UPPER EXPLORERLAND REGIONAL PLANNING COMMISSION
SPECIAL MEETING
MINUTES
April 28, 2011

MEMBERS PRESENT: Dean Darling, Jan McGovern, Leon Griebenow, Les Askelson, Randy Uhl, Paul Ryan, Jerry Freund, Duane Brandt, Warren Steffen, Ron McCartney, Charles Frana, Larry Schellhammer, Kay Vorwald, Vicki Rowland, Karla Organist, Mark Bohle

MEMBERS ABSENT: Larry Gibbs, Kay Zimmerman, Barbara Ettleson, Roger Thomas, Andrew Wenthe, Darla Kelchen, Robert Hager, Leigh Rekow

STAFF PRESENT: Aaron Burkes, Mary Jungblut, Ardie Kuhse

OTHERS PRESENT: Richard Zahasky, Anne Loomis

Chairman Warren Steffen called the special meeting to order at 6 p.m. on Thursday, April 28, 2011 at the Regional Planning office, Postville, Iowa.

A motion was made by McGovern/Askelson to approve the agenda. On a roll call vote, those voting aye: Vorwald, Ryan, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Schellhammer, Darling, Frana, Freund, Uhl. Those voting nay: none. Motion carried unanimously.

Ron McCartney entered the meeting.

A motion was made by Bohle/Griebenow to approve the minutes of the April 12, 2011 meeting. Vorwald noticed the minutes stated "Thursday", April 12 when in fact it was Tuesday. A motion was made by Vorwald/Ryan to amend the minutes to state "Tuesday", April 12, 2011. Motion carried unanimously. A motion was made by Bohle/Griebenow to approve the amended minutes. Motion carried unanimously.

The next item on the agenda was to consider a resolution to retain the law firm of Gaudineer, Comito & George, LLP to represent the 28E Corporation Commission in all pending and threatened litigation. There is a need to hire additional counsel since the insurance company is only providing defense of the alleged open meetings violation. Another attorney will not be limited in the scope of representation and can be more proactive. A motion was made by Rowland/McGovern to approve Resolution #2011-04 to retain Carlton G. Salmons from the law firm of Gaudineer, Comito & George, LLP. On a roll call vote, those voting aye: Vorwald, Ryan, McCartney, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Schellhammer, Darling, Frana, Freund, Uhl. Those voting nay: none. Motion carried unanimously.

A motion was made by Bohle/Ryan to adopt Resolution #2011-05 to appoint a special Litigation Advisory Committee. This group will be a committee and therefore easier to get a meeting together with the attorney than to try to get all 24 board members together. It's just an advisory committee and doesn't have any authority to take any action. They will gather facts, listen to the attorney and come back to the full Commission. Discussion of strategy even in closed session is impractical

when one of the commission members is the other party to the lawsuit. Correspondence between the commission and the attorney is confidential and privileged. On a roll call vote, those voting aye: Vorwald, Ryan, McCartney, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Schellhammer, Darling, Frana, Freund, Uhl. Those voting nay: none. Motion carried unanimously. Chairman Steffen will be contacting Board members within a few days if they wish to be on the Litigation Advisory Committee.

Under floor items: 1) Trial date is August 10-12, 2011; 2) Discussion on process to remove a board member – attorney and Committee will discuss this; 3) Why are past Board Members mentioned in the lawsuit; 4) Aaron can get the original petition to Commission members if interested; 5) Why was employee's personal information given to Attorney Wolle; 6) It was pointed out that the Boards of Supervisors appoint all board members.

A motion was made by Askelson/Griebenow to adjourn. On a roll call vote, those voting aye: Vorwald, Ryan, McCartney, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Schellhammer, Darling, Frana, Freund, Uhl. Those voting nay: none. Motion carried unanimously. The meeting adjourned at 6:35 p.m.

The above constitutes my interpretation of the matters discussed and the decisions reached. Please contact the undersigned for any errors or omissions.

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Mary Jungblut, Secretary