



Wheeler Soil and Water Conservation District

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Board of Directors
Meeting Minutes
September 29, 2022

Directors

James Collins
Anna Thomas
Jason Davis
David Hunt
Wayne Lindquist
Ross Ryno

Assoc. Directors/Emeritus

Jeremiah Holmes
Zach Bruce
Brent Johnson
Rob Wade

Employees

Cassandra Newton
Brooke Moore
Kristen Neuburger

Others Present

Gabe Williams, RSI
DelRae Ferguson, NRCS
Kendall Derby, MJDWC

The board meeting was called to order by Chair Collins at 6:03 p.m. by the clock on the wall.

1. **Corrected Motions**

Cassi advised that Jeremiah Holmes did not qualify for Zone 4. She explained that the motion to appoint him is null and void and he will remain as a Director Emeritus, but all motions he made during the August meeting is also null and void. Cassi provided a list of the four motions made by Jeremiah Holmes.

‡ **Motion** made by Director Davis to rescind and remake all motions made by Jeremiah Holmes during the August board meeting, Vice-Chair Thomas seconded the motion. The motion passed unanimously.

2. **Agency Reports**

a. **NRCS, DelRae Ferguson**

DelRae stated that NRCS still has the Kahler funding for brush management and forestry work, the Ochoco forestry funding, and the woven wire funding and livestock water funding that includes livestock wells for the entire county.

3. **District Reports**

a. **Administration Manager, Cassi Newton**

Cassi stated her report is current.

b. **Conservation Technician II, Brooke Moore**

Brooke stated her report is current.

c. **Conservation Technician Assistant, Kristen Neuburger**

Kristen stated her report is current.

4. **Monthly Business**

a. **Review and approve minutes**

- August 25, 2022 regular minutes
- August 25, 2022 executive session minutes

‡ **Motion** made by Director Lindquist to approve the board meeting minutes from August 25, 2022, Director Davis seconded the motion. The motion passed unanimously.

b. **Review financial report**

- August

‡ **Motion** made by Director Davis to approve the August 2022 financial report, Director Ryno seconded the motion. The motion passed unanimously.

c. **Review and approve Accounts Payable**

- September 15, 2022
- September 29, 2022

Meeting Location: The Rock in Spray, Oregon

To Join from a computer or smartphone:

<https://global.gotomeeting.com/join/954414701> (Contact the office for meeting password)

To dial in using a phone:

(571) 317-3122 (Access Code: 954-414-701)

Cassi advised that she Kristen's name was misspelled on the September 15th check register and she would provide a corrected check register for signature during the next check run.

‡**Motion** made by Director Ryno to approve the check registers from September 15, 2022 and September 29, 2022 as presented, Director Hunt seconded the motion. The motion passed unanimously.

5. Upcoming Meetings & Events

- Staff Meeting, every Monday
- **September**
 - 12th West Bologna and Burnt Cabin Stewardship Tour, 9am
 - 13th Calibration Clinic, 3pm
 - 25th LJDWG Meeting, 10am
 - 27th Board Meeting, 6pm

6. Upcoming Deadlines

- **September**
 - 3rd Oregon Wildlife Foundation Small Grant
 - 5th NOAA Resilience Grants
 - 7th Oregon Conservation & Recreation Fund
 - 31st OWEB Open Solicitation

7. District Management

a. Acknowledge of resignation letters

‡**Motion** made by Director Davis to accept the letters of resignation from Randall Williams and Daniel Goodell, Vice-Chair Thomas seconded the motion. The motion passed unanimously.

b. Staffing

Cassi advised that the District is short two positions, a District Manager and a Conservation Technician I. Cassi stated that based on an idea from Chair Collins, she explored the idea of sharing a District Manager with another district. She advised that it is not feasible for the District. Cassi stated that she spoke to a few managers from various districts to get an idea of their staffing organization and she developed three staffing models that could work well for the District. She presented the staffing models, as well as funding models to the Board and recommended that Kristen move into the Conservation Technician I position considering she is nearly finished with her certification as a public pesticide applicator. Cassi suggested that the Board choose the staffing model that was agreed as the best suited for the District and allow her to recruit for the open positions to ensure that the applicants hold the qualifications needed and desired for the District to continue steady growth and success.

