

# Polk Soil and Water Conservation District

September 11, 2019

## Board Meeting Minutes

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

[\\*Attachments available on request\\*](#)

### In Attendance:

#### Directors

Judy Beebe (Chair)  
Chad Woods (Vice Chair)  
Mike Wilson (Secretary)  
Jock Dalton (Treasurer)  
Matt Crawford  
Brad Ford (arrived at 6:05)  
David Simmons

#### Staff

Karin Stutzman (DM)  
Patti Gray (Admin)

#### Directors Emeritus/Associates/Guests

### BOARD MEETING

CALL TO ORDER & INTRODUCTIONS: Judy Beebe Chair, called the Board Meeting to order at 6:02 P.M. Directors Beebe, Woods, Wilson, Dalton, Crawford, and Simmons, and were present to start the meeting. Introductions were made.

PUBLIC COMMENT: None

### REVISION OF AGENDA:

Simmons would like the minutes from the last Executive Session to be a part of the regular board minutes, since he believes it was an illegal Executive Session. Crawford pointed the meeting was a good faith effort to move forward, not to point fingers and suggested on being careful otherwise it's putting the SWCD in jeopardy of a lawsuit. Beebe stated her intention of the meeting was to proceed in moving forward and agreed with Crawford's recollection. Wilson pointed out we've been given advice from attorneys and we are trying to follow it. Ford joined the meeting at 6:05 p.m. Beebe recapped what the discussion had been so he could understand what had transpired so far. After some discussion Beebe called for a vote of the minutes, should they be part of a public meeting or not? By a show of hands Dalton and Simmons voted yes they should they be part of the minutes. Wilson, Crawford, Ford, Woods, and Beebe voted the Executive Session minutes should not be a part of the regular board minutes.

### PARTNER AND STAFF REPORTS: (see attachment A):

Stutzman informed the group that according to the returned Salt Creek postcards feedback they indicated the landowners prefer to have support from the elected officials. Stutzman met with Commissioner Craig Pope and OSU Water Resources Department Derek Godwin on how to roll out a plan and implement a program. Then on Thursday, September 5, 2019, Godwin, Crawford, Morgan and Stutzman held a meeting at Seabreeze Farms to discuss working with private landowners regarding the watershed and implementing a study of the water cycle.

## ACTION ITEMS:

### August Board Meeting Minutes: (see attachment B):

Wilson pointed out that on page B2, he abstained versus voting no. **Wilson made a motion to accept the August Board meeting minutes once the clarification was revised, Crawford 2nd. No Discussion; passed, Ford abstained.**

### August Treasurer's Report: (see attachment C):

Stutzman pointed out to the group that on C1 under Contracted Services the amount of \$10,616.66 does include RCPP Contracted Services and state grant funds of \$39,000.00 for the box culvert for Jont Creek. **Wilson made a motion to accept the August Treasurer's Report, Woods 2nd. No Discussion; passed unanimously.**

### Updates to Annual Work plan: (see attachment D):

Stutzman updated the group that NRCS, Yamhill and Polk SWCD had a meeting mid-August to discuss things moving forward and the Polk SWCD will now apply for their own grants for RCPP and CREP.

### Smithfield Oaks Closing update notes:

Stutzman informed the group that BPA is doing the final edits to the documents, but there is still no closing date as of yet. Everything is still on track.

### Styles of Annual Work Plans -- Needs to be assigned to an Ad Hoc Committee for review and report back to the board (not printed out):

Beebe explained the reason the examples were not printed out is there are 60 pages, including five different styles of work plans. Nonetheless suggested an Ad Hoc Committee needs to be formed to review the examples and report back to the board. Woods, Simmons, and Dalton volunteered to do this.

### McDonald review of QB notes: (see attachment E):

Dalton informed the group that the McDonald's have been experiencing difficulties. Beebe reminded the group that there are two different actions to this task, action #1 is to hire an accountant, and action # 2 is to hire an auditor. Beebe asked Stutzman to inform the group of her RFP results regarding hiring an auditor. Stutzman stated only 2 responded to her RFP. Winkel, who has been the auditor for the past seven years and Jarrad Seibert, Pollard & Co. LLC. The board asked Stutzman to put out feelers for an accountant. Discussion. **Woods made a motion to contract with Jarrad, Seibert, Pollard & Co. LLC for the 2018/2019 fiscal year, Dalton 2nd. No Discussion; passed unanimously.**

### Policy around paying contractors -- practice is to wait for OWEB money, but can we make exceptions?

Stutzman informed the group that Morgan asked to pay a regularly used contractor sooner than waiting for the grant money to come in. Stutzman would only be comfortable if we have used the contractor several times and paying after Morgan or Bell verified the contractor had completed the work. Woods pointed out ORS 279c states Oregon is a prompt pay state. Beebe stated it's called the Prompt Payment Law and agreed Woods has the gist of it and only pay as long as the job is done. Simmons pointed out if payment is made quicker you

attract better contractors. As a consensus the board agreed to follow the contract, the State Regulations, and once the work has been checked by the project manager then pay when the invoice is provided.

