar work and that the pay was commensurate with those rates. However, he understood that pay level and benefits may be increased upon a determination of permanence.

Donna Bridges, IBSD Field Coordinator, addressed the Board, stating she was originally hired to help with accounts and that her position has transitioned to more responsibility. Therefore, she requests a wage that reflects her actual work load. Further, she requested that the board reconsider its vacation policy. Based on Mrs. Bridges research of other standard employment contracts, and based on her experience at previous jobs, vacation days generally accrue at 1.25 days per month, which is the equivalent of fifteen (15) days per year and includes vacation, sick leave, and personal time.

Mrs. Bridges sees this as a long-term position and is in the process of doing survey work. She believes she is an asset to IBSD as she has "driven" the entire district and is familiar with it. Further, she indicated she already has substantial experience answering questions and understands the operations of IBSD. She hopes to eventually become a greater asset to IBSD and become trained in GIS systems, and be the "go-to" person on that and other questions from IBSD patrons.

Chairman Price suggested staff compile their proposals and submit to them to the Board for consideration.

Board Member Klingler noted that any specific discussions by the Board regarding pay and benefits is a topic most appropriately discussed in executive session.

Mrs. Wellman indicated proposals should be compiled individually. Board Member Klingler and Chairman Price agreed compiling individual proposals is appropriate.

Board Member Ring asked if there are any other benefits being requested by staff besides an increase in leave days. Mrs. Bridges indicated she is interested in retirement benefits and, if there is a choice between receipt of medical benefits or receipt of a higher wage, she would prefer a higher wage.

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Board Member Klingler asked whether it is alright to set up a scenario where employees choose between a higher wage or benefits on individual basis. Mr. Sasser stated such a scenario is appropriate, noting that Idaho is an at-will employment state so employees may choose one or the other and, as long as the same options are available to every employee, the Board is acting appropriately.

Mr. Sasser and Mrs. Wellman questioned whether IBSD employees are eligible for PERSI and whether IBSD employees are considered State or merit employees. Mrs. McGovern indicated she would research that topic.

Board Member Klingler indicated he is aware that employees of the City of Idaho Falls are not state employees so it is likely that IBSD employees are not either.

Mr. Sasser and Ms. McGovern agreed to research the status of IBSD employees. Board Member Blundell agreed to research what comparable agencies are doing for employees.

All board members agreed that final decisions regarding employee pay and benefit plans must be accomplished soon and that the wait is due primarily to other complicating issues which have made it difficult to accomplish this project.

Mrs. Bridges is creating an employee manual from templates from ICRMP and Microsoft. She stated the ICRMP one is better. Mr. Sasser indicated it is better because it is tailored to be consistent with Idaho law.

The Board agreed to set a date to review and discuss the manual. Mrs. Wellman and Board Member Ring recommended forming subcommittees to review the proposed employee manual.

Board Member Klingler recommended that all board members investigate what other, comparable organizations are doing. Mr. Sasser recommended checking with comparable governmental organizations and human resources employees for those or similar organizations.

Chairman Price recommended appointing one person from the board to head up the investigation of other organizations pay scales and benefit structures and packages. Board Member Klingler stated he liked Board Member Blundell's idea of going to separate entities. Board Member Blundell agreed to head up the investigation and gather information from a couple of private employers as well as city of Idaho Falls, the City of Pocatello and various county employers to determine what they are offering their employees for similar kinds of work.

Chairman Price acknowledged that the Board is creating Mrs. Bridges duties and position "as we go".

Mrs. Wellman proposed adding the employment issues to the agenda for next month's meeting on August 15, 2009.

Board Member Blundell agreed to have information from other employers by the date of the next Board meeting.

Mrs. Wellman asked what to name the agenda item. Chairman Price recommended calling the item "Employee Benefits".

## **PURCHASE OF LOT**

Chairman Price initiated discussion of the third agenda item, purchase by IBSD of Lot 4, Block 4 of the Ammon-Lincoln Industrial Park Div #3 (the property).

Chairman Price indicated the Board has obtained a bill of sale for the property. Mrs. Wellman presented the bill of sale document to the attorneys to review.

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Mrs. Wellman stated the Board needed to decide which title company to use and that the seller suggested Idaho Title. She indicated the Board needs to pick the day to close the sale and to be sure it is a bit longer than the time you the Board anticipates it will need. Chairman Price indicated it does not matter to the Board which title company is used.

