**MEDFORD IRRIGATION DISTRICT**

**Regular Board Meeting Minutes**

**October 12th, 2022 @ 1:30 pm**

Present: Dave Urton; Henry Vaninetti; Angelo Grestoni; Jack Friend-Manager/Secretary

Absent: Dennis O’Donoghue, Sean Naumes

**Call meeting to order:** Chairman Vaninetti called the meeting to order at 1:32 pm.

**Minutes:** The minutes of the regular Board meeting on September 14th were reviewed. Chairman Vaninetti asks if there are any comments or corrections to the minutes. Motion: Chairman Vaninetti called for a motion to approve the Regular Board Meeting Minutes as presented for September 14th, 2022. Director Grestoni Motions to approve the September 14th, 2022, Minutes, Director Urton seconds the motion, motion carries.

**Financials:** Manager Friend presents the September 14th, 2022, financial reports.

Motion: Chairman Vaninetti called for a motion to approve the Financials for September 2022. Director Grestoni Motions to approve the financials for September 2022 Financials, Director Urton seconds the motion, motion carries.

**Delinquent Accounts:** Summary Sheets for September 2022, not much movement from last month. Sent out letters of postponement for liens to be placed until November 1st. We will be placing liens on the delinquent accounts next month. An update on the policies for that, we wanted to run it by legal counsel

**Legal:** Motion for retaining Michael Schultz for MID legal counsel. Chairman Vaninetti was impressed by his fees. Checking his resources all were positive. Director Urton makes a motion to retain legal counsel, and Director Grestoni seconds, the motion carries.

**Transfers:** None

**Election:** Flanakin reports Director Naumes returned his nominating petition with 10 valid registered voters. All went smoothly and there will not be any election this year. There were zero other legal petitions submitted. Director Grestoni and Director Urton will have to be nominated by the board to continue to represent their divisions for one year. They will have to submit a nominating petition next year and win in order to serve for the 3-year term.

Manager Friend: Director Naumes's precinct was extremely challenging because his division entails more company businesses than suburbs. The deadline for having petitions in was October 4th. There weren’t any petitions brought forward except for one that we will touch on here shortly. Those 2 seats will be vacant, and the board can appoint them in January for one year. Mrs. Del Rosa contacted me in January before we passed our resolution updating the election procedures and policies. I sent her the voters in her precinct back in January. She got the signatures and turned them in on the last day. She was unaware of the new election policies, so the signatures were not from registered voters. We sent people registration packets back in June this year. Possibly half of the patrons have registered. There are a lot of things that have changed, and Sara was unaware I believe. If you would like to speak Sara.

