

# Flathead Reservation Water Management Board

## DRAFT Minutes

February 09, 2023, from 3-5:30 PM  
(Meeting time may run longer if needed)

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

Virtual at Zoom Link: <https://zoom.us/j/98716492570>  
Join via phone +1(346) 248-7799 | Webinar ID: 987 1649 2570

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

1.1. Opening Prayer

1.2. **Attendance: Clayton Matt, Georgia Smies, Shane Hendrickson, Teresa Wall-McDonald, Kenneth Pitt, Roger Noble**

1.3. Introduce new Office of the Engineer Water Resource Specialist, Kerri Mueller (E. Mace)

1.4. Announce meeting minutes on DNRC & CSKT websites.

1.5. **Adopt agenda with changes per Chairman and Engineer comments.**

**Motion to adopt agenda: R. Noble**

**Seconded by: K. Pitt**

**Vote result: 5 out of 5**

**C. Matt:** I have a couple comments on the agenda. I want to leave it open for any other board members who may have some input.

**K. Pitt:** The agenda is overly ambitious. Roger and I spent numerous hours yesterday going over the bylaws. I do not want to speak on behalf of him, but I will. We both agree, we need to have a special meeting just to address the bylaws.

**E. Mace:** I have 3-line items to add to the action items under the Office of the Engineers office.

**C. Matt:** Do you want to add them now?

**E. Mace:** I can add them when we get to the Engineers report, the context should work.

**R. Noble:** I think you will have to add them now so we can adopt them on the agenda.

**E. Mace:** Item 7.2.9 Increase the amount of cleaning services and the monthly payment amount. We also need to change the order from the low voltage installers to \$1343. Authorization for Kelley Connect for fees for migrating email accounts.

**J. Frakes:** It has been taken care of.

**E. Mace:** Never mind, it is all taken care of. We will only have the 2 items to add to the Engineers report.

**C. Matt:** So, then no Kelley Connect service fees. Only items 7.1.4 and 7.2.9 and the dollar amount. My thoughts on this agenda and leading up to this today, we will have to have another meeting to go over the bylaws. We can discuss having work sessions. At the end of this meeting, it is designed for us to move directly into a work session. Just due to the magnitude of the subject we will not complete that and act on approving the bylaws today. Just due to comments by Ken, Roger, and my own readings on

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the bylaws, we will need another meeting or work session to go over the bylaws. If we keep the work session on the bylaws at the end of this meeting, I would like to remove the public comment section. There are items we might cover in a work session in this meeting.

**K. Pitt:** I am okay with that.

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

**Lisa and Mike Rasch:** I have emailed a letter to look for some direction on replacing damaged wells for a commercial orchard. There was not much clarity on our end on how to resolve the issue.

**C. Matt:** Please respond to his request Ethan.

**E. Mace:** We will continue to work on it.

## 3. Board business (FRWMB Chair)

### **3.1 Approve meeting minutes from January 12, 2023**

**Motion to approve minutes with corrections: K. Pitt**

**Seconded by T. Wall-McDonald**

**Vote result: 4 out of 5, Roger abstained due to being absent.**

**C. Matt:** In the packet it says agenda, should that say minutes?

**E. Mace:** Yes, they were based off the agenda and the title was left on it.

**C. Matt:** Board members if you want to look at these and then we can make a motion to approve them.

**K. Pitt:** There are some typographical errors in the minutes. I see one on page 3, it says I am just sharing this information. It should say I am sharing this information given to me by Roger.

**R. Noble:** I wasn't here at the meeting.

**K. Pitt:** On page 4 sentence 5 it should say section M. With those corrections I will motion to approve the minutes.

**R. Noble:** For the record, I will have to abstain. I was absent.

### **3.2 Schedule Work Session (FRWMB Noble)**

**R. Noble:** I want some work sessions to discuss health insurance for employees, big ticket expenditures, hydrogeologist position and board indemnification, the status of the 1300 reviews that are still out there. It would be good to have a work session. The board is responsible for providing guidance to the Office of the Engineer, and this is an appropriate time to do that.

**K. Pitt:** I have a question Mr. Chairman. Roger, are you suggesting that we have a work session for each topic?

**R. Noble:** No, we would put it into one meeting. Depending on how many items are on that agenda, I know that other people have other employment requirements. We can schedule it around everyone's availability too.

