

**MARANA DOMESTIC WATER IMPROVEMENT DISTRICT**  
Official Board of Directors Meeting Minutes  
**September 14, 2009**

The Board of Directors of the Marana Domestic Water Improvement District met in session at the Marana Domestic Water Improvement District Office 16560 West El Tiro Road Marana, Arizona at 7:00 p.m. on Monday, **September 14, 2009.**

**1. Call to Order and Pledge of Allegiance**

Chairperson Teresa Ball-Cummings called the meeting to order at 7:07 p.m.

Ms. Ball-Cummings asked Mr. Kendrick to lead the Pledge of Allegiance.

**2. Roll Call**

Upon roll call, those present were as follows:

Board Members Present were:

Teresa Ball-Cummings, Chairperson  
Anthony Sostarich, Vice Chairman  
Donald Peetoom  
Michael Young  
Gary Kendrick

Staff Members present were:

System Manager, Sig Danielson  
Acting Clerk, Theresa Hicks

Three members of the general public are present.

**3. Consent Items:**

- A. Approval of meeting minutes from the August 10, 2009 meetings.

Mr. Sostarich said madam Chair may I make a comment before we vote on this issue.

Ms. Ball-Cummings replied go ahead Mr. Sostarich.

Mr. Sostarich said I thought last meeting we were gonna consider and implement Mr. Klines suggestions and streamline this down to just the essential legal things that need to be printed on it.

Ms. Ball-Cummings replied ok.

Mr. Sostarich said do you understand what I'm talking about.

Ms. Ball-Cummings said correct, yes. At the present time, since this is Ms. Hicks first time, we just went ahead, I just went ahead and let her go ahead and so it as it was and then we can discuss that for the next meeting. You know to just, you know eliminate some things.

Mr. Sostarich said are we going to discuss that tonight.

Ms. Ball-Cummings said we could do that under administrative details, sure.

Mr. Sostarich said ok I move that we accept the meeting minutes as is.

It was moved by Mr. Sostarich, seconded by Mr. Peetoom and carried unanimously that; **The minutes of the August 10, 2009 meeting of the Marana Domestic Water Improvement District shall be approved as presented.**

Ms. Ball-Cummings said roll call Ms. Hicks

**5 ayes**

**0 opposed**

**0 abstentions**

#### **4. System Manager's Report**

Mr. Danielson reported:

1. We have not had any major problems with the system since the last BOD meeting. We are having a minor electrical problem with the El Tiro Well. The motor saver relay in motor starter is intermittently kicking out and has to be manually reset. I have discussed the problem with JR Glover of J.L. & S. Electric, he feels since it is such an intermittent problem that it is not worth him putting his monitoring equipment on the motor. He suggested that we contact Trico the next time it happens and have them monitor for an under voltage condition.

We are continuing to monitor the vibration of the well motor and it does not appear to be changing. I have discussed the vibration results with our engineer Thom Martinez and we feel we will be able to wait until fall or winter to repair the motor and realign the wellhead.

And again we want to publicly thank Tom Hall for coming by occasionally and running the vibration and analysis on that motor free of charge.

2. We are continuing to chlorinate the system per ADEQ directive. We have had to purchase a larger injection pump for the El Tiro site to maintain the desired residual levels.
3. August billing included 173 late notices which is higher than average.
4. We did 4 shutoffs in August for nonpayment, which is lower than average.

Accounts Payable	\$ 40,529.16
Accounts Receivable	\$ 49,076.73
Difference	+\$ 8,547.57
County Balance	\$ 14,300.55
WIFA Reserve	\$ 24,373.77
RD General Account	\$ 208.03
RD Reserve Account	\$ 14,156.40
RD O&M Account	\$ 9,126.40
RD Replacement Account	\$ 7,699.31
RD Bond Account	\$ 18,710.28
Carryover Balance	\$ 1,929.72

Mr. Danielson said that concludes the Managers report.

Ms. Ball-Cummings said thank you Mr. Danielson.

**5. Call for Public Comment (limit 3 minutes)**

Ms. Ball-Cummings said any comment from the public. Not tonight, all right.

**6. Discussion and possible action concerning Financial Assessment Committee Report.**

Mr. Peetoom said that's Mr. Young.

Ms. Ball-Cummings said ok, go ahead.

Mr. Young said ok we looked at, we talked about on the late payments, leaving it at eighteen percent instead of raising it to twenty-four percent on late fees. We thought between the rate increase and all of that, that we are starting to get a little bit healthy. So we are going to leave it at eighteen percent. And another thing we talked about, we are going to pay time and a half and not comp. time. People that work minimal on the weekends so that's what we talked about and that's what we feel is right. I don't have anything further. Do you have anything to add to that Mr. Peetoom?

Mr. Peetoom replied no.

Ms. Ball-Cummings said ok.

Mr. Sostarich said question to ask if you please.

Ms. Ball-Cummings said ok, yes you may.

Mr. Sostarich said should this subject be brought up under Financial Assessment Committee. Should this be approached now or under, under administrative details.

Ms. Ball-Cummings replied yeah.

