



FORT SMITH WATER & SEWER DISTRICT
Meeting Minutes-Friday, November 17, 2023 @ 1:00pm

-OPENING – ROLL CALL- Alan Shaw called the meeting to order @ 1:00 pm on November 17, 2023. The meeting was via phone conference; call in number was 1-408-650-3123, Access Code: 997-541-941; Board members attending: Alan Shaw, Katie Steele, Jim Hyde, and Steve Saville; Employees attending: Sandy Kust, Josh McCraw, and Todd Query; Public attending: Devin Beal (Midwest Assistance Program), Chris Bedza (RPA Engineering), and George Young;

-APPROVAL OCTOBER 27, 2023 MEETING MINUTES- Ms. Steele stated the section in the policy manual that Dennis Fischer referenced, 5.4, which states excess capacity must exist, is not the correct reference # and that he must be using an outdated manual, and if any customer wants access to the current policy manual it may be accessed on the website: ftsmithws.com, Ms. Steele did say the Dennis Fisher was correct in regards to the District not following the MCA code about public comment during a meeting and Ms. Steele is going to have the MCA code 2-3-103, public comment/participation, incorporated into the District By-laws. Motion by Ms. Steele, 2nd by Mr. Hyde to approve the October 27, 2023 minutes as printed; motion carried unanimously.

-RESIGNATION OF BOARD SECRETARY/TREASURER/ -APPOINT NEW SECRETARY/TREASURER: Tom Becker send an email stating he was resigning effective immediately. Ms. Steele stated: The loss of Tom Becker as a board member is a devastating blow to this board and to our community. Tom's thoughtful, analytical, and well researched approach led to the adoption of rules and procedures that will benefit all members of this community in a way that is fair and just. Tom had the patience and perseverance to work through the most difficult of topics. His recommendations were always sound. We could always count on him to conduct thorough research on any topic, and he spent countless hours doing so. Tom's contribution to this board will have a long-lasting effect on this community. Thank you, Tom, we owe you a debt of gratitude.

A motion was made by Ms. Steele to appoint Mr. Saville to be the Secretary/Treasurer for the remainder of his term, 2nd by Dr. Shaw, motion carried unanimously;

-BILLS/BOOKKEEPERS REPORT- Mr. Saville presented the treasurers report and the income for the month: \$5,747.23, the meeting was early so not all income is in; expenses for the month: \$15,185.64; total in checking account is: \$73,170.08; total in CDARS CD: \$29,976.00. Mr. Saville stated the expense for MT Septic in the amount of \$3,500.00 was to pump the septic cards due to a leak in water system; Hawkins in amount of \$452.70 for chlorine; RPA Engineering in amount of \$1,641.08 for the grant writing of the FEMA grant which is not reimbursable with funding agencies. The bill to Lee Enterprises in amount of \$592.96 for advertising and Moulton Bellingham in amount of \$640.00 for attorney fees with site title opinion will be submitted for reimbursement with the funding agencies. Motion by Mr. Saville to pay the bills, 2nd by Dr. Shaw, motion carried unanimously;

-DELINQUENT REPORT- Currently there are 7 accounts that are past due, totaling \$2,649.42; the water is turned off on 5 accounts and 2 accounts have been sent delinquency letters for turn off of services on December 26, 2023 if not paid by this date;

-FORT SMITH COMMUNITY FOUNDATION- Dr. Shaw continues to seek funding with foundation granting agencies for the wastewater project, currently he has applied to two granting agencies, one is Treacy which is for \$100,000 and is hoping to find out in December if grant will be awarded and the other grant is to Columbia Sports. Mr. Hyde stated he met with Megan Spry, County Sanitarian, and stated there is Brownsfield money available that can be used for water & sewer projects, Dr. Shaw will contact Megan to get more information on this type of grant.

-MIDWEST ASSISTANCE PROGRAM: Devin Beal, Midwest Assistance Program (MAP), was at the meeting to conduct a financial, managerial and technical assessment, conduct a site visit, and meet board members. Ms. Steele asked Devin if he could work with her to review and update the policy manual and by-laws as Ms. Steele is going to ensure the MCA code is referenced and followed and eliminate extra wording that does not pertain to the MCA. Devin stated he is able to assist with the task of reviewing and updating the policy and by-law manuals, as well as reviewing rates & charges and operator assistance if needed and he stated all services with MAP are free.

