

**WHEELER SOIL AND WATER CONSERVATION DISTRICT
BOARD OF DIRECTORS MEETING MINUTES**

October 28, 2020

The board meeting was called to order by Chairman Holmes at 6:31 p.m. by the clock in the Big Sarvice Corral meeting room, located at 40280 Hwy 19, Fossil, Oregon.

<u>Directors</u>	<u>Assoc. Directors</u>	<u>Employees</u>	<u>Others Present</u>
Jeremiah Holmes	Rob Wade	Chase Schultz	Kendall Derby, WC
Wayne Lindquist		Cassandra Newton	
Kale Haberman		Brooke Moore	
David Hunt		Debbi Bunch	
Jim Bob Collins			

AGENCY REPORTS

Mid John Day – Bridge Creek Watershed Council, Kendall Derby: No report.

DISTRICT STAFF REPORTS

District Manager: Chase advised he did not have a written report, so gave a quick verbal update. He has completed two Butte Creek / Thirty Mile FIP applications and presented copies for anyone who wished to review them. One project is the BDAs down Butte Creek that he displayed in the presentation he prepared for the LAC meeting and the second project is a TA grant to develop designs for a culvert replacement at Kinzua – a fish barrier up Thirty Mile.

Chairman Holmes mentioned that Herb had previously spoken of an RCPP for the Butte Creek area which would include enhancing the Fossil city water supply. Debbi advised that the city of Fossil has in the past ran out of water, but there are also water quality issues. There are high levels of fluoride in one of their sources, so they continually monitor and adjust the ratio between all the water sources they have available. She stated that the water quality issue of Fossil water supply is an item in the work plan of the Lower John Day Working Group. In addition, she advised that FIP grant funding is restricted to native fish habitat projects.

Watershed Council: Debbi provided a handout to everyone present pertaining to Weed-Suppressive Bacteria. She advised that the Watershed Council approved the MOU, so that would be discussed later. The Watershed Council is planning their Annual Meeting for December 4th at 3pm, but location is undecided. She is hoping to hold the meeting in person, but also offer the option to attend virtually. The OWEB application that she submitted in July was reviewed via a virtual review team meeting and it went well. She is working on completing a newsletter. The Lower John Day Working Group has a virtual meeting scheduled for November 17th at 10am.

Field Tech II: Bodie was absent.

Field Tech I: Brooke advised that she received her drone license in the mail.

MONTHLY BUSINESS

Minutes: The August 26, 2020 and September 30, 2020 minutes were presented for review. Vice Chairman Lindquist **moved that the minutes from June 24, 2020 be approved**, Director Hunt seconded the motion. **The motion carried unanimously.**

The August 26, 2020 executive session minutes were presented for review. Director Haberman **moved that the minutes from the August 26, 2020 executive session be approved**, Director Collins seconded the motion. **The motion carried unanimously.**

Budget Expense Report: Chairman Holmes advised the Board that the budget report dated September 21, 2020 was reviewed and approved at the last meeting. The budget report dated October 19, 2020 was presented for review.

Chairman Holmes asked the following questions:

Pine Hollow Project 220-6005: On the expenditures shows we have spent \$29k and on the project fund revenue shows none received. Is that because we have not submitted a request for the funds. Chase advised that the checklist for the funds request is now complete, but he has not gotten the request sent in, yet.

Fopiano Project 217-6000: There is no balance in the amount left to expend, is that project done? Chase advised that the work is complete on that project and the only funds remaining to expend are in project management and grant admin.

Juniper Butte Project 218-6009: Is this project closing this year? Chase advised that there was a 2-year extension granted on that and there is still work to be completed – controlled burn, hand cutting of juniper, a couple spring developments, and Aspen protection. Director Collins advised that he spoke to Chet and suggested that someone may want to follow up with him to answer some concerns pertaining to the controlled burn.

Director Hunt **moved that the budget report dated October 19, 2020 be approved**, Vice Chairman Lindquist seconded the motion. The **motion carried unanimously**.

Bills: The check register dated October 1, 2020 to October 31, 2020 was presented for review. Director Collins **moved that the check registers dated October 1, 2020 to October 31, 2020 be approved**, Director Haberman seconded the motion. The **motion carried unanimously**.

