

INDIAN HILLS FIRE PROTECTION DISTRICT

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SPECIAL MEETING MINUTES

Sunday, February 28, 2010

The Minutes are intended to reflect the discussions that occurred and decisions that were made by the members; they are not intended to be a transcription of the meeting.

MEETING ATTENDED BY:

Fire Protection District Board Members: Paul Pettit — President; Marc Rosenberg — Secretary; Richard Westerlage — Treasurer; Bret Roller

Fire Department Members: Emery Carson — Assistant Chief

Non-Members: Karen Nelson — Recording Secretary

Community Members: Ron Walton

MEETING CALLED TO ORDER AT: 8:45 Hrs.

MINUTES:

Mr. Pettit announced that the purpose of the meeting was to discuss the candidates for the open Board seats and other election issues. He began by saying that there was currently an open Board seat until May that had been created by Mr. Dawson and then Mr. Schoenbein leaving. Mr. Pettit mentioned that Mr. Walton was willing to take the seat and then run for a four-year term in the May election.

Mr. Rosenberg made a *motion* to appoint Mr. Walton as a Board member until the May election, which was seconded by Mr. Roller and passed unanimously.

Mr. Pettit then said that Mr. Walton had 30 days to take the oath of office and fill out the paperwork. It could be done at the next meeting, Mr. Pettit suggested.

Mr. Pettit then shared that Mr. Rosenberg had called Mr. Young regarding whether a certain amount of time was required before Mr. Evans could run for another Board term. Mr. Young had not responded in a timely manner, Mr. Pettit explained, adding that as a result he had called Ms. Nemer. She had responded the same as Mr. Young ultimately had by saying that Mr. Evans is not eligible to run for another four-year seat. Mr. Pettit said that he had notified Ms. Fritz, who had notified Mr. Evans. Mr. Pettit shared that Mr. Evans had been

hostile toward Ms. Fritz and had called Mr. Young himself. Mr. Roller asked who was going to pay the bill for Mr. Evans to call Mr. Young.

Mr. Pettit said that he had talked to Mr. Evans the previous Friday afternoon to inform him that he was not eligible to run for a four-year Board seat. Mr. Pettit then read sections from the Frequently Asked Questions portion of the Department of Local Affairs Special District Assistance handbook that spelled out election eligibility requirements. He noted that a four-year time gap was required before any term-limited Board member could run for another four-year seat. Mr. Evans could run for a two-year term, Mr. Pettit explained, just like he himself was planning to do. And he had informed Mr. Evans that he could do so. Mr. Evans had proceeded to fill out the appropriate paperwork.

Mr. Rosenberg asked if anyone other than Mr. Evans and Mr. Pettit had filled out paperwork for the two-year seat. He was told “no.” Mr. Pettit then summarized that Mr. Roller’s seat was up in 2012. Mr. Westerlage was running for the seat he was currently in. Mr. Rosenberg was running for the seat Mr. Pettit was vacating. And Mr. Walton had taken Mr. Schoenbein’s seat and was running for a four-year term in May. Mr. Pettit further explained that both he and Mr. Evans were running for the two-year seat that had previously belonged to Mr. Amundson.

Mr. Pettit said that Mr. Evans was taking the whole situation very personally and thought that Mr. Pettit was upset with him for an unrelated matter. As an aside, Mr. Pettit shared that both he and Mr. Roller had applied for a job at the Water District in November. Mr. Evans thought that both men were upset about not getting the job. Mr. Rosenberg said that he had been offered the job himself but had turned it down. Mr. Pettit said that he wasn’t sure what Mr. Evans’s motive was in wanting a Board seat. Mr. Pettit offered to withdraw to avoid the expense of an election. He further shared that Mr. Evans said that he wanted to get on the Board to shake things up and that Mr. Roller might quit as a result.

