

Cordry-Sweetwater Conservancy District
Board of Directors Meeting
January 13th, 2024

1. **Board Members Present:** Randy Brumfield, Jim Maulden, Aaron Parris, Mark Rasdall, Ted Adolay, and Mike Leavitt
2. **Board Members Present Virtually:** Patrick Sherman
3. **Board Members Absent:** None
4. **Also, Present:**
 - a. **Staff:** Brittany Bay, and Nick Johann
 - b. **CSCD Attorney:** Roger Young
 - c. Estimated 30 freeholders in attendance & numerous online viewers.
5. **Welcome:** Mr. Parris called the annual meeting to order at 3:39 PM
6. **Election Results:**
 - a. Randy Brumfield won the District Area 1 seat with 193 votes. Cathie Brown had 124 votes and Denise Caudill had 56 votes.
 - b. Jim Maulden won the District Area 4 seat with 225 votes. Scott Casey had 145 votes.
 - c. Mr. Young read the Oath of Office to Mr. Brumfield and Mr. Maulden who both agreed to the oath.
 - d. Mr. Leavitt asked the CSCD attorney, Roger Young, about the position of Board Secretary.
 - i. Mr. Young noted that the Board secretary is an important role but different from that of the recording secretary. Mr. Young noted the Board secretary primarily certifies action taken by the District and gave an example of dam funding and noted that would include a lot of documents and the Board would approve that funding by Resolution and then the Board secretary would have to certify those documents are true and correct. Mr. Young noted that this office must exist as a Board administrative office.

MOTION: Mr. Rasdall moved to approve Mr. Michael Leavitt as Chairman of the Board, Mr. Aaron Parris as Vice Chairman of the Board, Mr. Ted Adolay as Secretary of the Board, Motion seconded by Mr. Sherman. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

MOTION: Mr. Rasdall moved to approve Aaron Parris to the water commission, Randy Brumfield to the ecology commission, Jim Maulden to the security commission, Mark Rasdall to the roads commission, Patrick Sherman to the building commission and Michael Leavitt and Patrick Sherman to the financial advisory committee. Motion seconded by Mr. Leavitt. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

Mr. Leavitt then began to chair the meeting.

7. Agenda Modifications:

- a. Mr. Sherman asked that a line item be added to discuss the equal assessment and how that is going to be assessed and asked to add this item somewhere early in the agenda so that as many people that want to hear that discussion can still be present in the building or online. Mr. Leavitt added this item as 7.f.i. under the Finance Committee.
- b. Mr. Rasdall asked about the chairperson creating the election committee for next year. Mr. Young noted that this could be done at this meeting, or it could be done at any meeting prior to the election. Mr. Parris mentioned he believed that should be done at a later meeting, because freeholders may not know if they would be available or not to do that. Mr. Young read the email he sent to the Board, and then noted that he believed that what the Board has done in the past is in compliance with the state statute. Mr. Rasdall noted that if they are within the Indiana code, he would be fine with putting it off until next month. Mr. Young clarified that they are.
- c. Mr. Young discussed HB 1013. Mr. Parris requested adding this topic under the roads section (7.c.i).

8. Approval of Minutes:

MOTION: Mr. Parris motioned to approve the December 20th, Board Minutes, as submitted, seconded by Mr. Rasdall.

Discussion: Mr. Sherman wanted to make certain that Mr. Rasdall was ok with the modifications. Mr. Rasdall agreed he was fine with the modifications.

Roll Call Vote:

Mr. Rasdall: Aye

Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

9. Freeholder Concerns:

- a. Denise Caudill addressed a concern she had with the agenda modification for the financial advisory committee, as a member of the committee she was not aware of the committee discussing a change in the way the equal assessment is assessed.
- b. Shawn Rexroth (OES 260) noted she had concerns with the eclipse and was hoping that there would be an event here, but she had concerns about non freeholders coming here for the eclipse. Mr. Leavitt noted he had been attending the eclipse planning meetings with the EMA Director, law enforcement, fire, and ems for about a year and they are forming an action plan that the District will be a part of. Mr. Leavitt noted that it is a concern there will be a large influx of people. Mr. Leavitt noted that the state has identified the beach and the park behind the fire station as possible prime viewing locations. Mrs. Rexroth noted that this is a private lake community and had concerns with how the state can put that out there as a prime location. Mr. Leavitt clarified that the state is not putting those locations out there as prime locations that the state has looked at areas in the zone of totality and those are areas that people could congregate.

10. Management Reports:

a. Director of Finance & Administrative:

1. Mrs. Bay summarized the fund report. The current balance is \$3,470,736.11.

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

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

2. Mrs. Bay summarized Resolution 2023-22: Transfer of funds within the budget.

MOTION: Mr. Sherman motioned to approve Resolution 2023-22: Transfer of funds within the budget, seconded by Mr. Rasdall. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye

Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

3. Mrs. Bay summarized the appropriation report and monthly claims list. The year-end claims total is \$170,448.92 and the monthly claims total is \$54,201.47. The unexpended remaining balance for 2023 is \$506,489.20 or 20.01% remaining; including the rainy day fund budget.

