



## MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING

August 12, 2009

**Present:** Al Malinowski, Chairperson  
Lance Child, Vice Chairperson  
Les Loble, Secretary/Treasurer  
Rena Schumacher, Director  
Stephanie Holstein, Administrative Officer

**Chairperson, Al Malinowski, called the meeting to order at 11:10 a.m.**

**A. Public Comment:** None

**B. Open Meeting Minutes**

Motion by Mr. Loble to approve the June 17, 2009 minutes. Second by Ms. Schumacher. All in favor. Motion passed.

**C. New Business**

- a) **Ordinance 98-01-ORD** – The Board discussed the timeline and process for rewriting Ordinance No. 98-01-ORD. Mr. Loble will write the first draft. The draft will then be reviewed by legal counsel and the Administrative Officer and then circulated to the Board. The Board, with the help of legal counsel and the Administrative Officer, will address the specifics of needed edits and the process for gathering public input.
- b) **Board Training** – The Board discussed an upcoming Board of Directors training to be held in Big Sky and instructed Ms. Holstein to notify the organizer of BSRAD's interest in attending.
- c) **2009-2010 Law Enforcement Agreement**  
Motion by Mr. Loble to adopt the 2009-2010 Law Enforcement Agreement. Second by Ms. Schumacher. All in favor. Motion passed.
- d) **Donations** – Ms. Holstein informed the Board of a number of items she would like to donate as they are no longer needed. The Board approved the donations as well as the installation of a needed vent for the air conditioning unit.

**D. Old Business**

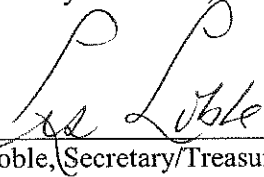
- a) **401(k)** – Ms. Holstein and Mr. Malinowski updated the Board on the successful cancellation and liquidation of the 401(k) plan and accounts.
- b) **Employee bond** – After reviewing current policies and employee dishonesty coverage, the Board concluded an employee bond is unnecessary.
- c) **FY 2010 Budget**  
Motion by Mr. Child to approve the Fiscal Year 2010 Budget. Second by Ms. Schumacher. All in favor. Motion passed.
- d) **New Office Space** – The Board further discussed acquiring a new, larger office space. Mr. Malinowski and Mr. Loble will re-form the committee and seek a realtor.
- e) **Other** – Ms. Holstein informed the Board of the current list of individuals running for election and of the August 20, 2009 deadline.

**E. Financial Reports**

Motion by Ms. Schumacher to approve the June and July 2009 check registers. Second by Mr. Child. All in favor. Motion passed.

**Chairperson, Al Malinowski, adjourned meeting at 12:00 p.m.**

Respectfully Submitted,

A handwritten signature in cursive script that reads "Les Loble". The signature is written in black ink and is positioned above a horizontal line.

Les Loble, Secretary/Treasurer



## MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING

September 9, 2009

**Present:** Al Malinowski, Chairperson  
Lance Child, Vice Chairperson  
Les Loble, Secretary/Treasurer  
Rena Schumacher, Director  
Loren Bough, Director  
Stephanie Holstein, Administrative Officer

**Chairperson, Al Malinowski, called the meeting to order at 11:04 a.m.**

**A. Public Comment:** None

**B. Open Meeting Minutes**

Motion by Ms. Schumacher to approve the August 12, 2009 minutes, as amended. Second by Mr. Loble. All in favor. Motion passed.

**C. New Business**

- a) **Ordinance 98-01-ORD** – The Board discussed the progress made on the draft of the Ordinance. After recognizing the advantages and disadvantages of editing the Ordinance, it was determined that Mr. Loble will meet with legal counsel and the Administrative Officer prior to the October Board meeting to discuss editing the Ordinance and what edits, if any, should be made.
- b) **First Security Bank CD matures 9/18/09**  
Motion by Mr. Child to extend the CD for an additional three months. Second by Mr. Bough. All in favor. Motion passed.
- c) **Capitalization Policy**  
Motion by Mr. Child to adopt a capitalization policy by which purchases equal to or greater than \$5,000.00 will be capitalized. Second by Mr. Loble. All in favor. Motion passed.
- d) **2004 BSOA Appropriation** – Mr. Malinowski informed the Board that the minutes from the 2004 Appropriations meeting indicate that the Board asked about zoning requirements for the BSOA softball field lights. The response was the lights were compliant.
- e) **Taxability of Yoga** – Ms. Holstein informed the Board of her work on seeking tax collections from local yoga, dance, and fitness instructors.
- f) **Community Survey** – Mr. Bough expressed his desire for the District to consider creating a community survey to gather input on the community's preference for resort tax appropriations. The Board charged Ms. Holstein with researching the topic.

