

**SPECIAL MEETING
BOARD OF COMMISSIONERS
HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT (HISID)
DECEMBER 23, 2019**

The Regular Meeting was held at the District Office and was called to order by **CHAIR KEN BROWN** at 9:00 a.m.

ROLL CALL: Present for roll call were **COMMISSIONERS KEN BROWN, DAVID ORR, and NITA HOLLEY.** **COMMISSIONERS DAN KEES and BILL NOONAN** were absent. A quorum was declared with three commissioners present.

APPROVAL OF AGENDA: **COMMISSIONER HOLLEY** moved to approve the agenda. **COMMISSIONER ORR** seconded. Motion carried unanimously.

APPROVE MINUTES: **COMMISSIONER HOLLEY** moved to approve the minutes of 12-3-19 and 12-4-19 Special Meetings. **COMMISSIONER ORR** seconded. Motion carried unanimously.

CEREMONIAL: None

ANNOUNCEMENTS: None

PUBLIC COMMENTS:

1) Mavis Wilks, 29 Venus Avenue: I would like this to go on the public record, because the last time we were here, it did not get on the public record and I do want to make it that way. After the last meeting, everyone left and I approached District Manager Blood. Here I made a remark that I did not get to finish, so I would like to finish that today. I made the remark that I was embarrassed that Holiday Island treated their voters so badly. I did not get to finish that. I got to say I was embarrassed to be in Holiday Island. I love Holiday Island; it is my home. Everything I have and own is here. I sold everything I had in Oklahoma to move here. I do not dislike Holiday Island, but I do dislike the way some people are treated. Some people over this incorporation have been threatened, I as one. Several have called me (my friends) and said, "I was told I could not vote." I asked why they could not vote. They said, "because, I am not on the roster. I voted the last time." Come to find out, the roster that had been pulled was three or four years old. It was old and yellow and ruffled and I do not know what. When it was actually found that they had the old roster and pulled the new one up, several people did get to vote. Some were turned away for different reasons, which I do not know. Mr. Smith and I sat in the lobby and we listened and we watched, and there were several that were turned away, as I said, for different reasons. Most of them had to go home and get their deed to their home, or get their paper, their taxes, their assessments or whatever, and bring them back and show them that they had them paid, but there was no record here that they had been paid. And I did not understand why. If that is the way bookkeeping is done here, then it really does need to be changed. If the records are not kept up from year to year, then I would say that Holiday Island is in a lot of trouble, and if that is the way bookkeeping is done, and the records are kept, to keep the old files so long that you go in and you pull them out when someone wants to vote, then it is a sad state of affairs and it needs to change. Because, I know that there are enough people working here that they can keep those records up. And I am not being critical because I can be critical, I am being critical because it concerns me. I do not want my name put down that I had not paid my assessments when I paid almost \$800.00 this year on my little two-bedroom home, which probably is not worth \$35,000.00. But I pay it and I pay it

gladly, because this is where I live and I am proud of it. I just want this to go on record that I am not embarrassed to live here. I am embarrassed about the way some people treat other people. You may not realize it, but you have bullies who live here and they will bully people to get their way.

CHAIR BROWN: I apologize that my hearing is very bad today, but I heard some of what you said.

DISTRICT MANAGER BLOOD: I would like to respond, Mr. Chairman. Mr. Chairman, members of the public, Board members: Since Ms. Wilks decided to put that on record, I have a different recollection about the meeting. However, for the record, I want to state that categorically, I have absolutely zero idea of what Ms. Wilks is talking about as far as how the election was run. I was not here for Election Day, but nobody was denied the opportunity to vote. The thing is, you are either on the deed or you are not on the deed. If you are on the deed, you were eligible to vote. If you were not on the deed, you were offered the opportunity to vote a provisional ballot until those provisional ballots were verified with the help of the attorney. Regarding the list, I have no idea what list is several years old. We receive deeds on a regular basis every time they get updated. We spend money through Kings River Title to get updated deeds; so Ms. Wilks, if you have any proof that there was anybody denied the opportunity to vote, either provisional ballot or regular ballot, I would like to know that information. As of right now, I am going to say categorically, nobody was denied the opportunity to vote in that election. Furthermore, the incorporation has absolutely nothing to do with the District Election; zero. This election was to elect commissioners to the Board. So, categorically, I have zero idea what Ms. Wilks is talking about.

DISTRICT MANAGER BLOOD: I would like to know who was not allowed to vote.

