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Dear President Ward and Board Members:

I am writing in response to statements made at the last board meeting and written comments sent via e-mail to the Board alleging that Marc Ward had an "ethics" problem on the Taylor Ball contract.

The Taylor Ball contract was entered into in the Spring of 2000 following an extensive RFP selection process and Board consideration and approval at the March 13, 2000, April 18, 2000 and May 2, 2000 Board meetings.

Prior to the Board deliberations Marc Ward contacted me and instructed me that he was not to have any involvement in the selection process and would abstain from voting on the final choice. He indicated that he was doing this because another lawyer at his law firm had represented one of the potential bidders. Apparently that representation was not substantial but Marc desired to avoid any conflict or appearance of conflict of interest.

I have reviewed the minutes of the Board meetings where this matter was considered (March 13, 2000, April 18, 2000 and May 2, 2000). Those minutes indicate that Marc Ward did not participate in the deliberations, the selection process, or the final vote on selection.

He explained his conduct at the time in a statement to the Board and public as follows:

I need to disclose a conflict of interest that I have, my law firm represents more than one of the entitles that either alone or together or with others are making proposals this evening. In order to avoid any appearance of impropriety and most important to avoid any taint to the process to the district and the successful bidder, I've decided to recuse myself from the process and will not participate in the deliberations or discussions with respect to the project manager or the selection of the project manager. With that I will leave the meeting and I wish you all a successful process.

In my judgment, these steps recusing himself from involvement in this matter fully satisfied his obligations as a Board member to avoid any conflict of interest. Allegations to the contrary are simply wrong and at best are probably based on a misunderstanding of the record.

If you have any questions, please contact me directly.

Respectfully,

AHLERS, COONEY, DORWEILER,
HAYNIE, SMITH & ALLBEE, P.C.



By

Peter L. J. Pashler

PLJP/gaw