OLD BUSINESS

ANNUAL MEETING PLANNING: After a brief discussion amongst the Directors and SWCD staff, Director Collins **moved to present this year's Partner of Year award to Amanda 'Marti' Martino with Blue Mountain Land Trust**, Director Haberman seconded the motion. The **motion carried unanimously**.

Cassi advised that the speaker had not confirmed acceptance of invitation. The Board requested that contact be attempted again. Should there not be a confirmation made prior to the November Board meeting, we would extend an invitation to Amanda 'Marti' Martino with Blue Mountain Land Trust since she will be present at the meeting.

REVISED POLICY- 209 EMPLOYMENT PERFORMANCE EVALUATIONS: The revised handbook policy was reviewed by the present Directors. Vice Chairman Lindquist **moved to adopt the policy with the two noted grammar corrections**, Director Collins seconded the motion. The **motion carried unanimously**.

TIMEKEEPING/ATTENDANCE: Chase advised the Board that he did not believe timeclocks would be effective for the District due to employees working in the field, at home, etc. It was suggested that the timesheets be revised to reflect time-in and time-out and the Board requested that revision be done. The topic was tabled until the August meeting to evaluate if policy or procedures need revised.

PROJECT MANAGEMENT SOFTWARE: Cassi spoke with a representative of Sitka Technology and learned that it is a software development company, meaning that they develop specialty software for each of their clients. Therefore, the price is not within budget for the District. However, he directed us to speak to Kristin with the John Day Basin Partnership. Kristen advised that the software the Partnership had Sitka develop called ProjectFirma likely would not meet the standards of what the District is looking for in a project management system. However, she advised that the District will have full access to ProjectFirma for use with all projects, not just for FIP. She encourages the use of the software, simply for the advance reporting capabilities it provides. As for project management, Kristen suggested using Slack - her office has been using it for about 6 months after being suggested to them by Amy Charette. This software is free, user friendly, and informal; but, very useful. Cassi provided an overview and examples of how Slack works. The Board suggested researching further to ensure that all retention schedules will be upheld with the use of the Slack. They further suggested that the District initiate the use of Slack via the free version for a short time period; then if it seems beneficial to upgrade to a paid version to ensure retention. Director Collins **moved that the District initiate the use of the software Slack via the free version and authorization be given to Chase to decide if/which paid version will be used**, Director Hunt seconded the motion. The **motion carried unanimously**.

FTE FUNDING SOURCES: The Directors reviewed the spreadsheet provided by Judy that outlined what funding sources funded each employee/contractor position.

Chairman Holmes asked how the LJDWG contract was arranged and how long term is it. Debbi advised that the District and Council both receive funds from the Group each step. Norie puts out RFPs for each step, which began in 2016 and we are currently in step 4 of 5. Step 4 is closing now and the goal is for step 5 to be completed by June 30, 2021. However, Debbi anticipates step 5 to carry through to the end of 2021. Once step 5 is complete, implementation is initiated and we intend to apply for some of the implementation funds available.

Chairman Holmes asked how the amount was determined for the watershed project management fees. Debbi advised that Judy appeared to average a four year total. Chairman Holmes noted likewise that the District project management fees are averaged, but from a three year total.

Chairman Holmes asked if the John Day Basin Partnership contract was ongoing. Debbi advised that she expects the funds from the Partnership to be available throughout the life of the FIP at least, which is approximately four more years.

Chairman Holmes asked how likely the BPA contracts were to be renewed annually. Chase advised that it may be reduced, but will not be cut.

Chairman Holmes explained the reasoning for asking clarifying questions was to gain understanding of which funding sources are ongoing and which sources are contingent from year to year. He asked if any others had questions before stating that that the information presented was valuable and thanked Chase for communicating with Judy to obtain the report.

EQUIPMENT RENTALS: Per prior discussion by the Directors, Cassi reached out to Monument SWCD to inquire about their equipment rental program. The MSWCD District Manager provided the rental agreement and details of their program for the Directors review. She noted in her response that the MSWCD was selling the range drill and investing the funds into their weed program due to the equipment rental not being profitable for the District. The Board agreed with the concerns of profitability with an equipment rental program and decided not to pursue the idea any further.