**K. Pitt:** I concur with Roger.

**C. Matt:** **Well having thought a little bit about it, I think we can discuss this today.** We should compile a list of topics for our work session. Roger could help coordinate this for the board. Roger named some items. I have other topics we could talk about. The open meeting laws, the database, personnel policies, health insurance, indemnification, and the budget. I suggest for the development of this that you would want to throw some topics out today. Would we like to start that today, Roger

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can you start compiling those? I'm not sure how would you like to proceed Roger? Would you like us to provide these suggestions through email and you can compile it?

**R. Noble:** Yes, everyone can send an email with their thoughts. I can work with Ethan. This way we can look at availability. We might have to have it on a Saturday. This way we can prioritize going forward.

**C. Matt:** I'm assuming we would like topics and input from Ethan.

**R. Noble:** Yes, we would like to have Ethan's input.

**K. Pitt:** Be mindful of open meeting requirements when sending comments to Roger.

**C. Matt:** If we do not make any decisions, we will be okay with open meeting laws. If we are only compiling a list. We will need to be cognizant of public notice and participation and public comment and treat any work session we have as an open meeting. There are some topics that would benefit from committees. We could have working committees for some of the topics. Might want to keep that in mind as well.

**K. Pitt:** I am worried about the CC's, the carbon copies. If anyone sends it to the entire board it becomes a public document.

**C. Matt:** I am fine with sending the comments to Roger. I think we will need to look at that in the open meeting laws. For now, just send your comments to Roger, board members are you good to move on from that or do you have more discussion on work session items.

**G. Smies:** Who will coordinate us getting on the same date and time? Will there be a doodle pool to schedule a date?

**C. Matt:** Roger will work with Ethan to coordinate.

**R. Noble:** I will work with Ethan. There's that monkey survey, survey monkey.

**E. Mace:** Just so I understand if the board will. For the work session you're thinking of a longer period. More than we usually spend on one of these meetings.

**R. Noble:** With the topics that we will need to discuss it could be anywhere from 4-6 hours.

**E. Mace:** Just throwing out ideas here. If we need to have shorter Thursday meetings, we can do that. I am willing to do whatever works best for everyone. We could consider Thursday for the work sessions and a smaller number of topics. Since we do Thursdays now.

**K. Pitt:** I am not available on Thursday mornings.

**E. Mace:** I know, I am suggesting Thursdays during this time. We do not have to decide now.

**T. Wall-McDonald:** I think that could be an option.

**C. Matt:** Let us look at those options when you are going through them.

**S. Hendrickson:** I support the work sessions. Whatever frequency we need to do that. Would we need to approve the bylaws before we have these work sessions? To determine how we use these meetings. They are in the draft now.

**C. Matt:** I think if we follow open meeting laws having these work sessions, we should be fine. Whether we have the bylaws established or not. The bylaws are probably going to be one of those discussions. Maybe that will be our first one. That's my thoughts on how to proceed.

#### **4. Draft Form 60DF(D): Development Domestic Allowances (Mace)**

##### **4.1 Discuss draft.**

**E. Mace:** You have draft form 60DF (D) for domestic allowances. As a reminder a small domestic development is a small subdivision that serve 4 or more homes. When we last met, we had a draft out

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there for public review. It's been out for the public for some days. This draft is adding additional definition language to what a development is. The definition of language comes from the Ordinance.

#### **4.2 Memo on water use standards**

**E. Mace:** There is some interest in having a memo to explain water use standards and what the approach would be for applying water use standards. I have tried to put together a memo for what the office would do for water use standards. What we are looking at the individual, shared domestic allowances, the development allowances the maximum yard sizes, mandatory stock tanks, automatic water existing, making sure they're no pits or ponds, flow rate standards and when you get into a development of domestic allowance there is a requirement to have an annual measure requirement. To speculate how much a house or a condo uses and then doing a mathematic calculation of the amount of use, I think this should be left on the developer; they are the ones who must provide us with an annual water measurement. It is up to them that their use is less than that maximum amount.

#### **4.3 Draft Water Measurement Reporting Form**

**E. Mace:** The board requested a draft water measurement form. We relied on the DNRC form, just changed the name at the top. Doesn't need to be the final form that the board and the office of the Engineer lands on. During the development of this form, we had several developers come in and discuss what their development needs are. We had a lot of technical work with the state and the tribe, and they are here and want the floor to speak.

**R. Noble:** Is this for a single well to serve a small subdivision.

**E. Mace:** The term of the ordinance allows for multiple wells to support a subdivision. No more than 1 well to support a home or business. A water measurement requirement would be placed on each well and accumulate for the entire development. This might be a concern of the development domestic allowance, its potential challenges to measure water.

