

MEETING OF THE SUNNYSIDE DIVISION  
BOARD OF CONTROL

The regular meeting of the Sunnyside Division Board of Control (SDBOC) was held via conference call due to the stay at home orders for Covid-19 and was called to order by Chairman Simpson on May 5, 2020 at 1:32 PM. Present on the phone in addition to Chairman Simpson were Directors, Mike Hogue, Kevin Golob, Dave Michels, and Paul Groeneweg; Lori Brady, SDBOC Manager/Secretary/Treasurer; Ron Cowin, Assistant Manager--Engineering, Dave Bos, Assistant Manager – Operations, Nikki Musson, Office Manager; and Larry Martin, Legal Counsel for the Sunnyside Division.

The minutes of the April 7, 2020 meeting were reviewed. Upon a motion by Director Michels that was seconded and unanimously carried, the minutes were approved.

The Board reviewed the financial reports and vouchers numbered 4841-4879 in the total amount of \$225,504.17 which were submitted for approval. A motion was made by Director Michels which was seconded and unanimously carried, authorizing payment of the vouchers as listed above.


Ms. Musson updated the Board on the audit. The accountability audit covers 2017, 2018, 2019 and the federal single audit is for 2019. The entrance conference was held on Monday May 4, 2020. The audit will continue to be done remotely.

Mr. Bos presented the water supply report. As of May 5, 2020. Storage in the mountain reservoirs is at 801,284 AF or 75% of capacity. Storage content is 99.9% of average. Precipitation for the water year to date is 204 inches or 103% of average. Snow pack is 81% of average. Division is diverting 800 cfs.

Mr. Cowin updated the Board on the ELIPS project. Engineering is working on finalizing pipe designs for the 51.18 & 51.87 laterals. There has been quite a bit of landowner activity with many flowmeters purchased on the new systems. Deadline to purchase flow meters is Friday May 8<sup>th</sup> 2020.

Ms. Brady reported on the Yakima Basin Fish and Wildlife Recovery Board (YBFWRB). The application for the design and construction of the fish guidance system and sluice/dam modification was submitted on April 17 and the sponsor presentation was on April 23. The authorization form needed to be submitted as a part of the grant process. The form/agreement authorizes Secretary, Lori Brady, to sign agreements related to the grant and authorized Assistant Manager of Engineering, Ron Cowin, day to day administration of the grant and communication with Recreation and Conservation Office (RCO). The form was already submitted to the committee but needed to be ratified by the Board. Upon a motion by Director Hogue that was seconded and unanimously carried, the authorization agreement was approved.

There being no further business, the meeting was adjourned at 1:45 PM.

  
Lori Brady, Secretary

Attest:

  
Doug Simpson, Chairman



## Applicant Resolution/Authorization

Organization Name (sponsor) Sunnyside Division Board of Control

Resolution No. or Document Name YBFWRB Applicant Authorization

Location of Resolution or Document: SDBOC office

Project(s) Number(s), and Name(s) Sunnyside Dam Smolt Passage Improvement Proj

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Lori Brady
Project contact (day-to-day administering of the grant and communicating with the RCO)	Ron Cowin
RCO Grant Agreement (Agreement)	Lori Brady
Agreement amendments	Lori Brady
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Lori Brady

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://www.govweb.org/RCO/2019/01/10/RCO-Grant-Agreement-2019/>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of

Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only-If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only-If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed H. Douglas Simpson

Title Chairman of the Board Date 4-10-2020

On File at: Sunnyside Valley Irrigation District

Washington State Attorney General's Office

Approved as to form Brian Tallen 2/13/2020  
Assistant Attorney General Date

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