

# Flathead Reservation Water Management Board

## DRAFT Meeting Agenda

December 8, 2022, from 1:30-3:30 PM

In-person: Flathead Reservation Water Management Board Office  
400 Main Street Southwest, Ronan, MT 59864

Virtual at Zoom Link: <https://zoom.us/j/96618810065>  
Join via phone: 1 (253) 215-8782 | Webinar ID: 966 1881 0065

### 1. Call to Order (Board Chair)

- 1.1. Opening Prayer
- 1.2. Attendance  
Clayton Matt, Kenneth Pitt, Roger Noble, Teresa Wall-McDonald  
Absent: Georgia Smies
- 1.3. Announce meeting minutes on DNRC & CSKT websites
- 1.4. Adopt agenda  
Motion by R. Noble  
Second by K. Pitt  
Vote Result: Approved (4 to 0)

### 2. Public Comment (for items not on the agenda)

- No public comment

### 3. Board Business (Board Chair)

- 3.1. Approve minutes for November 17, 2022  
Motion by K. Pitt to adopt minutes for November 17, 2022  
Second by R. Noble  
Vote Result: Approved (4 to 0)
- 3.2. Domestic allowance applications
  - 3.2.1. Applications recommended for authorization (Cristy Brooks)  
**E. Mace:** There are 2 applications up for authorization. There is nothing exceptional or out of the ordinary.
  - 3.2.2. Public comment  
**No public comment**
  - 3.2.3. Board action on domestic allowance authorizations  
Motion by T. Wall McDonald to authorize the two applications  
Second by K. Pitt  
Vote Result: Approved (4 to 0)

**R. Noble:** There has been a decrease in the number of applications to authorize.

**E. Mace:** There have been lots of letters of defects and there has been a decrease in the

Key: Underline = Action item

Normal = Discussion, comment, and/or update

number of applications. Lots of people are awaiting next steps for things we are not currently handling under the current situations.

### 3.3. Interim process for individual and shared domestic allowances termination (Ethan Mace)

*\*\*Notes for 3.3.1 – 3.3.4 are combined. The conversation grouped these items together\*\**

- 3.3.1. Engineer's Memo: Policy for using existing wells as a diversion for new domestic allowance
- 3.3.2. Updated Application Form 60DF-A (application to construct a domestic allowance)
- 3.3.3. Updated Application Form 60DF-B (individual and shared domestic allowance completion)
- 3.3.4. Transition authority of interim (older) forms to Office of the Engineer

**E. Mace:** This is an important transition. The Board has been serving to approve authorizations and the Board will begin moving towards an oversight board with all items under 3.3. We have put off domestic development allowances and have begun to draft a form. They are on the radar. There are 2 forms in front of the Board, and a memo that adds remedies for the current process for domestic allowances that do not allow applicants to file for a new allowance on an existing well. Board members knew that this issue needed to be addressed, and the interim form worked to point out that we need to address this issue. I have put forward a possible process for the board to consider. There is a small note about the transition from the old form to the new form. We must find a way for the new form to process directly out of the office. I will take over the function although the old form is directed to the Board. The Office of the Engineer will take over the forms and redirect to the office instead of the board.

**E. Mace:** The memo is intended to take care of a known issue that is out there. Some folks had wells drilled that they should have registered during the filing period for suspended rights or during the filing period after the effective date of compact to get authorization for existing uses. This policy would allow folks in that situation to use existing wells to apply for a new domestic allowance. This will be different than the regular historic process. Processes for applying for new water rights under the ordinance and the requirements of the domestic allowances will be retained. Unlike the DNRC uses defined by state standards for up to 10 acre-feet applicants must conform to the limits of the domestic allowance standards.

**C. Matt:** Are there outstanding issues at this time?

**E. Mace:** Not currently.

**R. Noble:** I understand the need for this, but is there an influx of these requests? What is driving this?

**E. Mace:** We have seen an increase and we are taking their name down to keep track of the issue. We have also had the opportunity to hear from reservation citizens during the objection period for the compact and they are not sure what to do and are concerned. People are wondering if they need to object to water court to move forward. Nothing in this policy allows them to get outside of the negotiated maximums of flow rate, yard size, and volume that you would see on a regular domestic allowance application.

