

Inscription Canyon Ranch Sanitary District

PO Box 215

Chino Valley, AZ 86323

NOTICE OF MEETING

The Governing Board of the Inscription Canyon Ranch Sanitary District will meet in a Public Session on Tuesday, May 1, 2018, beginning at 3:30 PM. The meeting will be held at 5360 W. Inscription Canyon Drive, Prescott, AZ. The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) for legal advice with the District's attorney on matters as set forth in the agenda item. Board Members or other participants may attend by telephonic conference. The following topics and any variables thereto will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

AGENDA

1. CALL TO ORDER

2. ROLL CALL OF BOARD MEMBERS

3. CALL TO THE PUBLIC

Those wishing to address the Inscription Canyon Ranch Sanitary District Board need not request permission in advance. The Sanitary District Board is not permitted to discuss or take action on any item not specifically identified on the agenda (A.R.S. 38-431.01(G)). However, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct that staff review the matter or that the matter be placed on a future agenda.

4. POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION FOR: discussion or consultation for legal advice with the attorneys of the Inscription Canyon Ranch Sanitary District pursuant to A.R.S. Section 38-431.03.(A)(3) and discussion or consultation with the attorneys of the Inscription Canyon Ranch Sanitary District in order to consider its position and instruct its attorneys regarding the District's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. Section 38-431.03.(A)(4) re:

- A. Possible changes to the Amended and Restated Development Agreement, including but not limited to Sections 5, 7, 8 and 9.
- B. Possible changes and corrections to Capacity Assurance Forms for Sterling Ranch at Talking Rock submitted by Talking Rock Land LLC (TRL) and instructions to counsel concerning their execution and delivery.
- C. Future efforts to finance and expand the Treatment Plant.
- D. Proposals for plant expansion engineering from two engineering firms and legal issues presented thereby.
- E. Possible action re: ratification of the Board's instructions to counsel regarding the District's position pertaining to District's Amended and Restated Development Agreement.
- F. Advice from and possible instructions to counsel concerning the Complaint filed in Yavapai Superior Court by TRL (Case number P1300CV2018003800, *Talking Rock Land, LLC v. Inscription Canyon Ranch Sanitary District, et al.*) and Order to Show Cause Issued therefrom.

During the Executive Session, the public will be asked to leave the Board meeting room until the general session is re-convened

RECONVENE INTO PUBLIC SESSION

5. REPORTS

Report from District Manager

- Status of Plant Operations and
- Status of Phase 1 of Improvements to WWTP Project
- Plant treatment daily averages
- Number of connections to WWTP.

6. CONSENT AGENDA (Routine items that may be approved by one motion)

Minutes of Meetings

- Minutes of Public Meeting of February 23, 2018
Executive Session Minutes of February 23, 2018
- Minutes of Public Meeting of March 30, 2018
Executive Session Minutes of March 30, 2018
- Minutes of Public Meeting of April 3, 2018
Executive Session Minutes of April 3, 2018
- Minutes of Public Meeting of April 16, 2018
Executive Session Minutes of April 16, 2018
- Minutes of Public Meeting of April 23, 2018
Executive Session Minutes of April 23, 2018

7. OLD BUSINESS - DISCUSSION & POSSIBLE ACTION RE:

- A. Discussion and possible action re: approval of proposed changes to the Amended and Restated Development Agreement including but not limited to Sections 5, 7, 8 and 9; possible instructions to legal counsel re: same.
- B. Discussion and possible action re: approval of changes and corrections to Capacity Assurance Forms for Sterling Ranch at Talking Rock submitted by Talking Rock Land LLC (TRL) and instructions to counsel concerning their execution and delivery.
- C. Discussion and possible action re: approval of an agreement and directions concerning the matters discussed in items A. and B. and future efforts to finance and expand the Treatment Plant.

8. NEW BUSINESS - DISCUSSION & POSSIBLE ACTION RE:

- A. Discussion and possible action re: approval of Financial Reports for February and March, 2018.
- B. Discussion and possible action re: setting date for next Board Meeting to approve Rates/Tariffs and publication of 2018-19 Budget and set date for Hearings.
- C. Discussion and possible action re: ratification of the Board's instructions to counsel regarding the District's position pertaining to District's Amended and Restated Development Agreement.
- D. Discussion and possible action re: authorization for legal counsel to appear in Yavapai Superior Court on behalf of the District and the Board in Case number P1300CV2018003800, *Talking Rock Land, LLC v. Inscription Canyon Ranch Sanitary District, et al.* or any related proceedings to defend the District and the Board and take other necessary action, including but not limited to responding to the Order to Show Cause presently pending before the Court and, in conjunction therewith, to provide the Court with such District documents and records as counsel deem appropriate; and further authorizing each Board member and the District Manager to execute such documents as counsel may require.
- E. Discussion and possible action re: possible employment of Hans Clugston, PLLC to assist as local litigation counsel in regards to case # P1300CV201800380.

- F. Discussion and possible action re: possible approval of a proposal for plant expansion from one of two engineering firms.

5. ADJOURNMENT

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting District Manager Bob Busch at r.busch@icrsd.net calling 713-0548. Requests should be made as early as possible to arrange the accommodation.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the attached notice was duly posted at 14501 N. Talking Rock Ranch Road, Prescott, Arizona and at 5360 W. Inscription Canyon Drive, Prescott, Arizona on April _____, 2018 at _____ a.m. /p.m. in accordance with the statement filed by the ICR Sanitary District.

Dated this _____ day of April, 2018.

Print Name

Signature