

SUNBURST FARMS IRRIGATION DISTRICT  
 Regular Board of Directors Meeting  
 Sunburst Farms Irrigation District  
 16040 N. 43<sup>rd</sup> Avenue  
 Glendale, AZ 85306

February 4, 2014

MEMBERS PRESENT: Kay Lorenzen, President  
 Victor Armendariz, Secretary  
 Brett Harrison, Member

EMPLOYEES PRESENT: Brenda Brown  
 Richard Mitten

OTHERS PRESENT: (See attached sign-in list)

1. CALL TO ORDER: The meeting was called to order by Kay Lorenzen, Presiding Officer, at 7:03 P.M.

President Kay Lorenzen stated that the following guidelines shall be in place for this meeting. Homeowners will have three (3) minutes to address the Board in the Call to the Public. Input from the public on agenda items should be provided during Call to the Public. Homeowners must be recognized by the Presiding Officer to speak. Only one (1) person may speak at a time. Homeowners will address the Board, not each other, once recognized by the Presiding Officer. The Board may not discuss irrigation issues with each other outside of Open Meetings; noticed meetings are the only time business issues may be discussed. It is the Board's time to discuss issues. Time permitting, the Board may allow input from the public during the meeting. Homeowners may speak only one time per issue.

2. APPROVAL OF MINUTES:

**MOTION** Member Brett Harrison made a *motion to approve the Regular Board of Directors Meeting of January 7, 2014 and the Special Board of Directors Meeting January 14, 2014.* Secretary Victor Armendariz seconded the motion. **Motion Passed, unanimously.**

3. CALL TO THE PUBLIC:

1. Homeowner Renee Breeden asked how much time the homeowners are going to have to clean the bridle paths. Renee also stated her concerns regarding the Qwest and other vehicles driving in the bridle paths when they're wet which causes ruts and makes it difficult for the homeowners to mow and if there will be a grace period for those homeowners who have this type of damage.

2. Homeowner Les Hatfield stated that the bridle path located on line 7 has been built up with dirt and is clarifying that it needs to be put back to the original height that it was years ago.
3. Homeowner Don Repp requested Secretary Victor Armendariz's resignation
4. Homeowner Larry Hudson stated that he agreed with Kay's statement regarding the guidelines for the meeting; however, he hopes that the Board will continue to allow homeowners to converse during the meeting.

#### 4. REPORTS:

##### A. Financial Report:

Accountant Cathy Hacker stated that the objective of these reports is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the reports. The intended purpose of these reports is for management discussion and review. See Attachment

##### 1. Tax Exempt Information:

Cathy Hacker stated that Fuller Form sent over the Arizona Transaction Privilege Tax Ruling A.R.S. § 42-5061 and according to the Department of Revenue Sunburst Farms Irrigation District is tax exempt. Discussion ensued regarding the vendors and if they would be willing to amend their sales tax returns.

##### 2. Approval of financial report:

#### MOTION

Secretary Victor Armendariz *made a motion to approve the financial report for December 31, 2013.* Member Brett Harrison seconded the motion. **Motion Passed, unanimously.**

##### B. Summary of Current Events:

President Kay Lorenzen addressed the issue of the check that the district received from Goldstein & Luera for approximately \$11,000. The original RFP stated that a 10% check must accompany the bid; unfortunately during the revamp of the RFP, that information was removed and replaced with 10% retention at the end of the job. Therefore, the office is directed to return the check because the RFP did not ask for the funds.

##### C. Board Reports:

Secretary Victor Armendariz stated that the items that he requested to be put on the agenda have been removed and wants clarifications as to why. President Kay Lorenzen reminded Victor that this is not on the agenda therefore this should not be discussed. Kay also stated that the items that Victor requested had several State Statutes and requested Victor to be more specific prior to the agenda being released. Victor asked Kay under what authority

does she “Kay” have to remove items from the agenda and requested an explanation. Kay stated that the district has had complaints in the past and that she is trying to follow the guidelines to avoid complaints in the future. Victor stated that he did not want to limit himself by restricting to a specific assessment statute. Floor discussion ensued regarding the meat to the agenda, specific information that would allow the stake holders to attend if they deem necessary. Kay reminded Victor that he should be discussing the deposit received from contractor which was awarded line replacement contract in the mount of \$173,100. Again, Kay reminded Victor to report only on agenda items. Victor stated that summary of current events is vague and it does not mention the discussion of the deposit. Kay stated according the resolution letter from the Attorney General’s Office it states that the statute allows the presiding officer or a board member may present a brief summary of current events without being specified. Victor stated that the 10% deposit could be the 10% retention. The statute states it’s 10% of the bid price and the district should have collected \$17,100. Victor stated that the district has violated state statute and there is no deposit at all.

#### **D. Irrigation Manager Report:**

Irrigation Manager Richard Mitten stated that six (6) repairs were completed for the month of January. In 2013 the district completed a total of one hundred and ninety one (191) repairs and maintenance jobs. Richard reported that Goldstein and Luera have started the replacement of line 10 the new line will consist of a 15” lateral and 10” valves. Line 9 replacements will start soon after. Richard also reported on the 43<sup>rd</sup> Avenue pump and that the two new impellers are producing 87 GPM each side, for a total of 174 GPM. Richard also recommended for homeowners who receive irrigation from the 43<sup>rd</sup> Avenue pump to reduce their irrigation time. See Attachment

#### **E. Custodian of Records Report:**

Custodian of Records Brenda Brown reported on completed/outstanding and fees collected.