**T. McDonald:** I have a question. For a single well, the filing fee is \$125.

**E. Mace:** The filing fee is for multiple wells but for the appropriation.

**T. Wall-McDonald:** If we are charging \$125 for 1 well, then why do we not charge more for multiple wells.

**E. Mace:** This would be for the appropriation. The board can decide differently. If a developer put in a single well and put the use in different areas, it is a difference in point of diversion.

#### **4.4 Definition of a Development discussion**

**S. Makepeace:** Hello board members. My name is Seth Makepeace. My title is compact officer manager/hydrologist for CSKT. I would like to speak on 2 topics today. I would like to speak to the technical consideration that the tribes in short time and not in fullness of thought prepared of development allowances and water use criteria. The development allowances, the relevant terms of development allowances are the definition of development, definition of domestic allowance and the definition of public water supply as (Per compact) and then section 22107117 which is the exempt wells for domestic shared and developmental allowances and additionally the 22128 which is the UAMO which is the board requirements for public water supply. To go to the end and then back we feel it's premature of the board to enable the development allowance permitting. The reservation isn't termed as a closed water basin, to do water development but to seek and achieve a permit aside from

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exempt use required mitigation for will adversely effect. That's an applied burden across Montana and the reservation. You will have to mitigate adverse effects to senior water right holders on surface or ground water. Both in terms of volume, you must have a pool of mitigation water and a technical demonstration of offset. A development allowance may become a vehicle to try and circumvent that. I don't know that it would. Developmental allowance may become a mechanism to try and circumvent the process. It is not a functional process to achieve a permit. What I bring forward as a consideration is that, at that point number 1, that in a work session that you consider some of the elements of a definitions of development. A closely grouped parcel under the same affiliation or ownership. What does that mean operationally? Those of you have read your bylaws and the way some of these codes work is that you have a code UAMO and you peel off some of the administrative rules or some propose with the bylaws the resolution which operational administrative procedures enable these activities to occur. In a work session you might want to put a resolution on this or put an envelope or boundary on that perspective. This is tribal perspective. Another thing to consider is that the current form has wells' as in plural. It doesn't have a definition of number of wells that may come in under a development allowance. Hypothetically, one might propose a development of 10 wells, and they would achieve the 10-acre feet annual criteria but then in the August time frame 10 of those wells might want to irrigate their garden or lawns and all 10 of them might run at 8 gallons per minute. Then you've exceeded the amount but have no measurement criteria. You have the definition of that, but you don't have an operational procedure to look at that. You might want to have a work session to discuss the number of wells allowed in a development. The other thing is the definition of a public water supply in the ordinance. There is the Montana DEQ circular 1 and the Montana safe drinking water act. A water use that has at least 15 service connections or regularly serves 25 persons for more than 60 or more days per year. An advocate for a development that is going to put 10 homes with 30 people on them then they would be under a public water supply. Then they would have to achieve public water supply requirements and the ordinance then calls out 22128 more specific water requirements for public water supplies. That's important point to recognize and in addition public water supply in Montana DEQ law, for new developments it relates to the redundant well requirement. So, if the developer for example proposes a development that achieves the 10-acre feet, but they can store water and they were able to achieve 50 or more equivalent dwelling units with storage units they would then have to have a redundant well per DEQ circular 1. It's shared by all for improving water management. The Tribes here are very focused on improving water management. Another thing is if a development might be adjacent to a existing community water supply, has the development done their due diligence to get out to the community water supply rather than develop new wells. I haven't had a chance to read the water standard use. On page 1 in the lower section, the Tribes would advocate that a development be required to demonstrate their water use standards as per there add bill plan, rather than saying we are going to monitor and cap you at 10-acre feet. That's how DNRC does business. They require a demonstration of their water use standards then your development allowance would be conditioned on that. Instead of saying we are relying on the monitoring of 10-acre feet and then if you are over it we are going to bring you down. We would advocate that the mimicking of DNRC protocols be required for the water use standards. I don't know that this would be necessary for domestic or share wells but would be something for development allowance may encompass that requirement. I am happy to answer any questions. I'm not sure how your meeting proceeds. In capsulating this, the burden to achieve a permit for surface and ground water is hot, the tribes have a great deal of senior

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water rights. The existing 8,000-10,000 existing permits and claims have senior rights and then new developments. There's a lot of senior water rights, aside from the tribe's water rights it's still going to be a burden to achieve a new permit. An avenue for the board to encircle back with resolutions or concepts to guide the technical team to advance those permits. I know we want to allow developers to proceed but we want to do it correctly.

