



Board of Commissioners Monthly Meeting
Monday, December 18, 2023, 4:30 PM
17661 Pilkington Road, Lake Oswego OR

AGENDA ITEMS

- | | | |
|--------------|---|----------------|
| I. | Call to Order | 4:30 PM |
| II. | Public Comment (2 Minute Limit) | 4:31 PM |
| III. | Review and Approval of Minutes | 4:35 PM |
| | <ul style="list-style-type: none">• October 23, 2023 Regular Board Meeting
(Tabled until December 2023 Meeting)• November 20, 2023 Regular Board Meeting• November 20, 2023 Executive Session | |
| IV. | General Manager's Report | 4:45 PM |
| V. | Unfinished Business | 4:55 PM |
| | <ul style="list-style-type: none">• Water Service Ordinance No. 23-01• Board Policy Notebook Addition: Performance Evaluation of the General Manager
(Tabled until January 2024 Meeting) Commissioner Howell• General Manager's Annual Performance Review
(Tabled until December 2023 Meeting) Chair Roth | |
| VI. | New Business | 5:30 PM |
| | <ul style="list-style-type: none">• Resolution 2023-05: Conflict of Interest - Relative of General Manager Employment at Ferguson Enterprises• Customer Shut-off Letter to Board: McEwan Rd• Employee Pay Scale – Cost of Living Increase• Office Space for District Commissioner Magura | |
| VII. | Chair Report | 5:55 PM |
| | <ul style="list-style-type: none">• Parliamentary Procedures• Customer Relations | |
| VIII. | Adjournment | 6:00 PM |

Upcoming Meetings

Regular Board Meeting: Monday, January 22, 2024 at 4:30 P.M.

Regular Board Meeting: Monday, February 26, 2024 at 4:30 P.M.

The public is welcome to attend the meeting in person or by calling 971-517-3083.

By calling into the phone bridge, you consent to being recorded.

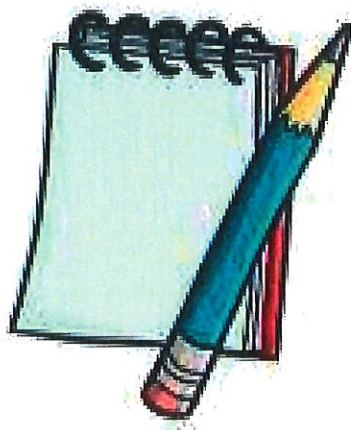
**CALL
TO
ORDER**



PUBLIC COMMENT



REVIEW & APPROVAL OF MINUTES



**Rivergrove Water District
Board of Commissioners Regular Meeting Minutes
Monday, October 23, 2023**

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

1. **Call to Order:** The meeting was called to order at 4:33 p.m.
2. **Public Comment:** No public comment was received.
3. **Executive Session:** Due to the absence of Chair Roth, a motion was made from **Commissioner Magura, seconded by Commissioner Johnson, and passed unanimously** to table the Executive Session to November.
4. **Review and Approval of Minutes:** The September 25, 2023 Board meeting minutes were approved by a motion from **Commissioner Magura, seconded by Commissioner Johnson, and passed unanimously.**
5. **Monthly General Manager's Report:** See attached. Commissioner Magura stated for the record he enjoyed the District Facilities tour earlier in the afternoon and was very impressed with how the facilities were organized and immaculately maintained. Commissioners Howell and Patterson agreed. Commissioner Magura attributed this to the hard work of District staff.
6. **Unfinished Business:**
 - a. **Water District Ordinance No. 19-01:** A draft revision of Ordinance No. 19-01, to be known as Ordinance No. 23-01, was presented and reviewed. The Cross Connection Program title was changed to Cross Connection and Backflow Prevention Program. A motion to approve the proposed ordinance for public notification and Board adoption at the December meeting was made from **Commissioner Magura, seconded by Commissioner Johnson, and passed unanimously.**
 - b. **Resolution 2023-04: Signing Authority for Banking and Other Financial Documents:** Due to Chair Roth's absence, it could not be confirmed if questions Commissioner Howell had previously requested be forwarded to the District's auditor for his professional opinion on check signing authority had been sent. Commissioner Magura asked to see a list of the questions Commissioner Howell had forwarded to Chair Roth. Commissioner Howell passed out copies. The Board asked the General Manager to contact Mr. Ries via phone and inquire whether he had received the questions and responded to this matter. This issue was tabled until the November meeting.
 - c. **General Manager's Annual Performance Review:** The Board agreed to postpone the General Manager's annual review until the December Board meeting. The motion was made by **Commissioner Patterson, seconded by Commissioner Magura, and passed unanimously.**
7. **New Business:** A revised scope of work on main replacement was presented for the Resilient Backbone and AC Pipe Replacement Project. The revision was discussed and a motion to forward the plan to Business Oregon was made from **Commissioner Magura, seconded by Commissioner Johnson, and passed unanimously.** The Board discussed the possibility of partnering with the City of Lake Oswego for a sidewalk

installation along Childs Road in conjunction with the District's main replacement project and asked the General Manager to draft a letter to Lake Oswego City Council for Board signature.

8. Chair Report:

Commissioner Howell: So, for the Chair Report, Chris is gone. I have two things I wanted to bring before the Board. One of them is the kind of policy and procedure on Executive Session. I am not asking that we deliberate it at this time or anything like that. I had some questions. I called the Ethics Commission and asked them . . .

Commissioner Magura: You called who?

Commissioner Howell: The Ethics Commission.

Commissioner Magura: Oh.

Commissioner Howell: They gave me a staff advisory opinion and a response, essentially a summary of the phone call I had with them. Just to answer some questions. I am happy to share that with the Board if others would like to read it, but it would also probably pertain to the Executive Session that we have proposed in November.

Commissioner Magura: I think it should be reviewed before we have the Executive Session.

Commissioner Howell: That's why I wanted to bring it up and talk about it. So, I am happy to pass a copy of it out for folks to read and happy to email it, whatever we want to do, but I think people should read it before we have a session.

Commissioner Patterson: . . . appreciate it.

Commissioner Howell: Okay. Janine, do you mind if I email it to you?

General Manager Casey: No.

Commissioner Howell: . . . and you disseminate it out to the Board?

General Manager Casey: Mm-hmm, yes.

Commissioner Howell: Very good. So that will be email number two tonight. Then the third thing total . . .

General Manager Casey: I'm just curious that you would reach out to the Ethics Commission when the Executive Session was regarding employee relations. I don't understand how the Ethics Commission has any advice to say in an employee relations matter. So, what am I missing here?

Commissioner Howell: It is more under the subsection of 192660. So, 192660(2)(b), I don't have it in front of me right now, but essentially it's complaints or charges or dismissal or discipline of a public officer. So, without discussing material because it was in Executive Session there is a complaint in the material and there are Oregon administrative rules that govern the requirements when there is a complaint put before the public body. Essentially the subject of the complaint has a right to request an open session.

Commissioner Magura: Right, okay.

Commissioner Howell: So, I want to make sure if there are complaints that are being presented to the Board that we have the notification to the folks that are the subject of the complaint they have the opportunity to respond and request an open hearing if necessary.

Commissioner Johnson: Isn't that in our Policy Book too?

Commissioner Howell: I think it is, yeah, and it just kind of struck me as I was reviewing the material. So, that's why I called and asked because I didn't know about the Oregon administrative rule to be honest so.

General Manager Casey: Right, so section 2b which is to consider dismissal or discipline of, or to hear charges or complaints against an officer, employee, staff member or agent, if they do not request an open hearing. The letter I wrote to the Board in December, where no action was taken, was complaints that I had that the Board did not respond to. So, I don't know how we go from that ...

Commissioner Johnson: Let's not go too far here without being in Executive Session.

General Manager Casey: Right, exactly, absolutely. I just don't know how we go from that to a call to the Ethics Commission. I . . .

Commissioner Howell: Not a call, an inquiry for more information. That's all it was. So, I am happy to share a copy of the email to everyone I received from Susan Myer.

General Manager Casey: I am confused. At that last Board meeting did I miss something in the meeting minutes that were approved. Was somebody granted the authority to reach out to the Ethics Commission and make a phone call?

Commissioner Howell: I wasn't reaching out on behalf of the Board. No, I wasn't reaching out on behalf of the Board. That was not done on behalf of the Board.

Commissioner Magura: A citizen's inquiry.

Commissioner Howell: That was just a personal inquiry.

Commissioner Patterson: (Illegible)

General Manager Casey: Okay.

Commissioner Howell: It was a personal inquiry.

Commissioner Patterson: Anybody can call.

General Manager Casey: Okay, I just want to make sure the topic of the Executive Session was not discussed.

Commissioner Howell: No.

General Manager Casey: That is all I am clarifying. Thank you.

Commissioner Howell: No, it was not. It was just the procedure around the Executive Session and our obligation or I should say our potential obligations and requirements about public bodies to do so. So . . .

General Manager Casey: Got it.

Commissioner Howell: So, that is the context it was spoken. So, to provide some color if you will. So, I will share that with Janine and she can send that to the Board. So, the last piece that I would like to bring forth is I have a resolution I would like to propose regarding the performance evaluation of the General Manager. To date we have not been timely with doing the performance evaluations and so I would like to adopt a

resolution in which we adopt a formal timeline and a procedure for administering it and delegate responsibilities.

Commissioner Magura: What are you proposing?

Commissioner Howell: Uhm, here I'll pass it out. I made copies of these.

Commissioner Johnson: Well, it is not on the agenda so, we are going to have to put it on the agenda.

