

**Rivergrove Water District  
Board of Commissioners Regular Meeting Minutes  
Monday, November 20, 2023**

A regular meeting of the Board of Commissioners was held on this day at 4:30 p.m. at 17661 Pilkington Road, Lake Oswego. Commissioner Roth presided over the meeting and other attendees included: Commissioners Johnson, Magura, Patterson, and Howell as well as the General Manager.

**1. Call to Order:**

Chair Roth: We will call to order the November 20th Monday meeting of the Rivergrove Water District and it is 4:34 p.m.

**2. Public Comment:**

Chair Roth: Public comment. Either of you two gentlemen have public comments?

Allen Patterson: I do.

David Butler: I do not.

Allen Patterson: Do you want to go?

David Butler: I don't.

Allen Patterson: Okay. I've never been on the Water District website looking at the reviews and pulled up the reviews for the last four or five years.

Commissioner Magura: Reviews of what?

Allen Patterson: Reviews and observations.

Commissioner Magura: Reviews of what?

Allen Patterson: Pardon me?

Commissioner Magura: Reviews of what?

Allen Patterson: Customer input. Customer input, comments, and that type of thing off your website.

Chair Roth: Off our website?

Allen Patterson: Uh-huh.

Chair Roth: Okay. Thank you.

Allen Patterson: And, also, a neighborhood log site called Nextdoor.

Chair Roth: Yeah, I'm familiar with that.

Allen Patterson: Okay. I wasn't familiar with it. So just a few comments here. I am Allen Patterson, 18926 SW Arrowood Avenue, Lake Oswego. I've been here since 1974. The Water District is not a sales organization actively looking for customers, but a service organization set up to provide water to its customers within a specific area. The customers don't have a choice. They must do business with you if they want water. They can't call or do business with anyone else. To this end, for the good of the District now and into the future of a public agency, it's hoped that contact with your customers is done in a professional and courteous manner. Your reviews are the public's only window into your public relations department. They appear to tell a different story. The reviews for the last five years from the district's website in the neighborhood's blog called Nextdoor, show a disturbing trend going from "nice work guys" to an extremely rude, condescending, bullying attitude, which as a public agency, the Board should have serious concerns. And I'll just point out a few examples, but I'll pass these out to the Board. Let's see. This was off your website three years ago. The comment was "Always friendly and helpful when we do business. Great customer service." Here's five years ago. "So helpful. Every time I call, they're friendly and informed. My water cover broke and they fixed it within hours." This was four years ago. "We have done a few projects for Rivergrove Water District. They have good office communications. We enjoy working with Rivergrove." This was three months ago. "The office manager, Janine, should not be allowed to answer the phone. She's so rude and condescending. Having stuff like this makes it uncomfortable for our community." This was another one off the blog site. "We moved into the neighborhood and already had two extremely negative interactions with Rivergrove Water District." And another comment, "On both occasions I interacted with them, the staff was extremely rude and condescending. Rudeness and unhelpful beyond measure." Another comment, "John, the field guy was awesome. The office staff was not." One more here. This was six months ago off your reviews off the website. Referring to Janine, "She was helpful on assisting us with the process. However, she has terrible phone demeanor, has a way of making you feel stupid. Very short with the conversation, very intimidating. She must be good at her job, but you need to have qualities to represent the Water District with somebody that knows how to communicate professionally over the phone with the paying customers." Anyway, it's all here. A few more comments. I'll pass these out to the Board. There you go.

Chair Roth: Thank you.

Commissioner Magura: You ready to move on?

Chair Roth: Yes.

### **3. Review and Approval of Minutes:**

Chair Roth: The review and approval of minutes. Any corrections or additions to our minutes?

Commissioner Howell: I guess the one thing that I would note under the Chair Report, subsection B, there's an allegation of a violation of public meeting law. Given the contents of the Chair Report that

were discussed, there was not a violation of meeting law. There was no discussion or deliberation on the item that was presented in subsection B of the Chair Report.

Chair Roth: Okay. What do you want done with that?

Commissioner Howell: Let's see here.

Chair Roth: Do you want to bring it back next month?

General Manager Casey: Oh, I'd like to speak on it too. I did call a Point of Order because it was a violation. It wasn't on the agenda and things were talked about that weren't published in advance on the agenda. So, it was a Point of Order. Commissioner Johnson also stated it was not on the agenda. The proper procedure, according to Robert Rules of Order, is to call a Point of Order and I stand by that. There was no place that was on the agenda. So, a proper procedure was to call a Point of Order, discussion then ensued a little bit more, and then it stopped. Then it was told to be agendize for this agenda. I stand by that and the minutes reflect that too in the recordings.

Commissioner Howell: So, ORS 192.640 states specifically under Public Meeting Notices required in describing the agenda, it says, "Notice shall also include a list of the principal subjects anticipated to be considered at the meeting. But this requirement shall not limit the ability of the governing body to consider additional subjects." This is not a material item the Board deliberated on or voted on, I didn't introduce the resolution and have a lot of discussion on it and have us vote to adopt in the same meeting. That would be a violation of public meeting law because it wasn't advertised in a prior meeting agenda.

Commissioner Magura: But we never got that far.

Commissioner Howell: Exactly. We never got that far.

Commissioner Magura: All right.

General Manager Casey: But you introduced documentation, he passed out a resolution and he also passed out questions for the auditor. And so those were not documents that were afforded to the public in advance. They were not included as part of the agenda. And according to the rules, they have to be. You're not allowed to discuss and introduce documents that the public has not had an opportunity to review. And so that's why Commissioner Johnson stated it was not on the agenda. I stated it was not on the agenda. And that's why those items were added to the agenda for the November meeting. And it wasn't an emergent situation. You just can't bring up topics and start discussing them that aren't on the agenda and the public has a right to know what's going to be discussed at the meeting. And that is why the Ethics Board is taking measures, starting effective in January, to make sure that boards are doing that. You'll also notice that like Chair Reports and stuff like that, that's not the flavor of the month anymore because boards, not our Board. I'm saying we're violating that by bringing up things that the public wasn't aware of was going to be discussed. It's not voted on, Commissioner Howell. It's discussion as well. And so, I stand by it.

