

BOARD MEETING MINUTES
February 11, 2025
64697 Cook Avenue
Bend, Oregon 97703

BOARD: Ron Cochran, Martin Warbington, Steve Putnam
STAFF: Chris Schull, April Harris Spath, Matt Lane
ATTORNEY: Mark Reinecke (via phone)
GUESTS: Greg Mohnen, Scott Bradshaw, Bob Varco, Dave & Becky Arnold, Paul Cramer, Peter deHaan, Susie Hart, Mary Wallis, Sean Vill, Cate Hollister, Marianne Walker

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

EXECUTIVE SESSION ANNOUNCEMENT

At 10:01 a.m. the Board recessed the regular session and entered executive session per:

- ORS 192.660(2)(e): To conduct deliberations with persons you have designated to negotiate real property transactions.
- 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 your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed.

RECONVENE

Following the executive session, the regular session was reconvened at 10:33 a.m.

Chairman Cochran announced that Susie Hart would be recording the meeting via an audio recording device and requested that she remain in one spot while recording.

PATRON CONCERN

Patron Susie Hart began by apologizing for getting emotional at the last meeting. She reiterated that she felt that the December 2024 minutes regarding the history of her water delivery problem was not factually reported and very different than how she recalled the sequence of events. Based on a prior recommendation by Director Galazzo, she highlighted the portions of the minutes that she did not agree with, and presented additional explanations in writing as to her recollection of prior meetings and what she felt the minutes should have said. After fully explaining her position again, Hart requested for a second time that portions of the December minutes be removed, and that her written comments be included in the minutes. She also stated that the Directors' phone numbers were not up to date on TID's website and that she believes they should have their email addresses posted as well.

Chairman Cochran reminded everyone again that the problem was because patron Hart hired somebody who incorrectly installed a pond which in turn led to the back flow problem and it really was not TID's responsibility to repair. He acknowledged there could have been better communication between Hart and TID's staff, and stated the District will endeavor do better going forward. As for changing the December minutes, Cochran stated that they will not be making any changes. All five board members approved the minutes after reviewing them, and all board members agreed that they were an accurate reflection of what took place at the meeting. Also, Cochran pointed out that the January minutes had a paragraph that mentioned her concerns about not being factually reported. Additionally, Cochran agreed to include a recap of Hart's written comments – that she submitted - as an addendum to the minutes, which will be in the permanent record.

APPROVE MINUTES OF JANUARY 2025 BOARD MEETING

Vice Chair Warbington made a motion to approve the minutes of the January 2025 board meeting. Director Putnam seconded the motion, and it passed unanimously.

WATER SUPPLY REPORT

Manager Schull reviewed the current water supply report and attached graph, which indicated that Crescent Lake was 19% full at ~16,400 AF. Schull noted that the level had not increased much since his last report, which was disappointing.

WATER START DATE

Manager Schull proposed Monday, April 14th as the start date for the 2025 irrigation season. As usual, patrons should expect low and intermittent flows prior to May 1st, as Tumalo Creek flow does not increase until then.

PIPING UPDATES

Manager Schull has been unable to get any updates from the Bureau of Reclamation on the status of grant funds for Group 5 and Group 6B. He is beginning to worry that we may lose the funds for Group 5. Schull is traveling to Washington D.C. at the end of March and hopes to get some answers then.

EASEMENT ENCROACHMENT

The Board reviewed a drafted Easement Encroachment for Nicholas Roberts that would allow an ADU to be built within TID's 50' easement. The current building plans put the ADU 25' from the Tumalo Feed Canal pipeline. Vice Chair Warbington expressed concerns about setting a precedent for allowing living structures within our easement, which could be a liability for the District if the pipeline were to fail and flood someone's living space. Attorney Reinecke advised the Board to reach out to SDIS, the District's insurance carrier, and identify what our policy would cover if there was a pipe failure. Former Field Supervisor Bob Varco provided some input on the specifications of the pipe that was installed.

BY-LAWS REVIEW

It was brought to the Board's attention that the District's By-Laws have not been reviewed for several years. Attorney Reinecke provided Manager Schull with a quote for the cost of having his firm review them. Schull informed the Board that the cost for this review would be \$1500, and the part that he thinks needs to be addressed is the portion on public comments. Susie Hart requested clarification on what the difference was between "Public Comment" and being listed on the agenda as an individual with a "Patron Concern" Chairman Cochran explained that the Public Comment portion is designated for patrons only, but that the Board has the authority to allow the general public to speak. The Board also has the authority to limit or disallow comments at their discretion. When a patron requests to be added to the agenda for a specific concern that they would like to be addressed, they can make this request, and the Board will decide whether to approve the request or not.

PUBLIC COMMENT

Susie Hart asked the Board if they want patrons to have the ability to contact them. Chairman Cochran stated that he does not have a problem with patron's having his personal cell phone number. Manager Schull stated that patrons are welcome to get in touch with TID staff (by email, phone, or in-person) and we would be happy to assist and coordinate. Any emails that are addressed to the Board and sent to the District's staff email, or through the contact form on the website, will be included in the Board packets

and become permanent record. It was noted that Directors are not required to publicly post their contact information.

Greg Mohnen reminded everyone about the workshop that the Central Oregon Hay Grower's Association is holding at the Clover Building in Prineville on February 25th. Flyers are available at the front desk of the District office and posted on TID's website.

Mary Wallis saw the information posted on TID's website about noxious weeds. She asked if we could also post suggestions on types of native seeds that would be good to plant.

