

# WEST DAKOTA WATER DEVELOPMENT DISTRICT

## Meeting Minutes – July 20, 2011

**Members Present:** Sandra Beshara, Lloyd (Max) Booher, George Ferebee, Gale Holbrook, Kenneth E. (Chuck) Jasper, Lavern E. Koch, and Dwight W. Peterson

**Members Absent:** Orland Paulsen and J. Foster Sawyer

**Visitors Present:** Carol Ferebee, Bruce Meister and Duane Houston

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

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

### MINUTES

Chairman Holbrook asked for approval of the Board's June 22, 2011 Meeting Minutes.

**MEMBER PETERSON MOVED FOR APPROVAL OF THE MINUTES FOR THE BOARD'S JUNE 22, 2011 MEETING AS PRESENTED; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

### BOARD VACANCY

**Acceptance of Petition for Director Area Nine** – Mr. Emerson reported that a petition had been received from Kenneth E. Jasper for the Director Area Nine vacancy and that, after the review as to its accuracy, it was a valid and correct petition, after which he said a motion to accept was in order.

Chairman Holbrook called into question the system for electing new members to the Board saying *"...his comments were not directed to anyone here because we've all been elected in the same way, but the first person to turn in a petition is elected."* Mr. Emerson said, *"...if we had more than one petition that would come in, we would then present both or that number of petitions to the Board and then you could have a discussion of which one of those you would like."* Chairman Holbrook said, *"...we are suppose to elect that person and when we only have one choice, your election is out the window...I'm going to ask the State Department about their thoughts on that."*

**MEMBER BOOHER MOVED FOR ACCEPTANCE OF THE DIRECTOR AREA NINE PETITON FROM KENNETH E. JASPER AS FILED; MEMBER BESHARA SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

**Oath of Office for Kenneth E. Jasper** - Administrative Manger Emerson advised it was necessary to administer the Oath of Office to the recently elected member saying,

*“...that having been elected as a member of the Board of Directors for the West Dakota Water Development District, Rapid City, South Dakota, he did solemnly swear that he would support the Laws and Constitution of the United States and the State of South Dakota and faithfully perform the duties associated with the Water Development District Board of Directors,”* which was done by Mr. Jasper, after which he affixed his signature to his Oath of Office.

## **BUDGET**

**Budget Hearing for 2012** – Mr. Emerson announced, *“This is the time and place set by the published notice for hearing statements of argument relative to the budget proposed by the West Dakota Water Development District Board. All interested parties may make a statement. Persons who have indicated they wish to make a statement will be called in the order in which they have signed in. Afterwards, anyone else may make a statement. Before speaking, please give your name and address for the minutes. If the presentation is typed, please briefly summarize it and the Board will review it before passing on the budget.”*

Mr. Emerson called attention to the Budget Comparison sheet highlighting some of the categories with Board Members, after which Board Members individually addressed areas of interest or concern to them including: dredging of Canyon Lake for \$100,000 (\$12,384 coming from **Lake Restoration Category** with the balance to come from **Reserves** at the appropriate time), a \$2,000 increase in the **Public Relations and Marketing Category**, and the lack of meeting minutes being posted on West Dakota’s Website.

**MEMBER BOOHER MOVED TO ADOPT THE PRACTICE OF ADDING MEETING MINUTES TO WEST DAKOTA’S WEBSITE FROM 2008 FORWARD; MEMBER JASPER SECONDED, AND THE MOTION CARRIED UNANIMOUSLY.**

Member Jasper asked for a clarification of the percentage of increase (3.3 percent) from the **Adopted 2011 Budget** versus the **Proposed 2012 Budget** (from \$173,180 to \$203,099). Mr. Emerson said that percentage was just for the tax levy portion calling attention to the *Microgravity Study* under the **Project Assistance Category** at \$45,000 being shown as a total expenditure. He said half of that amount was being paid for by a grant reflected under **Means of Finance** at \$22,500 being reflected as revenues to be received.

Member Beshara asked for a breakdown of the **Professional Services and Fees Category**. Mr. Emerson reported the **Memorandum of Understanding** with the Black Hills Council called for 900 hours of staff time, office space, equipment, phones, postage, etc.

