

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
June 18th, 2023

1. **Board Members Present:** Josh Edwards, Pat Sherman, Herb Benshoof (virtual), Aaron Parris, Mark Rasdall, Ted Adolay, and Mike Leavitt
2. **Board Members Absent:** None
3. **Also, Present:**
 - a. **Staff:** Brittany Bay and Nick Johann
 - b. **CSCD Attorney:** Roger Young
 - c. Approximately 40 freeholders in attendance & numerous online viewers
4. **Welcome:** Mr. Edwards called the meeting to order at 7:04 PM.
5. **Agenda Modifications:**
 - a. Mr. Edwards asked to remove line item 7.d Town of Nashville MOU from the agenda.
 - b. Mr. Rasdall asked to add swearing in the Chairman and Vice Chairman of the Board of Directors and resignation of his Board term.
 1. Mr. Edwards asked Mr. Rasdall to explain a little more about the swearing-in of the Chair and Vice Chair. Mr. Rasdall noted that it was brought to his attention the Chair and Vice Chair were not sworn in and we really need to have that done and then read off an Indiana Code. Mr. Edwards then asked if even though himself and Mr. Parris had been sworn in as Board Members why that would still need to happen. He then noted that he received something about the Board not following procedures that had been turned in to the Attorney General and he mentioned again this needed to be done and done correctly. Mr. Young asked about this document from the Attorney General and if he could receive a copy of this document, to which Mr. Rasdall noted all he had was a response letter from the Attorney General. Mr. Edwards asked if any other Board Members had received this letter. Mr. Young then noted that ordinarily if there is a complaint filed by the State, the State Agency notifies and expects a response from the Governmental Entity. Mr. Young then noted that is why it is unusual that the Office, the Chairman, or even the rest of the Board had not received a copy of the complaint. Mr. Young asked Mr. Rasdall to send a copy of the document he had.
 2. Mr. Edwards then asked what the other item was he wanted to add to the agenda. Mr. Rasdall noted he wanted to add the finishing of his Board term.
 3. Mr. Young then proposed that if the Board believes it is necessary to swear in the Chair and the Vice Chair then why don't we do that.
 - i. Mr. Young read the Oath of Office to Josh Edwards and Aaron Parris, both agreed to the Oath.

2. Approval of Minutes:

MOTION: Mr. Parris motioned to approve the May 16th, 2023, Board Meeting Minutes, seconded by Mr. Sherman. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye

Motion passed.

3. Freeholder Concerns:

- a. Judy Hamilton (SW 528) noted she had lived here since 1999 and moved here to enjoy the lake, and she had never seen so many hateful people. Mrs. Hamilton mentioned that the Board should be representing all freeholders. Mrs. Hamilton then discussed the swearing in of Officers and that the CSCD attorney should have been aware of that. Mrs. Hamilton then mentioned the swearing in needed to happen before January 1st. Mrs. Hamilton also asked why the Attorney General information Mr. Rasdall had, was not received in the CSCD office. Mrs. Hamilton then mentioned she had a lot of respect for Chief Burris, and she hopes she is prepared to be micromanaged, and that we need to respect and trust law enforcement officers.
- b. Quinn Hetherington (Halibut Drive) mentioned that he believed the Board elections were after January 1st, so no one could have been sworn in before January 1st. Mr. Hetherington had two matters, first he wanted to thank the Board for their continued support of the community gardens, and then he wanted to thank them for the new pickleball courts. Mr. Hetherington then noted that a few Board members have come and played. Lastly, Mr. Hetherington mentioned he believed if the CSCD would have incorporated a long time ago a lot of the CSCD problems would not be as they are.
- c. Carrie Vavul (OES 333) noted that she attended the security commission meeting last week and they discussed moving up purchasing a new patrol boat to this year and purchasing it from unused security funds. She then asked that instead of moving this purchase up that we consider holding off and see what happens with the security issue.
- d. Rebecca Norman (Grey Wolf Drive) noted this is their 3rd summer here, and she feels they were misled about the security. She is thankful for the wonderful Fire Department and neighbors, but she is very concerned with the elevated crime and vandalism. She just doesn't understand with the issue of security why can't some kind of compromise be reached.
 - i. Mr. Edwards mentioned he could comment a little bit on that. Mr. Edwards then noted that Sheriff Stogsdill reached out prior to the May meeting he attended, and then he spoke to the Sheriff on May 24th, and they agreed the Board, the Sheriff, and the attorneys would all like to

