



The regular meeting of the Board of Directors of the Central Oregon Irrigation District (COID) was called to order by Paul Kasberger, at 9:01 AM on March 10, 2020 in the District office.

Directors present were Carroll Penhollow, Paul Kasberger, Tom Burke, Brad Clarno, and Dan Ellingson. Also attending were Craig Horrell, Secretary - Managing Director; Shon Rae, Deputy Managing Director; Cary Penhollow, Watermaster; Joshua Peed, Hydro Director; Kelley Hamby, Maintenance & Operations Manager. Kelley O'Rourke, Land Use Technician; and Jenny Hartzell-Hill, Executive Assistant; Matt Singer, Legal Counsel; and Brian Meece, Realtor of Record. Visitors Present, See Exhibit "A".

1. OPEN FORUM:

Oakley Taylor, a Patron that lives along the Central Oregon Canal off Ward Road explained to the Board that she would like to build a fence in the COID easement. She has been a COID patron for 32 years. She is here to protest the fees for building a fence in the easement. She asked how many of the neighbors have paid the fees in her area. Craig explained that historically we have not been able to police the encroachments and most of the fences in the area have been there for a very long time. Board discussion followed. This request to consider reducing the fees will be discussed in New Business and staff will contact her with the decision.

2. MINUTES:

Tom Burke made a motion to approve the minutes for the February 11, 2020 General Session and the Special Meeting on February 12, 2020. Following a second by Dan Ellingson the motion was approved unanimously.

3. TRANSFERS / INCLUSIONS:

A water management report was provided to the Board prior to the meeting, Exhibit "B". Carroll Penhollow reviewed the transfers. Carroll Penhollow made a motion to approve the transfers as presented. Following a second by Tom Burke the motion passed unanimously. Leslie Clark provided an update regarding the Memorandum of Understanding (MOU) agreement made with Saturn Power regarding their water rights. The Saturn Power property is possibly being sold and discussion followed regarding how that would affect the MOU. Leslie asked the Board how they would like her to proceed. The Board consensus is to pursue the purchase of the Water Rights at a 1/3 of the going rate.

4. REPORTS:

A. Watermaster Report –

A written report (Exhibit "C") was provided to the Board prior to the meeting. Cary Penhollow provided a verbal update to the Board. Discussion followed. It was determined that there will be no March Stock Runs and the 2020 irrigation season will start on the Pilot Butte Canal on April 13th and the Central Oregon Canal on April 14th.

- B. Operations and Maintenance Report –
A memo (Exhibit “D”) was provided to the Board prior to the meeting. Kelley Hamby provided a verbal report to the Board. The pre-emergent has been applied to the designated areas. Burning has been going on. Staff is also dealing with homeless camps on our properties and need to determine how we deal with this problem. We are having real problems in the Juniper Ridge area and North Canal Dam area. We will work with legal counsel and staff to determine how to move forward.
- D. Hydro Report -
A written report (Exhibit “E”) was provided to the Board prior to the meeting Joshua Peed updated the Board on production. Due to flows production is down on the SPP, but Juniper Ridge is higher than projected. A managers meeting occurs monthly with OWRD to review the current status of water, if any Board Member is interested, they can attend.
- E. Internal Operations & Communications-
A written report (Exhibit “F”) was provided to the Board prior to the meeting.
- F. Finance Report-
A memo (Exhibit “G”) was provided to the Board prior to the meeting. No report was provided as Bronwyn Bailey, Accounting Manager, has been out sick for an extended period of time.
- G. Manager Report-
Craig Horrell had nothing to report in this section.

5. **BILLINGS & PAYROLL:**

Tom Burke made a motion to approve the Billings and Payroll as presented. Following a second by Dan Ellingson the motion was approved unanimously.

6. **OLD BUSINESS:**

- **Merkley PL 566**
Craig Horrell updated the Board on the current status of the project and the RFP’s for the large pipe. Four submittals will be scored, and the selection will be made in the upcoming weeks.
- **City of Bend IGA**
Staff is still working with the City on developing the IGA and a process, at this time a trial run is in the works and the direction of this is not going as projected.
- **DRC On Farm Proposal**
Shon Rae provided an update on how the program is coming together. Lisa Seals has been contracted by DRC to do the grant writing and an additional person is being considered for the on ground work. Shon also updated the board on the potential on-farm requests.

7. **NEW BUSINESS:**

• **Carlson Sings License Agreement Extensions**

Tom Burke made a motion to approve the agreement extensions as presented, Exhibit “H”. Following a second by Dan Ellingson the motion passed unanimously.

• **Property Purchase**

Resolution 2020-4 Real Property Purchase was read by Paul Kasberger, Exhibit “I”. Carroll Penhollow made a motion to approve the resolution as read and the property will be purchased for \$125,000 plus fees to be paid from the Endowment Fund. Following a second by Tom Burke the resolutions was approved unanimously.

• **Capital Request**

The Board discussed new chair options for the Board Room and reviewed the quote provided, Exhibit “J”. Staff will do further research on options and cost.

• **RFP Approval – Phase I ESA / 9th Street Property**

Craig Horrell and Kelley O’Rourke summarized the submittals received from the RFP request for a Phase I ESA for the 9th Street Property. Staff recommended the low bid of \$2,700 for the work. Tom Burke made a motion to approve signing the low bid submittal. Following a second by Carroll Penhollow the motion was approved unanimously.

• **Eviction Notices**

Board and staff discussed homeless issues on COID property. Legal counsel will explore our options and report back to staff.

• **Patron Encroachment Request**

Board discussed the request by Oakley Taylor presented in open forum. Staff reviewed with the Board the fee structure for Land Use requests. It was determined that the fee will not be reduced, but due to the maintenance they have done in the past year an in-kind reduction will be offered. Staff will determine the amount and staff will call her this afternoon.

8. **BOARD COMMENTS:**

- Dan Ellingson is on the Board of Directors for the Historical Society and suggested a display of COID History at the Historical Society. Dan proposed working with Lisa Lee on a display for the Historical Society. He suggested offering money to Historical Society and a consulting fee to Lisa Lee to develop this. Board discussion followed. Craig Horrell informed the Board that as we do our big projects, we are doing extensive mitigation to preserve the history. Craig suggested doing historic preservation as we move through the projects, so we get mitigation credit as we do these projects. Shon Rae will work with Kelley at the Historical Museum to come up with a plan.

At 10:28 AM the Board recessed the General Session and asked the Board to convene into Executive Session per:

- ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regards to current litigation or litigation likely to be filed.

Following the Executive Session, the Regular Session of the COID Board was reconvened at 11:37 A.M. the following was brought back to regular session for consideration:

ODFW Water Rights Protest on Crooked River and Tumalo Irrigation District Lawsuit
Tom Burke made a motion to approve COID supporting the DBBC in helping with the ODFW Protest and Tumalo Irrigation District Lawsuit. Following a second by Carroll Penhollow the motion was approved unanimously.

The meeting was adjourned at 11:42 A.M. following a motion by Tom Burke that was seconded by Brad Clarno.

Craig Horrell, Manager

Thomas Burke

Bradley Clarno

Dan Ellingson

Paul Kasberger

Carroll Penhollow