

**BOARD MEETING MINUTES
December 10, 2024
64697 Cook Avenue
Bend, Oregon 97703**

BOARD: Ron Cochran, Martin Warbington, Steve Putnam, Carol Shull, Ed Galazzo
STAFF: Chris Schull, April Harris Spath, Matt Lane
ATTORNEY: Mark Reinecke
GUESTS: Greg Mohnen, Todd Peplin, Susie Hart, Peter DeHaan, Patrice Spyrka, David Arnold, Jon Barkee, Marianne Walker, Becky Arnold, Bob Varco

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

EXECUTIVE SESSION ANNOUNCEMENT

At 10:00 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. – NO DISCUSSION
- 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 11:07 a.m.

APPROVE MINUTES OF NOVEMBER 2024 BOARD MEETING

Director Galazzo made a motion to approve the minutes of the November 2024 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 13% full at ~11,400 AF. The next stock run of the season has tentatively been scheduled for the week of January 13, 2025.

PIPING UPDATES

Manager Schull met with the Bureau of Reclamation in Hood River at the Oregon Water Resource Congress' annual conference. They have approved funds in the amount of \$8.4 million for Group 5, which would pipe the entire Couch lateral. We are still waiting for a final decision to be made on the WaterSmart grant for Group 6B, but Schull hopes to have an answer soon. Once Group 5 and Group 6B are complete, we most likely will not need to rotate anymore.

PATRON CONCERN

Patron Susie Hart expressed her concerns with the work that began on her property at the end of November, stating she had several discussions with both Manager Schull and former Field Supervisor Bob Varco about the issue with her delivery and believed they both understood what needed to be done to correct the problem. However, once the work began, she was notified by the field crew that she would

be responsible for part of the cost because the work being completed was past the Point of Delivery (POD). Schull explained that has always been the District's policy. TID is only responsible for maintaining infrastructure up to the POD. Anything beyond the POD is the property owner's responsibility. TID sometimes provides the labor at no cost, but the property owner is responsible for covering the cost of materials. Chairman Cochran and Director Galazzo reiterated that this is standard practice for most irrigation districts. Hart stated that the work being done now was not what she expected, and she would not be paying for it. Hart sent an email to the District on November 29th requesting that TID stop all work immediately on her property until she had a complete description of all details of the project in writing. Current Field Supervisor Matt Lane offered to again meet with her to discuss the project. Hart stated that was not what she wanted. She expressed her frustration that it all was not explained to her beforehand and believed the details should have been provided in writing prior to TID coming onto her property.

Most of the Board were somewhat confused by her frustration of not knowing what was going to be done – since she had several prior meetings with Bob Varco - and on what specific day the work was going to be done since she had been asking for TID's help for the past two seasons and was told recently that it was scheduled for this fall. (The work had not been scheduled during the past two winters because of all the piping projects.)

The Board discussed Hart's options going forward, stating the materials could be used for another project if she did not want to pay for them. Hart stated that she would not be paying for the materials and that she would like TID to come back and remove the pipe and backfill the hole. Lane agreed to provide her with a 72-hr notice of the exact time that they would be by to retrieve the pipe. Hart was informed by the field crew that TID would replace the chicken wire fencing that had to be taken down to allow access for the backhoe. Schull confirmed TID will put the fence back.

Director Shull commented that Hart might want to reach out to the company that she hired several years ago to move her pond, because they built the pond above grade of the POD which resulted in a back flow issue whenever there was a disruption in the normal delivery level.

Hart stated her reason for requesting to be added to the agenda was that she wanted to be sure that her concerns were recorded in writing. At the February 14, 2023 board meeting she had a discussion with Manager Schull during Public Comment about the water delivery issue she had been experiencing for years. Although the minutes stated that she had a discussion with the manager, they did not include the details of that discussion. The Board clarified that board meeting minutes are only a representation of what took place at the meeting and to record votes, not to report every phrase, comment or utterance made during the meeting. Office Manager Spath stated that if a patron would like the details of their concerns to be recorded with the minutes, they should submit their comments in writing at least a week prior to the scheduled meeting date. They will then be included in the board packets and become permanent record as an attachment to the minutes.

As a result of the conversation regarding the Hart issue, the Board agreed that going forward all projects that TID employees are involved with that go beyond a patron's POD must be put in writing and signed by the property owner prior to any work being done.

Susie Hart's written comments are attached to the board packet.

