**FLATHEAD JOINT BOARD OF CONTROL**

SPECIAL MEETING MINUTES

**ST. IGNATIUS, MONTANA**

May 27, 2014

**PRESENT**

**Flathead: Wayne Blevins, Paul Guenzler, Shane Orien, Trent Coleman – Bruce White (Conference Line)**

**Jocko: Boone Cole, John Trimble – Kerry Doney Absent**

**Mission: Jerry Laskody, Tim Orr, Gene Posivio**

**Consultant:** **Jon Metropoulos (Conference line)**

**Staff: Johanna Clark**

**Project:** Absent

**Joint Special Meeting MID/JVID/FID**

**CTO:** 5:02 pm

Pledge of Allegiance was conducted

Billing Statements and Warrants as listed in “**DRAFT”** 2014 FJBC Budget were reviewed and approved as presented.

**Agenda Item #1**

* Legal Contract to Reform Joint Board of Control - (Commissioners reviewed Contract)

Commissioner Wayne Blevins invited Consulting Attorney Jon Metropoulos to comment on the contents of the contract. Consulting Attorney Jon Metropoulos stated that the contract was pretty straight forward pointing out the rotation of the Chairs to ensure that everyone had a voice in the current board, also pointing out the measures taken to make dismantling the joint board more difficult in years to come. Commissioner Tim Orr questioned the rotation every four months and if it would cause confusion. Commissioner Wayne Blevins responded that he supported the rotation. Commissioner Jerry Laskody and Commissioner Boone Cole made statements in support of the action to rotate. Consulting Attorney Jon Metropoulos reminded that each district needed to vote separately.

**Mission Irrigation District:** Commissioner Gene Posivio motioned to accept the contract, Commissioner Tim Orr 2nd the motion.

**Public Comment:** Bill Slack stated that the rotation did not show consistency to the public. Commissioner Jerry Laskody stated that the Chairman was only to run the meetings with the assistance of the additional commissioners. Commissioner Gene Posivio questioned whether the contract could be amended at a later date. Commissioner Shane Orien questioned whose name would be on legal documents if the board chairman was to continue to rotate. Commissioner Boone Cole stated that he could see the various problems that may arise. Commissioner John Trimble stated that the rotation showed equality among the board members. Steve Hughes (Flathead) asked how long the contract was available for the public to review. Public discussion took place on the majority vote wordage. Consulting Attorney Jon Metropoulos Jon commented that the vote issue only refers to the dissolution of the FJBC section of the contract.

– Commissioner Jerry Laskody called for a vote. Trudy S. (Mission) made a statement about recent communication and that a statement of reformation to the attorney general might be in the best interest of the new FJBC. Commissioner Boone Cole stated that the recent elections show support of reforming and it is in the best interest of the financial standing of the MID and The JVID. Commissioner Jerry Laskody stated that the commissioners are doing what he believes is the best form of action for the future of the irrigation districts.

Motion Carried unopposed

**Jocko Valley Irrigation District:** Commissioner John Trimble motioned to accept the contract. Commissioner Boone Cole 2nd the motion. Dean Brockway (Jocko) made a statement in support of such action. Commissioner Boone Cole called for a vote.

Motion Carried unopposed.

**Flathead Irrigation District**: Commissioner Bruce White motioned to accept contract, Commissioner Shane Orien asked Commissioner Paul Guenzler his opinion on how the Flathead should proceed. Commissioner Paul Guenzler stated that the FID did not follow the referendum results and this is still against irrigator opinion. Commissioner Shane Orien made a statement against vote per acre. Commissioner Shane Orien 2nd the motion to approve the contract.