The Board discussed the staffing models, but could not reach a conclusion on the best suited model for the District. It was suggested to solicit for the three possible open positions to screen applicants before deciding the staffing models. A special meeting was scheduled for October 11, 2022 at 7am to approve the position descriptions of the three possible open positions.

c. Property

Cassi advised that the closing date is set for October 3, 2022. She further advised that the final payment is recommended to be a wire transfer because final payment must clear prior to the date of closing. Cassi reminded the Board that per policy, wire transfers must be approved through Board action due wire transfers only requiring one signature.

‡**Motion** made by Director Lindquist to authorize Cassandra Newton to initiate a wire transfer to AmeriTitle in the amount of \$148,303.71, Vice-Chair Thomas seconded the motion. The motion passed unanimously.

d. Paid Leave Oregon

Cassi provided the Board with an overview of the Paid Leave Oregon program and advised that deductions begin in January of 2023.

‡**Motion** made by Director Davis to approve the District not contributing to the Paid Leave Oregon as a small employer with fewer than 25 employees, Director Hunt seconded the motion. The motion passed unanimously.

e. Annual Meeting

Cassi reminded the Board that during the August meeting there were no direction or suggestions provided to the staff regarding the planning of the Annual Meeting. Cassi advised that the staff has arranged two speakers on the topic of forestry and available funding, door prizes, partner of the year and staff chose to change the venue, caterer and meal to reduce costs. Cassi stated that grant funding is limited due to the 2021 Annual Meeting cost increase, so the majority of the 2022 Annual Meeting will be paid through general funds.

The Board discussed the staff's plan and did not agree with the changes. The Board chose for the Annual Meeting to be held and catered at the Spray Grange and the meal will be prime rib again. The Board set the ticket price at \$25 each with the same complimentary tickets as last year.

f. November Meeting

Cassi advised that the November meeting falls on Thanksgiving. After discussion, the Board agreed to move the regular meeting to November 15, 2022.

8. Legislation

a. Legislative Advocacy Policy (SDAO)

Cassi stated that SDAO is asking special districts in Oregon to consider passing a resolution that authorizes general managers or board chairs the ability to take legislative positions on certain topics recommended by SDAO without full board approval. Cassi advised that the full notice and the drafted template are included in the board packet. The Board chose to not take action at this time.

b. BLM Acquisition

Cassi advised that the latest request for comment is included in the board packet and the comment period ends October 3, 2022.

c. River Democracy Act

Cassi advised in the board packet there is a news article that OACD shared regarding a lawsuit over Freedom of Information Act.

9. Projects/Programs

a. Focus Area

Cassi stated that the new focus area of Bridge Creek Watershed was written into the ODA Ag Water Quality Support Grant application and will be included in the 2023-2025 Capacity Grant application.

b. ODA AgWQ Support Grant

Cassi advised that the grant application was submitted and she provided an overview of the goals and objectives.

c. OWEB Open Solicitation

Cassi advised that Brooke has three OWEB applications they are working on and the deadline is October 31st.

d. AgriMet Weather Stations

Cassi advised that she included the preliminary map of the chosen locations for future stations in the board packet. She stated that she is working with CTWS to determine funding opportunity for equipment and installation. She also advised that the intention is to build a funding plan to allow

all agencies to install the desired stations over multiple years. Cassi stated that BOR will be installing a station in Twickenham that OWRD is funding.

e. Lower John Day Working Group

Cassi advised Gilliam SWCD has been working to submit five grant applications under LJDWG for the ARPA funds available and then a sixth grant will be submitted independently by the SWCD. She stated that the sixth grant application is for a storage feasibility study, which Gilliam SWCD offered participation from the other agencies within the LJDWG. Cassi advised that none of the other agencies had the funding available to assist with meeting the match requirement and it was agreed that Gilliam SWCD will run their grant as a pilot to allow the other agencies to determine if it would be a suitable project to pursue in the future.

