**FLATHEAD JOINT BOARD OF CONTROL**

SPECIAL MEETING MINUTES

**ST. IGNATIUS, MONTANA**

July 17th, 2014

**PRESENT**

**Flathead: Wayne Blevins, Paul Guenzler, Shane Orien, Trent Coleman, Bruce White**

**Jocko: Boone Cole, John Trimble, Kerry Doney (Absent)**

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

**Member at Large: Ted Hein**

**Consultant:** **Jon Metropoulos**

**Staff: Johanna Clark**

**Project:** Absent

**CTO** - 11:00 a.m.

Pledge of Allegiance was conducted.

Commissioner Jerry Laskody moved to approve Agenda as present and was seconded by Commissioner Boone Cole. Motion Carried.

Billing Statements and Warrants as listed in the July Budget were approved as presented by Executive Secretary Shane Orien.

Member at Large Ted Hein moved to approve the Meeting Minutes from June 9, 2014 and was seconded by Commissioner Gene Posivio. Motion carried.

**Agenda Item #1** - **Discussion from public on legal representation for the FJBC.**

Michael Gale presented the board with information from a legal firm out of Wisconsin that has experience with water and property rights. He stated there were firms out of Missoula that could assist the FJBC. He believes that is time to spend money on someone that can aggressively represent the rights of the fee land irrigator.

**Public comment -** Chris C. made a statement in support of Michael Gale's presentation. Dick Erb questioned the board about the objective of each firm’s responsibilities. Roy V. stated his agreement in researching additional firms for assistance. Gene E. made a statement regarding a Valley Journal article regarding Tim Fox and water rights. It is his opinion that "grand larceny" has taken place regarding water rights within the boundary of the reservation. He stated that the DNRC documentation is different than that of the water appropriation certificates. He recommended that the FJBC follow the chain and the law.

**Agenda Item #2 - Retainer contract for Consulting Attorney Jon Metropoulos.**

Consulting Attorney Jon Metropoulos commented that he was willing to submit a report to the FJBC although he does not usually historically perform this action. June meeting concerns were addressed with the current changes he believes. Emailed communication is the most efficient method in his opinion. Commissioner Shane Orien questioned the additional expenses and preauthorized expenditures as well as the 30 day clause and questioned whether the FJBC would have to buy out the remaining term of the retainer contract. Consulting Attorney Jon Metropoulos responded that there was no responsibility other than the 30 day notification financially.

**Public Comment** – Commissioner Gene Posivio questioned if the FJBC had comments regarding M. Gale’s presentation of additional legal representative options. Commissioner Boone Cole responded that the issues at hand were large and the FJBC very well may need to look at additional attorneys and that he is open to discussing options. Commissioner Boone Cole believes that none of the commissioners are completely aware of all of the issues. Commissioner Jerry Laskody stated the FERC issues are extremely complicated and would require its own attorney to deal with issues concerning this matter and that the compact is front and foremost most important and the current team in place should be able to handle such responsibilities. Admin assessment is only being utilized for compact issues; any additional firms will require more financial burdens to the irrigators. Commissioner Shane Orien stated that the commissioners should do their own research and homework on additional legal representation. Ray John Swenson questioned if there was a FJBC written official position on all of the current issues. Chairman Wayne Blevins stated that the position is the same as it was last year regarding the three concerns. Commissioner Tim Orr stated the board is also focused on the BIA turnover suit. Michael Gale stated that he was not trying to replace Jon Metropoulos, only to offer more assistance as needed. Gene Erb commented that he had requested the original FERC license and wanted to know where it located is. Consulting Attorney Jon Metropoulos stated that he did not have it at this time. Gene E. communicated his frustration with not having his requests respected and fulfilled. “The FJBC needs to demand answers to the hard questions.” Consulting Attorney Jon Metropoulos stated Commissioner Orr has requested similar documentation and it is being researched at this time to locate and then provide to the FJBC.  Chris C. made a statement in support of Gene Erb's opinions and requests.

**Agenda Item #3 - Retainer contract for the Hupp Firm.**

Consulting Attorney Jon Metropoulos introduced the firm's partners to the public, irrigators and commissioners of the FJBC. The firm in question has attended the meeting at no cost to the FJBC. Consulting Attorney Jon Metropoulos gave a brief historical description of the experience the firm has to offer to the FJBC. Representatives in attendance provided a brief description of their history and their ability to perform on behalf of the FJBC and the irrigators. Consulting Attorney Jon Metropoulos made a brief description of what responsibilities each attorney would assist with. Ray Swensen asked about accountability and the opportunity of the board to participate in the process. Public comment took place regarding the issues of the various suits.

**Agenda Item #3 - Consultant/Specialist/Expert**

Consulting Attorney Jon Metropoulos made a brief statement in regards to the experience of consultant be considered. Bill Slack questioned where the consultant was based out of. Leroy Lake made a statement in regards to the last election and the opinions of the Flathead District.

**Agenda Item #4 – Commissioner Jerry Laskody presentation regarding litigations vs property values.**

Public discussion took place on the pros and cons of litigation and the strengths and weaknesses of the compact issues.

**Agenda Item #5 - Tax Assessment for each district**

Commissioner Jerry Laskody stated all districts should be set at the same amount. Commissioner Shane Orien presented a breakdown of the budget and that he was against releasing the assessments but there was no choice at this time. Commissioner Boone Cole stated that everyone wanted an agreement but that we needed to pressure fellow agencies to allow the negotiation process to work. “Recent elections have shown the FJBC that the irrigators want to move forward with negotiation and if needed litigation.” Cole made a statement of support to all of the districts being the same assessment rates. Commissioner Jerry Laskody made a statement of support of Commissioner Boone Cole's opinions and that by asking for additional funds, we as the FJBC will be showing we are committed to the fight ahead. Commissioner Gene Posivio stated that the raising of assessments is an action that has to be done. “Irrigators have a constitutional right that must be protected.” Commissioner Tim Orr stated that previous boards utilized O & M funds to cover expenditures and the current FJBC will not repeat those actions. The FJBC will take this fight for irrigator’s families and future. What happens here will have effects nationwide. There is no choice but to raise assessments. Commissioner John Trimble stated that we need to go into this war armed and this is how we are going to accomplish this. Commissioner Trent Coleman stated that he is against raising the assessment.

**Public Comment:** Wade Shepard asked why Commissioner Trent Coleman was against assessments going up. Commissioner Trent Coleman stated he had no comment. Sheila V. stated her support for all districts being the same rate. Ed W. stated his support for raising the assessments. Leroy Lake questioned the $5.30 rate assessment. Gene E. commented into additional research needed and accountability of the attorneys to represent and adhere to deadlines. Dick Erb commented that the board seems to be moving forward with litigation and that this is just the beginning of requesting more and more money from irrigators.

* Commissioner Boone Cole moved to increase assessment to $5.30. Jerry Laskody 2nd - opposed Commissioner Paul Guenzler, Commissioner Trent Coleman, Commissioner Bruce White, and Commissioner Shane Orien. Commissioner Shane Orien motion to reconsider assessment rate to $5.00 an acre.  Member at Large Ted Hein seconded. Commissioner Jerry Laskody motioned, 2nd by Commissioner Tim Orr. Motion Bruce White to $5.00 seconded by Shane Orien. Against - Trent and Paul against. Motion carries.

**Agenda Item #6 - Fiscal year budget –**

Commissioner Boone Cole motioned to approve the 2014 Fiscal Budget as presented on behalf of the FJBC, FID, MID and JVID – Commissioner Shane Orien 2nd - Motion carried.

* 2:24 pm Meeting Adjourned