Mr. Sostarich said administrative details. I will be addressing the assessment committee on this legal action, what we discussed and the reason why I'm asking this.

Ms. Ball-Cummings said was that at the last agenda meeting, that we discussed it.

Mr. Sostarich said you, me, and Mr. Kline the subject of bringing this subject up.

Ms. Ball-Cummings said ok yeah lets do it right here.

Mr. Sostarich replied ok.

Ms. Ball-Cummings said yeah, lets do it right there.

Mr. Sostarich said well probably be appropriate to address the Financial Assessment Committee and the whole Board. I'm sorry I was out of town the past few days.

Ms. Ball-Cummings said ok, no. not that's ok yeah we can still do it under discussion of administrative details cause that would be administrative details.

Mr. Sostarich replied ok, all right.

Ms. Ball-Cummings said ok, ok.

Mr. Sostarich said no further questions thanks.

Ms. Ball-Cummings said ok thank you and any other discussion and possible action concerning from anybody? Any questions?

Mr. Kendrick said I just have a really quick question, since letting Ms. Sieglaff go because of the budget problems.

Ms. Ball-Cummings replied correct.

Mr. Kendrick said how much did we, how much more of this, do we have to pay anything out for this month toward our Clerk, for the Clerk.

Ms. Ball-Cummings replied did we have, what did you mean, did we have to pay anything out as specific as.

Mr. Kendrick said for salaries or anything for the Clerk.

Mr. Danielson said yeah, we are paying Ms. Hicks a minimal amount of overtime.

Ms. Ball-Cummings replied correct.

Mr. Kendrick said what's minimal.

Mr. Danielson replied without, less than ten hours a month, in order to do some of the clerical duties.

Mr. Young said what we looked at was Ms. Sieglaff being at part time with sixty hours a month and so we're better off, this is our opinion that looking at paying somebody time and a half for 8 to 10 hours compared to paying her for 60 hours. That's what we were looking at.

Ms. Ball-Cummings said right here Mr. Sostarich.

Mr. Danielson said 80 hours actually.

Mr. Young said 80 hours correct, I'm sorry.

Ms. Ball-Cummings said 80 hours correct. Cause then that would definitely.

Mr. Young said oh yeah.

Ms. Ball-Cummings said it would bring our budget.

Mr. Young said we've talked about that you know for a two and a half or three hour meeting and paying 80 hours for and we looked at it to saving money and we thought 10 hours overtime is a lot better than 80 hours regular time on that.

Ms. Ball-Cummings said correct, definitely.

Mr. Young said that was our analysis.

Mr. Danielson said I might also add that we have done a bit of reassignment on staff assignments, I'm helping Ms. Hicks out with the payment window occasionally. Mr. Griggers has been trained and is helping out on the payment window occasionally so that's also giving her a little bit more free time to work on Board type functions during normal work hours.

Mr. Kendrick said ok.

Mr. Young said tightening the belt.

Mr. Danielson said you've got it.

Ms. Ball-Cummings said definitely.

Mr. Kendrick said very good.

Ms. Ball-Cummings said all right any other questions. Mr. Peetoom.

Mr. Peetoom said nope.

All Board members said no I don't have any.

Ms. Ball-Cummings said ok great, thank you.

**7. Discussion and possible action concerning applying to USDA-Rural Development for a grant to implement Master Plan Project and other potential system upgrades**

Mr. Peetoom said that's Mr. Danielson.

Ms. Ball-Cummings said yeah Mr. Danielson could you go ahead.

Mr. Danielson said ok, last Thursday morning I drove to Wilcox to be very surprised that Jeff Hooper is now basically the main guy for Rural Development in the state of Arizona. I've known Jeff for 4 or 5 years. He's a really nice guy. But since Leonard retired a lot of it is going toward him. Now do they have Economic Stimulus money available between now and September of 2010. Lots of it. I've mailed him a copy of the Master Plan about a week and a half before our meeting. And he had read through it. Without saying it in as many words two million bucks to implement the Master Plan. They almost considered that chump change.

Mr. Young said wow!

Mr. Danielson said they've got that much money available. That being said we discussed the Master Plan and what our next step was and our next step would be a preliminary engineering report. I discussed it with Mr. Young and Mr. Peetoom and Ms. Ball-Cummings. Mr. Young and Mr. Peetoom separately Friday and brought Ms. Ball-Cummings up to speed where we were at. Made the call to Thom Martinez and asked him if he could give me at least a magnitude of expenditure estimate on the Master Plan. He got back to me late this afternoon. He said Mr. Danielson, he says for what we're looking at to take the Master Plan and turn it into a preliminary engineering report could be anywhere from five to fifteen thousand dollars. He says but he says for ballpark figures why don't you use ten thousand dollars. He says because I don't know how much problem we're gonna have taking our cost of accounts work ups and putting them into the RD format. I don't think very much. Anyway he also told me he says we will take and will not bill you for this plan but whatever the billing is lets say ten thousand dollars. He says we will make that part of the grant and/or loan request. Ok further talking with Jeff, Rural Development has a top percentage that they will award and that percentage is how much is the grant and the remainder you end up, the District would be responsible for which would be a loan. After telling them what our financial position was and he remembered that. He says or he asked the question are we or are not a Colonia. Yes, we are a Colonia. He says there's no top limit. We can go to one hundred percent on a grant. So when they got the grant request, they will look down, look at all of our financials what we've been doing what our over all financial condition of the District is. And then make a decision at that time how much would be loan and how much would be grant and they would carry the loan. He says it might be that we'll lend you that we'll give you 1.8 million and you pay us back 200 thousand over 30years. So I guess what I'm asking is, is approval of the B.O.D. in order to get the ball rolling, get

