

**CORBETT WATER DISTRICT  
BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING  
December 17, 2019**

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

**BOARD MEMBERS ABSENT:** Fred Sanchez

**STAFF PRESENT:** District Manager Jeff Busto, Assistant District Clerk Lynda Ronell and District Clerk Gail Griffith

**AUDIENCE MEMBERS:** Malcolm Freund, Victoria Purvine, David Jacob, Gary Purvine, Gordon Fulks, Kathryn Green

President Jeff Hargens called the meeting to order at 6:33 p.m.

**APPROVAL OF THE AGENDA**

Sara Grigsby made a motion to approve the December 17, 2019 Agenda as presented. Bob Gaughan seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

**APPROVAL OF THE MINUTES**

**October 15, 2019 Regular Meeting**

Jeff Hargens made a motion to defer approval of the October 15, 2019 meeting minutes until the January 21, 2020 regular Board Meeting. Sara Grigsby seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

**November 19, 2019 Regular Meeting**

Sara Grigsby made a motion to approve the November 19, 2019 Regular Board Meeting minutes as printed. Dan Graff seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

**November 19, 2019 Special Board Meeting**

Sara Grigsby made a motion to approve the November 19, 2019 Special Board Meeting minutes as printed. Dan Graff seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

**TREASURERS REPORT**

**OCTOBER 2019-** Sara Grigsby reported she reviewed the information for October 2019. In the summary of accounts for October 2019 on the back page under Debt Service the last column should have the budgeted amount listed, not zero. Also, under General Fund Resources, Total Resources the column marked "Total Current Received" should list \$280,355.19 instead of \$380,355.19. Sara Grigsby went through the summary of accounts in major categories and the amount used so far this fiscal year. (Summary of Accounts is attached) Dan Graff made a motion to approve the October 2019 Treasurers report with changes as noted in the Summary of Accounts. Bob Gaughan seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

**NOVEMBER 2019 -** Sara Grigsby stated that in a previous meeting she noted in January she wants to do a harder look at the parts of the Budget to see if our strategy of what we funded is actually happening. That way we can better understand if a category is at 0% is that a problem or is it ok. This will be a separate agenda item. Sara Grigsby continued and reviewed more information on the Summary of Accounts. She noted we have less in our LGIP account this month which is partly due to making this year's payment on our loan. We are currently doing fine in our cash flow and running well within our budgeted dollars. Sara Grigsby continued that in Personnel Services we have only spent 25% of what is budgeted. Sara Grigsby said she would like to look more closely at the Utility Worker I and II in January. In regards to contractors she would like more information on what has been spent on contractors. In Capital Outlay we need more information on what projects are getting done. Sara Grigsby said she is interested in diving deeper on personnel positions. It has been noted it is hard to

hire people with what we can pay, we need information on training and development and dates for annual reviews of employees. Jeff Hargens agreed that he would like to get dates on employee reviews.

Dan Graff made a motion to approve the November 2019 Treasurers report. Bob Gaughan seconded, all were in favor, motion carried. *(4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)*

## **WELL PROJECT UPDATE**

### **a. Update on application for feasibility study grant**

The feasibility study grant has been submitted.

### **b. Response to November 19, 2010 letter from NEMCCA**

The Board received a copy of the letter in their Board packets.

Regarding section 1 and 3 of the letter the District Clerk reported she spoke with the County Planner. Planner George Plummer at first stated we talked about a lease, however, the District Clerk reminded him that there were seven people at the meeting and six of us remember talking about the easement. Planner George Plummer did check with head planner Lisa Estrin and she confirmed that County Planning has no control if we want to use an easement for the project. That is was up to the water district. The District Clerk continued that she did discuss the septic requirement with Planner Plummer. He spoke with Lisa Estrin again. He said they would recommend that when we go through our application process that we go to the Sanitarian first to confirm that septic would not be required. George Plummer also had the idea that we were going to dig a pit outhouse next to the well. The District Clerk told Mr. Plummer that we would use a porta-potty. There was also some miscommunication and the County Planner thought that we were going to have a tower. In regards to the pre-application time-frame. He said once we get more information together we can apply for an extension.

Jeff Hargens stated he doesn't understand half of the questions in the letter from NEMCCA or why it is an issue. If there is a problem with him donating the land then the District has full opportunity to go somewhere else.

Victoria Purvine stated that she has spoken with community members and there is a perception that Jeff Hargens is getting something out of the deal. Jeff Hargens said he has been on the Board for years and he has put time in with the Board. Sara Grigsby said that the reason it is not being a sale of land to the Water District is because seven of us sat in a meeting and an easement came up as the way to cost the district less. This may not make sense to some people. Victoria Purvine asked how does the easement impact Jeff Hargen's ability to build a home later on the property. Discussion of requirements for setbacks for an easement as opposed to a sale.