Commissioner Howell: Okay, so I'm just disseminating it, I don't want to discuss it. We can put it on . . .
Janine I'll give you a copy of this as well.

General Manager Casey: Right.

Commissioner Howell: Uh . . .

General Manager Casey: I just want to make a Point of Order. I told the Board at the last meeting that the Ethics Commission is coming down with stricter new rules for public meetings. Unless it is an emergency, the Board has to follow the agenda unless it is a bona fide emergency. These handouts that are being handed out, the public has not had a chance to look at them, they were not part of the Board meeting packet so, they shouldn't have been brought in. You should have contacted Chris to make an adjustment to the agenda. Just because you are serving as temporary Chair, it doesn't give you the authority to break public record...meeting laws. What you should have done . . .

Commissioner Howell: So . . .

General Manager Casey: Excuse me, I wasn't done. I didn't interrupt you. What you should have done was to add these to an agenda under new business for the month of November so these documents could be properly cited and distributed out on the web page and the public as well as the Board of Commissioners all get them at the same time.

Commissioner Howell: Uh-huh.

General Manager Casey: That is the intent. I also made it very clear how the Board (Commission) is going to go after people that prepare the agenda because that is what's going on. Boards are coming in and talking about things that are not on the agenda, presenting material that the public has not had a chance to see and as an extension of the Board and as the General Manager and the one that prepares your agenda and helps the Chair, this makes me very uncomfortable. If you are telling me you want this distributed, I am telling you it should be included on the November agenda.

Commissioner Magura: That's fine.

Commissioner Howell: That's fine.

General Manager Casey: It can go under new business.

Commissioner Howell: Put it on the November agenda then.

General Manager Casey: Absolutely.

Commissioner Howell: It wasn't my intent to bring these up.

General Manager Casey: I understand . . .

Commissioner Howell: . . . to deliberate or have any kind of discussion.

General Manager Casey: Right, understand . . .

Commissioner Howell: It was just to . . .

General Manager Casey: You can't do that anymore in these sessions. You can't do information only. If it is not on the agenda, you are bypassing the public meeting laws.

Commissioner Magura: Well, I'd better give this back then.

Commissioner Howell: Okay.

General Manager Casey: If you want to forward me that Commissioner Howell and say Janine please put this on November's agenda, I will be more than happy to.

Commissioner Howell: Okay.

General Manager Casey: You're welcome.

Commissioner Howell: I did call Chris on Friday and I didn't hear a response.

General Manager Casey: Understood.

Commissioner Howell: So, I'll bring it up.

General Manager Casey: If you did Commissioner Howell, just to make it clear, I don't know anybody that would consider this an emergency.

Commissioner Howell: Oh, no it's not.

General Manager Casey: I don't know if you didn't get a reply back, I'm not sure of that, but we can definitely approve this for the November agenda without any problem under new business.

Commissioner Howell: Super.

General Manager Casey: Thank you.

Commissioner Howell: Okay, then let's do that then.

General Manager Casey: Alrighty.

Commissioner Howell: Alrighty. I think that is our meeting then. So, we don't have any other open items on our agenda so we can go ahead and adjourn at 5:25 p.m.

9. Adjournment: The meeting was adjourned at 5:25 p.m. The next regular meeting will be held on Monday, November 20, 2023 at 4:30 p.m.

Grant E. Howell, Secretary

Date

Lawrence M. Magura, Treasurer

Date

**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 agendaized 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

Instructions for Approving Executive Session Minutes

The minutes from the **Executive Session held on November 20, 2023 will be presented at the meeting during Agenda Item III, Review and Approval of Minutes.**

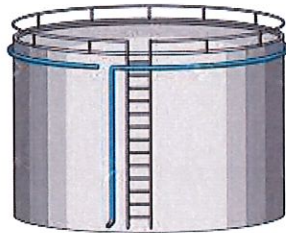
According to ORS 192.660, any information discussed during a properly held Executive Session is confidential and non-disclosable unless specifically authorized by the Board or as required or as excluded by law.

As long as there is no discussion or corrections to the minutes, they can be approved in the Open Session of the regular Board meeting on Friday.

There will need to be a motion to accept the Executive Session minutes, a second to the motion, followed by a vote.

General Manager's Report

Operations



Administrative/HR/Finance





GENERAL MANAGER'S REPORT

December 2023

Capital Improvement Projects

- **2022 Water Main Replacement Grant Project**

- o Pending invitation from Business Oregon
- o Project scope redefined to \$3M while still making significant impact to distribution system
 - Upsize 1,700 LF of 6” AC with 12” ERDI pipe on Childs Road from canal to SW Indian Creek Ave
 - Replace 670 LF of 10” AC with 10” DI on SW Indian Creek Ave from Childs Rd to SW Dawn St
- o Lake Oswego City Council not able to partner with sidewalk installation (Letter attached)

Water Operations

- **Oregon Health Authority Service Line Inventory**

- o Federal and state rules mandate inventory of all service lines within our water system
 - Categories to identify: lead, non-lead, galvanized requiring replacement or unknown
 - o Inventory submission due to State of Oregon Drinking Water Services by **11/16/24**
- Total Connections: 1,385 □ Total Connections Identified: 537 □ Compliance Percentage: 38%

- **Production versus Consumption Report**

PRODUCTION versus CONSUMPTION								
Month	Production (HCF)	Consumption (HCF)	Unaccounted Known (HCF)	Unaccounted Unknown (HCF)	Unaccounted %	Unit Loss per Service Connection	Number of Services	Revenue
Dec 23	17,756	16,574	116	1,066	6.0%	.77	1,383	\$134,561
Oct 23	42,636	39,313	141	3,182	7.4%	2.3	1,383	\$217,747
Aug 23	54,738	50,808	200	3,730	6.8%	2.7	1,383	\$259,362
Jun 23	23,411	22,142	228	1,041	4.4%	.75	1,382	\$150,055
Apr 23	15,512	14,109	80	1,323	8.5%	.95	1,382	\$121,772
Feb 23	15,456	14,056	146	1,254	8.1%	.91	1,383	\$121,725
Dec 22	20,775	19,742	80	953	4.6%	.69	1,383	\$141,687

Anomalies: Chlorine Analyzers – 58 HCF; Leaks: N/A; Projects: Rivergrove Elementary School Hydrant Meters - Triplet Wellman - 6 HCF, C&W Excavation – 49 HCF; Shop – 1 HCF; Tamara Hydrant Flush – 2 HCF

- **Backflow Testing Program for 2023**

- Total Connections: 570 □ Total Connections Passed: 570 □ Compliance Percentage: **100%**

- **Customer Assistance Requests & On Call Duty**

- Site visit requests: 22 □ Emergency callouts: 0

Finance/Administrative/HR

- **December Newsletter**

- o Main focus placed on the service line inventory and automatic payments (See attached)

- **Employee Training Completed**

- o Water Tank Maintenance & Management (GM)
- o To Inventory & Beyond: Lead & Copper Revised Rules (GM & Utility II)
- o Phishline Training: Social Media (All employees)
- o Safety Matters: Winter Wellness, Slips & Falls, Preventing Frostbite (All employees)



December 5, 2023

Rivergrove Water District
Attn: Chair Roth and Commissioners
17661 Pilkington Road
Lake Oswego, OR 97035

RE: Childs Road Water Main Replacement and Future Opportunities for Improvement

Dear Commissioners,

Thank you very much for your November 20 letter to the City Council inquiring about the opportunity to consider collaborating on future construction on Childs Road.

In speaking with our Public Works staff, we understand you have a significant project planned for replacing your water main infrastructure in Childs Road between Canal Road and SW Indian Creek Avenue. And you are correct that we do have a future pedestrian facility identified for that very same segment of roadway. While we are certainly proponents of combining projects in corridors to minimize overall impacts to our communities, we are not able to do so in this instance.

Our Transportation System Plan identified nearly 300 various transportation projects, of which over 200 were pedestrian or bicycle facilities. We have specifically chosen to focus our expenditures on those ped/bike facilities that will be of most benefit to school-age students, and have a list of over thirty locations in the City that are a priority based on proximity to schools and road types. The Childs Road project is not on that priority listing. As you can relate, the demands for infrastructure improvements out pace our ability to fund all of this in a timely manner, as we must determine priorities in a way that we believe is the best return on those limited funds.

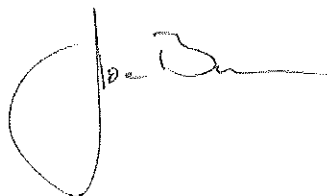
Also, a pedestrian facility here will require extensive design and permitting efforts because of the fact this is all within the FEMA flood plain or floodway. We simply do not have the time to pull together a design and acquire the necessary permits to build such a facility in the timeframe that corresponds to your proposed waterline work.

While having a pedestrian facility in this corridor is desirable, we are not able to make this a priority at this time. We truly appreciate your inquiry and interest in collaborating, and hope we

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can do so on future work. In the meantime, our staff will be ready and able to assist your team with the various permits necessary to work in Childs Road. Please reach out to our Public Works Director, Erica Rooney, at 503-635-0264 to begin that process when your team is ready.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Buck". The signature is written in a cursive style with a large, looped initial "J" and a horizontal line extending to the right.

Mayor Joe Buck on the behalf of City Council

Cc: City Council Members
Martha Bennett, City Manager
Erica Rooney, Public Works Director

Respect. Excellence. Trust. Service.



Lead and Water Do Not Mix

There is no safe level of lead exposure in drinking water. The primary source of lead in water you drink comes from pipes which can present a health risk to children and adults. The Environmental Protection Agency (EPA) is committed to using every tool available to protect consumers from this hazard. Recently, the EPA released *Guidance for Developing and Maintaining a Service Line Inventory* to support water districts across the country in their efforts to identify lead pipes and develop inventories to provide states with critical information needed for oversight and reporting.

