

ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT DRAFT MINUTES

21 October 2016

A quorum was present.

Water Board: Virginia Birkby, President
Ron Schiffman, Vice-President
Dan Seifer

Excused Absent: Debra Birkby, Treasurer

Sanitary Board: Darr Tindall (non-voting)
Casey Short (non-voting)

Public: David & Jeannie Stockton

Staff: Phil Chick, District Manager

Ms. Virginia Birkby called the meeting to order at 6:00pm.

Public Comments: None.

Agenda: Hold the irrigation and leak policy and minutes in the consent agenda. Mr. Seifer moved acceptance of the agenda as amended which was seconded by Mr. Schiffman. All in Favor (AIF).

Consent Agenda: . Hold the minutes. Mr. Seifer moved acceptance of the consent agenda as revised which was seconded by Mr. Schiffman. AIF.

Old Business:

September Minutes: Revise the minutes on page one in the 2016-17 Employee Salary Adjustment section to read, “ an additional performance increase of 2% ...” in place of “ an additional increase of 2% ... “. Mr. Schiffman moved acceptance of the minutes as revised which was seconded by Mr. Seifer. AIF.

Billing Appeal Policy: Mr. Schiffman moved for the adoption of the policy setting forth the billing appeal procedure (attached) which was seconded by Mr. Seifer. AIF.

Personal Services – Admin Support Contractor: It was reported that work had progressed on preparing the request for proposal (RFP) for the contractor support position. The Personnel and Joint Contract Committee had developed some selection criteria earlier this evening and examined the scope of work and contract documents that will be made a part of the RFP that goes out. The plan is to put this out in November on about the 14th of the month and accept proposals through November 30th with the goal of the new contract beginning January 1, 2017.

It was moved by Mr. Seifer and seconded by Mr. Schiffman to authorize the District Manager to move forward with the RFP process as previously outlined. AIF

Best Practices Checklist: It was reported that a work session had taken place earlier in the afternoon regarding the best practices checklist. This year's program focuses upon ethics. Approval was requested by the District Manager to forward the best practices checklist as developed in the work session on to SDAO. Mr. Seifer moved approval of the District Managers request to forward the checklist after action is taken on the Ethics Policy which was seconded by Mr. Schiffman. Upon discussion this motion was deferred for later consideration and possible approval.

New Business:

District Manager Contract Adjustment: It was decided to modify the District Manager's contract to include supervision of the administrative support contractor. Consideration of this contract adjustment is moved to next month.

MODA Health Insurance: It was reported that the current insurance was up for renewal. Medical insurance costs would go up approximately 3.3% and renews on January 1st of next year. It's recommended that this item go on the next meeting's agenda for action.

Ethics Policy: The draft ethics policy came from SDAO including guidance and expectations for public officials. It's part of the best practices credit that the district could receive upon enactment. Mr. Seifer moved adoption of the Ethics Policy (attached) as presented by the District Manager which was seconded by Mr. Schiffman. AIF.

Whistle Blower Policy: It was reported that the Oregon 2016 Assembly passed a bill requiring all districts to have a whistle blower protection policy. There was a general consensus that the SDAO recommended whistle blower policy be utilized by the district where it would be modified to reflect reporting of an issue covered by the policy be made to the District Manager or a Board member. Moved to next month's meeting.

Watershed Status Update: A number of trees were reported to be blown down in our watershed both inside and outside of our stream buffers. It was uncertain what if anything could be done by Stimson to mitigate this condition.

SDAO Best Practices Checklist: It was moved by Mr. Seifer and seconded by Mr. Schiffman to have the District Manager forward our best practices checklist to SDAO. AIF.

Reports:

Accounts Receivable: Accounts receivable was reported to be in good shape.

District Managers Report: (attached) Additionally it was reported that the DEQ had provided the district with a chemical solution that had the effect of preparing the pH meter to take more accurate readings. We will be using this procedure for two months and report the results back to the Oregon DEQ. The current results have been minimal.

Treasurer's Report: Mr. Chick reported that earlier in the week Ms. Debra Birkby in her capacity as Treasurer, had come to the waste water treatment plant and reconciled the district accounts resulting in nothing out of the ordinary.

Board of Directors' Comments and Reports: Mr. Seifer thanked the District Manager for his efforts and success in obtaining a grant to explore the prospects of developing a secondary water source. He further congratulated the District Manager on the positive report from the Oregon DEQ on the excellent manner in which district employees were managing the waste water treatment plant. Mr. Schiffman reported that on Tuesday it was the statewide earthquake drill where he learned that there would be a significant delay of as much as six months to a year in getting food, water and health assistance to the north coast and Arch Cape. Ms. Virginia Birkby thanked Mr. Schiffman and everyone for the positive work done on the policies.

