



## RESOLUTION 2019-02

### A RESOLUTION RATIFYING PAST ACTIONS OF THE RIVERGROVE WATER DISTRICT BOARD OF COMMISSIONERS

WHEREAS, the Board of Commissioners for the Rivergrove Water District meets on a monthly basis to conduct the business of the District; and

WHEREAS, a quorum is necessary for an official meeting to take place; and

WHEREAS, at an official meeting, decisions of the Board must be made by majority vote of the Commissioners present at the meeting; and

WHEREAS, the Board had been informed by Chair DeVries previous to the **January, 2019 Board meeting** that he had moved from the District. It was brought to the Board's attention by Commissioner Patterson that **September 2016** was the date that he wrote to Board members in an email that he moved not March 2018 as noted in Resolution 2019-01 and,

WHEREAS, from this information it has been determined that he legally ceased to be an elector within the jurisdictional boundary of the District as of **September 2016**; and subsequently changed his legal status with the DMV and registered voter status in **March 2018**, and,

WHEREAS, after the **January 2019** meeting, even though there was unanimous Board consensus, relying on our District's legal advice that Chair DeVries could serve out his term until June 20, 2019, Commissioner Patterson on her own accord inquired to SDAO's Attorney Ron Downs for his interpretation. Ron discussed the situation with the District legal counsel. They came to the conclusion and finding that Commissioner DeVries became disqualified due to him not residing in the District, and

WHEREAS, it is not specifically written in ORS 294, the combined legal advice to the Board was that Commissioner DeVries should resign his position to serve as a District Commissioner effective with the February 2019 meeting and not continue to serve out his term that would have ended on June 30, 2019; and,

WHEREAS, Commissioner DeVries continued to act in his official capacity as Board Chair after becoming disqualified in **September 2016**, including signing certain contracts and resolutions,



and casting several votes where his participation was necessary to achieve either a quorum or majority vote; and

WHEREAS, the District wishes to ratify all such actions that may be called into question by these circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE RIVERGROVE WATER DISTRICT AS FOLLOWS:

**ALL OFFICIAL ACTIONS OF THE DISTRICT BOARD TAKEN SINCE SEPTEMBER 1, 2016 ARE HEREBY RATIFIED.**

**A. Those actions in which Commissioner DeVries' participation was necessary to achieve either a quorum or majority vote are as follows:**

- 1) **September 26<sup>th</sup>, 2016** Board meeting minutes:
  - a. Commissioners voted aye-DeVries, Patterson, and Johnson voted aye. Roth and McDowell abstained.
- 2) **November 21<sup>st</sup>, 2016**
  - a. Meeting October 31<sup>st</sup>, 2016 Minutes approval. Commissioners Present-DeVries, Roth, and Johnson. Vote to approve minutes. Patterson and McDowell absent.
  - b. Vote to approve the employee vacation accrual policy. Commissioners Present-DeVries, Roth, and Johnson. Patterson and McDowell absent.
  - c. Vote to approve the financials and pay the bills. Commissioners Present-DeVries, Roth, and Johnson. Patterson and McDowell absent.
- 3) **December 19<sup>th</sup>, 2016**
  - a. Minutes-November 21<sup>st</sup> 2016 Commissioner Roth moved that we approve the November 21<sup>st</sup>, 2016 minutes as presented. Commissioner Johnson seconded. Motion passed. Commissioners Roth, Johnson, and DeVries voted aye. Commissioners Patterson and McDowell abstained. Nays-None.
- 4) **January 23, 2017**
  - a. Minutes-December 19<sup>st</sup>, 2016 Regular Board Mtg. Commissioner McDowell moved that we approve the December 19<sup>th</sup>, 2016 minutes as presented. Commissioner Patterson seconded. Motion passed. Commissioners Patterson, McDowell and DeVries voted aye. Nays-None.
  - b. Approve Financials/Pay Bills, Profit and loss by Class
    - i. Commissioner McDowell moved that we approve the financial report. Commissioner Patterson seconded. Motion passed. Commissioners Patterson, McDowell, and DeVries voted aye. Nays-none
    - ii. Commissioner McDowell moved that we pay the bills and approve the bank statements. Commissioner Patterson seconded. Motion passed.
    - iii. Commissioners Patterson, McDowell, and DeVries voted aye. Nays-none
- 5) **February 27<sup>th</sup>, 2017**
  - a. Minutes-January 23<sup>rd</sup>, 2017 Regular Board Mtg. Commissioner Patterson moved that we approve the January 23<sup>rd</sup>, 2017 minutes as presented. Commissioner