During the next few months, our water operators will be conducting a service line inventory on all premises to identify whether your residential service line is either: lead, non-lead (copper or plastic), galvanized, or unknown. While in the meter box, the operators will also verify the meter number and look for any potential cross connection or irrigation systems not previously identified by the District.

Once the information is compiled, it will be forwarded to the state and you will be notified in writing of the results. There are no special requirements on your part to prepare for the inventory. All water districts are required to comply with the inventory by October 16, 2024. For more information visit <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule> or call the office.

Automatic Bill Payments...Is It Right For You

Automatic payments can be a convenient way to pay your account balance and can be processed in one of two ways. First, you can make automated payments via ACH transactions. ACH stands for Automated Clearing House and it refers to a form of electronic funds that are transferred from your **bank account** to the District's bank account. The second way is by using your **credit card**.

Broadly speaking, ACH transactions have the lowest costs associated with any automatic payment system. Credit cards typically charge a transaction fee plus a processing fee. Since these fees vary, check with your card provider. When it comes to ACH versus credit card fees, ACH is the clear winner.

Many customers choose the convenience of autopay. It is your responsibility to keep bank account and credit card information current to avoid penalty fees. The most common complaint we receive from customers is when a credit card is declined and penalty fees are assessed. Generally, the declination is due to an expired card. Unfortunately, the District has no way to track expiration dates. Once your card information is entered into the secure payment gateway, the data is encoded into a 12-number token identification. This code cannot be used by the District to track your credit card number, expiration date, or card verification value. The District uses a highly rated gateway that meets Payment Card Industry Data Security Standard, known as PCI for short. Our PCI compliance means our system is secure and you can trust us with your sensitive payment card information.

Regardless of the method you choose, **on the 10th of the month following a billing cycle (i.e., Jan, Mar, May, Jul, Sep, & Nov)**, the District initiates a process called recurring payments to collect these funds. With 48% of our customers enrolled in autopay, the electronic transfer takes only a few minutes!

Backflow Testing – Annual Reports Due **September 30, 2024**

Customers with inground irrigation, sprinkler systems, and/or certain water features such as fountains and pools are required by law to have their backflow tested annually by a state certified tester. Get your system tested **prior to the start of the irrigation season**. Visit our website for more information.

Water Conservation....Make every drop count

Run a full load in the dishwasher instead of handwashing. Energy Star dishwashers are 30% more water-efficient than other models. Get our free brochure to learn more ways you can save water.

Water Humor...That awkward moment when you pay \$2 for Evian water and notice if spelled backward you're naïve.

FINANCIAL REPORTS



**Monthly Reconciliation Summary -
Checking, Deposit, and LGIP Accounts**

Balance Sheet

Accounts Receivable Summary

Check Register

Revenue & Expense Budget vs Actual

Monthly Reconciliation Summary November 2023

**Reviewed & Approved by Commissioners
Board Meeting: December 18, 2023**

Bank	QB's	Bank	Beginning	Statement	QuickBooks	
Account	Account	Statement	QuickBooks	Ending	Ending	Uncleared
Name	Number	Date	Balance	Balance	Balance	Balance
Banner Bank (Checking Act)	1015	11/20/2023	\$337,485.63	\$278,185.50	\$277,188.68	\$996.82
Banner Bank (Deposit Act)	1085	11/20/2023	\$56,338.72	\$56,338.72	\$56,338.72	\$0.00
LGIP (SDC)	1106	11/20/2023	\$430,179.21	\$429,897.05	\$429,897.05	\$0.00
LGIP (Capital Improvement)	1107	11/20/2023	\$806,222.79	\$793,142.30	\$793,142.30	\$0.00
LGIP (Unemployment)	1108	11/20/2023	\$36,272.27	\$36,420.99	\$36,420.99	\$0.00
LGIP (Truck)	1109	11/20/2023	\$32,224.17	\$32,356.29	\$32,356.29	\$0.00
LGIP (Non-Restricted)	1110	11/20/2023	\$374,556.46	\$376,092.14	\$376,092.14	\$0.00

Checks issued this period 9947 - 9967 from Banner Bank Act 1015
 Checks voided this period: None

RIVERGROVE WATER DISTRICT

Balance Sheet

As of November 30, 2023

	Nov 30, 23
ASSETS	
Current Assets	
Checking/Savings	
1015 · Checking - Banner Bank	277,188.68
1085 · Water Deposit-Banner Bank	56,338.72
1100 · LGIP	
1101 · Restricted	
1106 · System Development Account	429,897.05
1107 · Capital Improvement Account	793,142.30
1108 · Unemployment Account	36,420.99
1109 · Truck & Equipment Account	32,356.29
Total 1101 · Restricted	1,291,816.63
1110 · Non-Restricted	376,092.14
Total 1100 · LGIP	1,667,908.77
Total Checking/Savings	2,001,436.17
Total Current Assets	2,001,436.17
TOTAL ASSETS	2,001,436.17
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 · Payroll Liabilities	
2110 · Federal Withholding	5,672.46
2120 · FICA Social Security	3,359.46
2140 · Medicare	785.68
2150 · State Withholding	3,482.40
2165 · Oregon State Transit Tax	49.96
2170 · WBF Assessment	16.04
2175 · Paid Family Medical Leave	325.10
Total 2100 · Payroll Liabilities	13,691.10
Total Other Current Liabilities	13,691.10
Total Current Liabilities	13,691.10
Total Liabilities	13,691.10
Equity	
32000 · All Fund Balances	1,928,708.30
Net Income	59,036.77
Total Equity	1,987,745.07
TOTAL LIABILITIES & EQUITY	2,001,436.17

Accounts Receivable Summary

From 10/10/2023 Through 12/11/2023

<u>OPEN BALANCE</u>				<u>Balance</u>	
	5,721.05			5,721.05	
<u>BI-MONTHLY-Adjustment</u>	<u>Amount</u>		<u>Usage</u>	<u>Count</u>	
WATER	-1,169.15		-155.00	22	
WATER Miscellaneous	219.41		0.00	2	
WAT.Penalty	328.95		0.00	21	
***Total Adjustment	-620.79		-155.00	45	
<u>BI-MONTHLY-Charge</u>	<u>Minimum</u>	<u>Overage</u>	<u>Usage</u>	<u>Count</u>	<u>Total</u>
WATER	148,208.14	204,719.34	55,953.00	2,783	352,927.48
***Total Charge	148,208.14	204,719.34	55,953.00	2,783	352,927.48
<u>BI-MONTHLY-Penalty</u>	<u>Amount</u>			<u>Count</u>	
WATER	2,160.00			144	
***Total Penalty	2,160.00			144	360,187.74
<u>BI-MONTHLY-Miscellaneous</u>	<u>Amount</u>			<u>Count</u>	
WATER Miscellaneous	1,240.00			56	
***Total Miscellaneous	1,240.00			56	361,427.74
<u>BI-MONTHLY-Payment</u>	<u>Amount</u>			<u>Count</u>	
WATER	-217,864.09			1,480	
WATER Miscellaneous	-1,120.00			1	
WAT.Penalty	-2,423.95			1	
***Total Payments	-221,408.04			1,482	143,563.65
<u>BI-MONTHLY-Return Check</u>	<u>Amount</u>			<u>Count</u>	
WATER	724.56			4	
***Total Return Check	724.56			4	140,744.26
<u>BI-MONTHLY-Deposit Applied</u>	<u>Amount</u>			<u>Count</u>	
WATER	-550.00			11	
***Total Deposit Applied	-550.00			11	140,194.26
				Closing Balance	140,194.26

RIVERGROVE WATER DISTRICT

Check Register

November 1-30, 2023

Type	Date	Num	Name	Memo	Amount	Balance
						323,941.04
Deposit	11/01/2023		Deposit	Deposit	426.12	324,367.16
General Journal	11/01/2023	jc	Customer Refund	Customer Refund	50.00	324,417.16
Deposit	11/01/2023		Deposit	Deposit	586.56	325,003.72
Check	11/02/2023	ACH	AFLAC	Monthly Health Premium October 2023	-608.74	324,394.98
Check	11/02/2023	ACH	Banner Bank (MASTERCARD)	Act 6660 Casey - Monthly Charges 9/7/23-10/8/23	-421.69	323,973.29
Deposit	11/02/2023		Deposit	Deposit	519.66	324,492.95
Transfer	11/02/2023		Funds Transfer - Well 1 Generator Project	Funds Transfer - Well 1 Generator Project - CI	16,372.12	340,865.07
Transfer	11/02/2023		Funds Transfer - Well 1 Generator Project	Funds Transfer - Well 1 Generator Project - SDC	2,002.88	342,867.95
Deposit	11/02/2023		Deposit	Deposit	405.09	343,273.04
Deposit	11/02/2023		Deposit	Deposit	2,228.76	345,501.80
Check	11/03/2023	ACH	COMCAST CABLE	Monthly Service 10/22/23-11/21/23	-650.84	344,850.96
Deposit	11/03/2023		Deposit	Deposit	1,210.10	346,061.06
Deposit	11/05/2023		Deposit	Deposit	136.93	346,197.99
Check	11/06/2023	ACH	WATER ENVIRONMENT SERVICES	18810 Hill Top Rd Surface Water 10/1/23-11/1/23	-15.60	346,182.39
Check	11/06/2023	ACH	VANCO Payment Solutions	Monthly Service Fee October 2023	-58.00	346,124.39
Deposit	11/06/2023		Deposit	Deposit	195.49	346,319.88
Deposit	11/06/2023		Deposit	Deposit	3,470.09	349,789.97
Deposit	11/06/2023		Deposit	Deposit	1,330.49	351,120.46
Deposit	11/07/2023		Deposit	Deposit	186.02	351,306.48
Check	11/07/2023	ACH	Streamline Website	Website Fee 11/1/23-12/1/23	-126.00	351,180.48
Deposit	11/07/2023		Deposit	Deposit	1,591.65	352,772.13
Deposit	11/07/2023		Deposit	Deposit	687.67	353,459.80
Deposit	11/08/2023		Deposit	Deposit	933.18	354,392.98
Deposit	11/08/2023		Deposit	Deposit	4,825.08	359,218.06
Deposit	11/08/2023		Deposit	Deposit	1,174.81	360,392.87
Deposit	11/08/2023		Deposit	Deposit	100.00	360,492.87
Deposit	11/09/2023		Deposit	Deposit	2,082.62	362,575.49
General Journal	11/09/2023	CC	Customer Refund	Customer Refund	50.00	362,625.49
Deposit	11/10/2023		Deposit	Deposit	81,108.69	443,734.18
Deposit	11/10/2023		D	Deposit	29,027.54	472,761.72
General Journal	11/10/2023	jc	Customer Deposit	Customer Deposit	-50.00	472,711.72
Deposit	11/10/2023		Deposit	Deposit	4,488.92	477,200.64