2) Mike Mumma, 20 Park Lane: I wish everyone here Merry Christmas and Happy New Year. I know you were not here during the election. We have a site here on Holiday Island called Holiday Island Neighbors to keep an eye on the election and what was going on. Morgan and I, we just moved here in May and closed in June. We did not know if you guys would have the updated list, as it was so close to the election. I was actually pleasantly surprised that you had the right list. I made that comment on our site. There was a woman who came on this site and said she was refused the right to vote, because her name was not on the list. I thought that was odd because my name was on the list and so was Morgan's, and it was only two months. It turns out she came back a couple of hours later and she wanted an updated list. They had the updated list. They did not when she was here and I thought that was kind of odd. It seemed like there were two lists being presented. I do not know why. So those are the things that need to be checked into. I am not saying it is corrupt, but it does seem funny that somebody who just moved here was on the updated list, and people who have been here for over two years were not on that same list. They challenged whoever was back here saying I know I have been here for two years. They did some research and they brought out another list that had this person on it. Also, the website was not updated. It continued to say that if your assessments or water bill were not paid, you could not vote. Many people were not allowed to. I also talked to people who live near me who have property here that do not live here. They have also been told the same thing; they are not allowed to vote. So in substance, I think Mavis does have some credibility here by saying there are things that are being said to some people and things that are being said to other people.

DISTRICT MANAGER BLOOD responded with a bit of education which may go a long way. Not to be derogatory against your site, there is a lot of misinformation that is passed on the website.

Mike Mumma, 20 Park Lane: That is the Next Door site. The things that are coming out of your mouth are not the truth, because you have people on the Next Door site you will not go to, because it is social

media, but you will put your two cents in there who throw people off the site, because they do not like what is being said.

DISTRICT MANAGER BLOOD: You do realize that we were in the middle of a lawsuit dealing with the timeshares and their eligibility to vote. That was decided in court. We chose to live with the results of the lower court ruling. The timeshares appealed that ruling to the Court of Appeals and it came back where they reversed and remanded back the lower court's ruling. That court ruling from the lower court was completely thrown out. Do you know when we got the final order on how to conduct our election that happened on December 3? We got the final order on how to conduct our election on December 2. That is the reason why nothing was changed on the website. Our regulations do not have the force of law. Our regulations are internal working documents that we operate as a District. They are not like an ordinance for a city, because we do not have those powers. It is like any corporation that has internal working documents on how things are to be conducted as far as staff. I need to know when to go out for bid; I need to know how things work at a staff level. Those regulations do not have the force of law that an ordinance does. Statutes and court documents will always take precedence over ordinances and regulations. I knew what the mandate was going to be and you can check the minutes and check the tapes, and I explained to some people that we know what the mandate is going to be from the Court of Appeals when it comes down. When the Court finally entered into that final order, which just happened to be the day before the election, I knew pretty much what it is, not exactly. We were going to proceed in conducting the election in that manner. To me, it was a foregone conclusion. We wanted to have that election to be as open and honestly in light of the pending order, that did not come down, again, until December 2nd. The list used to be the first two names on the deed were allowed to vote and that was it. It did not matter if there were 100 names on the deed or one name on the deed; the first two names on the deed are the ones that got to vote. That is the list in our system. That is the list we are talking about. That is still a good list. Of the people who come in, 99% will either be on that list or not on that list. But the actual list is the bonified recorded deeds at the County. That is what we get from Kings River Title. If you come in to vote and you are on the list, perfect. Here is your ballot, have a nice day, sir. If your name is not on the list, one of our staff people has to go back and go through all the deeds. Just out of curiosity, ladies, do you know how many deeds are back there, counting the timeshares? I know there are 1600 timeshares.

Staff member Carrie Buchanan: There are probably 20-30 deeds for each property.

DISTRICT MANAGER BLOOD: We have filing cabinets full of deeds we have to go through to verify those. So, are you on a deed or not? That is what determines if you are a property owner. That is what determines your eligibility to vote. We knew in the light of this transition, we were going to have trouble, so we put into place, modeled after the State, the provisional ballot. If we could not verify your eligibility to vote at that particular moment, you were given a ballot and it was placed in a provisional ballot envelope and then it was cast as a ballot, once it was decided whether or not you were eligible.

Mike Mumma, 20 Park Lane: How would you know if it was a blank vote, an anonymous vote, how would you even verify it?

DISTRICT MANAGER BLOOD: All of the contact information is on the outside of the envelope. When we got to canvassing the ballots, if it was accepted, it would have been opened up, put in the box and counted. The way the votes came out, those 13 questioned ballots did not have to be verified, because there was such a margin in the outcome of the election, that they were not necessary. This gives us

the opportunity to update our election code now that we have the Order. What people do not understand, we got the Order on how to conduct this election the day before.

