

ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT MINUTES

15 November 2019

A quorum was present.

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

Excused Absent: Lauren Ahlgren

Sanitary Board: Darr Tindall (non-voting)
Carl Matson (non-voting)
Bill Campbell (non-voting)

Public: Ben Dair, Sustainable Northwest
John Mersereau
David Stockton
Jeannie Stockton

Staff: Phil Chick, District Manager

Excused Absent: Steve Hill

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

Public Comments: None.

Agenda: Mr. Seifer proposed changes to the agenda with an action item added to the Forest Legacy portion of the Watershed Update, and to New Business, Item B, Consideration of Policy 19-01 Prevention of Workplace Discrimination, Harassment, and Retaliation. Approval of the modified agenda was moved by Ms. Linda Murray and seconded by Ms. Debra Birkby. All in Favor. Motion carried.

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

Old Business:

Watershed Update:

Forest Legacy Grant 2021: (Information/Action) Mr. Chick reported that the deadline for the Forest Legacy Grant application was Monday and asked for Board approval to submit the grant to the Federal Forest Legacy Program, asking for \$2.5 Million in grant funding for FY 2021. Ms. Birkby moved approval of the grant submittal for \$2.5 Mill for FY 2021, seconded by Ms. Gardner. Discussion followed on the reason for the asked amount. Mr. Chick explained that the District was taking the advice of the ODF Forest Legacy program coordinator. Due to competition with other state projects, this was our best chance at receiving funding. All in Favor. The motion carried.

Purchase and Sales Agreement (PSA): (Information) Mr. Chick explained that the PSA was still in the hands of EFM's attorney, and that the District would hopefully receive EFM's comments.

Coming Watershed Meetings – Nov 14th: (Information) Mr. Seifer explained that the District had recently met in Executive Session with the Arch Cape Forest Finance Committee to discuss financial details and data relevant to the future purchase of the 2100 acres of forest land owned by EFM.

Drinking Water Source Protection Grant, Project U20009 (Action) Mr. Chick discussed the recent award of a \$30K grant administered by Oregon Business Development Department for the purposes of forest project planning and diligence work associated with the Arch Cape Forest Project. Ms. Gardner asked a question about the project budget. The signature card for funds reimbursement was also discussed, with signers determined as Phil Chick, Ms. Birkby, and Ms. Murray. Mr. Chick asked for Board approval to execute Project U20009. Ms Gardner moved to execute the contract for Project U20009, seconded by Ms. Birkby. All in favor. Motion carried.

Donations to the Arch Cape Forest held by NCLC (Information) Mr. Chick informed the group that NCLC (North Coast Land Conservancy) has recently received a number of donations from people to be used for the Arch Cape Forest purchase. These donations were all made in memory of people. He wished to formally recognize the donors on the website in the future, and will send thank you letters to the donors, as well as reaching out to the family members of those in whose name the donation was made.

Website: (Information / Action) Discussion was held on whether or not the website was ready to go live on the web. Ms Birkby moved that the website be placed on the web, with minor changes being made by the administrative assistant, Steve Hill, at his earliest opportunity. Ms. Gardner seconded the motion. Staff was directed to make reference of the website in the next round of billings. All in Favor. Motion carried.

Natural Hazard Mitigation Plan (NHMP): (Information) Mr. Bill Campbell of Arch Cape Sanitary District reported that the next NHMP steering committee meeting was scheduled for December 4th from 9am – 12pm.

Check Signers: (Information) Mr. Chick reported that check signers still needed to go to U.S. Bank and sign forms. Ms. Darr Tindall said that she was the last one to go in, but had to return in the

future because of the bank not having all of the documentation needed.. Ms. Tindall also spoke about a new fraud protection plan that Columbia Bank is offering for \$5 per month.

December Board Meeting Break: (Information) Mr. Seifer reported that the consensus of the Board at the last meeting was to take a recess and cancel the December Board meeting. Ms. Birkby stated that she would like staff to place an announcement on the website that the December Board meeting will be cancelled.

New Business:

Administrative Assistant Contract: (Information / Action) Mr. Seifer opened discussion on the Personal Services contract of the Administrative Assistant, giving background on the current contract, as well as the Personnel and Contract Committee meeting held prior to the Water Board meeting. Ms. Debra Birkby gave a summary of the recommendations of the Personnel and Contract Committee which was to change the contract term to December 31st, 2022 and to examine compensation details with contractor, Steve Hill, when he was available to meet. Ms. Birkby also reported that the Committee recommended compensating Mr. Hill a single, lump-sum payment of \$1,000 for building the District's website. Manager Chick was asked to contact Mr. Hill about the terms of the contract extension and to solicit a proposal from Mr. Hill to be brought to the Board for consideration at the January Board meeting.