WSWCD & MJDBCWC MEMORANDUM OF UNDERSTANDING: The MOU was revised last month per the meeting held between Chase and Debbi with input from Directors and Council Members. The Council met on October 27, 2020 and approved the current draft of the MOU for signature. Vice Chairman Lindquist asked Debbi if she had a projected amount expected to be received by the Watershed Council for the remainder of the fiscal year. She stated that she has shared a list with Cassi, but does not have an exact dollar amount determined. Cassi shared the list with the Directors. Director Collins asked what the chart was for. Chairman Holmes explained that chart demonstrated the reason for revising the MOU and separating the financial aspect of the Watershed Council from the SWCD. As a collaboration eligibility is met for both the District and the Council to continue receiving their own capacity grants to assist in operation of the two agencies. If the agencies work as a consolidation, they must share only one of the capacity grants for operation of both agencies. Vice Chairman Lindquist **moved to accept the current draft of the MOU through the expiration date of June 30, 2021**, Director Collins seconded the motion. The **motion carried unanimously**.

NEW BUSINESS

None.

OTHER BUSINESS NOT LISTED

WHEELER COUNTY WEED BOARD: Director Haberman, as Chairman of the WCWB, advised the WCWB met earlier and gave a brief update on what was achieved during the meeting. He advised that they are considering options for expanding the opportunities for the Weed Board and intend to meet with the County Court in November. One consideration is researching the possibility of outsourcing weed spraying to landowners. Director Haberman requested the support of the District, as the WCWB and SWCD would have to establish an agreement to share Bodie's time and possible equipment. The Board expressed their support and Chairman Holmes offered to attend the County Court meeting to show support as the District Board Chairman.

However, the Board advised they are unsure about sharing equipment due to the extensive cleaning that would be required and the time consumption of removing and installing the spraying equipment. They encouraged the Weed Board to request the funding through County Court for assistance in purchasing equipment strictly for the Weed Board.

ACH PAYMENT APPROVAL: Cassi advised that per a previous vote, ACH payments must be approved by the District Manager and one Director. She requested approval on an annual ACH payment to be made to Department of Administrative Services for the District's dues to the Government Ethics Commission. All present Directors agreed to approve the annual ACH payment.

LETTER FROM CATERER: Ginger Cromwell provided a letter addressed to Chase and the Board requesting that the catering rate be raised from \$160 to \$200 due to the funds often not covering 20 servings. Cassi advised the Board that the current agreement is 20 servings at \$8 per serving. Director Hunt stated a possible conflict of interest prior to mentioning if the leftovers were returned, she would be less apt to request an increase in rates. Chase and Cassi suggested the price remain the same, but reducing the number of servings, thus increasing the per service cost. In addition, all leftovers will be returned to Ginger after the meetings. The Board requested that a letter be written in response to Ginger with the stated suggestion, but to also request feedback in February to evaluate if an increase per serving is necessary.

LONG RANGE BUSINESS PLAN: Cassi advised that the Long Range Business Plan is required to be submitted to ODA per ORS 568.554 and it was implemented in 2010. The last plan covered years 2015-2020, thus expiring December 31, 2020. Therefore, this plan needs to be adopted no later than the January meeting and submitted to ODA. The template provided by ODA is a 5-year business plan and most districts construct a 5-year plan; however, a few districts choose to construct a 3-year business plan. Cassi suggested that the District consider choosing a 2 or 3-year plan at this time due to the changes that are occurring.

Another suggestion made by Cassi is to obtain public comment and suggestions while constructing the next plan. She advised that no action is required of the Board at this time, as she just wanted to provide a draft of the plan to allow extra time for reviewing, correcting, and revising prior to January.

