

**CORBETT WATER DISTRICT  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
January 21, 2020**

**BOARD MEMBERS PRESENT:** Sara Grigsby, Dan Graff, Bob Gaughan, Fred Sanchez and Jeff Hargens

**BOARD MEMBERS ABSENT:**

**STAFF PRESENT:** Assistant District Clerk Lynda Ronell and District Clerk Gail Griffith

**AUDIENCE MEMBERS:** Malcolm Freund, Victoria Purvine, David Jacob, Gordon Fulks, Tim Shell of Wallis Engineering and Steven Graeper of Rhododendron Water Association

President Jeff Hargens called the meeting to order at 6:35 p.m.

**APPROVAL OF THE AGENDA**

Bob Gaughan made a motion to approve the January 21, 2020 Agenda as presented. Sara Grigsby seconded, all were in favor, motion carried. *(5 yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

**APPROVAL OF THE MINUTES**

**October 15, 2019 Regular Meeting**

Sara Grigsby made a motion to approve the October 15, 2019 meeting minutes as presented. Fred Sanchez seconded, all were in favor, motion carried. *(5 yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

**December 17, 2019 Regular Meeting**

Bob Gaughan made a motion to approve the December 17, 2019 Regular Board Meeting minutes as printed. Sara Grigsby seconded, four were in favor with one abstention, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes 1 abstained: F.Sanchez)*

**TREASURERS REPORT**

Sara Grigsby reported there was nothing in the December financial information out of the ordinary.

Dan Graff made a motion to accept the December 2019 Treasurers report. Bob Gaughan seconded, all were in favor, motion carried. *(5yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

**PRESENTATION STEVEN GRAEPER OF RHODODENDRON WATER ASSOCIATION**

Steven Graeper of the Rhododendron Water Association addressed the Board. Mr Graeper is also President of Rhododendron Water. He noted that we share the services of David Jacob, Hydra Engineering and that both districts are surface water systems for our source water.

Mr. Graeper stated the Oregon Department of Forestry rules are not adequate enough for stream protection if there is any clear cutting or forestry work being done on a stream that supplies surface water to a drinking water provider. Twenty feet on each side of the stream is not enough to provide protection. Rhododendron has a 2.5 square mile watershed with Big Henry Creek coming down through the middle. The majority of the Big Henry Creek watershed is owned by the Mt. Hood National Forest. However, there is about 300 acres owned by a private timber company and two private property owners. One thousand feet of Henry Creek goes through the middle of those private properties. Those properties are zoned timber and could be clear cut at any time. The issue Mr. Graeper faced is that he went to the State Drinking Water program and received a \$30,000 grant for surface water protection. Mr. Graeper went through the process to have easements prepared for the two private property owners and hired a consultant to negotiate on the behalf of Rhododendron Water. Since there is no incentive for the private property owners to enter into an agreement with surface water providers the property owners were not willing to negotiate any agreement. He further noted that Rhododendron Water was willing to reimburse the property owners up to \$250,000 for the loss of the timber revenue they might have by agreeing to the easement. The property owners never allowed Rhododendron Water to make the offer. Mr. Graepper continued that he is trying in Rhododendron to prevent what happened to the Corbett Water District's Southfork of the Gordon Creek Watershed. If logging is done in the Big Henry Watershed the turbidity could become so great that Rhododendron could lose their sole source of water.

Rhododendron Water is in Clackamas County, has 363 connections and services about 900 in the water system. No matter big or little if you lose your source of water it is a big deal. Mr. Graeper said he is going around to other water systems and talking about coming up with some way to incentivize property owners to want to enter into agreements to protect the water and/or change the Oregon Forestry practices act. This would expand the riparian boundary from 20' to possibly 200' from streams. This would require legislation at the state level. Mr. Graeper said he was coming to Corbett Water because we ran into a problem with the logging near the South Fork and he would like to work with us together with the Oregon Drinking Water Advisory Board, the State Legislature and others to see about getting some legislation done to protect our source water. Mr. Graeper said Corbett is the first district he has met with, but, he has contacted numerous others including Arch Cape on the coast.

