

MISSION JOCKO IRRIGATIONS DISTRICT

November 12, 2019

1:00 pm Call to Order

Pledge of Allegiance

All commissioners for Mission/Jocko Districts are present

Recording: On-Line

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MINUTES: Minutes were approved.

Janette Rosman was concerned about the FOIA request being done by the B.I.A. and was the audit being done by comprehensive review. Boone Cole stated there would be a full audit. Ray Swenson stated it would be through the General Accounting Office and it would be a comprehensive review with no recommendations. Boone Cole stated that in the meeting with the B.I.A. when Pete Plant and Ron Catlett were present the goal was for irrigators to pay \$55.00/acre.

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.

Gene Posivio stated he is still concerned about the Mission Valley Power bill.

Mission District: Gene Posivio 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 BOARD CONTRACT:

Ray Swenson and Boone Cole made it clear that the entity joined into joint operations to be known as the Mission/Jocko Joint Board. Ray Swenson stated that Kurt Hoffman said that the name should include Joint Board in it. The name will remain to be Mission/Jocko Irrigation District.

Mission District: Ray Swenson accepted the amendment to enter into Joint Operations. Gene Posivio seconded. Motion carried.

Jocko District: Tracy Gardner accepted the amendment to enter into Joint Operations. Patti Hahn seconded. Motion carried.

OPERATING BY-LAWS:

Ray Swenson stated that now we can vote as one approval and approve one set of warrants, one set of minutes and approve as one vote on the budget. Ray Swenson stated the checks will be written on the Mission account and one check will be written from the Jocko account for reimbursement. There was a discussion of changes to the by-laws. The amendments to the By-Laws included changing the title to exclude "of Control" and remain ending in Joint Board, the abbreviations of MJJBC was changed to MJJB excluding "C" for Control throughout the document, and under Article V, Section 4 there was an addition at the end of the sentence to include "in an open public meeting". Ray Swenson stated that

you can attend the meeting via telephone. He also stated that a copy of the budget, by-laws, and contract will need to be given to the clerk and recorder because we are an official entity of the State of Montana.

Mission District: Gene Posivio moved to approve the by-laws for the Mission/Jocko Joint Board with amendments. Ray Swenson seconded. Motion carried.

Jocko District: Tracy Gardner moved to adopt the by-laws for the Mission/Jocko Joint Board. Patty Hahn seconded. Motion carried.

MISSION DISTRICT AND JOCKO IRRIGATION DISTRICT ELECTIONS:

Boone Cole stated we need to do elections and Tracy Gardner said "let's do it". Ray Swenson stated that as acting chairman that we need to accept nomination to select officers.

NOMINATIONS

- Boone Cole nominated **Ray Swenson as chairman**; Tracy Gardner seconded. Ray Swenson accepted the motion to be Chairman of the Mission/Jocko Joint Board (MJJB).
- Tracy Gardner nominated **Boone Cole for Vice-Chairman**; Ray Swenson seconded. Boone Cole accepted the motion to be Vice-Chairman of the Mission/Jocko Joint Board (MJJB).
- Tim Orr nominated **Gene Posivio for Secretary/Treasurer**; Tracy Gardner seconded. Gene Posivio accepted the motion to be Secretary/Treasurer of the Mission/Jocko Joint Board (MJJB).

Ray Swenson confirmed that he was elected as the Chairman, Boone Cole is the Vice-Chairman, and Gene Posivio as the Secretary/Treasurer.

PRELIMINARY BUDGET:

Ray Swenson presented a preliminary budget for the upcoming year. The budget was discussed stating what had increased and what is held in reserve. Ray Swenson stated there is two attorney bills that total \$40,000 between the two. He also put in a 50 cents per acre reserve. Jocko Irrigation District is reflected at \$5.00 an acre, Mission Irrigation District is at \$4.00 an acre. It gives us approximately \$90,000 in revenue. If there is anything that is questioned please let us know by the next meeting. Give us some thought on what you are thinking. Ray Swenson stated is the property tax correct. Gene Posivio stated it is correct. There was a discussion on getting the 2019 budget for comparison to this budget by next meeting. Boone Cole wanted to compare what we budgeted and what we actually spent. Ray Swenson suggested that Jim Whaley can over take the duties of Black Mountain Software and the money will go to Whaley & Associates. The \$2000.00 will go to Whaley instead of Black Mountain Software. There was a discussion on Whaley not being happy with the operations of Black Mountain. Ray Swenson stated we are possibly going to drop Black Mountain next year. There was a discussion on what programs different organizations use and the discrepancy's with Black Mountain Software. Janette Rosman stated that they did not deliver the ballots not delivered. She felt nothing was resolved. She also stated there was errors right before the election. She stated that Flathead, Mission & Jocko work on that issue together. Ray Swenson agreed. Boone Cole stated that he doesn't know why they cannot get the ballots but they can sure get the taxes out by parcel and owner. Janette Rosman said that Katie Harding does not use Black Mountain. She thinks that we do go with Whaley and continue staying with them. Ray Swenson agreed.