Mrs. Wellman reviewed the specific language of the deed which included adding fill dirt to bring the ground level, a deposit is required if closing will be within thirty (30) days and no deposit is required if closing will be later than thirty (30) days. The seller is requesting a deposit of 10%. Mr. Sasser recommended adding a term regarding the deposit, add the purchase price amount and specify that the seller agrees to add fill dirt to bring the ground of the site level "at no additional cost" to the Board. Mrs. Wellman indicated the bill of sale has already been signed by seller.

Chairman Price asked whether it is sufficient to get a verbal acknowledgement of these changes from the seller or whether the Board should get his signature after making the amendments to the bill of sale. Mr. Sasser indicated that it is prudent to get the seller's signature and not rely on a verbal agreement for such an important document.

Mr. Sasser recommended the Board make a motion that the bill of sale is approved contingent upon the addition of the amendments as specified, including specifying the deposit amount and adding the language "at no cost" as indicated.

**MOTION:** Board Member Klingler made a motion that the Board will accept the offer to purchase the property real estate with the deposit amount to be specified and add to the conditional term, item 7 # 2, that the dirt material will be added to the lot if needed after construction of building to bring the lot level, will be added at no additional cost. **MOTION SECONDED** by Board member Blundell. **MOTION PASSED** (Yay: Board Member Klingler, Board Member Blundell; Nay: Board Member Ring; Chairman abstains)

Board agreed to work with Idaho Title Company. Mr. Sasser indicated the Board is not required to engage in a bidding process in order to use Idaho Title Company, as it is not enough of expenditure. Date of closing not to be later than thirty (30) days.

## NEWSLETTER

Chairman Price initiated discussion of the second agenda item regarding Board Consideration regarding sending a July 2009 newsletter.

Board Member Klingler stated there has apparently been a lack of information provided to patrons regarding things that have been happening in district, including lawsuits.

Board Member Ring asked how much it will cost to include the newsletter in the July mailings. Mrs. Wellman indicated it will cost about 2 to 3 cents per patron. She explained a monthly invoice goes only to those patrons who currently owe money. She stated those who don't owe, including those who are signed up with automatic pay or who have pre-paid at the beginning of the year do not usually receive a mailing. However, the sample ballot does go to everyone, so it makes sense to include the newsletter with ballot.

Board Member Klingler indicated the Board has refunded money to patrons of the district and, since then, information has come out in the paper suggesting this was not an appropriate action. Board Member Klingler thinks it is reasonable to send out a newsletter to clarify that issue and explain why it was dealt with appropriately by IBSD. He explained refunds were given to those who had purchased permits and then were unable to build due to the housing crisis.

Board Member Klingler stated further the Board also approved refunding money that was paid to ISBD but was not owed.

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He continued that those who accepted refunds of their permits took the risk that they may pay more in the future if IBSD fees go up.

Board Member Ring stated her belief that sending the newsletter constitutes electioneering.

Board Member Klingler stated he has discussed this matter with attorneys and understands the definition of electioneering to be going within one hundred (100) feet of a voting area during an election or campaign. He stated this definition does not apply in this circumstance and the purpose of the news letter is to clarify false information that has been disseminated.

Board Member Klingler stated the newsletter is also intended to address recent lawsuits that IBSD has been involved in, what drove them, what was done to correct, and how and why they were settled. He stated it is a good idea for the Board to address those issues with the district's patrons by sending the newsletter to the patrons regarding these situations. He indicated every member of the Board has indicated at some time or another that the Board must communicate with patrons, yet Board Member Klingler stated, we're not communicating on these issues and he believes a newsletter is good way to do that.

Mrs. Wellman, stated that when Board Member Klingler asked for the newsletter matter to be on the agenda, she made the decision, as manager, to wait to send out the mailings until after the Board had made a decision regarding the newsletter. Because of the schedule of mailings, the postponement will not affect the timing of the mailings.

Board Member Ring indicated she sees the issues very differently than the rest of the board and will not vote in favor of the newsletter.

Chairman Price stated Board Member Ring had the opportunity to express her opinion in the recall election sample ballot response. Board Member Ring stated her belief that the purpose of the newsletter is to refute those comments.

Board Member Klingler stated no one at the meeting is refuting Board Member Ring comments, but Board Member Klingler is willing to refute them openly in the meeting.