RIVERGROVE WATER DISTRICT

Check Register

November 1-30, 2023

General Journal	11/10/2023	CC	Customer Chargeback	Customer Chargeback	-178.35	477,022.29
Check	11/13/2023	ACH	VERIZON WIRELESS	Monthly Service 10/2/23-11/1/23	-390.03	476,632.26
Deposit	11/13/2023		Deposit	Deposit	4,763.50	481,395.76
Deposit	11/13/2023		Deposit	Deposit	52.75	481,448.51
Deposit	11/13/2023		Deposit	Deposit	1,065.51	482,514.02
Deposit	11/13/2023		Deposit	Deposit	336.39	482,850.41
General Journal	11/13/2023	jc	Customer Refund	Customer Refund	50.00	482,900.41
Check	11/13/2023	ACH	PAYCHEX	Payroll 10/29/23-11/11/23	-75.43	482,824.98
General Journal	11/13/2023	jc	Customer Chargeback	Customer Chargeback	-111.31	482,713.67
General Journal	11/13/2023	jc	Customer Chargeback	Customer Chargeback	-136.93	482,576.74
General Journal	11/13/2023	PR 11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	-454.68	482,122.06
General Journal	11/13/2023	PR 11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	-234.06	481,888.00
General Journal	11/13/2023	PR 11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	Deferred Comp Payroll - 10/29/23-11/11/23	-311.04	481,576.96
General Journal	11/13/2023	PR 11/11/23	Payroll - 10/29/23-11/11/23	Payroll - 10/29/23-11/11/23	-7,302.50	474,274.46
General Journal	11/13/2023	PR 11/11/23	Payroll - 10/29/23-11/11/23	Payroll - 10/29/23-11/11/23	-3,695.60	470,578.86
Deposit	11/14/2023		Deposit	Deposit	5,726.39	476,305.25
Check	11/14/2023	ACH	KAISER FOUNDATION HEALTH PLAN	Monthly Health Premium 12/1/23-12/31/23	-2,681.80	473,623.45
General Journal	11/14/2023	jc	Customer Deposit	Customer Deposit	-50.00	473,573.45
General Journal	11/14/2023	jc	Customer Chargeback	Customer Chargeback	-297.97	473,275.48
Deposit	11/14/2023		Deposit	Deposit	669.22	473,944.70
Deposit	11/15/2023		Deposit	Deposit	2,229.35	476,174.05
Check	11/15/2023		Deposit	Service Charge	-103.71	476,070.34
Deposit	11/16/2023		Deposit	Deposit	1,383.62	477,453.96
Deposit	11/16/2023		Deposit	Deposit	446.52	477,900.48
Deposit	11/17/2023		Deposit	Deposit	914.36	478,814.84
Deposit	11/17/2023		Deposit	Deposit	7.25	478,822.09
Deposit	11/17/2023		Deposit	Deposit	239.01	479,061.10
Check	11/20/2023	9947	Control Systems NW, LLC	SCADA and Integrator Services	-90.20	478,970.90
Check	11/20/2023	9948	Business Oregon	Loan S09008 (Wells Improvement) Payment	-53,414.26	425,556.64
Check	11/20/2023	9949	Business Oregon	Loan S17031 (Reservoir 3) Payment	-133,018.57	292,538.07
Check	11/20/2023	9950	PACIFIC OFFICE AUTOMATION INC	Security Upgrades (Baracuda, Sentinel)	-128.25	292,409.82
Check	11/20/2023	9951	Special Districts Association	2024 SDAO Membership Dues	-817.00	291,592.82
Check	11/20/2023	9952	PGE	Monthly Electric Fees 10/2/23-10/31/23	-3,101.81	288,491.01
Check	11/20/2023	9953	SOUND TELECOM	Answering Service Monthly Fee 11/1/23-11/30/23	-229.83	288,261.18

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 Accrual Basis

RIVERGROVE WATER DISTRICT

Check Register

November 1-30, 2023

Check	11/20/2023	9954	THOMAS GREGOIRE	Utilities for Office	-11.94	288,249.24
Check	11/20/2023	9956	Customer Refund	Customer Refund	-24.86	288,224.38
Check	11/20/2023	9957	Customer Refund	Customer Refund	-34.41	288,189.97
Check	11/20/2023	9958	Cable Huston, LLP	General Services Invoice 133772	-2,022.50	286,167.47
Check	11/20/2023	9959	River Grove, LLC	Rent - December 2023	-1,401.83	284,765.64
Check	11/20/2023	9960	PACIFIC POWER GROUP	Well 2 Annual Preventive Maint	-1,978.00	282,787.64
Check	11/20/2023	9961	ONE CALL CONCEPTS, INC.	Monthly Service October 2023	-58.80	282,728.84
Check	11/20/2023	9962	OHA Cashier	WD 2 Certification	-140.00	282,588.84
Check	11/20/2023	9963	OHA Cashier	Cross Connection Specialist Certification	-195.00	282,393.84
Deposit	11/20/2023		Deposit	Deposit	2,006.54	284,400.38
Check	11/20/2023	ACH	Banner Bank (MASTERCARD)	Act 6660 Casey - Monthly Charges 10/9/23-11/8/23	-1,001.37	283,399.01
Check	11/20/2023	9964	CONTINENTAL UTILITY SOLUTIONS, INC	ACH Activation Fee	-6.00	283,393.01
Check	11/20/2023	9965	River Grove, LLC	Office Utilities - October 2023	-72.00	283,321.01
Deposit	11/20/2023		Deposit	Deposit	226.38	283,547.39
Deposit	11/20/2023		Deposit	Deposit	173.89	283,721.28
Deposit	11/20/2023		Deposit	Deposit	1,009.91	284,731.19
General Journal	11/20/2023	jc	Customer Refund	Customer Refund	50.00	284,781.19
Check	11/20/2023	9966	Customer Refund	Customer Refund	-7.26	284,773.93
Check	11/20/2023	9967	Pamplin Media Group	Legal Notices Ad ID: 307836 & Ad ID: 308280	-61.88	284,712.05
Check	11/20/2023	ACH	PGE	Monthly Electric Fees 10/2/23-10/31/23	-3,101.81	281,610.24
Check	11/21/2023	ACH	PACIFIC OFFICE AUTOMATION INC	Copier Service 10/21/23-11/20/23	-297.00	281,313.24
Deposit	11/21/2023		Deposit	Deposit	71.41	281,384.65
Deposit	11/21/2023		Deposit	Deposit	790.84	282,175.49
Deposit	11/21/2023		Deposit	Deposit	461.44	282,636.93
Deposit	11/22/2023		Deposit	Deposit	1,403.46	284,040.39
General Journal	11/22/2023	jc	Customer Refund	Customer Refund	50.00	284,090.39
Deposit	11/22/2023		Deposit	Deposit	247.00	284,337.39
Deposit	11/23/2023		Deposit	Deposit	97.03	284,434.42
Deposit	11/27/2023		Deposit	Deposit	287.26	284,721.68
Deposit	11/27/2023		Deposit	Deposit	420.15	285,141.83
Deposit	11/27/2023		Deposit	Deposit	289.59	285,431.42
Check	11/27/2023	ACH	CHEVRON AND TEXACO CARD SERVICES	Monthly Fuel Charges 10/25/23-11/23/23	-134.58	285,296.84
Deposit	11/27/2023		Deposit	Deposit	584.96	285,881.80
Deposit	11/27/2023		Deposit	Deposit	35.00	285,916.80