Commissioner Howell: There was no material discussion of the proposed resolution. I specifically stated in the meeting, this is information only. I did not invite any deliberation into it.

General Manager Casey: It doesn't have to be deliberated on. It's the discussion that was brought up and it was brought up that you had... the recording documents everything. So, it was brought up. You brought up that you had been working on a resolution, et cetera. You also had brought up about the other questions for Russ, et cetera, et cetera. I did call a Point of Order and I stand by that Point of Order. It absolutely violated. There was nothing on the agenda for that. It would've been different if the Board had started the meeting and someone had moved to-

Commissioner Johnson: So, let's stop here a second. Does this say what happened at the meeting? We're not here to debate whether somebody's right or wrong here. We're here to decide whether the minutes are correct in terms of what was stated, period.

General Manager Casey: Yes.

Commissioner Johnson: And this is what happened, in my opinion. And I'll move we adopt the minutes as drafted.

Commissioner Magura: Second.

Chair Roth: We have a motion and a second. All those in favor?

Commissioner Magura: Aye.

Commissioner Johnson: Aye.

Chair Roth: And I will abstain since I was not here. All those opposed?

Commissioner Howell: I'm opposed.

Chair Roth: Okay.

Commissioner Patterson: And I vote no.

Chair Roth: Okay. So, we have two, two and one. And the motion will fail. Not fail, it just goes nowhere.

Commissioner Magura: So, we're not going to pass the minutes then?

Chair Roth: Nope.

Commissioner Howell: I'll tell you what. I'd like to take a fresh perspective at it. I'd like to review the recording from the meeting and we can bring this up as maybe an agenda topic for next month's meeting and discuss.

Commissioner Magura: Call it old business then?

Commissioner Howell: Call it old business.

Commissioner Magura: Fine.

Chair Roth: All right.

General Manager Casey: So, motion?

Chair Roth: And is that your motion?

Commissioner Howell: Pardon me. So, I move that we defer the review and approval of the minutes for October 23rd to our December meeting to allow time to review the meeting recording.

Chair Roth: Is there a second?

Commissioner Patterson: I second.

Chair Roth: All those in favor?

Commissioner Howell: Aye.

Commissioner Patterson: Aye.

Commissioner Johnson: Aye.

Chair Roth: Okay. All those opposed?

Commissioner Magura: I'll abstain.

Chair Roth: Two abstentions and three yeases. So, the motion will pass. We will have this on the agenda for next month.

Commissioner Howell: Awesome. Very good. I'd like to request a copy of the recording if it's not available online.

General Manager Casey: It will be available online tomorrow after this meeting. As it always is.

Commissioner Howell: Oh, I'm sorry. The recording for the October meeting.

General Manager Casey: Again, it will be posted online after the meeting like it always is. It's always posted. If you go there, you'll see September, all the different recordings... August, etc.

Commissioner Magura: So, October's there now?

General Manager Casey: It will be after the meeting tonight. It'll be done tomorrow morning. That's usually how we do it.

Chair Roth: My mouth is not working. The next item on unfinished business is the General Manager's annual performance review.

Commissioner Howell: I'm sorry-

Commissioner Magura: Wait a minute. We just started-

Commissioner Howell: We got the General Manager's Report.

**4. General Manager's Report:** See attached.

Chair Roth: The General Manager's report. Okay.

General Manager Casey: All right. The Board had approved at the last meeting the main replacement. The scope is being forwarded up to Business Oregon for them to review. Generator 1 replacement installation is completed, it's closed. You'll see the total project cost is \$166,678. We have started the Oregon Health Authority service line inventory. I had briefed the Board about this at the August and September meeting. We will start, we've built our database and are very comfortable with it. The Water Operators will start going through the District to identify any of the lines that are lead service lines. You know that the EPA is driving this and this is going to be a very, very popular and intense subject in coming months through the EPA. I don't know if you recently saw the article about Portland having a high lead rate. This is why the EPA is doing it throughout - across the nation. It's just not targeted here for the State of Oregon. We anticipate having this done by April 1st. That's our goal. Though it's not due to the State until the 16th of October 2024. You'll notice shut off rates at a 2.6% delinquency and we will be shutting off water on the 29th of November for those delinquent account holders. If you look at the finances, the only thing I had on the finances is that I'm continuing to increase our ACH transactions. As you know, ACH payments are more secure. They go through a clearinghouse process that keeps everything confidential. More and more businesses are doing that. When I started at the District, we had about five accounts. We now have about 58% of our accounts paid through ACH and I hope to have, by the end of January, all of our accounts on ACH. The only ones that will still pay by check will be those capital improvements, any type of emergencies, or time-sensitive transactions. Those will continue to be generated by paper checks.

Commissioner Magura: Janine, is that procedure applicable to vendors like so we buy more water meters or something?

General Manager Casey: Oh, absolutely. With anybody. It's going to include our engineers, everything.

Commissioner Magura: Really?

General Manager Casey: Oh, absolutely. And it's the best most secure means. You know that paper checks, they can be confiscated in the mail. They open it up to our checking account numbers, our

routing numbers. And if you'll remember two years ago when the Board wanted the old way that we did the financial transactions posted out there, I vehemently objected to that because we used to provide the checking accounts and deposits account and no thought was given about our routing numbers being out there, the account numbers, et cetera. And that's just not done. I mean, in the financial world, it is stressed about ACH transactions and that's the safest and most secure way to go. And our District should be in compliance with that. So, I'm proud of the steps we've taken. I said about 58%. And hopefully by January, we'll be at a 100% with the exception of what I had said, emergencies, capital improvements and any type of time-sensitive transaction or an ACH payment wouldn't be feasible, proper to do in that case. Were there any questions on the District report or the finances?

Commissioner Johnson: One question. The SDAO dues, those are based on a size of... Okay. Yeah, I'm just trying to remember how that was done because I know everybody pays different dues.

General Manager Casey: And they've been increasing due to, everybody's increasing just due to increasing costs of doing business.

Chair Roth: All right. Thank you very much for that. Let me scroll back here to the agenda.

General Manager Casey: Chris, would you like a printed one?

Chair Roth: I would.

General Manager Casey: There's one right here on the chair. There you go.

Chair Roth: Thank you. It takes me too long to go between them. Okay.

