ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT BOARD OF COMMISSIONERS MEETING

Thursday April 18, 2024. after Sanitary District Meeting which starts at 6:00 PM In-Person at the Firehouse and Zoom

https://us02web.zoom.us/j/87369759588?pwd=RFFDRjIzdFgrZFZOaFIxNIZxSndwQT09

The Board Meeting adheres to a 1.25 hour meeting rule. Meeting discussion will conclude sharply at that time to allow for the last 3 agenda items. Any uncompleted or remaining business will be rolled over until the next monthly Board Meeting.

Domestic Water Supply District Meeting

١.	Call to Order	Bill
П.	Conflict of Interest Declarations	Bill
ш.	Public Comments	Bill
IV.	Agenda Approval (Action)	Bill
v.	Approve March 21st Minutes (Action) – Pg. 2-3	Bill
VI.	Financial & Administrative Reporting A. Accept March Budget vs Actual Report - Pg. 4-6 B. Accept Arch Cape Forest-Watershed Accounting Worksheet - Pg. 7 C. Accept March Payment of Accounts - Pg. 8 D. Accept Correspondence Requiring No Action E. Treasurer's Report F. 2023-2024 Audit Update	Bill Bill Bill Bill Sam Bill
VII.	Legal Assistance for Local Option Levy on November Ballot (Action) – Pg. 9-12	Bill
VIII.	Schedule of Events (Information) – Pg 13-22	Bill
IX.	Reports A. Staff Report and Correspondence for Action - Pg. 23-24 B. Board Members' Comments and Reports	Matt All
x.	 Forest-Watershed A. Open Checking Account (Action) – Pg. 25 B. Easement Holder Notification of Road Decommissioning (Information) – Pg 26-27 	Bill Bill Bill
XI.	May Meeting	Bill
XII.	Public Comments	Diii
VIII	Adjournment	

Arch Cape Domestic Water District Board Meeting Minutes March 21, 2024

Pursuant to notice posted, a regular meeting of the Board of Directors was held via Zoom Arch Cape Fire Hall in Arch Cape, Oregon.

Present: Bill Campbell, Chair, Directors: Bob Cerelli, Chris Mastrandrea [Excused], Tevis Dooley, Sam Garrison; Staff: Matt Gardner, District Manager and Teri Fladstol, Administrative Assistant. Public: Joe Sherman

Call to Order at 6:00 pm by Bill Campbell

Conflict of Interest Declarations: None

Public Comments: None

EXECUTIVE SESSION: Meeting closed to public per Agenda. Session ended and back in meeting at 6:10 pm.

Agenda Approval: Motion made by Bob Cerelli to accept agenda as presented; Second by Tevis Dooley; Motion Carried.

Accept February Minutes: Motion made by Bob Cerelli to accept minutes as presented; Second by Sam Garrison; Motion Carried.

Financial & Administrative Reporting: Accept February Budget & Balance Sheet, Accept Arch-Cape Forest-Watershed Accounting Worksheet; Accept February payment of accounts. Treasurer's Report: Status is good.

Audits Update & Implementing Board: Audit for 2021-22 is finished and they are starting the 2022-23 audit and are working toward draft at end of April.

Current Budget Consideration – Chair will entertain a motion to approve paid leave for the District Operator through the end of the fiscal year in an amount not to exceed \$15,250 as to promote retention and loyalty particularly due to the narrow pool of qualified individuals. So moved by Tevis Dooley, second by Sam Garrison; Motion Carried.

Proposed On-Call Policy, Resolution, Settlement Agreements for a formal On-Call Policy.

Motion from Board to accept recommended amendments to Proposed On-Call Policy as follows: Motion 1 – that Resolution 24-03 WD be approved which adopts the proposed On-Call Policy and develops an On-Call escalation Policy within 45 days to address situations where the District Operator is unable to respond to a call. So moved by Tevis Dooley, second by Sam Garrison; Motion carried.

Motion 2 – That the Arch Cape Sanitary and Water District pay the District Manager, Matt Gardner, \$41,471.47 plus appropriate PERS contributions from the Districts' reserve funds in exchange for a settlement and release of claims on-call time with the District Manager was employed as the District Operator. So moved by Bob Cerelli, second by Sam Garrison; Motion carried.

Motion 3 – That the Arch Cape Sanitary and Water District pay the District Operator, Logan Alexander, \$1,148.13 plus appropriate PERS contributions from the Districts' reserve funds in exchange for a settlement and release of claims on-call time from his start date through the present. So moved by Tevis Dooley, second by Sam Garrison; Motion carried

Motion 4 – That payment for back pay and legal expenses will be split 50%-50% between the Districts. So moved by Bob Cerelli, second by Tevis Dooley; Motion carried.

Budget - Appoint Committee Members, Schedule and Proposed Revisions

Motion by Bob Cerelli to appoint Dale Mosby to fill the vacant position thru the term ending in June 2025, to appoint Joe Sherman to fill the vacant position with the term ending in 2024 and to appoint Jeff Slemaker to the open 3-year position that ends in 2026; second by Sam Garrison; Motion carried. Review of schedule and contact will be made to all Budget Committee members.

Bill highlighted some new budget line items that will be included in the proposed budget

1. Forest – Watershed Budget:

A placeholder has been added to the budget for cell-tower income in case there is a decision to allow that to happen in FY2025. Having such a placeholder does not commit the District in any way.

- 2. Utilities Operating Budget
 - a. Expense:

Additional monies have been added to the budget to cover staffing resources (whether W2, 1099 or IGA) to augment Matt & Logan to undertake projects that may be recommended by the budget committee.

b. Revenue:

A placeholder has been added to the budget for sale of surplus water income in case there is a decision to allow that to happen in FY2025. Having such a placeholder does not commit the District in any way.

An increase in usage fees has been added to the budget to pay for the addition staffing resources.

