

The meeting was called to order at 7:30 p.m. by Chairman Doug Dodd. Board members present were Edith Mastne, Jim Mastne, and Joe Riehl. Also present were Alan Smart, Al Kimbley, Jan and Jim Leckron, Jeff Grover, Bob Colclessor, Ferd Riehl, Kathy Hubbard, Peter Grant, Supt. Vance Hubbard, and Dist. Clerk Carol Quinn. Board member Henry Schwartz along with Malcolm Freund and Jim Mozena arrived later.

The minutes of the last meeting were read and Mrs. Mastne and Mr. Mastne wanted corrections made. They stated that the minutes should read that Mr. Mastne ordered Mr. Hubbard to turn the water back on for the Muhoberac account after receiving only partial payment because Mr. Dodd had told him to do so in their phone conversation. Mr. Dodd stated he didn't recall verbatim what was said and that he remembered it slightly differently, but that was close and if that is what Mr. Mastne heard him say that was fine. He didn't really care what the minutes said as it was his last meeting since he was resigning effective the end of the month. He also stated that he thought a lot of mistakes were made in the handling of this account caused primarily by lack of communication. Mrs. Mastne moved that the minutes be approved as corrected. Mr. Mastne seconded. Passed. The minutes from the last meeting were to be corrected to read Mr. Mastne acted only after talking to Mr. Dodd and having him say to accept \$68.00 partial payment and turn on the water for Ms. Muhoberac which the minutes of the last meeting already stated.

Mr. Smart presented the MOU draft approved by the Forest Service which clarified Item 2 regarding who was exempt from being closed out of the watershed. He will have a final copy of the MOU prepared and signed by FS personnel prepared for next meeting for the Water District Board to sign. Since the only change required for the final draft is on Page 1, Mr. Riehl moved that the Board accept the MOU tonight and have Chairman Dodd sign it now. Mr. Mastne seconded. Passed.

Mr. Smart reported that he has not gotten further results from CES for the site assessment soil testing. Storm samples were taken a couple of weeks ago to be tested for total lead, dissolved lead and total suspended solids. He will notify us when these results are completed. He also advised the Board that the FS had apprehended an illegal bear hunter in the Bull Run who had gone through the Gordon Creek Watershed. He said that he had been sited for several violations and they will be following through on the possibility of additional charges.

Mr. Hubbard reported that Lee Engineering plans to have a draft of the Water Study Report for the next meeting. The District has not talked directly with them, but they have been in contact with our engineer.

Mr. Leckron asked concerning the closure of the watershed whether it is still open to foot traffic. He was advised that there have been no access changes from the closure order to all motorized vehicles of June, 1993. It is still open for entry by foot, horse, and bicycle.

Mr. Riehl reported that he has copied minutes from '71 to '79 to review for the new Rules and Regulations. He suggested the Board meet to discuss working on these in the near future. He also thought the Board should reiveu the letter which the District received from our lawyer last month concerning the role of Board members. As it explains, the Board makes

policy but that policy is implemented through employees and authorized agents of the District. Policy should not be implemented, and certainly never changed by a Board member acting without express authorization from the Board. If such an action is taken by a public official that directly results in the loss of money to the public entity, that official can be held personally liable. Mr. Riehl noted that this has been explained to the Board at previous meetings and that the interference of Board members in the Muhoberac matter was improper procedure and it should not have happened; and it definitely should not happen in the future. Staff was handling the matter according to the Rules and Regulations and if the customer had a problem, she should have come to the Board meeting for resolution. Mrs. Mastne advised the Board that she believes the staff shows favoritism to people. If they are liked by staff, they receive privileges and if they are not liked by staff, they do not receive privileges, like adjustments.

Mr. Colclessor mentioned that the landlord can be required to pay a bill and that the cleaning deposit should not be refunded until all utilities have been paid. He also commented that he was surprised that a Board member had intervened in this account. Mr. Mastne explained that the customer was very angry with the Superintendent and was considering filing a lawsuit. Mr. Dodd stated that it would serve no particular purpose to place blame, but that the Board should learn from mistakes, establish up-to-date Rules and Regulations and a policy statement so there is fairness and consistency in dealing with problems. He believes the people involved were trying to help.

Mr. Kimbley stated that if the Board is to have any credibility with the community, they need to work together. Anytime Board members decide matters over the phone concerning the District, this constitutes an illegal meeting.

Mr. Mastne suggested that the staff tell everyone who has an unexplained high bill that they should come to the Board meeting to discuss the possibility of an adjustment to insure that everyone is treated the same. Mr. Riehl stated that he isn't trying to place blame; he just thinks people should take responsibility for their actions.

Jan Leckron read a letter to the Board thanking them for their work and service, but asking the Board to take some action that would hold a Board member responsible for actions that are improper or illegal. There was no action taken.

The staff explained again the procedure that is taken if there is a leak adjustment made. The staff is authorized to adjust a leak to 1/2 use after it is fixed promptly. Any further adjustment must be authorized by the Board. Most leaks are discovered by the meter readers. Sometimes the customers find their own leaks and may notify us of such at which time they are advised that they may receive an adjustment. If someone has high usage, but no apparent leak, the staff does not give that person an adjustment.

Mr. Mozena addressed the Board asking for an adjustment to his bill which was unexplainably high. The meter showed 117,000 gallons use but was not moving. Mr. Mastne moved to adjust the bill to the high summer use. Mr. Schwartz seconded. Passed. Mr. Colclessor mentioned that he could hear water running by his meter that perhaps needed to be checked.

Mr. Leckron suggested that the Board owed the staff an apology in the handling of the Muhoberac account. Mr. Mastne stated he had made a mistake and in the future when he received calls regarding the Water District, he would tell the people to come to a Board meeting.

Mr. Riehl thanked Mr. Smart for his work on the MOU.

Mr. Grover complimented Mr. Dodd on the excellent job he has done as chairman.

The Board went into executive session at 9:00 to discuss the appraisal of timber for the south fork right of way.

The meeting was reconvened at 9:38. Mr. Riehl moved that the District authorize Merserau and Shannon to proceed with negotiations for acquisition of the proposed water line easement from Frank Lumber based on information acquired from the consultant appraiser. Mr. Mastne seconded. Passed.

A work session was **scheduled** for Tuesday night, Nov. 22, at 7:30 p.m. to discuss the Rules and Regulations.

The meeting was adjourned at 9:40 p.m.