the P.E.R. report going because if we can get the P.E.R. report turned in within 60 days he should be able to turn it within 45 to 60 days. So conceivability by the middle of January we are digging holes in the ground and replacing pipelines.

Mr. Sostarich said I've got a question for you Mr. Danielson.

Mr. Danielson said go ahead.

Mr. Sostarich said if, you had mentioned that they would essentially regard the, their fee as part of the financial package from whatever we receive in the former package.

Mr. Danielson replied correct, correct they would add that on.

Mr. Sostarich said what would happen if they did a preliminary report and for whatever reason we didn't get the grant. Would we be.

Mr. Danielson said Thom will work, we will be responsible for the P.E.R., preliminary engineering report. Pete and Thom would work with us and allow us to pay it off over time.

Mr. Sostarich said that's all I have in terms of questions at this time.

Mr. Danielson said ok, maybe to enlighten everybody just a little bit further. The Master Plan is the conclusion of a P.E.R. report. And we know where we want it to go. But the P.E.R. report is gonna take a step backwards and look at various other possibilities of doing what we wanted to do. What we want to do which is basically pipelines in the ground and fire flow and fire hydrants, etc. looking at our report will also rather than having I believe its 18 projects in the Master Plan. They will bundle them up and what they consider or what we would consider working with them is lets put these 5 projects together and that is project #1 or priority #1 and we fund that and then when we get down to priority #5 or priority #6 we may not be able to fully fund it. So he wants those 18 projects bundled up into a priority type of a project is what Jeff wants. He also wants the financial assessment which I mentioned and lastly they want an environmental assessment. None of us, Jeff, myself or Thom are sure whether the environmental assessment that we did in 2003, 2004 for the system upgrades is still valid or whether we would have to redo it. So that's an unknown. So.

Mr. Young said I've got a question.

Mr. Danielson said ok.

Mr. Young said since we qualify for a one hundred percent grant. I think that would be the avenue we should go after being that Colonia you know they may want to give us more money.

Mr. Danielson said well what it is our people will take a look at it and make that decision.

Mr. Young said all right.

Mr. Danielson said and Jeff says well you know if you run short you can always go and beg nicely to WIFA.

Mr. Kendrick said madam Chair.

Ms. Ball-Cummings said pardon.

Mr. Kendrick said madam Chair.

Ms. Ball-Cummings said go ahead, I'm sorry I thought you said wheelchair and I'm saying what.

Mr. Kendrick said I would like to make a motion to go ahead and give Mr. Danielson the ok to go ahead and get the P.E.R. report on the ball.

Ms. Ball-Cummings said ok excellent.

Mr. Peetoom said I seconded it.

Mr. Sostarich said the only thing that we're faced with here is the only risk that we have is if for whatever reason this fell through and we owed these, the engineering company up to 15 thousand. Can we afford to take a risk like that.

Mr. Young said well my opinion is right now, the money is out there right now and I can't see in our financial condition, I can't see if the money's there to stimulate people like us, I can't see us being turned down but there is always that possibility.

Ms. Ball-Cummings said true.

Mr. Sostarich said is it worth the risk. The question has to be asked. I'm not asking for my personal information.

Ms. Ball-Cummings said true, no.

Mr. Young said sure we are the.

Mr. Sostarich said but can we risk that.

Ms. Ball-Cummings said over all, correct, yeah.

Mr. Sostarich said that's the only question that we are facing.

Mr. Peetoom said I think so.

Ms. Ball-Cummings said yeah I don't see where that would be a problem.

Mr. Young said the reward would be a lot more than the.

Mr. Kendrick said yeah.

Mr. Sostarich said well that motions been made and seconded I guess all we have to do now is vote on, right.

Ms. Ball-Cummings said that's right, go ahead.

It was moved by Mr. Kendrick, seconded by Mr. Peetoom, and carried unanimously that: **the Board gives Mr. Danielson the ok to go ahead and get the P.E.R. report on the ball.**

**5 ayes**

**0 opposed**

**0 abstention**

Mr. Sostarich said and that is the motion to get the ball rolling in that direction is what we just voted on.

Ms. Ball-Cummings said correct.

Mr. Peetoom said its gonna be authorization to go ahead.

Ms. Ball-Cummings said is the P.E.R. report, are you finished Mr. Danielson, ok.

## **8. Discussion and possible action concerning Personnel Policy Manual**

Mr. Danielson said me.

Ms. Ball-Cummings said doesn't matter which ever you prefer I'm ok.