Reports – Staff & Board Members Matt Gardner asked for questions on the Staff Report – no further comments. Tevis: None Bob: None Sam: None Bill: review of Forest-Watershed – Update on "Least Managed Path"

April Meeting

Public Comments: None

There being no further business, Motion by Bob Cerelli to adjourn the meeting. Second by Tevis Dooley, Motion Carried. Meeting adjourned at 7:30 pm.

Respectfully Submitted

Attest:

Teri Fladstol, Secretary

Bill Campbell, President

ARCH CAPE DOMESTIC WATER DISTRICT - BUDGET VS ACTUAL GENERAL FUND

FISCAL YEAR July 1, 23 to June 30, 24

				SOURCES		ne 30, 24								
		Budget		1st Qtr	2	2nd Qtr		Jan-24	I	eb-24	ſ	Mar-24	Spent	% Left
Beginning Balance	\$	105,837	\$	105,837	\$	105,837	\$	105,837	\$1	105,837	\$1	105,837	\$105,837	
			R	EVENUE										
Base Rate Meter Sales	\$	201,703	\$	56,794	\$	48,910	\$	28,887	\$	3,559	\$	17,467	155,617	23%
Overage/Excess Usage	\$	17,000	\$	7,148	\$	7,981	\$	1,330	\$	123	\$	1,683	18,263	-7%
Debt Service	\$	20,740	\$	5,270	\$	4,732	\$	2,668	\$	336	\$	488	13,494	35%
IGA Income (Sanitary District)	\$	157,500	\$	9,106	\$	45,962			\$	19,075	\$	10,357	84,500	46%
Meter Hook-Up Fee	\$	1,400	\$	1,400					\$	700	\$	700	2,800	-100%
Cannon View Park Services	\$	800	\$	1,313									1,313	-64%
Miscellaneous Income	\$	-			\$	4,851							4,851	
LGIP - Interest	\$	1,000	\$	2,645	\$	3,080	\$	854			\$	1,907	8,486	
TOTAL REVENUE	\$	400,143	\$	83,677	\$	115,516	\$	33,737	\$	23,793	\$	32,601	\$289,324	28%
TOTAL RESOURCES	\$	505,980	\$	189,514	\$	221,353	\$	139,574	\$1	129,630	\$1	138,438	\$395,161	22%
REQUIREMENTS														
EXPENDITURES														
MATERIALS & SERVICES														
Wage - District Manager	\$	80,000	\$	20,000	\$	20,000	\$	6,667	\$	6,667	\$	6,667	60,001	25%
Wages - Operator	\$	55,000	\$	12,813	\$	13,016	\$	4,645	\$	4,140	\$	4,379	38,992	29%
Employer Payroll Taxes	\$	12,500	\$	3,075	\$	2,823	\$	1,048	\$	951	\$	941	8,838	29%
PERS Retirement	\$	35,250	\$	2,087	\$	1,793	\$	1,753	\$	2,337	\$	-	7,970	77%
Medical Insurance	\$	40,000	\$	2,355	\$	3,206	\$	523	\$	684	\$	684	7,451	81%
Worker's Compensation Insurance	\$	3,400	\$	-	\$	(356)							(356)	110%
TOTAL PERSONNEL SERVICES	\$	226,150	\$	40,329	\$	40,483	\$	14,635	\$	14,779	\$	12,672	\$ 122,897	46%
Administrative Services	\$	44,400	\$	6,450	\$	12,800	\$	3,200	\$	3,200	\$	3,200	28,850	35%
Temporary Help	\$	10,000	\$	150									150	99%
Clothing Allowance	\$	1,000	\$	-	\$	156	\$	248			\$	505	908	9%
Education	\$	2,700	\$				\$	361	\$	688			1,463	46%
Travel	\$	1,000	\$	225					\$	744	\$	676	1,645	-65%
Office Supplies	\$	2,300	\$	417	\$	401	\$	1,916	\$	95	\$	175	3,004	-31%
Postage	\$	2,500	\$	27	\$	844	\$	344	\$	27	\$	227	1,469	41%
Vehicle	\$	4,000	\$		\$	2,904	\$	851	\$	380	\$	234	, 5,159	-29%
	\$	67,900	Ś	8,473	Ś	17,105	Ś	6,920	Ś	5,134	Ś	5,017	\$ 42,649	- 37%
TOTAL IGA	Ş	07,900	Ŷ	0,475	Ŷ	17,105	Ļ	0,520	Ļ	5,154	Ŷ	5,017	J 42,049	J//0

