

## Minutes

### *Tuesday, September 14, 2010, Show Low Creek Watershed Enhancement Partnership Meeting*

The meeting was called to order at 1:02 PM. Introductions were made (see scanned sign-in sheets). Thirteen people were present.

The August minutes were discussed. **Nick Scienski moved and Al Crawford seconded to accept the minutes as written. The motion was unanimous in the affirmative.**

#### Rainbow Lake – Fund Raising and other issues

Al Crawford reviewed the fund raising status. There are \$22,900 in donations in addition to the previously committed \$15,000 from the Shores. David Newlin will deposit all these checks in the Little Colorado RC&D Checking account at the National Bank of Arizona on Wednesday, 15 September, 2010.

The weed application schedule was discussed. Application will start 28 September. Three applications two weeks apart will be made in accordance with the Scope of Work submitted by AquaTechnex.

Attention was called to the 99% milfoil kill rate guaranteed by AquaTechnex in the Indemnification Agreement. David will have the originals signed, scanned and sent to the appropriate offices.

A number of questions were asked of Mike Lopez, AZGF, regarding getting rid of the trash fish in the lake when the water is drawn down before the application of the herbicide. Mike responded that there were significant obstacles in law enforcement to this and the time frame was too tight to obtain all the necessary permits, etc.

When noticed that the lake was to be drawn down, many asked about what would happen with their docks, etc. Mud will be the result until the winter and lakeside homeowners should take appropriate precautions. The need to allocate additional funds as payment for the additional \$3,000,000 in Liability Insurance requested by the Irrigation Company and their Attorneys was discussed. The sum is \$2500.00 ply fees and taxes for a total of \$2,556.25. **Jim Snitzer moved and George Steinger (sp) seconded that this expenditure be made. The voting was unanimous in the affirmative.**

Total funds for the project now stand at \$37,900. After the above payment and the estimated invoice from AquaTechnex of \$30,000, the balance will be \$5,343.75.

#### Weed Legislation

Al Crawford spoke for Jim Peterson, who was absent, about the legislative efforts. Sen. Allen has committed to introduce a bill assigning weed management to a State Agency. In the November/December time frame, her staff will study some of the examples presented and craft a bill to be introduced in the new

Legislature starting 1 Jan 2011. It is expected that it will take more than one session to pass and be funded.

### **Litigation and Possible Assistance to the Irrigation Company:**

Discussion was had about the needs of the Irrigation Company (previously presented to Al and David) regarding the high expenses of litigation in the current Navajo/Hopi Settlement negotiations. The Irrigation company controls the water and has been paying all of the legal fees; however, everyone in the communities benefits and should consider assisting the Irrigation company financially.

After some discussion about Public Awareness, Ken Wilcock agreed to write a "White Paper" discussing this matter to enable the group to present to the public the need to assist the Irrigation Company. This paper could be in used in many situations to make the public aware of the burdens to the Irrigation Company and the concerns if any control of the surface water owned by them is lost in the negotiations.

### **Meeting Schedule**

The meeting schedule for the remainder of the year and for 2011 was discussed. It was proposed and agreed that the final meeting for this season be held Tuesday, 12 October at 1 PM.

The first meeting of the 2011 season will be held Tuesday, April 12, 2011 at 1:00 PM.

All meetings at the Pinetop-Lakeside Town Hall – one of the two meeting rooms. David will query the group as to the advisability of having an evening meeting and/or an alternating schedule.

### **Future Concerns and Issues:**

**A motion to create a Rainbow Lake Steering Committee was made by Nick Scienski and seconded by Joe Nelson. Motion carried unanimously. The following are suggested members:**

1. Al Crawford
2. Joe Nelson
3. Nick Scienski
4. Jim Snitzer

Al will ask Ernie Modzelewski, Paul Horton and Mel Preiss if they would consent to join.

### **501(c) 3 or 4 Incorporation:**

The suggestion was made to ask Paul Horton to prepare a short paper for the October meeting discussing the difference between the two. The group understood that a (c) 4 could lobby and a (c) 3 could not but also had heard that a (c) 4 was NOT tax deductible and a (c) 3 was. David also committed to ask the RC&D Attorney about tax law regarding donations of money to the RC&D [a (c) 3] for the interests of the incorporated group if it were to become a (c) 4.

Minutes, Show Low Creek Watershed Enhancement Partnership & Rainbow Lake Coalition, Sept 14, 2010.

**Incorporation:**

The process of continuing efforts towards incorporation based on Paul Horton's suggestions from earlier in the year continued:

David reminded everyone of the August meeting minutes in which some changes had been made (particularly in the Service Area). David will get with NEMO to remake the map service area.

In Paul's paper from earlier in the year, the following items that are required information for the Arizona Corporation Commission filing papers have been discussed and resolved (at least for the moment):

1. We need a non-profit corporation...
2. We need a name...
3. We need a statement of purpose for the corporation...
4. We need a statement of "character of affairs"...
5. We need to ensure the availability of tax exempt status....

Continuing, the group discussed:

6. We need a Board of Directors...

**Nick moved and Leslee seconded the following slate of initial officers (some of whom need to be contacted about the matter). The motion was approved unanimously:**

- a. Al Crawford President
- b. Ken Wilcock, Vice President
- c. David Newlin, Secretary
- d. Jim Snitzer, Treasurer
- e. Mel Preiss
- f. Nick Scienski
- g. Larry Whipple
- h. Paul Horton

7. Members.....

Members and membership had been discussed at some length and approved at the August 2010 meeting. A great deal of discussion was had about the various types of members, dues and what members of the Board would represent whom and in what way. The suggestion was made that perhaps many of these issues could be addressed in the By-Laws. This led to item number.....

9. We need bylaws....(no. 8 apparently never appeared in the original document)

Al Crawford, Dee Scienski and David Newlin volunteered to obtain sample by-laws for the October Meeting. Al Crawford had previously prepared By-Laws for a number of organizations of which he was a member.

These will be distributed to the membership before the next meeting.

10. We need a statutory agent....

David suggested an Attorney or CPA or someone or place that was fairly permanently set up. Ernie Modzelewski was suggested and David was assigned to get in touch with him to see if he would act in this capacity. Dee Scienski also mentioned that the corporation would have to publish in the paper.

11. We need a Certificate of Disclosure...

This would involve modest declarations by the initial Board of Directors as to their past criminal history, etc.

12. We need to apply for 501(c) 3 status soon after incorporation...

As noted above, there was concern about the differences between a 501(c) 3 and 501(c) 4 with David being assigned to ask Paul Horton to present on the differences at the next meeting.

13. We will need an executive director, probably a paid employee...

Deferred

14. We will need a website...

Deferred but many resources are available, particularly in the school systems. Leslee mentioned Chuck Waldo, who she knows as a possible webmaster.

15. We will need an advisory board...

Deferred

**A motion was made by Leslee and seconded by Nick to adjourn at 2:22 PM. Motion carried unanimously**