



Approved November 20, 2018

## ***Clackamas SWCD Board Meeting Minutes for October 16, 2018***

### **Present:**

**Directors:** Jeff Becker (Chair), Roger Fantz (Treasurer), Don Guttridge (Secretary), Jim Johnson, Jan Lee, Jesse Nelson (Vice Chair), Joan Zuber

**Associate Directors:** Paula Gagnon, PK Melethil

**Director Emeritus:** Mike Weinberg

**Staff:** Jason Faucera, Tami Guttridge, Lisa Kilders, Sam Leininger, Eann Rains, Tom Salzer, Nathan Tucker

**Partners:** Kim Galland (Natural Resources Conservation Service)

Staff Leininger reported he had intended to introduce new employee Courtney Gattuso before the meeting, but she was out in the field working.

### ***1 – CALL TO ORDER AND ACCEPT AGENDA / PUBLIC COMMENT / DIRECTOR REPORTS / MANAGER’S REPORT ON COMMITTEES***

**A. Call to order** – Chair Becker called the meeting to order with a quorum present at 4:00 p.m., Tuesday, October 16, 2018, in the Clackamas SWCD conference room at 221 Molalla Ave., Suite 102 in Oregon City.

Chair Becker asked if there were changes to the agenda. No changes were requested.

**B. Public Comment** – There was no public comment.

#### **C. Board and Partner reports**

- Director Lee reported there was still time to register for the Oregon Association of Conservation Districts planning meeting in November. Lee reported that white papers had been sent out to district managers, and will be sent out to board members for review before

the November meeting. Manager Salzer reported he had received them just before the meeting and he would e-mail them out right away.

- Director Johnson reported that the Land Conservation and Development Commission has met regarding the siting of solar facilities and has at least two more meetings scheduled. The Energy Siting Council will also be meeting regarding solar facilities, as they may wish to take over some of the regulations for these facilities.

Johnson reported that the comment period for the Oregon Ag Heritage rules has closed. Oregon Water Enhancement Board needs to be reminded that these rules are about working farmlands, and hopefully, the Board of Agriculture will provide that input.

Director Johnson also noted that this was a busy time of year for co-existence complaints regarding farm practices, including odors, hemp, and bees. Johnson would like to see more education about farming practices so that there would be better co-existence between farming and non-farming communities.

The Oregon Department of Agriculture is in the process of finalizing reports required by the Legislature regarding growing canola in the Willamette Valley.

Johnson also noted that 16 to 17 of the counties in Oregon have received drought designations. An El Nino weather pattern has been forecasted for the upcoming water year, meaning it will be wet, but warm. This means Oregon may see low snow packs and additional declarations of drought throughout the state.

- Associate Director Melethil reported that he attended a Metro meeting. One of the topics at the meeting was growth in the urban area. Since 2014 the population has grown by 65,000 per year, and there is talk about expanding the urban growth boundary. Director Johnson noted that there is a process Metro must follow to expand the boundary.
- Associate Director Gagnon spoke about the most recent report from the Intergovernmental Panel on Climate Change (IPCC). Gagnon would like to see the District accelerate work and education on carbon sequestration.
- Chair Becker thanked Vice-Chair Nelson and Staff Kilders for running the September meeting as he was unable to attend. Becker noted that in the newspaper there were articles regarding the new building on the Districts former Pleasant Avenue property, he did not see the heritage oak tree in the illustrations.
- Kim Galland from the Natural Resources Conservation Service (NRCS) reported that Dusty Jaeger was currently on leave in South Dakota taking care of his father. Jaeger will be returning shortly to finish up some schooling and then will return to South Dakota, as his transfer is coming through.

Galland has not heard if the new hire for the Oregon City office has accepted the position.

The Farm Bill has not been passed. Galland noted that no money has been earmarked for EQIP contracts in the proposed Farm Bill and what monies she has available will expire by

January 31, 2019. Galland expects to have about ten contracts ready but does not know how many will be funded.