Commissioner Patterson: Can I get a copy of that printout? Thank you.

General Manager Casey: Mhmm.

Chair Roth: Okay. That finishes unfinished business.

General Manager Casey: No General Manager's Report.

Chair Roth: Yes.

Commissioner Magura: No, we're at unfinished business.

Commissioner Howell: Now we're there.

## **5. Unfinished Business:**

### **a. Resolution 2023-04: Signing Authority for Banking and Other Financial Documents**

Chair Roth: All right. Resolution for signing authority for banking and other financial documents, and that is Resolution 2023-04.

General Manager Casey: You had forwarded Commissioner Howell's questions to the auditor?

Chair Roth: Yes, and I received no response from the auditor.

Commissioner Howell: You received no response from Russ on that?

Chair Roth: Zero response to two emails.

Commissioner Howell: Okay.

Chair Roth: I have no explanation.

General Manager Casey: At the last Board meeting, the Board asked me to call him and email, so I did call him. He responded back, he needed to check that he didn't think he had received anything. I forwarded it myself to him. I had to retype this because at the time I didn't have this in email format. While I was retyping it, I had an issue to bring up before the Board.

Chair Roth: Okay.

General Manager Casey: I think that as a Board and each Commissioner that serves on the Board should do their due diligence and have their facts accurate. And if we're going out to our subject matter experts and we're asking their opinion, then the data that we're providing them in which to base that opinion needs to be accurate. So, in here, Commissioner Howell had put in here that I had served as the Finance Manager for the District and I continued in that capacity until about four months ago. So that would've been somewhere around July of 2023. And then he said, I hired a part-time employee, but when she left, I performed the functions until now, a Finance Manager was hired who's only been in the role for two months. That is absolutely incorrect. I hired a Finance Manager back in June of 2022, who served in that capacity to April of '23 when she gave her two week notice because she wasn't interested in going into a full-time position and I decided to transition to full-time. I advertised the job and now the current Finance Specialist was hired within three weeks later, she had to give her notice for her job, which I very much respect and appreciate that when employees do that because the chances are that they'll do that for us. And she's been in that position for over six months. So, there has been a finance employee in that position since June of 2022. And the duties that they are hired to do are the full gamut of duties. It's identified in their employment letter that they sign and accept, and it's also identified in their employment position description, which they review and sign and accept that. So, the biggest part of their jobs, of course, as everybody knows are the accounts receivable, the accounts payable and the monthly bank reconciliations. And so that's out there now because it wasn't vetted, it wasn't screened to make sure the information was accurate. And that is basically unacceptable. If we're going to ask questions and we're going to present material, then it needs to be factual. And the overall operations and management of the District, that's what you employ the General Manager for. So I think in the future moving forward, I think if any Commissioner wants to send something to one of our subject matter experts, it should go through the District and be sent out by the General Manager where the General Manager can look at that and correct anything and get with that responsible party and say, "Okay, did you mean to say this because this is factually incorrect." And you know, then there's payroll records, et cetera that



back this up. So now that's more disinformation that's out there because I had to post this and it's inaccurate. That's all I can say. It's inaccurate. And I think that we all have to be careful with what we say because words have consequences. So, for somebody out there, that is a very bad look for the District not having a finance or me doing this and it's totally incorrect.

Commissioner Magura: What can we do to correct the record? Grant, do you have any suggestions?

Commissioner Howell: Well, I think a couple of things here if I may. First of all, Janine, you're welcome to pick up the phone and call me when you read the email. If I made a mistake there in terms of the statement of fact, you're welcome to call me and have a discussion with me on that.

General Manager Casey: I didn't read the email, Commissioner Howell. You sent the email to Chair Roth for her to send out to the auditor. I didn't see this email until, again, this was another document that you handed out at the Board meeting in October. So, I never had a chance to see it until after the fact when all the other board members saw it. And so that's like almost putting the horse or the cart before the horse. These things need to be vetted. You're talking about district policy procedures and if it's incorrect, it's incorrect. And this is incorrect. And it's not just by a few dates, it's flagrantly incorrect. I have not been performing duties as the finance manager for almost 18, 19 months and we've had employees in that position. And I think we all have to be accountable, and I'm including myself in that, for things that are said and things that are published. That's all I'm saying. There needs to be accountability and there has to be the quest to provide the most accurate information that we can present, the public deserves that. They deserve nothing less than that from us.

Commissioner Magura: Well, what can we do to correct the record?

Commissioner Howell: Okay. Well, I think what we can do to correct the record is... I'd like to take what Janine has said tonight and incorporate it in a reply statement to the email in which because... So honestly, Janine, I think the date of 2023 was probably a typo because... Let me see there.

General Manager Casey: There was no date in there of 2023.

Commissioner Howell: There was no date?

General Manager Casey: No, you just made a blanket statement that, "Janine previously served as the Finance Manager for the District until being appointed the General Manager. She continued to serve in this capacity as Finance Manager until about four months ago when she was able to hire a part-time employee to be the Finance Manager. When this part-time employee left, Janine performed the functions of Finance Manager until she hired a replacement who has been in the role for two months and has performed the duties accordingly."

Commissioner Magura: So, where you said four months, it's more like 16 months?

Commissioner Howell: Sure. Okay.

General Manager Casey: And where you say that she's been hired and been there for two months, she's been there actually over six months. She just passed her timeframe to receive our retirement benefits, which is always something that the employees look forward to.

Commissioner Howell: Okay, well, I would like to at least acknowledge Janine's statement and the fact that my framing of the questions to Russ was perhaps, I was a little misinformed. So, I think it's reasonable to acknowledge that the statement that I made, I didn't have all the details when I asked the question. So, I'm happy to acknowledge that. The other thing is, I guess in the future, I'm happy to bring questions before the Board and present them before I send them to Chris to send along to the auditor. I thought that by doing so and sending it to Chris, we're supposed to direct all of our questions to the Board Chair. And so that's what I did. I thought that's what we agreed upon. So, if we're unhappy with that, we want to change that in the future, that's fine.

Chair Roth: Well, this was something that I'm thinking that questions to me should involve policy or resolutions, that sort of thing. I had no expectation that I would be involved in providing dates for when people got hired. So that's my position.

Commissioner Howell: Okay. Yeah.

