

LAKE EDGEWOOD CONSERVANCY DISTRICT

Board of Directors Special Meeting

**March 27, 2018, 7:00pm
Lake Edgewood Community Center
1715 W. Shore Dr., Martinsville IN 46151**

Chairperson Jennifer Staggs, Vice Chairman John Allbritten, Director John Dotson, Financial Clerk Kelly Stege, Secretary Jeff Snodgrass.

The meeting was called to order and the Pledge of Allegiance was led by Chairperson Staggs at 7:00 PM.

Chairperson Staggs presented the response from our attorney, Alan Hux regarding transferring additional funds to our Cumulative Fund. Director Dotson stated attorney Hux and our CPA Rosy Oshry advised him differently about a year ago. Chairperson Staggs asked Director Dotson to provide the documentation to the Board that contradicts the information that attorney Hux had provided her. Resolution 18-1 was presented to the board which approves moving \$3420.25 from the General Fund to the Cumulative Fund. This action is being taken due to a vote by the Board during the November 8, 2016 Board meeting directing any boat registration fees collected above \$3,000 are to be transferred to the Cumulative Fund. A motion to adopt the resolution was made by Director Dotson, seconded by Vice Chairman Allbritten. The vote to adopt was unanimous.

Chairperson Staggs presented Resolution 18-2 which would identify official LECD Board spokespersons and outlining action to be taken in case of violation. A copy of the Resolution is attached. The resolution was presented as a result of Director Dotson and Director Thomas recently meeting with Plan Commissioner Kenneth Hale and stating they were there as representatives of the LECD Board of Directors. Mr. Hale advised Chairperson Staggs that Directors Dotson and Thomas were very confrontational and unprofessional. Director Dotson stated they did not indicate they were there to represent the LECD Board and disagreed with Mr. Hale's assessment of the meeting. Chairperson Staggs advised Mr. Hale wanted to attend the meeting to address the issue, but had a conflict and was unable to attend. However, he would be available to discuss the issue on the phone. Chairperson Staggs then called Mr. Hale and put him on speaker so all in attendance could hear the conversation. Mr. Hale stated that he felt Directors Dotson and Thomas were very unprofessional. Mr. Hale also stated Directors Dotson and Thomas were inquiring about a previous LECD Board of Directors meeting that they stated Mr. Hale attended. Mr. Hale had no recollection of this meeting. Per Mr. Hale, Directors Dotson and Thomas presented him with copies of LECD Board of Directors Meeting Minutes and budget reports. After reviewing the meeting minutes that Directors Dotson and Thomas presented, it was determined that the person in question was John Elliott. Mr. Hale stated he didn't appreciate being accused of something he knew nothing about. Mr. Hale pointed out that it was unprofessional of Directors Dotson and Thomas confront the wrong person, and they should have had their facts straight before the meeting. Director Dotson apologized for asking for information. At this point the call with Mr. Hale ended. Director Dotson stated he went as private citizen and stated he was on the board.

Director Dotson stated he was investigating a statement that Jeff Snodgrass made at an earlier meeting advising the County wanting the District to enforce the City of Martinsville's Noise ordinance. Mr. Snodgrass stated he did not state that the County wanted the District to enforce the City Noise Ordinance. He stated he advised the board that the current LECD Rules and Regulations conflicted with the City Noise Ordinance and since the District is in the one-mile fringe of the City, the board may want to consider changing the rules to coincide with the City Ordinance. Chairperson Staggs questioned Director Dotson's commitment to the Board, noting he repeatedly disagrees with direction from our attorney and CPA, and takes action on items without Board direction or approval. Director Dotson left the meeting at 7:47 PM. No action was taken on Resolution 18-2 since there was no longer a quorum, and the meeting was adjourned at 7:49 PM.

Respectfully Submitted by Jeff Snodgrass, Secretary, LECD Board of Directors.