Mr. Danielson said the staff noted in the meeting minutes. The last meeting that we, the Board had opted to add as an unpaid holiday Martin Luther King Day, Civil Rights Day. I believe Pima County refers to it as Martin Luther King Day as an paid holiday. Discussion amongst

staff we would just assume work the Friday after Thanksgiving and take Martin Luther King Day off as a paid holiday rather than an unpaid holiday.

Mr. Kendrick said so you guys rather, madam Chair I'm sorry.

Ms. Ball-Cummings replied that's ok.

Mr. Danielson said that would preserve the same number of paid holidays per year and would not leave us with an unpaid holiday for staff.

Mr. Kendrick said madam Chair, you guys were never paid for Martin Luther King Day and not get a 4 day weekend.

Ms. Ball-Cummings said ok hold on one second, let me explain something to you. Normally Martin Luther King Day is a paid holiday ok and that's the way it has been alright. Because of everything that's happened in the past the previous Board members they wanted it to be an unpaid holiday ok. So at the time when we had discussed this in the last meeting with all the chaos that was going on at the, it just didn't enter my mind that I should have addressed the Board a little bit more on this situation here. Yes, it should have been a paid holiday the Martin Luther King, you know because of with all the other holidays in the Personal Policy. Do you have your Personal Policy?

Mr. Kendrick said I don't have a current one, no.

Mr. Sostarich said it's the '05 version that we're talking about.

Ms. Ball-Cummings said yeah and it is.

Mr. Sostarich said it just motified.

Mr. Kendrick said yeah.

Mr. Sostarich said via the dress code, the appearance code, and the Martin Luther King issue was the only additions to the '05. I recall correctly.

Ms. Ball-Cummings said yeah cause I have mine here.

Mr. Sostarich said and your saying it should be a paid holiday.

Ms. Ball-Cummings said yes, and it always has been.

Mr. Sostarich said and now he wants to.

Ms. Ball-Cummings said ok since we all voted on it.

Mr. Sostarich said well what he said.

Ms. Ball-Cummings said since we had all voted on it and me not realizing and I don't think Mr. Peetoom realized it. But I'm not fore sure. If Mr. Young was aware of it or Mr. Kendrick had recollected from away back and of course you being here, you did not know about it. We should have discussed it a little bit more in detail than what we have done.

Mr. Kendrick said does anybody have a copy of the '05 Personal Manual.

Mr. Danielson said I've got one in the office.

Mr. Peetoom said I didn't bring mine.

Mr. Sostarich said so essentially.

Mr. Kendrick said go ahead I'm sorry.

Mr. Sostarich said that's ok essentially we should step 1 have Civil Rights Day as a paid holiday, first of all.

Ms. Ball-Cummings said exactly, exactly.

Mr. Sostarich said ok issue #2 that Mr. Danielson brought up is he wants to switch one holiday for another.

Ms. Ball-Cummings said if the Board chooses.

Mr. Peetoom said it's the Friday after Thanksgiving.

Ms. Ball-Cummings said if the Board chooses to do it as an unpaid holiday like we had voted on, in the last meeting, at the last meeting.

Mr. Sostarich said if it's suppose to be a paid holiday then we should have it.

Mr. Kendrick said how do we know its suppose to be a paid holiday, just cause you say so or.

Ms. Ball-Cummings said no.

Mr. Danielson said this goes back to when we were discussing at length the Personal Policy Manual last summer/fall. We have never observed Martin Luther King Day since the District really had been formed. We had always taken the Friday after Thanksgiving instead of that holiday. We were advised by the Attorney, that since we were a subordinate to the State of Arizona and subordinate to Pima County. That the State of Arizona requires this office to be closed on that day. So my proposal is, is ok to get us in sink with State Government, County Government, Federal Government, also we need to be closed that day. However since the Friday after Thanksgiving was only a holiday for us. I'm saying rather than the Board incurs having to pay employees for an additional holiday that we make the Friday after Thanksgiving a normal workday which up to two members of the staff could take off as a vacation day if they so desire.

Mr. Kendrick said there's only two members of the staff now in the office anyway.

Mr. Sostarich said this is the '05 manual and this is.

Mr. Kendrick said that all I want to say right there.

Ms. Ball-Cummings said that's the one that they have done it.

Mr. Sostarich said all right the only.

Mr. Danielson said we're working on cross training. I can pretty much take care of anything in the office and anything in the field.

Mr. Kendrick said yeah.

Mr. Danielson said Ms. Hicks can take care of everything in the office and basically nothing in the field. Mr. Griggers is being trained in the office, Mr. Perry can do part of the office if necessary.

Mr. Kendrick said um, I have no problem with paying the employees for.

Ms. Ball-Cummings said the day after Thanksgiving.

Mr. Kendrick said no for Martin Luther King Day. They should have the day off and with pay. I don't know about Columbus Day. I don't know why that is in here.

Mr. Danielson said it's a Federal holiday.

Ms. Ball-Cummings said it's a Federal.

Mr. Kendrick said but we're not Federal.

Mr. Danielson replied yeah, but it's a state mandated holiday.

Ms. Ball-Cummings said yes.

Mr. Kendrick said Columbus Day is.