**T. Wall-McDonald:** Regarding 60DF-Part B, all other applications include a filing fee. Why is there no fee on Part B?

**E. Mace:** The standard application fee for the equivalent of a domestic allowance off-reservation state form 602 is \$125. Those have to be notices of completion. On reservation, we have guiding language about application fees. They should track what is done off reservation. Domestic allowances are pretty equivalent to a 602 so we have matched that

Key: Underline = Action item

Normal = Discussion, comment, and/or update

filing. The difference between on and off is that on reservation they envision that people will apply in advance to get the well, so they have to suggest their uses before developing. There was desire for this to make sure people also were far enough away from septic and that people would follow appropriate well construction standards. We debated where we should do half the fee up front, and the other half with part B. Part A does not give them an established water right. When you come back with Part B, you have to confirm you did what you said or that any modifications fall within the requirements.

We thought it would be better to frontload the application fee on Part A and Part B would allow you to complete the process and get a water right.

**R. Noble:** That is the interim process?

**E. Mace:** Yes, that is what the Board previously agreed.

**T. Wall-McDonald:** The other form (substitute well) is a completion form so it is a bit confusing.

**E. Mace:** The other completion form for substitute wells does not have a Part A, it is just a notice filed after a substitute well is drilled.

**C. Matt:** The current interim process did not require a fee?

**E. Mace:** Form A is \$125 and \$0 for form B. That is the same as we see on these form updates. We did charge for people to submit applications to the office. The proposed policy does not just limit applications to coming in and using an existing well if they have it complete with an unauthorized use. There is also an option here for people with authorized uses of water to add to their existing uses so long as they do not exceed in totality the maximum volume and flow rate limitations. For example, I have an existing 602 with 1 acre-foot for my house. My daughter would like to construct house and would like to connect her house to my well. There is no need for me to double up my wells. The applicant currently does not have a way to resolve this issue. This policy would provide a path forward. People would not be able to exceed the maximum domestic allowance volume of 2.4 acre-feet per year per well. We have three people who are in this situation that call periodically.

**R. Noble:** If you have 3,000 plus applications out there waiting for review, how do we know these people are not one of those 3,000 applications that have not been entered in the database yet? How do we avoid duplication or redundancy?

**E. Mace:** We are currently checking. All applications filed before the effective date are in the suspended status/DNRC will look for apps after the effective date that they can search for us. Pelah usually looks for us. This is how we avoid these redundancies. Additionally, we will eventually receive those applications for processing. There are likely to be situations where there are registrations that cannot move forward. A policy like this would give a backup to resolve their use issue if they cannot make it through the registration process from filed uses for whatever reason.

**C. Matt:** Form A gives permission to construct, and form B is filed to notify us of completion?

**E. Mace:** Yes.

**C. Matt:** Exactly how does this apply to an existing well?

**E. Mace:** We still expect people with an existing well to follow this process. When they file form A, they will provide well logs, maps, etcetera, then we will review it like we do with normal part A applications.

**C. Matt:** – As we transition from the interim process for these applications what is left to

Key: Underline = Action item

Normal = Discussion, comment, and/or update

transition? Will action on this today advance this process?

**E. Mace:** We have another hiring period and one after that which will give us the capacity to operate outside of the interim period. There are 14 types of water rights that need to be moved forward. Geothermal, changes in use, permits, substitute wells, etcetera. The website will be very important for us to achieve what is needed and we also have more work to do with the water rights database and registrations. The database is being enhanced to include the types of water use that this office will be issuing.

**C. Matt:** Would it be helpful to have in the next meeting or two to follow along a demo of the State Database?

**E. Mace:** We could certainly try to get that set up on the list of things of key items to be accomplished. I'm happy to provide that and one of the most crucial things is a budget.

**E. Mace:** Back to the policy, the memo does touch on issues of resource and economic impacts. It is important to acknowledge that this policy reduces the number of aquifer points of potential pollution. It also prevents an applicant from having to drill a new well when the use is equivalent to a domestic allowance. Economically it is an issue of fairness: why is this different than registration? It seems unfair that people will be able to apply after the fact for not following rules. Anyone that failed to register will have a junior priority date and more restrictions when compared to registrations. Those reasons resolve the fairness issues. Fairness is subjective though.

**C. Matt:** Once we make a decision then maybe we could develop a way to share this information?

**E. Mace:** The Q and A is about to go out. This document in whatever final form will be part of our records. It will be posted in the important documents. This memo was written with guidance from the Board that we want people to be in compliance. This policy also discusses specific language in the ordinance, and it explains that we will try not to misstep. The ordinance does have specific language about filing before drilling, but it does not prevent this proposed policy.

