

**Rivergrove Water District  
Minutes-Regular Board Meeting  
March 25<sup>th</sup>, 2019**

Chair Roth called the Rivergrove Water District regular board meeting to order at 7:35 AM at 17661 Pilkington Rd, Lake Oswego. Commissioners Roth, McDowell, Johnson, and Patterson were present. In addition, Commissioner appointee Lawrence Magura was present. Water District Manager DJ Ezell, Finance Specialist Janine Casey, and Kyle Pettibone, District Engineer were also present.

**Public Comment: None present**

**Oath of office-Commissioner Magura:** Commissioner Magura gave the Oath of office as delivered by Notary Public Janine Casey.

**CONSENT AGENDA**

**TAB 1: Minutes-February 25<sup>th</sup>, 2019 Regular Board Meeting**

Commissioner Patterson noted that on page 1, 6 lines up replaced the word “no” with “not”. DJ noted that Johnson was misspelled in one spot and corrected it.

*Commissioner McDowell moved we accept the minutes as corrected. Commissioner Patterson seconded. Motion passed. Commissioners Roth, McDowell, Johnson, Magura, and Patterson voted aye. Nays none.*

**UNFINISHED BUSINESS**

**TAB 2: Ordinance previous update discussion:**

DJ stated that what she did was to put in this tab the excerpts from the two meetings that this was discussed. The draft that is in Tab 3 she also updated it with the requested changes to date.

**TAB 3-19-01 Ordinance update to completion discussion to start at Section 15**

**Section 15-Fire protection service-Comments-**DJ noted this is when contractors use a hydrant for meters for temporary service during construction. No comments on Fire Protection section. Commissioner Patterson brought up the subject of AirBnB home usage and when the number of occupants increase the water usage over normal usage. Zoning may change but we should look at it and watch if change happens.

Discussion continued on if the District could limit capacity to customers based on usage.

DJ noted that we already do have that type of item under Section 16 (2). It discusses that they might have to go under a special contract for large water demand or fluctuation. Board consensus to watch possible future issues.

**Section 16, 17:** No update comments.

**Section 18:** Explains that where we can we give them water at desirable pressures. Also notes it is the customers responsibility to put in pressure regulators.

**Section 19:** Add the word “valve” after the word “stop”. Delete the wording “All pipes shall be well protected from freezing.” Add the words “It is the customers responsibility to protect their pipes from freezing.”

**Section 20:** Kyle noted that some other jurisdictions require that “all fire sprinkler systems will be on a separate water service.” Board would like to require this as a life safety issue.

**Section 21: Meters** Add section 6 to state that “The customer owns and is responsible for all water service piping from the meter and any piping within the premises.”

**Section 22: Maintenance, repair and testing of meters and mains**

DJ explained the section and why these items are in this section.

**Section 23: Cross-Connections or Physical Connections with other water supplies:** DJ explained the premise isolation program (682 assemblies installed in the district), about thermal expansion. There are no changes recommended since our last Ordinance.

**Section 24: Construction Standards**

Changes were to add “Rivergrove Water District” second sentence after the word “current.” DJ noted this is the Section where it is noted that (4) All new service lines will be 1” in diameter, and (5) that all new meters installed shall be at least 1” in size.

Kyle felt that the Board need to clarify is it the intention that all new meter or all upgrades that you want them tied into the requirement of a 1-inch meter. Or if it is a tear down and there is an existing service there and it is ¾” can they just use that. You could say all new and replacement meters need to be one inch but is that warranted and the extra costs involved would be significant because they would have to install a new 1-inch service line to make any difference. That would be costs of installing a new service line, paying an upgrade SDC, DJ stated we could be going over and above the requirements needed. If local jurisdiction plumbing inspectors would work with us and tell us the size of the meter needed it would be different.

Kyle suggested that we maintain documentation in the file for that water service that staff and the Developer discussed the District requirement of the 1-inch meter and should the developer decide to use the existing ¾” service it is not the District’s responsibility.

(7) Needs to be changed as we are not using that certain meter box. Wording shall read “The meter box will be a composite box measuring 13\*24 and the other specifications will be defined in District standards.

(8) Main size requirement of at least 8 inches-Kyle explained the current issue we are dealing with at Chapman Estates. Wording is adequate for issues like we are dealing with at Chapman Estates.

**Section 25 Obligation to Construct Water Facilities; Security; Acceptance of Improvements**

Comments or critique for section: No changes made. No comments.

**Section 26 (1):** DJ noted that this is sometimes a controversial section the point of requiring the Developer to upgrade frontage in event that one house on one lot gets land use approval to split the lot and put two houses on the properties. Board consensus was to keep the wording the same and as a condition of development that Rivergrove require frontage upgrades if a house on one lot develops to be two lots and two houses.