Director Fantz arrived at 4:10 p.m.

Galland reported that the Oregon Water Enhancement Board has money available for technical support. These funds from NRCS are for technical assistance to get jobs certified. Districts, tribes and watershed councils are eligible to apply. Unfortunately, what Galland needs is administrative help which is not covered by the grant.

Galland also reported that she had worked with Staff McQueeney on October 13, 2018, to give a presentation at a soil health workshop for educators. She will also be presenting at the Home Orchard Society event this coming week. Galland will be scheduling a local workgroup meeting in the near future but must prepare for a spot check to be held on Wednesday.

Galland also reported that Barry Bushue had been hired as the State Executive Director for the Oregon Farm Service Agency.

Galland left the meeting at 4:15 p.m.

- D. Manager's report on committees** – Manager Salzer reported no committees had met since the last board meeting, but he had been in communication with the finance, personnel, and building committees.

## 2 – MINUTES

- A. September 18, 2018, public hearing minutes** – Draft minutes from the public hearing held on September 18, 2018, were presented. The Board Secretary has reviewed the draft minutes.

Directors Guttridge/Nelson moved/seconded to adopt the September 18, 2018 public hearing minutes as presented. Motion carried as follows: Becker, Fantz, Guttridge, Lee, Nelson, and Zuber in favor, Johnson abstaining.

- B. September 18, Regular Board Meeting minutes** – Draft minutes from the regular board meeting held on September 18, 2018, were presented. The Board Secretary has reviewed the draft minutes.

Directors Guttridge/Lee moved/seconded to adopt the September 18, 2018, regular board meeting minutes as presented. Motion carried as follows: Becker, Fantz, Guttridge, Lee, Nelson, and Zuber in favor, Johnson abstaining.

## 3 – FINANCIAL REPORTS

- B. Expenditures** – Staff Tucker asked that expenditures be reviewed first, as it was expected that the architects from 4Sight LLC would be arriving to discuss payments and a contract. Tucker reviewed the October 2018 voucher list. Check numbers were 1745 to 1795 with no breaks in

the sequence and no voided checks. Checks totaled \$181,126.70. Notable checks were the \$22,295 to Ex Tech for work on a heavy use area, \$1,000 to Forests Forever for Tree School support, \$1776.00 to the National Association of Conservation Districts for annual dues, and \$72,843.00 to 4Sight LLC. Conservation Grant/Loan Fund checks totaled \$ 45,026.70 for the month of October.

Directors Guttridge/Fantz moved/seconded to approve the October voucher list with the exception of check # 1776 to 4Sight LLC. Check # 1776 may be approved at a later time/date. Motion carried unanimously.

- A. Review and accept financial reports** – Staff Tucker reviewed the September 2018 financial activities report and balance sheets with the Board. The District received \$54,000 from tax revenue this month, approximately \$59,000 in grants, and \$2400 in interest. Total assets equal \$2.6 million for the period ending September 30, 2018. Total liabilities as of September 30, 2018, equal \$606, 198. The Districts current assets to liabilities ratio is 4.3 to 1. Tucker noted that the District is in a good position coming up to the end of the calendar year, and tax revenues will be coming in November.

Directors Fantz/Guttridge moved/seconded to approve the financial reports as presented. Motion carried unanimously.

Tucker reported that he had forwarded required reports to the auditor. Tucker is hoping to have a site visit with the auditor in early November and expects the audit to be closed by the December Board meeting.

Tucker also reported that he was in discussion with the Finance committee regarding the idea of placing the \$100,000 from the Camp Adams easement into a long-term investment pool. Interest from this money may be used for easement monitoring at Camp Adams.

#### **4 – OTHER FINANCIALS**

- A. Contract with the Architect** - Manager Salzer noted that Larry Fritzie and Tom Watton of 4Sight LLC had been invited to be present at this discussion concerning the lack of a contract, and the on-going costs of the design phase for the Conservation Resource Center. The architects did not attend.

