

Polk Soil and Water Conservation District

November 28, 2018

Board Meeting Minutes

Polk SWCD Office: 580 Main Street Suite A., Dallas, Oregon 97338

[*Attachments available on request*](#)

In Attendance:

Directors

Matt Crawford (Chair)
Mike Wilson (Secretary)
Chad Woods (Vice Chair)
Jock Dalton (Treasurer)
David Simmons
David McKibben
Terry Lamers – (call his cell phone if he is needed)

Staff

Karin Stutzman (DM)
Patti Gray (Admin)

Directors Emeritus/Associates/Guests

Judy Beebe – Associate

BOARD MEETING

CALL TO ORDER & INTRODUCTIONS: Matt Crawford Chair, called the Board Meeting to order at 6:03 PM. Directors Crawford, Wilson, Woods, Dalton and Simmons, McKibben, and were present to start the meeting. Introductions were made.

PUBLIC COMMENT: None

REPORTS:

Simmons stated Glenn Gibson and Rickreall are and are working on the collaborative grant to be more efficient. They will be attending a retreat to discuss the recent interviews.

Dalton informed the directors that Terry Lamers is on a trip to Alaska tending to family business, but would be available by telephone if needed.

Crawford stated that at the last Personnel Committee meeting (Tuesday November 27) they approved Stutzman's leave of absence. Another item they worked on was Stutzman's very past due evaluation covering July 2017 to June 2018 based on the provided replies of the directors. They are not finished yet, but they are very close. If there is any other director that would like to provide input please get it to the Personal Committee, which is Wilson, Beebe and Crawford. In the next two weeks, at next board meeting they will provide a pay scale comparison report.

Crawford would like an update from Special Personnel Committee.

McKibben stated now it's wet out there.

Woods agreed with Mckibben it's wet and the geese seem to like it this year; they have landed and have stayed.

Wilson: Rain has been good for the fish. Grand Ronde did their 1st traditional Fish Ceremony tonight because yesterday the 1st Coho salmon came up on the Agency Creek. The preschool kids drummed and sang. The fish traveled 200 miles through the Columbia River, Willamette River, Portland harbor, Multnomah Falls, and

the oceans to come back. The amounts of fish that make their journey back every year fluctuates greatly from 700, to 100 and 500.

Crawford shared that he is also on the Annual Yamhill Watershed Steering Committee. In those meetings he has heard that in the past 8 years the Fall Coho are returning by one-thousand one year, another year was three-thousand, most recent it has been ten-thousand. The numbers have been growing because of a lot of little things that have helped.

ACTION ITEMS:

11-13-18 Board meeting minutes: (see attachment A):

July Board Meeting Minutes – correction “letter of reprimand added” and other discussion:

Dalton stated that page 3 of the July Board Meeting Minutes he thinks it's very important that Stutzman's consent should not have been left out. Dalton stated to Crawford that at the last meeting, wasn't he saying that Stutzman did not object to having an open meeting?? Stutzman asked Dalton why she should have an opinion about that meeting. Dalton replied that he was stuck where he could not hear clearly when Pender asked her opinion, he could not hear what happened. Stutzman replied I do not have an opinion about that meeting and that she does not want the minutes saying anything about her, nothing in regards to that. Dalton responded does that mean you do not and you will not have an opinion about that meeting? Stutzman informed Dalton she has no comment. Dalton replied since she has no comment he would like to file an objection to having a meeting without having an opinion from every one else, because he feels it was improper. Stutzman stated the meeting was to discuss the attorney findings. There are 2 ORS's; 1. ORS was complaints against an individual that will be discussed. 2. ORS was to discuss the advice from the attorney. Stutzman reminded Dalton that neither of the ORS's pertains to her so she would have no reason to have an opinion about that meeting. Crawford asked Dalton do you still have an objection. Dalton and Woods stated as long as it's in this meeting's recording we are fine. Stutzman ask Dalton where are you going with all that Dalton. Woods replied we are not going anywhere. Stutzman replied she does not understand what the problem is. Dalton explained it was not very clear if they were violating her employee rights by discussing something in open session that might be a personnel issue. Stutzman replied her rights were not in question that evening. Dalton replied ok, we are done, we figured out there is no issue, we can move on.

