

Flathead Reservation Water Management Board Work Session Meeting Minutes

March 31, 2022

2:00-4:00 PM

In-person & Virtual

Kwat'aq'nuk Resort and Casino
49708 US HWY 93 E
Polson, MT 59860

1. Call to Order (Board Chair) at 2:02 pm.

- **Opening Prayer**
 - Given by B.M. Georgia Smies
- **Safety procedures** and Covid-19 protocols were summarized by Chairman (C.M.) Matt
- **Attendance** (roll call done by Melissa Schlichting, CSKT Staff)
 - Board members present: Roger Noble (virtual), Clayton Matt (in-person), Kenneth Pitt (in-person), Teresa Wall-McDonald (virtual), Shana Radford (virtual), Georgia Smies (in-person)

2. Board Business (Board Chair)

- **Adoption of agenda**
 - B.M. Smies moved to adopt > B.M. Pitt seconded > motion passed unanimously.
- **Approval of meeting minutes** for March 16, 2022 meeting
 - B.M. Wall-McDonald moved to approve > B.M. Smies seconded > B.M. Pitt abstained since he was not present > all others voted yes > motion passed.
- **Announce past meeting recording & minutes** posting on DNRC & CSKT websites (bit.ly/FRWMB-Meetings-Page)
 - C.M. Matt gave reminder of location on web > Melissa shared screen and showed website.
- **Office Location Discussion Continued**
 - B.M. Pitt summarized visit with B.M. Smies and Rob McDonald (CSKT Staff) to both the Flower Mill and Masonic buildings. The latter seemed to be preferable, more “turn-key,” though needs modification of two entry steps for ADA purposes. Current owner is willing to make that accommodation.
 - B.M. Wall-McDonald voiced that she much preferred the masonic lodge based on Rob McDonald’s previous presentation on 3/16. The meeting space and other amenities seemed like a good fit. Wanted to put her vote in favor of the masonic lodge as discussion began.
 - B.M. Noble had a question – what is the suitability/potential for computer lines / plugins, etc?
 - Rob McDonald was promoted to panelist on zoom at request of C.M. Matt and confirmed that he had visited yesterday with an electrician and confirmed that it should be sufficient to handle the load of such an office. 25 megabits/second capability for internet is available in Ronan. The group looked at the draft commercial lease.

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- B.M. Wall-McDonald asked if the lease draft was time limited (sometimes there is a 30-day expiration date on these). The answer was no. Rob McDonald remarked that the owner has mentioned that she likes the idea of the board as a tenant and currently has no one else looking.
- B.M. Pitt remarked that after reading the draft lease, it appears to him that it was prepared with a private entity in mind, rather than a quasi-governmental one like the board, and that some of the promises and clauses are not things the board has the authority to adhere to.
- B.M. Noble suggested that we make the retrofit of the electrical setup (making the location suitable for multiple computers) part of the lease conversation. If the landlord was willing to make that her expense, for example, maybe we would agree to the 5-year lease rather than a 3-year.
- C.M. Matt agreed and asked Melissa Schlichting to include that in the lease discussion. Melissa agreed to include it.
- B.M. Wall-McDonald moved to get back to the landlord to discuss and negotiate the issues discussed today and move this forward, to analyze what lease term might be appropriate, with the items raised by B.M. Noble and Melissa included > B.M. Pitt seconded > motion passed unanimously.
- **Draft Staffing Plan and Organization Chart for Office of the Water Engineer**
 - Melissa shared screen. Alan Mickelsen introduced himself as a contract consultant hired by the state to help with foundational board and office of the water engineer items. He described the current staffing plan as a second iteration. It was decided in this draft (vs. the previous version) that the water engineer position should be the top position, as described in compact. A mid-level hydrologist was recently added when the need was recognized.
 - C.M. Matt requested an updated org chart to go with this plan. Mr. Mickelsen agreed to distribute.
 - Teresa asks if it is truly a DNRC draft (as it says at the top) or if it is more of a collaboration. Melissa clarified that it has been discussed at length but drafted by DNRC. B.M. Wall-McDonald also asked to clarify what “Third Party Staffing Contract Fee” was. Melissa characterized it as money set aside for paying a recruiter which is typically a percentage of the salary of the job being recruited for. B.M. Wall-McDonald wondered if six staff were necessary?
- **Engineer Job Description**
 - Roger looks at the job description and staffing plan as a work in progress. He thinks it may be a bit arbitrary at the moment but anticipates that the group will iron it out.
 - Melissa gave summary that she and the state have reached out to HR firms to solicit help – managing benefits packages, retirement, etc. This will be important to have in place for recruiting the right person. Melissa raises the idea of titling the water engineer position in such a way (“Water Resources Manager,” for example) that it wouldn’t discourage people who may be qualified. Being a certified engineer, after all, is not essential. There are other kinds of backgrounds and education in water resources listed as sufficient in the ordinance.
 - C.M. Matt wanted to know if this package is nearly ready to bring to an HR firm which could help us advance this in a professional way (i.e., a nationwide search, recruitment).
 - B.M. Wall-McDonald liked the idea of the HR firm and voted in favor of moving forward.