**Section 27: Water Main Extension-Cost Refund** No changes it follows the law.

**Section 28: Fees and Deposits for New Accounts and Service Installations**

Commissioner McDowell asked if we could add a fee such as a “Pipe replacement fee” to all new services to build up for replacing the AC Pipe. Kyle and DJ felt no that we really are already doing what’s allowed in charging an SDC Fee but she can ask.

**Section 32:** DJ said that the changes here that she made in this Section was to add the wording of the current leak adjustment resolution to this section. Commissioner Johnson stated he saw that and felt that was a good idea because a lot of work had gone into the leak adjustment resolution.

**Section 34:** Variances information was added from the Committee of DJ and Commissioner Johnson.

**Section 35:** Administrative appeal (3) delete the letter t.

No other sections to update or correct. DJ will make the changes and send a clean copy over to our Attorney for review. After his review we can do the legal publications for passage.

## FINANCIAL REPORT

### **TAB 4-February 2019 Checking, Water Deposit, LGIP Reconciliations Statements and Reconciliations**

Janine asked if there were any questions? DJ noted that she and Janine did transfers this month and that she went through the process with her.

Janine would like to change some report forms given to the Board in the Finance report. Board consensus was to go ahead and change forms to give them more and easily understood data and that would take less time.

DJ noted Janine has been taking Quickbooks classes through PCC and is in her second level at this time.

Commissioner McDowell asked if the District is paying for that or is, she paying for that? DJ stated that she has asked her to bring in the registration info and costs but at this time she has not. Board consensus is that Janine need to bring in her grades and the Continuing Education costs to the classes that she is taking in to the District to be reimbursed for the expenses, especially when it deals with the Accounting software the District is using. DJ said she has told that to Janine and asked to bring that in for reimbursement. Commissioner McDowell stated as Treasurer he is informing Janine that she needed to bring those class receipts in.

### **TAB 5: Profit and Loss Budget vs. Actual, P & L by Class, Trial Balance,**

DJ stated she is working on the budget and using the actual numbers from the Auditor for last fiscal year's information.

### **TAB 6: Approval for Payment Form & Supporting Document, Fiscal year 2018-2019 Pay Bills**

*Commissioner McDowell moved that we approve the financials. Commissioner Patterson seconded. Motion passed. Commissioners Roth, Patterson, McDowell, Magura, and Johnson voted aye. Nays-None.*

*Commissioner McDowell moved that we pay the bills. Commissioner Patterson seconded. Motion passed. Commissioners Roth, Patterson, McDowell, Magura, and Johnson voted aye. Nays-None.*

*All Board members present reviewed and signed the "Approval of Payment Form. And all Board members present reviewed and signed the form entitled Rivergrove Water District-Bank & LGIP Statements." Commissioner McDowell signed the check list the "Financial report check list" for this meeting.*

## UNFINISHED BUSINESS (Continued)

### **TAB 7: Resolution 2019-01 Resolution to Ratify Past Actions Involving Commissioner DeVries:**

DJ noted that this was the general resolution prepared by our Attorney for the Board to ratify any actions or votes that were done by Chair DeVries when he was not a confirmed elector of the District.

Commissioner Patterson spoke up that she had a concern about the dates. It notes that Chair DeVries ceased to become an elector of the District as of March 2018. According to Shon's previous email he said he moved away from the District in September 2016 which would not have made him an elector.

DJ stated that he did not change his DMV and voter registration until March 2018.

Commissioner Patterson said she understands that but technically he moved out of the District in September 2016 so he was not an elector at that time.

DJ asked so Commissioner Patterson requests that DJ go back another two years to September 2016. Commissioner Patterson yes.

Commissioner Johnson asked if the Attorney okayed the Resolution? DJ stated yes.

Commissioner Patterson said this is not legal.

***Commissioner Johnson moved to adopt the Resolution 2019-01. Commissioner McDowell seconded.***

Discussion: Commissioner Patterson stated then you are in violation of State Law.

Commissioner McDowell stated no but he noted that he agrees that we need to go back to 2016 to see if there are any actions that were done by previous Chair DeVries from March 2018 to September 2016. But by going ahead and approving the resolution covering these things are during this time frame that the Board ratifies any of his actions. We can have another resolution to ratify the dates that aren't covered.

DJ asked Commissioner Patterson so what exact date are we expected to go back to-is it before or after the Board meeting September 2016.

Commissioner Patterson said you will have to ask Shon DeVries. DJ noted that she will not ask him that. Commissioner Patterson asked do you want the Attorney to ask him? Commissioner Patterson said that she is just trying to be legal.