**R. Noble:** Can you repeat your point for number 1? I didn't get all of that.

**S. Makepeace:** I said this a closed basin, but I wanted to enumerate difference between a permit and an exempt use and barriers to entry. #2 the definition of development and clarify some of the terms of development. Closely grouped parcels under the same affiliation of ownership. That might be hard to clarify or define but might be worth some more head scratching.

**K. Pitt:** You are suggesting that we use a resolution as an administrative?

**S. Makepeace:** I don't want to go back in history but UAMO there's an analogy that in Montana code through administrative rules could be anything. I know the current bylaws suggest they could be a resolution. I don't want to suggest anything, but DEQ circular 1 is a description of public water supply and the administrative rule at the state law it could be a resolution of the board.

**G. Smies:** As you've heard we are looking at going into working this out in a work session. Would the tribe have any recommendations on language to use for definition?

**S. Makepeace:** As you know the Tribes and state are in deep ground on what the foundation is of the UAMO, and I think the Tribes and state as lead by your Engineer could have a work session of our own in advance. The Tribes wouldn't want to have one independent of your team. The tribes and the state could have a work session with your engineer.

**C. Matt:** That touches on one of the items I wanted to address. One of the items you brought up on the public water supply and how it relates to redundant wells and the DEQ requirements, one of the things about this ordinance is that as a water rights ordinance it doesn't necessarily regulate water quality or those water quality items. You don't have to answer that today but it's on my mind is that this board addresses are what's on our ordinance and not what DEQ requires. Maybe there is language that overlaps there that we are required to comply with.

**S. Makepeace:** To respond to that, to check the box on the development form: does the proposed development meet the requirement for a redundant well. Then if not you move on, and the developer must sync up the different regulatory entities. If it checks the box on the requirement for a redundant well then it falls back onto this office for consideration. So, it's simply part of how the allowance form is filled out.

**C. Matt:** Is there a member of the state that would like to make a comment.

**M. Rao:** Chairman Matt, this is Maya Rao with DNRC. There is discussion of work sessions and possibly more meetings, maybe we could have contingent meetings.

**P. Hoyt:** The state would like to make 2 comments, 1 on 4.4 and 2 on 4.3 and the development allowance definition. Seth and Ethan have both shared that the ordinance provides this definition. We have had some people come into the office within the last month who have raised questions on what the definition is. I think the definition needs to be more refined. From DNRC's perspective it is important for this definition to be clear, refined and straight across the board. DNRC would like to hold off on moving forward with this process if we can so that the definition can be discussed. 4.2 Water use standards, I wanted to notify the board not to exceed standard for below and volume creates administrative errors and difficulties. We have administered both, but it creates issues for data

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management development. The data base will come back with a blank number because there isn't a defined amount. Then we must go back in the database if there isn't anything included and figure out what the water use is to be included. If the board decides that the maximum amount will be used Our database administrator has concern for the database management with not including the actual water use standard amount. We've had to go back in and figure out individual amount of use. If the office assumes that maximum volume of use will be used and included, then it might not create some difficulties. I just wanted to include this as a question for the board for consideration so that the data base is easier to manage.

**C. Matt:** Any questions for Pelah? Board members, how would you like us to proceed? This is pending and with these comments today maybe we should allow ourselves and the Water Engineer Office to work through some options for us to move forward. How would you like to proceed?

**S. Hendrickson:** This is out for public comment, right? Did the public comment period end today?

**E. Mace:** Mr. Chairman and board members, we have it open for a 30-day public comment period. There's nothing holding the board back from extending the public comment period.

**C. Matt:** Yes, I am not concerned about extending or renewing the public comment period after a work session if we come back with other options or changes after a work session.

**K. Pitt:** I would like to see DNRC, the Tribe, Office of the Water Engineer work together to provide some options.

**C. Matt:** It's my suggestion that if the board members agree that if Ethan, the State and Tribal offices work through this discussion. Ethan now that we've had this discussion where do you stand with this?

**E. Mace:** Some of the things that were talked about here today are achievable. If it's useful that if this, things like to determine if this is a public water supply, would happen at part B. The only draft form that's out is Part A. This is where the applicant would set out what their plans are. It would be easy enough to catch and the review process can be set to look specifically at the public water supply. The ordinances definition of a public water supply and the water management measurement mandate to address the public water supply. With that said what is or isn't a development is certainly a challenge. To get the definition we have in the ordinance was a challenge and took a lot of discussion.

