

**RIO SALADO CROSSING MULTI-PURPOSE FACILITIES DISTRICT  
BOARD OF DIRECTORS' MEETING**

The Board of Directors of the Rio Salado Crossing Multi-purpose Facilities District met in a Board Meeting in the City of Mesa Lower Level Council Chambers, 57 East 1st Street, Mesa, Arizona, on April 20, 1999 at 5:10 p.m.

**BOARD PRESENT**

Marty Whalen, Chairman  
Pat Gilbert  
Marjorie Heckman  
Dave Johnston  
Jim Lykins  
Roseann Sweet

**STAFF PRESENT**

Linda Crocker  
Mike Hutchinson  
Barbara Jones  
Larry Woolf

**COUNCIL PRESENT**

Keno Hawker  
Dennis Kavanaugh

**OTHERS PRESENT**

Robbie Sherwood  
Dean Short  
Bill Sims  
Brad Wright  
Others

**BOARD ABSENT**

None

Chairman Whalen excused Boardmember Gilbert from the beginning of the meeting. (Boardmember Gilbert joined the meeting at 5:13 p.m.)

1. Discuss and consider:

- a. Entering into an Intergovernmental Agreement with the City of Mesa and the Town of Gilbert concerning indemnification for various costs and other liabilities in connection with the Rio Salado Crossing Project.
- b. Entering into an Intergovernmental Agreement with the City of Mesa and the Town of Queen Creek concerning indemnification for various costs and other liabilities in connection with the Rio Salado Crossing Project.

Chairman Whalen stated that the purpose of the meeting is to discuss and consider entering into Intergovernmental Agreements with the Towns of Gilbert and Queen Creek concerning indemnification for various costs and other liabilities in connection with the Rio Salado Crossing Project.

Bill Sims addressed the Board relative to this agenda item and explained that the proposed agreements were drafted primarily in response to comments presented by the Boardmembers representing the Towns of Gilbert and Queen Creek. Mr. Sims advised that the Boardmembers have indicated that their votes to recommend proceeding with the May 18, 1999 election are conditioned upon the receipt of indemnification agreements for both Towns from the City of Mesa.

Discussion ensued relative to the fact that the Towns of Gilbert and Queen Creek will not be responsible for the cost of the election, the fact that the Towns are also indemnified by both the District and the City of Mesa for liability arising out of the operation of the District, the fact that the document contains a budgeting clause in paragraph five of the document which states that the agreement is subject to appropriations, and the actual indemnification and insurance agreements.

Mr. Sims commented on the fact that pending legislation also includes a provision limiting the liability of the member municipalities that comprise the Districts. Mr. Sims explained that the Board of Director's signatures are required on the agreements but added that the City of Mesa will also sign the documents and guarantee the Board's obligations as a District.

In response to a question from Boardmember Johnston, Mr. Sims stated that the agreements for both the Towns of Gilbert and Queen Creek are identical.

Assistant City Manager Mike Hutchinson responded to a question from Boardmember Heckman and advised that the agreements have been forwarded to the respective Town Counsel's for their review and approval. Mr. Hutchinson added that City Attorney Neal Beets had several conversations with both Town Counsels and it is his understanding that both agreements are acceptable.

In response to a question from Chairman Whalen relative to the appropriateness of allowing a speaker to address the Board at this time, Mr. Sims indicated that the request to speak may be granted by the Chairman.

Keno Hawker, Councilmember and citizen of Mesa, addressed the Board and questioned whether the proposed agreements indemnify the Mayors and Councils of both Towns in addition to the Boardmembers. Mr. Hawker commented on the fact that the Towns are also participating in the project in order to benefit from the joint use of the facilities at the same cost as Mesa residents. Mr. Hawker noted that although this issue is part of the Memorandum of Understanding, it has never been acted upon by the Mesa City Council.

Mr. Hawker also discussed the fact that the City of Mesa is pursuing reduced rates at Riverview Golf Course for senior citizens and residents of Mesa and stated the opinion that although it may be determined that the residents of Gilbert and Queen Creek may also play the course at the reduced rates, this was not the original intent of the Council's decision to review and reduce the fees.

Mr. Hawker also questioned whether (if the Rio Salado Crossing is approved) Mesa's weighted vote in the future can be called after the Board has already voted four to two (Gilbert and Queen Creek representatives vs. City of Mesa representatives) on an issue which may negatively impact Mesa.

Chairman Whalen thanked Mr. Hawker for his comments and questions.

It was moved by Boardmember Lykins, seconded by Boardmember Johnston, that the indemnification agreements for the Town of Gilbert and the Town of Queen Creek be approved.

Carried unanimously.

2. Call to the public.

Chairman Whalen stated that there were no additional speakers to address the Board at this time.

3. General information and scheduling of future meetings.

Chairman Whalen requested that the next meeting of the Board of Directors be scheduled for Wednesday, May 19, 1999 at 5:30 p.m.

4. Adjournment.

Without objection, the meeting adjourned at 5:31 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Rio Salado Board of Directors' Meeting held on the 20th day of April 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of May, 1999

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JAMES LYKINS, BOARD SECRETARY