												(005
		Budget		1st Qtr	1	2nd Qtr	J	an-24	Feb-24	Γ	Mar-24	Spent	% Left
Facilities Use (Santiary)	\$	3,750								\$	3,750	3,750	0%
Payroll Administration Service	\$	500	\$	120	\$	137	\$	40	\$ 40	\$	40	377	25%
Liability & Property Insurance	\$	12,000			\$	9	\$	9,471				9,480	21%
Licenses	\$	2,000										-	100%
Dues & Taxes	\$	1,450	\$	3,190	\$	(1,574)	\$	567				2,184	-51%
Professional Services	\$	5,000										-	100%
Auditing Service	\$	25,000								\$	10,800	10,800	57%
Legal Services	\$	9,500			\$	400	\$	750		\$	11,352	12,502	-32%
Notices	\$	700	\$	138								138	80%
Utilities	\$	12,000	\$	2,157	\$	3,523	\$	656	\$ 743	\$	583	7,661	36%
Maintenance		65,000	\$	6,163	\$	11,262	\$	3,791	\$ 2,300	\$	4,177	27,694	57%
Chemicals	\$	6,500	\$	3,467					\$ 2,279			5,746	12%
TOTAL MATERIALS & SERVICES	\$	143,400	\$	15,234	\$	13,757	\$	15,276	\$ 5,362	\$	30,702	\$ 80,331	44%
DEBT SERVICE & SURCHARGES													
Debt Serv-IFA Water Plant Upgrade [P]	\$	17,023			\$	17,194						17,194	-1%
Debt Serv-IFA Water Plant Upgrade [I]	\$	3,749			\$	3,578						3,578	5%
TOTAL DEBT SERVICE	\$	20,772	\$	-	\$	20,772	\$	-	\$ -	\$	-	\$ 20,772	_
TOTAL EXPENDITURES	\$	458,222	\$	64,037	\$	92,116	\$	36,830	\$ 25,275	\$	48,390	\$266,648	42%
C	ОИТ	INGENCY &	UN	NAPPROP	RIA	TED BALA	NCE						
Meter Replacement	\$	-											
Access Road to WWTP	\$	2,000	\$	-	\$	-	\$	-	\$ -	\$	-		
Contingency	\$	62,843											
Unappropriated Balance	\$	3,416											
TOTAL CONTINGENCY & UNAPPROPRIATED BALANCE	\$	68,259	\$	-	\$	-	\$	-	\$ -	\$	-		
TOTAL REQUIREMENTS:		\$526,481		\$0		\$0		\$0	\$0		\$0		-
		ſ	ΔΡ	ITAL FUN	D								-
		Budget		1st Qtr		2nd Qtr	J	an-24	Feb-24	Γ	Mar-24	Spent	% Left
				SOURCES				-			-		
Beginning Balance		\$75,828		\$75,828		\$75,828		\$75,828	\$75 <i>,</i> 828		\$75,828	75,828	100%
			R	EVENUE									
SDC Revenue		\$13,163		\$12,971					\$6,582		\$6,581	\$26,134	-99%
TOTAL REVENUE		\$13,163		\$12,971		\$0		\$0	\$6,582		\$6,581	\$19,553	-49%
TOTAL RESOURCES		\$88,991		\$88,799		\$75,828		\$75,828	\$82,410		\$82,409	 \$101,962	-15%

	RI		TS					000	
	Budget	1st Qtr	2nd Qtr	Jan-24	Feb-24	Mar-24	Spent	% Left	
	E	XPENDITURE	S						
							\$0	<u> </u>	
TOTAL EXPENDITURES		0	0	0	0	0			
C	ONTINGENCY &	UNAPPROP	RIATED BALA	NCE					
Contingency	\$88,990								
Unappropriated Balance	\$0								
TOTAL CONTINGENCY & UNAPPROPRIATED BALANCE	\$ 88,990							=	
TOTAL REQUIREMENTS:	\$88,990	\$0	\$0	\$0	\$0	\$0		=	
FOREST (WATERSHED) FUND									
	Budget	1st Qtr	2nd Qtr	Jan-24	Feb-24	Mar-24	Spent	% Left	
		RESOURCES							
Beginning Balance	\$409,103						409,103		
	4776 696	REVENUE	442.057			27.000	400 705	400/	
Business OR - ARPA	\$776,626	219,574	112,957	33,568		37,686	403,785	48%	
Safe Drinking Water (U22010)	\$30,000						-	100%	
Hollis Foundation Private Donations		200	625	20.200			- 21 725		
LGIP - Interest	\$14,625	800		20,300 1,530	1 422	1 514	21,725 9,761	33%	
TOTAL REVENUE		2,069 \$ 222,443	3,225 \$ 116,807	\$ 55,398	1,422 \$ 1,422	1,514 \$ 39,200	\$ 435,271	47%	
								=	
TOTAL RESOURCES \$1,230,354 \$222,443 \$116,807 \$55,398 \$1,422 \$39,200 \$844,374 31%									
A	E	XPENDITURE	.5			ć 2.700	2 700		
Audit ODF Fire Protection	\$2,335					\$ 2,700	2,700	100%	
Legal Fees	۶۷,۵۵۵		\$ 2,430	\$ 990	\$ 240	\$ 840	- 4,500	100%	
Project Management Services	\$98,969	\$ 27,533	\$ 2,430 \$ 6,125	\$ 990	Ş 240	\$ 12,931	46,589	53%	
Project Management - District Staff	\$98,909	<i>ددد</i> , ۲۷ ډ	Ş 0,125			Ş 12,951	40,585	55/0	
Forestry Services	\$48,258	\$ 28,699	\$ 22,480	\$ 20,647		\$ 2,430	74,255	-54%	
Finance Management	Ş 4 0,230	\$ 1,000	\$ 2,000	\$ 500	\$ 500	\$ 500	4,500	5470	
Hollis Foundation		φ 1,000	<i>q</i> 2,000	Ç 500	Ç 500	Ç 500	-,500		
Construction	\$638,899	\$ 40,845	\$ 43,432				84,277	87%	
Land Maintenance Repair	<i>ç</i> 000,000	\$ 32,924	\$ 12,148				45,072	0.70	
TOTAL EXPENDITURES	\$ 788,461	\$ 131,001	\$ 88,614	\$ 22,137	\$ 740	\$ 19,401	\$ 261,894	- 67%	
	۲00,401 ç	100,121 ¢	, 00,014	ז בב,157	ې /40	, 19,401	אפס,דטג ק	= 07/0	

			Prior		March		
EXPENSES	Budget	E	xpenses	E	kpenses	F	emain
ODF - Fire Protection	\$ 2,550	\$	(2,550)			\$	(0)
Legal/ Land Use	\$ 6,430	\$	(3,420)			\$	3,010
Finance Mgmt	\$ 6,000	\$	(4,000)		(\$500)	\$	1,500
Project Management	\$ 42,190	\$	(39,703)			\$	2,487
Road Management Consulting	\$ 10,000	\$	(2,118)		(\$1,813)	\$	6,070
Forest Management Consulting	\$ 44,912	\$	(42,412)		(\$698)	\$	1,802
Road Maintenance Supplies - Rock	\$ 12,148	\$	(12,148)			\$	-
Other Road Maintenance/Services	\$ 70,000					\$	70,000
Land Restoration						\$	-
Pre-Commercial Thinning	\$ 39,892	\$	(39 <i>,</i> 892)			\$	-
Miscellaneous	\$ 222	\$	(222)			\$	-
TOTAL MATERIALS & SERVICES	\$ 234,344	\$	(146,465)		(\$3,010)	\$	84,868
Road Construction	\$ 52,666	\$	(52,666)			\$	-
Road Decommissioning	\$ 35,000					\$	35,000
TOTAL CAPITAL OUTLAY	\$ 87,666	\$	(52,666)	\$	-	\$	35,000
Transfer to General Fund (Audit)	\$ 2,800				(\$2,700)	\$	100
Transfer to General Fund (staff time for property mgmt.)	\$ 750	ТВ	D				
TOTAL TRANSFERS TO GENERAL FUND	\$ 3,550	\$	-	\$	(2,700)	\$	3,550

