

**INSCRIPTION CANYON RANCH SANITARY DISTRICT**  
**P.O. Box 215, Chino Valley, AZ 86323 \* 928-636-1725**

**EMERGENCY PUBLIC SESSION**  
**~DRAFT MINUTES~**

**October 7, 2011**

**1. CALL TO ORDER.**

The Governing Board for the Inscription Canyon Ranch Sanitary District convened into public session at approximately 2:00 p.m. at 5360 West Inscription Canyon Drive Prescott, Arizona, Prescott Realty Office, Meeting Room.

**2. ROLL CALL, INSTRUCTIONS AND PURPOSE.**

Present were Robert Hilb, Board Chairman; Brian Ray, Board Member; Bill Whittington, Legal Counsel (by phone); E.J. Kotalik, Legal Counsel (by phone); and Jim Evans, Legal Counsel (by phone). Chairman Hilb kept the minutes.

Bill Whittington gave instruction to the Board on the process for Emergency Meetings.

Chairman Hilb stated that the reason for the emergency meeting was that there was a deadline in the pending litigation at 5 p.m. today and, because it was on a legal issue and possible instructions to counsel, the Board would have to go into Executive Session.

**3. EXECUTIVE SESSION.**

Chairman Hilb made a motion to go into Executive Session for discussion or consultation for legal advice with the attorneys of the District pursuant to A.R.S. §38-431.03(A)(3); discussion or consultation with the attorneys of the District in order to consider its position and instruct its attorneys regarding the District's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(4), concerning pending litigation with Harvard Investments, et. al. (Case #CV2010000036 and #P1300CV210-01855); pending litigation with Marvin L. Kaiser et. al. (Case # P1300CV201100061); a claim against the District by Alfred and Nancy Moss (Claim #AZSP210040024), as part of a possible settlement of the litigation and claim. Member Brian Ray seconded the motion. Motion carried by unanimous vote.

Return from Executive Session at approximately 2:20 p.m.

**4. LITIGATION.**

Chairman Hilb made a motion to authorize and ratify legal counsel E.J. Kotalik to negotiate with Harvard's attorney for an extension of time on Harvard's

Approved 5/1/12

settlement demand to October 14th at 5 p.m. Member Brian Ray seconded the motion. Motion carried by unanimous vote.

**5. ADJOURNMENT.**

Thereafter, the public session adjourned at approximately 2:25 p.m.

Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Robert Hilb, Board Chairman