Salzer reviewed the timeline and on-going work the District has engaged in with the architects. He also noted the difficulty in resolving the issue of not having a contract with clear deliverables. Salzer noted that the architect had originally given the District an e-mailed quote of \$75,000 to finish the plans started by AC & Co. It was noted that the District did put a halt on the original plans, and asked for revisions to reduce the cost.

During the negotiations for a contract the architects provided the District with an American Institute of Architects (AIA) contract, the District had the contract reviewed by legal counsel and rejected it as too vague. The District provided several contract versions to the architect for review, all have been rejected. The District has requested a clear list of deliverables and

timelines, these have not been provided. Salzer has also requested that the architect provide more detailed invoices showing costs and services, these are also not being provided.

To date, the District has far exceeded the original amount in the architect's quote. Salzer provided the Board with an outline of dollars spent based on the invoices provided by the architect. This amount differs from what the architect claims was received. The architect has not provided detailed invoices to back up his accounting.

Salzer proposed that the District separate the items required for permit ready plans from the services the architect may provide during the construction phase. He recommends providing 4Sight LLC with a contract requiring a completed building permit application submitted to the county by an assigned date. This contract would also detail final payment for plans, and leave the District room to negotiate a separate contract for the construction phase of the project. The District's legal counsel has advised this as a possible plan of action.

Other options presented by the attorney were to negotiate a contract based on both the plans and construction phase. Salzer noted that this process has been on-going without a positive outcome. The last alternative is to terminate the informal (non-written) agreement with the architect and obtain all project-related documents and designs, including electronic files (such as CAD files and computer renderings in their original file formats).

Directors discussed the alternatives presented, the need for a contract, work orders, and deliverable goods and timelines.

Directors Guttridge/Nelson moved/seconded to sign the contract provided by legal counsel, dated October 1, 2018. The contract to be limited to a final fee of \$25,000 for the completion, and delivery of permit ready plans, and a permit filed no later than November 15, 2018. The contract is to be signed no later than Friday, October 19, 2018, and no further invoices will be paid without a clear detailing of the expenses', and the current check to be held until the contract is signed and returned to the District. Motion carried unanimously.

## **5 – PROJECTS, PROGRAMS**

- A. Culvert replacement project** - Staff Faucera reviewed a project to replace a collapsed culvert on a salmonid bearing stream. Head cutting of the streambank, causing the culvert to collapse is also causing fill to slump and wash downstream endangering projects that Metro has on Clear Creek. Staff requests funding not-to-exceed \$60,000 for Waterways Consulting to produce a permit ready design, perform a pre-project cultural resources assessment and for permitting fees. The National Marine Fisheries Services will have the final say regarding whether to replace the collapsed culvert with an arching culvert or a bridge. The replacement of the culvert will open up more fish habitat.

Board members recommended approaching Metro to see if they were willing to help fund the project. Faucera noted that an e-mail message had already been sent to Metro regarding this possibility and that the District has received a \$90,000 grant that will be put towards this

project. The cooperater is a long-time partner of the District, who has a great interest in the preservation of habitat and working lands.

Directors Fantz/Zuber moved/seconded to authorize the General Manager to sign a contract with Waterways Consulting, Inc. not to exceed \$60,000 to develop a permit-ready design, to perform a pre-project cultural resources assessment, and for permitting fees. Motion carried unanimously.

## **6 – PERSONNEL**

- A. Drug-Free workplace policy modifications** - Manager Salzer presented some minor modifications to the Districts drug-free workplace policy required to satisfy the requirements of the community forest grant made available by the US Forest Service. The Districts counsel has reviewed the modifications.

Directors Fantz/Guttridge moved/seconded to approve modifications to the District's drug-free workplace policy in order to comply with the requirements of the recently awarded Community Forest grant. The modified policy is effective immediately. Motion carried unanimously.