McDowell seconded. Motion passed. Commissioners Patterson, McDowell and DeVries voted aye. Commissioner Johnson and Roth abstained. Nays-None.

**6) March 20<sup>th</sup>, 2017**

- a. Commissioner Roth moved that we approve the February 27<sup>th</sup>, 2017 minutes as presented. Commissioner Patterson seconded. Motion passed. Commissioners Patterson, McDowell and DeVries voted aye. Commissioner Johnson and Roth abstained. Nays-None.

**7) July 26<sup>th</sup>, 2017**

- a. 7-26-2017 Signature card for reimbursement of loan monies was signed by Commissioner McDowell, Roth, Patterson, and Manager DJ Ezell signed the signature card. Chair Shon DeVries approved the signatures.

**8) August 30<sup>th</sup>, 2017**

- a. Adoption/discussion of Finance Specialist Job Description, Announcement, Job Application, and Employee Handbook Changes: Commissioner Johnson moved to adopt the policies as indicated. Commissioner Roth seconded it. Motion passed. Commissioners Roth, Johnson, DeVries, Patterson and McDowell voted aye. Nays-none.
- b. Minutes August 30<sup>th</sup> Board Meeting-Commissioner Patterson moved to approve the Board meeting minutes of August 30<sup>th</sup>, 2017 minutes as drafted. Commissioner Patterson seconded. Motion passed. Commissioners DeVries, Patterson, and Johnson voted aye. Nays none.

**9) September 27<sup>th</sup>, 2017 Board Meeting**

- a. Minutes September 27<sup>th</sup> Board Meeting-Commissioner Patterson moved to approve the Board meeting minutes of September 27<sup>th</sup>, 2017 as corrected. Commissioners DeVries, Patterson, and Johnson vote aye. Nays-none.
- b. Old Gate Paving-Commissioner Patterson moved to accept the quote for \$15,303 to do the work. Commissioner Johnson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-none.
- c. Financial Report Commissioner Patterson moved that we accept the financial report. Commissioner Johnson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-None.
- d. Commissioner Johnson moved that we pay the bills. Commissioner Patterson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-None.

**10) July 23<sup>rd</sup>, 2018 Board meeting**

- a. Commissioners Present—DeVries, Patterson, and Roth
  - i. vote to authorize RH2 to move forward on design of Reservoir #3 project.
  - ii. vote to approve July Financials
  - iii. vote to pay the bills

**11) August 27<sup>th</sup>, 2018 Board meeting**

- a. Commissioners Present—DeVries, Patterson, Roth, McDowell, and Johnson.
  - i. Vote to approve minutes. DeVries, Patterson, Roth in favor. McDowell and Johnson abstained.



### 12) October 23<sup>rd</sup>, 2017 Meeting

- a. Commissioners Present—De Vries and Patterson (in person); Commissioner Roth (by phone). Minutes August 30<sup>th</sup> Board Meeting-Commissioner Patterson moved to approve the Board meeting minutes of August 30<sup>th</sup>, 2017 minutes as drafted. Commissioner Patterson seconded. Motion passed. Commissioners DeVries, Patterson, and Johnson voted aye. Nays none.
- b. Minutes September 27<sup>th</sup> Board Meeting-Commissioner Patterson moved to approve the Board meeting minutes of September 27<sup>th</sup>, 2017 as corrected. Commissioners DeVries, Patterson, and Johnson vote aye. Nays-none.
- c. Old Gate Paving-Commissioner Patterson moved to accept the quote for \$15,303 to do the work. Commissioner Johnson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-none.
- d. Financial Report Commissioner Patterson moved that we accept the financial report. Commissioner Johnson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-None.
- e. Commissioner Johnson moved that we pay the bills. Commissioner Patterson seconded. Motion passed. Commissioners Patterson, Johnson, and DeVries voted aye. Nays-None.