**R. Noble:** I am glad Ethan took the initiative to bring this to the board and get the ball rolling. There are a lot of small subdivisions or multi users that need to have a mechanism moving forward and there are some that are in place that need permitted. It's good that you got the ball rolling, however I can see that one of the things that didn't get brought forward was that this is a mix between an exempt use and a permitted use. I was surprised that this could be to multiple wells and that goes into the face of the combined appropriation, that didn't get brought up. That needs to get addressed. Then Seth brought up DEQ, and that needs to get addressed. I think it's a great start but needs additional side work on it, I think a working group would be good on it. I would be happy to participate on this since I have familiarity with regulation.

**C. Matt:** If we proceed with that and the board takes direction today with the work group sessions, what if a board member participates? Would those have to abide with open meeting laws?

**E. Mace:** If 1 board member participates then we don't have to give notice for a public meeting but if we get into having several board members in a work session then it becomes a gray area. Like if there are more than 3 then we would have to move into giving notice.

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#### 4.5 Public Comment

**C. Matt:** If there is anyone that would like to give a public comment please do so at this time.

**J. Tietz:** I just wanted to say if there is a working session on this issue that board counsel should be involved in this.

**C. Matt:** Anyone else for public comment? No, I will close public comment.

#### 4.6 Board action on 60 DF (D) – Part A

**Motion: K. Pitt to have the tribe, DNRC and office of the Engineer to have a working session and continue to keep open the public comment period for another 30 days. Would also agree on legal counsel being present.**

**Seconded by: T. Wall-McDonald**

**Vote result: 5 of 5**

### 5. Draft 646F: Geothermal Well Notices (Mace)

#### 5.1 Discuss draft.

**E. Mace:** We have had the draft form of the geothermal well form out for public comment for longer than 30 days, last meeting we had some comments from board member Noble that we tried to incorporate. I also did some looking into the ordinance at the request of board member Smies on the issues of environmental impact. What I did find on the environmental impact front that the ordinance has 2 sections that reference environmental impacts, 1-1-111 sub-1, which is wells. The construction of wells, item c, construction and operation of wells must comply with all state, tribal and local regulations. I'm sure the tribe will help us examine if there are more tribal regulations. I haven't come up with anything, but it is because they are their own system. The amount of water drawn in would equally pump out. Are there additional other state or tribal environmental regulations that would affect how these systems operate? IF they added a system design that was closed and unless they violated the closed system approach and added a system design that would allow infiltration caused contamination into the aquifer. At that point there would be a post of things that opened, and they'd have to change their look. We do have a positive look at their design features, to try and do our best to ensure their plan goes by and the applicant would have a closed system approach. The second area that 2-2-102 burden of proof of ground water or surface water permits and change authorizations. You may realize in the title of this section, talking about permits and change authorizations is different than the type of application for geothermal heating and cooling exchange well, which is an allowance. In this section there are requirements for an applicant to provide information on the burden of proof they may be causing environmental.

**C. Matt:** Does the board have any comments or questions. When you got the reference of applicable federal, state and tribal laws, how do we implement this or is the applicant responsible to demonstrate they comply with those environmental laws. Is it our responsibility that the applicant complied with those environmental laws? You don't have to answer that today but it's something for us to think about.

**E. Mace:** In this section it is professed that all wells will be standard set forth in the administrative rule of Montana 36 chapter 21 or any successors provisions of state law. Those are the rules of the board of water well drillers. The language is a little different but it's a similar question there. Is the office of

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the engineer supposed to go out and regulate well drillers licenses or is this to restate the state law. Similar on sub-B on that same section. Unfortunately, I do not have a better answer to equip to handle how much responsibility our office has for those 2 items. I am open to any pursuits.

**C. Matt:** For any board members, Georgia, I think you raised it. I think I just wanted to point that out because we will need to talk through it.

**K. Pitt:** I have been dealing with this for 30 years with federal agencies. It all contains this type of language. The way it's handled is that they must comply with state laws and the issuing agency isn't the enforcer it's the regulatory agency. I will also point out that in 2-1-109 the beneficial use shall be the basis, measure, and limit of the appropriation rights of this ordinance.

**E. Mace:** We don't have an environmental review in relation to an application for geothermal well but we did upgrade our design requirements to ensure the applicant has a closed system to limit contamination. Then we would at least have a signed application that it was closed.