General Manager Casey: And I again, stress that if we're talking about District management and policies, who knows better than the daily policies and management of this District other than your General Manager?

Chair Roth: Well, that's your job.

General Manager Casey: Exactly. And I take pride in my job and I try to do my job very well. So, I think in the future, it would behoove the Board if people have their questions, et cetera, that they come through the office and they're verified at the very, very least. Because again, we're asking them to give us their professional opinion, but they're, excuse me, providing that based on inaccurate information.

Commissioner Howell: So did I allege any wrongdoing on your part, Janine in that email with the questions-

General Manager Casey: I'm not saying-

Commissioner Howell: -any improprieties?

General Manager Casey: I am not alleging that you said anything about improprieties. That's not what I'm saying. What I am saying, and I repeat, is that you misrepresented the employees that have been employed here doing the financial management. That is the only thing I'm saying. And you did.

Commissioner Howell: That was based on my perception of the situation.

General Manager Casey: Right, again, your perception Commissioner Howell. You've been on the Board for 28 months.

Commissioner Howell: Mhmm.

General Manager Casey: Twenty-eight months.

Commissioner Howell: Yeah.

General Manager Casey: If you were going to draft this email, do you think you could have called Janine and said, "Hey Janine, can you give me a quick rundown on who's been employed for how long? I'm drafting an email to the Chair, I want to make sure I have my facts correct."

Commissioner Howell: Sure.

General Manager Casey: You have a responsibility to due diligence. That's one of your main jobs as a Commissioner.

Commissioner Howell: I agree. Yes.

General Manager Casey: Okay.

Commissioner Howell: Thank you.

General Manager Casey: That's all I'm saying.

Chair Roth: Have we resolved this satisfactorily?

Commissioner Magura: Well, if it had been me instead of Grant who made this error, I would've apologized to the Chair and to the General Manager. That's mea culpa. But you choose not to do so.

Commissioner Howell: I haven't not chosen to issue an apology, Larry. So yeah, so I guess I apologize for the lack of context in which the email had been written and I'll work to do better.

Commissioner Magura: Okay.

General Manager Casey: Thank you.

Commissioner Magura: Where were we? Resolution 2023-04.

Chair Roth: Yep, that's our next one.

Commissioner Magura: Okay.

Chair Roth: So, the authority for banking and other financial documents, that is Resolution 2023-04.

Commissioner Magura: Which we saw last month, right?

Chair Roth: Yes.

Commissioner Magura: Did it require any revisions or was it-

Commissioner Howell: Well, my perspective, it was contingent on getting some questions answered from the auditor. It sounds like the questions were submitted to him and there was no response. And it also sounds like there were some objections to the subject of the email. So yeah, I guess that's where we're at.

General Manager Casey: So, my response, Chair Roth is that Jarrard, Seibert and Pollard have been our auditors now for three years. And so, if there were some procedures going on that they felt were not in the best interest of the District, they're required by law as their profession to report those. There would've been material deficiencies in the audit report. As I said, we've gone through two audits now and then the special audits, so three audits without any type of discrepancies, any type of remarks. You forwarded the questions, you said twice. I know that I forwarded the questions. And I retyped this in its entirety, so there would be no changes in any of the questions or wording. And Russ has still not responded back. And I can guesstimate why. I mean, I don't know for a fact. And so, I would ask the Board that based on there not being anything in audit reports or any concerns that he brought up, and we've all said, Jarrard, Seibert, Pollard is an outstanding auditing firm, that the resolution be moved.

Commissioner Magura: Okay. Yeah, I think we can move it. If anything comes up after we finally get a response back, we can always change it. I don't think it serves the District to not have this resolution approved at this point.

Commissioner Johnson: So, this basically just says who can sign stuff, right?

Commissioner Magura: Basically, yeah.

Commissioner Johnson: I move we adopt Resolution 2023-04 as drafted.

Commissioner Magura: I'll second that.

Chair Roth: Okay. We have a motion and a second. Any other comments? All those in favor say aye.

Commissioner Johnson: Aye.

Commissioner Magura: Aye.

Chair Roth: Aye.

Commissioner Patterson: No.

Commissioner Howell: Nay.

Chair Roth: Okay. Motion passes. Three to two.

Commissioner Magura: Okay.

**b. General Manager's Annual Performance Review:** Tabled until December 2023 meeting

Chair Roth: General Manager's annual performance review has been tabled until next month.

Commissioner Magura: Point of Order, will that be conducted in Executive Session or in a general-

Chair Roth: That's up to the employee.

Commissioner Magura: Have you figured out yet?

General Manager Casey: I had stated open session.

Commissioner Magura: Okay.

General Manager Casey: But I may change my mind. Yeah, I mean I have plenty of time. I will let you know before the agenda is published; I mean before you approve it.

Chair Roth: Unless something is stated to me, it will be an open session.

**6. New Business:**

**a. Water Service Ordinance No. 23-01**

Chair Roth: We are onto new business. Water Service Ordinance No. 23-01, and that is to be proposed to be passed by a voice vote only since it's already been discussed. Yes.

Commissioner Johnson: I'd just like to make a comment. I got several calls about this and the calls were all basically saying thank you for posting around the neighborhood that we were able... We never knew this kind of stuff was going on before, we don't get the paper or whatever. And so, the postings around the neighborhood was a great job well done by staff to get that information out there. Basically, they just said, "What are you doing?" I said, "Well, we're adopting how we operate basically." And so, I said, "If you have any questions, give Janine a call." And they just said, "Thank you." But they really liked the posters.

It is interesting, when I started my career as a planner, that was what we did routinely is post stuff all over the place. And then-

Commissioner Magura: Physically posted.

Commissioner Johnson: ... and then it kind of went away from that because of electronic stuff and this and that or whatever. So, I had a big smile on my face when I saw this because I hadn't seen something like that in a while. That's what we used to do all the time.

Chair Roth: Yeah. And I think for really important stuff that makes sense. But for the average ordinance we pass, I don't know that it is.

Commissioner Magura: But this, this has got a financial piece to it.

Commissioner Johnson: And it's the meat and bones of what we do.

General Manager Casey: It's the components of everything the Board does.