Victoria Purvine continued and stated that community members at the post office and the store have spoken to them and would feel more comfortable if the Water District bought the property for the well, even if it was for a \$1.00, so that it would be owned by the District. Sara Grigsby responded that through an easement we would have full access and use of the land until such date as the District quits using the land for the well. Why is that a problem? Jeff Hargens said as long as the District uses the land to pump water out and then if they quit why would the Water District want the land? Jeff Busto commented that he doesn't understand the problem. He continued that the community may not know it but we do not own the land that our treatment plant sits on. We lease that land from the BLM.

Victoria Purvine said the community supports the well but it would just be better if the Water District bought the land from the Hargens'. Sara Grigsby responded that she is glad people support the well and that not everyone is going to support everything the Water Board does. If we change what we are doing there would be another group that wouldn't agree with that. It is great to hear the information, but, it is the Water Board's decision. Victoria Purvine invited Water Board members to the NEMCCA meetings.

David Jacob, Engineer under contract with the Water District, commented that there are several different kinds of easements. The kind of easement that would be appropriate for the well is a complete and total easement. Everything the District would need to perform the function would be included.

Victoria Purvine asked Jeff Hargens if the Hearing's officer, for the county, comes back and says there would have to be two acres included in the easement would he still be willing to let the Water District use the property? Jeff Hargens stated that according to our pre-application the property owner, my wife and I, have agreed to an easement with the Water District and we don't know what the details are at this time.

Sara Grigsby stated as a Board Member I don't think we can answer all of your questions at this time. We will have to address items as we come up against those challenges. If someone from land use came to us and said "no" what we said before doesn't apply, then the Board would be having further discussions with the property owner. Jeff Hargens said that in the pre-application meeting information they say not everything may be right. Sara Grigsby continued that the questions from NEMCCA are really good questions, but, we cannot answer some of them now.

Victoria Purvine responded "however I just heard Jeff Hargens say I would not be willing to do X amount of acres." So is there a limit. Jeff Hargens responded, of course there is a limit. The water district can go to Weyerhaeuser or across the road. He continued that he is all for the well. Jeff Hargens said he has been working on this for several years. Since this is the ideal spot for the well, he and his wife are willing to work with the District to donate whatever they need, according to what the County told us the area needed, and it should not encumber what we plan to do on the property.

Gordon Fulks asked if both the test well and the production well be next to each other? Jeff Hargens responded yes they can be next to each other. Victoria Purvine said the test well has to be left open for accessing information. Dan Graff responded they become a monitoring well. They are not used. Dan Graff stated in Beaverton we have some test and production wells that are 50 feet apart and some that are 15 feet apart. Victoria Purvine commented that what she is hearing is there is a limitation on the amount of land the property owner will agree to for the easement, but, at this stage the property owner is not willing to say how much that is because the Water District has to wait to hear from the County on what would be needed. Sara Grigsby and Jeff Hargens agreed with that statement.

Victoria Purvine asked when the actual application will be submitted to the County. Jeff Hargens said we are still in the feasibility study of the project. There are no restrictions on drilling the test well. Discussion of a land attorney drawing up the easement and possibly the Planner from Wallis Engineering working together. Possible January 2020 agenda item to receive a quote from a land attorney for preparing an easement which includes working with the County.

Dan Graff said in larger projects there is the "chicken and the egg" where many things come up and you don't know if this needs to be done before that. The answers will not all come at the same time. It takes working together. If we do the easement now and then the test well is no good we have spent District money we didn't need to spend. Dan continued that all of the questions are great, but, we don't have all the answers at once.

Jeff Hargens commented as the property owner he can give the District permission to drill the test well. Dan Graff said that is temporary construction. Then if it is good we could do the easement. If the District bought land they would have that expenditure and no guarantee the test well would be any good. Dan Graff said donations of property for easements have happened in the community before such as the Springdale School and up at the Aims Fire Station. Dan Graff continued the Hargens' offering this property to the Water is a great thing for the community and a decent thing for them to do.

Sara Grigsby said this is a big project and everything discussed back and forth tonight does not mean that things will not change as we go through the process. There are questions on the NEMCCA letter that are not answerable tonight. Dan Graff noted it is going to be an ongoing process and some of the answers and questions will change and we will have to answer those as they happen.

Gordon Fulks was concerned about the conflict of interest of the Board President. The Board President, Jeff Hargens, has declared a conflict of interest. President Hargens discusses the well project but did not vote on the motion made to use his property for the well.