Board Member Ring asked legal counsel for it opinion regarding whether sending the newsletter constituted electioneering. Ms. McGovern indicated her research on electioneering revealed the definition to basically be publishing information about a candidate to people who are in a position to vote for that candidate. Ms. McGovern has reviewed the newsletter draft and it is her legal opinion the newsletter, on its face does not constitute electioneering because it does not specifically mention a person or candidate for office.

Board Member Klingler stated Board Member Ring's statements in the recall election sample ballot were not responsive to the patron's concerns, but responded by outright false statements about members of the Board. Board Member Klingler believes Board Member Ring is trying to influence the election through misrepresentation. Board Member Ring asked Board Member Klingler what he believes she has misrepresented.

Board Member Klingler first noted that the recall ballot response by Board Member Ring claims that the current Board is responsible for "missing and damaged records" and "declining bank reserves." Board Member Klingler responded that this is not true and the IBSD bank reserves are not diminishing and that the only missing and damaged records are records not returned to the district by former management.

Board Member Ring responded that John Ohman indicated that he brought records over and that the Board claims it has not found them. Chairman Price indicated that the Board has everything that was turned over to it.

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Board Member Klingler continued, responding to Board Member Ring's statements in the sample ballot to the effect that ten thousand dollars (\$10,000.00) district funds were spent on repairing Ashwood Acres. He stated, though nothing was spent by the district to repair Ashwood Acres, more than ten thousand dollars (\$10,000.00) was spent on Engineering consulting regarding Ashwood Acres.

Board Member Klingler stated the Board paid Mr. Lund five (5) to six (6) thousand dollars a month to evaluate the system and tell IBSD what needed to be repaired. He stated that, after Mr. Lund was terminated by the Board, IBSD hired a new engineering firm to investigate the pipes, which firm indicated the system could be repaired and only two areas needed to be repaired. He stated that the repairs have since been completed at no cost to the district. The only funds spent in that matter were spent defending IBSD from suit; no funds were spent repairing system though funds were spent to hire engineers to evaluate the system and to hire attorneys to resolve the related legal concerns.

Board Member Ring asked if the newsletter was intended to "present a completely different story about lawsuit than I have in my ballot response?" Chairman Price responded: "pretty much." Board Member Ring concluded: "That is electioneering."

Chairman Price stated that the Board paid ten thousand dollars (\$10,000.00) to correct faulty information obtained by the prior engineer.

Board Member Klingler explained the Board received bad information from the first engineer and so, paid a subsequent engineer to get good information.

He stated the Board also got bad information regarding the Bonneville County matter as Bonneville County had been told the sewer system was falling to pieces and needed to be dug up and replaced at a cost of 1.5 million dollars. Board Member Klingler stated this faulty information drove IBSD into a lawsuit with Bonneville County which led to the termination of the contract with Benton Engineering.

He explained that, at that point, IBSD hired, jointly with Bonneville County, Forsgren Associates Engineering to evaluate the system. He stated the City of Idaho Falls agreed to camera the line for free as part of its maintenance agreement.

Board Member Klingler stated that while viewing the line, the technician asked: "Do you see anything wrong with lines?" and commented that the lines "look better than some of our lines that are 35 yrs old." Board Member Klingler stated Forsgren Associates evaluated the lines and determined there was nothing wrong with them that they had at least seventy (70) to seventy-five (75) years of life left.

He stated the recommendation by Forsgren Associates is not to tear up lines and allow the RV dump to continue using chemicals to clear the lines, which chemicals are helping the line, although the Board had been told by the prior engineer that the chemicals were destroying the line. Instead Forsgren Associates indicated more damage is caused by turning off the water to the lines.

Board Member Klingler indicated Forsgren Associates's prescription was to reattach the RV dump, increase the water flow, and flush the lines periodically. Bonneville County agreed to do the flushing at no cost to IBSD. Forsgren Associates Engineering firm stated all that needs to be done is to flush with high-volume water. Board Member Klingler stated the Board was originally given bad information which nearly led to a lawsuit and the potential for a second suit by the County against IBSD alleging IBSD brought a frivolous suit in the first place.

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Board Member Ring asked why IBSD has turned down money from the County stating "We have been paying for treating the sewage from that dump for eighteen (18) years and we haven't received one cent from anybody. They said they were going to give us something, we just turned it down. Why'd we do that?" Chairman Price responded that "The County had a number of witnesses prepared to testify that IBSD knew they were attached, knew that they were providing that service."