Commissioner Magura: My only, I wouldn't call it a complaint, my only comment was when I first... I came back into town from the airport and I saw this thing, notice, notice, notice. I stopped. I had to get out of my car to go read the damn thing because I couldn't read it from my car. So, use a bigger font and a bigger sign or something next time. Other than that.

General Manager Casey: You all know, the Board, and I'm sure you've passed ordinances before by law, you have several ways to notify your public. It went into the paper of course and then it's going to be published twice in December. The signs are only required if you don't do the paper notification. Chris, something that as being Chair of this Board has always instilled in me, transparency, transparency, transparency, Janine. We made the signs; they were the biggest font that we could do off that copier. You do have to by law put different things on your notification in the paper or sign and that's why. It was the largest we could do.

By law, it's only required to be posted in three places. We did it in eight prominent places. That again, I have learned since I've been at the District, what's considered, because I don't live here, what citizens consider the eight prominent places within Rivergrove. And you're right, people don't get papers. Knowing that, it's on the website as well and it's on signs at the building. We totally maxed out or saturated the possibilities to make our rate payers aware of it.

Chair Roth: Certainly, by the response that I think all of us got, all the Commissioners.

General Manager Casey: We got calls at the office too, Chair Roth. People were very, very interested and very complimentary and it took about 20 minutes per phone call, sometimes a little bit longer. People really thought that these were about rate increases and in educating them that rate increases are in April when the Budget Committee recommends, they learned a lot and people... there were just very, very good comments. I'm told that something was posted out on Facebook as well as Nextdoor about the-

Chair Roth: Several things. There was a picture that was fairly large and that was sent out with a comment, anybody know anything about this?

General Manager Casey: Right.

Chair Roth: There were surprisingly some correct answers. Which-

Commissioner Magura: Pleasantly surprised.

Chair Roth: Yeah, it was kind of nice.

General Manager Casey: I thought it was nice because I was here at the District when 19-01 was passed. I could be wrong, I just don't recall ever receiving, excuse me, any phone calls on it. Plus, with the people on the website, I think that was a win-win for the District.

Commissioner Magura: Good.

Chair Roth: I'm glad. So, Water Service Ordinance by title only. I will read this now that we are not going to read the whole ordinance 23-01. Is there a motion to approve?

Commissioner Howell: Move to be approved, 23-01 as presented.

Chair Roth: Is there a second?

Commissioner Johnson: Second.

Chair Roth: Moved and seconded by two Commissioners. And all those in favor?

Commissioner Johnson: Aye.

Commissioner Magura: Aye.

Commissioner Patterson: Aye.

Chair Roth: It is unanimous and it passes.

Commissioner Magura: So, Point of Order.

Chair Roth: Yeah?

Commissioner Magura: When is it effective then? Now we've got to go through a-

General Manager Casey: December.

Commissioner Magura: ... clock has to run for a while, right?

Chair Roth: This establishes regulations for the District water system, authorizes services and fees.

Commissioner Magura: When does the new fee structure kick in?

Chair Roth: Oh, after our next meeting.

General Manager Casey: December.

Commissioner Magura: Okay.

Chair Roth: December 18th.

Commissioner Magura: That's my question.

Chair Roth: So, we are forwarding this to be passed at the December 18th meeting.

Commissioner Magura: Okay.

Chair Roth: Okay. Now-

Commissioner Howell: I'm sorry, Point of Order. When I set the motion, I said to approve, but if we're not approving it.

Chair Roth: No, we're forwarding it.

Commissioner Howell: We're forwarding. Okay. So should it have said that we are forwarding the decision until next meeting?

Chair Roth: If you would like to correct that, I-

Commissioner Johnson: Yeah, I would go with that. So just go ahead and just make that correct.

Commissioner Magura: Friendly amendment, yeah.

Commissioner Howell: Friendly amendment.

Commissioner Johnson: Basically, we're approving the draft to go out for final review.

Chair Roth: Because your Chair misspoke.

Commissioner Howell: No, no, that's okay. Just when you said that I said that we should get that right. So friendly amendment for acknowledging it is not an approval, but a delegation to approve it next meeting.

Chair Roth: Okay.

General Manager Casey: Chair Roth, actually the motion needs to be, so it's clear, and this is a legal document. We want to be absolutely clear on all of our motions. The first motion that I believe Commissioner Howell is and how it needs to read in the minutes, there was a motion that the reading of the proposed Ordinance 23-01 be by title only. Does the Board agree with that?

Commissioner Magura: Yeah, that's what we voted on.

General Manager Casey: Right. And then the second motion should be that the review has been made and the motion is to forward it to the December meeting where it will be adopted.

Chair Roth: Okay.

Commissioner Magura: Do we need a motion for that?

Commissioner Johnson: Grant, say so moved.



Commissioner Howell: So, moved. Thank you.

Commissioner Johnson: I'll second.

General Manager Casey: Okay, and then I'll write it as-

Chair Roth: Any objections?

Commissioner Magura: No.

Commissioner Howell: No.

Chair Roth: Okay. We're done.

Commissioner Howell: Did you want to call for the vote on this? Oh, I just see no objection. You're good.

Chair Roth: Yeah.

Commissioner Howell: Thanks.

Chair Roth: Anybody who wanted to vote no, better vote then. We are onto Executive Session.

Commissioner Magura: No.

General Manager Casey: No. The resolution of the-

Chair Roth: Okay. So, we can cross that off.

General Manager Casey: Yeah, Resolution 2023-05.

Chair Roth: Then we can do the reconvening because that never happened.

General Manager Casey: No, Chair Roth, we're still on Resolution 2023-05 under section new business. Yeah. Six.

**b. Resolution 2023-05: Performance Evaluation of the General Manager**

Chair Roth: All right. Resolution 2023-05 Performance Evaluation of the General Manager.

Commissioner Howell: So, I just have this as a draft. It's not labeled 2023-05.

Commissioner Johnson: Yeah, mine either.

Commissioner Howell: Which, that's fine, not a big deal.

General Manager Casey: The reason it's not is because I didn't know if resolution 2023-

Commissioner Magura: No, that's okay.

Commissioner Howell: It's okay.

General Manager Casey: Yeah.

Commissioner Howell: It's okay.

General Manager Casey: So, it will be 2023-05. I wasn't going to presume anything, but this is what it would be.