**D. Old Business**


- a) **November 2009 Election** – Ms. Holstein updated the Board on the details of the upcoming election. The Board will further discuss the election and public notices at the October meeting.

**E. Financial Reports**

Motion by Mr. Child to approve the August 2009 check register. Second by Mr. Loble. All in favor. Motion passed.

**Chairperson, Al Malinowski, adjourned meeting at 12:08 p.m.**

Respectfully Submitted,



Les Loble

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Les Loble, Secretary/Treasurer



## MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING

October 14, 2009

**Present:** Al Malinowski, Chairperson  
Lance Child, Vice Chairperson  
Les Loble, Secretary/Treasurer  
Rena Schumacher, Director  
Stephanie Holstein, Administrative Officer

**Chairperson, Al Malinowski, called the meeting to order at 11:02 a.m. and noted after eight years of service, this is Rena Schumacher's final meeting.**

**A. Public Comment:** None

**B. New Business**

- a) **Chamber of Commerce** – Marne Hayes of the Big Sky Chamber of Commerce updated the Board on the progress of the Winter Marketing Campaign, *Biggest Skiing in America*.
- b) **Fiscal Year 2009 Audit** – Rosie Barndt, CPA of Holmes & Turner finalized the audit by conducting the necessary exit interview and reviewing the draft with the Board.
- c) **Transportation District** – The Board reviewed the FY 2009 financial statements submitted by the Big Sky Transportation District. The Board concluded the documents do not satisfy the requirement to reconcile the FY 2009 appropriation year. Mr. Malinowski and Ms. Holstein will formulate a list of questions for the Transportation District and send to the Board for review. Representatives of the Transportation District will be asked to attend a Board meeting for discussion.
- d) **Fire District Payment Request**  
Motion by Ms. Schumacher to approve \$100,000.00 of the Gallatin Canyon Consolidated Rural Fire District's payment request #2. Second by Mr. Child. All in favor. Motion passed.

**C. Open Meeting Minutes**

Motion by Ms. Schumacher to approve the September 9, 2009 minutes, as amended. Second by Mr. Loble. All in favor. Motion passed.

**Chairperson, Al Malinowski, recessed the Open meeting and opened the Closed meeting at 12:26 p.m. He re-opened the Open meeting at 1:15 p.m.**

**D. Old Business**

- a) **November 2009 Election** – Ms. Holstein informed the Board of the three write-in candidates for the election: Ginna Hermann, Scott Johnson, and Dax Schieffer.
- b) **Legal Counsel, Ordinance, Election Law Updates**  
Mr. Loble informed the Board of attorney Mona Jamison's conversation with Cindy Younkin which confirmed there is nothing additional to be done with the two current lawsuits. Mr. Loble stated if another delinquency results in a Judgment, the Board will discuss whether or not to engage a local collections attorney.

After a conversation between Mr. Loble and Ms. Jamison and in light of Loren Bough's concerns, no amendments to Ordinance No. 98-01 will be proposed at this time.

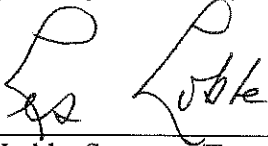
The Board will discuss the desired amendments to the election laws for the BSRAD at the next meeting when the new member is present.

**E. Financial Reports**

Motion by Mr. Child to approve the September 2009 check register. Second by Mr. Loble. All in favor. Motion passed.

**Chairperson, Al Malinowski, adjourned the meeting at 1:42 p.m.**

Respectfully Submitted,

Handwritten signature of Les Loble in cursive script.