RESOLUTION NO. #18-1

Resolution of the Board of Directors of the
Lake Edgewood Conservancy District

WHEREAS, the Lake Edgewood Conservancy District ("Conservancy District") is governed by its duly elected District Board which serves as the fiscal body of the conservancy District; and,

WHEREAS, the District Board had voted on November 15, 2016 to use boat fees collected in excess of the budgeted \$3500.00 to be applied as additional funds to the Cum Fund;

and

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Lake Edgewood Conservancy District in a regularly scheduled meeting as follows:

Section 1. That the Financial Clerk is hereby authorized to transfer excess sum (Total boat fees received in 2017 \$6920.25-\$3500.00=\$3420.25):

\$ 3420.25 From 1000 General Fund

To 1010 Cumulative Maintenance

PASSED AND ADOPTED, this 27th day of March 2018, by the District Board of the Lake Edgewood Conservancy District, Morgan County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

LAKE EDGEWOOD CONSERVANCY DISTRICT BOARD OF DIRECTORS

Jennifer Staggs, Chairman

John Allbritten, Vice Chairman

Tonya Mercer, Director

John Dotson, Director

James Thomas, Director

Kelly Stege, Financial Clerk

MEMORANDUM

To: Jennifer Staggs, Chairperson
Lake Edgewood Conservancy District

From: Alan Hux

Re:

Date: February 27, 2018

Dear Jen:

I have reviewed your correspondence dated February 19, 2018 concerning the actions of Mr. Dotson and Mr. Thomas in approaching Mr. Hale concerning alleged actions in 2015.

The actions of Mr. Dotson and Mr. Thomas raise two potential scenarios:

- First: If Mr. Dotson and Mr. Thomas were approaching Mr. Hale as citizens of Morgan County or residents of Lake Edgewood there is not much that the Lake Edgewood Conservancy District Board of Directors can do. Freedom of speech exercised by private citizens is protected notwithstanding the questionable means and methods.
- Second: If Mr. Dotson and Mr. Thomas were approaching Mr. Hale as Board Members of the Lake Edgewood Conservancy District without Board approval, then I am of the opinion they were acting beyond the scope of their authority or committing ultra vires acts.

As to your question regarding potential solutions to the second scenario, the Board could pass a resolution providing that there is only one spokesperson for the Board of Directors and name that person in the Resolution. The Resolution could further indicate that violation of the Resolution by any

Board Member could result in the Board issuing a public reprimand after giving the violating individual a chance to present his defense before the Board. The Resolution might also provide that if a member receives a specific number of reprimands (i.e., 2) then the Board would have the authority to seek judicial relief via an injunction against the Board Member for the ultra vires acts and all such costs including reasonable attorney fees incurred by the Board would have to be reimbursed to the District by the punitive party whether or not the injunction was issued.

As to your question inquiring as to the jurisdiction of the County Commission over the LECD, I am of the opinion that other than appointing the initial Board of Directors the County Commissioners have no statutory jurisdiction or authority over the LECD or the actions of its Board of Directors.

If you have any questions or wish to discuss further, please do not hesitate to contact me.

RESOLUTION NO. #18-2

**Resolution of the Board of Directors of the
Lake Edgewood Conservancy District**

WHEREAS, the Lake Edgewood Conservancy District ("Conservancy District") is governed by it's duly elected District Board which serves as the fiscal body of the conservancy District;

and,

WHEREAS, the District Board was informed of the need to regulate a representative spokesman(s) for the Board of Directors to cover all current business needs and correspondence;

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Lake Edgewood Conservancy District meeting in a special meeting session as follows:

There shall be two spokespersons for the Board of Directors on all business related visits and or phone conversations pertaining to Lake Edgewood Conservancy District business. The two appointed will be the Chairman and Vice Chairman.

Violation of the Resolution by any Board Member could result in the Board issuing a public reprimand after giving the violating individual a chance to present his defense before the Board. After receiving a second reprimand, the Board would have the authority to seek judicial relief via an injunction against the Board Member for the ultra vires acts. All such costs including reasonable attorney fees incurred by the Board would have to be reimbursed to the District by the punitive party whether or not the injunction was issued.

PASSED AND ADOPTED, this 27th day of March 2018, by the District Board of the Lake Edgewood Conservancy District, Morgan County, Indiana, having been passes by a vote of ____ in favor and ____ opposed.

LAKE EDGEWOOD CONSERVANCY DISTRICT BOARD OF DIRECTORS

Jennifer Staggs, Chairman

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James Thomas, Director

Kelly Stege, Financial Clerk