**C. Matt:** For practical purposes we're talking about domestic allowance category wells that are probably in existence even before the compact being what fits here.

**E. Mace:** I think that that would be the lion's share of things. It's always hard to predict how many we will have. There's a majority of wells existing before the compact was implemented. A number of wells are recorded in the GWIC, which allows us to see when a well was drilled. This is geared towards domestic wells in existence before the effective date.

**C. Matt:** We are here to take action to approve the recommendation

**E. Mace:** I know that this is a lot, but we need guidance on this. We can break it apart if needed.

**T. Wall-McDonald:** We have not voted on existing memos or the forms? I am concerned that when they are adopted, is it possible to specify when things are approved? If forms are embedded with the process, we need a clear record of the form approvals. We may have a modification date when completed.

**C. Matt:** We do not need this today?

**E. Mace:** We have a plan to add a date once this shifts from draft to an official form. This approval will be recorded in policy document and be in the meeting notes. There will be

three points of record keeping about the decision. It should be assumed that the board approved any form that is used. The board is required to vote unanimously on the forms. If this is not a unanimous vote, then the forms cannot be used.

**M. Rao:** I just noticed one thing. When we discuss existing uses and the instructions (pg 4 of 6) it is not clear. Did you put water to use before effective date? It then goes into other questions. We need to specify that if you drilled after the effective date then you must file both form A and form B. By putting in the existing wells, we need to specify that if after the effective date and before the current date then you cannot drill your well before filing part A, unlike with existing uses that you can drill before filing part A.

**E. Mace:** We can add specificity, but we have to factor in the grace period up until May 31.

**R. Noble:** The priority date is the main thing. They will be junior to anything else.

**M. Rao:** We must be clear to people that they have to file part A before drilling. We don't want to make the impression that we can drill first and file later.

**E. Mace:** People will at least ask.

**C. Matt:** Maya, what would give a water user the belief that they can drill before applying?

**M. Rao:** The first page specifies, but page 1 of instructions says option about "did you already put your water to use?" This needs to be clarified. If you are after the effective date you need to file Part A first.

**C. Matt:** Ethan, is there something we can do to clarify this?

**M. Rao:** My suggestion is under qualifying question, state that if not, you must file Part A before drilling. Adding this clarification might be helpful to allow consistency in the form.

**E. Mace:** There are no exceptions. You are not circumventing the instructions because it is not being drilled. All the wells will already exist. I will add clarification, but do not want it to hold up the project.

**C. Matt:** If we take the action with the intent that we will amend the instructions to make it clear. We may like to see that at the next meeting.

**K. Pitt:** My preference would be that we vote on this and allow the engineer to amend the application with the noted change.

**R. Noble:** Some of the issues that Maya brought up are going to be coming up anyway. Other thought, other regulatory agencies once they develop a new form, that is the form. I would prefer that if we adopt this form that is the only form that gets used. If someone brings in an interim form, they will need to file the updated correct form.

**E. Mace:** We can make that happen. So long as in this clarification. Happy to redirect people to file on the correct form. We would probably send a letter of defect. On the forms that we already have in which we have already sent a defect letter then we may have a problem.

**R. Noble:** Only new apps should be filed.

**T. Wall-McDonald:** Regarding the policy clarification and the forms she supports it moving forward. Are these policy clarifications reviewed by legal counsel?

**E. Mace:** That is correct. Legal is on the line.

**H. Frandsen:** At this time what has been commented on are things that they raised in their memo. They are happy to talk more to get this thing finalized.

**E. Mace:** I did accept all of legal's suggested changes.

**C. Matt:** If we take action now do we need additional time for public comment?

**E. Mace:** This information has been posted for the required 48 hours. These updates are

Key: Underline = Action item

Normal = Discussion, comment, and/or update

consistent with what the board has envisioned.

**E. Mace:** If you approve this memo, A, and B we will amend the instructions

3.3.5. Public comment

**No public comment**

3.3.6. Board action on Engineer's Existing Well Memo

3.3.7. Board action to end interim process for Individual and Shared Domestic Allowances

Motion by K. Pitt to approve forms A with clarification about the drilling date, Form B, and the existing well memo.

Second by T. Wall-McDonald with question about approving other forms and ending interim process. Confirmed that K. Pitt will handle that later.

