MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE OWYHEE IRRIGATION DISTRICT

April 21, 2020

A regular monthly meeting of the Board of Directors of the Owyhee Irrigation District was held on April 21, 2020, telephonically due to the ongoing COVID-19 emergency at 10:00 a.m. Jerry Nagaki, President of the District, presiding.

The following Directors were present:

Bruce Corn
Frank Ausman
Dan Tschida
Eric White
Jerry Nagaki

Also present were: Jay Chamberlin, District Manager; Harvey Manser, Assistant Manager; Michael W. Horton, Attorney; Jake Conde, Attorney; Lynn Larson with NRCS; and Darla Sebasto, Linda Henderson, Will Hall, and Cheryl Hall, District Patrons.

MEETING NOTICE. The meeting agenda showed that public notice as to the meeting was given on April 15, 2020.

MINUTES. Minutes of the meeting of the Board of Directors held on March 17, 2019, were mailed to the Directors prior to the meeting. A motion was made by Director White, seconded by Director Corn, and unanimously carried approving the minutes as mailed.

DISTRICT FINANCIAL REPORT. A financial report was sent to the Directors prior to the meeting. They reviewed the report and asked questions which were answered by Mr. Chamberlin.

ACCOUNTS PAYABLE. Two lists of the District accounts payable for the month were included in the Directors' packets. A motion was made by Director Ausman, seconded by Director Tschida, and unanimously carried approving payment of the accounts payable.

MITCHELL BUTTE POWER PROJECT.

Financial Report. Mr. Chamberlin presented a financial report for the Mitchell Butte Power Project which the Directors reviewed. He said the power plant is running good so far.

Accounts Payable. The agenda listed accounts payable for the Mitchell Butte Power Project. A motion was made by Director Corn to approve payment of bills, the motion was seconded by Director White and passed unanimously approving payment of the following:

AT&T		42.47
Century Link		169.33
Nichols Accounting		125.00
	Total	379.75

NRCS PRESENTATION. Lynn Larson of NRCS gave the Board an update on the Jacobsen Gulch Project. The project is set to be completed in the Fall of 2020. Director Corn asked about the timing of the project and Mr. Chamberlin said it has been on the District's radar for quite some time. Mr. Larson said the project is estimated to cost $240,000 with NRCS funding of $190,000 and possibly another $75,000 from OWEB. Mr. Chamberlin said it is a good project but there is an issue with a buried gas line. Mr. Larson said the pipe will be laid in the existing right of way, four new pivots will initially hook-up with three additional coming later. Mr. Larson said in order to complete the project per NRCS rules, three separate landowners will have to be the applicants and the payments will first go through them and the tax reporting will also go to them. Mr. Larson proposed informing the landowners that the District will invoice the landowners to help with tax liability incurred by installing the pipe with the installation proceeds being transferred to the District. The Board agreed that Mr. Larson could make that representation on the District's behalf. Otherwise, the project funding appears stable and the District will continue to work with other agencies.

MR. AND MRS. HALL REQUEST. Will and Cheryl Hall are District Patrons. They are behind in their payments for 2019 and 2020. They wrote a letter asking for help due to the COVID-19 pandemic. They said they can pay their 2020 water bill and once water is flowing to their farm, they will be able to make payments for the amount owing in 2019.

Mr. Horton, attorney for the District, had not been previously given a copy of the Halls' letter. The Board expressed a willingness to help but was concerned about the legality of providing water to the Halls' prior to payment. The matter was tabled for consideration later in the meeting after legal research.

EAST KINGMAN MORTAR LINING UPDATE. Mr. Chamberlin said he visited the site after the recent earthquake activity. There appeared to be no leakage at the site, however, some leaks were noticed in the north system area, which has notoriously had leaks in the past. Mr. Chamberlin said that a crew would be keeping an eye on the area to see if the leaks appeared to be any greater than in the past.

PURCHSE OF RUBBER-TIRED EXCAVATOR. Mr. Chamberlin said that an excavator recently came up for auction. Typically, the excavator could be expected to cost as much as $130,000 in the condition it was in. The District was able to acquire it for $56,000. The excavator needs servicing and will soon be at work in the field. The older equipment will be auctioned later this summer to offset the costs.

CHARGING SYSTEM. Mr. Chamberlin reported on charging the system and problems with weeds.

RECESS. At 11:00 a.m., the President called for a recess for members to attend the Joint Committee meeting, which was also being conducted via phone.

MEETING RECONVENED. At 11:40 a.m., the meeting was reconvened.

MANAGER'S REPORT. Mr. Chamberlin said that Peterson Farms was assessed a late fee for payment in 2019 that did not appear until 2020 billing cycle. This is consistent with past practices. The Petersons apparently paid their 2019 bill by mail, but late. There was a discussion of the request and whether to change billing practices so that a bill for late charges is generated the month the late payment is made so that landowners will know a late charge is being imposed rather than learning about it the next year. There was further discussion of waiving the late fee on Petersons and after discussion, a motion was made by Director Ausman, seconded by Director White and unanimously carried, that the late fee not be waived.

Mr. Chamberlin also spoke of a marijuana grower who had diverted the natural water flow to his grow site. The Manager said a cease and desist letter would be sent to the grower, and that he would need to restore the water flow or face civil action.

HALL REQUEST(Continued). Mr. Horton informed the Board that the District's written policies provide that no water delivery would be given to those who had previous-owing water bills outstanding. The District's contract with the Bureau of Reclamation states that any and all landowners must pay their assessments in full before water can be delivered. The matter was discussed in detail with issues considered being setting precedent and the current COVID-19 crisis. Director White made the following motion: That due to the Corona Virus, if the Halls pay the 2019 bill in its entirety and 25 percent of the 2020 assessment, water will be allowed to be delivered to their property. In addition, an agreement with Halls requiring them to pay the remainder of the 2020 assessment in installments will be required. If they fail to make any of those payments, water will be shut off. No water will be delivered in 2021 unless they pay all of the 2019, 2020, and 2021 assessments and fees. The motion was seconded by Director Corn and discussed at length.