**Public Comment**: Jack (Flathead) commented that there are commissioners that do not have very many acres and have power over those that have far larger acreage at risk. John S. (Flathead) stated that the commissioners have to represent to the majority and the oath of office supports any action that allows them to do so stating that we have seen what happens when you dissolve the joint operation of the districts and it is not a good situation. Susan Lake (Flathead) commented that the board has no power over irrigation delivery and/or operation at this time and asked the commissioners opinion on their role within the community. She stated the FID community is in favor of not having a joint board and is very much in favor of the current compact. Commissioner Tim Orr commented that the vote per acre was a financial decision at the time of creating the law also stating that the small land owner’s proportions are the same as the larger land owners compared to income and expenses. All irrigators need representation and that is what the purpose of the districts and the FJBC is. Ken Cornelius (Flathead) stated support for the one vote per acre. Commissioner Tim Orr would like to check into the legalities of the voting process. Commissioner Bruce White stated that certain irrigators were supportive of the need for commissioners when they were in control of the FJBC. A joint board represents all irrigators. Consulting Attorney Jon Metropoulos commented agreement with Trudy S. stating that a number of litigations have been filed and the FJBC had a fiduciary duty to the irrigators and that the government agencies state that re opening negotiations because of the legal ramifications of the dissolution of the previous FJBC is the end result. By reforming we hope to end numerous legal battles. Randy made a statement about proportional taxes and the need for equal voting processes. There are a lot of small farmers and it needs to be fair for everyone. Does the CME need to come back into effect? Commissioners responded that there was no intention of bringing back the CME. Randy stated that he agreed that there should be another way to conduct the voting process. Ted Hein (Flathead) stated that all parties have a lot in common. Life is not fair and that there is a reason for the democratic process. The CME allowed the FJBC to oversee the project. The FJBC is the key to having accountability. Gene Erb (Flathead) presented more information in regards to KERR dam to the Commissioners stating that numerous records and water right documentation has been lost or misplaced over the years. We are all to be treated equally and we should be paid for that that is taken from us as land owners. Millions of dollars are being made from the taking of our water and our rights and we want to know where and by whom. Jack (Flathead) questioned whether the larger land owners are really getting more water than their neighbors with less acreage. He stated that last year he did not have enough water to get through 3 irrigations. Commissioner Tim Orr responded by showing areas of the water usage from the maps of the office walls. Water was gravitational in its collection - the more water that can be pumped up north, the better for the irrigators stating that the design of the project was for that purpose. The districts share pumping and maintenance costs and it work well with early water which we have not been collecting and delivering over the last three years. Randy (Flathead) asked what the estimated price was to run the needed pumps. .Ken C. (Flathead) commented on the maintenance and current project operations. Randy (Flathead) stated that we should already have stored water in the reservoirs and that irrigators should have access to free water outside of the quota because of such storage. We need better management of the project. Commissioner Tim Orr made a brief statement describing how much water is coming off of the mountains and available for irrigator use if managed correctly.

Commissioner Wayne Blevins called for a vote - Steve Hughes (Flathead) commented that there is no rush to approve this contract stating that the public should be allowed more time to review its contents. Consulting Attorney Jon Metropoulos commented that actions are occurring in court and litigation has been filed due to the dissolution of the prior FJBC. We need to protect irrigator’s water rights today. Consulting Attorney Jon Metropoulos reported that conversations have taken place between his office and the tribes. There is no benefit in delaying the process this board is setting into motion. Ted Hein (Flathead) stressed once again that this is a democratic process. The commissioners are going to make the decisions that are in the best interest for the irrigators and he is in support of passing the contract. Sheila V. (Mission) questioned the actions of the previous FJBC formation questioning; did they send the contract out to the irrigators? No, they would not even allow public comments. Ken (Flathead) asked the board to poll the commissioners as to how long they have had to view the contract in question. Commissioner Boone Cole stated that this was only public comment and the commissioners did not have to act on the requests of the irrigators. Dean Brockway (Jocko) commented that this agreement affected his district in a positive direction and that he would like the commissioners to stop messing around and accept the contract. Commissioner Shane Orien commented that their there has been more than enough time for the commissioners to review and provide feedback on the legalities and wordage of the contract. Jack (Flathead) stated that the actions of the board are suspicious. Commissioner Bruce White commented his disagreement with Jack's statement. John Swenson (Flathead) stated his support of the contract and the board’s knowledge of its contents. Commissioner Boone Cole commented the positive effects to working jointly. There is zero irrigator input without the FJBC. The vast majority of irrigators within his district believe the CME is preferable to what we have today.