Vote: Approved (4 to 0)

3.4. Interim process for Substitute Well Notice of Completion

*\*\*Notes for 3.4.1 – 3.3.2 are combined. The conversation grouped these items together\*\**

3.4.1. Updated application Form 634-F

3.4.2. Transition authority of interim (older) forms to Office of the Engineer

**E. Mace:** This form is based on a water right that is on an existing well. If the existing well is failing, you can drill a new well and if it is the same aquifer and same uses this form can be filed. The applicant must abandon the old well based on the procedures in the Montana well driller standards. When people are in this situation, they are in a hurry to resolve this issue which is why there is a notice of completion. Since there is no form A, the application fee is \$100 on the Notice of Completion. There will need to be a small modification in the "Important" section on the front. Item 5 or "V" will be added to state that the applicant must file the form within 60 days after a substitute well is completed and delivering water. Should the board approve the form, there will also be a date and we will add the approval to the ongoing procedures and policy list that we have.

**C. Matt:** Has legal seen it?

**E. Mace:** This was in the packet for them, but I did not reach out. This is a redo of the existing substitute well form that has already been out.

**R. Noble:** What do they do if it is beyond 60 days?

**E. Mace:** We did discuss the ordinance in depth originally and they would have to file a change if they do not file the form. We did discuss an extension to allow an applicant to file if they missed the 60-day deadline.

**C. Matt:** Remind us what technical work you do to confirm that the well meets the substitute well criteria.

**E. Mace:** We look at old well log and compare it to the new well, specifically, the depth. We also look for new additions in aerial photos. We also look at the pump and casing information. Mostly casing, if the casing is too large, we will need more information because bigger casings allow bigger flow rates.

**C. Matt:** And we verify that the well has actually gone bad?

**E. Mace:** We assume that if an applicant is going to abandon the old well, which we do require, something is wrong. I don't need to go out and look at the well I can offer my

Key: Underline = Action item

Normal = Discussion, comment, and/or update

expertise on how to resolve a well issue before suggesting that they drill a new well. If they're putting in a new well, we assume it is bad.

**T. Wall-McDonald:** How do you document that a well has been abandoned?

**E. Mace:** There is a process in GWIC. A licensed well driller will provide that information. Most of these are installed and abandoned by licensed well drillers.

**C. Matt:** Looking at substitute well do we absolutely confirm that they had a well?

**E. Mace:** The declaration language at end of this is like other ones. We more often see people filing for a new well when they should be filing for a substitute well.

**C. Matt:** – Our action would end the interim process and update application form 634F and include the update on the front page.

### 3.4.3. Public comment

**No public comment**

### 3.4.4. Board action to end interim process for Substitute Well Notice of Completion

Motion by T. Wall-McDonald to approve 634F Substitute Well Notice of Completion including Ethan's additions to the front page and the action to end the interim process

Second by R. Noble

K. Pitt discussion: Should include other two forms (60DF – Part A and B), and end the interim process.

Motion amended by T. Wall-McDonald to approve all 3 applications and end the interim period.

Second by K. Pitt

Vote: Approved (4 to 0)

### 3.5. Board memo on Legal Communication Guidance

**E. Mace:** You and legal had requested a clarification on communications for contact with legal to help guide our legal services. Legal got it late and did not have a chance to sculpt the document in advance, but they did have comments that have been printed off to help shape discussion between the board and legal counsel. The memo points communications towards the engineer as primary contact and board chair as a secondary point of contact. If legal is guiding personnel and legal issues that engineer should not be part of then the primary contact shifts to the Board chair. The Chair can also delegate points of contact to others if they are involved in legal proceedings. Billing is routed through the Office of the Engineer and communications about billing and overages will go directly to me. Workload tracking is assigned to me. The board does not have a loss of control over assignments or workload priority. This is clarification for organizational sake. Attendance at meetings and other billable venues is assigned to help keep track of budget, which is assigned to the engineer in the ordinance. Legal memos should be sent to the board in a way to avoid reply all situations that would create a virtual public meeting. This is a draft, and the Board will sign off on (chair and vice chair) should the Board enact this. Anything written here, the board should change.

**K. Pitt:** I have concerns on the last paragraph with the blind copy. Under Montana Law we're supposed to be encouraging public comment. I am just uncomfortable with it.

**C. Matt:** The comments are initial here and legal counsel is following.

**E. Mace:** Hallee if available, you can talk through issues you have.

**H. Frandsen:** In agreement with what board member Pitt stated, HF represents her initials and JT is Johns initials through track changes comments. We didn't have much time to review but wanted some commentary. Our concerns are in line with board member Pitt's comments that the Board needs to be transparent and the Board needs to be informed of communications between counsel and engineer and that they approve of the lines of communication.