RIVERGROVE WATER DISTRICT

Check Register

November 1-30, 2023

Deposit	11/27/2023		Deposit	74.71	285,991.51
General Journal	11/27/2023	PR 11/25/23	Payroll - 11/12/23-11/25/23	-7,171.18	278,820.33
General Journal	11/27/2023	PR 11/25/23	Payroll - 11/12/23-11/25/23	-3,685.79	275,134.54
General Journal	11/27/2023	PR 11/25/23	Deferred Comp Payroll - 11/12/23-11/25/23	-434.11	274,700.43
General Journal	11/27/2023	PR 11/25/23	Deferred Comp Payroll - 11/12/23-11/25/23	-225.60	274,474.83
General Journal	11/27/2023	PR 11/25/23	Deferred Comp Payroll - 11/12/23-11/25/23	-311.04	274,163.79
Deposit	11/28/2023		Deposit	644.42	274,808.21
Deposit	11/28/2023		Deposit	774.21	275,582.42
General Journal	11/28/2023	jc	Deposit Test	0.05	275,582.47
Deposit	11/29/2023		Deposit	579.44	276,161.91
Deposit	11/29/2023		Deosit	156.48	276,318.39
Check	11/30/2023	ACH	PAYCHEX	-75.43	276,242.96
Deposit	11/30/2023		Deposit	722.76	276,965.72
Deposit	11/30/2023		Deposit	223.01	277,188.73
General Journal	11/30/2023	jc	Deposit Withdrawl Test	-0.05	277,188.68
				<u>-46,752.36</u>	<u>277,188.68</u>
				<u>-46,752.36</u>	<u>277,188.68</u>

RIVERGROVE WATER DISTRICT
Revenue & Expense Budget vs. Actual
 July 2023 through June 2024

	<u>Jul '23 - Jun 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
4000 · Income				
4005 · Water Sales & Charges	582,246.88	1,100,000.00	-517,753.12	52.93%
4010 · Water Deposit Fee	2,800.00	5,000.00	-2,200.00	56.0%
4015 · New Service Fee	100.00	200.00	-100.00	50.0%
4020 · Installation Fee	1,100.00	2,000.00	-900.00	55.0%
4024 · Pre-Application Meeting Fee	1,000.00	1,000.00	0.00	100.0%
4026 · Development Security Deposit	10,938.20	6,000.00	4,938.20	182.3%
4030 · Delinquent & Restoration Fee	9,398.95	12,000.00	-2,601.05	78.33%
4035 · SDC Chgs-SDC Restricted CI Fund	21,996.00	10,000.00	11,996.00	219.96%
4056 · Bank Interest/LGIP Interest				
4058 · Banner - Water Dep Interest Ear	1,108.94	900.00	208.94	123.22%
4059 · LGIP - Non Restrict Int Earn	7,218.00	3,500.00	3,718.00	206.23%
4064 · SDC Interest-LGIP CI Fund	8,272.20	10,000.00	-1,727.80	82.72%
4065 · CI Interest -LGIP CI Fund	15,729.58	12,000.00	3,729.58	131.08%
4066 · LGIP-Int Earn Unemployment Fund	699.00	500.00	199.00	139.8%
4067 · LGIP-Int Earn Truck&Equip Fund	620.99	600.00	20.99	103.5%
Total 4056 · Bank Interest/LGIP Interest	<u>33,648.71</u>	<u>27,500.00</u>	<u>6,148.71</u>	<u>122.36%</u>
4090 · Miscellaneous Income	5,781.64	1,000.00	4,781.64	578.16%
Total 4000 · Income	<u>669,010.38</u>	<u>1,164,700.00</u>	<u>-495,689.62</u>	<u>57.44%</u>
Total Income	<u>669,010.38</u>	<u>1,164,700.00</u>	<u>-495,689.62</u>	<u>57.44%</u>
Gross Income	<u>669,010.38</u>	<u>1,164,700.00</u>	<u>-495,689.62</u>	<u>57.44%</u>
Expense				
5000 · Personnel Services				
5001 · Compensation				
5020 · Administrative Wages	60,614.60	145,000.00	-84,385.40	41.8%
5040 · Operator Wages	47,315.79	135,000.00	-87,684.21	35.05%
5090 · Deferred Compensation	8,164.23	28,000.00	-19,835.77	29.16%
Total 5001 · Compensation	<u>116,094.62</u>	<u>308,000.00</u>	<u>-191,905.38</u>	<u>37.69%</u>
5100 · Payroll Tax Expense	23,403.45	35,000.00	-11,596.55	66.87%
5200 · Payroll Benefits				
5210 · Workers' Compensation	2,060.36	4,000.00	-1,939.64	51.51%
5220 · Health Benefits	15,611.27	92,000.00	-76,388.73	16.97%
5235 · Employee Recognition	0.00	1,000.00	-1,000.00	0.0%
5240 · Wellness Benefit	0.00	600.00	-600.00	0.0%
Total 5200 · Payroll Benefits	<u>17,671.63</u>	<u>97,600.00</u>	<u>-79,928.37</u>	<u>18.11%</u>
Total 5000 · Personnel Services	<u>157,169.70</u>	<u>440,600.00</u>	<u>-283,430.30</u>	<u>35.67%</u>
6000 · Material Services				
6001 · Administration/Billing/Overhead				
6005 · Property/Liability Insurance	0.00	30,000.00	-30,000.00	0.0%
6006 · Furn & Office Equipment - Admin	0.00	3,400.00	-3,400.00	0.0%
6007 · Bank Service Charges				
6008 · Banner - Check Bank Charges	815.35	1,250.00	-434.65	65.23%

RIVERGROVE WATER DISTRICT

Revenue & Expense Budget vs. Actual

July 2023 through June 2024

	Jul '23 - Jun 24	Budget	\$ Over Budget	% of Budget
6010 · Vanco Service Charges	369.50	1,250.00	-880.50	29.56%
6012 · LGIP-SDC Ser Charges-CI Fund	0.00	1.00	-1.00	0.0%
6013 · LGIP-CI Ser Chg-CI Fund	0.30	1.00	-0.70	30.0%
Total 6007 · Bank Service Charges	1,185.15	2,502.00	-1,316.85	47.37%
6018 · Meeting/Food Expense	36.18	1,000.00	-963.82	3.62%
6019 · Office Supplies, Equip, Repair	109.95	2,000.00	-1,890.05	5.5%
6020 · Postage & Shipping	27.86	1,800.00	-1,772.14	1.55%
6025 · Printing & Duplicating	274.00	1,500.00	-1,226.00	18.27%
6030 · Publications & Elections	73.61	2,000.00	-1,926.39	3.68%
6035 · Rent	7,081.15	18,000.00	-10,918.85	39.34%
6045 · Telephone - Admin	5,279.23	12,000.00	-6,720.77	43.99%
6050 · Mileage Expenses	0.00	600.00	-600.00	0.0%
6060 · Continued Education	458.00	5,000.00	-4,542.00	9.16%
6065 · Dues & Subscriptions	4,319.20	6,000.00	-1,680.80	71.99%
6070 · Fees, License, & Permits	1,706.00	7,500.00	-5,794.00	22.75%
6075 · Water Deposit Refunds	1,776.77	5,000.00	-3,223.23	35.54%
6080 · Water Sales Overpay	263.48	1,500.00	-1,236.52	17.57%
6090 · Meter Reading	2,462.63	6,000.00	-3,537.37	41.04%
6095 · Utilities/Office	589.41	2,500.00	-1,910.59	23.58%
6096 · Development Review Deposit Ref	0.00	10,000.00	-10,000.00	0.0%
6099 · Contracted Services - Admin				
6099-0 · Billing	2,349.81	7,500.00	-5,150.19	31.33%
6099-1 · Copier IT	2,259.16	15,000.00	-12,740.84	15.06%
6099-2 · Personnel	0.00	5,000.00	-5,000.00	0.0%
6099-3 · Website	630.00	1,800.00	-1,170.00	35.0%
Total 6099 · Contracted Services - Admin	5,238.97	29,300.00	-24,061.03	17.88%
Total 6001 · Administration/Billing/Overhead	30,881.59	147,602.00	-116,720.41	20.92%
6101 · Operation & Maintenance				
6100 · General Repair & Maintenance	11,880.72	40,000.00	-28,119.28	29.7%
6105 · Utilities	24,292.67	45,000.00	-20,707.33	53.98%
6110 · Small Tools & Equipment	6,795.45	2,500.00	4,295.45	271.82%
6120 · Water Testing	675.00	4,000.00	-3,325.00	16.88%
6125 · Truck Maintenance	806.79	3,000.00	-2,193.21	26.89%
6130 · Gas & Oil	1,347.79	3,500.00	-2,152.21	38.51%
6135 · Telemetry/Scada	4,993.70	10,000.00	-5,006.30	49.94%
6155 · Chemicals	475.00	4,200.00	-3,725.00	11.31%
6160 · Contracted Services-Operations	3,171.43	15,000.00	-11,828.57	21.14%
6165 · PPE/Safety Equipment	120.49	2,000.00	-1,879.51	6.03%
6170 · Mobile Radio Phone/Pager Operat	1,949.59	5,000.00	-3,050.41	38.99%
6185 · Operations -Computer/Equipment	0.00	1,000.00	-1,000.00	0.0%
6190 · Cross Connect Program Supplies	0.00	500.00	-500.00	0.0%
6195 · Meters	2,226.68	5,000.00	-2,773.32	44.53%
Total 6101 · Operation & Maintenance	58,735.31	140,700.00	-81,964.69	41.75%
6202 · Professional Services				

RIVERGROVE WATER DISTRICT
Revenue & Expense Budget vs. Actual
 July 2023 through June 2024