Commissioner Howell: Okay.

Chair Roth: Okay. Now I've got to pull mine up because I didn't bring a copy with me.

Commissioner Howell: Got a copy. Here you go.

Chair Roth: Oh, thank you.

Commissioner Johnson: So, oh ...

Commissioner Howell: Oh, it's okay, Jim.

Commissioner Johnson: Question. So, the dates all should, in my experience working for the state, your evaluations are all focused on your date of hire from a date onto that. And then if you want to change it, you've got to take a formal action to change the official date of hire. So, is that how this works?

General Manager Casey: That's my recommendation. So, it's called your anniversary date.

Commissioner Johnson: Anniversary date. That's exactly it-

General Manager Casey: Yes.

Commissioner Johnson: Yeah. Okay. I just want because I wasn't catching that here. And I know that, for example, my anniversary date was September, so-and-so way back when, and they wanted to square thing up, so I had to go through a whole process and change my anniversary date by basically rehiring me or something, is what they did.

Commissioner Howell: I see.

Commissioner Johnson: So, it's kind of a thing. And so, I just remember that because I was shaking my head, but that's the human resources bureaucracy.

Commissioner Howell: Sure.

Commissioner Magura: Bureaucracy must be respected.

Commissioner Johnson: Well, there's probably some legal reason to it. I just needed to understand. I thought they were trying to rip me off a six months' pay or something. But no, it didn't have anything to do with that.

Commissioner Howell: So that's good context to know. In my experience of administering and receiving performance evaluations, it's always been done at the end of the financial year for the organization. So I have no problems amending this to state on General Manager's anniversary date. Our Board Policy Handbook says annually, it doesn't specify a time. And Janine actually raised some really good points in an email to me. Janine, do you mind if I bring those up for the Board seeing that it was sent?

General Manager Casey: No, not at all.

Commissioner Howell: Are you good with that? Okay, super. So, she had some great feedback on this. She thinks this should be incorporated into the Board Policy Handbook under section 6.3 for Board Member Conduct General Manager, subsection E, we could add a heading that says, "Performance Management Review." So, I think it's a great suggestion rather than adopting it through resolution. I think we can amend our Board Policy Handbook to provide more structure with the process for the... That's really my goal of this is to give us a little bit more of a structure and a timeline so everyone has the same expectation and we can complete it in a timely manner because I think that's been a challenge in the past and I think that we can work together to address that.

Commissioner Johnson: I like that because we've steered more and more things towards the policy book. That's kind of the playbook, so to speak. And in my experience with resolutions is they happen once and then they're... The Board of Agriculture has this whole book of resolutions. After they're adopted, people forget they're even there. But the handbook, that's our go-to-

Commissioner Howell: Easy to reference.

Commissioner Johnson: -and that's our playbook. Okay.

Chair Roth: That's the most current version.

Commissioner Howell: Correct, yeah.

Chair Roth: So then-

Commissioner Magura: Yeah, just call it as the most current version.

Commissioner Howell: Yeah.

Chair Roth: Do you want to-

Commissioner Howell: So, what I would like to do is I would like to take the contents of this resolution. I'd also like to take into account Janine's feedback that she's provided and I like to write an amendment for the Board Policy Handbook, share that with the Board and we can discuss our next meeting or we can discuss in January. It's not an emergent thing we have to deal with right now, but I think we do need to provide more structure moving forward in advance of the next evaluation-

Commissioner Magura: Which won't change the December evaluation.

Commissioner Howell: Oh, exactly. Yeah. No, it won't change the December evaluation. And there was some other feedback that was provided in regards to timeline. So, I think I'd like to change some of the timeline on the proposed resolution. One of the things I think says 72 hours indicated it would be easier if there was a little bit more time built into the schedule-

Commissioner Magura: And just do it in days.

Commissioner Johnson: Unless there's a problem, can we target it for January? We got a lot going on with stuff.

Commissioner Howell: Yeah, absolutely.

Commissioner Johnson: Okay.

Commissioner Howell: Yeah, so there was some other feedback in terms of the evaluation form itself. Does the Board mind if I also take a crack at amending that to incorporate some of Janine's feedback?

Commissioner Johnson: Worth taking a look at it. I mean, I agree, for example, I did see the statement about A, B, C, D. We went away from that 15 years ago.

Commissioner Howell: Right.

Commissioner Magura: Now it's "no, exceeds, meets".

Commissioner Johnson: Yeah, and I don't like that either, but that's what they do.

General Manager Casey: And you want to keep it on a Likert scale because it is, it's very important to have that two high extremes, an average extreme and then the two recommended improvement extremes.

Commissioner Johnson: Yeah, no, that's exactly what I've seen over the time, how it's evolved, I guess is the word. I mean how things have evolved into this.

General Manager Casey: And I really highly recommend a flowchart. That's what most companies do.

Commissioner Howell: Oh yeah. I think we do a flow chart that has dates on it. The other thing that I'd like to do is to put, and I don't know Chris, I'm not trying to step on your toes here, but if we could put a calendar together, let's say the beginning of the year and we put the dates in of this is when we

need to request the General Manager fill out their self-evaluation. This is when it needs to be shared with the Board to kind of give us some structure with that.

Commissioner Johnson: That's a good idea. That's really what Workday does now when you use Workday.

Commissioner Howell: Oh, you're talking about Workday, the software?

Commissioner Johnson: Yeah.

Commissioner Howell: Oh, you guys have it too?

Commissioner Johnson: I hate it, but that's what it does. Everything's right in there. It just pops up-

Commissioner Howell: In your Inbox. Yeah. So, if you don't have Workday, I think we can create essentially a sample calendar schedule that we can agree to for the following year and incorporate the General Manager's anniversary date in that.

Commissioner Johnson: We're not big enough for Workday.

Commissioner Howell: Oh yeah, no way.

Commissioner Johnson: I don't want to pay for that.

Commissioner Howell: I don't think they even offer a product we could use. But yeah, I think if we do that and create a calendar and then have a flow chart that kind of explains the process, it makes clear to everyone. I think those are great suggestions and I'm willing to spearhead that and write it out and present it in a future Board meeting.

Chair Roth: Okay. That would be good.