**E. Mace:** I would like to talk about and clarify the last section of memo. If he was to send email to board members, those in the blind copy on all reply would not receive reply all emails to prevent quorum. It eliminates the chance for email communication about substantive documents that needs to happen in a public forum. This does not prevent openness or transparency. It prevents accidental quorum on draft documents. It does not keep a Board member from commenting directly to legal counsel or to the engineer, and it does not circumvent Board comment in an open meeting.

**K. Pitt:** I hear the concern, but I think it should be worded differently.

**E. Mace:** We can modify it or eliminate it.

**K. Pitt:** I like what John suggested. The policy is that Board members do not reply all and only respond to legal counsel with the engineer CC'd.

**C. Matt:** I would like to see a final draft. Roger agrees. We would like to see the comments incorporated into a final draft.

**E. Mace:** We've been detracting this operation. This is not super pressing. Any delay to this document is not a big deal.

**T. Wall-McDonald:** I do appreciate the reference to workload tracking. I would like to see the report at some point

**C. Matt:** If the Board redrafts the memo to incorporate the comments and the Board then approves, is there anything that Hallee would like to comment on? This seems like a good place to start. But where do you sit?

**H. Frandsen** – If the comments are incorporated that is all that they had wanted to change. I request a final draft before the next board meeting. This is a way for staff, the Office of the Engineer, and the Board to field legal questions. This provides a synopsis of what legal is doing for the Board and the order of work.

**C. Matt:** I would like to focus on the communications memo. Paragraph 1 and paragraph 2. Read through and tell me in your mind what it means.

**E. Mace:** We need to establish one centralized and organized approach to legal services. The Board also needs to establish a mechanism of oversight. So, what this means to me is for the vast majority of communications that happen, they will be between your executive and legal counsel, copying the Board Chair. So, you've got a main hub of organizing work under your direction and working to prioritize legal view and prioritize projects to help get parts organized. You will have



knowledge that you will be copied on everything but administrative parts of the effort. The Chair can determine if someone else should be involved. You will have access to all of this information. I did ask counsel to provide a review of the existing well memo. They were very responsive.

**K. Pitt:** This memo does not preclude the chair from going to legal counsel?

**E. Mace:** No, and we can make a note to add that in there.

**C. Matt:** We will look forward to the final step.

**E. Mace:** I will provide the next step in the drafting and provide the next draft.

3.5.1. Public comment

**No public comment**

3.5.2. Board action on Legal Communication Guidance memo

**No Board Action**

3.6. Board/Office website .gov extension application

**E. Mace:** I am seeking permission to proceed with applying on behalf of the Board and Office of the Engineer to obtain a .gov status. Absent redirection, we will seek getting the FRWMB.gov email extension.

**C. Matt** – What does the application process entail?

**E. Mace:** There is steep criteria to receive a .gov domain. This is a formal application. For us to go through this process, someone will look to confirm that we are a government entity. There is no fee, it takes 30 days to approve. There is no monthly fee for a .gov designation, but I cannot guarantee that status will be maintained.

3.6.1. Public comment

**No public comment**

3.6.2. Board action to authorize the Water Engineer to apply for .gov extension

Motion by T. Wall-McDonald to authorize the water engineer to apply for .gov extension as soon as possible and to keep the Board updated on the process

Second by K. Pitt

Vote: Approved (4 to 0)

**4. Legal updates (Hallee Frandsen)**

4.1. Board Funding Memo

**H. Frandsen:** The memo is up for approval of publication to the website. The latest updates since this was last reviewed is to account for the governors line item budget that was recently published and to account for application fees received by the Board and how those are utilized.

**K. Pitt:** First paragraph after statutory authority. It should be tribes, not tribe as it is tribes throughout the rest of the memo.

**C. Matt:** Good comment. Ethan, is there anything you need to do with this.

**E. Mace:** I am okay with the memo but I did add that some funding for the Board and Office of the Engineer comes from application fees.

Key: Underline = Action item  
Normal = Discussion, comment, and/or update

**C. Matt:** Are we looking for Board approval?

**E. Mace:** Yes, we are at a point for this to be finalized and approved by the Board. This would be posted to the website with other important documents. We will make the tribe change by Ken unless the Board has other changes they would like to see. We will also remove the draft watermark.

