

Flathead Reservation Water Management Board Meeting Minutes

September 1, 2022, from 2:00-4:00 PM

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

Virtual at Zoom Link: <https://zoom.us/j/95574778722>

Board Members Present: Roger Noble, Kenneth Pitt, Georgia Smies, Clayton Matt, Teresa Wall-McDonald, and Amy Coffman

1. Call to Order (Board Chair)

- 1.1. Opening Prayer
- 1.2. Attendance
- 1.3. Announce meeting recording & minutes on DNRC & CSKT websites
- 1.4. Adopt agenda

Motion by R. Noble to adopt agenda

Second by G. Smies

Vote result: Approved (5 to 0)

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

3. Board Business (Board Chair)

3.1. Approve minutes for August 25, 2022

- Board did not vote on minutes.

3.2. Human Resources Committee

3.2.1. Retirement and pay scale discussion (Associated Employers-Ryan Callan and Aimee Saylor)

- C. Matt: I recommend we get started on discussions about pay scale, benefits package, and personnel policy.
- T. Wall-McDonald: I have printed out the employee policy planning guide and it's an excellent start in terms of giving us a framework for conditions of employment and conduct of employees. I am reviewing it. I have some particular interest on page 47 related to the use of social media. I like that this draft document handles social media use and want to study it more. On page 49 I appreciated the employee acknowledgement of the employee being given a copy of the policy. I recommend that we add that the employee has been given a copy of the position description, the organizational chart, and the chain of command by their supervisor. I was curious about number 5 on page 49 about the alcohol use policy and wonder about a general statement about notifying the board of any criminal conviction but also should notice

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if they were charged with any criminal act. However, that is drafted, I think that should be included. I will continue to review this document and have my comments compiled by next week.

- P. Hoyt: The personnel policy committee includes Ken, Georgia, and Melissa with Teresa providing some assistance as well. We met twice with Aimee Saylor of Associated Employers to go over the policy. I am adding some language appropriate to the Board's status as a governmental entity. I can provide a further update next week.
- C. Matt: When committee is ready it should be made available to the board and then have legal review done on the policy. We should aim to get that done in the next week or two.
- K. Pitt: It might not be ready next week.
- C. Matt: Were there any other thoughts or questions about the social media policy? Was it important enough to adopt an interim policy on it? I don't know what discussion the committee has had on it.
- K. Pitt: I think this board is under a public microscope and a social media policy is important.
- T. Wall-McDonald: We do have direct language on it in the draft policy, but the actual policy handbook is not approved yet and my assumption is that we do not have employees sign the acknowledgement until this is firmer and more fleshed out. I am supportive of an interim document related to social media that we all sign while we are working on this handbook. I am comfortable with moving forward with this particular aspect until we have the employee policy ready.
- C. Matt: If the committee wants to bring something forward to next meeting that would be the approach. Associated Employers, do you have any thoughts on where we are with social media policy?
- R. Callan: My colleague, Aimee Saylor, has been working with the committee. It may be most efficient to finalize that specific policy rather than drafting an interim policy. With respect to Teresa's suggestions, I like her suggestions about the employee acknowledgement of the job description. I would caution you about adding job descriptions and flow chart to the policy itself because those can be more fluid documents. You could acknowledge what documents they are receiving and sign off on those separately.
- T. Wall-McDonald: I liked what Ryan said. I like prioritizing social media policy. For employees that are already hired, the supervisor and employee would resign the job description to serve as a recommitment to the duties. We should think about creating opportunities for communication between supervisor and employee.
- H. Frandsen: We'll take a look at the policy when it is ready for our review.
- R. Callan: We received the water manager position description and there was an inquiry about pay scale and retirement information. I want to provide what you are looking for, but I need further information about what you are looking for. What are you looking for with retirement information?
- C. Matt: We know we need a full benefits package. We would like to consider a pay scale. Who would help provide that? Do other board members want to add anything?
- R. Noble: What we are contemplating is a 401k program since we are a quasi-governmental entity. Is that applicable and recommended?

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- R. Callan: We can pull market data, so we can look at what is being offered and what is competitive to assess how strong a compensation package you are offering and salaries for comparable positions. We cannot provide the retirement package directly.
- R. Noble: It would be helpful if you can provide a range of things to consider.
- R. Callan: We can provide referrals for retirement. We respect to the benefits side. We do have medical, dental, packages through our benefits division. Our benefits department can prepare a proposal. For pay scale and market trends for compensation we would be able to provide information so you can look at what is happening across the region to provide data relevant for this area so you can compare apples to apples. We would be happy to get you proposals on that.
- C. Matt: We need to flesh out the full range of benefits, pay scale, and retirement, so please provide that information. Work with Pelah and committee on this.
- M. Schlichting: I am happy to help review any proposals and getting outside info that you need.
- R. Callan: I can share a list of places that are providing retirement options in MT. Your organization has a membership with us, and we will support you as best we can. In an absence of an executive director then we would look for the board chair to be the key contact unless there is another board contact.
- C. Matt: We'll start with Pelah as lead contact.
- R. Noble: Relative to cell phones, I am not part of the personnel policy, so I don't know if cell phones are addressed. I don't know if the board would issue cell phones to people or provide a reimbursement to people.
- C. Matt: Please add that to list as something to discuss.
- C. Matt, R. Noble, and G. Smies will vet retirement options.
- C: Matt: Hallee will you give the board an update on what you are starting to look at?
- H. Frandsen: The board had questions about indemnifications and open meeting laws and how the board functions in regard to those. We will have a comprehensive memo for the board to review.
- C. Matt: I suggested to Hallee that they start getting familiar with the Ordinance. The Board can start gathering list of questions we want legal counsel on.
- H. Frandsen: I have that in my notes. We will also start generating other internal operations documents.

