

# ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT MINUTES

17 January 2020

A quorum was present.

Water Board: Dan Seifer, President  
Debra Birkby, Vice-President & Treasurer  
Nadia Gardner  
Linda Murray  
Lauren Ahlgren

Sanitary Board: Darr Tindall (non-voting)  
Bill Campbell (non-voting)  
Chris Anderson (non-voting)

Public: John Mersereau  
David Stockton  
Jeannie Stockton

Staff: Phil Chick, District Manager  
Steve Hill

Mr. Dan Seifer opened the meeting at 6:00pm.

**Public Comments:** None.

**Agenda:** Pull Treasurers report. Ms. Birkby moved approval of the agenda as amended which was seconded by Ms. Murray. All in favor. Motion carried.

**Consent Agenda:** Ms. Birkby moved approval of the consent agenda which was seconded by Ms. Murray. All in favor. Motion carried.

**Old Business:**

**Watershed Update:** Mr. Chick reported that he was awaiting receipt of official correspondence but believes our project is receiving \$1M. The 2020-21 application cycle is currently under review in Washington D. C. and we should know in May.

The suggestion was made of inviting some members of our congressional delegation to become more familiar with our project and to express our appreciation for their help. Katie Voelke would be available for a tour. Potential Clatsop County budget support for \$250K was identified. Sara Nebeker was thought to be someone to reach out to for possible support.

**Forest Legacy Grant 2021:** (Information) Mr. Chick indicated the 2020-21 application cycle is currently under review in Washington D. C. and we should know in May.

**Purchase and Sales Agreement (PSA):** (Information) Mr. Chick explained that the EFM updates had been received. Mr. Greg Fullem was working out the details with Mr. Seifer. We are in need of an appraisal and to do due diligence on the suggested PSA.

Mr. Seifer said that payment of some sort would probably be needed to EFM soon after the PSA document was resolved between the parties.

**HP 19-G Road Access / Source Water Protection Grant:** (Information) Mr. Chick reported receipt of a \$30K grant. It was originally going to re-route the road but was switched to a road decommissioning. Unfortunately another slump has happened and EFM now wants to re-route and do the original plan. Mr. Chick expressed his belief that this would be a good thing to do. This effort will begin on August 1<sup>st</sup> and the North Coast Watershed Association will assist and need volunteers for the project.

**Request For Proposal – Forestland Appraisal:** (Action) Mr. Seifer said he was asking for board approval for a request for proposal for an appraisal. A question was raised on whether we would have a project manager. Mr. Chick said that Mr. Greg Fullem will be negotiating the purchase.

Ms. Murray moved approval for a forest appraisal which was seconded by Ms. Ahlgren. All in favor. Motion carried.

**Donations and Memorials:** (Information) Mr. Chick said he would work with Mr. Seifer and NCLC to send acknowledgement letters on behalf of the district for contributions to our acquisition effort.

**Policy 20-01 WD Prevention of Workplace Discrimination, Harassment, and Retaliation:** (Action) Ms. Ahlgren moved to table this policy which was seconded by Ms. Gardner.

Mr. Chick said that our attorney <sup>take off the</sup> suggested keeping a four (4) year term.

Ms. Birkby moved acceptance of Policy 20-01 WD Prevention of Workplace Discrimination, Harassment, and Retaliation with a four (4) year term which was seconded by Ms. Murray. All in favor. Motion carried.

**Administrative Assistant Contract:** (Action) Ms. Murray moved execution of the number 2 modification of the administrative assistant contract as recommended by the Personnel and Contract Committee establishing compensation of \$2,439.00 per month beginning January 1, 2020 through December 31, 2022. The motion was seconded by Ms. Gardner. All in favor. Motion carried.

**Water Tank Tree Damage:** (Information) Mr. Chick reported no significant damage to our water tank. A surveyor will determine ownership of adjacent trees to the tank and he hopes to have a professional evaluation of the trees near the tank to determine their health.

**Natural Hazard Mitigation Plan (NHMP):** (Information) Mr. Bill Campbell of the Arch Cape Sanitary District reported that a recent meeting was cancelled but would meet again on January 28<sup>th</sup>.

**SDAO Conference:** (Information) Mr. Chick reported that Ms. Birkby, Mr. Seifer, Mr. Anderson, Mr. Campbell, Ms. Gardner and Mr. Matson would be attending the conference. He said he would send a reminder e-mail.

**New Business:**

**Columbia Bank ACH Positive Pay Filter Service:** (Action) Approval was given by common assent to go forward with participation with Columbia Banks ACH Positive Pay Filter Service.

**Reports:**

**Accounts Receivable:** Receivables were reported to be in good condition.

**District Managers Report:** (attached)

**Board of Directors' Comments and Reports:** Ms. Birkby asked Mr. Chick if he had any feel for Heather Reynolds continuing as our attorney following her announced retirement from representing Clatsop County. Ms. Gardner suggested that water conservation inserts be included in the next billing cycle and will develop them with Ms. Ahlgren. She further said she is working with a group of concerned neighbors for the protection of a Hug Point Conservation Area. Ms. Ahlgren said she would love to help as a volunteer. Ms. Birkby announced the coming financial committee meeting dates of February 13<sup>th</sup> and March 19<sup>th</sup> at 2:00pm.

**February Agenda Items:** (Information) Watershed, and SDAO conference report.

**Public Comment:** Mr. John Mersereau offered his thanks to the board for their service.

The meeting was adjourned by Mr. Dan Seifer at 6:58 pm.