10. Partners

a. Transition Agreement with MJD Watershed Council

Cassi reminded the Board that the Agreement expires on September 30th. She stated that Debbi advised a check is in the mail for the \$11,799 due September 30th and the remaining \$17,201 will be due November 30th. Cassi advised that the only outstanding matter within the agreement is the IT issue. She stated that the District's new IT service provider has been given permission to work directly with Debbi to remove the District as an administrator on the two donated computers.

b. RSI

Chair Collins abstained from the conversation.

Cassi asked Gabe Williams with RSI if he would like her to speak first or if he would like to speak.

Gabe stated that RSI has a lot of information that is stored on the District's Dropbox that they left on there as a courtesy to the District, it is either owned or developed by RSI. He further stated that RSI was cutoff from the District's Dropbox fairly rapidly and after discussion with Randy, it was decided to let District staff which items were owned by RSI and they would move it to a shared folders. Gabe stated that he believes 30-50% of the Dropbox folders are owned by RSI that were created while developing grants. Gabe asked that RSI have full access back to the District's Dropbox.

Cassi stated that she emailed Chair Collins following the original request for RSI to gain access back and she suggested this request be brought to the Board for decision due to Chair Collins working with and/or for RSI in addition to a personal relationship held with Gabe Williams. She advised that she has two concerns with RSI having direct access to the District's Dropbox: 1) Dropbox is where the District stores all project related documentation, including contracts that are not public information and retain landowners' personal information. 2) Through public contracting laws and regulations, which the District has adopted, it requires all contractors to have access to or be provided the same information and if RSI has full access to the District's Dropbox, RSI cannot participate in the District's bid solicitations due to an advantage over other contractors submitting proposals. Cassi further advised that the District is in the process of sourcing a new storage method for electronic documentation so that it is consolidated to one location which is easily accessible for staff while at meeting locations outside the office. Cassi stated that there is currently a shared folder on the District's Dropbox that both the District and RSI have access to and she suggested that RSI provide a list of items being requested and the staff can either put it in the shared folder or on a flashdrive to eliminate the liability on the District for allowing an independent contractor to have full access to the District's stored electronic files.

Director Davis asked Gabe what the best way was for the District to provide the documents to RSI. Gabe stated that he could go to the District's office and collect all the data that belongs to RSI and move it back to RSI's server.

The Board asked Gabe if he intended to take all the documentation or copy it to RSI's server. Gabe stated that if he took project development, grant writing information, background databases, shapefiles and things of that nature that RSI has done over the years that they left on the District's Dropbox, it would severely limit the District. He used the RCPP as an example and stated that the entire application, original documentation, financial management, spreadsheets, and designs were all completed by RSI and they did not receive payment from the District and RSI never expected payment. Gabe stated that if separating out what the District paid for and what was not paid for, then the original documentation and majority of the designs would go back to RSI's server.

Cassi advised that the majority of the RCPP took place before she was hired by the District. She further advised that all independent contractors currently working for the District has signed a contract in place that states all project related documentation developed is owned by the District upon completion of the contract and the District, per law, has an obligation to hold all project documentation for a minimum of three or more years.

Gabe stated that Cassi was right, if there were a contract in place but there was no contract in place specifically stating that. Gabe also mentioned the Rock Creek Assessment.

Cassi reminded the Board of her statement about liability to the District. She stated that RSI is completing designs and work on the Pine Hollow and Rock Creek projects and she asked Gabe if there is a contract in place. Gabe stated no. Cassi asked if there was a contract in place for the designs that RSI is supposed to be completing on Thirtymile Creek. Gabe stated he thought there was a contract in place as a task order. Cassi stated the District has no documentation that she has located for any project work being completed by RSI.

Director Davis asked Gabe if the staff could put RSI's documents in a shared folder and that would fulfill his request. Gabe stated yes. Director Holmes reminded that all sensitive information would have to be redacted.

Director Davis asked Gabe if he could travel to the District office and work with Cassi to go through what he needs. Gabe stated yes, but it is thousands of maps and gigabytes of data over decades of work provided to the District and he is unable to provide a list of what he would need. A motion was made by Director Davis to a shared folder be created and RSI works with Cassi to transfer documents into it where both entities keep access. Director Hunt asked for clarification on what is being decided for the motion. Cassi advised that the motion on the table that Gabe travels to the District office and collects all the information he chooses from the District Dropbox and puts it into a shared folder with the exception that he cannot access RCPP and CREP folders due to sensitive information being stored that is not public, nor the District's to share.

