

SOUTH FORK WATER BOARD
MINUTES OF BOARD MEETING
May 27, 2015

Board Members Present: Dan Holladay, Oregon City Mayor, Chair
Russ Axelrod, West Linn Councilor
Brian Shaw, Oregon City Commissioner
Thomas Frank, West Linn Councilor
Rocky Smith, Oregon City Commissioner

Board Members Excused: Jenni Tan, West Linn Councilor

Staff Present: John Collins, SFWB General Manager
Christopher Crean, SFWB Legal Counsel
Wyatt Parno, OC/SFWB Finance Director
Mark Cage, Senior Plant Operator, SFWB
Kim Brown, Technical Writer, SFWB

General Board Meeting

(1) **Call to Order**

Chair Holladay called the meeting of the South Fork Water Board to order at 6:00 pm.

(2) **Public Comments**
There were none.

(3) **Consent Agenda**

(A) Approval of the Minutes of the February 12, 2015 Board Meeting.

The Board received copies of Page 1 of the February 12, 2015 Board meeting minutes which was revised to include clarifying language regarding the lawsuit Ms. Richmond referenced during Public Comments.

Board Member Shaw moved to approve the Consent Agenda. Board Member Frank seconded the motion, which passed unanimously.

(4) **Public Hearing – Resolution 15-01**
Adoption of Approved 2015–2017 Biennial Budget

John Collins, General Manager, noted the SFWB Budget Committee met on April 22, 2015 and passed the 2015–2017 Biennial Budget as presented for consideration for the Board’s adoption. He recommended the Board adopt Resolution 15-01 Fiscal Year Biennial Budget 2015-17 in the amount of \$10,774,801.

Chair Holladay opened hearing at 6:01pm and called for comments. Hearing none, he closed the public hearing at 6:01 pm.

Board Member Frank moved to adopt Resolution 15-01 Fiscal Year Biennial Budget 2015-17 in the amount of \$10,774,801. Board member Smith seconded the motion, which passed unanimously.

(5) **Resolution 15-02 Adopting the Memorandum of Agreement between the SFWB and SFWB Employees Effective July 1, 2015 and Ending June 30, 2020**

John Collins, General Manager, explained the five-year agreement was essentially an operating agreement SFWB had used for the 30 years he had been at South Fork. The agreement, which was modified in 2002 or 2003, had been consistently approved and was consistent with how South Fork treated its employees. The agreement had been reviewed by South Fork's legal counsel and a labor relations expert, both of whom found it acceptable.

Board Member Axelrod noted that Section 3 Hours of Work on Page 4 stated that Staff's travel time was not included. It seemed reasonable to cover the time Staff had to travel to a required meeting, for example.

Mr. Collins clarified the statement applied to Staff attending a national conference, for example, on a Saturday or Sunday. In accordance with BOLI laws, Staff traveling on normal days of work would be compensated, but not necessarily if they were traveling on their normal days off.

Board Member Axelrod inquired about Article 9 Wages & Pay on Page 14 which discussed wage increases being no less than 2 percent.

Mr. Collins confirmed that was based on the COLA used by the Cities of Oregon City and West Linn, which was based on the CPIW Index. The percentage dated back to 1990s; if inflation was low, increases could not drop lower than 2 percent, and the 6 percent cap protected SFWB should inflation skyrocket for a period of time. He confirmed attached salary schedule indicated what current Staff members would make effective July 1, 2015.

Board Member Axelrod referenced Item 11 on Page 20 and asked if employees were only compensated if they went to a particular fitness club. He was concerned about exposing South Fork to a lawsuit if the fitness organizations were limited or specifically named.

Mr. Collins explained SFWB's personnel services came through Oregon City, including its health insurance benefits. Gym membership was a benefit Oregon City instilled to get their employees healthier. He confirmed Oregon City had expanded the fitness organizations that Oregon City would provide coverage for and noted that Item 11 would be amended to list all the providers.

Board Member Smith moved to adopt the Memorandum of Agreement between the SFWB and SFWB Employees Effective July 1, 2015 and Ending June 30, 2020. The motion was seconded by Board Member Frank and passed unanimously.

