

## **BOARD MEETING MINUTES**

March 11, 2025  
64697 Cook Avenue  
Bend, Oregon 97703

BOARD: Ron Cochran, Martin Warbington, Steve Putnam, Carol Shull, Ed Galazzo  
STAFF: Chris Schull, April Harris Spath  
ATTORNEY: Mark Reinecke  
GUESTS: Michael Kohn, Greg Mohnen, Julian Caballero, Dave & Becky Arnold, Bob Varco, Susie Hart, Nunzie Gould, Jeremy Giffin, Todd Peplin, David Bilyeu

Chairman Cochran called the regular board meeting to order at 10:05 a.m. and appointed April Harris Spath scribe.

### **EXECUTIVE SESSION ANNOUNCEMENT**

At 10:06 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 10:35 a.m.

### **PATRON CONCERN**

Chairman Cochran announced that Susie Hart would be recording the meeting via an audio recording device and requested that she keep her comments to under three minutes. But before she started Cochran responded to several of Hart's concerns about the Boards proceedings that she had highlighted in her latest "addendum" submission.

- A. The Board had asked her submit an "outlined" copy of the December minutes where she felt the events were misrepresented. But since her revision would have basically deleted that entire section of the approved minutes, and did not match the notes and memories of the Board it was decided not to revise the minutes but to include her original "addendum".
- B. Copies of her exhibits were immediately made available to Board members and others at the table. The remaining stack of copies was because two members and our lawyer were absent.
- C. Her statement about TID being in violation of ORS 545.237 was incorrect and furthermore, she had given TID "implied consent" numerous times since she had repeatedly asked TID to fix the back flow problem on her property.
- D. The "vote" in December about written notice had nothing to do with "access". It was about reconfirming TID's procedure of giving patrons a written estimate of what future work would cost them.

In her written and verbal comments, Hart again stated that the Board had not reported her requests for help and to whom she spoke to correctly. Plus, the District had made many mistakes. In closing, Hart said that she did not agree with Chairman Cochran and felt that the way the District handled

communications with her was disrespectful. She also requested clarification on the rules of the executive session. The Board and Attorney Reinecke explained what can be discussed during executive session pursuant to ORS 192.660 and how the District announces the statutes for the specific subjects that will be discussed.

### **APPROVE MINUTES OF FEBRUARY 2025 BOARD MEETING**

Vice Chair Warbington made a motion to approve the minutes of the February 2025 board meeting. Director Putnam seconded the motion. Chairman Cochran, Director Shull, and Director Galazzo voted in favor and it passed unanimously with a 5-0 vote.

### **PUBLIC MEETING LAW TRAINING**

On January 1, 2024, HB 2805 went into effect, adding a new mandatory requirement for every member of a governing body to receive Public Meetings Law training at least once during their term of office. Vice Chair Warbington attended an approved training last month that was hosted by the Oregon Government Ethics Commission and received a Certificate of Completion. During that training, he learned that when motions are recorded in meeting minutes, each director's vote must be listed individually by name and not just state that it passed unanimously. It was agreed that going forward, Scribe Harris Spath will make this adjustment in the minutes.

### **WATER SUPPLY REPORT**

The current water supply report and graph indicated that Crescent Lake was 21% full at ~18,200 AF. Local Watermaster Jeremy Giffin joined the meeting to present a water supply report for the Deschutes Basin. He shared a graph showing snow pack losses and river runoff during the period of 02/19/25-03/06/25. More storms are expected this month, which should keep reservoir levels above average. Snow pack levels for the entire Deschutes Basin were currently at 105%, and in other parts of Oregon were as high as 170%. Snow pack levels for the Crooked River Basin were at 149%. Precipitation levels for the Deschutes Basin were 110% of normal, and the Crooked River Basin was at 132%. The term "normal" refers to an average over the past 30 years. Giffin also stated that Wickiup was the fullest they've seen it in 7 years.

### **DBBC TOWN HALL IRRIGATION MEETING**

Manager Schull reminded everyone about the Town Hall that the Deschutes Basin Board of Control (DBBC) is hosting for patrons and partners to share key updates and discussions on water management in the region. TID sent an email out with a link to the website with more information. Schull encouraged everyone to take a moment to review the information and submit any questions they may have in advance.

The Deschutes Basin Board of Control comprises eight irrigation districts: Arnold, Central Oregon, Lone Pine, North Unit, Ochoco, Swalley, Three Sisters, and Tumalo. Together these districts supply water to over 7,600 farms and ranches, as well as local cities, parks, and schools. Through extensive conservation efforts, including canal piping, infrastructure modernization, and efficiency improvements, the districts are working to increase water reliability and drought resilience while enhancing stream flows. As part of the Deschutes Basin Habitat Conservation Plan, they are implementing a 30-year strategy to modernize water delivery systems, improve efficiency, and conserve significant water resources to support fish and wildlife protected under the Endangered Species Act.

### **TUMALO RESERVOIR SIGN**

The Friends of Tumalo Wildlife Corridor presented the new sign they had designed for their kiosk out at Tumalo Reservoir. They just wanted to share it with TID in case anyone was interested in reading it before it was installed.

### **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. Manager Schull stated that he reached out to SDIS as directed by the Board to inquire about potential liability issues if the District's pipeline were to fail and a property owner had been allowed to build within our easement. He stated that there was not a short and simple answer, but that he did not feel there would be any reason for concern. The Board discussed their concerns in detail and questioned if TID could ask the property owner to sign a waiver. Attorney Reinecke pointed out that the agreement that would be recorded with the County already includes a waiver and indemnity that states the District would not be liable for any damage or harm. The Board directed Manger Schull to reach out to the property owner and ask if he has any other options, or if he could move it any further away from the pipeline.

### **BY-LAWS REVIEW**

The Board received a draft copy of the revised version of the District's Bylaws. The Board was encouraged to review the draft before the next board meeting, at which time they will discuss the matter in more detail.

### **PUBLIC COMMENT**

Patron Gould had a discussion with Manager Schull about how the District communicates with the County regarding development and our easements. She also asked for clarification on the portion of the drafted bylaws that addresses disposing of District property.

Gould also requested that TID always have a virtual meeting option available and to continue posting the board packets online prior to the board meeting. Office Manager April Spath stated she will continue to post the packets, and going forward will look at once again creating a Zoom meeting site and will post the login information on the website and on future Agendas.

Office Manager Spath answered a patron's accounting questions about the January's financials that were included in the posted board packet.

### **OTHER**

The Board has received an offer on the 540 acres that is located on Tumalo Reservoir RD and is reviewing it. At this time several options are being considered and it is doubtful any decisions will be made to move forward within the next six to nine months

### **MOTION TO APPROVE MARCH 2025 VOUCHER LIST**

Vice Chair Warbington made a motion to approve the March 2025 voucher list. Director Putnam seconded the motion. Chairman Cochran, Director Shull, and Director Galazzo voted in favor, and it passed unanimously with a 5-0 vote.

### **NEXT MEETING DATE**

The date of the next board meeting was set for Tuesday, April 8, 2025, at 10:00 a.m. (Executive session at 10:00 a.m. and returning to Regular session at approximately 10:30 a.m.)

**ADJOURN**

Director Shull made a motion to adjourn the regular board meeting at 12:46 p.m. Director Putnam seconded the motion. Chairman Cochran, Vice Chair Warbington, and Director Galazzo voted in favor, and it passed unanimously with a 5-0 vote.