	<u>Jul '23 - Jun 24</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
6208 · Auditor	6,625.00	8,000.00	-1,375.00	82.81%
6209 · Consultants	0.00	4,000.00	-4,000.00	0.0%
6210 · Engineering (Non-Reimbursable)	12,857.75	150,000.00	-137,142.25	8.57%
6215 · Legal Fees (Non-Reimbursable)	6,692.50	15,000.00	-8,307.50	44.62%
Total 6202 · Professional Services	<u>26,175.25</u>	<u>177,000.00</u>	<u>-150,824.75</u>	<u>14.79%</u>
Total 6000 · Material Services	115,792.15	465,302.00	-349,509.85	24.89%
7000 · Operating Capital Outlay				
7010 · Tool/Equip/Vehicles/Safety-CO	0.00	5,000.00	-5,000.00	0.0%
7020 · Source of Supply, Pumping-CO	42,878.82			
7040 · Fire Protection & Fire Flows-CO	0.00	35,000.00	-35,000.00	0.0%
Total 7000 · Operating Capital Outlay	<u>42,878.82</u>	<u>40,000.00</u>	<u>2,878.82</u>	<u>107.2%</u>
8000 · Debt Recov./Capital Improvement				
8451 · CI-Standby Power CI Fund	97,217.23	0.00	97,217.23	100.0%
8454 · SDWL#1 Install Pmt CI-CI Fund	13,352.00	15,361.00	-2,009.00	86.92%
8455 · SDWL #2 Install Pmt CI-CI Fund	14,500.00	61,945.00	-47,445.00	23.41%
8457 · CI Dist.Main Projects	0.00	300,000.00	-300,000.00	0.0%
8461 · SDC -Standby Power-CI Fund	11,893.02	0.00	11,893.02	100.0%
8464 · SDWL#1 Install Pmt SDC-CIF	40,062.26	38,054.00	2,008.26	105.28%
8465 · SDWL #2 Install Pmt SDC-CIF	118,518.57	71,073.00	47,445.57	166.76%
8467 · Water Main Replacement Projects	0.00	32,700.00	-32,700.00	0.0%
Total 8000 · Debt Recov./Capital Improvement	<u>295,543.08</u>	<u>519,133.00</u>	<u>-223,589.92</u>	<u>56.93%</u>
Total Expense	<u>611,383.75</u>	<u>1,465,035.00</u>	<u>-853,651.25</u>	<u>41.73%</u>
Net Ordinary Income	57,626.63	-300,335.00	357,961.63	-19.19%
Other Income/Expense				
Other Income				
9100 · Other Income				
9115 · Transfer In - Capital Improve	0.00	200,000.00	-200,000.00	0.0%
9120 · Transfer In - Unemployment	0.00	3,000.00	-3,000.00	0.0%
9125 · Transfer In - Truck & Equipment	0.00	5,000.00	-5,000.00	0.0%
Total 9100 · Other Income	<u>0.00</u>	<u>208,000.00</u>	<u>-208,000.00</u>	<u>0.0%</u>
Total Other Income	<u>0.00</u>	<u>208,000.00</u>	<u>-208,000.00</u>	<u>0.0%</u>
Net Other Income	<u>0.00</u>	<u>208,000.00</u>	<u>-208,000.00</u>	<u>0.0%</u>
Net Income	<u>57,626.63</u>	<u>-92,335.00</u>	<u>149,961.63</u>	<u>-62.41%</u>

UNFINISHED BUSINESS



Rivergrove Water District
WATER SERVICE ORDINANCE NO. 23-01

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Rivergrove Water District
WATER SERVICE ORDINANCE NO. 23-01

THIS ORDINANCE ESTABLISHES REGULATIONS FOR THE DISTRICT WATER SYSTEM, AUTHORIZES WATER SERVICE FEES AND CHARGES, ADOPTS MEASURES FOR THE COLLECTION OF FEES AND OTHER MATTERS PERTAINING THERETO, AND REPEALS ORDINANCE NO. 19-01. THE RIVERGROVE WATER DISTRICT ORDAINS AS FOLLOWS:

Section 1. PURPOSE.

- (1) The District is a municipal corporation organized as a domestic water supply district under Oregon Revised Statutes (ORS) Chapter 264, whose primary purpose is to supply potable water within the confines of the District or without, in the manner approved by the Board, and in accordance with applicable law.
- (2) The purpose of this Ordinance is to authorize charges, rates, and fees for the use of the District's water system, to regulate the use of District water, to regulate the construction, maintenance, and operation of the System, to provide for discontinuance of service, to regulate connections to the System, and to provide for collection of charges.
- (3) The District finds the operation and maintenance of the System and a portion of the costs of construction of the System should be funded through water service and Usage Charges imposed against those Persons and activities using or receiving service from the System.
- (4) This Ordinance imposes charges for use of the System and for services of all kinds provided by the District rather than levy taxes upon property.
- (5) This Ordinance authorizes a Cross Connection and Backflow Prevention Program designed to provide maximum protection of the District's public water supply from the possibility of Contamination or pollution by isolating, within a Customer's internal distribution system(s) or a Customer's water line, such contaminants or pollutants that could Backflow into the public water System.
- (6) The District has authority to adopt this Ordinance pursuant to ORS Chapter 264.
- (7) Nothing in this Ordinance shall be interpreted to conflict with ORS Chapter 264. In the case of conflict, ORS Chapter 264 governs.
- (8) This Ordinance shall be known and may be cited as the "Water Service Ordinance."

Section 2. DEFINITIONS.¹

- (1) "**Active Account**" means an open account with current Water Service Charge, Usage Charge, and Deposit Charge assessed.
- (2) "**Appurtenance to the Distribution System**" means any additional plumbing and/or Backflow Prevention Assembly added to the Service Connection in order to comply with ordinance regulations.

¹ All definitions specified here are Capitalized within the document.

- (3) **“Auxiliary Water Supply”** means any supply of water used to augment the public water supply which serves the Premises in question.
- (4) **“Backflow”** means the flow in the direction opposite to the normal flow of water or the introduction of other liquids, mixtures, or substances into the distributing pipes of the District’s Potable Water Supply. Backflow is caused by back siphonage or backpressure.
- (5) **“Backflow Prevention Assembly”** means an assembly designed to prevent Backflow, including but not limited to the following: **“Double Check Valve Backflow Prevention Assembly”** or **“Double Check Assembly”** or **“Double Check”** or **“DCA”** consisting of two independent operating check valves, which are spring-loaded or weighted. The assembly comes complete with a shutoff valve on each side of the checks as well as test cocks to test the checks for tightness.
- (a) **“Double Check-Detector Backflow Prevention Assembly (DCDA)”** means a specially designed assembly composed of a line size approved Double Check Assembly with a bypass containing a specific water Meter and an approved Double Check Assembly.
- (b) **“Reduced Pressure Backflow Prevention Assembly”** or **“RP Assembly”** or **“RPBA”** means an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve.
- (6) **“Board”** means the Board of Commissioners of the District, the District’s governing body.
- (7) **“Bulk Water Service”** means the limited duration use of water supplied from a fire hydrant pursuant to a Bulk Water Service permit issued by the District.
- (8) **“Construction Standards, Specifications, and Details”** means published documents that define the common specifications, methods, and procedures that shall be used for all development and construction within the District.
- (9) **“Contamination”** means the entry into or presence of any physical, chemical, biological, or radiological substance or matter which may create a Health Hazard in the District’s water supply System.
- (10) **“Cross Connection”** means a point in the Customer’s plumbing or District System where the public Potable Water Supply is connected to directly or has the potential of being connected to a non-potable substance.
- (11) **“Cross Connection and Backflow Prevention Program”** means the administrative and technical procedures the District implements to protect the District System from Contamination via Cross Connection as required by OAR 333-061-0070.
- (12) **“Cross Connection and Backflow Prevention Program Director”** means the Board-authorized employee or agent in charge of the cross-connection program.
- (13) **“Curb Stop”** means the valve owned by the District that controls water running from the District’s Distribution Main to the Meter.
- (14) **“Customer”** means any Person provided water by the District.
- (15) **“Customer’s Water Line”** means the pipe, valves, and fittings leading from the water Meter into and including the Premises served.

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- (16) **“Degree of Hazard”** means either pollution (Non-Health Hazard) or Contamination (Health Hazard) and is determined by an evaluation of hazardous conditions within the System.
- (17) **“Deposit Charge”** means the charge assessed to a Customer with an Active Account.
- (18) **“Developer”** means the owner, contractor, or company responsible for transforming a particular Premises.
- (19) **“Discontinuance”** is the term to describe when a District Customer voluntarily ends service or a temporary transfer of service between property owners and tenants, and where the Customer’s account is closed, and a final bill is sent as described in Section 9.
- (20) **“Distribution Main”** means the pipe in the street, alley, right-of-way, or easement owned and maintained by the District for the purpose of distributing water to Customers and servicing fire hydrants.
- (21) **“District”** means Rivergrove Water District.
- (22) **“Fee in Lieu of Performance”** means a lump sum payment in the amount of a projected cost, which is certified by a registered engineer and approved by the District’s engineer, that a developer would pay for the costs of Distribution Main extensions, upgrades, and water facilities required as a condition of approval of development.
- (23) **“Health Hazard” (Contamination)** means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.
- (24) **“Meter”** means a device owned by the District and used for measuring the flow of water to a particular Premises.
- (25) **“Meter Box”** means an in-ground enclosure owned by the District which houses the Meter.
- (26) **“Non-Health Hazard” (Pollution)** means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water, for example taste and odor, for potable use.
- (27) **“Person”** means and includes any natural person, firm, partnership, association, or corporation.
- (28) **“Point of Use”** means the point at which the actual or potential Cross Connection exists.
- (29) **“Point of Use Isolation”** means the appropriate Backflow prevention in the Customer’s Water Line at which the actual or potential Cross Connection exists.
- (30) **“Potable Water Supply”** means water supplied by the District intended for human consumption and other domestic use.
- (31) **“Premises”** means any building, structure, improvement, or parcel of land, which may now or at some future time receive water service from the District.
- (32) **“Service Connection”** means the piping connection by means of which water is conveyed from a Distribution Main to the Customer’s property line or to the service Meter.
- (33) **“Shut Off”** means suspension of water service pending payment of delinquent charges or compliance with District regulations.
- (34) **“System”** means all or any part of the water system owned and operated by the District and includes but is not limited to all reservoirs, wells, pumping stations, treatment plants, transmission

and Distribution Mains, lateral lines, service lines, Service Connections, Meters, Meter Boxes, fire hydrants, and all related water system facilities and appurtenances.