3.3. Water engineer position update, discussion, and recommendation (Clayton Matt)

- C. Matt: Ken, Roger, and I have gone through the review and interview process. We are in discussion with a candidate. The board originally authorized up to \$150,000 for a salary. The hiring committee recommends the board offer \$145,000 in pay plus cobra payments in the \$700 range. Until we have a benefits package in place we would accept leave requests on an as needed bases. We need to complete our personnel policies before we can do anything further. With that recommendation we have a potential alternate option, but we recommend making this offer.
- R. Noble: That is why we are pushing the human resources committee, because the sooner we have these policies in place the sooner we can move this forward.
- C. Matt: We don't have an exact figure for the cobra payment yet.

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- T. Wall-McDonald: I am in favor of the recommendation

3.3.1. Public comment on water engineer recommendation

- No public comment offered.

3.3.2. Board action on water engineer recommendation

Motion by T. Wall-McDonald to formally offer the candidate a \$145,000 salary, with cobra payments in the range of \$700, and leave requests accepted on an as needed basis. Further benefits would be put in place when the board completes personnel policies.

Second by R. Noble

Vote result: Approved (5 to 0)

3.4. Office of the Engineer Operations

3.4.1. Operations update (Board-Cristy Brooks)

- C. Brooks: There is an increased number of walk ins for applications and those turning in applications. I am opening the office from 9-5. I am here at 8:30, but I am opening up the office during the first half hour. I am receiving training from both DNRC and tribal staff. Patrick Lozar said he will be rescheduling the event he invited the Board to attend. It is for film festival in Bozeman and participation in a roundtable. They are going to reschedule for January of 2023. They want participation from board in the roundtable discussion on the water compact.
- C. Matt: They should give us something in writing if they want us to consider it in the future.

3.5. Domestic allowance applications

3.5.1. Applications recommended for authorization (DNRC-Ethan Mace)

- E. Mace: There are a total of 6 applications recommended for board authorization. Four are standard. Two are a follow up to the discussion we had last week. Staff used board guidance to review these two applications.
- C. Matt: Does the board have questions about the two applications?
- E. Mace: For the two we discussed last week, there was a single parcel proposed to be divided into three parcels. There is an existing home on one. The applications are for new wells on the proposed parcels. They are under the name Jordan on the list.
- R. Noble: There was an application where someone drilled a well that was just outside the timeframe for the well. Which one was that?
- E. Mace: That application did not make it into this week's group. With training and turnover from Anna there were 25 in review and these six are what we can bring forward now. These six are time sensitive. When we get that application in front of you I will call it out specifically.
- K. Pitt: I brought it up because when applicant falls outside the normal realm, they should have the burden of proving that they have a hardship and it has to be something they had no control over. They have to come to use and explain why they need an exception.

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- C. Matt: We are onto one that is not on the list now, and if you want to further discuss it at the next meeting we can do that.

3.5.2. Board action on domestic allowance authorizations

Motion by R. Noble to authorize Garciabaez, Jordan (Tract 2B), Jordan (Tract 2C), Newman, Schell, Schirber.

Second by K. Pitt

Vote result: Approved (5 to 0)

- E. Mace: On Mr. Pitt's discussion, if the board is looking for something additional, this would be a good time for me to solicit additional info. If there is a date that falls outside of allowed parameters, we don't solicit additional information about it. None of our info collection mechanisms seek that information. We have a spreadsheet that all the info goes into, but we do not have a category for hardships or other considerations. We could do it through a letter of defect, but we would need more guidance of what you are looking for.
- C. Matt: Are you suggesting that we reach back to application and ask for more info?
- K. Pitt: I would like what the circumstances are.
- R. Noble: I am trying to decide if we are making it more complicated than we need to.
- G. Smies: There could be more like this. I like Ken's suggestions that we evaluate based on hardship. It could help us evaluate and make a logical and consistent decision.
- E. Mace: I would imagine there will be a finite number of wells drilled out of that month. There will likely be ones out of that month. This may open doors for applications with hardship outside the application guidelines. Upon initiating a process for hearing hardship options for making exceptions, that will provide a venue for people with different kinds of issues to address.
- C. Matt: If we want to address more it formally, it becomes a policy we need to consider
- T. Wall-McDonald: I like what Georgia said about consistency. I am in agreement.
- Board agreed by consensus to request hardship information from this applicant so Board can review further.

4. Other Updates

4.1. Board member updates

- R. Noble: What is status of water conservation specialist hiring process? Has Rob had chance to visit with logo designer?
- M. Schlichting: The HR firm is collecting resumes for the water conservation specialist position. Aimee will need to provide an update on that process.
- Rob McDonald: The artist is aware of the request to sign a release. I believe we should reach out to the legal team to draft something for him to sign.
- C. Matt: Ask legal firm to draft a release. They are working on the language on that contract questions. Rob will you share thoughts your thoughts on a release with Hallee?
- R. Noble: Some background - We have been in discussion with a graphic artist, and they were hesitate to work on the logo aver concerns about infringement of intellectual property rights, and we need a release for the use of that logo.

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- R. McDonald: I think it will be important to have the legal document in front of the artist for him to review.
- C. Matt: We don't have a public comment period at the end of this agenda. We should have a public comment period at the end. C. Matt opened a public comment period.
- No public comment provided.

5. Next steps

5.1. Set next meetings and location

5.1.1. September 8, 2022, in person.

5.2. Choose meeting topics

6. End meeting (Board Chair)

- Adjourned meeting 3:27pm.

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