Member Jasper asked about the **Legal Category** and whether or not West Dakota could request an “opinion” from the attorney general’s office because under “*SDCL 46A-2-12 – Legal adviser of board, the attorney general shall act as the legal adviser of the Board of Water and Natural Resources. All other state agencies shall assist and cooperate with the conservancy district, at the request of the board.*” Mr. Emerson said, *“If it was an opinion regarding state law, I would return those to the attorney general’s office.”*

**Resolution Providing That a Tax be Assessed and Levied on all Taxable Property in the West Dakota Water Development District –**

**MEMBER BOOHER MOVED TO ADOPT THE “RESOLUTION PROVIDING THAT A TAX BE ASSESSED AND LEVIED ON ALL TAXABLE PROPERTY IN THE WEST DAKOTA WATER DEVELOPMENT DISTRICT;” MEMBER BESHARA SECONDED.**

During discussion, Member Jasper asked “...is the motion that we’re adopting the budget as it is shown here, or are we just adopting the proposed numbers?” Mr. Emerson said, “It would be the budget as presented.” He then questioned the resolution advising, “...SDCL 46A-3E-1 says a water development district board of directors may levy taxes not to exceed 30 cents per thousand dollars of taxable valuation in the district for accomplishment of the purposes of Chapters 46A-3A to 46A-3E, inclusive, and Chapters 46-A1 and 46-A2,” which differs from the first WHEREAS in the resolution before the Board.

**MEMBER JASPER MOVED TO AMEND THE MOTION TO REFLECT CHANGING THE FIRST PARAGRAPH IN THE RESOLUTION TO COMPLY WITH CURRENT STATE LAW.**

Mr. Emerson asked if that was acceptable to the motion maker and the second; Members Booher and Beshara said it was, after which

**THE AMENDED MOTION PASSED UNANIMOUSLY.**

**Certification of Tax Levy Resolution and Budget** – Chairman Holbrook called for a motion concerning this resolution.

**MEMBER KOCH MOVED TO APPROVE THE “CERTIFICATION OF TAX LEVY RESOLUTION AND BUDGET;” MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

**Budget Certification of Adoption** – Mr. Emerson advised a motion was in order for this resolution certifying the budget was completed, corrected and adopted by a majority of the Board Members.

**MEMBER PETERSON MOVED TO APPROVE THE “BUDGET CERTIFICATION OF ADOPTION” RESOLUTION; MEMBER BESHARA SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

**ADMINISTRATIVE ITEMS**

**Open Meeting Issue** – Mr. Emerson recalled that at the May Board Meeting, Member Sawyer attended via telephone; he was called by roll and announced that he was in attendance, but because each vote was not taken by a roll call vote--as required under open meeting laws--he had passed that information along to the Pennington County State Attorney’s Office but as yet had not received a response. He advised that in reading the statutes, “...potentially, there could be a class two misdemeanor filed on it.” He noted that a quorum was present without Member Sawyer. Chairman Holbrook suggested that based on the District’s past records of open meetings, the issue be tabled.

**MEMBER BESHARA MOVED TO TABLE THE ISSUE; MEMBER BOOHER SECONDED, AND THE MOTION PASSED WITH MEMBER FEREBEE VOTING NO.**

**Statement for Pennington County Staff** – Mr. Emerson called attention to this item included in the meeting packets outlining West Dakota’s parameters, and asked that Board Members offer any suggestions for changes they might like to make.

**Payment of Bills and Transfer of Funds –**

**MEMBER PETERSON MOVED TO APPROVE PAYMENT OF BILLS FOR THE MONTH OF JULY IN THE AMOUNT OF \$24,566.92 AND AUTHORIZE THE TRANSFER OF FUNDS NECESSARY FOR PAYMENT; MEMBER BOOHER SECONDED, AND THE MOTION PASSED UNANIMOUSLY.**

**Other Items from Board Members –**

Member Jasper inquired as to what newspaper was used for the legal publication of meeting minutes. Mr. Emerson advised the *Rapid City Journal* was West Dakota’s legal newspaper but was not legally required to publish and, in fact, had not published our minutes and even asked us to stop sending them. After further discussion, Staff was asked to gather quotes for publication of minutes from the *Rapid City Journal* and *New Underwood Post*.

Member Jasper asked if West Dakota had “...*public liability insurance to cover the actions of the Board.*” Mr. Emerson stated that West Dakota has “government officials” coverage which included liability for public officials.

**Next Meeting Date** – The next meeting date will be September 21, 2011.

**ADJOURNMENT**

**MEMBER BOOHER MOVED TO ADJOURN; MEMBER JASPER SECONDED.**

With no formal call for a vote, the meeting concluded at 3:10 P.M.

Respectfully submitted,

Dwight Peterson  
Secretary