Chairman Price responded to the allegation in Board Member Ring's justification provided in the sample ballot that "these men have cost you hundreds of thousands of dollars" stating: "We've saved the district hundreds of thousands by settling these lawsuits."

Chairman Price, discussing the Ammon suit, stated that Forsgren Associates evaluated the cost to replace the line at four hundred dollars (\$400) per foot for a total cost of 4.5 million dollars to replace line. He stated IBSD negotiated an agreement to replace the line for 2.4 million dollars in exchange for avoiding legal conflict with Ammon.

Chairman Price stated further that Benton Engineering and Mr. Lund, about two and a half (2.5) to three (3) years ago, strongly recommended purchasing a right of way to put a line in through the City of Ammon for one and a half (1.5) to two (2) million dollars.

Board Member Klingler stated the district paid 2.4 million dollars for line in exchange for which the City of Ammon agreed to build the line to the specifications the Board provided. IBSD gets use of the new line and the City of Ammon gets use of the old line. This arrangement provides IBSD capacity years into the future, creating a benefit for possible growth IBSD did not previously have. The new line will be same size as the old one, but will not be shared with the City of Ammon

Board Member Ring stated IBSD gave away seventy percent (70%) capacity in line, that amount was bargained off to the City of Ammon.

Chairman Price noted IBSD was advised by council and mediation counsel that the option of sharing the line was not a good one. Board Member Klingler noted that the court case would have been long and difficult and that settling the court case constituted a win-win situation for both entities.

Board Member Ring stated her belief that the intent of sending out the newsletter is to refute her position as stated in the sample ballot.

Board Member Klingler reiterated that nothing in the newsletter is intended to refute Board Member Ring's statements, it is intended only to "get facts out about the situation in the district". Board Member Klingler indicated Board Member Ring stated the Board is diminishing IBSD funds and is depleting its resources. As Secretary/Treasurer, Board Member Klingler it is his obligation to provide good information to the patrons in the district and communicate facts regarding use by the Board of IBSD resources.

Board Member Ring asked: "How much money have we refunded?" Mrs. Wellman and Board Members indicated approximately \$200,000 was refunded to Rockwell for permits; approximately \$25, 0000 was refunded to Wellington; approximately \$20,000 to mid twenty-thousands was refunded for vacant lots; approximately \$32,000 was refunded to Eagle Farms. Mrs. Bridges clarified that the original price of the permit to Eagle Farms was \$37,000 and that they were overcharged \$13,000, which amount was refunded to them. Board Member Klingler noted that the refunds were made to correct mistakes.

Board Member Ring stated that the Board has "thrown out idea that capacity being tied to ..."



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Board Member Klingler responded that had nothing to do with the refunds provided according to the policy of the district. He stated again that there is a need to clarify issues presented by Board Member Ring and the newspaper.

Board Member Ring indicated her belief that that is electioneering. Ms. McGovern indicated it is not.

Board Member Klingler noted there is "one board member that disagrees" with Board decisions but that does not mean the Board should not communicate truthfully with district patrons.

Board Member Ring stated "You're not being truthful." Chairman Price stated that the information presented in the newsletter is factual. Board Member Ring stated it is not true "when you said we have not spent any money on Ashwood Acres.

Board Member Klingler replied that he did not say that but said the Board did not spent any district money to repair Ashwood Acres lines. He indicated the Board spent a lot of money defending a lawsuit that was brought against IBSD regarding a system the former IBSD engineer stated was so bad it had to be torn up and replaced, which drove patrons in that area to bring a claim that they would sue the Board if the problem was not resolved.

Board Member Klingler stated the Board's response required engineers to evaluate the system, identify issues and what needed to be repaired. The Board originally paid "one engineer" who said certain areas of the line needed to be repaired. That engineer identified to the the developer what needed to be repaired and did so under the direction of "Lund and using the contractor that Benton engineering told him to hire". Board Member Klingler stated the repairs ended up being faulty and when Forsgren Associates identified the areas that needed to repaired later, they were the same locations that had been repaired by Benton. Most of the issues were not out of the norm for a ten-year-old line.

Board Member Ring denied this is what happened. She indicated that "Mr. Kunde should have hired someone to go in and tell him that. It was his line." Board Member Klingler responded "It was the district that told him that the problems were so bad that the thing needed to be torn up and replaced." Board Member Ring stated "We're going to see more problems and now we'll be responsible because we accepted the line."