**C. Matt:** Are you looking for us to act on this today?

**E. Mace:** I serve at your pace.

**G. Smies:** Ken, what did you quote from the ordinance? That's the beneficial use of the ground water for the applicant.

**E. Mace:** That would be a contrast to a wasted water. That would be a bright sideboard. The beneficial use is limited, and a waste of water would be a violation and we will be faced with open with wasted water on this option. I have no doubt about this topic in the ordinance.

**C. Matt:** Beneficial use language is similar in all water rights. Georgia, I know where you are going with this, and we have to do what we can under the language in the ordinance we have.

**R. Noble:** I think this is straightforward and that what gets used goes back in, it's 100% non-consumptive use. It operates as a heating exchange system. It either takes heat out of the water or puts heat in. If it's an air condition unit. We've looked at these in my experience to put duct on the aquifer and couldn't see any thermal affects. With that it is a closed system that's the key to it, Ethan has incorporated most of my comments and this is a very simple system.

**C. Matt:** Are the board members ready for public comment?

## 5.2 Public Comment

No public comment.

## 5.3 Board action on Form 646F(D)

Motion: K. Pitt

Seconded: R. Noble

Vote result: 5 of 5

## 6 Draft Stock Water Allowance Form – 605F (Mace)

### 6.1 Discuss draft.

**E. Mace:** I am not asking for any action on this form today. Putting this out for a 30-day period of consideration for state, tribe, public and board consideration. This is similar to the other allowances we have focused on this is a particular appropriation that doesn't require any public noticing or mitigation or something to that affect. It relies on type, regulations, and maximum use. It's unique to

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its type and a unique statewide allowance that includes a source from surface water. It was specially designed to assist with any FIIP upgrades where stock have historically sourced water, this would provide the most flexible option to seek and appropriate an alternative source of stock water at limited to 10gmp or 2.4-acre feet a year vs. a well allowance. This is the only allowance in the ordinance that allows for a pond/pit to be used that will provide stock a place to drink from a pond/pit. The capacity on that is limited to 5-acre feet or less or 10-acre feet or less maximum. The filing fee is \$125, and this would be part a of a 2-part arrangement. Where an applicant would have to come in and get permission to construct. Then part B would be the finalized appropriation and working water right. We are limited by the ordinance to the same 30-day period for review. We are looking to get meaningful feedback from board, state and tribal folks and the public. Form B will help iron out the details and finalize the requirements. Are there any questions from board members?

**C. Matt:** Ethan is proposing a 30-day public comment period for this draft form. He's not looking for action to be taken on this today.

## **6.2 Public comment – open until March 9<sup>th</sup>, 2023**

No public comment.

## **6.3 Board discussion or direction on form – 605F**

The board has given consensus to move forward with the 30-day public comment period.

## **7 Water Engineer Report (Mace)**

### **7.1 Water Engineer Updates**

**E. Mace:** You've been a board for 13 months now and I've been an Engineer for 4 months. Updates I'd like to offer is that we have moved to a .gov domain. It gives us our GOV government status. Our new website is going to be integrating with the .gov destination as well. We have moved our FRWMB domain from the Tribes IT department. We own and control that in house. The office of the Engineer has moved all our digital files off the DNRC teams' structure. We are gaining independence that the board has requested us to get. Our upgrades are done. All our lights work, and the pump now works. We also got half of our low voltage is done. We will need a little bit more money for this. We got our new hire, Kerri. I did a realtor training in Polson with Pure West, we will have an in house one in early March. James has updated the spreadsheet so we can track our allowances at the tip of our fingertips. The total applications received is 274. We have been organizing our files and at the March meeting we will give an update on the database. We will explain why you need the water rights database. Received a call from the Kalispell regional office to set up a meeting to go and meet them. If you have any questions or any concerns, feel free to ask me.

### **7.2 Water Engineer Requested Action Items**

7.2.1 Logo artist reward amount and form, clarification

**R. Noble:** My recollection is that it was \$100 per logo design. There were 2 designs selected from 1 artist and we had decided to give him \$100 per design.

Motion:

Seconded:

Vote result:

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### 7.2.2 Logo discussion and next steps

**E. Mace:** I received an array of different comments about the logos, the comments of needing to make some minor changes. I am needing more instruction on the next steps to the development of the logo.

**C. Matt:** We had a group work on this, and we got down to the 2 logos that were selected. Let's start with which design. Do you lean towards the one with the teepee and barn or the one with the water drop.