FY2023-2024 BUDGET VS ACTUAL

TOTAL

\$ 322,010 \$ (199,131) \$ (3,010) \$ 119,868

Arch Cape Domestic Water District Check Detail March 2024

Туре	Num	Date	Name		Account	Amount
Check	EFT	03/04/2024	Sunriver Resort	01-6005	Travel	-186.09
Bill Pmt -Check	2227	03/11/2024	SDIS	01-5005	Medical Insurance	-54.85
Bill Pmt -Check	2228	03/11/2024	Matt R Gardner	01-6005	Travel	-361.80
Bill Pmt -Check	2224	03/11/2024	Jigsaw Consulting Services	01-6007	Postage	-159.00
Check	EFT	03/11/2024	Sure Payroll	01-6102	Payroll Administration Service	-39.99
Bill Pmt -Check	2221	03/11/2024	Accuity, LLC	01-6107	Auditing Service	10,800.00
Bill Pmt -Check	2225	03/11/2024	Local Government Law Group, PC	01-6108	Legal Services	-101.94
Bill Pmt -Check	2217	03/11/2024	Pacific Power	01-6110	Utilities	-322.24
Bill Pmt -Check	2216	03/11/2024	Ferguson Waterworks	01-6200	Maintenance	-351.19
Bill Pmt -Check	2218	03/11/2024	H.D. Fowler	01-6200	Maintenance	-396.65
Bill Pmt -Check	2226	03/11/2024	Laurelwood Farm	01-6200	Maintenance	-90.00
Bill Pmt -Check	2214	03/11/2024	Sean Loundsbury	Building F	R&M	-2,558.32
Bill Pmt -Check	2219	03/11/2024	Jackson Oil	Fuel		-233.87
Bill Pmt -Check	2220	03/11/2024	CenturyLink	Telephon	e	-162.20
Check	EFT	03/14/2024	Sure Payroll	Payroll		-5,557.37
Check	EFT	03/18/2024	Amazon.com	01-6006	Office Supplies	-14.99
Check	2229	03/21/2024	Arch Cape Sanitary	01-6101	Facilities Use (Santiary)	-3,750.00
Check	2233	03/21/2024	Haglund Kelley LLP	01-6108	Legal Services	-11,250.00
Check	2236	03/21/2024	AT&T Mobility	01-6110	Utilities	-98.36
Check	2231	03/21/2024	Ferguson Waterworks	01-6200	Maintenance	-54.48
Check	2232	03/21/2024	Utility Services Associates	01-6200	Maintenance	-500.00
Check	2235	03/21/2024	USA BlueBook	01-6200	Maintenance	-133.76
Check	2234	03/21/2024	Matt R Gardner	00-1000	#1196 Main Checking	-128.10
Check	EFT	03/22/2024	M & N Clothing Astoria	01-6003	Clothing Allowance	-504.80
Check	2237	03/22/2024	Ferguson Waterworks	01-6200	Maintenance	-83.00
Check	EFT	03/25/2024	Zoom	01-6006	Office Supplies	-159.90
Check	EFT	03/28/2024	Sure Payroll	Payroll		-5,611.07
Check	EFT	03/29/2024	MODA Health	01-5005	Medical Insurance	-629.18
Check	EFT	03/29/2024	1st Security Bank	01-6200	Maintenance	-10.00
Check	2244	03/31/2024	Jigsaw Consulting Services	01-6001	Administrative Services	3,200.00
Check	2244	03/31/2024	Jigsaw Consulting Services	01-6007	Postage	34.00
Check	2244	03/31/2024	Jigsaw Consulting Services	01-6007	Postage	34.00

Bill Pmt -Check	2221	03/11/2024	Accuity, LLC	03-6107	Auditing Service	2,700.00
Bill Pmt -Check	2215	03/11/2024	Blair Henningsgarrad Attorney at Law	03-7800	Business OR - ARPA	-840.00
Bill Pmt -Check	2223	03/11/2024	Springboard Forestry	03-7800	Business OR - ARPA	-12,931.09
Check	2244	03/31/2024	Jigsaw Consulting Services	03-7800	Business OR - ARPA	500.00
Bill Pmt -Check	2222	03/11/2024	Morgans Resource Management	03-7802	Forestry Services	-2,117.88
Check	2230	03/21/2024	Springboard Forestry	03-7802	Forestry Services	-312.50

Legal Assistance for Local Option Levy - Topic Description April 18, 2024

Action / Information: Action

Background

Two topics are being discussed by the Budget Committee, one or both will require a Local Option Levy.

- Forest-Watershed: The Long-Range Plan for operating the Forest-Watershed through 2035 will require additional funding through rate increases, taxes or logging. Outreach via Community Forums indicated the community's preference is for the community rather than the Board to make decision about the funding source. This decision-making process will require a Local Option Levy to be placed on the November 2024 ballot. That ballot measure will propose a tax levy that will cover all operational costs through 2033. If that ballot measure fails, another measure would be put on the November 2025 ballot that proposes a tax levy that would cover some of the operational costs with logging only outside of the Drinking Water Source Area (DWSA) to cover the remaining costs. If that ballot measure fails, the funding source would be logging inside and outside of the DWSA.
- 2) <u>Additional full-time staff</u> Augmenting District staff with a 3rd resource to be funded with taxes rather than rates.