(35) **“Termination”** means permanent disconnection of water service account.

(36) **“Thermal Expansion”** means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a Backflow Prevention Assembly or other means, and will not allow for expansion beyond that point of installation.

(37) **“Transmission Main”** means the pipe in the street, alley, right-of-way, or easement owned and maintained by the District for the sole purpose of distributing water from District pumping stations and wells to water storage facilities.

(38) **“Usage Charge”** means the charge for the amount of water delivered to the Customer’s Premises.

(39) **“Variance”** means a request to or decision by the Board to vary or alter any requirements of this Ordinance.

(40) **“Vault”** means an enclosure used to protect Meters, valves, or similar devices.

(41) **“Water District General Manager”** means the Person appointed by the Board as the Water District General Manager or the District employee, employees, or agent whom the Water District General Manager may designate to carry out all or portions of the administration of this Ordinance.

(42) **“Water Service Charge”** means the charge assessed to fund the District’s System operation, maintenance, and administration costs, including without limitation, Meter reading, preparing bills, accounting for receipt of payment, maintaining Customer records, and responding to Customer inquiries.

Section 3. SYSTEM OWNERSHIP.

The water System is owned by the District. None of the District’s properties or System facilities may be disposed of without Board approval. Legal title to the entire System is vested in the District and shall be operated only by duly authorized District employees, personnel, contractors, and agents. The District shall at all times have the exclusive jurisdiction, possession, and control of the System.

Section 4. WATER SYSTEM OPERATION.

(1) No Person other than the duly authorized agents of the District or contractors with express written permission from the District shall connect to any main or service of the System or interfere with the operation of any of the System facilities whatsoever. No Person shall be permitted to install, move, change, tamper with, or in any other manner interfere with a Service Connection, water Meter, Curb Stop, or Appurtenances of the District System.

(2) No Person other than an employee or authorized agent of the District shall turn on or off any Meter, Service Connection, Curb Stop, or operate any valves, which are part of the System. Customers shall install a master shut-off valve as close to the Meter location as practical, the operation of which will control the entire water supply to the Customer from the service. Operation by any Customer of the Curb Stop is prohibited. In the event a Customer damages a Curb Stop, the

Customer shall be liable to the District for the associated reasonable expenses incurred for repair of the Curb Stop.

(3) No Persons other than duly authorized District agents or contractors and members of regularly constituted fire departments shall operate fire hydrants. The fire department shall be permitted to connect and use fire hydrants for the express purpose of fighting fires or testing in accordance with such procedures as the District shall establish.

Section 5. RESPONSIBILITY AND LIABILITY OF THE DISTRICT.

(1) ORS Chapter 264 sets forth the Domestic Water Supply District statutes. These statutes set forth all District responsibilities and liabilities. This Ordinance may limit the non-mandatory responsibilities authorized under Chapter 264.

(2) The District shall operate, maintain, and repair the System so as to keep it in good repair and operative condition at all times insofar as practical and reasonable, and in accordance with budgeting restrictions.

(3) The District shall not be liable for damages due to interruptions of water service or variations in water pressure.

(4) By making application for water service or by using water service supplied by the District, every Customer shall be deemed to grant to the District, its duly authorized agents, and its employees, the right to enter upon the concerned Premises to which water is furnished at all reasonable times for the purposes of inspection for compliance with this Ordinance and for Meter reading.

Section 6. USE OF WATER.

(1) The District shall furnish water for all statutorily authorized purposes consistent with its water rights and the reasonable capacity of its System.

(2) The Board may, by resolution, institute a program of water rationing or conservation. Such program may consist of limitations on the use of water as to hours, purpose, or manner. The District shall give preference to uses determined to be in the best interests of public health, welfare or necessity, and highest priority to household use which shall not include irrigation of lawns or fields.

(3) Customers may use water only in compliance with District rules, regulations, ordinances, and state law. Prohibited conduct is set forth in Section 32.

Section 7. FURNISHING WATER.

(1) The District shall not be obligated to furnish and install System facilities for all properties and Premises within the District. The District shall, so far as reasonable and practicable and within its financial means, provide adequate source of supply, necessary Transmission Mains, Distribution Mains, storage facilities, and other improvements to make water service generally available to all areas within the District which are consistent with the District's Capital Improvement Plan.

(2) The cost to replace Transmission Mains and Distribution Mains that are included in the District's adopted System Development Charge ("SDC") Capital Improvement Plan shall be paid from funds in the District's SDC account. Pursuant to Section 24 of this Ordinance, such mains not in the Capital Improvement Plan shall be replaced and upgraded by adjacent property owners or

developers at their cost at the time of development or redevelopment of a property for which the developer seeks water service.

Section 8. WATER SERVICE APPLICATION AND CONNECTION.

- (1) A prospective Customer, defined as a person who has not had service at the Premises or where service was terminated, shall apply for District water service using District application forms.
- (2) For billing purposes, the District may presume the owner of property is the applicant. Except as otherwise provided, water service or Usage Charges shall be mailed to the Customer at the address of the Premises where water service is furnished. The District may also mail a separate bill to the owner of leased Premises if such request is submitted in writing.
- (3) Application for new water service to developing or redeveloping properties shall be provided at or after a pre-application conference is scheduled and held between the applicant and the District staff, at which the application and connection requirements and conditions will be identified and discussed with the applicant. No water service will be provided until the District approves the application, all conditions of approval have been met, and all outstanding charges have been paid to the District.
- (4) New and existing water service Customers shall provide the following information to the District:
 - (a) The name of all prospective Customers, and, if applicable, the owner;
 - (b) The location of the Premises for which the service is requested;
 - (c) Requested date for the initiation of water service;
 - (d) The address to which all bills shall be sent;
 - (e) For property transactions, the date of close of escrow;
 - (f) Whether the prospective Customer(s) is (are) the owner or tenant of the Premises;
 - (g) The landlord's name, address, telephone number, and signature;
 - (h) Applicant's contact information to include email, address, and home, cellular, and work telephone numbers. With the approval of the Water District General Manager, alternative contact information may be provided by the applicant; and
 - (i) Minimum emergency contact information for the applicant's water account including the Person's name, phone, email, address, and relationship to the Customer.
- (5) To complete the application process, the applicant shall execute a Customer Service Agreement and provide all information identified in Section 8, (4) and commit to abide by all rules, regulations, and ordinances of the District and such other terms as the District may determine necessary. It is the responsibility of the Customer to keep Customer information current.
- (6) An applicant for new water service must pay all applicable deposits and fees before the District will commence water service. These fees may include but are not limited to those set forth in Section 28.
 - (a) At the time a written application is made for water service, applicant shall pay to the District a fee sufficient to cover the cost of the installation in accordance with schedules established by the District. After such installation is made, the facilities shall be the property of the District.
 - (b) The District requires new water service applicants to deposit such sum of money as the District determines necessary to guarantee payment of charges for water service to the

Premises of the prospective Customer. Such deposit, less deduction for unpaid Water Service Charges and water Usage Charges, will be repaid to the depositor without interest upon Discontinuance or Termination of service. Deposits made to the District for new accounts shall be classified as restricted monies and kept separate from other District funds.

- (7) The District shall keep Customer identifying information confidential to the extent required by the Oregon Public Records Law and other applicable state and federal law.
- (8) All water service accounts shall be in the names of all adult occupants of the Premises. Two or more Persons who apply for one water service account shall be jointly and severally liable for all applicable charges. Where the address of each Person is indicated as the same, separate bills need not be sent.
- (9) The District may Shut Off water service if service to the Premises is turned on without first completing the District application process and paying all required fees. In addition to other remedies provided by these regulations, before service is restored following Shut Off pursuant to this section, the Customer shall pay double the applicable rate for the quantity of water consumed as determined by the District.
- (10) Where service to Premises is provided, charges imposed and billed, and such charges have remained unpaid and the account has become delinquent, in addition to other remedies provided by this Ordinance and state law, the District may require the following as a condition of providing future water service to that Premises:
 - (a) For leased Premises where the tenant's account has become delinquent and the tenant vacates the Premises without satisfying Water Service Charges previously incurred, before the Premises are provided future water service, the owner shall satisfy the outstanding Water Service Charges and Usage Charges or submit a joint application with the future tenant and shall be jointly and severally liable for all applicable charges.
 - (b) The District may refuse to provide service to any Premises where the Person to whom service has been provided has failed to pay previously imposed Water Service Charges and Usage Charges until such unpaid charges are paid in full.
- (11) If a Premises does not have a Meter, the District must install the equipment before commencing water service. The Customer shall be responsible for the payment of related Installation Fees set forth in Section 28 of this Ordinance.

Section 9. DISCONTINUANCE OF SERVICE BY CUSTOMER.

- (1) Customers of property connected to the water System may discontinue further water service pursuant to this section. If notice of Discontinuance is not given as provided in this Section, the Customer shall remain liable for all Water Service Charges to the served Premises.
- (2) A Customer discontinuing service shall notify the District at least 72 hours prior to Discontinuance with the following information: the Customer's name, the date of Discontinuance, the name of the property owner, the name of the new occupant of such Premises, if known, and a forwarding address for the final bill. If the Customer does not notify the District of their Discontinuance and moves from the Premises, that Customer will remain liable for any Water Services Charges and Water Usage Charges until notification is received.
- (3) The District will make a final Meter reading on the date of Discontinuance in accordance with posted business hours.