**C. Matt:** Melissa, do you have any input? I ask because it pertains to state and tribal. I want to hear from them both.

**M. Schlichting:** I have no input. I looked at the original version of the memo but I have not looked at the revised version. I did not have any problem with the previous version.

**C. Matt:** – Who is here with the state?

**P. Hoyt:** I did not review this memo.

**C. Matt:** Did you need to? Should there be any reason to revisit this in the future, make sure to bring it to our attention.

**R. Noble:** Arne Wick provided information about it via email on November 17<sup>th</sup> and it has been incorporated. It is consistent with what is in the memo

#### 4.1.1. Public comment

**No public comment**

#### 4.1.2. Board action on Board Funding Memo

Motion by R. Noble to approve the Board funding memo with tribe to tribes change and the change from draft to final

Second by T. Wall-McDonald

Vote: Approved (4 to 0)

**E. Mace:** About what you just approved. Hallee will you update the memo?

**H. Frandsen:** Yes. I will have it done today.

#### 4.2. Six Pony Hitch Logo Contract discussion

**H. Frandsen:** This item regards Board approval and signage of the Six Pony Hitch contract. It relates to the last document approved between the Board and Dan Holland, artist. Was the contract sent to the artist for signature and notarization?

**E. Mace:** I Believe that the contract was sent by Cristy, but she is out this week.

**K. Pitt:** The contract was notarized and returned to the office.

**H. Frandsen** – The IP acquisitions contract must be done before entering into the logo design contract. I would hesitate entering the contract before having word from the artist. Without contact from the artist, this would raise an issue.

**C. Matt:** Is there an option to approve the contract pending finalization of the contract with the artist?

**K. Pitt:** I agree with Hallee. The indemnification clause is very strong.

**E. Mace:** I encourage the Board to do what is possible to move the logo along.

**C. Matt:** We will table this until the next meeting

**P. Hoyt:** Are you suggesting that we do not approve now?

Key: Underline = Action item  
Normal = Discussion, comment, and/or update

**C. Matt:** Yes

**P. Hoyt:** Without a logo, the website is delayed, and the certificate development is also delayed. I request that the Board authorize this contingent on the finished contract with the artist.

**H. Frandsen:** No objection to this suggestion

**C. Matt:** We have the option to hold off and wait or approve contingent on agreement with the artist.

**K. Pitt:** I support approving with the contingency

**R. Noble:** On this contract, Ken signed the agreement with the artist and Ethan should hand deliver it to the artist and go over it with them to answer questions. This will be faster. The Six Pony Hitch contract also references the Flathead Reservation Water Management Board and has Robert McDonald as the contact. I don't think that should be there. It should probably be the chairman. We should request that Six Pony modify their contract.

**E. Mace:** I can make those changes happen. Should the chairman or engineer be the point of contact?

**R. Noble:** The Engineer can be the point of contact.

**E. Mace:** The Board should still authorize the contract which is separate and different from assigning the point of contact. I will not be making changes beyond what you are seeking

**C. Matt:** With those changes does the Board want to take action on this?

#### 4.2.1. Public comment

**No public comment**

#### 4.2.2. Board action on logo contract

Motion by T. Wall-McDonald to approve the contract contingent upon the artist signature to remove the reference to Robert McDonald and Ethan is the Point of Contact, but Chairman C.

Matt will sign the contract

Second by Roger

Vote: Approved (4 to 0)

**\*\*5 Minute Recess\*\***

### **5. Water Engineer Report (Ethan Mace)**

#### 5.1. Operational updates

##### 5.1.1. FAQ

**E. Mace:** We're about to roll this out and we did enjoy legal review. They made appropriate changes to it.

**C. Matt:** Have we seen it?

**E. Mace:** No, there were some points to shift around after legal review. You will see it on Monday.

##### 5.1.2. Awnings

**E. Mace:** The awnings are in and complete thanks to James

Key: Underline = Action item  
Normal = Discussion, comment, and/or update

**C. Matt:** Where did you get them?

**J. Frakes:** Missoula

5.1.3. Heater check and electrical upgrades

**E. Mace:** The heater was checked, and it is operating in normal parameters. We did need new filters. The landlord has agreed to the electrical upgrades. The sump pump will get its own switch. In the auditorium, there are new LED lights. When you turn wall sconces on, all electrical outlets also turn off. She's agreed to seek correction for that issue.