Crawford asked if there was anything else we need to square up. Dalton stated yes there is page 3, Special Personnel Committee Resolution Adoption suggestion Attachment G, it fails to record there was a motion, 2nd and a vote that approved the motion. Woods stated all I was doing was an understanding that the two motions have been done for the actual creation of it. **Dalton read Woods motion from the 11-13-18 meeting. Whereas the Polk SWCD Board approved Resolution 081-080818 at the meeting August 8, 2018 and the Board reviewed that decision at the Board on September 12, 2018 and voted to approve the minutes of the August 8th, 2018 meeting, which included description of approving Resolution 081-080818, and the listing of the members of the Special Personnel Committee, constitutes their appointment to the Committee and The Board hereby declares and affirms that the approval of the minutes of the August 8th, 2018 Board meeting constitutes the second reading and formal adoption of Resolution 08-080818 as required by Polk SWCD Policy and Procedures and, The Board further declares and affirms that any action taken in a good faith by the Special Personnel Committee after September 12, 2018 was taken by a legal constituted Committee of the Polk SWCD Board. Dalton motions to table the 11-13-18 Board meeting minutes, Simmons 2nd. Discussion; passed unanimously.**

Lamers called Dalton's cell phone to inform the board he is available if he is needed then hung up.

Crawford asked if that motion was presented 2nd, we voted or not because he has no recollection of it at all. Dalton stated according to his recording it was at 51:57. Crawford agreed the minutes do need to be updated if that's the case. Dalton pointed out that Woods Resolution # 059-110514 was read and voted on at the last meeting, but the minutes did not reflect that. Crawford stated this has been explained to him a couple different times and he still doesn't fully understand the situation completely. Woods pointed out we are legal on having

a budget discussion, the first page was posted. Woods pointed out this is the 1st reading since it was posted. This one would be our 1st reading as a district, and then we post it for the next one.

At the board meeting on 11-13-18 Woods moved that Resolution # 059-110514 was not adopted by following District Policy rules and that the language of the resolution attached "Duties and Responsibility of the Board Policy" contradict and are in conflict with the general "District Policy" on key points and that the resolution be voided from the Polk County SWCD Policy. Simmons 2nd. Discussion. No votes are: Wilson, Crawford, McKibben. Yes voted are: Dalton, Woods, Simmons. After this vote was over, Lamers was called and he suggested this topic should be tabled until he can attend the next the board meeting Wednesday December 12, 2018

OACD Dues (attachment B):

Simmons reported there was some good discussion at the event and it is amazing how many other districts have the same opinion of OACD. Simmons thinks mid-January there should be some progress moving forward and that they are now on the right track. He added that 23 districts attended. Their fiscal year is from July 1st to June 30. So, dues would be due again July 2019. **Woods moved to have staff to pay dues of \$2008.58. Dalton 2nd. No Discussion; passed unanimously.**

Annual Meeting Resolution # 085-111318 (attachment C):

Crawford update the group that the wording was changed to: Be It resolved that the Annual Meeting of the Polk Soil and Water Conservation District shall be performed after the audit but before the end of fiscal year and the date, time and place to be approved by the board. Stutzman pointed out that in the heading Conservation has an extra "l" and the resolution number should be 085-112818 because at that meeting it will be passed. **Dalton moved to accept the resolution once the typo and the resolution number are corrected. Woods 2nd. No Discussion; passed unanimously.**

Smithfield Oaks Signer (attachment D):

Crawford explained this will also be a resolution. When the time comes the chair will sign, but that the Vice-Chair affirms that the chair has the right to sign. **Dalton moved to approve it once the resolution number is corrected Simmons 2nd. No Discussion; passed unanimously.**

DISCUSSION:

July Board Meeting Recording:

Crawford updated the group that the meeting was recorded in partials due to lack of memory. The problem is that we were called into executive session. In that part is where Pender asked Stutzman if Director Simmons was allowed to call an open meeting if it had been advertised as an executive session.

Water Line Easement:

Stutzman provided the group with a map indicating the access easement benefitting subject property regarding the Wainwright property. Crawford reminded the group if they are going to approve a water line easement, since it land locks a piece of property and at a later date the land owner wants to put in a water line. Stutzman informed the group that Trust for Public Land feels this matter should be between Mr. Wainwright and the District. Simmons asked where the water would be coming from and that he would like a letter from BPA stating that they approve the ground to be disturbed if Wainwright chooses to put something in. Woods stated he thinks the water is coming from an existing pond. Woods mentioned that he has no problem with it and added we should also have a right to put a line in for watering purposes. Crawford agreed that he also has no problem with it either. McKibben pointed out with the easement he could put the line where ever he wants and be there any time they want to check on it. Woods added once Mr. Wainwright digs his trench, we could also put in a line or at least we have a stub out of his pipe. Woods and Simmons added the only reason we would do that is if we started some establishment when it was dry. Dalton pointed out that the management plan needs to state that this ground can be disturbed. Stutzman informed that this will not close until March of 2019. **As a consensus the board approves Stutzman to move forward by following up on those things and report back to the board.**

Smithfield Oaks Stewardship Agreement (attachment E):

