

SOUTH FORK WATER BOARD
MINUTES OF BOARD MEETING
February 14, 2013

Board Members Present: John Kovash, West Linn Mayor, Chair
Rocky Smith, Oregon City Commissioner
Jody Carson, West Linn Councilor
Betty Mumm, Oregon City Commissioner
Mike Jones, West Linn Councilor

Board Members Absent: Doug Neeley, Oregon City Mayor, Vice Chair

Staff Present: John Collins, SFWB General Manager
Christopher Crean, SFWB Legal Counsel

Others Present: Alice Richmond, West Linn Resident

General Board Meeting

(1) Call to Order

Chair Kovash called the meeting of the South Fork Water Board to order at 6:02 p.m.

(2) Public Comments – None

(3) Consent Agenda

(A). Approval of the Minutes of the January 10, 2012 Board Meeting

Board Member Carson moved to approve the Consent Agenda. Board Member Mumm seconded the motion, which passed unanimously.

(4) Introduction of Wyatt Parno, City of Oregon City Finance Director

John Collins, SFWB General Manager, stated Mr. Parno is the finance director for both South Fork and Oregon City and is taking the finance department in a good direction. He and Mr. Parno have established a good working relationship over the last several months and he wanted the Board members from West Linn to have the opportunity to meet Mr. Parno given the upcoming budget season.

Wyatt Parno, City of Oregon City Finance Director, briefly reviewed his professional experience and background, noting he has worked in municipal departments for the last 15 years. He has worked for the City for about 7 months and helped set goals for the City's finances. He noted Mr. Collins runs a tight ship and is a pleasure to work with.

(5) SFWB Capital Purchase Request (Electric Pallet Lift)

John Collins, SFWB General Manager, explained the need to replace the existing pallet lift, which was beyond repair. The 1999 lift was bought used and South Fork has used it for five or six years. The lift has a 3,000 pound limit and the replacement lift had a 4,000 pound limit. South Fork's pallets weigh 3,000 to 3,250 pounds so increasing the threshold made sense for safety reasons. The new machine should last 20 years. Replacement of the lift was not in last year's budget as a forecasted need, but the Equipment Replacement Fund has enough money

because earmarked expenses had come in under budget. Even with this expenditure, South Fork's Capital Outlay would be \$20,000 to \$25,000 less than what was budgeted last year. Because the purchase exceeded his discretionary spending limit of \$5,000, he was bringing the pallet lift purchase to the Board for approval.

Board Member Carson moved to approve the purchase of an electric pallet lift. Board Member Jones seconded the motion, which passed unanimously.

(6) Appointment of Budget Officer

John Collins, SFWB General Manager, reminded the board that a budget officer must be appointed to adhere to Oregon budget law and historically, the General Manager serves in that position. He reviewed the duties of budget officer, noting he is responsible for the entire budget document.

Board Member Jones moved to appoint General Manager John Collins as the Budget Officer for the 2013/14 Fiscal Year. Board Member Smith seconded the motion, which passed unanimously

(7) Appoint Citizen Representatives to the South Fork Budget Committee

John Collins, SFWB General Manager, stated that both Levine Linker for the City of West Linn and Carol Kafader for the City of Oregon City had expressed a desire to renew their three-year terms on the Budget Committee. Both were members of the Citizen Involvement Committee and knew South Fork's budget, capital needs, etc. Ms. Kafader has been on the Budget Committee for 10 years. Mr. Linker has been a Citizen's Involvement Committee for 12 or 13 years and this would be his second term on the Budget Committee.

Board Member Mumm moved to appoint Carol Kafader and Levine Linker as South Fork Budget Committee members. The motion was seconded by Board Member Jones and passed unanimously.

(8) Approval of Fiscal year 2013/14 Budget Schedule

John Collins, SFWB General Manager, briefly reviewed the budget schedule provided to the Board, noting the responsibilities necessary to adhere to Oregon Budget Law. The Budget Committee meeting would be held in lieu of South Fork's regularly scheduled meeting on April 11, 2013. He anticipated holding the public hearing and adopting the budget at the May SFWB meeting. The June meeting would be used as a contingency should any issues arise. He noted the June South Fork meeting has been moved to the third Thursday, June 20, due to the AWWA ACE Conference.

Board Member Carson moved to approve the 2013/14 Budget Schedule. Board Member Smith seconded the motion, which passed unanimously.

(9) Business from the Manager

1) OSHA Consultation

John Collins, SFWB General Manager, noted that in being proactive about safety, an OSHA consultant would be visiting the plant the first or second week of March at his request. When asking for an official consult, entities are provided with a protection covenant wherein OSHA cannot inspect or fine the facility. He hopes the plant walk thru, review of physical procedures, written policies, etc. would move SFWB toward becoming SHARPS compliant, an outstanding safety achievement for a work environment.

SHARPS is another system, similar to being designated as Outstanding Performers for the Oregon Health Division, that may decrease the frequency of other inspections because SFWB has met SHARPS standards.

Board Member Jones requested literature or web link about the SHARPS program. He preferred a paper copy.

2) AWWA ACE 2013 – Denver Colorado, June 8-13th

John Collins, SFWB General Manager, noted last month's discussion about selecting Board members to attend the conference and confirmed Chair Kovash and Board Member Jones would attend. He noted money was available in the budget for an additional person to attend and recommended sending Board Member Carson because she chairs the Regional Water Providers. The early bird registration period is the first week of March, which he would email to the Board.

The Board discussed the potential challenges of having three Board members present, which could trigger public meetings law requirements. Mr. Crean advised that they avoid talking about work, only discuss water. The perception issue was another challenge.

Board Member Jones deferred to having Chair Kovash and Board Member Carson attend the conference to be sensitive about perception, adding he could attend next year's conference.

Board Member Carson stated the City Council of West Linn would hold its goal-setting session on Friday and would discuss whether perception was an issue.

3) **SFWB Water Right's Update – Chris Crean, Legal Counsel**

Chris Crean, SFWB Legal Counsel distributed the most recent water rights permit extension SFWB received, which was currently on appeal. The Department of Justice (DOJ) notified him of a substantial typo where the condition for Permit S-9982 was cut and pasted under the heading for Permit S-22581. Clearly this was a scrivener's error. Options included issuing a new order, which could be appealed separately, or approach Water Watch about issuing a new order that would simply replace the incorrect order in the existing litigation. He preferred to let it go and fix the error after litigation. However, SFWB has a Water Management Conservation Plan pending, and the department (DOJ?) was determining whether they could issue that Plan with this scrivener's error in place. If so, SFWB would probably address the matter after litigation. If not, South Fork may have to approach Water Watch about issuing a corrected order and inserting it. He did not believe the error would the limit amount of the extension from that [on] one permit because a judge would say it was clearly a scrivener's error; it would only cause delay. As soon as he hears from the agency, he would talk to Mr. Collins and present a recommendation. He assured there was no risk at the moment.

Mr. Collins noted Permit S-22581 was South Fork's most valuable water right. It is in the lower river, and senior to other water rights, except for one very small water right from Gladstone. That right has been developed to the letter of law since issued in the 1950s, so if there had to be an error, it was in the right one.

4) Manager's Vacation

John Collins, SFWB General Manager, announced he was taking **next** week off for vacation.

(10) Business from the Board

There was none.

(11) Executive Session –Adjourn regular meeting and convene Executive Session, if needed.

The February 14, 2013 regular meeting of the South Fork Water Board adjourned at 6:37 p.m. No Executive Session was held.

- (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).

Respectfully Submitted,

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