1. Ongoing request dated July 19, 2013 from homeowner Randy Videen, requesting the following information:
  - a. Electronic agenda of January 7, 2014 in native format with metadata
    - District responded on January 28, 2014
    - Approved for copying of the public record in its original form
    - Fee – Pending
  
2. Ongoing request dated July 19, 2013 from homeowner Randy Videen, requesting the following information:
  - a. Electronic minutes January 7, 2014 in native format with metadata
    - District responded on January 28, 2014
    - Approved for copying of the public record in its original form
    - Fee – Pending

3. Ongoing request dated July 19, 2013 from homeowner Randy Videen, requesting the following information:

- a. Electronic agenda January 14, 2014 in native format with metadata
  - District responded on January 28, 2014
  - Approved for copying of the public record in its original form
  - Fee – Pending

4. Ongoing request dated July 19, 2013 from homeowner Randy Videen, requesting the following information:

- a. Electronic minutes January 14, 2014 in native format with metadata
  - District responded on January 28, 2014
  - Approved for copying of the public record in its original form
  - Fee – Pending

5. Request dated January 10, 2014 from Secretary Victor Armendariz, requesting the following information:

- a. 24 hour M-F video coverage from camera 1, 4, and 6
  - District responded on January 10, 2014
  - Approved for copying of the public record in its original form
  - 10 days completed – Taking 10 hours – 41 CD's – 12.5% daily time use
  - Fee – 0

6. Request dated January 21, 2014 from homeowner Andrea Bradbury, requesting the following information:

- a. Registration of qualified voters
  - District responded on January 28, 2014
  - Approved for copying of the public record in its original form
  - Fee – \$1.50

Brenda also stated that there are three (3) outstanding public information requests and two (2) ongoing.

#### 5. OLD BUSINESS:

**A. Discuss and possible action on recommended Journal Entry suggested by Seely & Mullins in Fiscal Year 2011-2012 review. Recommended Journal Entry is regarding accumulated depreciation in the amount of \$184,482.48:**

Discussion ensued with President Kay Lorenzen and Cathy Hacker regarding the letter that was sent in from Hacker accounting. Cathy recommended that the Board of Directors send a letter to Colby & Powell explaining the error and to attach their letter. President Kay Lorenzen confirmed that a letter will be sent.

President Kay Lorenzen tabled this agenda item indefinitely

**B. Discuss and possible action on the appointment of new attorney specializing in Open Meeting Law and Public Records:**

**MOTION** President Kay Lorenzen *made a motion to appoint Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C. that specializes in Open Meeting Law and Public Records:* Member Brett Harrison seconded the motion. **Motion Passed**, unanimously.

**C. Discuss and explore qualifications and pricing of district accountant:**

President Kay Lorenzen tabled until the next Regular Board Meeting

**D. Discuss and possible action on maintenance procedures and records for irrigation lines:**

President Kay Lorenzen tabled until the next Regular Board Meeting

**E. Discuss and possible action on the current complaint/resolution letter from the Attorney General's Office dated 10/11/2013:**

Lengthy discussion between President Kay Lorenzen, Secretary Victor Armendariz, and Member Brett Harrison regarding the resolution letter from the Attorney General's Office dated 10/11/13. No action taken.

6. NEW BUSINESS:

**A. Discuss and possible action on lowering the bridle path located on line 7 from 47<sup>th</sup> Ave to 49<sup>th</sup> Ave:**

**MOTION** Secretary Victor Armendariz *made a motion to consult a grading contractor that will give us a recommendation and this issue will be addressed at the next meeting.* Member Brett Harrison seconded the motion. **Motion Passed**, unanimously.

**B. Discuss and possible action on method of selling the 2010 Chevy irrigation truck:**

**MOTION** Secretary Victor Armendariz *made a motion to accept Larry Hudson's auction service to sell the 2010 Chevy irrigation truck.* Brett Harrison seconded the motion. **Motion Passed**, unanimously.

**C. Discuss and possible action on issues concerning the raising of standpipe on line 13:**

No action taken

**D. Discussion on standpipe sensors and testing findings:**

Member Brett Harrison demonstrated sensors and program to measure standpipe levels. No action taken.

**E. Discuss and possible action on regarding options for surveillance system:**

**MOTION** Member Brett Harrison *made a motion that during office hours that the camera in the main office is turned off with the exception of board meetings, and the password will be given to all board members.* Secretary Victor Armendariz seconded the motion. President Kay Lorenzen abstained. **Motion Passed.**

**F. Discuss the appointment on ratification of pay increases for hourly employees effective December 21, 2013:**

**MOTION** President Kay Lorenzen *made a motion to ratify pay increases for Juan in the amount of \$.75 per hour, Kelton \$.75 per hour, Dayvee \$1.00 per hour this includes \$.50 towards his 90 day probation period, David \$.50 per hour for a total of \$3 per hour.* Brett Harrison seconded the motion. **Motion Passed, unanimously.**

**G. Discuss and possible action that all salary decisions will require a board vote:**

**MOTION** President Kay Lorenzen *made a motion that all salary decisions effective immediately require a board vote.* Member Brett Harrison seconded the motion. **Motion Passed, unanimously.**

**H. Discuss and possible action on rate and method for cleaning bridle paths:**

President Kay Lorenzen tabled until the next Regular Board Meeting

**I. Discuss and possible action on complying with State Statute on publishing minutes approved by resolution of the board. A.R.S. § 48-2976**

President Kay Lorenzen tabled indefinitely

**J. Discuss and possible action of future agenda items:**

1. Weirs
2. Security System
3. Assessment Statutes

**7. ADJOURNMENT:**

Without objection, meeting adjourned at 9:31 PM

Dated this 4<sup>th</sup> day of February, 2014

Submitted by: Brenda Brown

Office Manager

Minutes accepted on: March 21, 2014 by Secretary \_\_\_\_\_.

**\*Note:** *All attachments including correspondence in its entirety are filed with the original minutes and may be viewed at the District Office*