Crawford reminded the group of the Smithfield Oaks Stewardship/Good Neighbor Agreement. Crawford has no problem with it. Dalton pointed out again on page E3 he likes # 12. Any action to terminate, amend or modify this agreement must be initiated by providing 30 days advance written notice to the other party. Woods pointed out we must maintain control, but we can give him some privileges. Working with Wainwright is very reasonable, but we don't know his heirs. McKibben pointed out if you take this document to any lawyer he is going to tell you, that you are out of your damn mind. Stutzman informed the group that at the next month meeting in two weeks the project manager, Sam Plotkin from The Trust for Public Land will be attending the meeting. **Woods motions to table this for a little bit longer to really chew on this to see what it really means to us and pass it on to the easement committee. Dalton 2nd. Discussion; passed unanimously.**

Board Member Liability/Insurance:

Crawford explained if the budget got really screwed up we are liable. As long as we are not committing fraud though, we do have insurance for that.

Treasurers Authority:

Crawford stated he does not completely understand. Woods explained FDIC and National Credit Union Association insurance that they use require a natural person to be the recipient of the insurance proceeds. By January 21 of every year we are supposed to report where all of our money is deposited, or if we added new depository, or if we remove one, we are supposed to notify them within 3 business days. Crawford asked Beebe if she had any thoughts on this. She replied with the Credit Unions there is a little difference if they are a federally regulated credit union or a state chartered credit union or a state. Oregon State Credit Union is a state chartered credit union essentially using the same rules as FDIC. The issue is that the banks view signers on accounts as the custodian of the accounts. Woods ensured the group that all of the banks and credit unions Polk SWCD is using are approved by the State Treasurer. Dalton suggested we should question other government entities to see how they handle this. Woods pointed out according to State Law we are not allowed to do stock or equity as we would be gambling with the public's money. Dalton pointed out that he has two masters. He has himself and the board as his masters. He comes to us and explains what he wants to do and why he is doing it and we give him the authority. Dalton added the finance committee should be looking over the shoulder of the treasurer. Woods stated that policy states that the treasurer and the district manager are to be the ones looking over each other's work. Woods added the Treasurer Authority has to notify the district manager and the treasurer where you have put that money. Stutzman pointed out she would need that for QuickBooks. Beebe added this person should be bonded to about a million dollars, and it would cost approximately \$10,000.00. Beebe suggested checking with SDAO for bond costs. She also pointed out make sure his credit report is good. **Woods motions the Treasurer of the Polk SWCD is the Districts Officer who is the official custodian of District funds. The Treasurer has the plenary authority and control of the funds. Control includes possession as well as the authority to establish accounts in insured depository institutions and to make deposits, withdrawals, and disbursements. The Treasurer will abide by State and Federal Law, insurance limits, and guidelines for investments and follow "District Policy" while executing the duties of the Treasurer. Dalton 2nd. Discussion; passed unanimously.**

Notice of Supplemental Budget Hearing (attachment F):

Crawford informed the group that a full notice had not been published. Woods pointed this needs to go IO by next Wednesday.

Supplemental Budget (attachment G):

Crawford informed the group that a full notice had not been published. Woods pointed out this need to go to IO by next Wednesday. Crawford explained they cannot get to deep into the particulars of the budget without going into a Budget Hearing. Woods pointed out that they are legal on having a budget discussion. Crawford stated someone can argue it was not posted properly; tonight we can't go to deep into the particulars of the budget so we can't do a budget hearing and are we ready as a board to open up and do a Supplemental Budget in two weeks or six weeks? Crawford is not sure if he sees the fire yet. Woods stated go back to page 7 from last meeting board packet of 11-13-18 \$245,000.00 in beginning on page 22 of manual. Woods stated this form has been modified and has not changed in the last 5-6 years and he thinks LB-31 is the one that best fits here. Crawford and Stutzman informed the board that Rebecca Hall who is the Manager FTEC Unit, Property Tax Division Oregon Department of Revenue stated she would be more than happy to meet with us to go over all of these budget questions. Crawford explained the board could meet with her in December 2018 and or January 2019.

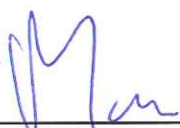
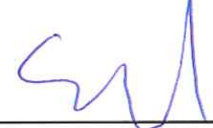
INFORMATION:

Bogdan Caceu Water Storage:

Crawford reminded the group Director Simmons asked for an update on this project. Crawford informed the group that this project was not approved therefore, the project died.

ADJOURNED 9:04 PM

Respectfully submitted by Administrative Assistant Patti Gray on December 3, 2018.

Matt Crawford - Chair

12/12/18

DATE