November Agenda Items: Irrigation and Leak policies, MODA policy renewal, District Manager's Contract adjustment for supervision of the admin support contractor, Billing policy, and Admin Asst update.

Public Comment: None.

Ms. Virginia Birkby adjourned the meeting at 6:32pm.

Respectfully submitted,

Steve Hill

Attest _____
Ms. Virginia Birkby, President

Arch Cape Domestic Water Supply District
Billing Appeal Policy
Policy # _____

Purpose:

This policy outlines the process for all persons, applicants for service and customers (hereinafter “customer/s”) within the service boundary of the Arch Cape Domestic Water Supply District [ACDWSD] for submitting inquiries and disputes of ACDWSD invoice bills. Customer accounts are billed according to ACDWSD billing policy. It is the intent of the ACDWSD to handle all billing inquiries and disputes fairly and expeditiously.

Procedure:

In order to provide, a fair, timely and transparent process, any and all inquires and disputes of ACDWSD invoice bills shall follow the process as set forth herein.

Appeal Process:

1. Customers shall first address all billing inquiries in writing to the ACDWSD Manager, according to established ACDWSD policy; said inquiries and/or disputes must be made within 90 calendar days of the date of the subject invoice.
2. The customer must pay all charges not subject to dispute, during the appeal process, according to the then existing payment policies of the ACDWSD.
3. If the issue cannot be resolved with the ACDWSD Manager, customers may submit a formal written appeal to the Board of Commissioners [BOC] of the ACDWSD for further review.
4. Upon written request, a customer shall be provided a ACDWSD Appeal Request Form and a copy of the ACDWSD’s Billing Appeal Policy.
5. Any and all appeals must be made in writing, stating the basis upon which the customer is relying for the appeal; said appeals must be submitted to the ACDWSD Manager within 30 calendar days of written notice from the ACDWSD Manager that the dispute cannot be resolved.
6. The appeal shall be placed on the agenda of the next regularly scheduled meeting of the BOC. The ACDWSD Manager shall notify the customer in writing of the date and time of that meeting. The customer’s written appeal, invoice, payment and meter history shall be made available to the BOC for its review. The customer shall be permitted to present additional information to the BOC for consideration either in person, or in writing.
7. The BOC shall consider the appeal and make a final decision, based upon consideration of all relevant information. The BOC may in its sole discretion decide as

follows: (1) reject the customer's appeal in its entirety; or, (2) find in favor of the customer, in whole or in part.

8. In the event that the appeal is rejected, all charges shall be immediately due and payable, and may be structured into a ACDWSD approved payment plan.

9. In the event of a finding in favor of the customer, the appealed charges or any part thereof, as determined by the BOC, shall be waived or credited to the customer's account.

10. The ACDWSD Manager shall inform the customer of the BOC's final decision in writing.

Dated: _____

Arch Cape Domestic Water Supply District Ethics Law Policy
Policy No:

Overview

Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees, and volunteers
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

Purpose

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics law.

Financial Gain

Each public official is prohibited from using the position as a public official to receive certain financial benefits if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of the public official's household, or for a business with which the public official, a relative, or a member of the public official's household is associated.

The following is a list of financial benefits that may be received. These include:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Some gifts

Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does not allow the public official to receive up to \$50 worth of gifts from each source. In addition, unlimited gifts may be accepted from a source that does not

have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflicts of interest and potential conflicts of interest. The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.”

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official’s relative or a business with which the official or a relative of that official is associated.

A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below.

- Potential Conflict of Interest: Following the public announcement, the public official may participate in the official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

If a public official is met with an actual conflict of interest and the public official’s vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member’s absence when the governing body is convened. Rather, it implies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

Managers Report October 21, 2016

WATER:

The new title for the Dodge Ram has been received in the name of the Arch Cape Domestic Water Supply District.

The Asbury Creek Intake has been winterized and the stream flow device on Shark Creek has been pulled out for the winter.

Annual water sampling will be sent in to the lab as required by the Oregon Health Authority. Testing for disinfection Byproducts, SOC,VOC, Nitrate, and radiological testing will be conducted this year.

We have received a letter of award from IFA Business Oregon for a \$20,000 forgivable loan to be used for the evaluation of potential water sources within the District. We will begin work on the project in 2017 with CMI Engineering. A focus of the feasibility project will be on wells, and the possibility of ground water being a viable option as an auxiliary source for the District.

Correspondence was sent to the property owner at 79594 Hwy 101 informing that new system development charges will be required by the District upon reestablishing service to the property which is for sale.

MONTHLY LOG : ARCH CAPE WATER & SANITARY DISTRICTS

September 2016

Total Hours	351.00	120.50	230.50
Percentage Split		34%	66%
Total Accounts	621	286	335
Percentage Split		46%	54%