**K. Pitt:** I lean towards the one with the water drop.

**E. Mace:** Mr. Frakes is going to get the logos on the screen for people to see them.

**T. Wall:** I lean towards the teepee and the barn.

**G. Smies:** I think we need both. For different applications. I do think they could be simpler.

**C. Matt:** I do remember Ethan saying that we could use 2 logos for different things.

**R. Noble:** I think we are under contract with 6 pony still and we should have them draft something or give us recommendations. They should give us an updated version.

**E. Mace:** List of thoughts, the design should be simpler, might come across as cowboys and Indians with the creek in between, fonts need to be a better match. The water drop looks like the Amazon smile. I could carry these to 6 pony and see what they do. I could also set up a meeting with a few board members and 6 pony to discuss the logo. Could cut the middleman out. I would be happy to set up a meeting.

**R. Noble:** I like the water droplet, but I don't understand what the 2 colors meant. I thought the blue was the water and green was the earth or seed. I wasn't sure what the distinguish was.

**E. Mace:** I thought the water droplet looked like the amazon smile.

**T. Wall-McDonald:** I thought the blue was the sky and green was the earth, but I like Ken's suggestion to all vote and then narrow it down so the expense is limited with the design person?

**M. Rao:** The other thing to consider is the water droplet looks like other logos in the water related areas.

**C. Matt:** I think we aren't set on the design, and we should have a couple board members sit down and try and wrestle with it a little bit more or turn it over to a design person with all of our input. Those 2 options would help us keep moving. Are there any other board members who would like to take a crack at this?

**K. Pitt:** I nominate Georgia to narrow this down and pick a design.

**C. Matt:** I'll wait to hear from Georgia.

**G. Smies:** I have a daughter at home who has a graphics major, and I would have her take a look at it if I was nominated.

**C. Matt:** Why don't 2 or 3 of you get together and discuss this, or well 2 of you get together. If we have 3 then we must have open meeting laws.

**E. Mace:** I can organize the meeting with the 6 pony.

Motion:

Seconded:

Vote result:

7.2.3 Finalize Legal Counsel Communications Policy Memo

**E. Mace:** You could approve this today or I could redraft this into a resolution for you. IF that is the preferred approach. I have in the bylaws the structure to look at resolutions. This might be that the board wants to have this drafted as a resolution. This is a board document and is up to you.

**C. Matt:** We could move this into a resolution later.

**K. Pitt:** Should become a resolution but am comfortable working with it as a memo.

**C. Matt:** Should we develop this into a resolution? Comments.

**S. Hendrickson:** There is some redundancy in the verbiage.

**Motion: Adopt memo with intent to make into resolution when bylaws are established. Will have a re-review before the resolution is adopted. R. Noble**

**Seconded: T. Wall-McDonald**

**Vote result: 5 of 5**

7.2.4 Authority to pursue quote for director's and officer's liability insurance.

**E. Mace:** Robin with the insurance has been helping me and recommended 2 applications to me. We need to get me the bank information for Robin.

**C. Matt:** Please organize that with me to get those.

**E. Mace:** Board will have to review application and sign and have legal review as well.

**Motion:**

**Seconded:**

**Vote result:**

7.2.5 Staff Water Commissioner Training April 5<sup>th</sup> -6<sup>th</sup> Helena: 2x hotel & per diem, mileage. 2 employees: J. Fraakes, K.

**E. Mace:** Would like approval for 2 staff to attend training in April, it will cost per diem for travel.

**C. Matt:** Will you need to get this moved through approval?

**E. Mace:** Yes, it is a fiscal expense and will need approval for cost.

**Can we list 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.2.12**

**Motion: T. Wall-McDonald**

**Seconded K. Pitt**

**5 of 5**

7.2.6 Approval to order two new laptops + accessories: ≈\$3,000

**E. Mace:** We have Anna running on an old laptop and we would like to get her moved over to a new laptop and have an extra one for running the zoom in here. We will need approval to purchase these.

7.2.7 Approval to upgrade phone system, adding two phones/service: \$342.20 + \$37.82/mo.

**E. Mace:** Our monthly bill will be increased. We need more phones. It's an essential purchase.

7.2.8 Approve print services for envelopes and business cards: Cost TBD, but standard.

Key: Underline = Action item

Normal = Discussion, comment, and/or update

**E. Mace:** Would like to move forward with the state's printing service. They have the water standards table on the back of them. We are also in need of envelopes.

