

# WEST DAKOTA WATER DEVELOPMENT DISTRICT

## Special Meeting Minutes – January 30, 2012

**Members Present:** Sandra Beshara, Lloyd (Max) Booher, George Ferebee, Gale Holbrook, Kenneth E. (Chuck) Jasper, Orland Paulsen, Dwight W. Peterson and J. Foster Sawyer

**Members Absent:** Lavern Koch

**Staff Present:** Blaise Emerson, Ali DeMersseman and Lola Lincoln

Chairman Paulsen called the special meeting of the West Dakota Water Development District Board to order at 2:00 P.M. Roll call was taken, and a quorum was declared present.

### APPROVAL OF AGENDA

Chairman Paulsen called for changes or additions to the Agenda. Administrative Manager Emerson asked to include the payment of one bill.

**MEMBER PETERSON MOVED TO ADD PAYMENT OF THE INITIAL BILLING FROM THE WILSON, OLSON & NASH LAW TO THE AGENDA; MEMBER SAYWER SECONDED, AND THE MOTION CARRIED UNANIMOUSLY.**

### OLD BUSINESS

***Redistricting*** – Mr. Emerson advised that after conversations with the staff at the Department of Environment and Natural Resources, it was apparent the Legislative Research Council would not be meeting until after the legislative session was over to review and change rules. The Board of Water and Natural Resources understands the issue and would like to make changes, but it may not happen this year.

Mr. Emerson called attention to the legal opinion from Erika S. Olson of Wilson, Olson & Nash, P.C., copies of which were distributed to the directors. In regards to a vacancies caused by redistricting, the director would fill out the length of term to the next general election. The second opinion related to the term lengths of the position filled due to a vacancy. To this, the attorneys' legal opinion was that the position is filled up to the next general election.

Under the new areas, Member Sawyer is in Director Area One, Member Ferebee is in Director Area Two, Member Paulsen is in Director Area Three, Member Koch is in Director Area Four; Director Area Five is vacant; Member Holbrook is in Director Area Six; Member Jasper is in Director Area Seven; Members Beshara, Booher and Peterson are all in Director Area Eight; and Director Area Nine will be vacant. After further discussion,

**MEMBER FEREBEE MOVED TO PREPARE A LETTER FOR CHAIRMAN PAULSEN'S SIGNATURE TO THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ASKING PERMISSION FOR WEST DAKOTA TO PROPOSE TO THE DEPARTMENT HOW IT WANTS THE NINE DIRECTOR AREAS LAID OUT IN CONFORMITY WITH THE ONE-MAN-ONE VOTE RULE IN TIME TO MEET THIS ELECTION CYCLE.**

Chairman Paulsen called for a second to the motion.

**MEMBER JASPER SECONDED FOR THE PURPOSES OF DISCUSSION.**

Mr. Emerson advised the Department probably could not make changes to the rules in time and that they did not feel comfortable making changes because of the already published Administrative Rules in case petitions were currently being filed.

**MEMBER HOLBROOK CALLED THE QUESTION; MEMBER JASPER SECONDED.**

**A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO CALL THE QUESTION AS FOLLOWS: MEMBER BESHARA, NO; MEMBER BOOHER, NO; MEMBER FEREBEE, NO; MEMBER HOLBROOK, YES; CHAIRMAN PAULSEN, YES; MEMBER PETERSON, NO; MEMBER SAWYER, YES. THE MOTION FAILED**

**A ROLL CALL VOTE WAS TAKEN ON MEMBER FEREBEE'S MOTION TO CONTACT THE SECRETARY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AS FOLLOWS: MEMBER BESHARA, NO; MEMBER BOOHER, YES; MEMBER FEREBEE, YES; MEMBER HOLBROOK, NO; MEMBER JASPER, NO; CHAIRMAN PAULSEN, NO; MEMBER PETERSON, NO; MEMBER SAWYER, NO. THE MOTION FAILED.**

**MEMBER HOLBROOK MOVED THAT WEST DAKOTA COME UP WITH THE DESIRED NINE DISTRICTS AND EXPLORE THE POSSIBILITY OF A SPECIAL ELECTION FOR THE REPRESENTATIVES OF THOSE NINE DISTRICTS IN ORDER TO QUALIFY FOR THE GENERAL ELECTION IN NOVEMBER; MEMBER BESHARA SECONDED.**

**MEMBER HOLBROOK CALLED THE QUESTION. CHAIRMAN PAULSEN CALLED FOR A VOTE ON CALLING THE QUESTION, AND THE MOTION PASSED UNANIMOUSLY.**

**A ROLL CALL VOTE WAS TAKEN ON MEMBER HOLBROOK'S MOTION TO EXPLORE A SPECIAL ELECTION, AS FOLLOWS: MEMBER BESHARA, YES; MEMBER BOOHER, YES; MEMBER FEREBEE, NO; MEMBER HOLBROOK, YES; MEMBER JASPER, YES; CHAIRMAN PAULSEN, YES; MEMBER PETERSON, YES; MEMBER SAWYER, NO. THE MOTION CARRIED.**

Member Jasper will assist Mr. Emerson in drafting correspondence.

Mr. Emerson requested authorization for the expense of having the Rapid City GIS Department produce large, director area maps for Board Members.

**MEMBER JASPER MOVED TO AUTHORIZE THE EXPENSE OF PRODUCING MAPS FOR EACH DIRECTOR PLUS A FEW EXTRAS FOR OTHER PURPOSES; MEMBER HOLBROOK SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

#### **DUE BILLS**

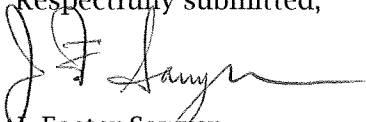
**MEMBER PETERSON MOVED TO PAY AN AMOUNT OF \$59.63 TO WILSON, OLSON & NASH LAW FIRM REGARDING THEIR OPINION ON BOARD VACANCIES; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

#### **ADJOURNMENT**

**MEMBER BOOHER MOVED TO ADJOURN; MEMBER BESHARA SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

The meeting concluded at 3:15 P.M.

Respectfully submitted,

  
J. Foster Sawyer  
Secretary