



President Dennis called the meeting to order at 9:00 a.m. and Mr. Freeman called roll.

Directors Present:

Dean Dennis, President
 Gene Huffman, Vice President
 Kirk Rathbun
 Raman Venkata
 David McKenzie, by telephone

Staff Present:

Charles Freeman, District Manager
 Jason McShane, Engineering/Operations Manager
 Seth Defoe, Land and Water Resources Manager
 Kipp Drummond, Comptroller/Treasurer
 Matt Berglund, Public Relations Coordinator
 Lori Gibson, Executive Assistant
 Melissa Olheiser, Accountant II
 Ben Woodard, Asst Engineering/Ops Manager
 Doris Rakowski, Executive Assistant

Other Persons Present:

John Crotty, Western Legal

APPROVAL OF AGENDA: Mr. Freeman reported that Chad Stuart, from the U.S. Bureau of Reclamation (USBR), had cancelled attending this meeting. He asked that Mr. Stuart’s letter for Mr. Freeman’s signature be added to the agenda as an action item, regarding Affirmation of Categorical Exclusion Qualification Factors.

Mr. Freeman also asked to add an executive session to discuss with legal counsel representing the agency potential litigation, pursuant to RCW 42.30.110(1)(i)(ii), regarding Trios; to discuss with legal counsel potential litigation, pursuant to RCW 42.30.110(1)(i)(ii), regarding water supply issues; and to review the performance of a public employee, pursuant to RCW 42.30.110(g), regarding Mr. Freeman.

Vice President Huffman moved to approve the agenda as amended. Director Rathbun seconded the motion. The motion carried unanimously.

CONSENT AGENDA: Director Rathbun moved to approve the consent agenda. Vice President Huffman seconded the motion. The motion carried unanimously.

Items approved on the consent agenda were:

1. Confirm Extension of Office Staff Collective Bargaining Agreement
2. Preliminary Plat – Apple Valley Ph. 5 – Wet
3. CMCS Properties LLC - Release of Easement Interest
4. Southridge Development Plat Alteration - Wet
5. Travel Authorization - Irrigation Leader
6. Vouchers/Warrant Approval

Accounts Payable:

Numbers:

| | | | | | |
|-------------------------------|---------|---------|-------|-----------|-------------------|
| | 79689 | through | 79689 | \$ | 142.50 |
| | 79690 | through | 79768 | \$ | 174,707.70 |
| Bank Drafts | FSA | | | \$ | 489.98 |
| Bank Drafts | General | | | \$ | 1,272.32 |
| Bank Drafts | AP | | | \$ | 92,715.68 |
| Total Accounts Payable | | | | \$ | 269,328.18 |

Payroll:

Numbers:

| | | | | | |
|----------------------------|-------|---------|-----------|----|-----------------------------|
| | 34158 | through | 34158 | \$ | 405.50 |
| Direct Deposit | | | 11/5/2019 | \$ | 127,346.13 |
| Total Payroll | | | | | <u>\$ 127,751.63</u> |
| Total Disbursements | | | | | <u>\$ 397,079.81</u> |

Voided Checks: Check # 79749 – 79758 printer error

PUBLIC COMMENTS: None

PRESENTATIONS: None

PUBLIC HEARING: None

BOARD REPORTS: Vice President Huffman spoke briefly about the NWRA Annual Conference.

ACTION ITEMS:

Cat 140M3 AWD Motor Grader Purchase: Mr. McShane presented the recommendation to buy a 2019 140M3 AWD Motor Grader, exercise the buy-back option on the 2013 CAT 140M2 AWD Motor Grader and the 1984 John Deere 770A Motor Grader. He spoke about the guaranteed buyback amount compared to other sale options for the used machines.

Mr. McShane noted that the district joined the National Joint Powers Alliance (NJPA), now called Sourcewell, in 2016, and said staff was verifying Sourcewell's compliance with Washington State purchasing laws.

Mr. McShane said the equipment was compatible with the districts GIS guidance system.

Staff confirmed to Mr. Freeman that a guaranteed buyback was included with the new purchase.

Mr. McShane spoke about the desirability of exercising the buyback provision on the surplus units, and the good price on the new grader.

Trade-in, finance options, cost of ownership, training, and equipment monitoring and maintenance were briefly discussed.

Vice President Huffman moved to authorize Charles Freeman to purchase a new 2019 140 M3 AWD Motor Grader from Western States CAT at a net price of \$118,122.10, and approve Western States CAT to buy back the 2013 140M2 Grader for \$185,000 and KID's 1984 John Deere 770A Motor Grader for \$10,900. Director Rathbun seconded the motion. The motion carried unanimously.

Mr. McShane said the 140M3 AWD Motor Grader was being demonstrated on site now.

Affirmation of Categorical Exclusion Qualification Factors: Mr. Defoe referred to a memo and materials distributed at the meeting and presented a letter of affirmation of categorical exclusion qualification factors sent by Mr. Stuart of the USBR.

Mr. Defoe spoke about the John D. Dingell, Jr. Conservation, Management and Recreation Act (P.L. 116-9). He recommended the factors in the letter be discussed and noted that he had concerns regarding terms of the letter.