5.1.4. Other Items

**E. Mace:** I received my desk.

5.2. Update on hiring of Water Conservation Specialist II

**E. Mace:** We have around 8 to 11 applicants. We are working with AAE to get the first screening done on those. There was an issue with Indeed. It was listed as a full-time remote position. The announcement was listed with the environmental group and AWRA pushed it out. We will keep you posted.

5.3. Office of the Water Engineer IT upgrades

*\*\*Notes for 5.3.1 and 5.3.2 are combined. The conversation grouped these items together\*\**

5.3.1. Quote for office low voltage wiring: \$5,882

5.3.2. Quote for front door security camera, Access Points, Licensing: \$2,424

**E. Mace:** The Board will need to approve a large fiscal upgrade to this building. The IT services currently include a wireless router located near the printer that serves the WiFi connection. This connection is challenged when all staff is in the building. Low voltage wiring would provide hardwire connections and would provide remote access points for wireless service as well. Pucks will be used to spread the service out. Quotes will reorganize the wiring and handle front door security camera, access points, and licensing. The new camera will not be tied to the existing security system in the building.

The low voltage quote is \$5882 and includes multiple drop points throughout the building. The scope document will show a diagram of the building (not to scale) but it does designate where wire drops will go. This scope document was developed with my own input. I do not have multiple quotes for the wiring. That is only something that can be solicited if needed. This upgrade is the first step to getting office computers that will work like a standard office IT infrastructure.

5.3.3. Public comment

**No public comment**

5.3.4. Board approval/direction for IT upgrades (NTE \$8,500)

Motion by T. Wall-McDonald to approve the suggested quotes to get the building up to snuff for staff.

Key: Underline = Action item  
Normal = Discussion, comment, and/or update

**R. Noble:** It's got a CAT 6 – Is there a significant difference between CAT 6 and CAT 10 which is what other offices use?

**E. Mace:** CAT 6 should be more than sufficient. We are still waiting for confirmation from the landlord for this. If the Board wanted a camera in the conference room, this quote does not reflect that. We can explore wiring variation.

**R. Noble:** Is the backdoor security locked?

**E. Mace:** I am planning to seek a quote on turning the backdoor into a push bar. It currently only has a dead bolt. It is secure, but there is no handle.

Motion seconded by K. Pitt.

**C. Matt:** Approving this also means that we do not need to explore the CAT 6 question and Roger believes that KC should confirm the load that CAT 6 can support.

Motion amended by T. Wall-McDonald for approval to be contingent on approval from landlord and CAT 6 exploration, not to exceed \$8500

Second by K. Pitt

Vote: Approved (4 to 0)

#### 5.4. Additional Two work areas in auditorium

##### 5.4.1. Proposed office schematic

**E. Mace:** We are proposing two work areas in the auditorium. We think adding partitions will provide workspaces and lessen the noise in the room. This will block off the bathroom door. No one uses that door. We will foam cover the door and put a cabinet in the bathroom. This arrangement allows the one partition to move out for public meetings. We have two options for the divider quotes

**T. Wall-McDonald:** If we have two workstations, would one person be displaced during meetings? Logistically, how does that work?

**E. Mace:** The people will be displaced, but we will have options to move around. We are working to ensure that our workstations can be moved around.

**T. Wall-McDonald:** This is reasonable. I prefer the lesser cost not to exceed \$6500. I would motion that we proceed with a limit not to exceed \$6500

**C. Matt:** Comment: The board should consider issues like wiring. That sounds like a specialty deal. When we got this quote, did we consider any local, on reservation, contracts that could do this work?

**E. Mace:** I am not aware of anyone that provides that service locally, but I'm happy to entertain anyone that could do the work.

**T. Wall-McDonald:** Any on reservation servers should be consulted. I will withdraw my motion if that is what the Board would like.