Jeff Hargens stated the Oregon Department of Forestry did not know there was a water intake in the logging area. It was not on their maps. The twenty feet is not enough. It is not necessarily the logging that causes the problem it is the uprooting next to the stream and blow down that causes the problem in the streams.

Mr. Graeper said he would like the Boards permission to site Corbett Water and issues you have had with effect of logging on the southfork of Gordon Creek when he testifies before the water committee and/or send letters to various different legislators in trying to get the Oregon Forestry Acts changed.

Jeff Hargens said there is not just the logging in the area that affected the area. We have had weather changes affecting our water flows and we had a fish and wildlife contract that we removed part of the dam and positioned rocks that may have affected our water intakes. There is not just one factor that has affected southfork. He said he would not say just one thing is the reason for the problem at southfork.

Sara Grigsby said she thought part of the damage to the intake is from the trees falling from the blowdown after the logging. Jeff Hargens said that is correct.

Mr. Graeper noted the EPA/DEQ source water assessment points out who the private property owners are in your watershed. All water systems have one of these reports.

Further discussion of the need for greater set backs for logging.

The Board thanked Mr. Graeper for the information.

## **WELL PROJECT UPDATE**

Tim Shell of Wallis Engineering addressed the Board.

**General Update:** Tim Shell said Chris Augustine is finishing up the bid documents for the test well. Once those are done there should be a legal review through the District. Jeff Hargens asked if a driller would be available in the summer. Tim Shell said it should be a 6 to 9 month lead time for a driller.

Tim Shell continued there were nine applications received for the feasibility study grants. Those are still under review by the technical review committees. They will have their recommendations on their website the middle of March. There was 1.45 million dollars in grants requested and there is 2.5 million dollars available for the grants. If all the projects are awarded there is plenty of money to go around. Tim continued that he thinks it looks really good to receive the grant. Jeff Hargens said he is in favor of moving forward with getting the test well started this summer.

Dan Graff asked once the technical review committee makes their recommendation in March how fast does the process go from there. Tim Shell responded the Oregon Water Resources Commission will receive the recommendation and make the awards in June.

Fred Sanchez asked if preparation of engineering design costs will be eligible for reimbursement under the grant? Tim Shell said that the work that Chris Augustine of SCS Engineers is doing should be covered.

Discussion of need for a legal agreement between the property owner and the District to drill the test well. This would not be the final easement for the production well.

**Additional scope of work Wallis Engineering \$34,851 proposed** – The Board received the proposal in their Board packets. Tim Shell went over the information with the Board. This proposal would get the project through the end of 2022 when the test well is complete, feasibility study is done and assistance with all of the grant applications and loan documentation. The Board reviewed the information.

Jeff Hargens clarified that this agreement would take us up through applying for the project grant and waiting for decisions on that to go into designing the production well. Chris Augustine's agreement also goes through that point in the project. Fred Sanchez noted we will have further questions as we move along with the project.

Discussion of consulting costs.

Jeff Hargens made a motion to approve the Wallis Engineering agreement dated December 3, 2019 in the amount of \$34,851. Sara Grigsby seconded. Fred Sanchez asked if there were any additional cost Tim Shell could foresee to get us through the test well process. Tim Shell said this is all I can see. Dan Graff said we have received a very good level of service. Jeff Hargens called for the vote, all were in favor, motion carried. *(5yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

The October 2019 Board meeting minutes state “...we will be using an attorney to draw up the easement and it is appropriate to move forward.” Fred Sanchez stated his additional comment to that statement is “we will be moving forward for the benefit of the Corbett Community and the Water District.”

**Question on the need for legal agreement between property owner and District to drill test well** - Discussion of when the District should enter into a formal agreement with the landowner to drill a test well and the easement once a production well is drilled.