## DISCUSSION:

### No Action Letter for David Simmons Director File:

Beebe stated there is one other piece of business based on a previous discussion. She doesn't know if it needs to take place in an open session or in an Executive Session, it is regarding the letter that the board asked Wilson and Dalton to draft.

Wilson asked Beebe if she was going to talk about Stutzman's evaluation. Beebe stated she could discuss it in general terms. Beebe asked again if the discussion needs to be in an open meeting or if they would like to go into Executive Session. Wilson agreed with Crawford and strongly would like to avoid going into an Executive Session.

Beebe reminded the group that she sent out a link to Stutzman's evaluation. The link included a copy of the evaluation, future goals for the coming year, a summary of the results of the evaluations that each of the board members had done, a calculated mean and a median from each of those items and more details about the evaluation.

Beebe reminded the group if they are going to go into a specific detailed discussion or make a negative comment, or disciplinary comment, that they will have to go into an Executive Session. If it's a general comment there does not need to be an Executive Session. Beebe added she doesn't know what they want to discuss if anything about the evaluation.

Wilson explained that the Personnel Committee collected the evaluations and shared the summary and averaged them with a median and mean range. The document was placed in Dropbox and hopes everyone had reviewed it. Out of the group, only two people could not review it.

Beebe stated if we don't need to go into an Executive Session let's talk about the letter if you are ready.

Wilson pointed out that at the last Executive Session meeting they discussed how to move forward with a long-standing board issue and a letter from Comstock. After some discussion and debate, it was suggested that Wilson & Dalton draft up a letter, the board was going to vote on an action, have something to go into Director Simmons' file to memorialize the purpose of the letter.

Wilson passed around copies of the drafted letter to the group. The group took the time to read and review the drafted letter.

After a moment Crawford stated he would not have a problem signing that letter. Wilson informed the group that after a few versions of this letter, Dalton went to Wilson's office and came up with the letter and he then thanked Dalton for his work. Wilson went on to say there have been several different investigations, a couple of presentations, the allegations and facts were examined and no actions are being taken. Woods and Ford stated they would sign the letter.

Beebe questioned why Stutzman should sign it, she is not a director, she has no voting rights, etc. Dalton replied she is representing the staff. Wilson stated this was a good question and agreed this is an oddity because she is not going to be able to vote on this. This signature is to acknowledge she has seen this letter, she is aware of what we are doing and that we are moving forward.

Stutzman pointed out from her perspective, the SPC was formed to dispute something between Simmons and Stutzman, which was different from the investigation. She would sign it if there was verbiage stating "no actions against Stutzman as well."

Crawford agreed to move forward taking care of problems when they happen versus reaching back.

Beebe stated she would like to see the verbiage to be added to say "no action to any party involved."

Ford added "and or any other party to the allegation." "The final language to be added was "or any other party to the allegations".

Ford pointed out he was not on the board but he would not have a problem signing this letter as is or even if the wording is changed.

Woods suggested adding the wording, dating the change & initialing the change.

Stutzman said that would be fine. Beebe reread the sentence to say "or any other party to the allegation" and added, "the board has determined that no action should be taken against Director David Simmons or any other party to the allegations."

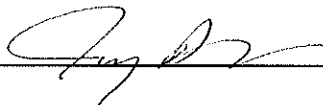
**Dalton made a motion that a letter from the board be placed in Simmons Director file stating that no action will be taking against David Simmons or any other party to the allegations, Crawford 2nd. No Discussion; passed unanimously.**

**Information:**

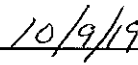
Beebe reminded the group that at the next meeting they will start to review the Long Range Planning. Therefore on October 9<sup>th</sup> the Long Range Planning Meeting will start at 5:00 p.m. and go until 8:00 p.m

**ADJOURNED 8:00 P.M.**

Respectfully submitted by Administrative Assistant Patti Gray on September 24, 2019.



Judy Beebe - Chair



Date