Commissioner Magura: Good. So that would be presented in January then?

Commissioner Howell: Mhmm. Yep. I propose that.

Chair Roth: Yeah, because December gets to be worthless.

Commissioner Howell: And honestly, it would be my expectation that we come and discuss not necessarily adopt it and it's been presented.

Chair Roth: Yes. I think that's a good idea.

Commissioner Howell: So, I definitely want everyone's input on it.

Commissioner Magura: When do you think you'll have the thing together you could just pass out for information?

Commissioner Howell: I mean, I would probably want to send that to either Janine or Chris for distribution.

Commissioner Magura: But when?

Commissioner Howell: Oh, when?

Commissioner Magura: How much time do you need to turn the crank?

Commissioner Johnson: Take what you need to get it done right, okay? So, in other words when you're done, you're done. Then get it to is what I say, Larry instead of-

Commissioner Howell: I mean if you want a-

Commissioner Johnson: -if we have to keep amending everything ...

Commissioner Magura: I want to hold his feet to the fire. I want a deadline.

Commissioner Howell: Okay. If you want a deadline, then let's-

Commissioner Magura: I'm a consultant. I live by deadlines.

Commissioner Johnson: Dang engineers.

Commissioner Howell: I'm used to deadlines too, so it's all good. Let's say I'll get it to, let's see, so Board meetings are on Monday, so why don't I get it to Chris, well, let's see. The Monday before a Board meeting is a holiday, right? It's MLK day. Right? Am I thinking of my 2024 calendar correctly, in my mind?

Chair Roth: Yeah, I think that's right.

Commissioner Howell: Okay.

Commissioner Magura: When is MLK Day?

Commissioner Howell: I can get it to you the Friday before MLK day.

Commissioner Magura: The 15th.

Commissioner Howell: That way you can have time. I don't know if you want to do it in the week or on the weekend, but that way you can have time to distribute it-

Chair Roth: It doesn't matter. Wouldn't retire, they're all the same.

Commissioner Howell: Okay.

Commissioner Magura: January 15th is MLK day.

Chair Roth: Okay.

Commissioner Howell: The 15th is MLK day?

Commissioner Magura: Yeah.

Commissioner Howell: Okay. 15th is MLK day. Why don't I ... let me tell you what, Chris, why don't I get it to you on the 15th because... oh no, I'm sorry. Our Board meeting is on the 20... I'm looking at December here. Sorry. 15th. Yep. It's MLK day. Okay. So, our Board is meeting on the 22nd. So, Chris, why don't I try and have it to you by Tuesday the 16th? That allows for plenty of time to prepare the agenda and get it put in the Board package.

Commissioner Magura: You can't get it out any sooner than that?

Commissioner Howell: I'm going to be honest with you, Larry, I'm taking time off at the end of the year from work and I have a lot of work stuff in January that's coming up.

Commissioner Magura: I see.

Commissioner Howell: So that's kind of the limit of my time right now.

Commissioner Magura: I would like to see a little more head space between the time it's set out for us to review and the meeting.

Commissioner Johnson: Well, if we have to push things back, I mean, because the week of the 15th, I'm out of town four days. Board of Agriculture's meeting. So, I got-

Commissioner Howell: Sure.

Chair Roth: You have no choice about that.

Commissioner Patterson: Get it done in the next month then.

Commissioner Magura: Well, keep your deadline, but we'll just consider it in February.

Commissioner Howell: Oh yeah, that would be my suggestion.

Commissioner Magura: Oh, yeah no. We're not-

Commissioner Howell: No, it wouldn't be to adopt it in the January meeting. That's not what I would propose. We would come and discuss it because I'm assuming there will likely be tweaks or changes to what's been presented. So, we would have time to do that and then adopt it in February. That would be my proposal.

Commissioner Magura: Okay.

Commissioner Howell: So, if that sounds good.

Commissioner Magura: So, make any red lines in January and then just we'll discuss the red lines.

Commissioner Howell: Yeah, absolutely.

Commissioner Magura: All right.

Commissioner Howell: And it won't be a resolution, it'll be an amendment to the Board Policy Handbook.

General Manager Casey: Are we ready to go on to the next?

Chair Roth: I think we are.

Chair Roth then read out loud a letter addressed to the Lake Oswego City Council dated November 20, 2023 regarding the District's Resilient Backbone Water Main Replacement project. (See attached). All Commissioners signed the letter.

Commissioner Patterson: Could you provide us a copy of that right now?

Chair Roth: Right now?

Commissioner Patterson: Before we leave.

General Manager Casey: We need to have it signed and then I will be glad to provide a copy.

Commissioner Patterson: Okay.

Commissioner Magura: Let's do it that way.

Chair Roth: Just go ahead and sign and-

General Manager Casey: For the signature, since you all wanted to sign it, can you make it please above your names. I wanted to add that I had reached out to the engineering department because normally this is how it is handled. You would go through the engineering department. I touched base with a representative and I'm told that it was very ironic that we were presenting this because it was actually in Lake Oswego's Transportation Plan. Unfortunately, there's been a new charter signed by the citizens that very much scales back and restrict-

Commissioner Johnson: Can't go through natural areas-

General Manager Casey: -park land development as well as would be challenging the floodplains. What I was asked to do was to go ahead and forward the plans up, which I did and I let them know



that the Board of Commissioners would be formally presenting a letter to the City Council. When the City Council sees this, then they're not going to be surprised. A city council, like a board, they're not going to go rogue and take something that you've submitted without going through their engineering and transportation. It was on the transportation plan, which I found very interesting.

Commissioner Magura: It's been on it for years.

General Manager Casey: I know and I was told, but the charter is recent. Since I'm not a citizen of Lake Oswego, I don't know when the charter that the citizens put forth-

Chair Roth: This last election.

General Manager Casey: Okay. So, it's making it very, very difficult and the sidewalk would unfortunately have to infringe on park land and that's what's going to be a real-

Commissioner Magura: That's not necessarily true.

General Manager Casey: According to the engineering department at Lake Oswego it is.

Commissioner Magura: No, you go from the base of the existing road template and instead of... One way of constructing it would be to add onto it, and it's park land on both sides. You could also build a retaining wall and go straight up and not increase the footprint and that would eliminate additional-

Chair Roth: That causes extreme flood problems in Eagle Bay.