Dave Arnold asked if there would be an annual meeting again this year to discuss the water outlook for the upcoming season. Manager Schull stated that we will announce the date once it is set, which will be sometime after the DBBC sets the date of their own Town Hall event, as he wants to schedule TID's meeting after theirs. Once a date is set, it will be posted on TID's website, and a text message will be sent closer to the date of the event as a reminder.

MOTION TO APPROVE FEBRUARY 2025 VOUCHER LIST

Director Putnam made a motion to approve the February 2025 voucher list. Vice Chair Warbington seconded the motion, and it passed unanimously.

NEXT MEETING DATE

The date of the next board meeting was set for Tuesday, March 11, 2025, at 10:00 a.m. (Executive session at 10:00 and returning to Regular session at 10:30.)

ADJOURN

Director Putnam made a motion to adjourn the regular board meeting at 11:37 a.m. Vice Chair Warbington seconded the motion, and it passed unanimously.

Susie Hart Addendum to TID Minutes from Board Meeting 11 February 2025

-I attended the Tumalo Irrigation District Board Meeting on 11 February 2025 and was on the Agenda as I had been asked during the January Board Meeting, by Director Galazzo, to come to the February Board Meeting with a copy of the December 2024 Board Meeting Minutes with the statements highlighted that I knew were erroneously attributed to me as explicitly saying, so that the Board could carefully consider whether to amend the December 2024 Minutes.

-Thus, I began my presentation today by thanking the Board for allowing me to present today what I know were inaccurate statements attributed to me in the December 2024 Board Meeting Minutes.

-Then I offered an apology to the Board and to Patron and Guests that had attended the 14 January 2025 Board meeting explaining that I had gotten overly emotional at that meeting because I had just found out that my sister had passed and the next day was leaving town to deal with that.

-Then I explained, for those that might not have known, that I was presenting at this Board Meeting at the request of Director Galazzo (who was not present today). At Director Galazzo's request I brought for each Board Member (and for each patron/guest in attendance) copies of **Exhibit A** which is the December 2024 Board Meeting Minutes on which I have highlighted the statement which was wrongly attributed to me and the statement itself was erroneous, as requested by Director Galazzo. I also presented for each board member and for patrons/guests a copy of **Exhibit B** which is the Addendum to the December 2024 Board Minutes which I had provided (at the instruction of Scribe April Spath) as a written documentation of what I had said at the Board Meeting. And then I handed to Director Ron Cochran copies of **Exhibit C** (and copies to patrons/guests) which were the revisions to the December Board Minutes that would make the Minutes accurate and that Director Galazzo had requested I submit at today's meeting.

When I handed to Director Ron Cochran the multiple copies of **Exhibit A, Exhibit B, and Exhibit C** instead of passing them around to the other Board Members he laid them next to himself on the table and said that the Board had already decided not to make any changes to the December minutes because they had asked 10 people if they thought statement was accurate and all 10 agreed it was accurate. Director Cochran did not say who did the asking, who was asked, nor the specific question that these 10 people were asked. Nor did he say when and how the Board had reached this consensus since there were no public Board meetings since January.

-Next I offered **Exhibit D** *which is a copy of ORS 545.237* explaining that it was unnecessary at the December 2024 Board Meeting to have voted to from now on give Patrons advance notice and an explanation of the work to be done on their property since that requirement was already a longstanding law. I further explained that the false statements attributed to be in the Minutes of the December 2024 Board Meeting Minutes gives the appearance that someone at TID knew it was the law and retrospectively was trying to CYA. I commended the Board for now planning to come into compliance with the law ORS 545.237.

When I handed the copies of Exhibit D to Director Cochran to be passed around the table to all Board Members, (he again, simply laid them down of the table next to himself.)

Susie Hart Addendum to TID Minutes from Board Meeting 11 February 2025

-I then handed a several copies to be handed out to patrons/guests and several copies to Director Cochran for him to pass to other Board Members (but he laid them on the table next to himself) of **Exhibit E**. **Exhibit E** is copy of the Work Order dated 12/9/24 for the work and how much TID was going to charge me for work that was already done on my property without advance notice on 11/26/24. The work order (Exhibit E) was given to me 12/31/24.

-I then explained to the Board that I had tried to work congenially with them about my concern about the inaccuracies wrongly attributed to me in the December TID Board Meeting Minutes by trying to contact some of the Board Members prior to the January Board Meeting. I explained that I had left 2 voicemail messages for Director Ron Cochran and did not receive a call back either time prior to the January Board Meeting. I also used the phone number for Director Martin Warbington to try to call him but it was a phone number for the business that he had sold over 2 years ago.

-Having no success with phone calls, before the January TID Board meeting I emailed all Directors to what I had the impression was their TID email addresses but learned after the January Board Meeting that none of them had received the email because it had bounced back to me for lack of correct email addresses. To verify my attempt I then handed a stack of copies of the email I had sent to the patrons/guests, **EXHIBIT F**, and a stack of copies for the Board to Director Ron Cochran who, again, simply laid them on the table next to himself.

-I then explained that since the TID website regarding the contact information for Directors was not up to date, that a couple of weeks ago I had asked Margaret, office staff, to please update the website with correct contact info of the Directors. But as of today, I explained at this Board meeting that instead of correcting the contact information that all contact information had been removed except for each Directors address. I explained that phone numbers would be more useful as it would alleviate the need to simply show up at a Directors home unannounced. Director Ron Cochran immediately responded that his dogs would not be okay with that. And he repeated that statement a second time with much emphasis on his dogs.

At this point I ended my presentation.

Respectfully Submitted,
TID Patron Susie Hart