Two parallel efforts are necessary to put a tax measures on the November 5th Election ballot.

- 1) Legal assistance in preparing and submitting the ballot measure:
 - Ballot title for publication of notice; August 16th
 - Form SEL 803 Notice of Measure Election District; September 5th
- 2) Outreach to the community to notify / educate them about the ballot measure: Completed by Nov 5

"Board can talk up plans for the ballot measure, but they can't use any public funds to do so, including asking employees to assist with preparing documents, posting things, mailing things, etc. Public employees, while on the job, can't participate at all in anything relating to a ballot measure or campaign for the entity they represent." – Eileen Eakins

Attached: Proposed engagement letter from Eileen Eakins

Board Objective - Action

Proposed Motion:

To authorize the Board President to sign the engagement letter with Eileen Eakins.



5285 Meadows Road Suite 400 Lake Oswego, OR 97035 (503) 607-0517 eileen@lgl-advisors.com

April 4, 2024

BY EMAIL

Board of Commissioners Arch Cape Water District 31976 E. Ocean Street Arch Cape, OR 97102

RE: ENGAGEMENT FOR LEGAL SERVICES

Dear Board:

Thank you for engaging this firm to provide legal services for the Arch Cape Water District. This letter sets out the terms of our engagement.

This is a non-exclusive agreement that either of us may terminate at any time. The scope of services we will provide includes general legal services relating to seeking voter approval of a local option levy, including getting background on the proposed measure, preparing a written timeline (working backwards from election day) to lay out procedural requirements and filing deadlines for the ballot and the voter's pamphlet, drafting a measure that complies with statutory and constitutional requirements for the board's review and approval, and interfacing with the board to provide guidance and answer questions. This scope of services may be modified or expanded upon our mutual agreement.

<u>Fees</u>. Eileen Eakins' current hourly rate is \$285 per hour (including travel time) billed in minimum increments of two tenths (.2) of an hour, plus any expenses incurred, such as filing fees, deposition charges, copying costs, postage, mileage, and related expenses. Attorney certifications for the District's annual audit are billed at a one-hour minimum.

For work specific to the local option levy, the cost will depend on how much attorney time is required, which can vary widely depending on how much can be done by the board and how much back-and-forth is needed between my office and the board. A fair estimate is between 10 and 20 hours, which at Eileen Eakins' hourly rate would be between \$3,000 and \$6,000.

<u>Billing</u>. We will bill you approximately monthly for the amount of work done on your file during the prior month. We will also advise you before doing any work that will substantially increase the amount of fees. No fee or cost deposit will be required at this time. However, if a legal matter

arises that is likely to incur substantial legal fees and costs, such as a litigation matter, we may ask for a deposit before proceeding with that matter.

<u>Payment Terms</u>. Payment is due within thirty (30) days of the date of invoice. Late payments may be subject to assessment of compound interest. Continued delinquencies may result in termination of legal services and/or commencement of a collection action.

Enclosed is a form for you to sign and return, indicating your acceptance of the terms described in this letter. Please contact us at the address and phone number listed below at any time. We look forward to continuing to work with you.

Sincerely,

Eileen G. Eakins Enc.

ACKNOWLEDGEMENT AND ACCEPTANCE OF TERMS



Arch Cape Water District Client Name

Board of Commissioners Arch Cape Water District 31976 E. Ocean Street Arch Cape, OR 97102 Mailing Address

Phone Number and Email

By signing below, I attest that I am authorized to enter into agreements on behalf of the Arch Cape Water District ("the District").

Furthermore, on behalf of the District, I hereby agree to the terms described in the ENGAGEMENT FOR LEGAL SERVICES with Northwest Local Government Legal Advisors, LLC, dated April 3, 2024.

Bill Campbell, Board Chair

PLEASE MAIL OR EMAIL SIGNED FORM TO:

Northwest Local Government Legal Advisors, LLC 5285 Meadows Road, Suite 400 Lake Oswego, OR 97035 eileen@lgl-advisors.com

Schedule of Events - Topic Description April 18, 2024

Action / Information: Information

Month	Day / Time	Event	Focus / Intent
	April 18th 4:00	Budget Meeting	2 nd meeting – Refinement of Budget
April	Zoom	In person with Zoom	
	April 18 th	Board Meeting	Distribute forms for District Manager
			Performance Evaluation
	May 1 st 4:00	Joint Personnel	Executive Session: Performance Evaluation
	Zoom	Committee	and Merit Increase Recommendation of
May			District Manager; Recommend COLA
			Amount for Both Staff.
	May 9 th 4:00	Budget Meeting	3 rd Meeting – Final refinement and approval
	Zoom	In person with Zoom	of Budget
	May 16 th	Board Meeting	

A fourth Budget Committee meeting may be scheduled for late May or very early June

Attached: Performance Evaluation Form

The purpose of the Performance Review process is to provide managers and employees a formal check-in with one another, where they can review past performance and plan for future performance. It is to be carried out with mutual respect and understanding that differences of opinion may occur and perceptions of expectations may need to be clarified. It is, in reality, an assessment of how the performance partnership is doing, and a thoughtful discussion of how future success can be achieved. It is intended to be a highly interactive conversation!