-WASTEWATER PROJECT

1. WASTEWATER CONSTRUCTION PROJECT UPDATE: Chris Bedza, RPA Engineering, stated the contractor started work on the lagoon and the Tribe has not found artifacts while soil at the site was disturbed, there is a crew that is continuing to work on the 2 cell storage lagoon, and crews working on the collection system in the alleys between 2nd, 3rd, 4th, and at Riverview Drive, then they will start west of G Street and then start putting collection system in all other alleys in the next few months. Chris stated schedule 1 which is the collection system is ahead of schedule and schedule 2 which is the lagoon site are right and schedule. Chris also addressed the complaints that the heavy equipment was driving too fast through town and causing dust problems, he said that the equipment is not to drive over 10 miles per hour. Dr. Shaw stated the project inspector is Chris Bedza and all questions and concerns must go directly through the project inspector on site and the contractors are connecting the new sewer line to the sewer connections and sewer is going into the current settling pond until sewer waste is able to go into the new lagoons. Dr. Shaw also stated the 1 acre of land the District owns is being used for staging and storage of supplies and a sewer tap will be put in during construction and after the project is completed this land would go up for sale.

Dr. Shaw stated the MDES grant that Trish, RPA Engineering, is complete for the wastewater lagoon restoration project and application is submitted, is successful the grant should be awarded in spring of 2024 up to \$2 million and be used to reclaim the old lagoon site, also if this grant is successful the loan amount on the project would be lowered. Dr. Shaw continues to represent the District on the monthly phone calls with the funding agencies, engineering firm and bond attorney.

2. WASTEWATER PROJECT REIMBURSEMENT REQUEST: Sandy presented the reimbursement request in the amount of \$9,775.15 to DNRC RRGL for final design work on wastewater project. Motion by Mr. Saville, 2nd by Dr. Shaw, motion carried unanimously;

3. QUESTIONS/COMMENTS FROM CUSTOMER(S) ON SPECIAL ASSESSMENT AND PROPERTY ADDED TO DISTRICT- A customer contacted the district with questions regarding the wastewater project as to the budget, the underwriting of the bond and rate, completion date, policy and fees to connect to the systems, and how projected # of new lots to be added to the District. Ms. Steele responded by sending customer copy of construction budget, stated the Department of Natural Resources & Conservation has issued the funding which will be repaid via the assessment bond @ an interest rate of 3%, the completion date is anticipated to be the fall of 2025 but may be completed sooner, a policy is currently being created to determine fees for connecting to the system and a parcel just completed the process to be annexed into the District and proposing to subdivide this parcel into 18-21 lots any other property that wishes to be annexed must

follow the process outlines in the MT MCA's which includes the requirement of hiring an engineer to determine the District has the water and sewer capacity to service the property.

4. SPECIAL ASSESSMENT: DECEMBER 5TH (END OF 30 DAY PROTEST PERIOD); DECEMBER 6TH (PROTESTS TABULATED); DECEMBER 8TH (SPECIAL BOARD MEETING & PUBLIC HEARING @ 5PM); DECEMBER 20TH (CLOSING OF SRF LOAN) – The protect period ends @ 5pm on December 5, 2023, on December 6, 2023 all protests need to be tabulated, scanned and emailed to the bond attorney for review, on December 8th @ 5pm a Public Hearing/Public Meeting will take place to discuss and explain the three resolutions regarding the sewer special assessment bond, hear Public Comments/Questions, adopt the Resolution Approving the Assessments, adopt the Bond Resolution relating to the Subordinate Lien Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Taxable Series 2023A, and adopt the Bond Anticipation Note Resolution relating to the \$2,759,000 Bond Anticipation Note, Series 2023. Closing on the State Revolving Fund loan will take place on December 20th, 2023.

-ANNEXATION OF PROPERTY-ZOOM MEETING BY JEFF BUSZMANN @ 5PM-

Dr. Shaw stated the board has previously approved the application for annexation and the meeting tonight at 5pm is being presented by Jeff Buszmann and the District is not involved or has anything to do with this meeting, the meeting is solely for Mr. Buszmann to present the development he proposed in the annexation application and for community members to review and ask questions or make comments to Mr. Buszmann.