Gabe stated that he is the RCPP project manager and he has authorization to access all the RCPP documents.

DelRae stated that RSI can have access to designs, but cannot access contracts. Gabe asked why he could not have access to the contracts because he was the original project manager on the application and RSI wrote the RCPP. DelRae stated that NRCS wrote and holds the contracts.

Director Lindquist asked how time sensitive the decision was and if others should be brought into the discussion. DelRae stated that she would have to look into if RSI can have access to the contracts.

Gabe stated that it is not incredibly pressing at this moment, but it is needed for future project development and closing out the RCPP. Cassi stated the RCPP is closed. Gabe stated that it is closed, but projects are not 100% complete and RSI still needs to do as-built drawings and reports. Cassi advised that the District is not managing the lingering projects for the RCPP, DelRae is the main point of contact for most of that and she asked why Gabe couldn't contact DelRae for any needs as the other contractors do.

Gabe stated a lot of RSI's documentation for developing the designs are on the District's Dropbox such as spreadsheets for calculations, elevations and various other things that are needed to close out projects.

It was asked if RSI stores their designs and documentations anywhere other than the District's Dropbox, but the question was overlooked.

Cassi advised that it would not be hard to identify the design and map documentation and copy it into a shared folder without allowing RSI full access of all of the District's document storage.

Gabe stated that it is difficult because RSI needs all the shapefiles of the watersheds, broken out stream layers, the piping information, the GIS analysis and everything that RSI put together for the original funding. DelRae stated that it can be requested from NRCS because they have all the necessary information from every project.

The Board asked Gabe if he would have to travel to the office to create a list or if he could just email a list of projects that he would need documentation from. Gabe stated that he cannot remember thousands of project documents off the top of his head, so he would need to come to the office and go through the District's Dropbox.

Cassi stated that at that point what is the difference between him having full access to the Dropbox from the office versus remotely unless she spends an entire day monitoring his access. She stated that the District has been at risk and neglected the liability thus far. Cassi stated that she can just revert the access back for a day.

Director Lindquist suggested that it not be limited to one day. He asked if Gabe would be able to request specific information in the future if he realizes he missed something he needed.

Cassi stated that just as every contractor does, he can request the information and the staff will provide it unless it is confidential. Cassi asked Gabe if he intended to take all the data that is on Dropbox. Gabe stated it would not be efficient if he didn't.

The Board asked if it would be easier if staff just went through the folders and removed anything confidential. Cassi asked why the District should have to spend all that staff time going through thousands of electronic documents because RSI did not keep copies of their working documents. The Board stated the District could potentially spend more time fulfilling multiple requests for information.

Director Davis asked Gabe how long he thinks it will take him to put everything into a shared drive. Gabe stated maybe a day, at the most. Director Davis asked when Gabe would have time. Gabe stated the week of October 10th.

‡ **Motion** made by Director Davis to authorize RSI, Inc and Gabe Williams access to the District's Dropbox for a single day upon request made to Cassandra Newton to obtain copies of any documentation desired, Director Hunt seconded the motion. *Chair Collins abstained.* The motion passed unanimously.

DelRae asked what all is in Dropbox. Cassi stated basically everything related to projects. DelRae advised that there are numerous documents that cannot be stored on Dropbox. Cassi advised that the Dropbox system was setup by staff predecessors and she is working with the new IT service provider to obtain a more secure and centralized system.

c. Noxious Weed Collaborative Meeting / Calibration Clinic

Cassi advised that the collaborative meeting and education outreach written into the Central Wheeler noxious weed grant. She stated the Daniel started planning a calibration clinic prior to his departure and she advised that she has been working with Kristen to finish the planning. She further advised that it will be held at the Double Bar Land Co, LLC's corrals on 207 South on October 13th at 3pm. Cassi stated that the collaborative meeting has not been organized, but she will work with Kristen to get it planned and conduct the outreach.


Next Meeting October 27, 2022

The board meeting was adjourned by Chair Collins at 8:29 p.m. by the clock on the wall.

Respectfully submitted by Cassandra Newton



James Collins, Chair



Cassandra Newton, Administrative Manager