Mike Mumma, 20 Park Lane: I did not mention anything about timeshares. I mentioned the website, talking about people who were behind in their assessments and their water bill, was not updated to say that that law was not corrected is still giving the people the impression they were not eligible to vote. Why was it not updated? That is a whole different system. Why would you want to bring in the assessment while I was talking about water and sewer and be able to live here?

DISTRICT MANAGER BLOOD: The water and assessment provisions have been in the code a very long time. Those were actually upheld at the lower court. When the lower court ruling got thrown out at the Court of Appeals, then everything went back to the way it was prior to any lawsuit ever being filed. There was no order, the lower court had the order that they gave us thrown out by the Court of Appeals, and there was nothing to replace it until the day of the election. As far as people not knowing or knowing?

Mike Mumma, 20 Park Lane: So the people that did not pay their assessments or water bill; that ruling was thrown out?

DISTRICT MANAGER BLOOD: Yes

Mike Mumma, 20 Park Lane: So they cannot vote?

DISTRICT MANAGER BLOOD: No, it was thrown out at the lower court; they could not vote at the lower court. The lower court said that it was, in fact, necessary and an incidental part of running a district that if you do not pay your assessments or water bill, you do not get to vote.

Mike Mumma, 20 Park Lane: How is that right?

DISTRICT MANAGER BLOOD: This is not a question about right or wrong. I have to follow what the court tells me to do.

Mike Mumma, 20 Park Lane: It is your responsibility to do the will of the people, not what this lower court says is right. I have heard you say you work for the Board. No, you work for us. And another thing is, you do not even live here; you have no skin in the game. Discussion continued with several people talking at the same time with all conversations being incoherent.

CHAIR BROWN: This has to come to an end. You have exceeded three minutes. I want to say this, Mavis, I do not know what you are talking about being bullied. I never bullied anyone and I would not allow that to happen. More incoherent conversations interrupted the Chair. I am looking at Carrie Buchanan, Marilyn Clave, and BJ Dennis, who all are employees, who have always treated everybody with the utmost respect. I have been coming in this building for 13 years and I have never had anybody bully me or disrespect me at any time. And I have never done it as a former commissioner or the Chair of this commission, so I resent that. And talking about what happened 10 years ago or the bills you paid, whatever, you are going into a political and you say not to go on social media. That is where a lot of incivility is coming from. Absolutely, in this community; it is that website. I want to say, do not say that anybody is bullying you, because they are not and I am not.

COMMISSIONER ORR: I would like to try to get some civility following this and I appreciate Mike's comments. I think there is some confusion we need to clarify. Yes, we got the judgment passed, and it came from a higher court. I think we need a copy for him to read. It may give him some understanding as to where we stand today. I would like to see that ruling published, so that the public can read it, and we can have an understanding of where we stand today on what the voting rights are for the individual property owners here on Holiday Island and allow this to rest. What happened from my understanding is that this came about when it went to the lower court and then someone, I do not know whom, I would need clarification, that there was an appeal on that judgment. So the appeal on the judgment went to a higher court, and the next highest level of the court made that decision. So, I think what we need to do is take it from that point and publish it. What is it that you are looking for Mike?

Mike Mumma, 20 Park Lane: I am looking for policy and transparency.

CHAIR BROWN: District manager, was there not a letter sent out to each person eligible to vote? This was sent after the letter in which you responded to the anonymous mailer residents received plagiarizing HISID, claiming different things that were incorrect. Is that correct?

DISTRICT MANAGER BLOOD: To every property owner, sir.

Staff Member Marilyn Clave: I just wanted to address the list. I do not know where Mavis is coming up with two different lists. Every year, we run a new, clean list. We did not have two lists. I was here all day. We only had the one list. Indistinguishable conversation continued from the audience. Someone said we had two lists? Some people said they could not vote because they were not on the list.

Staff Member Carrie Buchanan: Asked if Mary Smith was the person who claimed there were two lists. Carrie then explained her involvement in helping verify Mary Smith's eligibility to vote. Mary Smith lives in a condo and it had been in a condo association. In prior years, the condo association determined the two voters for the association; the Smiths were not the two voters. The Smiths, not happy about not being able to vote, then dissolved the condo association; this involved numerous deeds. So, when she came in to vote and gave her name – Mary Smith, there was difficulty locating her on the voting list. Mary was making disparaging remarks; I told her it is not a problem that you are not able to vote, the deed has to be located for verification – which is part of the process. We went through the deeds and it took some time. I am willing to show you how many deeds there are, in and out. But we found it – per property is listed as Lakepoint Condominiums then Neal Smith with several deeds and correction deeds. Her listing was under Lakepoint Condominiums and we located it and she voted. She had herself worked up and saying all kinds of things; that we were trying to keep her from voting. It was just a matter of getting it verified. I was involved with that. On Election Day, Mavis spent most of the day in the office, which is her right. I have good reason to suspect Mavis was videoing us, not constantly, but at sporadic times. Although she can video, to me it was bullying and offensive; I did not appreciate it. In Mary Smith's situation, yes, it took a while to verify her deed and if anyone would like to review the deeds and see why it took a little bit of time, you are quite welcome.