Respectfully submitted,



Steve Hill

Attest



Mr. Dan Seifer, President



# Arch Cape Domestic Water Supply District

## POLICY 20-01 WD

### PREVENTION OF WORKPLACE DISCRIMINATION, HARASSMENT, AND RETALIATION

*Arch Cape Domestic Water Supply District (ACDWSD)* is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, *ACDWSD* expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work related event, or any activity coordinated by or through the organization. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person we interact with in the course of accomplishing the work of the organization.

*ACDWSD* has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. *ACDWSD* will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

Discrimination, harassment and retaliation are not acceptable.

Any employee who has questions or concerns about these policies should talk with our primary contact, the District Manager, as an alternative you may reach *the Board President*

#### **EQUAL EMPLOYMENT OPPORTUNITY**

It is our policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

#### **RETALIATION**

We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of *ACDWSD* to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.



## **SEXUAL HARASSMENT**

Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

## **HARASSMENT**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes labels, insults or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

## **REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION**

*ACDWS*D encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with *the District manager or the Board President*. See the complaint procedure described below.

In addition, we encourage individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it stop. Often this action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to the *District Manager or Board President*.

### **INTERNAL COMPLAINT PROCEDURE**

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with *the District Manager* if you are unable to reach the primary contact please reach out to *Board President*. We encourage employees to document the event(s), associated date(s), and potential witnesses.

*ACDWS*D encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation. We encourage employees to document the events, associated dates, and potential witnesses.

Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

*ACDWS*D will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as [Identify potential options: warning, reprimand,



withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination] as *ACDWS* believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

## **EXTERNAL COMPLAINT PROCEDURES**

We encourage employees to bring their concerns and complaints to the organization, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address:  
[https://www.oregon.gov/boli/CRD/Pages/C\\_Crcompl.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx)
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

## **EMPLOYMENT AGREEMENTS**

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

## **ADDITIONAL EMPLOYEE SUPPORT SERVICES**

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

- Legal Resources: Oregon Bar Association  
PO Box 231935 Tigard, OR 97281-1935  
503-620-0222
- Counseling and Support Services: Through MODA medical policy (available as of 2019 Policy Year)

*Adopted: January 17<sup>th</sup>, 2020*



**ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT  
ADMINISTRATIVE SUPPORT PERSONAL SERVICES AGREEMENT  
MODIFICATION NO. 2**

It is agreed that the personal services contract made by and between the Arch Cape Domestic Water Supply District ("ACDWSD") and Stephen M. Hill ("Contractor") executed on December 26, 2016 and modified on June 21, 2019 is further modified to reflect the following:

The AGREEMENT is extended to remain in full force and effect until December 31, 2022.

The SCOPE OF WORK and AGREEMENT "Exhibit A" CONTRACTOR SCOPE OF SERVICES are modified to add, as part of "Supporting Water and Sanitary Boards", the following:

- Establish and continuously maintain websites for the Districts in form and content acceptable to and approved by the Boards.

The MODIFICATION dated June 21, 2019 and the AGREEMENT section in the third paragraph shall be changed to read:

3. PAYMENT. ACDWSD agrees to pay North Coast Land Conservancy for the acquisition of the Arch Cape Forest in the name of Contractor on or before January 31, 2020, an additional lump sum of one thousand dollars (\$1,000.00 ) in consideration of Contractor's transfer, sale and grant to ACDWSD all right, title and interest in and to the website and intellectual property developed by Contractor at [www.archcapewater.org](http://www.archcapewater.org) together with the domains [www.archcapewater.org](http://www.archcapewater.org) and [www.archcapewater.com](http://www.archcapewater.com). ACDWSD agrees to pay Contractor a monthly lump sum payment of two thousand four hundred and thirty-nine (\$2,439.00) for the services and work required under this Contract beginning January 1, 2020 through December 31, 2022.

Contractor:

By: 

Stephen M. Hill  
31880 Oceanview Lane  
Arch Cape Oregon 97102

Date: 17 Jan 2020

Arch Cape Domestic Water Supply District:

By: 

Daniel J. Seifer  
32065 East Shingle Mill Lane  
Arch Cape, OR 97102

Date: January 31, 2020

Manager Report January 17, 2020

WATER:

The water plant distributed 765,000 gallons to town in November and 690,000 gallons in December.

Staff will be doing meter accuracy testing and valve exercising in the coming weeks. Each year we test 10% of the water meters in town for accuracy, as per our water management and conservation plan. Distribution valves in the street will be opened and closed to verify correct operation.

Notices have been sent to all customers with backflow devices and/or irrigation systems to have their systems tested. The deadline for returning the backflow report is March 1<sup>st</sup> and irrigation reports must be received in the office by May 1<sup>st</sup> each year. Homeowners with backflow devices are required to have them annually tested by a professional, under the District's cross control program Ordinance 11-04WD. However, homeowner irrigation systems may be checked by the homeowner.

**MONTHLY LOG : ARCH CAPE WATER & SANITARY DISTRICTS**

**December 2019**

Total Hours	<b>352.00</b>	<b>121.50</b>	<b>230.50</b>
Percentage Split		<b>35%</b>	<b>65%</b>
Total Accounts	<b>635</b>	<b>293</b>	<b>342</b>
Percentage Split		<b>46%</b>	<b>54%</b>