**FLATHEAD JOINT BOARD OF CONTROL**

SPECIAL MEETING MINUTES

**ST. IGNATIUS, MONTANA**

DECEMBER 30, 2014

**PRESENT**

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

**Jocko: Boone Cole, (Kerry Doney – Absent)**

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

**Member at Large: Ted Hein**

**Consultant:** **Abigail St. Lawrence, Bruce Fredrickson and Kristin Omvig attended by conference line.**

**Staff: Johanna Clark**

**Project:** Absent

**CTO** –1:05 p.m.

**Agenda Item #1:**

Commissioner Paul Guenzler gave a brief background as to why the irrigators are asking for a referendum prior to the FJBC approving a Resolution. Commissioner Jerry Laskody responded that the elections conducted over the last two years show that irrigators are opposed to the compact as currently written and he sees no reason to conduct. The Oath of Office demands that the commissioner uphold the constitution and a judge’s ruling supports such action by the FJBC. Commissioners have a statutory duty to protect irrigator’s water right. Commissioner Gene Posivio stated that he had a problem with the compact due to Federal Government involvement and possible future actions. All parties should be working together to protect each and every water right.

Commissioner Tim Orr stated his agreement of Gene Posivio and Jerry Laskody. Tribal trust is an issue and the constitutionality of the compact makes it an illegal document. Taking irrigators out from under the jurisdiction of the state is unacceptable. Commissioner Jerry Laskody reminded the board that the Writ of Mandate demands that the FJBC not support the Compact as it is written.

* Commissioner Gene Posivio moved to accept Resolution 2014-4 and seconded by Commissioner Jerry Laskody.

Commissioner Jerry Laskody does not agree that public comment is needed at this point due to previous meetings discussing this exact issue. Chairman Boone Cole opted to allow limited public comment at this time.

**Public Comment** – Bill Slack believes that the referendum instructs the state on how its citizens want to be represented. Either they represent the Tribe or the Citizens. These issues will end up in the Supreme Court. The referendum deals with the issue very well. Charlie Lyons stated that he is against the Compact and is in support of the Resolution. Leroy Lake has argument with the Historic Use wordage within the Resolution. Charles Gordon has argument with Paragraph 2, the board does not represent 90% of the irrigators, and he believes the number is closer to 50%. Chairman Boone Cole responded that the board in its entirety represents over 90% of fee land owners. Commissioner Tim Orr commented that 10% of the irrigated ground is tribal. Charles Gordon believes that the wordage implies differently. Vanderburgh commented that a referendum of all the irrigators would answer the representation issue. David Passieri commented that a Federal Reserve Water Right does exist for the project and he supports the FJBC in protecting such rights. The Honorable Judge McNeel passed ruling that this is an unconstitutional taking. John Swenson thanked the FJBC for upholding their oath of office and the fee land within the project. Sheila V. stated that a referendum would be time consuming and that previous boards have not given irrigators a voice and she supports the FJBC on how it’s moving forward. Wade Shepard commented that some commissioners on the board actions have been confusing; they are against the Resolution but voted for the lobbyist. Dick Erb made a brief statement regarding the boards concerns with the compact. Dean Brockway thanked the FJBC for their movement forward. 1941 ten irrigators went to court over water rights. They were given the water rights, the Power and other purposes; we have a right to such things. Parties want to make a deal because we have something they want. Chris Sullivan commented that the second paragraph is a factual statement. Dave Stipe commented that he is support of the current compact. Grandee questioned if the Resolution has been reviewed by attorneys and what is the road map of the FJBC. Chairman Boone Cole responded that the attorneys had participated in the creation of the Resolution and the FJBC will protect irrigator’s water rights claims. Grande commented that the FJBC will fight to hold on to what it believes we are entitled to. Chairman Boone Cole commented that cost cannot be estimated at this time. We have done everything we could to get parties to listen to us as a board. We have continued to try and make peace. He will not surrender his constituent’s security and rights. Joe Darlington stated that his land patent showed that he was given a right and he wanted to know why the Federal Government was not protecting him. Scott Amble commented the people are all American citizens and we should all be working together. This is not racism but our government is making it an issue. Ken Cornelius commented that he is opposed to the Resolution and conduct of this board. This will end up in the Supreme Court.

* Vote was called – Commissioner Trent Coleman and Commissioner Paul Guenzler were opposed – Motion Carried 8-2

**Meeting was adjourned @ 1:46 p.m.**