

# ARCH CAPE SANITARY DISTRICT DRAFT MINUTES

21 October 2016

A quorum was present.

Sanitary Board: Darr Tindall, President  
Ron Schiffman, Vice-President  
Virginia Birkby  
Casey Short

Excused Absent: Debra Birkby, Treasurer

Public: David & Jeannie Stockton

Staff: Phil Chick, District Manager

Ms. Darr Tindall called the meeting to order at 6:34 pm.

**Public Comment:** Mr. David Stockton said he was impressed with the expeditious manner in which the water district meeting had progressed and would be equally impressed if the current meeting were to proceed in a like manner.

**Agenda:** Remove leak and irrigation policies, the Treasurer's report, excess usage sanitary charges and SDC financing. It was also suggested that the ethics policy be taken up prior to the best practices check list. Ms. Virginia moved adoption of the agenda as amended which was seconded by Mr. Short. All in favor (AIF).

**Consent Agenda:** Pull minutes. Mr. Short moved adoption of the consent agenda as amended which was seconded by Mr. Schiffman. AIF.

## Old Business:

**September Minutes:** On the second page in the second paragraph where it currently reads, "Mr. Chick and Ms. Tindall will draft an Ordinance to that effect ...", would now read, "Mr. Chick and Ms. Tindall will draft a letter to that effect ...". Mr. Short moved acceptance of the September minutes as amended which was seconded by Ms. Virginia Birkby. AIF.

**Billing Appeal Policy:** Mr. Schiffman moved adoption of the proposed billing appeal policy (attached) which was seconded by Ms. Virginia Birkby. AIF.

## New Business:

**Ethics Policy:** A motion to adopt the ethics policy (attached) as drafted by staff was made by Mr. Schiffman and seconded by Mr. Short. AIF.

**Best Practices Checklist:** A motion to direct the District Manager to submit the best practices check list to SDAO was made by Mr. Schiffman and seconded by Ms. Virginia Birkby. AIF.

**Sanitary Bill Relief Request:** A request for sanitary district billing relief was received from the owner of 80046 Pacific for the previous billing cycle and a waiver of approximately \$4,400.00 requested. An analysis of the water usage during this period was made. An irrigation system is in use and programmed to run about every other day. It is scheduled to come on at 5:48am and is on for about four (4) hours and uses about 1,100 gallons in that time. Then at 9:48pm of the same day it comes on again and uses from 250 – 290 gallons. It was reported to be an irrigation issue and that these usage patterns were noted in 2015. For the July, August and September usage period there is only an approximate 8,000 gallon difference between last year and 2016. A motion for relief was made by Mr. Schiffman and seconded by Ms. Virginia Birkby.

A general discussion ensued and a consensus developed that the consumption which was billed was planned for, did not represent a system failure which would have allowed the leak policy to come into play, was consistent with prior usage in the same time periods in the previous year and therefore relief should not be extended. In the call to question for the motion on the floor a unanimous no vote was extended.

A further motion was made by Mr. Short and seconded by Mr. Schiffman to direct the District Manager to send a letter to the requesting home owner indicating that the requested sanitary billing relief was considered and upon deliberation denied by the Board. AIF.

It was observed that from this point forward the district has a formal policy for similar future requests.

## **Reports:**

**Accounts Receivable:** Account receivables were reported to be in good shape.

**District Manager's Report:** (attached) At the conclusion of giving the manager's report Mr. Chick indicated that he would be out of town on vacation from October 25<sup>th</sup> through November 11<sup>th</sup>.

**Board Comments:** Mr. Short expressed his thanks for all the work that had been done recently and particularly to Mr. Chick and Ms. Virginia Birkby for their efforts in putting together the RFP for the administrative support position. Mr. Schiffman commented that the district seemed on schedule with regard to membrane replacement on recent observations of the membranes in the tank and that we were at least three years out before replacements were required.

**November Agenda Items:** Whistle blower, excess usage, no work session prior to the next meeting, SDC financing, and Treasurer's report.

**Public Comment:** Mr. David Stockton expressed his appreciation for all of the work that was being done.

The meeting was adjourned by Ms. Tindall at 6:32 pm.

Respectfully submitted,

Steve Hill

Attest \_\_\_\_\_  
Ms. Darr Tindall, President

**Arch Cape Sanitary 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 Sanitary ACSD [ACSD] for submitting inquiries and disputes of ACSD invoice bills. Customer accounts are billed according to ACSD billing policy. It is the intent of the ACSD 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 ACSD invoice bills shall follow the process as set forth herein.

**Appeal Process:**

1. Customers shall first address all billing inquiries in writing to the ACSD Manager, according to established ACSD 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 ACSD.
3. If the issue cannot be resolved with the ACSD Manager, customers may submit a formal written appeal to the Board of Directors of the ACSD (hereinafter “BOD”) for further review.
4. Upon written request, a customer shall be provided a ACSD Appeal Request Form and a copy of the ACSD’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 ACSD Manager within 30 calendar days of written notice from the ACSD Manager that the dispute cannot be resolved.
6. The appeal shall be placed on the agenda of the next regularly scheduled meeting of the BOD. The ACSD 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 BOD for its review. The customer shall be permitted to present additional information to the BOD for consideration either in person, or in writing.
7. The BOD shall consider the appeal and make a final decision, based upon consideration of all relevant information. The BOD 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 ACSD 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 BOD, shall be waived or credited to the customer's account.

10. The ACSD Manager shall inform the customer of the BOD's final decision in writing.

Arch Cape Sanitary 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

### **SANITARY:**

Staff recently drained, cleaned, and inspected the MBR basins with support from Bob McEwan Construction. Hiro Kuge, from Kubota Membrane, was also onsite to conduct a free membrane inspection for us. Upon visual inspection, he thought that our membranes were generally in good shape for being 7 years old. We shipped some membranes to Kubota's R&D facility in Canton, Ohio where a tensile strength test will be performed. This should give us a decent perspective of how long we can rely on the performance of the membranes. I will relay this information to the Board when we receive it.

Biosolids was moved and drying beds were filled

The West Cedar Street sewer line extension will be happening soon. Plans have been received and approved by Oregon DEQ. Bob McEwan Construction will be performing work for the owners of the newly constructed home at 31938 Cedar Street, extending a 6" sewer line from the intersection of Pacific Ave/W Cedar St. 136' east.

Staff responded to a 14 hour power outage on October 13<sup>th</sup>. We received 8.9" of rainfall in the storm from October 13<sup>th</sup> through October 16<sup>th</sup>. The early rain has allowed us to receive permission from Oregon DEQ to begin using our creek outfall for the discharge of treated effluent. The irrigation system is now shut down for the season and will be winterized soon. 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.