Board Member Klingler offered to read his newsletter and read a section addressing the depletion of resources by the Board and related financing plans; a section relating to the Ammon v. IBSD lawsuit, describing the facts of the suit and resolution of that matter; a section relating to the Bonneville County/ Beeches Corner suit and the facts and resolution of that matter; and a section addressing refunds..

Board Member Ring asked why the Board did not provide refunds for permits to everyone. Board Member Klingler indicated the Board refunded money to everyone who requested a refund but that a patron may choose to keep the permit if he would like. Chairman Price asked counsel if it could create liability for the Board to charge for services it is not providing. Ms. McGovern responded that, generally speaking, charging for services you're not rendering creates liability. Mr. Sasser agreed generally but acknowledged there may be a contractual basis for such an arrangement where an individual agrees to pay for services they may or may not receive under certain conditions. Board Member Klingler stated the economy decreased so people did not need permits.

Board Member Ring inquired as to how many pages the newsletter would be and what the printing costs will be. Board Member Klingler indicated that depends on what the Board wants to include in the newsletter.

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Mrs. Wellman indicated she understands the newsletter is two to three pages at two (2) to (3) cents per customer which would equal about \$180.00. Mrs. Wellman and Board Members confirmed that sending 5600 newsletters, with the sample ballots, at three (3) cents per customer will equal \$168.00 to \$180.00.

Board Members discussed the Forsgren Associates report of the line which report stated the line was in excellent condition. Board Member Ring questioned the accuracy of the report and disputes the conclusions of engineer's reports.

**MOTION:** Board Member Klingler made a Motion to include the newsletter in the July mailing to patrons, addressing the lawsuits, information regarding bank reserves, decisions by board, and refunds that have been issued. **MOTION SECONDED** by Board Member Blundell. **MOTION PASSED.** (Yay: Board Member Klingler, Board Member Blundell; Nay: Board Member Ring; Abstain: Chairman Price.)

Chairman Price asked whether a motion needed to be made as to content. Ms. McGovern indicated that content was glossed in first motion, but not attended to in detail so if the Board intended the first motion to relate to content, it does not need to make another motion, but it may be prudent to be sure about the content and make a second motion.

Mr. Sasser suggested a couple modifications to the newsletter including adding the word "one" in the following sentence: "Attorney's on both sides informed us the suit would be a difficult [one]." Further, Mr. Sasser suggested striking the following language from the "Ashwood Acres Lawsuit" section of the newsletter section: "As a result, the threat of suit was dropped by Ashwood Acres home owners and"

The Board discussed what items have yet to be turned over to board including hard drives held by prior management. Board Member Ring stated that the hard drive in question went to Attorney General's office "and should have come here."

Board Member Klingler stated there is another hard drive that the Board never received, that the Board signed for everything it received and GIS data was not included. He indicated he does not believe "it is still sitting in Boise".

Mr. Sasser read into the record a letter addressed and sent from Mr. Sasser to Dorothy McCarty's attorney Stevan Thompson requesting the receipt of a number of items which the Board still does not have including time records for Ms. McCarty and employees, receipts for all expenses billed to IBSD for the last seven (7) years which the Board is required by law to have.

Board Member Ring stated IBSD has receipts in books received from Mrs. McCarty. Board Member Ring stated the Board has booklets that go back to only 2005 or 2006. Chairman Price agreed there are large gaps in IBSD receipt records. Mrs. Wellman confirmed that many of the books do not include receipts.


Mr. Sasser continued to read the list of items requested from Mr. Thompson's client including: office copies of all receipts received at the IBSD office, copies of all developer agreements, permits, many of which are missing, bound maps (list in letter).

The Board discussed what property is currently held by IBSD.

**MOTION:** Board Member Blundell made a Motion to send out the newsletter as is stands, including changes recommended by Mr. Sasser. **MOTION SECONDED** by Board Member Klingler. **MOTION PASSED.** (Yay: Board Member Klingler, Board Member Blundell; Nay: Board Member Ring; Abstain: Chairman Price.)

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The meeting Adjourned at 7:54 p.m.

  
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John Price, Chairman of the Board of Directors

11-10-09  
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Date

  
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Mike Klingler, Secretary/Treasurer

11-11-09  
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Date