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Les Loble, Secretary/Treasurer



## MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING

November 11, 2009

**Present:** Al Malinowski, Chairperson  
Les Loble, Secretary/Treasurer  
Loren Bough, Director  
Stephanie Holstein, Administrative Officer

**Chairperson, Al Malinowski, called the meeting to order at 11:06 a.m.**

**A. Public Comment:** None

**B. New Business**

- a) **Other** – Ms. Holstein requested a schedule change to Monday, Wednesday, Friday beginning January 4, 2010. The Board approved the change and asked that she notice the change appropriately.

**C. Open Meeting Minutes**

Motion by Mr. Loble to approve the October 14, 2009 minutes, as amended. Second by Mr. Bough. All in favor. Motion passed.

**D. Financial Reports**

Motion by Mr. Bough to approve the October 2009 check register. Second by Mr. Loble. All in favor. Motion passed.

**E. Old Business**

- a) **Short Term Rentals** – Ms. Holstein updated the Board on her efforts to contact short-term rental owners. Mr. Loble will work with Ms. Holstein on edits to an outreach letter aimed at property management companies and homeowner associations.
- b) **Community Survey** – Ms. Holstein updated the Board on optional strategies for conducting the community survey. The Board stated each member would submit to Ms. Holstein ten questions to be asked in the survey, from which Ms. Holstein will create the survey with the help of a specialist. The survey will be online and well marketed throughout the community via email, websites, ads, and mailings.
- c) **Election**

Attorney Mona Jamison joined the meeting by conference telephone. She discussed the process required by law that must be taken due to the tie vote. The tie vote was confirmed at the County recount on Tuesday. The Board will appoint one of the candidates to the position at a special meeting to be scheduled as soon as possible and publicly noticed.


Ms. Jamison discussed the process for affirming the appointment at the next election. Ms. Holstein will contact the Election Administrator to learn of the date of the next election; if it is not until June 2010, Ms. Jamison will draft an opinion in favor of using a mail ballot special election for the affirmation. Ms. Jamison will also define whether other individuals can run against the appointee and whether it is a “Yes” and “No” vote.

After the conference call was concluded, the Board asked Ms. Holstein to research any historical precedence for making election appointments by a coin toss or other neutral decision-making process.

- d) Administrative Items** – Ms. Jamison requested that the Board consider amending the administrative sections only of Ordinance 98-01ORD and Ordinance 2008-01 for the purpose of instituting a quarterly payment option for businesses and individuals with continual low remittances. The Board was in favor of Ms. Holstein and Ms. Jamison making suggested edits at the next meeting.

**Chairperson, Al Malinowski, adjourned the meeting at 12:07 p.m.**

Respectfully Submitted,

  
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Les Loble, Secretary/Treasurer





**MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING**

**November 23, 2009**

**Present:** Al Malinowski, Chairperson  
Lance Child, Vice Chairperson  
Les Loble, Secretary/Treasurer  
Loren Bough, Director  
Stephanie Holstein, Administrative Officer  
Scott Johnson, Candidate  
Phyllis Breeden, representative of Candidate Ginna Hermann

**Chairperson, Al Malinowski, called the meeting to order at 8:45 a.m.**

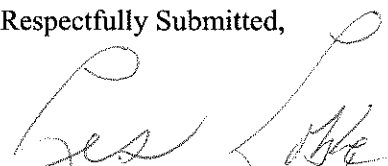
**A. Public Comment:** None

**B. New Business**

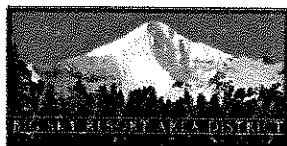
- a) **November 2009 Election Tie Vote** – Mr. Malinowski explained that given the tie between Mr. Johnson and Ms. Hermann, the Board is required to appoint one of the candidates to the seat. He further explained that the decision could be made via a coin toss, as is commonly done in Gallatin County. Both candidates agreed to the use of this method. He stated that the candidate chosen for the seat will serve until the next regularly scheduled BSRAD Board of Directors election in November 2011 when the remaining two years of the term must be affirmed by community election. Mr. Malinowski assigned “heads” to Mr. Johnson and “tails” to Ms. Hermann. The coin was tossed and came up “tails.” Ginna Hermann won the coin toss.