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- Melissa said that the technical team has reached out to a couple firms which have varying levels of support that need to be considered carefully. She said the technical team is getting close to finalizing a proposal for the board's review on HR firm options.
- B.M. Noble requested that the board members email himself and B.M. Wall-McDonald with comments or suggested revisions so that they can get the job description finalized soon.
- **Board member insurance**
 - Melissa was asked to look into at the last meeting, general liability, building insurance, workman's comp, but especially directors and officers insurance. She contacted PayneWest—they were unable to find any carriers. Also reached out to another—they have not yet gotten back to her. This company, she knows, has done business on the reservation and she hopes to hear back soon.
 - B.M. Noble offered to send contact info from a firm out of Seattle that he is familiar with.
 - Melissa—will continue to look into this issue.
- **Logo Discussion**
 - Melissa introduced the discussion by summarizing a need for the Board / Office of the Engineer to have a logo to put on letterheads, water right authorizations, an awning out front, website, etc.
 - C.M. Matt liked the idea of getting the community involved in the design somehow. B.M. Pitt liked the idea—suggested that schools be involved. B.M. Smies mentioned there are a lot of talented graphic designers and teachers in the valley, but we need to give them guidance in terms of theme and color, etc. B.M. Pitt suggested that this guidance include an emphasis on the unitary-ness of the board.
 - Rob McDonald shared a few sketches he came up with himself.
 - B.M. Smies summarized the discussion in saying that board members liked the idea of soliciting ideas from the community but that we need to have something reproducible on paper (as well as looking good on web and mobile device); something simple in design; if it's going to teachers we need to give some guidance (for example, having them look at the stated mission of the board); personally she doesn't think we need to be wed to the full name of the board which takes up a lot of space.
 - B.M. Wall-McDonald suggested we provide guidance in colors—e.g., the color of water.
 - B.M. Noble, when asked by C.M. Matt, said that for his business he simply hired a graphic designer. He thought it was a good approach to stay simple.
 - C.M. Matt suspected that we would hire a professional designer for the final design. He asked Rob McDonald to draft a notice / call for designs and ideas that incorporate the guidance discussed above. Rob agreed and recommended that a design idea, when received, be sent to a professional to shape up.

3. DNRC consultant to assist with Board formation.

- Alan Mickelsen introduced himself again and explained the state's reasoning for securing his help.

4. Update from staff on administrative items from 3/16/2022 meeting (Melissa)

- Employer ID application status – was able to get this which we can use to get a bank account.
- Bank account (Glacier Bank in Ronan). Now that we have a likely office location, we can finalize this.
- PO Box – we can also proceed with this now that we have an office location (almost). C.M. Matt will need to go in to set this up.

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- HR firms – have been reaching out to several firms and gathering proposals for the board’s consideration.
- Melissa has also been reaching out to some IT service companies for website work.
- There is also a draft RFP in the works for contract legal services which will be brought before the board in proposal form for consideration. The goal is to have these draft proposals ready for the board to review at the next board meeting.
- Alan Mickelsen began to add to this discussion but the video and audio of the Owl briefly went out (around 10 seconds near the 1:07 mark of the recording). He seems to have been discussing how the technical team is exploring the idea of contracting engineering services on a temporary basis as an interim measure to get the Office of the Engineer reviewing water right applications as soon as possible. He hopes to have a proposal ready by the next meeting.
- Melissa also added to this list of documents in development 2 things that Ethan Mace and Seth Makepeace (DNRC and CSKT staff hydrologists, respectively)—an interim process outline proposal and a practical pre-review solutions proposal.

5. Next steps

- **Choose topics and confirm next meeting date:** the group informally agreed to moving the meeting to **4/14** rather than the tentatively planned 4/7 date.
- B.M. Noble made a comment regarding an interim processing proposal that he is getting a lot of calls from the public about this and feels that getting this soon would be very well received.

6. Public Comment

- John Westleigh (in person) – a homebuilder building on the east side of the lake. Went before the county board to get construction approved and engineered their septic and have approved. Built in the middle of a fire last year on Finley Point. Explained that they are in the position of having the home and a septic system approved but no water yet. Expressed support for an interim process that might allow him to drill a well soon.
- Bill Ostheim (spelling?) – wanted to ask for a summary of how the various organizations involved fit together in terms of authority – DNRC, FIIP, Federal Government, the Board, CSKT, etc. C.M. Matt said that though the board doesn’t generally answer questions during the comment period, he asked Melissa to give a brief, basic overview. C.M. Matt also invited Bill to a series of public outreach meetings the tribe is organizing to educate on the compact and ordinance. Melissa then gave a basic summary of how the board and office of the water engineer is tasked with water administration on the reservation, how the board is separate from FIIP. Bill also commented that he was encouraged by what he sees.
- Gail Westleigh (on zoom, wife of John who commented already) – requested that she and John get the details on the Compact Implementation meetings Melissa mentioned above so that they can attend and perhaps participate.

7. Adjournment of meeting

- B.M. Pitt moved that the meeting be adjourned > B.M. Smies seconded > meeting was unanimously adjourned at approximately 3:26 pm.