- B. Employee benefits discussion** - Staff Tucker reported that he had received and reviewed several employee benefit packages. Tucker noted that it would be hard for the District to receive packages similar to those currently being provided by Clackamas County. The County has been charging an administrative fee that has risen from \$33 in 2016 to \$141 dollars in July of 2018.

The County is a large group with some negotiating power that the District would not have with only 14 employees to insure. Small groups see large fluctuations in costs, possible cancellations, and lower levels of coverage with higher deductibles.

The County has cleared up the issue of the legality of providing this service to the District, and the District will need to negotiate a new agreement with the County by December 31, 2018. It is hoped that the District can negotiate a lower administration fee.

- C. Letter to the property manager about unsafe conditions** - Manager Salzer requested permission from the Board to send a letter to the property manager of our building regarding the continuing unsafe conditions in the parking areas and around the office. Salzer would like to have a complaint on file regarding the lack of lighting and garbage in the parking area across the street. These are on-going safety and health concerns for District employees. Salzer noted that at 6:30 a.m. no lights were on in the parking lots adjacent to the building, or on the building itself. The Board consensus was that the Manager should send a formal letter of complaint from the Board to the property manager.

## 7 – BOARD/MANAGEMENT

- A. **Resolution 2018-010 establishing the date of the 2018 Annual Meeting** - Staff Kilders asked the Board to approve resolution 2018-010 setting the date for the Districts 2018 Annual Meeting on December 18, 2018.

Directors Fantz/Lee moved/seconded to approve Resolution 2018-010 to establish the date of the 2018 Annual Meeting for December 18, 2018, at 4:00 p.m. as presented. Motion carried unanimously.

- B. **Requests from non-voting directors for training or conference attendance** - Chair Becker noted that there was some confusion in regards to how directors, associate, and emeritus directors are to receive permission to attend training and for reimbursements. Associate Director Melethil and Director Emeritus Weinberg ran into a problem when requesting the District pay for training that had not been approved at a previous meeting. Melethil asked for permission to attend training with the Cascadia Wild group. This training will take place over 11 classes, priced at \$75.00 per class. Training will include setting up cameras and collecting DNA at sites at Timberline Lodge and Government Camp.

Directors Johnson/Fantz moved/seconded to approve training for Associate Director Melethil not to exceed \$2,000.00 Motion carried unanimously.

Director Emeritus Weinberg asked for permission to attend the Oregon Association of Conservation Districts (OACD) planning meeting in November, the cost is \$50.00.

Directors Johnson/Guttridge moved/seconded to approve Director Emeritus Weinberg's registration for the OACD Conference for \$50.00. Motion carried unanimously.

Director Zuber asked for permission to attend the Molalla-Pudding-French Prairie-North Santiam Ag Water Quality Biennial Review meeting to represent the District and be reimbursed for mileage.

Directors Fantz/Lee moved/seconded to approve Director Zuber attending the Molalla-Pudding-French Prairie-North Santiam Ag Water Quality Biennial Review meeting and to be reimbursed for mileage. Motion carried unanimously.

Chair Becker reported that he would not be attending the Oregon Association of Conservation Districts meeting.

Associate Director Melethil asked if anyone was planning to attend the Lower Willamette Initiative long-range planning meeting. He thought it would be on November 17. Melethil would like to attend. He will find out the date and relay the information to Staff Guttridge.

Due to the confusion regarding resolution # 2018-005 and permissions that Board members need to have before being reimbursed for expenses Manager Salzer asked that Chair Becker and Director Johnson join him in committee to review and revise the policy. It is the intent to provide a clear policy to protect the Board and Staff.

- C. Manager's report - Manager Salzer reported that the settlement agreement for the Molalla property has been signed, but the check has not been received.

Salzer reported that staff is recommending that watershed council support grants be changed to three-year agreements, with annual reporting required. The Board asked if the three-year funding could be revoked if the watershed councils did not meet requirements. Staff confirmed that this would be possible and built into any funding agreement.