Page 18

<section-header></section-header>		P <i>a</i> ଖିଛି 2							
Name: Date: 1. Essential Function: Operations Performance Standard: Understanding of District operations and requirements of the Oregon DEQ and Oregon Heatth Authority Performance Level (check one): 4 3 2 1 Reviewer Comments:	PERFORMANCE REVIEW								
1. Essential Function: Operations Performance Standard: Understanding of District operations and requirements of the Oregon DEQ and Oregon Health Authority Performance Level (check one): 4 3 2 1 Reviewer Comments: 2. Essential Function: Maintenance Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1									
Performance Standard: Understanding of District operations and requirements of the Oregon DEQ and Oregon Health Authority Performance Level (check one): 4 3 2 1 Reviewer Comments: 2. Essential Function: Maintenance Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one):	Name:	Date:							
Performance Standard: Understanding of District operations and requirements of the Oregon DEQ and Oregon Health Authority Performance Level (check one): 4 3 2 1 Reviewer Comments: 2. Essential Function: Maintenance Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one):	1. Essential Function:	Operations							
Performance Level (check one): 4 3 2 1 Reviewer Comments: 2. Essential Function: Maintenance Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1		Understanding of District operations and requirements of the Oregon DEQ							
2. Essential Function: Maintenance Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1									
Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1	Reviewer Comments:								
Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1									
Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1									
Performance Standard: Scheduling, performing, and keeping record of essential maintenance as required by the manufactureres of District Equipment Performance Level (check one): 4 3 2 1	2. Essential Function:	Maintenance							
	Performance Standard: Scheduling, performing, and keeping record of essential maintenance as								
Reviewer Comments:	ľ	required by the manufactureres of District Equipment							
Reviewer Comments:									
	Reviewer Comments:								
3. Essential Function: Maps and Plans	3. Essential Function:	Maps and Plans							
Performance Standard: Ability to read and interpret blueprints and locate utilities	Performance Standard:	Ability to read and interpret blueprints and locate utilities							
Performance Level (check one): 4 3 2 1	Performance Level (che	eck one): 4 3 2 1							
Reviewer Comments:	Reviewer Comments:								
	1991 1991 1993 1993 1993 1993 1993 1993								
4. Essential Function: Water Treatment / Distribution	4. Essential Function:	Water Treatment / Distribution							
Performance Standard: Level of certification and competence / understanding of the Water	Performance Standard:								
Treatment and Distribution Systems of the District is adequate	Kouto Dorformonoo Loudre A T								
Key to Performance Levels:4 = Exceeds Performance Standards3 = Meets Performance Standards2 = Work Approaches Standards1 = Does Not Meet Standards									

Pade 3
Performance Level (check one): 4 3 2 1
Reviewer Comments:
5. Essential Function: Wastewater Treatment / Collections
Performance Standard: Level of certification and competence / understanding of Wastewater Treatment and Collection Systems is adequate
Performance Level (check one): 4 3 2 1
Reviewer Comments:
* * * * * * * * * * * * * * * * * * * *
6. Essential Function:
Performance Standard:
Performance Level (check one): 4 3 2 1
7. Essential Function:
Performance Standard:
Performance Level (check one): 4 3 2 1
Reviewer Comments:
SUMMARY OF PERFORMANCE RELATIVE TO ESSENTIAL JOB FUNCTIONS:
Key to Performance Levels: 4 = Exceeds Performance Standards
 3 = Meets Performance Standards 2 = Work Approaches Standards
1 = Does Not Meet Standards

Page 4

PERFORMANCE REVIEW

Irregular or Unplanned Work

Irregular or Unplanned Work Performed	Comments
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

Key to Performance Levels:	4	-	Exceeds Performance Standards
	3	=	Meets Performance Standards
	2		Work Approaches Standards
	1		Does Not Meet Standards

PERFORMANCE REVIEW

Behavioral/Traits

1. Initiative: Consider the individual's willingness to actively influence events rather than passively accept them. Consider the ability or degree to which the employee operates as a self-starter in carrying out job tasks, duties and responsibilities. Evaluate the individual's ability to perform the job without having to be given directions or instructions, and to carry assignments through to their logical conclusion. Consider the employee's willingness to reach beyond the performance of assigned job responsibilities for the good of the organization. These "reaches" may include devising or recommending new or improved work methods, correcting errors and omissions observed, investigating and researching questionable situations, volunteering to take on additional assignments, and lending assistance to others without having to be asked or told.
 4 – Volunteers or takes a leadership role in accepting assignments beyond the scope of regular job responsibilities. 3 – Works independently without specific work direction, recognizes needs of the job or the organization and actively works to fulfill these needs. 2 – Occasionally needs to be told what to do.
1 – Needs to be provided with specific work assignments and requires ongoing follow-up to assure that assignments are completed.
Comments/Examples:
 2. Dependability: Consider the individual's attendance and punctuality at work, to meetings and to events, and the individual's willingness to conform to and support company standards. Consider the individual's conscientiousness in assuring appropriate work coverage and communicating about delays or changes in schedules, projects, etc. Consider reliability in carrying out instructions, meeting deadlines, and following through with commitments to clients as well as to other staff members; and honoring confidentiality. 4 - Little or no absenteeism, schedules personal appointments at times so as to minimize time away from work, and can be relied upon to meet or exceed obligations and commitments. 3 - Attendance is at an acceptable level and meets all work obligations. 2 - Attendance is sometimes below an acceptable level and/or work output and meeting commitments is inconsistent. 1 - Demonstrates little regard for how absenteeism and/or failure to carry out work assignments or commitments affect job performance, service to others and the overall performance of the organization.
Comments/Examples:
3. Job Knowledge: Assess the individual's level, depth and breadth of knowledge and how it pertains to specific job assignments, processes procedures which are required for competent performance. Also consider the individual's ability to recognize any knowledge shortfall and take action to ensure that knowledge is current. Finally, consider the individual's willingness and ability to share knowledge with others.
Key to Performance Levels:4 = Exceeds Performance Standards3 = Meets Performance Standards2 = Work Approaches Standards

