

**LAKE EDGEWOOD CONSERVANCY DISTRICT**  
Board of Directors Meeting Annual Meeting  
February 7, 2018, 7:00pm  
Lake Edgewood Community Center  
1715 W. Shore Dr., Martinsville IN 46151

Attendance: Chairperson Jennifer Staggs, Vice Chairman John Allbritten, Director Tonya Mercer, Director John Dotson, Director James Thomas, Financial Clerk Kelly Stege, Secretary Jeff Snodgrass

The meeting was called to order and Pledge of Allegiance led by Chairperson Staggs at 7:01 PM.

Our CPA, Rosy Oshry, was ill and unable to attend the meeting as scheduled. She will join us at our next meeting on March 13<sup>th</sup>.

Secretary Snodgrass read the minutes of January 9, 2018 regular meeting. A motion to approve the minutes as presented was made by Vice Chairman Allbritten and seconded by Director Thomas. The vote to approve was unanimous.

Financial Clerk Stege presented Financial Reports for December 2017 & January 2018. A motion to approve the financial reports as presented was made by Director Mercer and seconded by Vice Chairman Allbritten. The vote to approve was unanimous.

Chairperson Staggs reported there were no nominations for the Area 3 Director position. Chairperson Staggs spoke with our Attorney to determine the correct process for filling the Director position under these circumstances. Per Attorney Allen Hux, if no nominations are received, then the first meeting after the Annual

meeting the Board should appoint a person to fill the position for one year. The position will then be up for election again at the next annual meeting. Director Thomas advised he is willing to continue to fill the position until the 2019 Annual Meeting, or until a replacement is found. Per Statute we must elect a Director for Area 3 in 2019, when Area 3 and 4 Directors will be up for election.

#### New Business

Director Dotson noted the Board failed to place a public notice in the local newspaper for this meeting. Chairperson Staggs advised she contacted our attorney, Allen Hux, and read his response to the board. His opinion was our advertising the meeting on our website, via e-mail, and posting notice on the Clubhouse was sufficient to meet the requirements per statute. Copy of attorney Hux's response attached.

There were no Public Comments

A Motion to adjourn was made by Director Dotson and seconded by Director Mercer. The vote to adjourn was unanimous and the meeting was adjourned at 7:39PM.

On Wednesday, February 7, 2018, 4:07 PM, Hux, Alan <AHux@taftlaw.com> wrote:  
Jen,

The Order of Establishment provides the annual meeting “shall be on or within a week of the second Wednesday of February . . . .” Given this Court Order, the meeting has to be held this year on the 7<sup>th</sup> and before 22<sup>nd</sup>. Given the time table set forth in the Court’s Order there is no way the District can be in compliant with 14-33-5-4; however as I have previously opined 14-33-23-6 indicates that failure of notice does not “ void the proceeding . . . .” If you do not hold the annual meeting then the Board has violated the Court’s Order as set forth in the Order of Establishment. Based on your representations to me notice of the annual meeting has been provided to freeholders via the District’s website, posted on the public bulletin board, and emailed to all freeholders. I would also point out the statute states “The annual meeting of the district must be held at the time designated by the court”.

For your information, the statutory section quoted by Mr. Dotson (14-33-5.4-9) does not pertain to the Lake Edgewood Conservancy District. Chapter 5.4 only apply to conservancy district in a county having a population of more than 23,000 , but less than 24,000.

I am of the opinion that the District should hold its annual meeting tonight to comply with the statutory requirements and the Court’s Order and as noticed in your minutes, website, posted on the bulletin board and as set forth in the email to your freeholders.

If you have any question please give me a call.

Per your request I have copied Mr. Dotson on the email.

Alan

## Taft /

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