PUBLIC COMMENT

David Arnold asked about the specifications of the District's easements in relation to the canal that runs through his property. Particularly what the District is allowed to do within that easement and how the field crew accesses the easement. Tumalo Irrigation District maintains a fifty-foot easement on each side of all canals and laterals (measured from the marginal edge) for both open canals and buried pipelines. Manager Schull stated he would work on putting this information on the website, as many property owners have had similar questions.

Jon Barkee commented that he has not been getting his full delivery of water for the past couple of years, or during the past stock run, because the water never gets high enough to flow over his weir. Manager Schull directed the Field Supervisor to work with Barkee on finding a solution.

Todd Peplin, Programs Lead with the Deschutes Soil and Water Conservation District, shared information about the classes they will be offering next year. Classes will be held in a Google classroom with a maximum of 40 students. The course will cover subjects such as water law, water delivery, and water quality. Assignments will include developing an Irrigation Water Management Plan. More information will be available when they begin marketing in early January 2025.

2025 ANNUAL BUDGET

The current draft of the 2025 Operating Budget proposes no increase to annual assessments. Chairman Cochran stated that he needed to go back over a couple items and proposed they approve the budget at the 2025 annual meeting in January.

SKID STEER PURCHASE

Manager Schull compared the cost of leasing a skid steer with a mower attachment, with an option to buy, directly from Kubota vs. getting a loan through the bank to purchase it outright. He presented the 4 options to the Board:

Option 1: Purchase outright for \$96,471.00

Option 2: Finance through the bank with 6.2% interest. Total paid after 60-month loan - \$111,279.35

Option 3: 60-month Lease through Kubota. Total paid over 60 months - \$105,100.85 (2.93%)

Option 4: 36-month Lease through Kubota. Total paid over 36 months - \$99,709.95 (1.67%)

The equipment will be used for easement maintenance. Schull clarified that they will only be mowing a 14-ft path, wide enough to allow the field crew to drive safely without causing a fire danger with high vegetation. Vice Chair Warbington asked if this type of maintenance could be outsourced. Schull stated that he did not believe it would be cost effective. Director Putnam commented that timing is also important, and with our own equipment we would not need to rely on someone else's timetable. The lease payments will be paid from the LTA and come out of the Capital Budget. Director Putnam made a motion approving Manager Schull to purchase the skid steer with the 36-month lease to own option. Director Shull seconded the motion and it passed unanimously.

OTHER

The Board announced that they received an unsolicited offer from Pahlisch Homes on the 540-acres that TID owns and are willing to discuss the sale of the property and are open to reviewing additional offers.

MOTION TO APPROVE DECEMBER 2024 VOUCHER LIST

Director Putnam made a motion to approve the December 2024 voucher list. Director Shull seconded the motion, and it passed unanimously.

NEXT MEETING DATE

The date of the next board meeting was set for Tuesday, January 14, 2025, at 10:00 a.m. (Executive session at 10:00 and returning to Regular session at 11:00.)

ADJOURN

Director Putnam made a motion to adjourn the regular board meeting at 12:35 p.m. Director Shull seconded the motion and it passed unanimously.

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Agenda Item: Susie Hart
Information presented to Board

Why I am on the agenda today.

- Brought up my problem several times in Board Meetings since Manager Chris Schull would not respond to me when I went to him on 2 occasions individually in 2022.
- My concern expressed during Board Meetings was never noted in the minutes, although other patrons concerns were recorded. Previous minutes also reflect that a patron (not named in minutes) asked if Public Comments were recorded and it is recorded in the minutes that the answer was "yes". (The person who answered was not recorded)
- So I called Director Putnam last week to ask how I could get my concerns recorded. He said to request to be put specifically on the Agenda as there is no requirement to record public comment. So that's why I am specifically on the Agenda today.