MOTION: Mr. Sherman motioned to approve the year-end claims subject to audit; seconded by Mr. Rasdall. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

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

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

4. Mrs. Bay summarized Resolution 2024-1: Encumbrances totaling \$1,502.88.

MOTION: Mr. Sherman motioned to approve Resolution 2024-1 Encumbrances, seconded by Mr. Rasdall. Roll Call Vote:

Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye

Motion passed 7-0.

b. Director of Operations:

1. Mr. Johann summarized his report.
2. Mr. Johann thanked the Election Committee and all freeholders for hanging in there while the ballots were counted.
3. Mr. Johann thanked the maintenance crew.

11. Commission Reports:

a. Building:

1. Mr. Johann summarized the annual building report.
2. Mr. Johann reviewed the Goettman Variance Request on Hornbeam Drive.
 - i. There was no remonstrance on this variance request.

MOTION: Mr. Sherman motioned to approve Variance Request at 7626 Hornbeam, seconded by Mr. Parris. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

b. Ecology:

1. Mr. Brumfield summarized the annual ecology report.

c. Roads:

1. Mr. Rasdall summarized the annual roads report.
2. Mr. Young discussed House Bill 1013, CSCD road funding. Mr. Young noted that for the last four years the Board has been trying to get relief from the state directed road funds. Mr. Young discussed how unique Cordry Sweetwater Conservancy District is, and how its uniqueness helped pass the Conservancy District Marshall Bill. Mr. Young then noted that the CSCD is the only conservancy district in the state that has to maintain roads through property tax dollars. Mr. Young discussed all that had been done over the last four years to try to obtain road tax funding for maintenance of its roads. Mr. Young noted that this could also make the District eligible for certain grants and loans. Mr. Young noted that the County commissioners oppose HB 1013 because they could lose around \$22,000 a year (about 1.2% of the County's annual draw from local road and street). Mr. Young urged the freeholders to contact their Legislators, if freeholders live in the District their state representative is Representative Hall and Senator is Senator Koch. Mr. Young then noted that the freeholders who live outside of Senator Koch and Representative Hall's jurisdictions you can contact your Representatives and Senator's because they will be taking a look at this bill as well and the more Legislators on board with this the better. Mr. Young then noted the process that this Bill will have to go through to get passed.

3. Mr. Parris the gave District's Representative, Dave Hall's email address: H62@iga.in.gov and Senator, Eric Koch's email address: Senator.Koch@iga.in.gov . Mr. Parris noted this is a big deal for the Conservancy as it can reduce freeholders' overall out of pocket expenditure.
4. Mr. Sherman thanked Roger and noted that he would like for Brittany to include in the next newsletter the information about this Bill including the CSCD road budget and the information Aaron presented of how to contact District Representatives. Mr. Sherman also thanked Roger for all of the work he did for our law enforcement.
5. Mr. Young noted that these funds are restricted for materials; such as asphalt, paving striping, etc. and would have to be accounted for separately. Mr. Rasdall asked if this would change the status of the District roads from private to public. Mr. Young explained that the District roads are not owned by the County, they are owned by the District but they are public highways. Mr. Young then explained that the roads just happened to be owned by an entity that is not identified in the state statute as one that is entitled to receive local road and street funds. There was discussion amongst the Chairman and Mr. Young about how CSCD roads are defined as public highways, but they are not owned by the County or State, which is why the County cannot spend money on District roads because they are not included in County inventory.

d. Security:

1. Mr. Adolay summarized the annual security report and January Commission minutes.

e. Water:

1. Mr. Parris summarized the annual water report.

f. Financial Advisory Committee:

1. The FAC committee did not submit an annual report.
2. Mr. Sherman noted that this is not a FAC issue, an issue was brought to his attention that houses with the same owner's, deeded the same, are only paying one equal assessment. Mr. Sherman gave an example of him selling a home under contract but because it was still deeded to him, the two homes only received one equal assessment. Mr. Sherman referenced the water utility rules and that each house has to have its own water meter you cannot use one meter to service two homes. Mr. Sherman then requested that if you have a second residence deeded in the same name that each residence would be required to pay an equal assessment. Mr. Sherman wanted to bring this issue to the Board and try to get the oversight on this corrected. Mr. Young noted that the Resolution authorizing the imposition of assessments would have to be modified/amended. Mr. Young noted that the resolution authorizing freeholds to be assessed utilized the definition of freehold from the statute used in order to determine who could sign a petition to establish a District. Mr. Young noted that definition of a freehold said if more than one tract of land is owned by the same person, all tracts will be considered one freehold, so he would have to do some research to see if he could or couldn't unhook assessments from that definition of freehold. Mr. Sherman asked Mr. Leavitt if he would poll the Board and ask if they're in favor of approving taking action today to have Mr. Young put this Resolution together, after research, and for Brittany to update the equal assessment list to reflect this. Mr. Sherman noted if the Board was in agreement, the Board could ratify this at the next meeting. Mr. Rasdall and Mr. Brumfield noted this would increase the number of properties who receive an equal assessment. Mr. Leavitt then noted that if the definition of freehold changed, the person buying on contract would then be eligible for a vote in the election or if this

would just be for assessment purposes. Mr. Young noted this would just be for assessment purposes.

