

## MISSION JOCKO IRRIGATIONS DISTRICT

October 8, 2019

1:00 pm Call to Order

Pledge of Allegiance

Five commissioners for Mission/Jocko are present.  
Boone Cole was absent from the Jocko Irrigation District.

District Recording:  
[www.freeconferencecalling.com](http://www.freeconferencecalling.com)

Ray Swenson stated to correct some items on the agenda before the meeting started.

**MINUTES:** Minutes were approved

There was a statement made to **bold** the titles in the minutes.

Ray Swenson stated he left a voicemail and there is no response yet from Kurt Hafferman.

*Mission District:* Gene Posivio moved to approve minutes and Tim Orr seconded. Motion carried. *Jocko District:* Tracy Gardner moved to approve minutes and Patty Hahn seconded. Motion carried.

**WARRANTS:** Warrants were approved

*Mission District:* Ray Swenson moved to approve warrants and Tim Orr seconded. Motion carried. *Jocko District:* Tracy Gardner moved to approve warrants and Patty Hahn seconded. Motion carried.

### **JOINT OPERATIONS AGREEMENT CONTRACT AND BY LAWS:**

Ray Swenson stated that Bea Kaleva revised a legal review of the contract and by-laws.

There was a discussion between Tim Orr and Ray Swenson where Tim Orr is wanting to involve votes from each district commissioners on major issues so its not just on the basis of one vote but for all votes in agreement on key issues.

The chairman's private meetings involving district issues; whereas he would like to see in the by-laws that all district commissioners be notified by the chairman within 24 hours of any private meetings whether it be by phone, e-mail, or face to face. Ray Swenson confirmed that these issues should be included in the by-laws where all commissioners get to vote and the chairman should not have private meetings.

Ray Swenson states that Boone Cole wants some language changed in the contract agreement where the title should be written as "Agreement Establishing Mission/Jocko Irrigation Districts Joint Operations instead of Agreement Establishing Mission/Jocko Joint Board of Control. Ray Swenson stated that there are 3 corrections to the agreement but no action will be taken without the Jocko Commissioner Boone Cole being present. Ray mentioned that another draft be done by next month and that commissioners will all have to sign it, select a board, agree on a budget and all this needs to be sent to the clerk and recorder by next year. Tim Orr stated that the financial issues can remain the same. Ray Swenson also stated that we can leave the O&M accounts the same and discussed the admin account to simplify paying the bills with Robin Vert Rubel.

Ray Swenson stated that the by-laws were edited to include only 3 officers a chairman, vice chairman, and secretary. He also mentioned that there will be no proxy's but individuals can legally attend and vote telephonically. He informed the board that districts can only increase the assessment 100% at a time. Another big issue was the withdrawal process. If a commissioner is to withdraw their position, they will need to give a 90-day notice to do so and it must be approved by commissioners with two thirds vote. Ray Swenson stated to table the agreement and by-laws until next meeting and all commissioners agreed.

**BIA REPORT:**

**PRESENT:** Nick Belcourt, and Zim Lytle were present.

Zim Lytle the water master for the Flathead Irrigation Project gave a report on the water levels for all areas including Kicking Horse, McDonald, and Camas. Nick Belcourt stated that on October 28, 2019 they have a conference call meeting with Safety of Dams to make sure they are paying for the dam inspections and to clarify that they are providing funding. What they are doing is reclamation is doing an inspection on the outlet structure. They discussed the issues they had to fix like repacking, rebuild, and what operators are down.

There was a discussion about rainfall measurements assisting reservoir levels, stock piling, re-stabilization and what employees are doing.

**FOIA REQUEST:**

The Mission Jocko Irrigation District is requesting 7 items. There was a discussion on what we agreed to pay for the request and condensing our appeal and waiting on the processing from the BIA. This will take 2 years to do this before we find out anything. We have the right to look at these numbers, Tim Orr stated. Janette Rosman was concerned about costs to the irrigation districts but Ray Swenson stated with the general accounting office taking care of this that there is no cost to the irrigation districts. He also mentioned that since the issue is completing finding with no recommendations whereas they are just looking into this and telling us what you find that this constitutes no cost to the districts. After this then a determination can be made on what to do. Once they do the finding then there are going to be discrepancy's that come out of this.

There was a discussion about the hiring process for the Flathead Irrigation Project and the positions being filled permanently by the start of the fiscal year after September 30, 2109.

**PUBLIC COMMENT:**

Gene Posivio spoke of the tour and the inefficiency of the BIA for instance the dump truck being down due to an accident. He went on to say that the rules and regulations limit what can be done. For instance, having to run a bid and bid things out and nothings getting done because of the regulations they have to go through first. There was a discussion about the BIA and the operations of it and how well it ran in the past was a discussion of Crow Dam project and how long it taking them to finish that project although that project has to be bid out again Gene Posivio states that its frustrating because it has to go through the bidding process which takes time for it to get started and done. The rules and regulations restrict what you can do and what you cannot do. There was a discussion on water court claims and the UMB. The big thing is the off-reservation water claims in the East. The CME is in the discussion there is a lot of discussion about what the Tribe has ownership over although this is not concrete.

**Discussion of Water Court**

Ray Swenson stated that Matt Williams said there was nothing to report. He discussed the name change back in August he will include the 146 claims in the stay and whether the UMB has authority over the

CME. Sheila asked about amendments. Ray Swenson stated that the settlement is in the claims. They are tying the settlement in with the water compact. Matt Williams is working with Kurt Hafferman for a resolution. The Secretary of Interior, Tribes and Irrigation Districts can come together and agree on something. There was a discussion about who would take over the project. Ray Swenson states that he would like to see referendum where the irrigator's have a say in what's going on.

**Recess:**

We will come back into session after a short period.

**Executive Session:**

**Employee Review:**

There was a discussion on personnel for Chantelle L. Begay's 6-month probation review.

**Open Meeting:**

Meeting was brought back into session.

**Employee Review:**

*Mission Irrigation District:* Ray motioned to increase and keep Chantelle L. Begay employed and increase her hours to 25 hours per week until May 2020, Tim Orr seconded. Motion passed.

*Jocko Irrigation District:* Tracy Gardner motioned to keep Chantelle L. Begay employed and increase her hours to 25 hours per week until May 2020, Patty Hahn seconded. Motion passed.

**Strategy Discussion on Appeals:**

Ray Swenson stated that he is trying to get more information on operating the project will not be taking any official action.

**PUBLIC COMMENT:**

Janette Rosman stated can we take any action. Ray Swenson stated he does not know what the option is. Gene Posivio stated that they are looking at other options or opted other options. Janette Rosman states so we are just looking at other options. Ray Swenson stated that there are new signs going up around Nine pipe and Kicking Horse that state some things that need to be questioned. Ray Swenson states we all thought they were trust lands or the refuge part. There's state land around the refuge therefore, by next meeting we will question these signs and what is being stated on them.

**ADJOURN:** Gene Posivio moved to adjourn meeting and Ray Swenson seconded. Motion passed to adjourn meeting.