**Chairperson, Al Malinowski, adjourned the meeting at 8:50 a.m.**

Respectfully Submitted,



Les Loble, Secretary/Treasurer



## MINUTES OF THE BIG SKY RESORT AREA DISTRICT OPEN BOARD MEETING

December 9, 2009

**Present:** Al Malinowski, Chairperson  
Lance Child, Vice Chairperson  
Les Loble, Secretary/Treasurer  
Loren Bough, Director  
Ginna Hermann, Director  
Stephanie Holstein, Administrative Officer

**Chairperson, Al Malinowski, called the meeting to order at 11:01 a.m.**

**A. Public Comment:** Tom Reeves and Steve Johnson of Big Sky Search & Rescue updated the Board on the status of construction of BSSR's new facility.

### **B. Old Business**

#### **a) Board seat appointment**

Motion by Mr. Loble to appoint Ginna Hermann to the fifth seat of the Big Sky Resort Area District Board of Directors. Second by Mr. Child. All in favor. Motion passed.

**b) Big Sky Transportation District** – Mr. Malinowski reviewed the status of the FY09 reconciliation and FY10 deficit of the Big Sky Transportation District. Lisa Knorr, David Kack, and Jerry Page were present to discuss the matters. The reconciliation was resolved and Mr. Malinowski requested from the BSTD copies of all future quarterly payment requests to the MT Department of Transportation with supporting invoices as well as a copy of the FY09 audit when completed.

**c) Ordinances 98-01 and 2008-1** – Ms. Holstein presented the suggested amendments to the administrative sections of the ordinances, which will allow for a quarterly payment option for qualified collectors. The Board instructed Ms. Holstein to prepare the amendments for 1<sup>st</sup> Reading at the January meeting.

#### **d) Election laws amendments**

Motion by Mr. Loble to authorize Attorney, Mona Jamison to draft two changes to the BSRAD election laws for the 2011 Legislative Session; 1. to permit election by acclamation and 2. to permit appointees to serve the remaining term without need to stand for election at the next regularly scheduled election. Second by Mr. Bough. All in favor. Motion passed.

**e) Short-term rentals** – Ms. Holstein updated the Board on the efforts made to contact and register short-term rentals in Big Sky for collection of the resort tax. The Board instructed Ms. Holstein to discuss with Attorney Jamison the possibility of drafting legislation that would allow MT Department of Revenue to share lodging tax lists with the BSRAD.

**f) New office space** – Ms. Holstein updated the Board on her attendance at the Gallatin Building Owners Association annual meeting. Mr. Malinowski and Mr. Loble asked Ms. Holstein to keep this item on the agenda in the coming months.

### **C. Open Meeting Minutes**

Motion by Mr. Loble to approve the November 11, 2009 minutes, as amended. Second by Mr. Bough. All in favor. Motion passed.

Motion by Mr. Loble to approve the November 23, 2009 minutes, as amended. Second by Mr. Child. All in favor. Motion passed.

**D. New Business**

**a) Board Officers**

Motion by Mr. Loble to reelect the current officers for another year. Second by Mr. Bough. All in favor. Motion passed.

**b) First Security Bank accounts**

Motion by Mr. Child to remove Renae Schumacher and add Ginna Hermann to the Money Market and Checking accounts at First Security Bank. Second by Mr. Loble. All in favor. Motion passed.

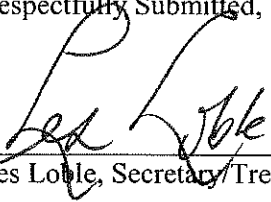
Motion by Mr. Child to let the CD at First Security Bank mature on December 18, 2009 and to transfer the funds to the Money Market account. Second by Mr. Bough. All in favor. Motion passed.

**E. Financial Reports**

Motion by Mr. Child to approve the November 2009 check register. Second by Mr. Bough. All in favor. Motion passed.

**Chairperson, Al Malinowski, adjourned the meeting at 12:05 p.m.**

Respectfully Submitted,



Les Loble, Secretary/Treasurer