## **8 – PROPERTIES & PLANNING**

- A. **Update on the Conservation Resource Center** - Director Guttridge reported that most information regarding the Resource Center had been discussed earlier in the meeting.
- B. **Update on the Eagle Creek Community Forest Project** - Manager Salzer reported that everything was going well with the purchase and that he had been interviewed for an article to appear in the Estacada news regarding the project.

Director Fantz left the meeting at 6:12 p.m.

## **9 – OTHER REPORTS**

- Staff Faucera reported on a discussion he had with the staff at East Multnomah Soil and Water Conservation District (EMSWCD) regarding the possibility of awarding Johnson Creek Watershed Council (JCWC) a three-year funding agreement for the CreekCare program. After meeting with EMSWCD, the staff does not recommend offering a three-year contract to JCWC for the CreekCare program due to a lack of responsive reporting on the part of the watershed council. Funding will continue on a year to year basis. The watershed council has been informed of this decision.
- Staff Leininger reported to the Board that he has been in communication with Kimberly DeSantis of Clackamas County regarding tansy ragwort. Leininger has offered to answer questions for the County Commissioners.
- Associate Director Melethil asked Staff Leininger if he was aware of reports regarding glyphosate. Staff Leininger reported that the WeedWise staff works to be informed regarding all chemicals in use for weed suppression.



- Chair Becker reported to the Board his reason for not attending the Oregon Association of Conservation Districts annual meeting is because he is expecting a new grandchild any day and wants to be able to travel to see the baby.

### **ADJOURN AND NEXT MEETING**

- The next regular meeting will be on November 20th, 2018, at 4:00 p.m.
- There being no further business, Chair Becker adjourned the meeting at 6:20 p.m.

Respectfully submitted,



Tami L. Guttridge  
Administrative Assistant

Voucher Approval List

10/16/2018

Date	Number	Payee	Memo	Payment
10/4/2018	1745	AFLAC	Acct: LGF14 09/2018	620.81
10/4/2018	1746	Nicole Ahr	Reimbursement: Mileage 09/2018	172.41
10/4/2018	1747	BCTelco	Acct: 11014515 10/2018	109.06
10/4/2018	1748	Buel's Impressions Printing	Printing: Booklets [White Oak] 09/2018	105.50
10/4/2018	1749	Coffman Excavation Inc	Acct: 250253 K#18298-79 Septic Permit 10/2018	1,202.00
10/4/2018	1750	Comcast Business Internet	Acct: 877810230 0924690 09/2018	144.85
10/4/2018	1751	Crystal Greens Landscape, Inc	Acct: 1211 10/2018	395.00
10/4/2018	1752	Clackamas Dept of Finance	CSWCD: ER/EE Benefits 10/2018	22,416.61
10/4/2018	1753	Eileen G Eakins	CSWCD: Legal Svcs 09/2018	1,848.00
10/4/2018	1754	Scott Eden	Reimbursement: Supplies 10/2018	2.78
10/4/2018	1755	Government Finance Officers Association	MBR 300198982 [Tucker] 10/18-09/2019	160.00
10/4/2018	1756	Allstream	Acct: 829514 09/2018	685.21
10/4/2018	1757	Lindsey Karr	Reimbursement: Mileage 08/2018	173.02
10/4/2018	1758	Jeffrey Lesh	Reimbursement: Supplies 09/2018	60.74
10/4/2018	1759	Locke Buildings	GPL-1819-4028 Pole Building 09/2018	4,855.00
10/4/2018	1760	OC Properties, LLC	Acct: 775-102-CU RENT 10/2018	6,894.50
10/4/2018	1761	Oregon City Garbage, Inc	Acct: 57768000 10/2018	29.35
10/4/2018	1762	Oregon City Signs	CSWCD: Printing [White Oak Sign] 08/2018	64.35
10/4/2018	1763	Pacific Office Automation	Acct: 900-0266949-000 09/2018	260.03
10/4/2018	1764	Pamplin Media Group	Acct: 102542 08/2018	540.00
10/4/2018	1765	Premiere Global Services (PGi)	Acct: 3616841 09/2018	52.66
10/4/2018	1766	Eann Rains	Reimbursement: Mileage/Supplies 09/2018	47.50
10/4/2018	1767	Thomas Salzer	Reimbursement: Travel 09/2018	647.90
10/4/2018	1768	Special Districts Association of Oregon	CSWCD: MBR 12/18-12/19	632.86
10/4/2018	1769	Sonitrol	Acct: 015CLA01 10/2018	160.65
10/4/2018	1770	The Gold Wrench	CSWCD: Repair Svcs [Toyota] 08/2018	265.10
10/4/2018	1771	US Bank Voyager Fleet Systems	Acct: 86928-4679 09/2018	253.17
10/4/2018	1772	Verizon Wireless	Acct: 242017036-0001 09/2018	200.05
10/4/2018	1773	VOYA Financial OSGP	CSWCD: EE/ER 457b PPE 09/30/18	9,537.61
10/4/2018	1774	Western States Fire Protection Co	Acct: 180140 10/2018	303.00
10/4/2018	1775	Working With Yoga	CSWCD: EE-Benefit [WWY] 09/2018	210.00