meet. Mr. Edwards then mentioned that he had not heard anything from the Sheriff from May 24th until yesterday (June 17th) when he contacted him, and the Sheriff told him he saw the MOU for the Town of Nashville was on the Board Agenda and asked if the Board was done negotiating. Mr. Edwards told the Sheriff he was still waiting to hear a time from the Sheriff and his attorneys of when they could meet with the Board and their attorney. Mr. Edwards then mentioned that when you negotiate there is a list of items that each party wants, and you go back and forth and find a compromise. Mr. Edwards then noted when he and the Sheriff spoke the Sheriff told him everything on the list is nonnegotiable and Mr. Edwards explained to freeholders that makes it hard to negotiate. Mr. Edwards then noted that during his conversation yesterday the Sheriff told him that his attorney was going to give the Board and the CSCD attorney some dates and times and then set up a meeting.

- e. Shawn Rexroth (OES 260) asked what the obstacles are with the committee that the Sheriff can't provide. She feels like the committee is pushing Brown County out and bringing these people in that can't even cover their own community. Mr. Edwards then explained that is not our concern that is up to Chief Burris, if Chief Burris says she can provide us a service and the Board signs a contract with her we trust her to do that now if the contract is not upheld then that is on her, and that is why we would sign a contract. Mrs. Rexroth then asked if the Board was requiring Chief Burris to tell the Board where she and her deputies are 24/7. She then asked about the bonds, and if we had talked to a bank about a loan. Mr. Young then told her to give him a call at his office and he would answer all questions. Mr. Young then explained that Baker Tilly was hired by the CSCD Board as a financial advisor, and they would advise the Board on the best way to raise these funds. Mrs. Rexroth attended the wake committee meeting and wanted everyone to know that she is concerned about the dams, safety, and erosion and that these wake boats are designed to make larger wakes.
- f. Mike Gaither (CSLOA President) brought up the firework event on July 8th and is concerned if the show should be put on this year with the lack of security and is looking for the Board's guidance on what they should do. He explained the deadline and brought up cancelation. He asked if the Board had any thoughts on that and where we would be with security by July 8th. Mr. Edwards mentioned that is why they were discussing the MOU with Chief Burris. He then mentioned that her and her deputies were here over Memorial Day weekend, and he believed their presence was seen. Then mentioned that if the Board cannot come up with a permanent agreement with a law enforcement agency before then, then brought up a possible MOU with either the Sheriff or Nashville for that time.

4. Management Reports:

a. Director of Finance & Administration:

1. Mrs. Bay summarized the fund report. The current balance is \$2,624,069.55.

MOTION: Mr. Edwards motioned to approve the financial report subject to audit, seconded by Mr. Sherman. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye**

Motion passed.

2. Mrs. Bay summarized the appropriation report and monthly claims list. The monthly claims total is \$298,114.05. The unexpended remaining balance is \$1,701,973.41 or 67.08% remaining.

MOTION: Mr. Sherman motioned to approve the monthly claims subject to audit; seconded by Mr. Adolay. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye**

Motion passed.

3. Mrs. Bay brought up that vehicles used for security have not been driven since the end of December and the CSCD mechanic has told her that to ensure their operable usefulness they will need to be driven.

MOTION: Mr. Sherman motioned to approve removing the law enforcement decals and decommissioning the lights from the security vehicles and allowing Nick and Brittany to drive these vehicles to make certain that we are exercising them to keep them viable at their discretion.

- a. There was some discussion amongst the Board and the freeholders.
- b. Mr. Johann spoke in detail about some of the issues he saw with the cars sitting.