(6) **Resolution 15-03 SFWB Records Retention Policy**

John Collins, General Manager, stated in light of issues with the governor's office and federal issues with emails, South Fork wanted to be proactive and have a formal public records policy consistent with Special Districts Association of Oregon (SDAO) and the League of Oregon Cities. Kim Brown would be responsible for implementing and administering the policy, so no new position would need to be created. The public records policy would apply to the Board and internally, in that Staff would also be provided guidance about the importance of saving emails, notes, documentation, etc. Having a public records policy was also consistent with SDAO best management practices, so having the policy in

place was good business. Currently, SFWB was saving \$12,000 to \$14,000 per year for adhering to those practices. He explained that if administration of the police became too daunting, temporary services could be considered. However, because South Fork was ahead of the curve and no deadlines were pressing, Staff would consider what was currently being done and start working to implement the policy over time. SFWB's archives included public records that ranged in dates and formats, including microfiche. The minutes of every SFWB meeting in the history of South Fork had been archived. The State's public record retention schedule indicated how long certain documents must be kept, so some SFWB documents could be legally purged, which was another benefit of the policy.

Board Member Shaw moved to adopt Resolution 15-03 SFWB Records Retention Policy. The motion was seconded by Board Member Frank and passed unanimously.

(7) **Business from the Manager**

1) SFWB Flag and Flag Pole Request

John Collins, General Manager, stated the employees wanted to have the United States and Oregon flags displayed on site. He supported the request, noting the cost would be about \$3,800 to \$4,200 if South Fork prepared the dirt work and a contractor poured the concrete block and erected the flag pole. Due to the security and lighting upgrades currently underway, lights could be installed to keep the flag lit at night. Although the cost fell within the General Manager's discretionary amount, the Board's support would be appreciated.

Chair Holladay said John Lewis had some old light standards that could be used for the flag pole to save money.

Mr. Collins confirmed the City of Oregon City could transfer surplus property to SFWB. He added South Fork currently had and has had several veterans on Staff over the years. South Fork takes pride in America and the timing was right for the project.

The Board consented to have a flag pole and related lighting installed on the SFWB site.

2) Performance Review of the General Manager

John Collins, General Manager, stated that due to lack of time, the Board would not be able to do his evaluation tonight and Board Members Smith and Tan had conflicts for the June meeting. Historically, the Board takes the summer off, so he asked the Board to consider approving a cost of living raise of 2.3 percent, the same as SFWB employees, and moving his evaluation to the fall. If the Board agreed, no Board meeting would be held until August or September.

Board Member Axelrod moved to authorize a 2.3 percent cost of living adjustment to the General Manager John Collin's salary, effective July 1, 2015. Board Member Shaw seconded the motion, which passed unanimously.

3) Water Rights Update

John Collins, General Manager, noted Mr. Crean would provide an update in a confidential memorandum to his office, which he would redistribute to the Board via email.

Chris Crean, SFWB Legal Counsel, added that he also wanted to report on some upcoming events that would move the process forward, so that email would be sent in the next couple weeks.

Mr. Collins confirmed the update regarding the Court of Appeals case on South Fork's water rights. He noted that thanks to Mr. Crean, SFWB prevailed on seven of the eight issues. He offered to work with Board Member Axelrod to get him up to speed on the case.

(8) **Business from the Board**

Board Member Smith moved to schedule the Executive Session for General Manager John Collin's evaluation to the September SFWB meeting. The motion was seconded by Board Member Frank and passed unanimously.

Chair Holladay adjourned the regular meeting of the SFWB at 6:16 p.m. No Executive Session was held.

(9) **Executive Session –Recess regular meeting and convene Executive Session.**

- a. To consider information or records that are exempt by law from public inspection pursuant to ORS 192.660 (2)(f).
- b. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).
- c. To conduct deliberations with persons designated by the governing body to carry on labor negotiations pursuant to ORS 192.660 (2)(d).
- d. To review and evaluate, pursuant to standards, criteria, and policy directive adopted by the South Fork Water Board, the employment related performance of the General Manager pursuant to ORS 192.660 (2)(i).

(10) **Reconvene Regular Meeting to Take Any Action Necessary as Determined in Executive Session.**

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription Services, Inc.
for John Collins, SFWB General Manager