Ms. Gardner inquired if Mr. Hill had additional clients, and asked how many hours on average he worked for the District. She expressed the importance of being aware of laws concerning contractors and staff positions.

Policy 19-01 WD Prevention of Workplace Discrimination, Harassment, and Retaliation:

(Action) Mr. Seifer reported that Oregon law requires that the District have a written policy on Prevention of Discrimination, Harassment, and Retaliation. Discussion occurred as to whether this policy superseded the policy in the previously adopted Personnel Policy of the District.

Ms. Birkby moved to approve Policy 19-01WD, seconded by Ms. Murray. Ms. Gardner inquired if the policy, as written, left a long enough time period for bringing complaints forward (4 years). She suggested that the District be more generous with that time frame, possibly providing a ten year statute of limitations. It was questioned whether changing the policy would interfere with the District's Insurance Policy. Ms. Gardner was instructed to inquire about this issue with the District's insurer.

Ms. Birkby then moved and Ms. Murray seconded to table the original motion and postpone the business item until the January meeting. Voting in favor was Ms Birkby, Ms. Murray, and Ms. Gardner. Opposed was Mr. Seifer. Motion carried.

Reports:

Accounts Receivable: No report

District Managers Report: (attached)

Treasurers Report: No Report

Board of Directors' Comments and Reports: Ms. Murray asked a question about the future Arch Cape Finance Committee meeting dates, of which was replied to be from 2pm – 4pm on December 12th and January 16th at the Arch Cape Fire Hall. Mr. Seifer expressed best wishes to Steve Hill's wife.

January Agenda Items: (Information) Watershed- Donations/Memorials, Administrative Assistant contract, NHMP, Policy 19-01WD, Tree Damage Claim, Fraud Claim Protection - Columbia Bank.

Public Comment: Mr. John Mersereau said the Board was doing nice work. This was agreed upon by David and Jeannie Stockton.


The meeting was adjourned by Mr. Dan Seifer at 6:55 pm.

Respectfully submitted,



Steve Hill

Attest



Mr. Dan Seifer, President

**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, 2020.

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 * * * [in words] * * * (\$_____) 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* together with the domains *www.archcapewater.org* and *www.archcapewater.com*. ACDWSD agrees to pay Contractor a monthly lump sum payment of * * * [in words] * * * (\$_____) for the services and work required under this Contract beginning July 1, 2020 through December 31, 2020.

Contractor:

Arch Cape Domestic Water Supply District:

By: _____

By: _____

Stephen M. Hill
31880 Oceanview Lane
Arch Cape Oregon 97102

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

Date: _____

Date: _____

Arch Cape Domestic Water Supply District

POLICY 19-01 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

ACDWSO 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.

ACDWSO 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.

ACDWSO 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 ACDWSD 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
- 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)

Water District:

The Water Plant distributed 864,000 gallons to town in October.

The Water Reservoir tank had a tree come down on it during the heavy rainstorm during the weekend of 10/18. We were able to inspect the roof using drone camera footage thanks to Darr Tindall. It doesn't appear to have received major damage or any roof penetrations, but I have contacted the tank company to also do an inspection. The tree also took out a portion of chain link fence at the plant. I am getting estimates for repair, and have started the claim process with Special Districts Insurance Services. It might be determined that a claim is not needed.

The Distribution system has been flushed and all annual testing required by Oregon Health Authority has been completed for the year.

I attended a 100 Year Water Vision Conversation in Tillamook last month. The State of Oregon is working with local partners to convene eight community meetings around Oregon to bring together leaders and people in the water profession. The intent of the Governor's 100 Year Water Vision is to secure a safe and resilient water future for all Oregonians, The goals focus on Health, Economy, Environment, and Safety. Significant challenges faced by communities were discussed, as well as successes. Overall, this was a fact finding mission for the program. I foresee a potential connection between this vision and the Arch Cape Forest Project.

The SDAO Annual Conference will be held in Seaside this year February 6th-9th. Registration opens on December 2nd. I'll follow up with people by email to see who would like to attend.

MONTHLY LOG : ARCH CAPE WATER & SANITARY DISTRICTS

October 2019

Total Hours	368.00	148.50	219.50
Percentage Split		40%	60%
Total Accounts	633	291	342
Percentage Split		46%	54%