Commissioner Wayne Blevins called for a vote – Commissioner Paul Guenzler and Commissioner Trent Coleman against - Vote was 2-2 – Commissioner Wayne Blevins broke the tie vote with a positive vote in favor of the approving the contract.

**Agenda Item #2 (FID)** – Commissioner Shane Orien motioned to table the FJBC Asset discussion and reallocation to the FJBC and was 2nd by Commissioner Bruce White - Motion carried unopposed.

Meeting adjourned at 6:10 pm - Moved to FJBC Meeting.

**FJBC Meeting**

CTO: 6:10 pm

**Agenda Item #1 - Election of FJBC Officers -**

**Chairman** – Commissioner Jerry Laskody nominated Commissioner Wayne Blevins for the first 4 month term as Chairman – Commissioner Gene Posivio 2nd the nomination and motioned to close any further nominations. Motion carried unopposed.

**Sec- Treasurer** – Commissioner Boone Cole nominated Shane Orien and was 2nd by Commissioner Jerry Laskody. Commissioner Tim Orr moved to close nominations. Motion carried unopposed.

**Member at Large** – Commissioner Gene Posivio nominated Brian Bohn (Flathead) and was 2nd by Commissioner Jerry Laskody – Commissioner Boone Cole nominated Ted Hein (Flathead) and was 2nd by Commissioner John Trimble – Commissioner Gene Posivio moved to close nominations and was 2nd by Commissioner Shane Orien. –

**Public Comment -** Carol Lyons (Mission) stated that the board should table the position at this time and allow irrigators to submit additional names for consideration at the next FJBC meeting.

Motion to table the position was made by Commissioner Gene Posivio and was 2nd by Commissioner John Trimble - Motion carried unopposed.

Commissioner Boone Cole asked for recess for 7 minutes. -

6:27 - Back in session

**Agenda Item #2 - Approval of Bylaws** – Commissioner Paul Guenzler asked what items had been changed from the recent FID Bylaws recently approved. Commissioner Boone Cole responded that they are very similar to those of the individual districts. Commissioner Shane Orien responded that they can be amended at any time at the request of any commissioner. Commissioner Wayne Blevins opened questions from the board regarding the contents of the Bylaws.

Commissioner Boone Cole moved to adopt the Bylaws and was 2nd by Commissioner Jerry Laskody –

**Public Comment -** Wade Shepard (Flathead) requested that addition wordage be inserted regarding commissioner missing meetings and the accountability for failure to attend the required amount in a years’ time. Commissioner Boone Cole stated his support of such an addition. Gene Erb (Flathead) questioned the 100% tax increase clause. Commissioners responded that its purpose was to limit the amount the board is allowed to increase assessments without irrigator input.

Commissioner Wayne Blevins called for a vote - motion carried unopposed.

**Agenda Item #3** - Commissioner Boone Cole motioned to table Negotiation discussion at this time.

Commissioner Gene Posivio questioned the CSKT Lawsuit June 3rd, 2014 deadline and the status of the rumored amended complaint. Consulting Attorney Jon Metropoulos was no longer on the conference line. Commissioners responded that the deadline was July 3rd, 2014 not June 3rd, 2014 like previously thought. Ted Hein (Flathead) questioned the rotation legalities and commented on the issue of one of the board members being charged recently with trespassing. His opinion is that a commissioner should have full access to all areas of the project. Commissioner Boone Cole stated that it was his belief that commissioners do not have a legal right to be on private property. Ted Hein (Flathead) commented that time is of the essence and that there are ditches and canals that are in severe need of maintenance and inspection. Ken (Flathead) stated that there is too much emotion and commissioners need to keep things in perspective. It is his opinion that water in the ditch and low assessments are the common goal of all irrigators. He advised the commissioners to keep the greater good in mind by working together. Wade Shepard (Flathead) stated that right of ways is not public access to his knowledge. He advised the board to be very careful as to where they were walking.

Meeting adjourned at 6:41 pm