Correcting irrigation back flow problem

- After having brought up my problem more than once at board meetings in 2023 and Manager Chris Schull not answering my questions, finally Board Chair Cochran directed Manager Schull to meet with former Field Supervisor Bob Varco after the Board meeting today to figure out a way to solve the back flow problem. I stayed and met with Schull and Varco to understand their solution. During this meeting it was decided that a check valve could be put in on the district side of the weir to stop the back flow. I asked when this could be done. Manager Schull said it would be done during my "no water" week of rotation this same summer (2023).
I looked forward to this resolution.
- Summer 2023 came and went with no work being done and no recognition of that by Manager Schull. The agreement had been broken by Manager Schull.
- At the October 2023 Board Meeting I explained to the Board that the promise to fix the water problem was not kept. Manager Schull responded by saying it would be done during the winter (2023/2024) while the water was off.
- This commitment was also broken by Manager Schull as the winter of 23/24 came and went and the project was never even started nor did Manager Schull ever acknowledge or communicate with me about it.
- During a winter 2024 Board Meeting Manager Schull, made a 3rd commitment to do the work during my "no water" rotation week during summer 2024 water rotation.
- Manager Schull, for the 3rd time, broke his commitment and for the 3rd time never acknowledged it or communicated with me about it as the summer came and went with no effort to start the project.
- During Board Meeting October 2024, I again brought up to the Board that the thrice promised repair had not yet been done. Field Supervisor Matt was at that Board meeting and said that I was on the list to get it taken care of this winter and that he would contact me ahead of time.
- Then on the morning of Tuesday, November 26th I accidentally noticed a truck at the man gate to my weir so I went to see who it was. It was Ditchrider Kirby saying they were ready to start the fix to the my irrigation problem and that I needed to unlock the main gate on Marsh Rd to allow the backhoe to get in. I asked why I was not informed ahead of time. Ditchrider Kirby said he didn't know, that he was just told to come out and start the project. Ditchrider Kirby then alluded to the check valve being placed in my field just beyond the weir. I said that I was told and the agreement per Manager Schull and Bob Varco was that the valve was going to be placed on the TID side of the weir. Ditchrider Kirby said there wasn't room. That did not make any sense to me since it could be put on the pipe on the other side of the fence where the pipe was installed in the first place. Ditchrider Kirby again said he

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- was just doing as he was told. So I relented thinking that at least it was going to be done. (Ditchrider Mason was also present.)
- At about 3pm that same afternoon I went back out to see what was happening.....The hole had been dug and there were parts and tools lying around on the ground. Field Supervisor Matt was there at this time in addition to Ditchriders Kirby and Mason. Field Supervisor Matt approached me saying "Someone talked to you already and let you know that we are providing the labor for free and you are paying for the parts, right?" I responded, saying "Absolutely not. Noone has ever said anything to me about paying anything, and I will not pay for anything. It was never presented to me and I never agreed to pay for anything. It's not even supposed to be on my side of the weir, but on the TID side." Field Supervisor Matt shrugged and said "Oh." And then he started talking to Ditchrider Kirby and Mason. I went back to the house and noticed the TID truck leaving promptly at 4PM.
 - The next day, Wednesday, I was tied up with my work and was surprised when I went out to look at the hole that had been dug the day before, that my pipe had been cut and the check valve had been installed. No one had contacted me that day to discuss the issue of where to place the valve and who was paying for it. I couldn't imagine that after saying I had no knowledge of, nor had consented to pay for the parts that it was installed anyway without further discussion. I had expected a call from Manager Schull.
 - Thursday was Thanksgiving, November 28th.
 - Friday, no one from TID called or showed up on my property. Thus I was getting concerned about the lack of communication and lack of agreement on the placement and who was bearing costs and thus sent an email through the TID website. My email stated that I wanted all work on my property to stop until I was given all the details of the project in writing and had a chance to review it and formulate any questions I had and then get questions answered.
 - Sunday, December 1st, I received a voice message from Field Supervisor Matt who said he, Manager Chris Schull and Office Manager April were on their way to a meeting in the valley and wouldn't be back until later in the week and would be happy to meet with me to explain the project then. I explained that I needed the information in writing and signed by Chris since he was the one who apparently changed the plan from what he and I and Bob Varco had previously discussed.
 - Friday, December 6, Field Supervisor Matt contacts me again and says he can meet with me by the weir to explain the project to me. I explained to him for the 2nd time that I first needed to see it in writing and signed by Manager Chris Schull and have time to review it and formulate any questions I might have and possibly have the my Trust attorney review it for possible questions.
 - Monday, December 9, as I was in town, I listened to 2 voicemails from Field Supervisor Matt who said he was at my property to pick up the backhoe and wanted me to unlock the Marsh Rd equipment gate to allow the backhoe to be removed. I responded via voice texting to let him know I wasn't home and could not comply at that moment. I also explained that had I been afforded the courtesy of being contacted ahead of time I could have unlocked the gate before I left for town.
 - Tuesday, December 10, is the Board meeting at which I presented the above information.

Respectfully submitted,
Susan Hart
TID Patron Division 1