

Flathead Irrigation District March Meeting
March 9, 2020
407 Main Street, Ronan. 1:00 PM

Attending Commissioners: Paul Guenzler, David Lake, Dave Vincent, Bruce White and Janette Rosman.
Absent: No one.

Pledge:

Recording: Janette Rosman for FID and Susan Lake. (Recorder for FID ran out of recording space) Thus no recorded message for this meeting.

BIA Report: Larry Nelson, getting ready for Irrigation Season. Zim Lytle, Presently no run-off, no new snow. Hot Springs picking up water from Little Bitterroot, low on the amount of snow compared to the amount of snow in Mission Mountains. 114%-47.9% moisture. Nick, working on equipment, crew finished up in Hot Springs. The crew was unable to bring in concrete trucks, thus they mixed the concrete on site. Trees removed from pumping plant site. Rented a 320 for A job. Precast pouring larger structures for feeder canal. Will attempt to start plowing up the Jocko, earlier. Finalizing budget, no changes. Annual meeting in April. No changes in Federal Register, O&M charges. BIA has to advertise 3 X's for Indian preference jobs takes about a year.

February Minutes: Motion was made by David Lake to accept the minutes from our regular monthly meeting held on February 10th and minutes from February 14th meeting with Krista Lee Evans as speaker. Dave Vincent second, Passes unanimously.

Whaley Accounting Financial Package/Warrants: Whaley & Associates, \$600.00. Click Here Designs, LLC \$55.00, David Lake, \$646.00 (lodging, food and Mileage) reimbursement for attending Mt. Water Resources meeting of which he was elected to sit on the board. Wipfli Accounting firm, \$6,000.00 final payment for completing 2017-18 Audit. (12/17/19 Wipfli first installment for payment of audit was \$3500.00. Total bill came to \$9,500.00). Wipfli has stated 2019-2020 Audits will be less because Wipfli spent a fair amount of time gathering information for this audit. **Total Warrants for March \$7,301.89. \$12,907.00 Balance in FJBC checking account** (cannot close that out until Judge Manley opens case and defines where funds will go). Dave Vincent made motion to accept warrants, Bruce White second, passed unanimously.

Flathead Irrigation ADM \$645,493.00, Flathead O&M \$669,863.00. Both figures as of 01/31/2020.

CME Progress, Updates, Opportunities: Ryan Rusche: A CSKT Tribal attorney who has been working with David and Paul regarding a CME for irrigators. Paul passed out a Cooperative Management Document with three options that they have been discussing. No decisions made wanting input from irrigators. That document is attached to these minutes.

Former FJBC Employee, FBI Status: Hearing scheduled for March was rescheduled to April 22, 2020.

Special Meeting February 14 Report: Flathead District to keep working as they have been. Information about meeting is in February 14 Special Meeting Minutes.

Second Reading on Bylaw: Section 7, Secretary #2, noted in February minutes. Dave Vincent made motion to table this until we find out if county will continue to collect taxes. David Lake Second. Motion carried.

Fraud Prevention Training March 24, Kalispell, put on by MacO. David Lake and Janette Rosman were signed up to attend training and it was cancelled due to COVID-19.

Public Comments: Ray Swenson announced county commissioners were holding a Town House meeting Wednesday night.

Adjourn: Dave Vincent moved to adjourn meeting, Janette Rosman Second. Passed

Presented @ March meeting -
Cooperative Management Options

Option 1. The Tribes AND the District(s) come together and form a Cooperative Management Entity (CME), and the new CME 638s operation and management of the Project.

- Equal representation on management decisions on both supply and distribution portions of the Project
- CME governed by an even-numbered (8) management board
 - Half of the members elected by irrigators
 - Half of the members appointed by the Tribes
- Alternative Dispute Resolution to resolve disputes: Mediation, arbitration, etc.
- Complete local control without unnecessary federal oversight
- No burdensome federal procurements requirements
- Redesign or waiver of federal regulations, including rate setting
- Ability to use federal funds as matching funds for grant opportunities
- Carry-over authority from year to year to allow long term planning
- No liability insurance requirement—Federal Tort Claims Act protection for all CME employees
- Eliminates pages of burdensome requirements contained in previous CME agreement including requirements for reporting, record-keeping, inspection, oversight, prior approval, etc.
- Upon approval of S. 3019, Department of Interior is obligated to enter into agreement at the request of the Tribes AND one or more Districts
- After 3 years agreement could be made perpetual

Option 2. The Tribes 638 the Project and subcontract interior Project operations to the District(s)

- Project operation is divided between the Tribes and the Districts at the Compact River Diversions (RDAs)
 - Tribes operate the Project above the RDAs
 - Districts operate the Project below the RDAs
- Coordination between Tribal and District operations could be coordinated with an even-numbered (8) management board: Half elected by irrigators; half appointed by the Tribes
- Alternative Dispute Resolution to resolve disputes: Mediation, arbitration, etc.
- Complete local control without unnecessary federal oversight
- No burdensome federal procurements requirements
- Redesign or waiver of federal regulations, including rate setting
- Ability to use federal funds as matching funds for grant opportunities
- Carry-over authority from year to year to allow long term planning
- Some liability insurance relief
 - No liability insurance requirement for Tribal employees under Federal Tort Claims Act
 - District(s) would only need to carry insurance for their own employees and scope of work
- Eliminates pages of burdensome requirements contained in previous CME agreement including requirements for reporting, record-keeping, inspection, oversight, prior approval, etc.
- Could be implemented NOW without waiting for passage of S. 3019
- Perpetual agreement term

Option 3. Some combination of the above.