



The regular meeting of the Board of Directors of the Central Oregon Irrigation District (COID) was called to order by Paul Kasberger, at 9:00 AM on November 10, 2020 in the District office.

Due to COVID-19 the meeting was restricted to in person participation and done virtually. Directors Paul Kasberger, Brad Clarno, Carroll Penhollow and participated in person in the COID Conference Room logged into Zoom. Participating remotely by Zoom was Dan Ellingson. Craig Horrell, Secretary - Managing Director; Shon Rae, Deputy Managing Director; Leslie Clark, Water Rights Manager; Cary Penhollow, Water Master; Erin Bathke, Accounting Assistant; Jessi Talbott, Water Rights Technician, and Jenny Hartzell-Hill, Executive Assistant participated in person. Participating remotely by Zoom were Kelley O'Rourke, Land Use Technician. Also attending via Zoom were Matt Singer, Legal Counsel and Brian Meece, Realtor of Record.

1. OPEN FORUM:

Ken Lyons with Wireless Policy on behalf of AT&T came before the Board. He has been working with FirstNet to establish a new safety network. They are looking at location east of Bend on COID property, a facility that First Responders have pinpointed as an ideal location. He is asking COID to reconsider their proposal and will submit a formal letter of request to the Board. Craig Horrell suggested placing this request on the Agenda for December Board. Mr. Lyons provided the Board with a detailed memo, Exhibit "A".

2. CONFISCATION HEARINGS:

Mr. Eli LaFranchi addressed the Board at 9:45 a.m. Brad Clarno read the Forfeiture Hearing Process language. Leslie Clark presented the summary of process to the Board with the Water Rights map. The property renter provided photos of the property at the meeting with the manager as well as a letter from adjacent property owner regarding assistance with irrigating. A receipt for seed was also submitted. At the meeting with the Manager it was deemed that use was not sufficient in 2020 or the previous 4 years which has led to the confiscation of the unused water. Eli LaFranchi explained that he does not live on the property or in the area. He does not have photos showing use. He does not want to lose the water rights; he did not receive the mail because it was going to his father because the property is in his name. His renter was putting water in the wrong area because it was unclear to Eli the area of question. He has a plan to keep on top of this issue moving forward if he is able to keep the water right. He is asking the Board to consider allowing him to retain the water right. The hearing ended at 10:09 a.m. The Board moved into executive session at 10:10 a.m. to discuss the matter. Executive session was adjourned at 10:25 a.m.

Mr. Dan Sheridan addressed the Board at 10:27 a.m. Brad Clarno read the Forfeiture Hearing Process language. Leslie Clark presented the summary of process to the Board with the Water Rights map. She provided the background of what has been reviewed this past season. Confiscation and a transfer have been recommended. Dan explained the irrigation history on the property and explained that he has applied seed in the previous year to the areas in jeopardy but by July they were usually dry when the aerial photos are taken. He explained that he has had financial difficulties and was not able to purchase seed this past year. He is willing to do whatever needs to happen to prevent confiscation. He irrigates with a wheel line and handline that he put on the property since he purchased it. The Board moved into executive session at

10:48 a.m. to deliberate and returned to regular session at 10:55 a.m. Paul made motion to confiscation 1.84 acres on Dan Sheridan and 0.55 acres on the Ron LaFranchi properties. Following a second by Carroll Penhollow the motion passed unanimously.

Eli LaFranchi returned to the meeting and Paul Kasberger announced that the .55 acres of water right confiscation will carry. Craig Horrell explained that the Board took into consideration the situation but ultimately it is the interest of the District to protect the water right and keep it on the Certificate. Staff explained the process and options to get water rights back in the future. Mr. LaFranchi expressed that he plans to take the matter before the Oregon Water Resources Department to protest the confiscation. It was explained to him that he needs to file the appeal application with OWRD within 60 days following submittal of application. It was noted that the zip code for mailing to the Myrtle Point address was transposed the correct address: Ron LaFranchi c/o Eli LaFranchi 1232 Maple Street Myrtle Point OR 97458.

Dan Sheridan returned to the meeting and Paul Kasberger informed him that the ruling was unanimous for confiscation of 1.84 acres of water right. Staff explained that the transfer papers as discussed will be mailed to him in the next week. He does not plan to appeal OWRD.

3. MINUTES:

Carroll Penhollow made a motion to approve the minutes for the October 13, 2020 General Session. Following a second by Brad Clarno the motion was approved unanimously.

4. 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 Brad Clarno the motion passed unanimously.

5. REPORTS:

Due to the extra content in the Board Meeting, Department Reports were provided to the Board but not discussed.

- A. Watermaster Report –
A written report (Exhibit "C") was provided to the Board prior to the meeting.
- B. Operations and Maintenance Report –
A written report (Exhibit "D") was provided to the Board prior to the meeting.
- D. Hydro Report -
A written report (Exhibit "E") was provided to the Board prior to the meeting.
- E. Internal Operations & Communications-
A written report (Exhibit "F") was provided to the Board prior to the meeting.
- F. Finance -
A written report (Exhibit "G") was provided to the Board prior to the meeting.

6. BILLINGS & PAYROLL:

Carroll Penhollow made a motion to approve the Billings and Payroll as presented. Following a second by Brad Clarno the motion was approved unanimously.

- **Budget Review:**

The Draft Budget was presented to the Board by Shon Rae. It was discussed that a spreadsheet will be formulated that has a list of approved money for projects with fund tracking like a capital aging report. The office update to meet OSHA/COVID requirements was discussed. There is a COVID Grant that staff is working on to cover the cost of the update. It was agreed by the Board that the Manager make the decision on how to move forward with the office update.

7. OLD BUSINESS:

8. NEW BUSINESS:

- **Water Lottery:**

Names were drawn and read, attached as Exhibit "H".

At 11:42 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 12:12 P.M.

9. BOARD COMMENTS:

None

The meeting was adjourned at 12:39 P.M. following a motion by Carroll Penhollow that was seconded by Brad Clarno.

Craig Horrell, Manager

Thomas Burke

Bradley Clarno

Dan Ellingson

Paul Kasberger

Carroll Penhollow