Fred Sanchez said we need protections for the property owner and the District. Fred Sanchez stated there are half a dozen attorneys that specialize in this work. One of these may do pro-bono work. Dan Graff made a motion that Fred Sanchez head up contacting a water specialist attorney for the District for drawing up a temporary construction easement and agreements between the property owner and the District for the well project. Sara Grigsby seconded, four yes votes, zero no votes and one abstention, motion carried. *(4yes votes: S Grigsby B.Gaughan, F.Sanchez & D.Graff 0 no votes and 1 abstention : J. Hargens)*

## **HARASSMENT, DISCRIMINATION AND RETALIATION POLICY – 2<sup>ND</sup> Reading**

The Board received a copy of the updated Harassment, Discrimination and Retaliation Policy 10.2 in their Board packets. The policy is being changed due to passage of Oregon SB479. The new legislation went into effect January 2020 and all government entities are required to have the policy in place that meets the SB479 requirements. Copies of the proposed new policies are available at the office. The Board reviewed the information. This is the second reading of the policy. The first reading was held at the December 17, 2019 Board meeting. The Board had no changes to the proposed policy as presented.

Jeff Hargens made a motion the updated Harassment, Discrimination and Retaliation Policy 10.2 be adopted as presented on December 17, 2019 and January 21, 2020. Sara Grigsby seconded, all were in favor, motion carried. *(5yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

**AMENDMENT OF MOTION TO APPROVE DISTRICT MANAGERS REQUEST RETIREMENT FROM PERS AND RETAIN POSITION WITH WATER DISTRICT**

The District Clerk reported the District Manager, Jeff Busto has not filed for his PERS retirement. Since the motion in December 2019 approved the retirement and retention of Jeff Busto in his position upon his retirement January 1, 2020 the motion will need to be amended.

President Jeff Hargens tabled this item until the February regular Board meeting.

**REVIEW OF FISCAL YEAR EXPENDITURES/REVENUES AS RELTATED TO BUDGETED AMOUNTS**

The Board received an outline of information in their Board packets. Treasurer Sara Grigsby, presented the outline. Sara Grigsby proposed that a mid-year review of revenue and expenditures as related to the budget be completed each year. Sara Grigsby asked that this item be tabled until next month when the District Manager will be here to answer questions.

This item tabled until the February 18, 2020 regular Board meeting.

**EMPLOYEE TRAINING AND DEVELOPMENT PLAN AND EVALUATION SCHEDULE**

Tabled until February 18, 2020 regular Board meeting.

**BUDGET CALENDAR AND APPOINTMENT OF FISCAL YEAR 2020-2021 BUDGET OFFICER**

Short discussion regarding the proposed budget calendar. The Board asked that, if possible, the second Budget meeting be changed to April 14, 2020 before the regular Board meeting. The District Clerk will look into making the change.

Jeff Hargens made a motion to appoint District Manager Jeff Busto the Fiscal year 2020-2021 Budget Officer. Bob Gaughan seconded, all were in favor, motion carried. *(5yes votes: S Grigsby, J.Hargens, B.Gaughan, F.Sanchez & D.Graff 0 no votes)*

**APPOINT COMMUNITY BUDGET COMMITTEE MEMBERS FOR VACANT POSITIONS**

The Board reviewed the information in their Board packets. Appointments to the committee will be made a the February regular Board meeting.

**MANAGER’S REPORT**

The Board received a copy of the report in their Board packet.

Sara Grigsby read the report to the Board and the audience.

**PUBLIC COMMENTS**

Malcolm Freund thanked Sara Grigsby for the work she is doing on the mid-year review of the budget information.

**SUGGESTIONS FOR FUTURE AGENDA ITEMS**

**BOARD MEMBER ADDITIONAL ITEMS FOR THE GOOD OF THE ORDER**

**ADJOURNMENT OF THE MEETING**

Jeff Hargens made a motion to adjourn the meeting at 8:20 p.m. Dan Graff seconded the motion, all were in favor, motion carried. *(5yes votes: S Grigsby, D.Graff, B.Gaughan, F.Sanchez & J.Hargens 0 no votes)*