Concerns discussed included: the variation of the letter from the regulations; reversion of lands not utilized; responsibility for design flaws; Dingell Act compliance.

Mr. Freeman recommended KID staff edit the letter and send to it to Mr. Stuart with questions.

Mr. McShane spoke about land interest, and which real property was being transferred. He said additional environmental review could be needed if there were a change of condition at transfer.

Director Rathbun requested time to consider.

Title transfer and reversion of land were further discussed. Mr. Freeman said future needs could not be predicted.

Mr. Defoe said staff would redraft the letter and send it to Mr. Stuart with questions, then report back regarding the USBR response.

RESOLUTIONS:

Resolution 2019-37, 2019 Budget Amendment: Mr. Freeman presented the 2019 budget revision request. Proposed authorizations were included for reservoir land, Chandler, and protection of the District's water supply. He referred to the attachment to the resolution included the authorizations by line item and a summary of fund sources. Mr. Freeman summarized that the 2019 budget would increase by \$3,938,521, of which 3,509,970 was for land, and less than \$500,000 for all other line items.

Mr. Drummond said the new items were increased spending for the video and board travel. Mr. Freeman said purchase of a water flow measurement device was also added.

Director Rathbun moved to approve Resolution 2019-37, 2019 Budget Amendment. Director Venkata seconded the motion. The motion carried unanimously.

Mr. Freeman asked to hold discussion of Resolution 2019-38 until later in the meeting, so copies of the resolution could be printed and distributed.

STAFF REPORTS:

Finance Manager: Mr. Drummond reported regarding:

- State audit entrance conference and completion of on-site work
- Mr. Drummond asked to sit on Local Government Investment Pool advisory board
- October Financial statements at next meeting

Engineering/Operations Manager: Mr. McShane reported regarding:

- NWRA Annual Conference
- Paving at Vancouver Street
- Riprap landscaping slopes at Badger East
- Vegetation management program
- Vegetation removal at Amon Wasteway preparatory to native revegetation in consultation with Audubon Society and the Native Plant Society

- Friends of Badger Mountain meeting last week
- Engineering staff work
- Surveyor starting December 4th
- Zintel Canyon mitigation meeting – November 20th

Land & Water Resources Manager: Mr. Defoe displayed and discussed web pages including:

- usbr.gov - Yakima River Five Reservoir Diagram, and Water Year Graph
- noaa.gov - Pasco weather station Temperature and Precipitation graphs, One-Month and Three-Month Outlook maps, and El Nino/Southern Oscillation (ENSO) Diagnostic Discussion (ENSO Alert System Status: Not Active)

Upcoming meetings:

- River Ops meeting – December 3rd
- Washington State Water Resources Association meeting – November 20th

Mr. Defoe reported regarding:

- New GIS Analyst/Developer
- Title Transfer property inventory, cultural review work, and USBR in-house appraisal. Goal to present materials to Commissioner for 90-day review by end of spring 2020.
- Finley property lease SEPA public comment period starts tomorrow

District Manager: Mr. Freeman introduced reported regarding:

- New Public Relations Coordinator Matt Berglund
- NWRA meeting with USBR Commissioner Burman and PNW Regional Manager Gray
- Kick off meeting for Water Supply discussions
- Water Code training in Seattle this week
- Field union meeting today to consider extension of contract for two years
- Irrigation District Election workgroup webinar in progress today

RESOLUTIONS, continued:

Resolution 2019-38, Acknowledging Public Law 116-9 Title VIII Liability Provisions: Mr. Freeman spoke about Title VIII of Public Law 116-9, which addressed liability with respect to transferred works. He asked the Board to approve the resolution acknowledging provisions as stated in law.

Director Rathbun moved to approve Resolution 2019-38. Vice President Huffman seconded the motion. The motion carried unanimously.

WORKSHOP: None

Executive Session: At 10:10 a.m., on behalf of the presiding officer, Mr. Freeman announced that the Board would go into executive session, starting at 10:15 a.m., to discuss with legal counsel representing the agency potential litigation, pursuant to RCW 42.30.110(1)(i)(ii), regarding Trios; to discuss with legal counsel potential litigation, pursuant to RCW 42.30.110(1)(i)(ii), regarding water supply issues; and to review the performance of a public employee, pursuant to RCW 42.30.110(g), regarding Mr. Freeman, for approximately 45 minutes.

At 11:00 a.m., executive session was extended for 15 minutes.

At 11:15 a.m., executive session was extended for 10 minutes.

At 11:25 a.m., executive session was extended for 10 minutes.

At 11:35 a.m., executive session was extended for 10 minutes.
At 11:45 a.m., executive session was extended for 5 minutes.

OPEN SESSION: At 11:50 a.m., the meeting returned to open session.

President Dennis announced that Mr. Freeman's performance review would be tabled until the December 3rd Board meeting. There being no further business, he called for a motion to adjourn.

Director McKenzie moved to adjourn. Director Rathbun seconded the motion. The motion carried unanimously.

Attest:

Witness:



Dean Dennis, President
Minutes Approved December 3, 2019



Charles Freeman, Board Secretary

Prepared by Doris Rakowski