APPEALS LETTERS:

Ray Swenson stated he was talking Ron Tibbets from Terry, Montana republican senate committee he stated that he wanted some information on being against the water compact. The ten reasons were stated by Ray Swenson. He requested that if we agreed on this information on the letter that we all sign it. Boone Cole stated that this was not mentioned; that the irrigation districts water rights were given to the U.S.A in trust for CSKT.

Tim Orr moved to accept the appeals letter with adding a number 11 as his suggestion of "the irrigation districts water rights were given to the U.S.A. in trust for CSKT." Gene Posivio seconded the appeals letter with the addition of a number 11. Motion was carried.

Ray Swenson stated the letter will be sent off to Mr. Ron Tibbits of Terry, Montana.

Janette Rosman would like a copy of the appeals letter.

BIA REPORT: Not present

FOIA:

Gene Posivio stated we got a response back from the FOIA department. He stated, that the only thing we are missing is the receipts; all the stuff that they bought last year and the second thing is where the money was transferred from up here in Polson. Gene Posivio stated that basically we will agree to the vehicle equipment, employee list, temporary non-assessments, daily recordings of dam logs, employee ditch rider reports, daily work log, and to go down to the office and visually inspect. Boone Cole asked about the dam logs or daily worksheets he thinks that these are important and that these should also be included for the \$3729.00 fee. Ray Swenson discussed all what was to be included stating the listed items, although, he feels that the Eagle Bank money that goes back to the B.I.A is most important. Gene Posivio discussed the excessiveness of the bill and he also stated that we will also request the dam logs, location, and the amount of money moved from the C.M.E accounts. He also stated that later on we will pursue the receipts. The deadline of November 22, 2019 for a response back to the B.I.A. was discussed. Boone Cole stated its important to know that our repayment contract states that we can go down to the B.I.A., look, and make copies of what we want to know. He stated what if we hold off on the receipts because that seems like the majority of the copies. He also stated that a million FOIA requests are responded to by the government without a court order. Ray Swenson that the contracts will need to be signed by the commissioners tomorrow. Tim Orr disagreed that the money moved will be provided without the where the money was spent. The commissioners want to know where the money was spent. Ray Swenson stated that in the morning we will request the listed items without the receipts and will request the copies of the receipts from a later date, will request where the money was spent, and have the right to review the records. Commissioners agreed that the daily dam logs and daily worksheets will be also be requested. All these requests are with the Portland, OR office. Ray Swenson verified what we agree to which is the equipment list, employee list, money moved from C.M.E. to B.I.A and where it was spent, and TNA accounts.

DOCUMENTS AND LETTERS:

Ray Swenson stated that we need to amend the contract and By-Laws one for office and one for the county. Need two copies signed. There was a discussion of what letters to get signed at this meeting and what was to be included in the letters. Boone Cole asked what was done on the Lower J canal and Tim Orr stated there was going to be a study on it done on how to improve it. Janette Rosman verified that we were objecting to the 638 contract and want to reject the money going to the study. Ray Swenson stated what we were actually objecting to. Tim Orr stated that we cannot agree to the Tribe managing the project. There was a discussion about irrigators paying for the compact and there was promises made to the irrigators that did not get addressed. Ray Swenson stated that this is not a complete Tribal member project that it also serves non tribal members therefore the 638 should not be applied. If the CSKT would come and say we are interested in your input then that would be a whole different deal. Boone Cole stated that we are not rejecting the money but it does not have to go through a 638 where we as irrigators give up our responsibility. The letter opposing the 638-contract will go to the B.I.A. superintendent, Larry Nelson, Senator Daines and Tester, Mr. Gianforte, and the B.I.A. Tim Orr stated this is a work in progress. There was discussion about how long it will take for the study on the pumps. There was a discussion on the projects that were operated under the 638-contract. There was another letter discussed involving the signs posted on the reservoirs whereas the Irrigation Districts were not asked any input on the signs. The next letter discussed is to the President of the United States. The letter was read by Gene Posivio. Ray Swenson stated that all letters will need to signed by all six District Commissioners from this point forward. The Treaty of Peace and Friendship of 1856 was discussed. Tim Orr states we can write one more letter to Washington D.C. appealing to them. Water Rights were discussed by Ray Swenson. He also discussed amendments to the water claims. Kurt Hafferman and Matt Williams are working on these claims. This is on-going. The county is wanting to do some printing of the records in the vault. Are there any problems sharing the printing costs of this?

PUBLIC COMMENT:

Discussion of getting used steel doors to secure documents in office. To secure the windows and a good padlock to secure storage room. There was a discussion of the number of irrigators and the number who has multiple tracts. Janette Rosman would like a copy of the letters we discussed. Boone Cole joined the meeting via telephone. He asked if we approved a special meeting or if we should do the approval of the letters in the December 10th meeting. It was decided the approval of the letters would be at the upcoming board meeting on December 10th meeting.

ADJOURN: Tim Orr moved to adjourn meeting. Motion passed to adjourn meeting.