

NOTICE OF RATIFICATION ACTION

It has been brought to the Sanitary Board's attention that several items have been approved in the past months that may have been approved in violation of the open meeting law or actions tainted by previous discussions in public or executive sessions. The following is a description of each of those possible action items and the meetings during which they may have been inappropriately approved or discussed:

As a result, the Board believes ratification of the action on those items is appropriate. Under Arizona law the Sanitary District Board is required to provide a detailed statement of each item which is to be ratified. This is done below. This statement is intended to be made available to the public.

1. Ratification of Use of Recording Clerk

Ratification of the approval of the use of Isabel Yribe as a recording clerk to the Board under contract, previously approved during the meeting of June 29, 2011, because this issue was inappropriately discussed in executive session on June 8, 2011; June 23, 2011; and June 29, 2011.

2. Ratification of Hiring Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C.

Ratification of the hiring of the law firm of Boyle, Pecharich, Cline, Whittington & Stallings, P.L.L.C. as general counsel for the District, previously approved during the meeting of August 1, 2011, because the issue of legal services and Mr. Whittington and said law firm were inappropriately discussed in executive session on June 8, 2011; June 29, 2011; August 1, 2011; and August 12, 2011.

3. Ratification of Hiring J. Jeffrey Coughlin

Ratification of the hiring of J. Jeffrey Coughlin as special legal counsel for the mandamus/attorneys' fees litigation matter, previously approved during the meeting of August 12, 2011, because issues relating to the attorney for this matter were inappropriately discussed in an executive session on June 8, 2011; June 9, 2011; June 29, 2011; August 1, 2011; and August 12, 2011.

4. Ratification of Hiring E.J. Kotalik

Ratification of the hiring of E.J. Kotalik of the law firm of Peshkin & Kotalik, as special legal counsel for the litigation matter involving Harvard Simon I, LLC; The Preserve at the Ranch, LLC; Old Capitol Investments LLC; and Whispering Canyon Development, LLC (and others), previously approved during the meeting of June 23, 2011, because the issue of legal services and Mr. Kotalik were inappropriately discussed in an executive session on June 8, 2011; June 9, 2011; June 23, 2011; June 29, 2011; July 12, 2011; August 1, 2011; and August 12, 2011.

5. Ratification of Contact with the County Attorney

Ratification of the contact with the County Attorney regarding possible open meeting violations in regard to the previous board, and the direction to work with the County Attorney for document recovery from that board, previously approved during the executive session of July 12, 2011, because these decisions were inappropriately made in executive session.

6. Ratification of the Termination of Mr. Nelson as Board Counsel

Ratification of the termination of Mr. Nelson as Board counsel, previously approved during the meeting of August 1, 2011, because the matter may not have been properly placed on the agenda.

7. Ratification of the Discussion Relating to District Fees

Ratification of the discussion and prior action relating to the adoption of a fee schedule for the Sanitary District, during the meeting of August 25, 2011, because the matter may have been inappropriately discussed in executive session and may not have been properly placed on an agenda. Said fee schedule, to the extent different than the Ordinance previously approved in 2008, and as thereafter amended, shall serve to amend said Ordinance to comply with the fee schedule herein approved.

8. Ratification of Approval of Ordinance 2008 (Fee Schedule)

Ratification of the approval of Ordinance 2008 approved during the executive session of January 24, 2008, because it was inappropriately approved in executive session.

9. Ratification of the Approval of Budget

Ratification of the approval of the budget, approved during the June 30, 2011 meeting, because it may not have been properly placed on the agenda.

10. Ratification of the approval of an Agenda Item for a Subsequent Meeting

Ratification of the approval of an agenda item for legal advice at the next board meeting, approved during the meeting of July 8, 2011, because it may not have been properly placed on the agenda.

11. Ratification of the Use of Act III Investments, LLC.

Ratification of the use of Act III Investments, LLC, for consulting services to the District, approved during the meeting of June 23, 2011 because the matter was inappropriately discussed in an executive session on June 8, 2011.

12. Ratification of the Use of MDI Taxes & Accounting

Ratification of the use of MDI Taxes & Accounting, for accounting and billing services, approved during the meeting of July 12, 2011; because this matter was inappropriately discussed in an executive session on June 8, 2011; July 12, 2011; and August 12, 2011.

13. Ratification of the Use of Northern Arizona Websites

Ratification of the use of Northern Arizona Websites for website design, hosting and maintenance, approved during the meeting of July 8, 2011; because the matter was inappropriately discussed in an executive session on June 8, 2011.

14. Ratification of the Use of AQuality Water

Ratification of the previous approval of the contract with AQuality Water Co. for a sanitary system operator, in 2006, as thereafter extended, because the matter was inappropriately discussed during an executive session on June 23, 2011; and authorizing a renegotiation of said contract.

15. Ratification of the Decision to Discuss a Potential Settlement Agreement with Harvard

Ratification of the Board's decision to discuss a potential settlement agreement with Harvard, during the meeting of June 23, 2011, because it may not have been properly placed on the agenda for discussion.

As a result of the above possible inappropriate actions and discussions, the Inscription Canyon Ranch Sanitary District will revisit these issues, and will consider ratification of the above-referenced items at its upcoming meeting on September 16, 2011 at 3:30p.m.