Sara Del Rosa: “Like Jack said he sent me a list of property owners in my precinct who receive water. That is the list I used to go around and obtain the signatures for my petition. Without making it a personal situation, basically, the facts of what happened, is that when I brought my petition in, it was the last day. I brought it in at one o’clock in the afternoon and the person that is responsible for collecting and verifying the petitions was not here. I was told she was handling personal business in Klamath Falls and would be back at 3:30. So I came back at 3:30 and she wasn’t here. I was notified at 20 minutes to five that she was here. So, I came in to meet with her and do the petition and I was told at that time only one signature on my petition was registered voter in my precinct. She confirmed that the list of registered voters was never sent to me. I requested it the end of August and she confirmed that I did not get it. By that point it was 20 minutes to five. There was nothing that I can do. Had she been here at the time that I originally brought in my petition I would have been more than happy to obtain the list that I did not receive in August go immediately to those places to get the signatures or take a registration card to the signatures the address I already had on my petition. I needed 10 signatures I think I got 16 or 17. I was more than happy to go back around to those same residences. I had very nice conversations with everybody that I obtained signatures with. I didn’t think it would be a problem at all to get them. I don’t think anyone was aware that they had to be registered to vote or that there was a requirement outside of being a property owner in the precinct, I certainly didn’t know. So, I was discouraged that it was 20 minutes to five, I brought my petition in, yes, granted the last day but it was still the last day, it still counted. I feel it had been the person was responsible for doing that been here to review it at that time I would have had adequate time to rectify the situation. There was a second issue that came up at that time, I was notified that I am in fact not registered to vote. I know for a fact that I received my voter registration, I completed it, sent it back and it wasn’t received for whatever reason and so I requested a card while I was here, I would complete it while I was here. Our property is owned by the Alturas Indian Rancheria, is a federal recognized Indian tribe. I was told at that time I needed proof that I was able to represent the tribe in this matter. I immediately contacted my assistant; she was drafting up the documentation that was required to be signed by the chairman and vice chairman of the business committee which is the governing body of the tribe verifying that. I got off the phone with my assistant and was told my document was not going to be sufficient. That confirmation had to be on the irrigation district form. The problem with that form is that it, I would have been signing for the tribe as a corporation. The tribe is not a corporation. It is not a partnership. It is not an LLC. It is a federally recognized Indian tribe. So, by me putting the tribes name on that paper as a corporation, it would of it would have made that document void, it was inaccurate. I requested a modification to that document reflecting what the tribe is and I was told that was not possible in that day, that it would have to be the next day or whenever she would be able to reach the person that is in charge of those forms. Which then put me past the 5 o’clock deadline. It was discouraging to say the least, there wasn’t any one thing that happened that afternoon that I could not have fixed. That I’d been given the opportunity and the time to do so. The fact that there wasn’t a time to do so, was not to any fault of my own. I contacted Jack that was what I was directed to do. Tammi said she had reached her ability to do anything else in this situation. I contacted Jack and he suggested that I come here today. Here I am in a nutshell.”

Manager Friend: The biggest issue that I see here is we never did receive a voter registration card for the property. We never have dealt with a tribe and the whole point of voter registration is so you can easily verify that it is a legitimate property owner for the parcel that’s a district patron. There are a lot of LLCs and trusts things so that is harder to decern who the property owner is. We haven’t dealt with that situation before. I was at the OWRC board meeting last week and did speak with the executive director she felt that the form for corporations, LLCs, Trusts, etc.. would be sufficient and maybe supporting documentation from a tribal council member or board meeting or some sort of meeting of the governing body of the tribe that would authorize someone to be the voter. It’s similar to how corporations do would be sufficient. All this coming down on the last day, I don’t know that we would have had answers to any of those questions. Everyone on this list after we passed the resolution, was sent voter registration cards and it was posted on our website where you get the petitions at. In bold it states Signatures must be from registered voters. Obviously, this is new to everyone. These best practices we adopted to follow the election laws to the point where we get petitions from board members currently. The only decision is to find out, how we follow the rules and as a board would like to do moving forward. For this precinct, E, which is Dave Urton’s precinct, so the option is it’s going to be up for election next fall 2023 since there was not an election or a nominating petition. Someone is going to be appointed in January 2023. They are going to need to run again in the Fall of 2023. How would you like to handle this circumstance? According to Sara, she needs more time or a grace period on this, and as a governing body, we need to follow the rules. Those are the two options I wanted the board to take the lead on.

Director Urton: I think the law should grant her what she is to be granted. That seems like a question for Michael (attorney). Just to be clear and fair. These laws that we adopted were produced by a legal team, to have Michael look them over.

Office Manager: It’s Oregon State Law

Director Urton: I’m not an attorney and I’m on the seat that she is speaking of.

Manager Friend: I think it is reasonable to give this to Michael to look over, along with these minutes to see if everything is correct.

Chairman Vaninetti: You have a very good case for yourself, and I agree we need a policy in place to make things clear. We’ll work on that as soon as possible and make sure you're involved.