MOTION: Mr. Sherman motioned to approve including in the equal assessments any residence that is sold on contract or an owner with more than one residence, deeded in the same owner's name will receive an equal assessment, subject to Mr. Youngs research seconded by Mr. Rasdall. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

Board Directive: The Board directed Brittany to add any residence that is being sold on contract or any owner/entity with more than one residence be added to the equal assessment list.

12. Old Business:

a. Public Hearing and Final Action of Resolution 2023-17 Water Rates

- 1. Mr. Parris opened the public hearing of Resolution 2023-17 Amending Water Rates at 4:49pm and allowed for public comment. There were no public comments.**

MOTION: Mr. Parris motioned to approve Resolution 2023-17: Water Rates, seconded by Mr. Sherman. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

b. Resolution 2024-3: Repealing Resolution 2015-10, Amending Resolution 2004-3& Adopting Resolution 2024-3

MOTION: Mr. Parris motioned to approve Resolution 2024-3: Repealing Resolution 2015-10, Amending Resolution 2004-3& Adopting Resolution 2024-3, seconded by Mr. Adolay.

Discussion: Mr. Rasdall asked if the Board could wait to vote on the next two resolutions until the February Board meeting, so that the two new members could review them.

Motion Withdrawn.

MOTION: Mr. Rasdall motioned to suspend the two Resolutions until the February meeting so the new members are fully versed on what they say, seconded by Mr. Sherman. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: No
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 6-1.

13. New Business:

a. Resolution 2024-2: Transfer into Rainy Day Fund

MOTION: Mr. Sherman motioned to approve Resolution 2024-2: Transfer into the Rainy-Day Fund, seconded by Mr. Rasdall.

Discussion: Mr. Sherman noted it is important to do this Rainy-Day Fund transfer because it will help offset some of the costs associated with the upcoming dam expenditures.

Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

b. Attorney Contract for 2024

MOTION: Mr. Sherman motioned to approve the 2024 Attorney Contract, seconded by Mr. Adolay. Roll Call Vote:

**Mr. Rasdall: Aye
Mr. Leavitt: Aye
Mr. Adolay: Aye
Mr. Maulden: Aye
Mr. Sherman: Aye
Mr. Brumfield: Aye
Mr. Parris: Aye**

Motion passed 7-0.

14. Board Members Concerns

- a. Mr. Rasdall noted he had lived here for 4 years pushing 5 now and this is the biggest turnout he has seen for an election. Mr. Rasdall noted this shows the community is willing to get involved and having roughly 400 votes this year and that's a big deal. Mr. Rasdall thanked the freeholders for showing up to meetings and their concerns and involvement. Mr. Rasdall noted he knows the Board will not always make everyone happy but they're trying to do what's best for the community as a whole.
- b. Mr. Maulden thanked everyone that came out and voted this year, and noted it was a really good turnout. Mr. Maulden also thanked the vote counters and noted they did a good job. Mr. Maulden noted the support he got was very humbling for him and mentioned it was time to go to work now.
- c. Mr. Sherman mentioned that the Department of Local Government Finance (DLGF) issued the CSCD's Budget Order on January 12th and that was approved with the levy, then noted that as important as that is the assessed value in the District went up to \$590,345,400. Mr. Sherman relayed that Hamblin Township, which the District is in, totaled \$752,995,864, so the District is a large portion of that and Brown County's is 1,872,951,181. Mr. Sherman wanted everyone to be aware of what the Districts assessed value is. Mr. Sherman then welcomed the new Board Members and hoped we have a good year.
- d. Mr. Brumfield thanked the freeholders for being concerned and coming out and voting no matter who they voted for. Mr. Brumfield noted he appreciated the confidence in him and thanked everyone who voted him in. Mr. Brumfield thanked all of the other candidates and appreciated that everyone ran a clean campaign. Mr. Brumfield let everyone know he is here to listen, and they can contact him.
- e. Mr. Parris welcomed Jim and Randy, he appreciated them running and willingness to serve the community. Mr. Parris also thanked the other candidates for running, because the District is a special place.
- f. Mr. Leavitt echoed everyone else and noted the voter turnout and how active everyone is. Mr. Leavitt thanked Jim, Greg, and Theresa for the huge task of counting all of the ballots. Mr. Leavitt thanked the other candidates who ran, he appreciated their willingness. Mr. Leavitt noted he hoped that the number of active freeholders keeps growing it shows what the community wants.

15. Adjourn (5:02 PM)

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

Respectfully submitted,



Mike Leavitt, Board Secretary
Date Submitted: