

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

BOARD: Ron Cochran, Shirley DeMaris, Steve Putnam, Wally Zimmerman, Martin Warbington
STAFF: Kenneth Rieck, April Harris, Bob Varco
ATTORNEY: Mark Reinecke
GUESTS: Greg Mohnen, Bendt Brodersen, Karen Farley, Tom Bishop, Dorbina Bishop, Kevin Crew

Chairman Cochran called the regular board meeting to order at 10:00 a.m. and appointed April Harris scribe.

EXECUTIVE SESSION ANNOUNCEMENT

Chairman Cochran announced that the board would be entering executive session under ORS 192.660 (2)(e)(f)&(h) at 10:00 a.m.

RECONVENE

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

APPROVE MINUTES OF NOVEMBER 2016 BOARD MEETINGS

Director Putnam made a motion to approve the November 8, 2016 regular and executive board meeting minutes. Director Warbington seconded the motion and it passed unanimously.

WATER SUPPLY REPORT

Manager Rieck reviewed the current water supply report and the attached graphs. Crescent Lake was 57% full and Rieck stated that precipitation levels were high. Crescent Lake's outflow was lowered from 30 cfs to 20 cfs the day of the board meeting.

OWRC ANNUAL CONFERENCE

Manager Rieck, Chairman Cochran, and Office Manager April Harris attended Oregon Water Resource Congress's annual conference in Hood River. Rieck stated that he received new information during the risk management portion of the conference. Material was presented on recreational immunity, which has become an issue for all districts. He also stated that in order to qualify for the best practices discount in the future, SDAO will now require the majority of the board members to meet the qualifications of the checklist instead of the previous minimum requirement of just one member. SDAO requested input from all districts and Cochran suggested they assign a staff member to assist with asset management plans. Rieck scheduled a risk assessment with SDAO, in which a staff member will visit and tour the District for potential risks.

REAL ESTATE OFFER

The District submitted a counter offer on the sale of the two remaining lots listed on Bill Martin Road with the terms that were discussed at the last board meeting. The counter offer was accepted and the closing date has been scheduled for the beginning of January.

CITY CLUB FORUM

On December 15th, Manager Rieck and Chairman Cochran plan to attend the City Club of Central Oregon's December forum which is titled, "The Upper Deschutes Settlement: What's Next?"

CRESCENT LAKE RELEASES

Manager Rieck reviewed an email that he received from Water Right Consultant Adam Sussman. Rieck had inquired about the possibility of applying for mitigation credits for the water that is being released from Crescent Lake for the Oregon spotted frog. Sussman estimated a consulting fee of approximately \$13,000. The board directed Manager Rieck to continue with the proposal.

SYSTEM IMPROVEMENT PLAN

Manager Rieck provided the board with a draft of the District's new System Improvement Plan. Engineer Kevin Crew of Blackrock Consulting gave a brief summary of the plan. Crew commended the two TID ditch riders who assisted in taking the water measurements for the study. Director Putnam made a motion to accept the System Improvement Plan. Vice Chair DeMaris seconded the motion and it passed unanimously.

WATERSHED ENHANCEMENT PLAN

Manager Rieck stated that information from the System Improvement Plan will be used to develop a scope for the Watershed Enhancement Plan, which is expected to be completed in approximately 4 weeks. Once a draft has been completed, it will be sent to the Board for review.

DECLARE WOOD CHIPPER SURPLUS

Manager Rieck stated that it would be a great benefit to the District if they had a wood chipper that was in good working order. The wood chipper that the District currently owns has not been running for many years and multiple attempts have been made to repair it without success. Rieck would like to sell the current piece of equipment and purchase one that is in good working order. Director Putnam made a motion to declare the wood chipper surplus. Vice Chair DeMaris seconded the motion and it passed unanimously.

WHISTLEBLOWER POLICY

A draft policy was presented to the board for a new whistleblower policy, which is now a state requirement. As directed by the board at the previous month's board meeting, TID's office staff consulted with SDAO on the wording of the sample policy that was provided and made the changes that were discussed. Director Zimmerman made a motion to accept the Whistleblower policy with the additional grammatical modifications that were discussed. Director Warbington seconded the motion and it passed unanimously.

2017 TID-DRC INSTREAM LEASE MOA

Manager Rieck suggested that the District wait until January to sign the MOU for the 2017 DRC Instream Leases as staff would like more time to review the agreement and any changes that may have been made.

MOTION ON FORECLOSURES

Director Putnam made a motion to file foreclosures on the two properties that the District filed liens on for past due assessments, John C. & Marion V. Shepard and the Estate of Rose A. Davidson. Vice Chair DeMaris seconded the motion and it passed unanimously.

WATER TRANSFER

Director Putnam made a motion approving the transfer of 37 acres of water rights from Petsche to self and 1.5 acres from Petsche to Mendes. Vice Chair DeMaris seconded the motion and it passed unanimously.

OTHER

Director Warbington made a motion to modify the Board's instructions from the October 13, 2016 meeting as follows:

1. With respect to the in-district transfer matter, the Board hereby authorizes its attorneys to file a notice of voluntarily dismissal of the pending judicial review action and a request for a general judgment without prejudice. The Board further authorizes its attorneys to respond to the OWRD Motion to Dismiss, requesting that OWRD's motion be denied as moot as a result of TID's notice of voluntary dismissal.
2. With respect to the Limited License Enforcement Order (LLEO) matter, the Board hereby authorizes its attorneys to pursue settlement efforts with OWRD by proposing court-ordered confidential mediation or a similar confidential settlement process to address OWRD's grounds for withdrawal of the LLEO with the expectation that such settlement, if successful, could lead to the eventual voluntary dismissal of the pending judicial review case.

Director Putnam seconded the motion and it passed unanimously.

PUBLIC COMMENT

Water Patron Tom Bishop questioned the subjects discussed during Executive session. Attorney Reinecke and the Board responded accordingly.

MOTION TO APPROVE DECEMBER 2016 VOUCHER LIST

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

ADJOURN

Chairman Cochran stated that the next board meeting would be held on January 10th, 2017. Director Putnam made a motion to adjourn the regular board meeting at 12:45 p.m. Vice Chair DeMaris seconded the motion and it passed unanimously.