Director Grestoni: First of all, I would like to apologize for not being real clear. This was new to us too. We had to adopt all of these rules. Prior to this, it was very simple, there was no pre-registration. I know that Tammi and Jack are working on that to make sure that we communicate to all our patrons that they have adequate time to get in the documentation they need. I can tell you what the lawyer is going to say, and he will say to follow the rules because we are a quasi-municipal corporation and were not going to set the precedence. My compromise is you come to the board meetings and familiarize yourself. You won’t get a vote, but we will hear what you have to say. Then you could run in the Fall. You will get a feel of what we deal with and how we go about it. We will take your input accordingly.

Sara: Because this is a new process that you guys have just recently changed, modified, updated, or not, there should absolutely be a provision in there that if you are going to be requiring, this, this, and this, that you have the staff equitable to the people who are going to be coming in you are going to have questions, and you are going to need information. It’s not really efficient or professional or right to have these requirements of us when there is one person in charge of it and that person’s schedule is at their own discretion not here to provide the direction and the information that they are paid to do. As you guys are assessing these processes, there should absolutely be a provision in there as a district, as a board, you are providing the staff to support what it is you are expecting.

Manager Friend: I can appreciate that. I’ll take the blame for that. We did post these new requirements on our website and it had been up there for months. We had been working through anybody who had questions or needed their deed card pulled or to fill out the documents, we helped out a lot. We were open about helping out. Knowing it was the last day, I did approve time off for Tammi, but she was going to be back before the deadline to make sure to process anything that came in. Nothing had come in the 6 months leading up to it from anybody except for Sean Naumes. He came in that day as well. His was able to be processed without issue. We weren’t expecting to come in on the last day but we were able to anticipate processing the last day without issues. We didn’t anticipate the issue that there were.

Director Grestoni: We will ensure that next year we will process up to the date. Part of the fiduciary responsibilities of the board is to make sure the district is properly staffed, and we think it is with competent people. It’s unfortunate that Tammi was off that day. It’s unfortunate that you approved it on that last day. We’re not going to do that again. I can assure you that we are staffed with competent people. We’re short a bit with ditch riders but not in the office to do the administration of the district.

Mike Baker: If you didn’t have the staff there at that time and there was a time delay, that time delay should be modified for the person that it affected to correct the needed documents to get her votes.

Manager Friend: Dusk was here, and Dusk received it and did let her (Sara) know that they weren’t on the list. She went back and checked, and they didn’t have registered voting cards.

Sara: That’s inaccurate. She signed my copy stating she was in receipt of it. She put the date and her initials. She did no review.

Manager Friend: She did contact you a couple of hours later by phone. That was her statement.

Sara: She said she left some papers for you I don’t know where they are. There wasn’t any papers left for me. She did not call me, and she did not go through my petition. She (Dusk) told me that she (Tammi) would be back and that she was the one that was in charge of doing all of that. I don’t want to keep beating a dead horse, I just want everything to be accurate and I am very aware of everything that transpired that day, and I was not told before I spoke to Tammi at 4:40 that my petition was invalid due to the voter registration cards.

Director Urton: The deadline for the petitions is to turn them in, is there any rules for what the district is supposed to do with them on that day?

Manager Friend: That is the final day to accept valid petitions that have been verified.

Director Urton: Within those rules, it is state law, but does it just have to be time-stamped?

Office Manager: They have to be verified registered voters.

Manager Friend: That is the drop-dead date. We can have the attorney take a look.

Director Urton: That should be asked if it is our responsibility to walk that through. Whatever the rules are is how they are.

Office Manager: I did ask Dusk if someone did bring one in to look at the voters to make sure that they were registered. She did let me know that there was only one.

Manager Friend: I can get a hold of Michael this week to expedite this for us.

No Name: Why did they change the rules of the voting system? You have to go through these hoops to be a registered voter.