1 = Does Not Meet Standards

Page 5

Paĝë 6
 4 - Knowledge is broad-based and incorporates own job as a whole; employee continues to improve knowledge base and willingly shares knowledge with others. 3 - Knowledge is that which is needed to competently perform the job; employee works to keep knowledge base current. 2 - Knowledge is insufficient in some areas; employee makes some efforts to increase knowledge base 1 - Knowledge is inadequate to competently perform the job. Makes little or no demonstrated effort to upgrade knowledge.
Comments/Examples:
4. Managing Change and Innovation: Consider the individual's willingness to understand and support the underlying reasons for change. Consider the individual's active participation in the change process, including demonstrating leadership in the change process, soliciting input from others to clear up misunderstandings, offering solutions to help ensure a smooth transition, and maintaining a persistent and innovative approach to overcome obstacles while fostering a positive climate for change.
 4 – Works as a change agent. Actively promotes needed changes and demonstrates a leadership position. 3 – Demonstrates willingness and the ability to accept change and takes/shares in the responsibility for smooth transition. 2 – Recognizes that change is necessary to growth and success, but demonstrates hesitancy in accepting change.
1 – Resists change and promotes a status quo environment.
Comments/Examples:
 5. Service Orientation: (External) Consider the individual's willingness to prioritize the client's needs over internal issues and activities. Consider the individual's willingness to go the extra mile to deliver products and services that meet or exceed the client's expectations both in terms of timeliness and quality. Finally, consider the individual's ability to establish relationships with clients that promote or solidify lasting relationships. (Internal) Consider the individual's ability and willingness to accept assignments and to provide support to co-workers in order to meet established deadlines within established standards of quality. Consider the individual's ability to establish internal relationships that promote or solidify teamwork. (Internal) Consider the individual's ability and willingness to accept assignments and to provide support to co-workers in order to meet established deadlines within established standards of quality. Consider the individual's ability to establish internal relationships that promote or solidify teamwork. (Internal) Consider the individual's of the extra mile to deliver products and services that meet or exceed expectations of co-workers and supervision both in terms of timeliness and quality. Finally, consider the individual's ability to establish internal relationships that promote or solidify teamwork. (Internal) - Shows an overwhelming service to others. Demonstrates a willingness to reprioritize own work to provide service to others. Goes the extra mile. Often delivers more than is expected. (Internal) - Consistently demonstrates the willingness and ability to provide customer service and to build positive relationships around customer service but is inconsistent in practicing/delivering customer service. (Internal) - Recognizes the importance of customer service but is inconsistent in practicing/delivering and inte
Key to Performance Levels: 4 = Exceeds Performance Standards 3 = Meets Performance Standards 2 = Work Approaches Standards 1 = Does Not Meet Standards

Page 7
6. Communication:
Consider the individual's ability to clearly and effectively communicate with others both verbally and in writing. Consider the individual's ability to organize and transmit information in a logical/understandable order. If the position requires the person to persuade others, consider the employee's ability to influence others to take action. Finally, consider the individual's listening skills and precautions taken to assure that messages received/transmitted are understood.
 4 - Communication skills are outstanding and the individual goes out of the way to assure that both clarity and understanding are involved in the transmission and receipt of information. 3 - Communication skills are good and generally result in clarity and understanding in both the transmission and receipt of information. 2 - Attention to communication processes appears inconsistent, resulting in some communication
issues. 1 – Communication skills are inadequate or not fully used, resulting in frequent errors/omissions, misinformation (sent or received), misdirected actions, duplication of efforts.
Comments/Examples:
7. Operates within the Organizations Culture: Consider the extent to which the individual functions within organizational guidelines and expectations, embraces "Prime Directives" and organizational values, displays enthusiasm for work and the organization, and contributes to a positive workplace.
 4 - Displays unwavering enthusiasm for work; demonstrates high level of regard for expectations and guidelines; actively contributes to the development of a positive workplace; personally promotes organizational success. 3 - Work importance is regularly demonstrated; respect for expectations and organizational values is evident; understands and promotes a positive workplace; commitment to organizational success is apparent. 2 - Occasional enthusiasm displayed for organizational values and mission; inconsistently works within established guidelines and expectations; actions and words focus more on the negative
 rather than the positive aspects of work; support of organizational values and mission is not consistently evident. 1 – No work enjoyment displayed; often critical of internal processes without seeking or offering improvement; little respect for guidelines demonstrated.
Comments/Examples:
SUMMARY OF PERFORMANCE RELATIVE TO BEHAVIORAL/TRAITS:
DISCUSSION COMMENTS REGARDING WAYS THE MANAGER CAN BE OF GREATER ASSISTANCE OR IMPROVE IN HIS/HER SUPERVISORY ROLE:
Key to Performance Levels: 4 = Exceeds Performance Standards 3 = Meets Performance Standards 2 = Work Approaches Standards 1 = Does Not Meet Standards

	PERFORMANCE R	EVIEW		
Appraisal Summary				
Summary Comments:				
•				
Employee Signature*		Date		
	that you have been given	ement with any or all of the an opportunity to participate in the		
Supervisor Signature		Date		
Employee Comments:				
Employee Comments:				
<u>Employee Comments:</u>				
<u>Employee Comments:</u>				
Employee Comments:				
Employee Comments:				

PERFORMANCE REVIEW

Goal Setting and Planning

Na	me	
----	----	--

Date:

	Steps Necessary to <u>Achieve Goals</u>	Completion Date/ Desired Outcomes
Job Related Goals:	Zionicve edale	Desired Odicorries
SOB Related Obals.		
Professional		
Development Goals:		
	[]	

Key to Performance Levels:	4 = Exceeds Performance Standards
	3 = Meets Performance Standards
	2 = Work Approaches Standards
	1 = Does Not Meet Standards

Arch Cape Forest

Activities Update for: March

Submitted by: Mark R Morgans-Consulting Forester

<u>Roads:</u>

Maintenance

- Vinson Bros Construction (VBC) moved excavator into the Shingle Mill Road (SM) system and staged equipment for work pending suitable weather. Minor ditch/culvert clean out accomplished.
- VCB repaired SM road access gate back to full functionality and safety.

Decommissioning

• Began decommissioning on the SM 50 road located outside the DSWA during periods of favorable weather (orange circle on map). Spread weed-free straw over exposed soil.