Ms. Ball-Cummings replied yes, yes and Pima County and.

Mr. Kendrick said I've never every job I've ever worked at, I've never gotten it off.

Mr. Danielson said I know but the government is, Columbus Day is a holiday.

Mr. Kendrick said but we're County.

Ms. Ball-Cummings replied the County is, they take that the same county.

Mr. Danielson said there's a.

Mr. Sostarich said may I make a comment.

Ms. Ball-Cummings said yes.

Mr. Sostarich said as a subordinate of the County which is subordinate of the State, which is subordinate of the Feds. If it is a standard procedure to have Martin Luther or Civil Rights Day as a paid holiday then we should and since it is stated in our Personal Manual that its flexible. Which is brought up last time and Mr. Danielson is the boss he wants to. If he wants to rotate vacations or holidays around that's his business.

Ms. Ball-Cummings said yes, yes it was yeah.

Mr. Sostarich said but it we delete that and insert the Friday after as a manual, formal policy then a future employee who might celebrate Civil Rights Day may have an issue with not having it off. If we have this right after Thanksgiving.

Ms. Ball-Cummings replied true.

Mr. Sostarich said so my thoughts on the subject would be to adopt Civil Rights Day as a paid holiday and let Mr. Danielson run the ship as he sees fit. Does everybody understand that?

Mr. Kendrick said no.

Mr. Sostarich said adopt Civil Rights Day per Policy Manual and.

Ms. Ball-Cummings said as a paid holiday.

Mr. Sostarich said right.

Ms. Ball-Cummings said correct.

Mr. Kendrick said and then let Mr. Danielson.

Mr. Sostarich said and let Mr. Danielson if he wants.

Mr. Kendrick said make up his mind if he.

Mr. Sostarich said if he and the office, the present office staff wants to trade the Friday after and work Martin Luther King Day or do whatever they want, that's his problem.

Ms. Ball-Cummings said he can inform us.

Mr. Kendrick said well of course they're gonna take off the. If they are given the chose they're gonna take the day after Thanksgiving.

Ms. Ball-Cummings said they can inform us that's not a problem there.

Mr. Kendrick said that's a given.

Mr. Sostarich said right but the, item #1 here is, is that a as a subordinate we have to have Martin Luther King Day off.

Mr. Kendrick said I agree with that that's fine, yeah.

Mr. Sostarich said ok and what I'm saying here is if we have that in the Policy Manual and fine its written. And if he and the staff decide that they'd rather take to day after Thanksgiving off as a paid holiday and come in instead on Civil Rights Day then.

Mr. Kendrick replied oh, ok I see what your saying. So its one or the other, they don't get both.

Ms. Ball-Cummings said exactly, oh no.

Mr. Sostarich said right.

Ms. Ball-Cummings said that's not common sense Mr. Kendrick. I mean they can't have both. I mean.

Mr. Sostarich said yeah but he's clarifying in his own words here.

Ms. Ball-Cummings said exactly, yeah no, exactly.

Mr. Kendrick said um. The only thing I have of dispute with that list. President's Day I don't see the employees should not be getting President's Day off with pay. They should not be closed and.

Mr. Danielson replied that's a required to be closed too.

Mr. Young said that's why our government is problems with all of these holidays.

Mr. Kendrick said I don't think that.

Mr. Peetoom said it's a Federal.

Mr. Young said yeah but still we could save as tax payers could save a lot of money by eliminating Columbus Day.

Mr. Sostarich said we don't have the authority to do that.

Ms. Ball-Cummings said ok, so.

Mr. Peetoom said but we've got to do the same thing Pima County does.

Mr. Danielson said we need to, we need to follow what Pima County does exactly.

Mr. Kendrick said like Pima County yeah.

Ms. Ball-Cummings said so are you finished.

Mr. Sostarich replied yes, everybody understands what I said right.

Mr. Peetoom said yeah.

Ms. Ball-Cummings said yes, yes.

Mr. Kendrick said I'd like to do more research on that and see about I can't believe President's Day is mandatory.

Ms. Ball-Cummings said yes, oh yes.

Mr. Young said and Columbus Day.

Mr. Kendrick said Columbus Day, I can't see that being mandatory paid holiday.

Mr. Peetoom replied they use to have Lincoln and Washington and they combined it and made it President's Day.

Ms. Ball-Cummings said ok, our Clerk Ms. Hicks would like to say something.

Ms. Hicks said yes, the Personal Policy for Pima County all those holidays are paid holidays. It's in the office if you want to look at it.

Mr. Kendrick said now that's, I'm sorry for interrupting you can go ahead.

Ms. Hicks said and we will be closed on Martin Luther King Day right.

Mr. Peetoom said right.

Ms. Hicks replied ok, I just wanted to make sure on that.

Ms. Ball-Cummings said yeah we're doing more than that.

Mr. Young said well is it not Civil Rights Day, its not Martin Luther King Day.

Mr. Danielson said its referred to as Martin Luther King Day in the Pima County Personal Policy Manual.

Ms. Ball-Cummings said Martin Luther King.

Mr. Young said I thought they changed that, I thought it went to Civil Rights Day.

