

REGULAR BOARD MEETING MINUTES
October 13th, 2016 10:00 a.m.
TUMALO IRRIGATION DISTRICT OFFICE
64697 Cook Avenue
Bend, Oregon 97703

BOARD: Ron Cochran, Shirley DeMaris, Steve Putnam, Martin Warbington
STAFF: Kenneth Rieck, April Harris, Bob Varco
ATTORNEY: Mark Reinecke
GUESTS: Steve Payer, Jim Holt, Bradaigh Holt, Tom Bishop, Sgt. Vance Lawrence

Chairman Cochran called the regular board meeting to order at 10:08 a.m. and appointed April Harris scribe.

EXECUTIVE SESSION ANNOUNCEMENT

Chairman Cochran requested a motion from the board to enter into executive session under ORS 192.660(2)(f) at 10:08 a.m. Director Putnam made a motion. Director Warbington seconded the motion and it passed unanimously.

RECONVENE

Chairman Cochran reconvened the regular board meeting at 11:30 a.m. and appointed April Harris scribe.

APPROVE MINUTES OF SEPTEMBER 13TH, 2016 BOARD MEETINGS

Chairman Cochran requested the board postpone the approval of the September 13th, 2016 regular and executive board meeting minutes until select changes were made to one specific paragraph.

WATER SUPPLY REPORT

Manager Rieck reviewed the current water supply report and the attached graphs. Rieck then presented an additional graph showing the levels of Crescent Lake for the month of October over the past ten years. He also announced that the District will cut back the amount of water being released from the lake to 20 cfs beginning December 1st for the Oregon spotted frog as part of our HCP agreement. Rieck commented that TID's field crew had done a great job conserving water during the 2016 irrigation season.

TUMALO FEED CANAL PIPING UPDATE

Manager Rieck stated that Phase IV of the Tumalo Feed Canal piping project is complete and the final order from the state has been received. Furthermore, the District had begun the process of starting the next phase and is waiting for sufficient funding. Plans to begin construction for Phase V have been currently set for October 2017.

During construction of Phase IV, there was an issue that caused leakage along a patron's property. Without consulting the District, the patron made some repairs in the construction zone and then submitted a bill. We determined the bill was not the District's responsibility to pay as it was in the construction zone and we would have made the repairs anyway. Mediation for small claims court has been set for October 24th to resolve the dispute.

CERTIFICATE OF ELECTION

Steve Putnam and Wally Zimmerman were the only two people that submitted petitions for re-election in divisions 1 and 3 respectively. Manager Rieck certified that both Putnam and Zimmerman were duly elected - by reason of their being the sole nominating petitions in each district - for a three-year term, beginning January 2017.

DISTRICT SURVEY DRAWING

Patrons who completed and returned the survey that was included in the District's summer newsletter were entered into a drawing to win a \$50 gift certificate for the Tumalo Feed Company. The deadline for the drawing was October 12th and Vice Chair DeMaris drew the winning ticket. The winner was Peter Steiner of BOTUG, LLC. Office staff will create a spreadsheet and present the results of the survey at the next board meeting.

PENDING OWRD LITIGATION

Vice Chair DeMaris stated that although TID strongly denies the Oregon Water Resource Department's (OWRD) finding that TID knowingly delivered storage water without a storage water right for six days in 2014. TID contends the water (18 acres) was a portion of KC Development Group's irrigation right of 56 acres in which KCDG was irrigating at the time, the board instructs attorney Martha Pagel to dismiss the pending circuit court proceeding and work with OWRD to obtain an exchange of letters to minimize the impact of OWRD's finding. Director Warbington made a motion which was seconded by Director Putnam and it passed unanimously.

Director Warbington made a motion to instruct Attorney Martha Pagel to dismiss the circuit court case contesting the OWRD determination that the District's storage right cannot be transferred. Director Putnam seconded the motion and it passed unanimously.

PUBLIC COMMENT

Bradaigh Holt introduced herself and emptied a bag of shell casings onto the board table. Holt claimed that bullets were flying over their house the previous weekend and expressed her concerns in regards to safety. Jim and Bradaigh Holt contacted the Sheriff's office and spoke with Lt. DeLuca, requesting he attend the board meeting to discuss safety. Although DeLuca could not be present at the meeting, Sgt. Vance Lawrence with the Deschutes County Sheriff's Department attended on his behalf.

Chairman Cochran stated that due to the fact that the Holts are party to a lawsuit filed against the District, he would allow Attorney Reinecke to address the issue. Reinecke stated that the Holts and the Sergeant were welcome to comment and express their opinions; however, the board was advised not to enter into a discussion without them having legal representation.

Manager Rieck pulled up a Google map on the screen highlighting the area in question. Jim Holt pointed out the specific location where the casings were found for Sgt. Lawrence and requested that the board reconsider posting the property as "No Shooting." The Sergeant stated that in regards to the shooting issue, the property is private property and it is up to the District to decide how they wish to handle the situation and whether they want to post "No Trespassing" signs on the property. He also stated that if they receive a phone call about gunfire over someone's house, they will always investigate. However, they do not always find the incident to be reckless.

Sgt. Lawrence identified the type of guns that the shells, provided by the Holts, came from and stated that neither of them is prone to ricocheting. Sgt. Lawrence stated that it is not illegal for people to shoot on private property and every incident is an individual case by case scenario and it cannot be said that

it is always considered safe or not safe. He also stated that a bullet shot in the air and returning down is just gravity and would not have the velocity to cause serious injury. The Sheriff's Department receives frequent calls about people shooting in the County but the Sergeant commented that in 20+ years, he has only known of one case when a ricochet made contact with a person and the skin did not even break where the spent bullet hit their arm. His recommendation to shooters is to use paper targets vs. metal.

Attorney Reinecke recommended the board take some time to think about and absorb the information that was shared. Cochran encouraged the Holts and the sergeant to attend any future public meetings.

Jim Holt distributed copies of a letter from the Oregon Department of Transportation dated July 20, 2010 and addressed to Attorney Sharon Smith in regards to construction drawings and plans for an access road from the District's property to Highway 20. Attorney Reinecke reminded the Holts that because they have been represented by legal counsel, they have the right to have their legal representation present their concerns to the board or they could choose to go forward and share their presentation with the board themselves. Chairman Cochran requested that Reinecke work with Attorney Smith and look into the issue.

Steve Payer stated that he had three questions for the board. He inquired about the costs related to the additional monitoring of Crescent Lake and Creek for the Oregon spotted frog. Manager Rieck explained that the costs are being absorbed by the DBBC and then proportioned out to the eight districts that make up the DBBC, of which 7% is billed to TID. Payer stated that he is a real estate broker and asked the board what they recommend he tell potential buyers about the current lawsuit for risk management purposes. Rieck explained that the board was still under a court order not to disclose the terms of settlement talks. Lastly, Payer expressed his concerns about people watering the road when everyone should be doing their part to conserve water. Rieck commented that it is a constant battle for the District and he continues to discuss the issue with TID staff and the importance of education our members on the issue. Rieck instructed Payer to contact the office any time to report the incidents so that we can send a ditch rider out to assess the situation.

MOTION TO APPROVE OCTOBER 2016 VOUCHER LIST

Director Putnam made a motion to approve the October 2016 voucher list. Vice Chair DeMaris seconded the motion and it passed unanimously.

EXECUTIVE SESSION ANNOUNCEMENT

Chairman Cochran announced that the board would be returning to executive session under ORS 192.660 (2)(h) at 12:39 p.m.

RECONVENE

Chairman Cochran reconvened the regular board meeting at 12:47 p.m.

ADJOURN

Director Putnam made a motion to adjourn the regular board meeting at 12:47 p.m. Vice Chair DeMaris seconded the motion and it passed unanimously.