**c. update on Revolving loan fund application.**

The District Clerk reported we received the ok for the revolving loan. We also received an email that the application for the loan was due within 45 days of the email. In speaking to our representative we have two years after our letter of interest to complete the application. They put the 45 day request to track where projects are in the process. They have a certain amount of money available each year and they need some idea of when we would apply so they can anticipate their cash flow for the project. What they need to know is does the Board have any idea right now on when the District will apply for the funding. Short discussion. The Board does not have a good date at this time. We are moving forward but if we need money it could be 1.5 years or more. The District Clerk will contact the loan representative and let them know we will not be applying in the next six months and the Board will review the timeline again at their July 2020 Board meeting.

**AUDIT REPORT FISCAL YEAR 2019-2020**

The Board received the Audit by email. The Board members have reviewed the information. The Board has no objections to the Audit. The final audit will be submitted to the State as required.

**HARASSMENT, DISCRIMINATION AND RETALIATION POLICY – 1st 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 goes 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. The second reading of the policy will be held at the January 21, 2020 regular Board meeting.

**DISTRICT MANAGERS REQUEST RETIREMENT FROM PERS AND RETAIN POSITION WITH WATER DISTRICT**

The Board received a copy of the letter from the District Manager in their Board packets. President Hargens read the letter aloud. (copy attached to minutes) The District Manager asked that he retain his position after retiring from PERS. Sara Grigsby confirmed this is what the District Clerk did in November. Jeff Hargens asked the District Manager when he plans to actually retire from the Water District and how as a District will we make that transition to a new Manager. Jeff Busto replied he plans to work until 70 years of age which is five years from May. He said he would be focusing, by next year, on hiring someone who can be trained as a District Manager to take over the position. Jeff Hargens said he likes to see smooth transitions when people go into retirement. Retirements are a process of preparing for the future, either a smooth transition or going out and hiring someone. Sara Grigsby commented we want knowledge transfer.

Jeff Hargens said he has no problem with moving forward with this. The District Clerk noted that District Manager Jeff Busto can say he plans to work until he is 70 and the District can say they want to retain him as an employee and plan for succession, but, there is no guarantee that either thing happens. Oregon is an at will employment state.

Jeff Hargens said we need to get back to worker evaluations with a schedule and evaluation of the District Manager. Sara Grigsby agreed.

Victoria Purvine asked if the District is following policy by just letting the Manager retire from PERS and then rehiring him in the position. Jeff Hargens replied he spoke with the Attorney at Special Districts and it does not open up the re-hiring process we can just hire him.

Sara Grigsby made a motion we accept the letter from District Manager Jeff Busto dated November 14, 2019 asking that he would respectfully request that he be allowed to retain employment with the Corbett Water District after he retires from PERS effective January 1, 2020. Bob Gaughan seconded, all were in favor, motion carried. (4 yes votes: S Grigsby, J.Hargens, B.Gaughan & D.Graff 0 no votes)

## **MANAGER'S REPORT**

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

District Manager Jeff Busto read the report to the Board and audience.

We plan to replace the turbidity meter for raw water as soon as possible. Regarding the turbidity meter the Manager explained we have a turbidity meter that controls when the water comes into the plant or does not come in to the plant depending upon turbidity. Anything above one NTU unit we transfer back to the creek so it doesn't come back into our ponds. The problem is that now we have a ½" line that is 500 feet long so depending upon the flow it might take five minutes to thirty minutes for the dirty water to hit the turbidity meter before it shuts the valve off so a bunch of dirty water gets into the system. We need to change that. We would move the meter into the raw vault so it is at the source. It should also dramatically reduce the frequency of the filter pond cleaning.

Our telemetry controllers will need to be replaced in the next fiscal year at a cost of approximately \$15,000 for parts plus labor. Our current units are obsolete. The District Manager continued that our PLC (programming logic computer – main computer brain in the treatment plant) is an Allen Bradley and they go forever. They are about \$100,000 to replace and we have enough spare components that if we have a failure we could get back online, however, when those parts are gone they are gone.

## **PUBLIC COMMENTS**

### **SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Jeff Hargens said he received a letter from Wallis Engineering. It is a cost proposal for taking us through the test well and analysis of the test well from the engineering standpoint. Jeff Hargens asked that Tim Shell attend the January Board meeting to discuss the proposal with the Board before any action is taken.

The Review of the Budget and relationship to where we are with spending in the fiscal year as discussed earlier.

Employee training, development and schedule of evaluations.

Jeff Busto said Steve Graeper, President Rhododendron Water Association, may be attending our next Board meeting.

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

Sara Grigsby noted there was a meeting at the Grange related to climate change and water. The word is getting out about climate change and water. The other item is that Metro owns setback land up on Larch Mountain Road. We may want to contact Shannon Leary about buying some setbacks in our watershed. Malcolm Freund said in a meeting in Gresham they had a discussion on watersheds and they said they are not interested in municipal watersheds. Victoria Purvine said that they may be interested now since the bond for metro passed.

### **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. (4yes votes: S Grigsby, D.Graff, B.Gaughan & J.Hargens 0 no votes)