- c. Mr. Parris mentioned that he asked the Sheriff at the last meeting whether or not those vehicles can be driven and parked at different areas of the District as theft deterrent. Mr. Johann mentioned the Sheriff had stated that we could drive them around just don't flip the lights on.
- d. Mr. Rasdall asked the cost of this and if we have the ability to drive them around in the District as they are, with ethanol free gas what is the cost of removing the decals.
- e. Mr. Sherman mentioned his concern would be CSCD employees driving the vehicles with the Sheriff decals on, and something happened an insurance company would cover that. Mr. Sherman mentioned that he believes the risk associated with this needs to be looked into; are we insured for that. Mr. Sherman is not sure the cost is worth the risk.
- f. Mr. Edwards suggested moving forward Brittany or Nick contact our insurance company before we make this decision.

MOTION WITHDRAWN: Mr. Sherman withdrew his motion.

- g. Mr. Edwards then directed that he wanted Brittany Bay to contact our insurance company and see what liabilities may or may not be there.

b. Director of Operations:

1. Mr. Johann summarized his report.
2. Mrs. Bay discussed the angler's club donation for the kid's tournament.

**MOTION: Mr. Sherman motioned to approve issuing a \$500 donation check to the angler's club, seconded by Mr. Rasdall.
Roll Call Vote:**

**Mr. Rasdall: Aye
Mr. Leavitt: Aye**

Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye

Motion passed.

3. Mr. Johann discussed office hours, explained the surrounding areas are 8am-4pm and that we keep the office open through lunch. Mr. Johann asked to change the office hours beginning August 1st,2023 to 8am-4pm.

MOTION: Mr. Rasdall motioned to approve changing the CSCD Office hours effective August 1st,2023 to being open 8am-4pm, seconded by Mr. Sherman. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye

Motion passed.

5. Commission Reports:

a. Building:

1. Mr. Sherman reviewed the building applications.

MOTION: Mr. Sherman motioned to approve building applications 23-040, 23-041, and 23-043 for approval from the CSCD Board contingent upon lot owners obtaining all permits required by Brown County and meeting all conditions by the Building Commission, seconded by Mr. Rasdall. Motion passed unanimously.

b. Ecology:

1. Mr. Benshoof summarized the Ecology Minutes.

c. Security:

1. Mr. Adolay summarized the Security Minutes.
2. Mr. Adolay discussed offshore lot owners parking on the lake and the security

commission would like to keep the rules on that topic as they are.

- a. Mr. Edwards mentioned he appreciated the security commission, but he wanted to make sure everyone understands the security commission makes recommendations to the Board and then the Board would have to approve those recommendations.
3. Mr. Adolay discussed moving money from the money budgeted for a patrol car and using that to purchase a patrol boat. There was some discussion amongst the Board.

MOTION: Mr. Adolay motioned to approve Resolution 2023-6 to purchase the patrol boat with the police vehicle funds, seconded by Mr. Parris. Roll Call Vote:

Mr. Rasdall: Nay
Mr. Leavitt: Nay
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Nay
Mr. Sherman: Aye
Mr. Benshoof: Aye

Motion passed 4-3

4. Mr. Adolay discussed revoking the beach privileges of a freeholder that had multiple violations at the beach. There was some discussion.

MOTION: Mr. Adolay motioned to revoke to beach privileges/beach pass for the freeholders at 8651 Centerlake (OEC 212) David/Justin/Jonathan Johnson for 365 days or until they can explain their situation to the security commission and Board of Directors for their multiple offenses during the time period of May 31, 2023- June 3,2023.

MOTION WITHDRAWN: Mr. Adolay withdrew his motion.

5. The Board requested Mr. Young investigate the due process requirements for this matter.

MOTION: Mr. Adolay motioned to sell the two oldest security vehicles.

Discussion: There was discussion amongst the board and the CSCD mechanic Josh Bryant as to whether the vehicles are road worthy. Mr. Young discussed excess property.

MOTION WITHDRAWN: Mr. Adolay withdrew his motion.