Manager Friend: Just like anything else, if you’re still doing it the same way you have for 40 years, you’re probably missing a few best practices or laws or interpretations of laws. So, when you update it, it saves a bunch of time for that last date that the last deadline, you have all these files that are in proper order and will only take 2 minutes to go through these signatures to see who is registered and who is not registered. These signatures that someone brings in or someone brings in the signatures that aren’t real property owners, they’re not there legitimate. That’s not the case here.

No Name: I saw the letter in July, and I looked at it and I was 3 or 4 things in there and it didn’t make any sense, so I just threw it into the trash.

Manager Friend: Special Districts of Oregon is our insurance provider. They work with a lot of special districts, school districts, and fire districts. They get together with OWRC and had a meeting in 2015 and provided best practices for election laws so you’re doing it right. When Tammi came on, that was one thing she had identified as something that needs to be done right. So, getting everybody registered is a big lift initially but after it’s done, the only time you have to update is when there is a new owner or a change of ownership type. You keep them filed and up to date and your election are clean of recalls which makes things smoother.

No Name: I guess I’ll have to look in the trash and get it out of there then.

Director Grestoni: We were just as surprised as you are about being in compliance. We have to be in compliance, so once it was brought to our attention and that we weren’t you can’t ignore stuff like that. You have to get into compliance. It’s not the easiest thing because there is a bunch of forms you have to fill out. I didn’t get my 10 names because I was in the middle of harvest, and I didn’t have time. Next year will be better and I will have more time.

**Administrative:** I will be brief. It has been a dry start to the off-season. Reservoirs are all sitting at similar levels to last year at this time. We have been very shorthanded this month. Vacation/hunting season, Covid, and quadruple bypass heart surgery have left us with a limited crew. We are pleased to announce that we were able to hire a ditch rider this week. Carlos Morales was interviewed last week, and we were happy to have him join our crew. His dad has been with MID for 16 years and Carlos just moved back to Medford to start a family. We still have two more openings to fill and would like to bring up the base pay of $19.80/hr. to $22/hr. That would mean bringing up the three other non-salary crew positions at $2.20/hr. I think recruiting good candidates for the positions will be much easier if we offer a wage that is similar to what is offered around the valley for the same work. We will be spending the next few months working on the 2023 Budget and our first budget meeting will follow today’s meeting. I was able to talk with Brent Stevenson of Santiam Water Control District about his experience with Anderson Shultz LLP and it was all very positive. I recommend we move forward with Michael as our legal counsel and have him begin reviewing some of the things we have been working through at previous meetings. I spoke with Marc Thalacker at the OWRC Board meeting in bend last week. He mentioned being about to meet with the Board on his way through town and the end of the month or make the next Board meeting in November. He is responding to Dennis’ request to reach out regarding his experience with modernization and his success story in Sisters. We will find out this month if our solar project was selected for funding. I had a meeting with FCA regarding our watershed planning process last week. I asked Mattie if FCA can look at a high-level design for the Lower end of the system piping project. She was going to see if they had the capacity and get back to me. It sounds like Paul with JSWCD is willing and will be able to assist.

**Old Business:** Breaking out the map to get an idea of the length of the system to install pressure pipe. Start just after Grestoni’s land to the end of Urton’s land. 7 miles to be piped. An in-depth discussion about the project and how it will affect the areas that are not getting the water. Numerous ideas from patrons were present about the new piping system for the lower end.

**New Business: None**

**RBWUC, Inc:** Bill is $199.17 for September 2022. Motion: Chairman Vaninetti called for a motion to approve the Financials for September 2022. Director Urton Motions to approve the RBWUC Bill for September 2022 Financials, Director Grestoni seconds the motion, motion carries.

**FYI:**  FCA Update to take with you.

**Public Comment:** Debby Bettencourt spoke about the meeting scheduled, confirming.

**Adjourn:** Chairman Vaninetti adjourned the Regular Board meeting at 3:15 p.m.

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Dennis O’Donoghue – Chairman Jack Friend – District Manager/Secretary