Ms. Ball-Cummings said well.

Mr. Kendrick said I heard something like that.

Ms. Ball-Cummings said they both are the same more less if you want the truth, I mean they just have different you know titles.

Mr. Peetoom said all of the Calendars have Luther.

Ms. Ball-Cummings said Martin Luther.

Mr. Peetoom said Martin Luther.

Ms. Ball-Cummings said yeah ok so you gonna take a vote.

Ms. Hicks said I need a second.

Ms. Ball-Cummings said ok did.

Mr. Sostarich said yeah, I had moved that we adopt Martin Luther King Day as a paid holiday in our Personal Manual.

Ms. Ball-Cummings said ok.

Mr. Sostarich said because we are under the, we are subordinate to the State, County and the Feds.

Ms. Ball-Cummings said correct and I'll second that.

Mr. Sostarich said we don't want to do anything contrary.

Mr. Young said negative.

Ms. Ball-Cummings said ok.

Mr. Sostarich said to the ideas, even though the rest of us have solvent rights instead of civil rights. It's true.

Ms. Ball-Cummings said I know it is.

Mr. Sostarich said read your constitution.

Ms. Ball-Cummings said I know your right whatever comes out I agree with a one hundred percent. That's why you're my Vice Chairman.

Mr. Sostarich said within this movement is that latitude per the manual that the boss, Mr. Danielson run the ship as he sees fit.

Ms. Ball-Cummings said that's exactly right that's correct. Ok since I seconded it go ahead. We need a vote, Ms. Hicks.

It was moved by Mr. Sostarich, seconded by Ms. Ball-Cummings, and carried unanimously: **That we adopt Martin Luther King as a paid Holiday in our Personal Policy Manual.**

**5 ayes**

**0 opposed**

**0 abstention**

**9. Discussion and possible action concerning annexation of I-10/ Avra Mining & Development L.L.C. property into the District**

Ms. Ball-Cummings said Mr. Danielson please.

Mr. Danielson said ok I've just read through real quick what I reported on at the last Board meeting to give me an idea were I was. I had talked to Mr. Kline prior to that and I had not talked to Mr. Bushroe. I talked to Mr. Bushroe later on in the week of our last Board meeting. And Mr. Bushroe said that he, prior to the District actually being formed by Pima County. Mr. Bushroe had sat down with Brad Dispain who is utilities Director for the Town of Marana and said that we could do anything we wanted to West of Trico Rd. and there was a Gentleman's agreement for West of Trico Rd. He didn't care what the Statue was within 5 miles. Everything west of Trico Rd. was not in there immediate or even long term plans. So that's how we've been able to do the annexation etc. of various properties which we've annexed over the years.

Mr. Peetoom said Cottonwood.

Mr. Danielson said the Kent property over on Antelope, Cottonwood Ranch are the only two areas, Cottonwood Ranch is the old Courtyard properties that all have been annexed in the District over the last few years. Those are all West of Trico Rd. I reported back to Mr. Scott Lewis what I had found out after talking with Mr. Bushroe and I said I had also did some further research of just riding around that area and I talked to the, one of the owners of D&H Material Supply and I asked him who supplied his, whether they were in the Town of Marana. They are an unincorporated Pima County which is where this property is. I said whose your water supplier. He says the Town of Marana, they have a well, a storage tank and a hp tank right behind my house and I wondered around and I looked and there it was right there. Which is directly across the street from there. I reported that back to Mr. Lewis and he says he would be contacting me after they discussed it in house and I have not heard a word from him. So right now that's on hold until they do something.

Mr. Sostarich said question.

Ms. Ball-Cummings said go ahead Mr. Sostarich.

Mr. Sostarich said does this mean that the way things are shaping up the Town of Marana is not going to have any say so if we perceive this matter.

Mr. Danielson said the Town of Marana would have to approve it for us.

Ms. Ball-Cummings replied yes, cause its on the list.

Mr. Danielson said 48.902 G.

Mr. Sostarich said so we still have to deal with them.

Mr. Danielson said yes.

Mr. Sostarich said that's all I have.

Ms. Ball-Cummings said great, thank you and that's all you have Mr. Danielson.

Mr. Danielson replied and that's all I have.

Ms. Ball-Cummings said thank you.

## **10. Discussion and possible action concerning administrative details**

Ms. Ball-Cummings said ok Mr. Sostarich.

Mr. Sostarich said question #1 was, I believe we've already answered if but we're going to apply Mr. Klines suggestion to stream line this down to a manageable level.

Ms. Ball-Cummings said if all of the Board approves.

Mr. Sostarich said everybody knows what Mr. Kline was suggestion and understand that correct.

Ms. Hicks said wouldn't that have to be on an agenda of you guys wanting to do this because it has to be under discussion and possible action before you can actually do anything.

Ms. Ball-Cummings said yes, but right now we can discuss it under administrative details, that's correct.

Mr. Sostarich said if everybody knows and understands what Mr. Kline suggested then we can move this to an agenda item next month.

Ms. Ball-Cummings said yes we can.

Mr. Kendrick said madam Chair.