**K. Pitt:** Uses a print service here on main street.

**E. Mace:** Do you want us to look at the local company as an alternative. Feel free to direct me.

7.2.9 Approval to double cleaning service frequency from current \$140/mo. to \$280/mo

7.2.10 Funding for sound abatement drapes for auditorium ≈\$2,400

**E. Mace:** We would like approval to add drapes to the wall to assist with the sound in the conference room.

**K. Pitt:** Won't the cubicles assist with some of the sound too.

**C. Matt:** Where would these drapes come from?

**E. Mace:** They come from Home Depot.

**C. Matt:** What color will they be?

**E. Mace:** Light gray.

**K. Pitt:** You could buy one for us to look at to give us an idea of how they look like.

**E. Mace:** I am open to any ideas.

7.2.11 Approve art OE art prints for walls not to exceed ≈\$300.

**E. Mace:** Mrs. Brooks has found a local company that can make some photography artwork.

**E. Mace:** Change order for low voltage to add \$ Need to make the amount to \$1343. The other change was going to be for another amount, but I won't be needing to request money for this.

7.2.12 Public Comment on Engineer items

No public comment.

7.2.13 Board action on Water Engineer Action Items

**T. Wall-McDonald:** Can we list 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.2.12 and motion to approve them all together?

**Motion: T. Wall-McDonald**

**Secoded K. Pitt**

**5 of 5**

## 8 Board Member Updates

**T. Wall-McDonald:** Can a tribal member submit a letter of support of the compact in response to the recent actions going on with the water court?

**M. Schielting:** The deadline for this has ended today.

**T. Wall-McDonald:** Well, dismiss this comment.

## 9 Public Comment:

**No Comment**

## 10 Next Steps/Meetings: Thursday March 9<sup>th</sup>, 3:00 pm; other meeting dates

**E. Mace:** Would the board consider having a meeting between now and the March 9<sup>th</sup> meeting.

**C. Matt:** If you're talking about the work sessions, Roger will help compile.

**E. Mace:** The meeting in 2-3 weeks on a Thursday to discuss personnel policies. To be able to focus on that. I don't want to drift away from bylaws, but I do have some needs to get personnel policies discussed.

**C. Matt:** We could have a work session to discuss both.

Key: Underline = Action item

Normal = Discussion, comment, and/or update

**K. Pitt:** Open in 2 weeks on Thursday. At least for the bylaws.

**R. Noble:** 23<sup>rd</sup> works for me.

**S. Hendrickson:** Will be absent.

**T. Wall-McDonald:** Will be absent. Will email about the bylaws, has serious concerns.

## 11 Board Bylaws Work Session (Mace and Frandsen)

11.1 Itemized draft content deliberation and feedback and options considerations.

11.2 Public Comment

No public comment.

11.3 Board direction for next draft of Board bylaws

**T. Wall-McDonald:** I would like to make a comment. The comments I have on the bylaws is to have some consideration to the provision to the board's compensation. I want to couch it in these terms. I think it is burdensome and unrealistic in the future and today to expect board members to wait an entire quarter to be paid. There is large poverty 52.8% higher level in the lake county. It's an unrealistic burden for board members to have to wait and there are many talented people on the reservation that might want to participate in the board on the future. The board guidelines are worrisome.

**R. Noble:** Follows behind T. Wall-McDonald, agrees that it should be a monthly payment.

**C. Matt:** Quarterly is a long period of time; quarterly reimbursement is that for other expenditures and then paid monthly payment for attending meetings. Or was the monthly payment included in that, the language seemed unclear.

**T. Wall-McDonald:** One more comment, I expressed this earlier. Sitting here as an appointee as the tribes, I don't feel I have the authority to remove a government appointee. It's a concern, I have a concern over the definition in the bylaws of what poor performance is. If we are stating that then we are also saying what good performance is. I cringe when I hear the standard of poor performance. I know this is a decision of the entire board and what they decide as a whole for the bylaws. Those are my concerns.

**C. Matt:** Does anyone else have a comment on the bylaws or can it wait for the work session.

**K. Pitt:** Would like to thank Hailee and Ethan for all the work put into the bylaws.

**E. Mace:** The board needs to look at this and decide their bylaws. Don't read into any directive at this point. I did try to provide options, the section of removal of the board members. Included what misconduct is defined, in all cases this is the boards document.

**C. Matt:** I appreciate the work you have put into this and providing options like we have asked about.

## 12 End meeting (Board Chair) 2/9/2023 at 5:38PM

Motion: R. Noble

Seconded: K. Pitt

Vote result: 5 of 5

Key: Underline = Action item

Normal = Discussion, comment, and/or update