6. Mr. Sherman discussed the commissions and noted that all of the CSCD commissions are advisory commissions, and they cannot make rules and regulations.

d. Roads:

1. Mr. Rasdall summarized the Roads Minutes.

e. Water:

1. Mr. Parris summarized the Water Minutes.
2. Mr. Parris discussed the water rate study.

MOTION: Mr. Parris motioned to approve the Baker Tilly engagement letter for the rate study, seconded by Mr. Sherman.
Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye

Motion passed.

f. Financial Advisory Committee:

1. No meeting.

g. Wake Committee

- i. Mr. Parris summarized the Wake Committee Minutes.
- ii. Mr. Parris discussed a wake survey.

MOTION: Mr. Parris motioned to approve Resolution 2023-7 transfer of funds within the budget for the survey making services, seconded by Mr. Rasdall. **Roll Call Vote:**

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye

Mr. Benshoof: Aye

Motion passed.

6. New Business:

a. Ice Miller Engagement Letter

- i. Mr. Edwards discussed ratifying the Ice Miller engagement letter.

MOTION: Mr. Sherman motioned to ratify approving the Ice Miller Engagement Letter, seconded by Mr. Parris. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye**

Motion passed.

b. Schedule 2024 Budget Special Session

- i. Mrs. Bay discussed scheduling budget workshop for prior to the next Board Meeting.

c. Termination of Full-Time Employee

- i. Mr. Edwards discussed terminating a full-time employee.

MOTION: Mr. Sherman motioned to approve terminating a full-time employee, seconded by Mr. Leavitt. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Parris: Aye
Mr. Edwards: Aye
Mr. Sherman: Aye
Mr. Benshoof: Aye**

Motion passed.

d. Town of Nashville MOU

- i. Mr. Edwards noted that line item 7.d was removed from the agenda.
- ii. Mr. Edwards invited Chief Burris to speak at this time.
 - a. Chief Burris gave a report from Memorial Day weekend when her and her staff worked.
 - b. Mr. Sherman asked Chief Burris about coverage concerns. Chief Burris noted that anytime she had an officer in the District there was also an officer in the Town of Nashville.

c. Mark Rasdall resignation of term

- i. Mr. Rasdall discussed that he told the Chairman of the Board he had a drink before coming to a Board meeting. Mr. Rasdall noted that Mr. Edwards asked him if he had voted on anything under the influence and Mr. Rasdall mentioned he did not know how to answer him, so he did not. Mr. Rasdall then reached out to law enforcement and legal so now he felt comfortable answering Mr. Edwards question no he had not voted under the influence, he had drank 2 ½ hours prior to the meeting and then he presented national data involving drinking. Mr. Rasdall wanted to present full transparency that he has never voted on this Board under the influence and then mentioned he appreciated Mr. Edwards concerns and he wanted to make sure that this was done and over with.

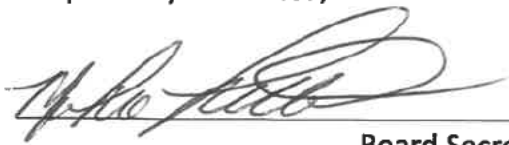
7. Board Members Concerns

- a. Mr. Rasdall mentioned he appreciated everyone coming tonight. Mr. Rasdall gave a shout out to Jamie Johann and Sweetwater Realty for the Beach Party.
- b. Mr. Leavitt reiterated Rasdall' s attendance comment. Mr. Leavitt then mentioned that the Fire Department has chairs that they can provide for the meeting.
- c. Mr. Adolay mentioned that security was working with boat patrol to get the rules tightened up.
- d. Mr. Parris thanked everyone for coming to the meeting.
- e. Mr. Edwards mentioned he had heard a lot of positive feedback about the Fire Department and wanted to give them a shout out for all they are doing.
- f. Mr. Sherman thanked everyone for coming to the meeting. Mr. Sherman mentioned that he wanted CSCD freeholders to be first in purchasing bonds.
- g. Mr. Benshoof thanked everyone for coming to the meeting and sharing.

8. Adjourn (9:24 PM)

MOTION: Mr. Parris moved to adjourn, seconded by Mr. Rasdall. Motion passed unanimously.

Respectfully submitted,



, Board Secretary

Date Submitted: