

BOARD MEETING MINUTES
January 9, 2018 10:00 a.m.
TUMALO IRRIGATION DISTRICT OFFICE
64697 Cook Avenue
Bend, Oregon 97703

BOARD: Ron Cochran, Wally Zimmerman, Steve Putnam, Martin Warbington, Jack Farley
STAFF: Kenneth Rieck, April Harris Spath, Bob Varco
ATTORNEY: Mark Reinecke
GUESTS: Tom Bishop, Dorbina Bishop, Greg Mohnen

Chairman Cochran called the regular board meeting to order at 10:03 a.m. and appointed April Harris Spath scribe.

OATHS OF OFFICE

Directors Jack Farley and Martin Warbington read their oaths of office and signed them in front of a notary.

NOMINATION AND APPOINTMENT OF THE CHAIRPERSON FOR THE BOARD

Director Putnam nominated Ron Cochran for the position of Chairman of the Board for 2018 and Director Warbington seconded the nomination. The appointment was approved by a vote of four to zero. Cochran abstained from the vote.

NOMINATION AND APPOINTMENT OF THE VICE-CHAIRPERSON FOR THE BOARD

Director Putnam nominated Wally Zimmerman for the position of Vice Chair of the board for 2018. Chairman Cochran seconded the nomination and the appointment was approved unanimously.

APPOINT MANAGER/SECRETARY TO THE BOARD

Director Putnam made a motion to appoint Kenneth Rieck to the position of Manager/Secretary to the Board. Manager Rieck accepted the position. Director Warbington seconded the motion and it passed unanimously.

EXECUTIVE SESSION ANNOUNCEMENT

At 10:09 a.m. the Board recessed the Regular Session and entered into Executive Session per:

- ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney.
- ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regards to current litigation or litigation likely to be filed.

RECONVENE

Following Executive Session, the Regular Session was reconvened at 11:35 a.m.

APPROVE MINUTES OF DECEMBER 2017 BOARD MEETINGS

Chairman Cochran made a motion to approve the minutes for the December board meetings with the suggestion of making a few grammatical changes to the regular and special meeting minutes. Director Putnam seconded the motion and it passed unanimously. The Board will review the suggested revisions at the next board meeting.

WATER SUPPLY REPORT

Manager Rieck stated that the District's field crew made an adjustment to the outflow from Crescent Lake and the level has remained the same as last month at 88% full.

WATERSHED PLAN – PL 566

The Watershed Plan has not been released to the public yet as the document is still under review in Washington DC. The meeting that had been tentatively set for January 24, 2018 will need to be pushed back until two weeks after the public release of the document.

PHASE 5 UPDATE

Manager Rieck updated the Board on progress of Phase 5, stating that fifty percent of the pipe has been laid. Substantial completion has been projected for the end of March, if weather conditions remain the same.

540 ACRES REZONE

By the close of business on January 12, 2018 the District will submit final rebuttals to the comments that were made following the hearing that was held for the rezoning application for the 540 acres, formerly known as the Cascade Mining Pit.

SET REGULAR BOARD MEETING PLACE, DATE AND TIME

Chairman Cochran recommended that the District continue to hold the regular board meetings at the district office on the second Tuesday of each month, with the Board entering into executive session at 10 a.m. and returning to regular session at approximately 11:30 a.m. Director Putnam made a motion supporting Cochran's recommendation. Director Zimmerman seconded the motion and it passed unanimously.

2018 BOARD MEMBER MEETING FEES

Director Zimmerman made a motion to leave the board member meeting fees at \$50.00 per meeting for those members who choose to take the fee. Director Putnam seconded the motion and it passed unanimously.

2018 ANNUAL BUDGET

Director Putnam made a motion approving the 2018 operating budget with the revisions that were made during discussions at the December 14, 2017 special board meeting. Director Farley seconded the motion and it passed unanimously.

2018 ANNUAL ASSESSMENTS

Director Putnam made a motion to keep the 2018 water assessments at the same rates as 2017 assessments. Director Zimmerman seconded the motion and it passed unanimously.

2018 DISTRICT FEES

Director Putnam made a motion to keep the District's fees the same as the previous year with the addition of the fees that will be set for the new Easement Encroachment Policy. Director Warbington seconded the motion and it passed unanimously.

OWEB GRANT

Manager Rieck stated that the District was awarded a grant in the amount of \$400,000 from the Oregon Watershed Enhancement Board (OWEB) for Phase 5 of piping the Tumalo Feed Canal. Director Putnam made a motion to accept the award and sign the agreement. Director Farley seconded the motion and it passed unanimously.

JOINT DEFENSE AGREEMENT

Director Putnam made a motion granting Attorney Reinecke permission to sign the modified Joint Defense Agreement, which allows Schwabe, Williamson & Wyatt and Bryant, Lovlien & Jarvis to represent the District in relation to the lawsuit filed against the District and KC Development Group by Tom & Dorbina Bishop.

EASEMENT ENCROACHMENT POLICY

The Board was provided with a draft copy of the new Easement Encroachment policy that the District would like to put into place. Watermaster Chris Schull reviewed the policy with the Board and discussed the amount the District should charge when a land owner encroaches on one of the District's easements. Director Zimmerman made a motion approving the Easement Encroachment Policy with the fees set at \$500 for a Class I encroachment or \$1,000 for a Class II encroachment, as defined in the policy. All encroachments will be subject to a \$250 admin fee. Director Putnam seconded the motion and it passed unanimously.

LIENS/FORECLOSURES

Office Manager April Harris Spath updated the Board on the status of delinquent accounts. It was determined that Attorney Reinecke will move forward on the liens filed against the Estate of Rose Davidson and the Munson Plan Liquidating Trust for outstanding assessments owed to the District.

PUBLIC COMMENT

Manager Rieck opened the meeting up to public comment. No comments were made.

MOTION TO APPROVE JANUARY 2018 VOUCHER LIST

Director Putnam made a motion to approve the January 2018 voucher list. Director Warbington seconded the motion and it passed unanimously.

ADJOURN

The date of the next board meeting was set for Tuesday, February 13, 2018. Director Putnam made a motion to adjourn the regular board meeting at 12:18 p.m. Director Zimmerman seconded the motion and it passed unanimously.