### 13) October 22<sup>nd</sup>, 2018 Board meeting

- a. Vote to approve Amendment #2 to RH2 Project No. RGWD 818.026 Task Order #1 adding the amount of \$344,253 to the Reservoir #3 project.
- b. Vote to approve RH2 Project No. RGWD 818.026, Task Authorization #2, to prepare the WMCP update.
- c. Vote to approve the October financials.
- d. Vote to pay the bills.

### 14) November 27<sup>th</sup>, 2018

- a. Financial Report: Commissioner McDowell moved that we accept the financial report. Commissioner Roth seconded. Motion passed. Commissioners McDowell, Roth, and DeVries voted aye. Nays-None.

**There were no further actions items involved in Chair DeVries being the vote that made a quorum needing to ratify until his resignation in February 2019.**

### **B. Signing any documentation that needs a ratification to the following contracts that were executed by Commissioner DeVries after September 1, 2016.**

- 1) Northstar Electrical Contract 11/2016
- 2) Pacific Power Generation for Generator purchase 11/2016
- 3) 7/27/2017-Safe Drinking Water Revolving Loan Fund Financing Contract.
- 4) 8/30/2017 RH2 Task Order 1 Commissioner Roth moved that we move forward on the task order following the restrictions noted by Chair DeVries. Commissioner McDowell seconded. Motion passed. Commissioners Roth, Johnson, DeVries, and McDowell voted aye. Commissioner Patterson no.
- 5) 9/27/2017 Safe Drinking Water Grant contract for source water protection
- 6) 2/26/2018 Task Order #1 Amendment
- 7) RH2 Project #RGWD 818.026.01 Task Order #1 Amendment #1 dated 3-6-2018



- 8) RH2 Project #818-026 Task Order 1, Amendment #2-dated November 19, 2018
- 9) RH2 Project #RGWD 818-026 Task Authorization #2 dated November 19, 2018-WCMP Update

**No further contracts were signed by Chair DeVries during this time period.**

**C. The following resolutions signed by Commissioner DeVries are hereby ratified:**

- 1) 2016-04 Ten-year Renewal of Unemployment Fund Resolution
- 2) 2017-01 Budget Approval & Appropriation Resolution
- 3) 2017-02 Notice of Public Meetings Resolution
- 4) 2017-03 Resolution 2017-03 SDWLF Approval for Shon to sign paperwork, Contract for funds Signature Card Authorized Signatures, Audit Notification letter to Commissioners. Commissioner McDowell moved that we adopt resolution 2017-03 be adopted. Commissioner Roth seconded. Motion passed. Commissioners Patterson, Roth, Johnson, McDowell, and DeVries voted aye. Nays-None.
- 5) 2017-04 Leak Adjustment Policy Resolution. 8-30-2017: Commissioner McDowell moved to adopt Resolution 2017-04 with proposed changes. Commissioner Johnson seconded. Commissioners Roth, Johnson, DeVries, Patterson and McDowell voted aye. Nays-none.
- 6) 2018-01 RGW Job Description Adoptions
- 7) Resolution 2018-02 District Appropriations Resolution for fiscal year 2018-2019, signed June 25, 2018
- 8) Resolution 2018-03 District Job Descriptions Updated, signed June 18, 2018
- 9) Resolution 2018-04 Notice of Public Meetings, signed June 25<sup>th</sup>, 2018.

This resolution thereby voids and replaces Resolution 2019-01 with an affirmative quorum vote.

This Resolution moved by Commissioner Patterson. Seconded by Commissioner McDowell.

Ayes: Commissioners Roth, McDowell and Patterson Abstained: Commissioner Magura

Nays: None

BY Christine Roth

Chair Roth

Attest

BY Jonathan McDowell  
Secretary/Treasurer McDowell