

**BOARD MEETING MINUTES**  
**September 12, 2023**  
**64697 Cook Avenue**  
**Bend, Oregon 97703**

BOARD: Martin Warbington, Steve Putnam, Carol Shull, Jack Farley, Ron Cochran (via phone)  
STAFF: Chris Schull, April Harris Spath  
ATTORNEY: Attorney Reinecke  
GUESTS: Greg Mohnen, Dave Arnold, Bob Varco, Barry Larson, Ed Galazzo, Tye Leahy, Al Tompkins, Susie Hart, David Regnier, Christine Larson, Marianne Walker, Todd Peplin, Patrice Spyrka, Scott Maricle

Vice Chair Warbington called the regular board meeting to order at 10:02 a.m. and appointed April Harris Spath scribe.

**EXECUTIVE SESSION ANNOUNCEMENT**

At 10:02 a.m. the Board recessed the regular session and entered executive session per:

- 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 11:00 a.m.

**APPROVE MINUTES OF AUGUST 2023 BOARD MEETINGS**

Director Shull made a motion to approve the minutes of the August 2023 board meetings. 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 7% full at ~6,100 AF. Schull stated that we were out of head pressure by September 8<sup>th</sup>. If we had extended the season out longer, we would not have been able to continue with the rotation. We are gradually ramping down the amount being released over the next week to stay in compliance with the HCP. Schull answered questions about our system and the challenges with our current water supply and the drought.

**STEIDL DAM UPDATE**

The last two automated river gates will be delivered at the end of September and installed in October. There are 3 more diversion gates that will need to be replaced. We will continue to set funds aside for Steidl Dam and after a few years, we should be able to replace those last 3 gates.

**GROUP 4 UPDATE**

The contract for Group 4 will be advertised within the next week. There will be a Local Public Contracting Board Meeting following the Regular Board meeting to approve Resolution 2023-4, which allows the alternative bidding process. The diameter of pipe for Group 4 will begin at 28" and will go down to 2".

### **TELEMETRY**

The District's telemetry system has been down for some time now. Manager Schull has been working on a plan to have the system rebuilt. The total cost is estimated at \$35k to have the system rebuilt with new software. He would like to put this in the 2024 budget.

### **CELL TOWER LEASE**

A lease consultant from Tower Alliance LLC has been reaching out to the district office to discuss extending the current lease for the Verizon cell tower. She sent a letter to the board, which contained 2 offers. A Lump Sum Perpetual Easement or a Lease extension for 40 years with a small signing bonus. The Board considered the request and decided they were not interested in extending it at this time.

### **VOTE BY MAIL RESOLUTION**

The Board of Directors' positions for Divisions 2 and 5 are up for election on November 14, 2023. Resolution 2023-03 was presented to the Board, which stated that the 2023 election for the Board of Directors shall be conducted by mail. All board members present signed the resolution, and it was approved unanimously.

### **RECALL ELECTION**

A special board meeting will be held at the District office on Monday, September 25, 2023 to declare the results of the September 18, 2023 election.

### **AC UNIT & FURNACE**

The AC unit in the office went out. We requested bids from three companies for the cost to replace both the furnace and AC unit. The quotes we received were from Central Oregon Heating & Cooling, Bend Heating, and Green Savers. We were able to get on the schedule for September 25<sup>th</sup> with Central Oregon Heating & Cooling. The estimate was ~\$10,000 and Manager Schull stated that we have the funds to cover the repair with our Emergency fund.

### **2015 CHEVY SILVERADO.**

Unit #38 needs a new transmission and radiator. The dealership quoted over \$10k to replace both. The Board directed Manager Schull to research options and then decide if we should repair the truck or try to sell it as-is and purchase a new truck.

### **2023 DELINQUENT ACCOUNTS**

The Board was updated on the total amount of assessments outstanding and the number of patrons that were delinquent and not on a current payment plan. On September 1, District staff mailed letters to all the delinquent patrons that were not on a payment plan. There are currently 24 patrons on a payment plan, 13 patrons who have not made a payment all year, and a few more that paid their 1<sup>st</sup> installment but have not paid their 2<sup>nd</sup> installment. The total outstanding assessments this year are \$20k; more than they were last year at this time. District staff will make one last attempt to reach patrons before handing them over to Attorney Reinecke to start the lien process.

### **TUMALO RESERVOIR BENCH**

Tye Leahy submitted a letter to the Board requesting permission to install a memorial bench in an agreed upon location at Tumalo Reservoir in honor of their late mother. Joi Leahy raised her children in Tumalo and Tumalo Reservoir was one of her favorite places to visit. Attorney Reinecke did not have any legal

concerns with the proposal. The Board gave Manager Schull permission to work with Leahy to find a good place to install the bench.

### **PUBLIC COMMENT**

Al Tompkins expressed some concerns and asked several questions that Manager Schull and the Board answered. His main concern was that the monthly board meetings are held during business hours, preventing those who work during the day from attending. He suggested changing the meetings to the evening. Director Putnam stated that they used to have meetings in the evening but hardly anyone ever showed up to them. Vice Chair Warbington said that we could discuss that as an option at our next board meeting. Among other discussions it was decided that it would be beneficial to hold an annual meeting sometime in the spring, prior to the season starting to answer patrons' questions about water supply for the upcoming season. Manager Schull also stated that he is always available by phone or appointment to answer questions.

Vice Chair Warbington expressed his personal opinion on the upcoming recall election, stating that he feels it was unnecessary and Kelly Hugulet's reasons for petitioning the recall were not valid. Recalling a representative should only happen if the representative has done something wrong. It does not matter how long he has been on the Board or if he is retired. Those are not qualified reasons to not serve on the Board and Oregon statutes do not state that you can't be on the Board for any of the reasons that Hugulet stated in his petition. He also felt it should be noted that Director Putnam has always been very generous with his neighbors and has been an asset to the Board. Putnam is the first to allow the District to cut back his own delivery when other patrons are short, allowing more water to remain in the system to be delivered to others.

Ed Galazzo asked about the annual assessments and why they aren't reduced when the water supply is reduced. It was explained that patrons are not paying for the amount of water they receive, rather the delivery of the water and the infrastructure that supports that delivery. It was noted that when we are short on water, the District must work twice as hard to get what water is available to the point of deliveries. Patron's assessments are what fund the District and all operations. Without those assessments, the District could not operate. Annual Assessments are the District's only source of income and the District operates on a non-surplus budget. Galazzo asked if piped deliveries are measured. Manager Schull stated that they are. Galazzo voiced his concern over the fact that the northside got more weeks on the rotation. Northside patrons present at the meeting voiced their disagreement with that statement, stating that they received less water because it takes so much longer for the water to reach them on the northside with their open ditches.

Scott Maricle stated that he may have been the source of starting the rumor that the District was "giving away" water in exchange for Federal dollars. Manager Schull answered his questions and explained how the grants work. He also mentioned that any water that is left instream as a result of receiving State funds for piping is only the carry water that is no longer needed once we have piped.

### **MOTION TO APPROVE SEPTEMBER 2023 VOUCHER LIST**

Director Putnam made a motion to approve the September 2023 voucher list. Director Farley seconded the motion and it passed unanimously.

### **NEXT MEETING DATE**

The date of the next Regular board meeting was set for October 10, 2023, at 10:00 a.m.

### **ADJOURN**

Director Putnam made a motion to adjourn the regular board meeting at 1:17 p.m. Director Shull seconded the motion and it passed unanimously.