A roll-call vote was called for. The motion passed with a vote of 3-2, with Director Tschida and President Nagaki voting no and Directors Ausman, White and Corn voting yes. Attorney Michael Horton was directed to draft the agreement.

EXTEND LATE FEE FOR 30 DAYS. Due to the ongoing COVID-19 emergency, the Board had previously agreed to permit thirty-day late payment without assessing a late fee. No further action was taken during this meeting.

WATER TURN ON ISSUES. Mr. Chamberlin reported that water turn on went forward without any issues at this time.

STEPS TAKEN BY THE DISTRICT FOR CORONA VIRUS. The District has taken steps to mitigate the spread of Corona Virus, including social distancing, phone meetings, minimizing the number of people in the offices, and wiping down and disinfecting office surfaces and field equipment.

EARTHQUAKE ISSUES. These were discussed previous during the review of the East Kingman lining. No further updates were made.

ADVANCING LEAVE: This item was not on the agenda. Mr. Chamberlin indicated that an employee has requested an advance in their paid leave to deal with impending doctor's appointments. The employee is a hard-working member of the District and Mr. Chamberlin has confirmed the leave is needed. Consensus was reached to allow Mr. Chamberlin to make such approval to advance necessary leave.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Michael W. Horton, General Counsel

APPROVED: _____

MINUTES OF MEETING OF JOINT COMMITTEE OF THE OWYHEE PROJECT

April 21, 2020

A meeting of the Joint Committee of the Owyhee Project was held telephonically on April 21, 2020, at 11:00 a.m. Eric White, Chairman, presiding.

The following members of the Joint Committee were present:

Eric White	Frank Ausman
Dan Tschida	Chris Landa (who joined the meeting at 11:06 a.m.)
Jerry Nagaki	Brett Nielsen (who joined the meeting at 11:06 a.m.)

Also present were: Jay Chamberlin, Manager of the Hydro Projects; John Eells, South Board Manager; Harvey Manser, OID Assistant Manager; Michael W. Horton, Secretary and Legal Counsel; Jake Conde, Attorney; Darla Sebasto and Linda Henderson, OID patrons; and Bruce Corn, (OID Alternate);

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on April 21, 2020.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was dispensed with given the telephonic nature of the meeting.

MINUTES. The minutes of the meeting of the Joint Committee held on March 17, 2020, were mailed to the Committee members prior to this meeting. A motion was made by Mr. Tschida, seconded by Mr. Nagaki, and unanimously carried approving the minutes.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. The financial report for the Tunnel #1 Power Project was included in the meeting packet which each Committee member received. The Committee members reviewed the financial report. Mr. Chamberlin reported that system appears to be running well despite delays caused by the weather. He said it is unlikely the reservoir will fill.

Tunnel #1 Power Project Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Tunnel #1 Power Project. A motion was made by Mr. Ausman, seconded by Mr. Nielsen, and unanimously carried approving payment of the accounts payable as follows:

Stunz, Fonda, Kiyuna & Horton	703.00
Nichols Accounting	375.00
TOTAL	$1,078.00

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. The financial report for the Owyhee Dam Power Project was included in the meeting packet which each Committee member received. The Committee members reviewed and discussed the financial report.

Owyhee Dam Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Owyhee Dam Power Project. A motion authorizing payment of the following accounts payable was made by Mr. Nielsen, seconded by Mr. Ausman, and unanimously carried:

Nichols Accounting	375.00
TOTAL	$375.00

MALHEUR COMMUNITY EMPOWERMENT FOR THE OWYHEE ACT UPDATE. Mr. Chamberlin said the legislation is currently in committee, and with the current COVID-19, the committees are meeting less than usual. There has been no progress and likely will have no immediate progress due to more pressing problems.

STEPS TAKEN BY FOR CORONA VIRUS. Mr. Chamberlin outlined several steps being taken to combat the spread of COVID-19. These include: trying to follow the Governor's directives, working via phone, maintaining social distancing, postponing non-essential gatherings, closing parks, policing the reservoir, and conference calls with County Emergency Management.

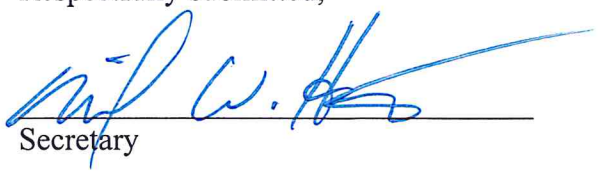
PURCHASE OF BATTERIES 16 WEEKS OUT. An update was given by Mr. Chamberlin on the purchase of batteries for the Tunnel plant. The batteries were previously approved for purchase and should arrive soon.

EARTHQUAKE INSPECTION. Mr. Chamberlin reported on inspections done at the dam and the delivery systems following the earthquake. The dam looks good but he spoke of concerns in the north canyon area because of possible seismic activity. The area will be monitored for leaks in the concrete pipelines. No problems were reported in the southern end.

WATER UPDATE. Mr. Chamberlin said that storage peaked at 608,000 acre feet. Pumping was discussed. Mr. Chamberlin said that Dead Ox Pumping Plant was started earlier than normal.

ADJOURNMENT. There being no further business, the meeting was adjourned at 11:40 a.m.

Respectfully submitted,



Secretary

APPROVED:_____