Commissioner Johnson: This may not conflict with that ballot measure though because it was targeted at these types of projects that would be promoting new development. In other words, opening up an area. And in fact, the city's getting sued right now because they're allowing a line to go through Waluga Park up to a new proposed partition.

Chair Roth: Oh yeah.

Commissioner Johnson: And so, whereas this would just basically be replacing an old line and the like. So, it may not fall within this, but that would be something we'd want to talk to the city about.

General Manager Casey: But this opens the door.

Commissioner Magura: Yeah.

General Manager Casey: And I think it's the right tone, the flavor that we want to present and it gets the ball rolling.

Commissioner Magura: The only thing that's not mentioned would be nice to say this is going to require extensive closures of Childs Road.

Commissioner Howell: Well, wait until the utility permitting on that, Larry.

General Manager Casey: You don't want to do that.

Commissioner Howell: Don't give them a heads up on that. I'm not saying don't give them a heads up on that, but that's part of utility permitting when we go to permit the work and do it. That's not something we have to worry about with the City Council.

Commissioner Johnson: Yeah, I think we're not engineers here. I think this gets the point across. No, no, I mean the Board is not engineers-

Commissioner Howell: Collectively.

Commissioner Magura: I am.

Commissioner Johnson: And so, we just need to get across the point that we got this project coming up, get it on your radar.

General Manager Casey: I would like, Chair Roth, to get that letter signed tonight because it has the environmental component of sidewalk, et cetera. That's what is really driving the IFA Board when you can bring different type of components like that into your project, even though-

Chair Roth: IFA?

General Manager Casey: The Infrastructure Finance Advisory Board, so in that scope-

Commissioner Johnson: I'm with Grant, as little as we can say as possible, at this stage.

General Manager Casey: -that would be a very big addition and I would like to get that package up to Business Oregon by Wednesday.

Chair Roth: Okay.

General Manager Casey: I would like to get that signed tonight.

Chair Roth: Yeah.

Commissioner Howell: Do we need this on our agenda though, to discuss it since we're-

General Manager Casey: It was on the Board Manager's report. If you go under the Water Main Replacement Grant project.

Commissioner Howell: Oh, okay. So, it's inside the Board materials. So, we're good then. Since it was generated.

General Manager Casey: We're absolutely good.

Commissioner Howell: Okay.

General Manager Casey: All right. That's it.

Chair Roth: That's the one, of anything, that will draw some blow back from a number of organizations or city boards.

General Manager Casey: Thank you, Jim.

Chair Roth: And there also is ... back somewhere in the archives, a copy of the purchase of Bryant Woods nature area on the, what is that, on the west side. That was done partially with federal funds.

Commissioner Magura: Really?

Chair Roth: Yep and so any federal-

Commissioner Magura: There's a nexus for compliance with federal law.

Chair Roth: Yep.

Commissioner Johnson: We actually got some water in that.

Commissioner Howell: I'm sorry, Janine. I didn't get a chance to sign that. Thanks.

General Manager Casey: Mhmm.

Chair Roth: I know we do.

Commissioner Johnson: In fact, I think I remember I was walking the dog through there and I saw one of our valves leaking and I called Janine and said, "You better go out and check that."

Commissioner Howell: There you go, Sherry.

Commissioner Patterson: Thank you.

General Manager Casey: The guys got right on it.

Commissioner Johnson: Yeah, I was out there this weekend. There's no leaking, well, right now so.

Chair Roth: Good.

Commissioner Johnson: I got to start doing that more because now with the new canine bacteria that's going around, Woody doesn't get to go to the dog park for a while.

Chair Roth: Yeah.

Commissioner Howell: Can I ask you to sign this?

Chair Roth: Yeah.

Commissioner Howell: There you go.

Commissioner Magura: Well, I like the idea of putting the city on notice that, "Hey, we're going to be in your right of way."

Commissioner Howell: They've got a lot of unfunded projects on the TSP though.

Commissioner Magura: They're all unfunded, it seems.

Commissioner Howell: I mean, yeah.

Commissioner Magura: I've appeared before them twice at their annual face-to-face meeting saying we've got a serious safety hazard on this thing. There's people on bikes all the time. Tonight, coming over here. I had to dodge a jogger and it's getting dark-

Commissioner Howell: Yup.

Chair Roth: And they wear black.

Commissioner Patterson: [...] notices on the property.

Commissioner Johnson: I was walking the Tualatin River Trail this weekend over in Tualatin and a lot of it is raised boardwalk and the way they made it's for bikers and for walkers. There's a great example of what could be done there. It's a beautiful trail.

Chair Roth: All right. We're done with everything.

Commissioner Magura: Executive Session, employee relations, this is stuff, this advisory letter.

General Manager Casey: So, the public, and I need to shut this off. Public needs to be excused.

Chair Roth: Oh, I'm sorry. Gentlemen, I have to ask you guys to leave during the Executive Session.

Allen Patterson: Okay.

Chair Roth: And if you want to hang around outside then you're welcome to come back.

Allen Patterson: Nope, that's good.

Commissioner Magura: Thanks for coming.

Chair Roth: Yes, thank you both.

General Manager Casey: Going into Executive Session at what time, Chair Roth?

Chair Roth: We are going into Executive Session on employee relations, which is ORS 192.660(2)(b).


General Manager Casey: At 5:36.

Chair Roth: At 5:36 p.m.

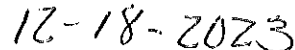
**7. Executive Session:** The regular meeting of the Board of Commissioners was adjourned at 5:36 p.m. to meet in Executive Session in accordance with ORS 192.660(2)(b) to discuss employee relations.

**8. Reconvene in Open Session:** The regular meeting of the Board of Commissioners was reconvened at 5:51 p.m.

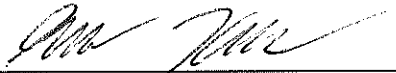
**9. Adjournment:** The meeting was adjourned at 5:52 p.m. The next regular meeting will be held on Monday, December 20, 2023 at 4:30 p.m.



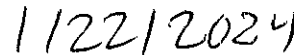
Christine K. Roth, Chair



Date



Grant E. Howell, Secretary



Date