CHAIR BROWN: Thank you, Carrie. Commissioner Orr, was it your request that the District Manager find a way to put the court case on the website, or what?

COMMISSIONER ORR: We have a final judgment and the community is asking for transparency and I think in such situations, make that final judgment public.

DISTRICT MANAGER BLOOD: We will put it on the front page of the website and in January, since we have this at our meeting, we will have the regulation updating the election regulation for us to follow.

REPORTS: None

BUSINESS:

A) Old Business – None

B) New Business – Certificate of Deposit, Bid Award

CHAIR BROWN: There was a bid opening on Friday, last week, at 2:00 p.m. for CD renewal and I would like the District Manager to discuss where we are on that.

DISTRICT MANAGER BLOOD explained the reason for renewing and the bid process for selecting the bank to secure the \$412,282.42. Four banks were sent letters of invitation to respond with their rates. Three banks responded with bids. A review of the banks' offers was designated with names Bank 1, Bank 2 and Bank 4, their rates, and the duration of each. Bank 3 did not submit a bid. It is the responsibility of the Board to pick the rate and the term that you think is most beneficial. It was recommended to move the renewal term expiration away from the end of the year, so 15 months would do that.

CHAIR BROWN: Reviewed the rates and terms of each of the banks.

DISTRICT MANAGER BLOOD: Since the CD matured on December 20, we have ten days to get this approved or it will roll over to another year.

COMMISSIONER ORR moved to accept Bank 1 rate of 1.92% APR AND 1.93% APY for 15 months. **COMMISSIONER HOLLEY** seconded. The motion carried unanimously.

DISTRICT MANAGER BLOOD announced Bank 1 was Cornerstone Bank as the winner.

PUBLIC COMMENTS:

Mike Mumma, 20 Park Lane: commented on the wisdom of the Board choosing the approved bid, selecting a shorter term.

COMMISSIONER COMMENTS: None

DISTRICT MANAGER BLOOD: In discussions with our water superintendent, I would like to give a brief report on the Pressure Reducing Valve (PRV) project that we have been on. We replaced one out on State Line Road and now towards Venus. Once we replaced that, we reduced the instance of leaks by two-thirds. Then we started working on the pressure plane. There are 19 PRVs that protect that pressure plane. The way the system is designed, if any one of those 19 is not operating correctly, it leaves the pressure plane unprotected and we have really high pressure resulting in line blow-outs. We have been replacing those systematically, trying to figure out which ones are bad. We have gone with the new state-of-the art Vermed PRVs with meters on top, which show flow indications, either backwards or forwards. We show upline downstream pressure and as of right now, since we replaced the ones on Table Rock and on Twin Peak Drive, since December and November, we have not had

one single leak in that lower pressure zone. The last leak that we had was December 7 and that was in a low pressure area up on Holiday Island Drive. It is still too early to say that this is working, but it is working as well as what we could possibly hope for. We are going to continue systematically changing out those PRVs. A month and one half is a pretty good indication that what we are doing is the right thing.

CHAIR BROWN complimented the staff of the Water Department and Roads for their efforts in saving energy and water while containing costs.

COMMISSIONER AGENDA SCHEDULING:

Monday, January 20 Regular Meeting 9:00 a.m.


CHAIR BROWN asked **DISTRICT MANAGER BLOOD** to explain the office hours over the holidays.

DISTRICT MANAGER BLOOD: The office will be closed at noon on Tuesday, December 24. It will be closed all day on Thursday, December 25. December 31, New Year's Eve, the office will be open regular business hours, 8:00 a.m. - 4:30 p.m. and closed January 1, New Year's Day.

COMMISSIONER HOLLEY asked if there was any way the volume could be turned up on the microphone. **CHAIR BROWN** said he would have the volume adjusted before the meeting on January 20.

ADJOURN: **COMMISSIONER HOLLEY** moved to adjourn. **COMMISSIONER ORR** seconded. Motion carried unanimously.

Respectfully submitted,



David Orr, Secretary, Holiday Island Board of Commissioners