Ms. Ball-Cummings said yes.

Mr. Kendrick said I'd like to see us adopt Mr. Kline's idea. Also I'd like to see also to have the way we usually do it on the Internet on our Website. Not the shorter version but the long version put on just on the Website that way people could go read everything that is on that Website. You don't need to fire paper up copying. They'll have the shorter version, is that possible to do?

Ms. Ball-Cummings said I don't know because that would a.

Mr. Kline said the more you put in your minutes the form. I went to Trico, talked to find out what, how what they, how they did theirs, you know. You don't have to worry about comments that you made and so forth and so on. You don't want everything verbatim in the minutes. What's important is that Statues that tells you what's important that needs to be in the and it every time you make a decision, formal decision or a legal matter. But all the comments in between do not have to be on the form. I've looked at some of those and there are some remarks in some of the past minutes that I might have been offended by if I was a certain type of person and that opens you up to legal action. So condense it as much as you can but keep it legal and keep it within the confines of what the Statue says it should be. Trico Electric, we would go on for 10 hours. A 10 hour meeting a day and it boils down to 8 pages.

Ms. Ball-Cummings said thank you Mr. Kline, thank you very much for your comment. Ok yes.

Mr. Sostarich said madam, does that answer your question, Mr. Kendrick?

Mr. Kendrick replied yeah.

Ms. Ball-Cummings said ok so we can.

Mr. Sostarich said so it would be an agenda item for the next week then.

Ms. Ball-Cummings said put it on the next agenda item for the next meeting.

Mr. Sostarich said the next.

Mr. Kendrick said I just have on more question?

Ms. Ball-Cummings said ok go ahead.

Mr. Kendrick said I'm sorry um if somebody was to, a customer was to come up and say I'd like, are we still selling tapes. Are the tapes still available to the customers.

Ms. Ball-Cummings said yeah I don't see why not.

Mr. Danielson said or they can sit there and listen to them.

Mr. Kendrick said yeah.

Ms. Ball-Cummings said yeah they're more than welcome to come back here and you know sit in, that's what that's for you know.

Mr. Kendrick said ok I was just asking if a customer did come up and say I want to know verbatim what was said.

Ms. Ball-Cummings said yeah.

Mr. Kendrick said they can get that, that's all I got.

Mr. Sostarich said the next item that I wanted to bring up was now that the budget has been set and we're moving under way this I'd like to address the whole Board but particularly the Financial Assessment Committee. You said that we were put in the hole \$80,000.00 and it was brought up that a, there was some violations in the way things were done in the past. My question is does the Board and Company want to consider taking any legal action against the former Board members for the damages that they've done to us. At this point and time all I'm suggesting is that Mr. Danielson or one of the Board members make a call to the County Attorney, present our case to them and see what they have to say. Does everybody understand that?

Everybody said yeah.

Mr. Sostarich said I guess we should consider this as the next step would be at, to consider this as an agenda item or should we ask from what was said earlier maybe we should make this an agenda item and discuss it.

Ms. Ball-Cummings said we should discuss it in an agenda meeting.

Mr. Sostarich said an agenda meeting or an executive session.

Ms. Ball-Cummings said an agenda meeting first.

Mr. Sostarich said so we should make a put it on the agenda and discuss it openly in a regular meeting.

Ms. Ball-Cummings said yes, yes.

Mr. Sostarich said ok I move. Yes Mr. Danielson.

Mr. Danielson said you also have the option of having Mr. Roger Frazier here. Scheduling an executive session for him to give you legal advise on whether there is any potential.

Mr. Sostarich said and that's the Attorney.

Mr. Danielson said that is our Attorney, yes.

Ms. Ball-Cummings said correct.

Mr. Danielson said that way it is closed to the general public and if you so desire to be that five of you and the Attorney and you could throw everybody else out of the room.

Mr. Sostarich said well what if, we just call the County Attorney and ask them if we have a case. Present them with the evidence.

Ms. Ball-Cummings said Mr. Sostarich what we need to do is send a letter to them.

Mr. Sostarich said a letter.

Ms. Ball-Cummings said yes a letter.

Mr. Sostarich said ok so.

Ms. Ball-Cummings said an appropriate letter, stating you know our name and their name, just do you know the letter appropriately, business letter.

Mr. Sostarich said so.

Ms. Ball-Cummings said and stating what our concerns are and our you know.

Mr. Sostarich said well the first thing we have to do is get it on an agenda so that we can discuss it right and at the meeting then discuss how we would pursue it or even if we should pursue it, right.

Ms. Ball-Cummings said and then we could discuss with the Lawyer.

Mr. Sostarich said ok so what I'm asking right now is.

Mr. Young said do we want to get it on the agenda.

Mr. Sostarich said yes.

Mr. Peetoom said everybody down there knows what happened cause Ms. Ball-Cummings and myself sent letters down there.

Mr. Sostarich said you guys have done an admirable job of putting things afloat again and its time to think about this.

Mr. Kendrick said this is for the Budget.

Mr. Peetoom said no this is for those two guys did.

Mr. Sostarich said this is the \$80,000.00 in debt and the way they handled things legally or otherwise.

Ms. Ball-Cummings said all of the Open Meeting Laws too that they broke.

Mr. Kendrick said I can tell you right now the Attorney General is going to tell you to contact your Lawyer.

Mr. Sostarich said ok we'll discuss that if we put this as an agenda item right now we're just considering do we want to put this as an agenda item for next month's meeting.

Mr. Peetoom said just put it in October.

Mr. Kendrick said what, what, what could be, whats going to be the end result if we do.

Mr. Sostarich said the end result is we're gonna discuss whether we think this is a matter worthy of pursuit or not.

Ms. Ball-Cummings said yeah.

Mr. Kendrick said yeah, put it on the agenda I.

Mr. Sostarich said ok that's all we're asking right now.

Ms. Ball-Cummings said yes that sounds good.

Mr. Sostarich said we don't ask for a vote to put it on the agenda right.

Ms. Ball-Cummings said no, no we'll just discuss that in our agenda meeting our next time.

Mr. Sostarich said the last item that I would like to bring up under administrative details is the Website address. I believe we voted to put the Website on these agenda's here in bold letters.

Ms. Hicks said nobody told me.

Ms. Ball-Cummings said no I believe if I remember correctly we discussed maybe possibly putting it on the water bill. Am I correct.

Mr. Danielson said it will be on the new water bill.

Ms. Ball-Cummings said yes.

Mr. Danielson said as well as the statement that we are Equal Opportunity Employer and Provider.

Ms. Ball-Cummings said yeah but not on the.

Mr. Sostarich said ok you last said you are putting this o the water bill along with we're on Equal Opportunity.

Mr. Danielson said Employer and Provider.

Ms. Ball-Cummings said yes.

Mr. Sostarich said and you have to put that on the water bill now.

Mr. Danielson said yeah every piece of correspondence now since we barrowed money from the Federal Government has to have that on it.

Ms. Ball-Cummings said correct.

Mr. Sostarich said I'm glad you brought that to my attention. I didn't bring a shovel with me, but I'm building an airplane with wings to stay above all of this.

Ms. Ball-Cummings said good, that's excellent that's excellent.

Mr. Sostarich said that is all I have to say, all I have to ask, say, or comment under administrative details.

Ms. Ball-Cummings said alright thank you, thank you Mr. Sostarich. Thank you ok.

Ms. Hicks said Ms. Ball-Cummings.

Ms. Ball-Cummings said oh I'm sorry.

Ms. Hicks said ok under that we got a letter from the Division of Elections just the official notice that went the next elections are.

Ms. Ball-Cummings said ok.

Ms. Hicks said I'll keep it, I'll have it in the office if any of you want to look at it to see when the election dates are.

Ms. Ball-Cummings said for the next elections ok.

Ms. Hicks replied yeah for March, May, August, and November of 2010.

Ms. Ball-Cummings said ok thank you Ms. Hicks.

Mr. Kendrick said are any of the Board members coming up for re-election.

Ms. Hicks said two.

Mr. Young said Mr. Sostarich and I.

Mr. Kendrick said you guys just got elected.

Ms. Hicks said its cause they.

Mr. Young said the recall.

Ms. Hicks replied yeah the recall.

Mr. Kendrick said oh.

Ms. Hicks said they're actually finished out their term.

Ms. Ball-Cummings said the others term.

Ms. Hicks said that's all I have.

Ms. Ball-Cummings said all right thank you Ms. Hicks.

Mr. Peetoom said you have three don't you.

Ms. Ball-Cummings said no.

Mr. Danielson said yeah.

Mr. Peetoom said cause mine too, mines up.

Mr. Danielson said I'd have to look.

Mr. Peetoom said I think mines comes in 2010.

Mr. Danielson said yeah then there'd be three.

Mr. Sostarich said this, is the Board gonna have to pay for this. This one another paid deal.

Ms. Ball-Cummings said if we want to keep you two as Board members, we're going to have to do something.

Ms. Hicks said this is just a regular election. Its no special election, its just there regular ones they have every year. We pay a little bit but not a whole lot.

Mr. Danielson said the split the cost among everybody at the general election.

Ms. Ball-Cummings said yeah.

Mr. Sostarich said you can see why.

Mr. Danielson said and the recall election it was strictly on this District. One hundred percent of the cost.

Mr. Sostarich said you can see what my strong suites are not.

Ms. Ball-Cummings said yes definitely thank you all right.

Mr. Sostarich said ok.

Ms. Ball-Cummings said anything under administrative details Mr. Danielson. Ms. Hicks is finished. Ok.

**11. Announcement of next scheduled meeting**

The next scheduled meeting of Marana Domestic Water Improvement District Board of Directors shall be on Monday, October 12, 2009 at 7:00 PM, at the District Offices.

**12. Adjournment**

It was moved by Mr. Peetoom, seconded by Mr. Sostarich and unanimously carried that; **This meeting of the Board of Directors of the Marana Domestic Water Improvement District shall be adjourned.**

The meeting was adjourned at 8:00 PM.

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Minutes prepared by  
Theresa Hicks  
Acting Clerk of the Board