Mr. Pettit said that he had told Mr. Evans that he had until March 5 to withdraw. Discussion followed about election specifics. Mr. Pettit shared that Ms. Fritz had estimated costs at \$3,000. Mr. Carson asked if mail-in ballots could be avoided in favor of just having a polling place. “No,” responded Mr. Pettit, explaining that some citizens in the District may have filed requests with the County for permanent mail-in ballots. Ms. Nemer had filed the requisite paperwork on behalf of the Department, Mr. Pettit continued. Mr. Rosenberg said that Mr. Young had failed to bring up the fact that a mail ballot plan has to be filed by February 28. An extension could have been filed on February 24, added Mr. Pettit, but since he had spoken with Ms. Nemer on February 25, it was already too late for that. Mr. Rosenberg said that as the Secretary of the Board, he had authorized Mr. Pettit to speak with Ms. Nemer. Mr. Pettit pointed out that Mr. Young didn’t respond to Mr. Rosenberg’s inquiries until after Mr. Evans had called him.

Mr. Pettit explained that he had always got along with Mr. Evans but that he didn’t plan to talk with him about the issue again. Mr. Pettit said that he had already asked Mr. Evans to think about the situation. The election could be cancelled at any time leading up to its scheduled date. But the closer it gets, he continued, the more expensive it becomes. Unless someone talks Mr. Evans out of running, added Mr. Rosenberg. Mr. Westerlage asked what

would happen if the Board didn't approve Mr. Evans. Mr. Pettit reminded him that it wasn't a Board choice if he got a seat as the result of an election.

Mr. Evans had a wide network in the community, Mr. Pettit admitted. He said that he would personally address Department members at the next business meeting but that he couldn't spend a lot of money on a campaign. Mr. Walton reminded that Mr. Pettit could only legally spend \$25 or less. Mr. Westerlage said that a candidate could spend more if he declared it. To do so, however, there were affidavits to sign, Mr. Roller said. An election would cost the District thousands of dollars, lamented Mr. Rosenberg.

Mr. Pettit said that if it was the will of the Board, he would drop out of the election. Mr. Rosenberg said that it might be wise since he thought Mr. Evans would win the election. Mr. Roller said that he wasn't sure about that. He said the Board was moving in a good direction. He advised getting the word out about the election. The days of disruption could come back . . . Mr. Pettit said that he could foresee the potential conflict under the surface with Mr. Evans back on the Board. The current Board members have learned to get along even though their not always in total agreement, Mr. Pettit said. Maybe Mr. Evans doesn't agree with the current direction. Maybe he doesn't like the idea of having a full-time fire chief. Mr. Pettit admitted that he hadn't been required to tell him about the term issue but felt that he needed to get it out in the open and had advised him he had until 3 pm to fill out the paperwork.

Mr. Pettit asked if anyone had anything else to contribute. Mr. Carson said that he thought someone should email Mr. Young and tell him that the Department would not be paying the bill for his time talking to Mr. Evans. Mr. Pettit reminded that Mr. Evans had asked the same question Mr. Rosenberg had but no answer had been received until Mr. Evans had called.

Mr. Roller asked if the Department now had cause to change attorneys. Mr. Pettit responded that he had talked to Mr. Nemer and reviewed the fee structure. Toussant & Nemer has one person, Dana, who is dedicated to election issues, he continued. In order to get advice from Ms. Nemer, Mr. Pettit explained that he had been required to fill out some paperwork although he told Ms. Nemer that no changes in representation would be made until June. The firm is ready to jump in if needed, he explained.

Mr. Pettit said that he had also spoken with Ms. Fritz. If there was to be an election, there was a lot to do. Mr. Rosenberg asked again for the date to withdraw. Mr. Pettit answered that it was March 5. Mr. Rosenberg asked if Mr. Evans could withdraw at any time. "Yes," responded Mr. Pettit. Inquiry was made about where Mr. Evans's paperwork was. Mr. Pettit said that Ms. Corsaut has it. He then reviewed the mail ballot plan extension rules and explained that the mail ballot plan was a simple online form available from the Secretary of State website. A timeline was included. The bottom line, Mr. Pettit summarized, was that it looked like there would be an election.

MEETING ADJOURNED AT: 9:12

There being no more business to discuss, Mr. Rosenberg made a *motion* to adjourn the meeting, which was seconded by Mr. Roller and passed unanimously.

President:

Secretary:

MOTIONS MADE AND PASSED:

- To appoint Mr. Walton as a Board member until the May election. *Motion made by Mr. Rosenberg; seconded by Mr. Roller; unanimous.*
- To adjourn the meeting. *Motion made by Mr. Rosenberg; seconded by Mr. Roller; unanimous.*

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