**C. Matt:** Ken, what would you like to do?

**K. Pitt:** I would like to have local options considered, but can they do work in a timely manner?

**R. Noble:** I concur with Ken and Teresa's comments, but \$2200 is pretty reasonable for what they're requesting.

##### 5.4.2. Quotes for dividers

5.4.2.1. Quote option 1 (Local) - \$ 2,214/workspace= \$4,428

Key: Underline = Action item  
Normal = Discussion, comment, and/or update

- 5.4.2.2. Quote option 2 (Hon) - \$ 3,157/workspace = \$6,341
- 5.4.3. Estimates for desks - \$600/desk = \$1,200
- 5.4.4. Misc. office furniture and equipment- total \$800

5.4.5. Public comment

**No public Comment**

- 5.4.6. Board approval/direction for additional work areas in auditorium (NTE \$6,500 or \$8,500)  
Motion amended by T. Wall-McDonald to move forward with a cost NTE \$6500. Ethan  
should look for local options first, then proceed with option 1 if other options are not found.  
Second by R. Noble  
Vote: Approved (4 to 0)

**C. Matt:** That didn't include the desks, did it?

**E. Mace:** The math is good, and desks are included in the dividers. \$6500 is sufficient.

## 6. Board Member Updates

**T. Wall-McDonald:** I do not have an update but a comment. During the November 17th minutes, we took action on the 17<sup>th</sup> with Glacier Bank. The acting superintendent had made a comment about an unfortunate situation that he had been in. She believes that we may not have adequately handled that issue. We need to have the right type of agreement and the necessary sideboards in terms of who can sign. We are fiscally responsible in that regard.

**C. Matt:** I was not there but do understand that the agreement was to extend protections to our account beyond the amount covered by FDIC.

**T. Wall-McDonald:** I believe that we may not have explored that enough. Thank you for clarifying. I believe that we are okay

**R. Noble:** I think we are good. We ensure the entire value of our account. We made a good decision.

**K. Pitt:** We did not address the 6th members experience but I don't believe that it was necessary.

**C. Matt:** If it was an issue I would expect the Board member to bring it forward and we will revisit it if necessary.

**T. Wall-McDonald:** I agree that it was a good decision. I have two other comments.

**T. Wall-McDonald:** I hope that at some board meeting we can talk about administrative guidance related to Board member compensation and uniformity. Additionally, now that we have a memo from legal advisors about funding and statutory authority, does it move us forward toward insurance? We should address that at the first of the year.

**E. Mace:** We have been in contact with tribal benefits to see if they would cover us. That is not successful because the Board is not 50% tribally owned or operated. We have had no resolution toward this. We will have to go to the private sector.

**T. Wall-McDonald:** I am not raising the issue to promote a large expenditure, but there needs to be proper coverage while they perform their duties. I believe that we are covered if we are acting under our official duties we are covered in some form.

**E. Mace:** There is some information in the compact about immunity for the Board and the Engineer so long as they are acting within their official capacities.

**C. Matt:** Should we consider other options?

**E. Mace:** I am not sure. I am trying to share information that I do have.

**R. Noble:** I have shared Teresa's concerns. It seems that we should ask legal counsel about the adequacy of language in the ordinance and wind up how we stand with liability and then proceed forward based on that

**K. Pitt:** Rogers comments are sufficient

**R. Noble:** We have approved a lot of administrative items in the past two sessions. Earlier Chairman Matt requested a flow chart. We should have an executive work session about board compensation and that flow chart. Maybe we do this after the January 5<sup>th</sup> meeting.

**C. Matt:** We just want to make sure we'll all on the same page.

**H. Frandsen:** Regarding insurance, the funding memo touches a little regarding the funding agreement between the state, tribes, and federal government. It is discussed briefly, but if the board wants, they can dive deeper into that. Insurance and liability coverage will need to be a conversation in an executive session. I am planning to have a draft by-law. A beginning of the year executive session would be good to discuss those matters.

**T. Wall-McDonald:** I have not yet filed for any reimbursement on Board time. Do I need to file for these before the end of the year? Is there a calendar year issue for accounting reasons? I don't want to do something that causes issues

**C. Matt:** Ethan, would you be able to find out?

**E. Mace:** I actually just have a recommendation. If possible, I'd like to start the new year knowing there is no past year expenses. I do not believe that there is a policy set to that effect at this time. I have not participated in any of the Board requests for reimbursement to date.

**C. Matt:** Ethan's suggestion is to have it done by the end of the year although it may not be an issue.

**M. Schlichting** – It would be helpful to have 1099s for proper compensation. It prevents issues for next year.

**E. Mace:** Let's suggest a date for submissions for compensation to be made. Does the 20<sup>th</sup> work? Board members agree with Ethan's suggestion.

**C. Matt:** If there is a problem, let Ethan know so that we can adjust.

## 7. Public Comment

No public comment

## 8. Next Steps/Meetings:

8.1. January 5, 2023 (in-person)

**9. End meeting (Board Chair)**

All in favor, 4 of 5.

DRAFT