

**OFFICIAL MINUTES FOR THE  
BLACK CANYON CITY WATER IMPROVEMENT DISTRICT  
Dec 14, 2023 SPECIAL BOARD MEETING**

Chair, Dave Moore called the meeting to order at 2:03 PM.

Roll Call showed a quorum with all the Board Members present (in-person):

Dave Moore, Chair; Dorothy Moore, Treasurer; Randy Hrabina, Secretary

Jeremy Brueckner, Member-at-large & Jed Carter, Vice Chair

Also in attendance from Management– Sarah Hrabina, Office Management

The Chair welcomed the Public: Tina Fehr, Dave McMath, Cindy Malandro, Tom Strizak, Greg Watts and Janice Williams

The Chair asked for the customary **moment of silence**.

**Agenda Item #3                      Resolution 2023-12.01 Formal Resolution Authorizing the use of William R. Whittington and the Law Firm of Boyle, Pecharich, Cline, Whittington & Stallings, PLLC as Legal Counsel on an As-Need Basis**

The Chair opened the discussion outlining information provided in the letter from Mr. Whittington regarding representation included, but not limited to, billing rates for service. The Chair called for any questions from the Board or Management then called for a motion. Randy Hrabina moved to approve Resolution 2023-12.01 a formal resolution authorizing the use of William R. Whittington and the law firm of Boyle, Pecharich, Cline, Whittington & Stallings, PLLC as legal counsel for the Board on an as-need basis. He indicated any contact by Board members or Management should be with the Chair's knowledge/approval. The motion was seconded by Jed Carter and upon vote Resolution 2023-12.01 was adopted unanimously.

**Agenda Item #4                      Public Call**

The Chair opened public call reminding everyone public call is limited to items that pertain to the Water District.

Greg Watts was given the floor and he asked about the Nov. 28<sup>th</sup> meeting, agenda item #11 Resolution on Budget Committee Meeting and Final Budget that was tabled; when would it become before the Board. The Chair indicated it is scheduled for a special meeting on December 19<sup>th</sup> (2023) at 2 PM at the Library. Greg next asked, regarding today's meeting what issues or matters you feel are needed for retaining an attorney at Owner/User's expense. The Chair indicated, as mentioned at the 11/28 Board meeting, it was to re-establish the relationship between the District and Mr. Whittington. Additional discussion followed including Jeremy Brueckner stating he feels having legal counsel is beneficial to both the Board and Owner/Users. Greg inquired about paying for an attorney if we have no use for. The Chair explained there is no retainer fee; we are not paying a dime unless called upon. Greg suggested looking into insurance plans offered for attorney issues stating it may be cheaper option. The Chair indicated we chose the law firm and specifically Mr. Whittington because of his extensive knowledge of special districts.

Cindy Malandro was given the floor and she indicated she was curious who requested the re-establishment with the Chair stating the Board requested the re-establishment.

Tina Fehr was given the floor and she inquired about the document retention mentioned in the attorney's letter. The Chair responded it would be anything we would be using them for and only those things.

Dave McMath was given the floor and he inquired on the status of the \$5,000 approved for office security upgrades. The Chair indicated it will be on the agenda of either the upcoming Dec. 19<sup>th</sup> special meeting or the regular board meeting on Dec. 26<sup>th</sup>. Mr. McMath asked why this is not a management expense with the Chair responding it is the District's records and computers we are responsible for. Management carries insurance as required. Randy Hrabina stated security is an issue for the Board with the Chair adding that is why it is discussed in Executive Session.

Greg Watts was given the floor and inquired about the audits. The Chair yielded the floor to Sarah/Management and she indicated she was told they may have the 2021 audit completed ready to resent to the Board at the Dec. (26<sup>th</sup>) board meeting; completion of all 3 years most likely would be by the end of January (2024).

**Agenda Item #4            Public Call (con't)**

Tom Strizak was given the floor and inquired why this meeting was a special meeting. The Chair responded the attorney had said it needed to be done by a specific date.

Cindy Malandro was given the floor and stated she had sent questions to the Chair in an email and she was curious if the big pot of money is it all in a checking account. The Chair indicated he would respond to her questions by email in a day or two.

Tom Strizak was again called upon and he wanted to know when did you know you needed to vote on this. The Chair responded in Nov., but the attorney did not have the resolution prepared in time for the 11/28 board meeting.

Cindy Malandro was given the floor again and stated she saw on FaceBook two Owner/Users would be needed to fill in on the budget committee. The Chair indicated he didn't read that, but he is banned from some of the sites. Asked Cindy to send him an email on it and he would try to research it. Cindy said you (the District) are having a budget meeting on the 19<sup>th</sup> (Dec) and the Chair indicated that was not correct. There is a special Board meeting on Dec 19<sup>th</sup> but, although it has to do with the budget, it is not a budget committee meeting.

Greg Watts was given the floor again and he stated he was directing his question to Randy (Hrabina) and if since the last previous meeting (regular Board meeting 11/28/23) is there still an ongoing FBI investigation regarding the hate crime. Randy Hrabina responded he had no comment.

With no other business to discuss the Chair called for a motion to adjourn the meeting and Jed Carter so moved. The motion was seconded by Randy Hrabina and upon vote passed unanimously. Meeting adjourned at 2:33 PM.

**Certification:**

I, Sarah J. Hrabina certify that the Agenda for the **Dec. 14, 2023** Special Board Meeting was publicly posted at the Water District Office and Post Office on **Dec. 13, 2023**, on or before 12 Noon

*Sarah J. Hrabina*  
Sarah J. Hrabina

**ATTESTED:**

I, Randall Hrabina, Secretary for the Black Canyon City Water Improvement District certify that the minutes are true and correct to the best of my knowledge and belief.

Respectfully submitted,

*Randall Hrabina*  
Board Secretary

Transcription of the minutes was completed by Sarah Hrabina on 12/20/2023

A recording is available for the meeting