-OPEN MEETING LAWS-(PUBLIC RIGHT TO KNOW AND PARTICIPATE)-

Dr. Shaw reached out to the Big Horn County Attorney for guidance on “Open Meeting Laws” and Public Right to Know and Participate. The attorneys office stated: MCA 2-3-103 which does require that a board allow an opportunity for public comment before taking action. The board may establish procedures for public comment (comment time limits, etc.) and sent the following documentation for reference:

Montana Statutes on the Right of the Public to Know and Participate Constitution of Montana – Article II Declaration of Rights

Section 8. Right to Participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Section 9. Right to Know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Montana Code Annotated (2015)

Title 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 3. PUBLIC PARTICIPATION IN GOVERNMENTAL OPERATIONS

Part 1. Notice and Opportunity to Be Heard

2-3-101. Legislative intent. The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

2-3-102. Definitions. As used in this part, the following definitions apply:

(1) "Agency" means any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts except:

- (a) the legislature and any branch, committee, or officer thereof;
 - (b) the judicial branches and any committee or officer thereof;
 - (c) the governor, except that an agency is not exempt because the governor has been designated as a member thereof; or
 - (d) the state military establishment and agencies concerned with civil defense and recovery from hostile attack.
- (2) "Agency action" means the whole or a part of the adoption of an agency rule, the issuance of a license or order, the award of a contract, or the equivalent or denial thereof.

(3) "Rule" means any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include:

- (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or
- (b) declaratory rulings as to the applicability of any statutory provision or of any rule.

2-3-103. Public participation -- governor to ensure guidelines adopted. (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in [2-3-202](#), must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in [2-3-212](#).

(b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.

(2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These

guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

2-3-104. Requirements for compliance with notice provisions. An agency shall be considered to have complied with the notice provisions of [2-3-103](#) if:

- (1) an environmental impact statement is prepared and distributed as required by the Montana Environmental Policy Act, Title 75, chapter 1;
- (2) a proceeding is held as required by the Montana Administrative Procedure Act;
- (3) a public hearing, after appropriate notice is given, is held pursuant to any other provision of state law or a local ordinance or resolution; or

(4) a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story or advertisement concerning the decision sufficiently prior to a final decision to permit public comment on the matter.

2-3-105. Supplemental notice by radio or television. (1) An official of the state or any of its political subdivisions who is required by law to publish a notice required by law may supplement the publication by a radio or television broadcast of a summary of the notice or by both when in the official's judgment the public interest will be served.

(2) The summary of the notice must be read without a reference to any person by name who is then a candidate for political office.

(3) The announcements may be made only by duly employed personnel of the station from which the broadcast emanates.

(4) Announcements by political subdivisions may be made only by stations situated within the county of origin of the legal notice unless a broadcast station does not exist in that county, in which case announcements may be made by a station or stations situated in any county other than the county of origin of the legal notice.

2-3-106. Period for which copy retained. Each radio or television station broadcasting any summary of a legal notice shall for a period of 6 months subsequent to such broadcast retain at its office a copy or transcription of the text of the summary as actually broadcast, which shall be available for public inspection.

2-3-107. Proof of publication by broadcast. Proof of publication of a summary of any notice by radio or television broadcast shall be by affidavit of the manager, an assistant manager, or a program director of the radio or television station broadcasting the same.

2-3-108 through 2-3-110 reserved.

2-3-111. Opportunity to submit views -- public hearings. (1) Procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.

(2) When a state agency other than the board of regents proposes to take an action that directly impacts a specific community or area and a public hearing is held, the hearing must be held in an accessible facility in the impacted community or area or in the nearest community or area with an accessible facility.

2-3-112. Exceptions. The provisions of [2-3-103](#) and [2-3-111](#) do not apply to:

(1) an agency decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety;

(2) an agency decision that must be made to maintain or protect the interests of the agency, including but not limited to the filing of a lawsuit in a court of law or becoming a party to an administrative proceeding; or

(3) a decision involving no more than a ministerial act.

2-3-113. Declaratory rulings to be published. The declaratory rulings of any board, bureau, commission, department, authority, agency, or officer of the state which is not subject to the Montana Administrative Procedure Act shall be published and be subject to judicial review as provided under [2-4-623\(6\)](#) and [2-4-501](#), respectively.

2-3-114. Enforcement -- attorney fees. (1) The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition of any person whose rights have been

prejudiced. A petition pursuant to this section must be filed within 30 days of the date on which the person learns, or reasonably should have learned, of the agency's decision.

(2) A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 8, of the Montana constitution may be awarded costs and reasonable attorney fees.