Administration

- Supported efforts to investigate and review road easements that represent benefits or burdens to the ACF. Communications with neighboring easement holders regarding pending road maintenance/decom.
- Supported efforts to review and refine the ACF operating budget with particular focus on roads projects and baseline forest management.

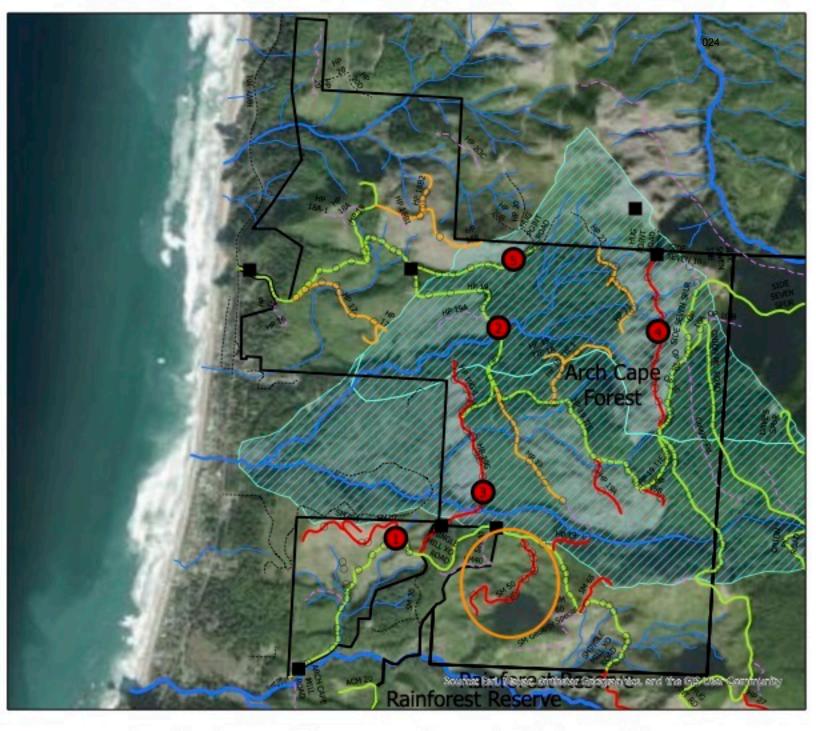
Forest Management:

Forestry

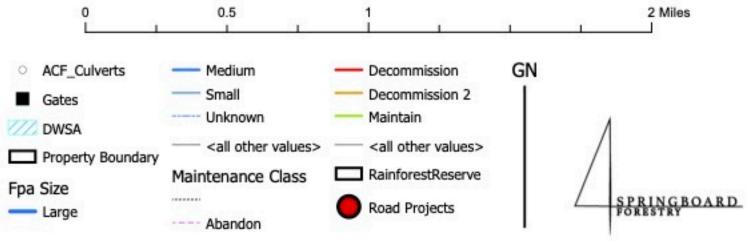
• Participated in Forest Management committee meeting and supported efforts to review future project activities and budgets.

Property Management

• Advised Chair on communication tower site leases and attended site review with tower siting scout of potential location on the SM 20 spur.



Arch Cape Forest : Road Maint. Plan



Open Forest-Watershed Checking Account - Topic Description April 18, 2024

Action / Information: Action

Background:

Currently for the Water District, there is an investment account (LGIP) for the water general operating fund / capital fund and a separate LGIP for the Forest-Watershed fund. A single checking account serves both of these LGIP accounts

To more separately and clearly account for transactions in the two different funds and to further support the Forest-Watershed being administered as a separate business unit, two checking accounts would be useful.

Board Objective - Action

Proposed Motion:

To authorize the Board Secretary to open a separate Water District checking account for the Forest-Watershed with the same permissions and check signers as our existing checking account.

Easement Holder Notification - Topic Description April 18, 2024

Action / Information: Information

Background

Work is underway to complete road projects and decommissioning as outlined in the Ecological Road Assessment which has been approved by Oregon Department of Forestry and ARPA funding has been approved by Business Oregon.

Vinson Brothers Construction has been contracted for this work, with oversite by Morgans Resource Management.

A number of roads are planned for decommissioning across which neighboring land owners have an easement. With legal guidance through APRA funding, the attached letter template is being / will be sent to appropriate land owners.

Attached: Notice of Road Closure – Pending Decommissioning Letter Template



Date

Neighboring Land Owner Address

Re: NOTICE OF ROAD CLOSURE and Pending Decommissioning

Hello Name,

In 2022, the Arch Cape Water Domestic Water Supply District (District) purchased the majority of its drinking water source area and adjacent forestland consisting of approximately 1,441 acres east of the Arch Cape community. The property contains many logging roads as shown on the map included with this letter. *Your company is the owner of easements allowing its use of some or all these roads.*

The District is managing its source water area and forestland for the protection and production of clean, safe drinking water. The District has completed a comprehensive road assessment and developed a decommissioning and core road infrastructure maintenance plan. Many of the roads shown on the enclosed map are not necessary for District operations and create environmental risks and maintenance expense challenges. The District is now beginning the process of scheduling the road decommissioning's which should be completed over the next two years. The District will notify you if/as other roads across which you have an easement are identified to be decommissioned.

This letter is sent to let you know of the District's plan to decommission the roads marked as project #4 and HP 18B1 on the enclosed map. As of June 1, 2024, the District will cease maintenance, barricade, and sign these two roads to indicate that they are no longer open for vehicular travel. The decommissioning process itself will follow.

If your company has any objection to this action or if it has a need for the use of these two roads, please let the District know immediately. The District will provide reasonable alternative access to meet your needs including amending legal easements if applicable.

Contact: Mark Morgans, Consulting Forester mrmforestry@gmail.com

Sincerely;

Bill Campbell, President, Arch Cape Domestic Water Supply District Board