SIA / LAC: The Local Advisory Committee met on October 21, 2020 and Cassi provided minutes of that meeting. Maria Snodgrass presented information regarding the designation of Strategic Implementation Areas around the state by ODA and she provided a graph that reflected the compliance investigations done by ODA. In 2018, the compliance observations completed were 7 and in 2019, it increased to 17. Chairman Holmes reached out to Maria after the meeting to inquire what the cause for increase was. He expressed his concern for ODA becoming more enforcement based agency, which will cause strain on the relationship of the SWCD and the landowners, and the work being done. He used the example of an issue on Tri Creek along Highway 26 that was the cause for a complaint submitted anonymously to ODA. ODA then showed up to the property prior to ever involving the SWCD. At this time Chairman Holmes does not want to focus on the comparison of compliance process and SIA process. His focus is the implementation of an SIA. ODA is requesting that the SWCD guide them in choosing where to implement an SIA. Chairman Holmes expressed his concern of the SWCD being the agency to choose this area because regardless of which area is chosen, the SWCD is targeting one or some of its constituents. Chairman Holmes stated he would prefer the District takes the approach of not guiding ODA in their search for an SIA within Wheeler County and requiring ODA to be the enforcers of their policies. He would suggest that the District not get involved, until ODA decides to approach a landowner, then the SWCD will step in to support and assist the landowner in all ways possible. Chase provided an example from Gilliam SWCD where ODA approached a landowner who had a potential violation and the landowner shut down all work with the SWCD. The landowner felt betrayed by the District and refused to continue work that was already implemented on his land through the SWCD. Chase agreed with Chairman Holmes, stating the District should stand firm in not guiding the ODA and prepare communication to the landowners explaining that we are not behind the SIA designation because ultimately the District does not want an SIA.

Director Collins suggested a location and suggested that the District reach out to the landowners to request permission. Chairman Holmes mentioned that they, as Directors, are voted in by the residents of County – the landowners of the

District. It is the District's position to protect them and assist them. However, it will likely not be viewed as that if the District assists ODA in designating an SIA.

Another point Chairman Holmes mentioned is that the relationship is built with the landowners and the District could do work in every single watershed, if the funding was available. Unlike the West side of the state where the SWCDs struggle to retain projects, Wheeler SWCD has more projects than funding is available. Thus, many of the potential violations would not be an issue if the funding were available.

Director Collins reiterated Chairman Holmes' suggestion for writing ODA a letter and outline the District's standing on the designation of an SIA in Wheeler County and using the matter on Tri Creek as a strong decision factor. Chairman Holmes supported that idea, in addition to stating that the District needs to do everything possible to eliminate the possibility of narrowing the project focus. Such as if a potential project is being designed and ODA enforces an issue in the same area due to a potential violation, the focus shifts to solely correcting the potential violation instead of the overall project the SWCD could implement. He also suggested that it be stated to ODA that the District wants a representative at every meeting involving the SIA, if they choose to designate an SIA in Wheeler County.

Director Haberman asked if there is a funding incentive to guiding the ODA in designating an SIA. Debbi stated no, it is the same \$100k whether ODA chooses the location or the SWCD chooses. However, the \$100k isn't necessarily guaranteed, especially given the pandemic.

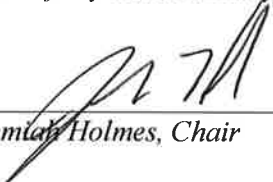
The Board agreed that a letter should be drafted in regard to the points addressed. Given ODA's timeline of 2022 for an SIA to be designated in Wheeler County, the letter will not be sent until a later date. The topic should remain on the table for meetings going forward, as the letter is in progress.

WATER RIGHTS: Chase advised that over a year, the District has been receiving letters requesting a water usage report be submitted to Oregon Water Resources Department for their water rights. The water rights being referenced are the water rights of Director Lindquist. This is a matter caused by RSI not completing a Certificate of Beneficial Use that would transfer the water rights back to the landowner. Each time OWRD contacts the District in regard to this matter, it is escalated to RSI. However, the matter is not being resolved. There is less than a year until the final deadline which will result in the landowner losing the water rights indefinitely. The details of required actions to resolve this matter are uncertain, RSI is the certified party who holds the knowledge of water rights process and procedures. Director Collins and Director Lindquist advised they will both call Gabe Williams with RSI. Chairman Holmes advised that if this is not resolved by the November meeting, that he would like the Board to consider drafting a letter to RSI with strict expression of the importance that this matter is resolved immediately. Whether this entails holding all payments to RSI or something else, the urgency of this matter needs to be address.

NEXT MEETING DATE: The next meeting date will be on **November 18, 2020** at 6:00 pm. This meeting will be in person, at the Big Sarvice Corral Meeting Room, unless otherwise determined.

ADJOURNMENT: There being no further business, the meeting was adjourned by Chairman Holmes at 9:52 p.m.

Respectfully submitted by Cassandra Newton


Jeremiah Holmes, Chair


Chase Schultz, District Manager