Part 2. Open Meetings

2-3-201. Legislative intent -- liberal construction. The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

2-3-202. Meeting defined. As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency or association described in [2-3-203](#), whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection

(1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

2-3-204 through 2-3-210 reserved.

2-3-211. Recording. Accredited press representatives may not be excluded from any open meeting under this part and may not be prohibited from taking photographs, televising, or recording such meetings. The presiding officer may assure that such activities do not interfere with the conduct of the meeting.

2-3-212. Minutes of meetings -- public inspection. (1) Appropriate minutes of all meetings required by [2-3-203](#) to be open must be kept and must be available for inspection by the public. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).

(2) Minutes must include without limitation:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) the substance of all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

(4) Any time a presiding officer closes a public meeting pursuant to [2-3-203](#), the presiding officer shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

2-3-213. Voidability. Any decision made in violation of [2-3-203](#) may be declared void by a district court having jurisdiction. A suit to void a decision must be commenced within 30 days of the date on which the plaintiff or petitioner learns, or reasonably should have learned, of the agency's decision.

2-3-214. Recording of meetings for certain boards. (1) Except as provided in [2-3-203](#), the following boards shall record their public meetings in a video or audio format:

(a) the board of investments provided for in [2-15-1808](#);

(b) the public employees' retirement board provided for in [2-15-1009](#);

(c) the teachers' retirement board provided for in [2-15-1010](#);

(d) the board of public education provided for in Article X, section 9, of the Montana constitution; and

(e) the board of regents of higher education provided for in Article X, section 9, of the Montana constitution.

(2) All good faith efforts to record meetings in a video format must be made, but if a board is unable to record a meeting in a video format, it must record the meeting in an audio format.

(3) (a) The boards listed in subsection (1) must make the video or audio recordings of meetings under subsection (1) publicly available within 1 business day after the meeting through broadcast on the state government broadcasting service as provided in [5-11-1111](#) or through publication of streaming video or audio content on the respective board's website.

(b) The department of administration may develop a memorandum of understanding with the legislative services division for broadcasting executive branch content on the state government broadcasting service or livestreaming audio or video executive branch content over the internet.

2-3-215 through 2-3-220 reserved.

2-3-221. Costs to prevailing party in certain actions to enforce constitutional right to know. A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights under Article II, section 9, of the Montana constitution may be awarded costs and reasonable attorney fees.

Part 3. Use of Electronic Mail Systems

2-3-301. Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- fees prohibited.(1) An agency that accepts public comment pursuant to a statute, administrative rule, or policy, including an agency adopting rules

pursuant to the Montana Administrative Procedure Act or an agency to which [2-3-111](#) applies, shall provide for the receipt of public comment by the agency by use of an electronic mail system.

(2) As part of the agency action required by subsection (1), an agency shall disseminate by appropriate media its electronic mail address to which public comment may be made, including dissemination in:

- (a) rulemaking notices published pursuant to the Montana Administrative Procedure Act;
- (b) the telephone directory of state agencies published by the department of administration;
- (c) any notice of agency existence, purpose, and operations published on the internet; or
- (d) any combination of the methods of dissemination provided in subsections (2)(a) through (2)(c).

(3) An agency shall, at the request of another agency or person and subject to [2-6-1003](#), disseminate the electronic documents to that agency or person by electronic mail in place of surface mail. Notification of the availability of an electronic notice of proposed rulemaking may be sent to an interested person as provided in [2-4302\(2\)\(a\)\(ii\)](#). An agency may not charge a fee for providing documents by electronic mail in accordance with this subsection.

(4) An agency that receives electronic mail pursuant to subsection (1) shall retain the electronic mail as either an electronic or a paper copy to the same extent that other comments are retained.

(5) As used in this section, "agency" means a department, division, bureau, office, board, commission, authority, or other agency of the executive branch of state government.

Ms. Steele also presented a document "Talking points regarding: Public Right to Know and Participate"

1. The public has the right to be afforded reasonable opportunity for citizen participation in the operation of the agency prior to any final decision.
2. Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions.
3. The procedures must ensure adequate notice and assist public participation before a final agency action is taken.
4. The agenda for a meeting must include an item allowing public comment on any public matter that is not on the agenda and is under the jurisdiction of the agency conducting the meeting.
5. The agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on the matter.

Ms. Steele stated the By-laws are not accurate according to the state law and she will work on getting the MCA codes updated in the bylaws, especially the first 3 talking points in the document created by Ms. Steele to encourage participation as well as update the By-laws regarding the Conduct of Board Meetings, Publication of Notice, Order of Business, New Business and Public Testimony, Ms. Steele will have Devin, MAP, review and make comments on these updates.