DJ noted that we are all real tired of this nit picking.

Commissioner McDowell noted that if you looked at everything the Attorney said, he said that the ORS's were **vague** that a Commissioner would have to resign rather than finish out his term, but it was just good form if you leave the Board to be on the conservative side.

Commissioner McDowell expressed his opinion by example: If you have a person who is sitting in the State legislature that has been elected by a District and redistricting occurs and the Representative is now outside the District, he was elected to that based on her interpretation that he can no longer serve the District that elected him. The ORS is vague to allow them to finish the term they were elected to but that they will not be able to run again.

Commissioner Patterson stated that is not what Ron Downs, the Attorney from SDAO said.

Commissioner McDowell stated that to be sure even though it is more work for DJ we should go back and research further actions between September 2016 to March 2018. But he feels that we need to go ahead and ratify these that have been identified from March 2018 to January 2019.

Commissioner Patterson stated and we wouldn't have to go through this if any of the Commissioners move away from the District that within 7 days, they give notification.

DJ stated that is not in the law. Commissioner Patterson stated no but we could make it policy to do that. Commissioner McDowell noted that we need to clear this first.

DJ noted that we can also have a policy about a Board member on their own contacting SDAO and subsequently creating expenses to the District without authorization of the Board. DJ stated that our Attorney charged us \$300 to discuss this with Ron Downs. DJ contacted Luanne down at SDAO upon receiving the bill from our Attorney from the discussion he had with Ron Downs. In essence our current Board policy is that individual Board members are not supposed to on their own talk to our legal advisors. In other words what Commissioner Patterson did was to go around the back way. You talked with SDAO-by emails and at least four follow-up calls-which subsequently caused Ron Downs to contact our Attorney who then charged us \$300 to talk about your issue.

Commissioner Patterson stated that the reason she went to SDAO was to get an opinion that was free. Well, DJ stated it wasn't free.

Commissioner Patterson stated that the bottom line is that either Shon or DJ could have initially made a call to the Attorney to find out the answer to begin with.

Commissioner McDowell noted a couple things. First of all, he believes that if you own property in the District that you should be able to be elected as a Board member to represent where your property is. This we can address at a later date.

Second, we have a written resolution that covers Chair DeVries actions during a certain time period. We can deal with this now but we should review the additional time period between 2016 and 2018 as an insurance policy. He felt we should pass this and then after DJ has time to review and hopefully by June 30<sup>th</sup> end of fiscal year, the remaining time period between March 2018 and back to September 2016, we can look at passing another resolution at that time.

*Chair Roth noted that we have a resolution on the floor. Motion passed. Commissioners voting aye, Roth, McDowell, Patterson, Johnson, and Magura. Nays-none.*

**TAB 8: Proposed Budget Calendar**

Board/staff discussed the dates for the May budget/board meeting. Tentative date to be May 16<sup>th</sup> at 5:30 pm. April meeting, we can expect an executive meeting to discuss the Manager's proposal on wages/salaries/benefits and we can appoint budget committee members.

**Commissioner Volunteer to sign checks this month:** Commissioner McDowell volunteered to sign checks past the first week of April then Chair Roth will sign the remainder of the month.

**Non-agenda/Commissioner comments:**

Commissioner McDowell mentioned when we are at a public meeting when it is appropriate to declare that we are a member of the Rivergrove Water Board. He does not want us to be in a position that we declare ourselves and it gives the impression that we are representing the District.

Commissioner Patterson that was a good point but if you say that you a.....

Commissioner McDowell interjected that when Commissioner Patterson stated she was with the Rivergrove Water District unless she follows that but I am not here representing them it gives the impression that you are there in authority. And he also doesn't think that it is a good thing to use our position to give weight to an argument. But we need to very careful when we are at a public meeting that when we declare who we are that we do not give the impression we are there for the District. At the bus barn hearing he had to tell someone that what Sherry said was not a declaration of support from the water district. We don't need that kind of trouble especially with things that we should remain neutral. We need to be careful.

**Agenda Consensus for April 22<sup>nd</sup>, 2019 Board Meeting**

Executive Session to discuss wages/salary/benefits.

Appoint budget committee members

Signature cards updated for signing checks

Bid date for reservoir improvements-nothing concrete yet.

**Chair Roth adjourned the regular Board meeting at 9:08 AM.**

Respectfully submitted,

*DJ*

DJ Ezell,  
Water District Manager  
Rivergrove Water District

These minutes are not verbatim and the meeting was tape recorded.

**ORS 192.650 Recording or written minutes required; content; fees.** (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.