Subtotal: 53,049.72

10/12/2018	1776	4Sight Consulting, LLC	CSWCD: ARCH Consulting [CRC] 08/2018 09/2018	72,783.47
10/12/2018	1777	Century Link	Acct: 503-656-1105-170B 10/4/18	65.33
10/12/2018	1778	Clark Conservation District	CSWCD: Engineering Svcs 09/2018	590.23
10/12/2018	1779	Converging Creeks LLC	CSWCD: Rpr Svcs [BVRRCR] 08/2018	125.00
10/12/2018	1780	D Franco Contracting Inc	CL-1820-4024 Farner 09/2018	8,772.58
10/12/2018	1781	EX Tech NW LLC	GPL-1819-4027 Tilford HUA [50%:4027] 10/2018	22,295.00
10/12/2018	1782	Forest Forever, Inc	CSWCD: Tree School [Supporter 03/2019] 10/2018	1,000.00
10/12/2018	1783	Garrett Hemann Robertson PC	Acct: 14400001 [Molalla] 09/2018	416.00
10/12/2018	1784	H2Oregon	Acct: 21948 Water 09/2018	59.60
10/12/2018	1785	Jan Lee	Reimbursement: Travel [Board] 09/2018	92.21
10/12/2018	1786	National Association of Conservation Districts	Acct: 42075 MBR 10/2018	1,776.00
10/12/2018	1787	PGE	Acct: 001931171-4271634 09/2018	27.61
10/12/2018	1788	Powell Minuteman Press	CSWCD: Name Tag [NA,CG] 10/2018	93.00
10/12/2018	1789	QK Holdings, LLC	CSWCD: Emp Training Dinner [10/25/18] 10/2018	1,249.32
10/12/2018	1790	Sound Native Plants Inc	WW-2016-11 [WW-JL-2018-06] 09/2018	9,104.12
10/12/2018	1791	Spire Technologies, Inc	Acct: 05330 10/2018	300.00
10/12/2018	1792	The Gold Wrench	CSWCD: RPR SVCS [F150] 10/2018	615.95
10/12/2018	1793	Washington Association of Conservation District	CSWCD: Registration [T Salzer] 10/2018	475.00
10/12/2018	1794	Wells Fargo	Acct: 5569-1900-0064-3073 CA 10/2018	7,246.40
10/12/2018	1795	William F Paulus	Matter: 146-1 [Eagle Cr] 09/2018	990.00

Subtotal:

Total: \$ 181,126.54  
45,026.70

Total Conservation Fund

Approved By Board:

Board Chair

Board Treasurer