-RESOLUTION OF PARTICIPATION FEES/WATER- The Resolution of Participation Fees for Water System have been tabled until Mr. Hyde and Sandy inquire with other water & sewer districts regarding how these systems charge for fees, this will continue to be an agenda item until a methodology is established and voted upon. Dr. Shaw stated a Participation Fee also be established for the sewer project.

-RESOLUTION OF INTENT TO RAISE WATER & SEWER RATES: The following base rates and usage rates for water & sewer were adopted in October, 2023, and a public meeting/hearing will need to take place on January 19th and Sandy will contact the Big Horn County News to publish on December 28th, and January 11th; and a mailing would go out to all customers with the December billing:

Water Base Rate Charge (based on Equivalent Dwelling Units, EDU, size of meter)

¾" Meter: Water base rate: \$21.00

1" Meter: Water base rate: \$37.59

1.5" Meter: Water base rate: \$ 84.00

Water Usage Rate for ¾", 1", and 1.5" Meters

<u>0-10,000 Gallons per month</u>	<u>\$ 1.50/1,000 gallons</u>
<u>10,001-20,000 Gallons per month</u>	<u>\$ 3.50/1,000 gallons</u>
<u>20,001 and over per month</u>	<u>\$8.50/1,000 gallons</u>

Sewer Base Rate Charge (based on size of water meter)

Sewer base rate (¾" meter): \$37.00

Sewer base rate (1" meter): \$66.23

Sewer base rate (1.5" meter): \$148.00

Sewer Usage Rate

<u>0 gallons and over per month</u>	<u>\$3.50 /1,000 gallons</u>
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The rates would take effect with the January 2024 billing.

-OPERATOR REPORT- Josh stated there was a leak on Block F Lot 27 that used 35,000 gallons in 9 days, and filled the rail car tank up, which had to be pumped. Josh turned the curb stop off and contacted the customer about the leak. Josh stated Prophet Construction is using water and so far they have used 30,000 gallons, and is wanting to know if the District is supposed to be billing the contractor. Todd Query stated issue was brought up at the pre-construction meeting and the District would supply the water at no charge.

Josh asked how he should log his hours for the project as he knows the District cannot afford to pay him for 40 hours a week, Josh stated his regular work week before the project was 40 hours a month, and the 1st week of construction he logged all his hours and worked 40 hours in one week. Josh was helping contractors with all sewer services lines which is really the contractors' job. Josh would like to work at least 3 or 4 hours a day on the project and when needed additional by contractor, which the board has okayed. The board asked Josh and Todd to keep documentation on the services that are hooked back up and which ones are not hooked back up, only services that are in use are to be hooked back up.

-POLICY FOR MULTIPLE HOOKUPS ON 1 PROPERTY POLICY/CROSS CONNECTION-

Mr. Hyde presented information regarding cross connections and the policy manual, MCA Code and Administrative Rules of Montana are similar but not the same and the policy manual should be updated to reflect the MCA and Administrative Rules. Fort Smith has had residents in that have cross connections as they are running hoses from a trailer to an RV or from a hydrant to multiple RV's, this happens in the busy months in Fort Smith and needs to be addressed. The District policy states "under no circumstances shall anyone, without written authorization from the District, connect to the customer's installation to serve any separate structure on or off the customers premises and if this happens water should be turned off immediately. Mr. Hyde stated not only are cross connections happening in Fort Smith but the people doing it are not paying a base rate for water or for sewer. Sandy stated there will be a class on cross connections in the spring of 2024 and that Mr. Hyde, Sandy, Todd and Josh should attend if possible, Sandy will also set up a meeting with DEQ next year to discuss cross connections, the best time to identify these cross connections would be during the busy season and getting more information from DEQ will assist the District in identifying any cross connection.

-POTENTIAL CANDIDATES TO FILL VACANT BOARD SEAT- The District has had interest from a few potential candidates to fill the vacant board position, these candidates were asked to write a letter of interest and the board will review at the next meeting.

-DECEMBER 8, 2023 NEXT MONTHLY BOARD MEETING IN COORDINATION WITH SPECIAL ASSESSMENT RESOLUTION VOTE

-PUBLIC COMMENTS-

-ADJOURN MEETING- Meeting adjourned at 3:27PM