(4) The District will temporarily suspend water deliveries to the Premises at a Customer's request (for example in case of extended absence from the property). However, temporary suspension of Water Service Charges by a Customer is not permitted. Water Service Charges will be billed and shall be paid by the Customer in order to remain on regular service. If the charges are not paid, water service will be Shut Off or terminated, as appropriate, consistent with Section 10 and Section 11 of this Ordinance.

(5) Rental property owners shall be responsible for monthly Water Service Charges, Water Usage Charges, and Deposit Charges during any period when the property is vacant and those charges are not otherwise paid by the Customer or tenant discontinuing service.

Section 10. DELINQUENCIES AND SUBSEQUENT SHUT OFF OF WATER SERVICE BY DISTRICT.

(1) Water Service Charges shall be due and payable on the date of billing and become delinquent if not paid by the 10th of the following month. If a Customer does not make prompt payments of Water Service Charges, the account shall be delinquent and water service to the Customer may be Shut Off in accordance with the procedures set forth in this section. In addition, the District may use any other remedies available to it under Oregon law.

(a) The District shall establish the date and time that water service will be Shut Off and provide written notification to the Customer not less than five (5) business days prior to the date of Shut Off, unless otherwise stated herein. Written notification shall consist of one of the following: a letter, direct delivery of written notice in the form of a door hanger notice, or any other means of communication deemed appropriate by the District.

(2) The written notification provided to Customer under this section shall state the following:

(a) Water service will be Shut Off due to nonpayment of Water Service Charges;

(b) Water service Shut Off may be avoided by paying delinquent charges;

(c) A specific date and time when water service will be Shut Off unless delinquent charges are first paid;

(d) No personal checks will be accepted to pay delinquent charges; delinquent charges must be paid by credit card payments through the District website, money order, or cashier's check in order to avoid Shut Off of water service; and

(e) The Customer should call the District's office at 503-635-6041 if payment has already been made or if they have any questions concerning the water charges.

(3) Water service Shut Off shall not occur less than five (5) business days from the date notification is provided.

(4) The District shall Shut Off water service to Customer and/or Premises for any of the following reasons:

(b) The Customer's account has become delinquent.

(c) The Customer has failed to provide new Customer information, pay the required new account deposit, and return a signed Customer Service Agreement.

(d) The Customer is found in violation of mandatory water rationing or conservation. In this instance, Shut Off will be effective immediately upon written District notification to the Customer.

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- (e) The Customer has failed to complete, sign, and return a water use survey required under Section 23 of this Ordinance.
 - (f) The Customer has failed to conduct a required passing annual test of a Point Of Use Backflow Prevention Assembly.
 - (g) Where after written notification from the District, the Customer has failed to discontinue use of all Cross Connections and to physically separate Cross Connections. In this instance, Shut-Off will be effective immediately upon written District notification to the Customer. This may include direct delivery of written notice in the form of a door hanger notice.
 - (h) The Customer is in violation of any rule, administrative regulation, or ordinance of the District and where the Customer has failed, after five (5) days' written notice, to comply with such rule, regulation, or ordinance.
 - (i) The Premises demand for service is greatly in excess of past average or seasonal use or where excessive demand for such Premises may be detrimental or injurious to the water service furnished to others or results in inadequate service to others.
- (5) Customers contacting the District prior to the Shut Off date can negotiate an appropriate payment arrangement with the District to satisfy all delinquent charges.
- (6) On the District designated date and time for Shut Off, Customer shall be liable to the District for a notification and dispatch fee, and water service shall be Shut Off and remain Shut Off until:
- (a) All Water Service Charges and all applicable fees are paid in full to satisfy the charges and fees due the District.
 - (b) A passing, annual test of a Point Of Use Backflow Prevention Assembly is provided to the District.
- (7) All delinquent Water Service Charges and fees must be paid to the District online, by mail, or in person at the District office. No personal checks will be accepted to pay delinquent charges. Delinquent charges must be paid online by credit card, money order, or cashier's check to avoid Shut Off of water service or to restore water service.
- (8) Where service has been Shut Off involuntarily, the District will only restore service to Premises during posted business hours.
- (9) The failure of the District to Shut Off water service for any reason, including the non-payment of Water Service Charges due, shall not constitute a waiver by the District to take such action in the future or to take other lawful steps to collect amounts owed. It shall also not relieve the owner of the Premises or Customer from the obligation and duty to pay for all such charges, whether or not the owner or Customer has knowledge of any delinquent charges.

Section 11. TERMINATION OF WATER SERVICE BY DISTRICT.

- (1) The District shall Terminate water service to Customers and/or Premises whose accounts have become delinquent, and the account is not brought current within ninety (90) days of Shut Off pursuant to Section 10.
- (2) In addition to any other remedy provided by District ordinance or state law, the District may terminate water service to a Customer for noncompliance with any provision of this Ordinance.

Noncompliance with this Ordinance means failure or refusal to remedy a violation or a repeated violation for which written notice or warning of such violation has been given either by delivery in person, by posting on the property, or by delivery confirmation from the United States Postal Service. If such noncompliance affects matters of health or safety or the security of the System, or other conditions warrant such actions, such as wasteful or improper use of water, the District may Shut Off or terminate water service immediately.

(3) The failure of the District to Terminate water service for any reason, including the non-payment of Water Service Charges due, shall not constitute a waiver by the District to take such action in the future or to take other lawful steps to collect amounts owed. It shall also not relieve the owner of the Premises or Customer from the obligation and duty to pay for all such charges, whether or not the owner or Customer has knowledge of any delinquent charges.

(4) A Terminated water service can be restored to regular service only within the first year following Termination after all Water Service Charges from Termination date and any outstanding previous charges are paid in full. After one year from Termination, water service will only be restored upon the application for and creation of a new account and payment of all applicable deposits and fees including installation and reinstatement fees.

Section 12. REGULAR SERVICE.

Where a Service Connection and Meter have been lawfully installed, regular service shall be provided upon application and payment of all charges. The date of initiation of regular service to a Customer shall be the date of completed installation as determined by the District.

Section 13. EXTRATERRITORIAL WATER SERVICE.

The District does not provide extraterritorial water service to properties outside of the District boundary. Owners of properties outside the District boundary would be required to annex into the District to acquire water service. The District would serve them if water is available with unassisted fire flow (no pumps) which meets required fire flows, and if adequate capacity is available. The annexation would be at the discretion of the Board unless the Board refers the question to the District Customers for a vote.

Section 14. BULK WATER SERVICE.

(1) Where available, a contractor or property owner may request Bulk Water Service through a fire hydrant by means of a hydrant Meter. Operation, use, and water usage tracking of all District hydrants shall be in accordance with bulk water use procedures as the District shall establish.

(2) A Person requesting Bulk Water Service shall pay a permit fee to the District before rental of such Meter. Charges for water furnished through a hydrant Meter shall be established by District resolution.

(3) If a hydrant Meter or other equipment is damaged during the period in which equipment is used, the Customer will reimburse the District the cost of replacement or labor and materials of making necessary repairs. If, in the District's sole discretion, the repair costs are found to exceed the replacement cost, the Customer shall pay the replacement cost only.

(4) Upon Termination of Bulk Water Service, the District's Meter shall be returned to the District. The District shall, without further notice, terminate Bulk Water Service six months (6) after such service is provided unless Customer submits and District approves an extension.

(5) Customers of Bulk Water Service shall do so only pursuant to a valid permit and shall produce or display such permit at any time upon request by District personnel.

Section 15. FIRE PROTECTION SERVICE.

(1) Fire protection facilities, including fire hydrants and stand-by fire protection systems, will be allowed under the following conditions:

(a) Upon written application and payment in advance of the cost of such service to the District, the District may install fire hydrants. The size, location, type, and other factors involved with hydrants shall be governed by District construction standards and Fire Marshal requirements. A letter of approval or approved plans from the Fire Marshal shall be submitted prior to District approval of hydrant plans.

(b) Where a fire hydrant is installed on private property, the installation shall be in conformity with the construction standards of the District.

(c) Any Customer requesting service for a stand-by fire protection system shall furnish and install a service Meter and appropriate Backflow Prevention Assembly approved by the District. Service line and Meter sizes for such systems shall be as recommended by the Customer's engineer and the Fire Marshal, and approved by the District. Charges for stand-by fire protection service shall be adopted by District resolution.

(d) The Service Connection and all equipment appurtenant thereto, including the Meter, shall be the sole property of the District.

(2) The District may relocate fire hydrants at the Customer's written request and expense, subject to approval by the District and Fire Marshal.

(3) The District has no responsibility for loss or damage due to a lack of adequate water supply or water pressure for fire protection.

Section 16. CONTRACTS/SPECIAL SERVICES.

(1) The District's provision of water service, connected as a result of application made and accepted by the District, is a contract by which the Customer(s) agrees to abide by all rules and regulations as are in effect at the time of connection, or as may be adopted or modified thereafter by the Board, and to pay all Water Service Charges in a timely manner.

(2) Whenever a Customer's requirements for water service are unusual, large, or subject to great fluctuation or variation, the District may require the Customer to agree to a special contract and may require reasonable security satisfactory to the District sufficient to protect the District against loss and to guarantee performance under the terms thereof. All special contracts shall be in writing, and signed by the property owner or Customer and the District.

Section 17. INTERRUPTIONS IN SERVICE.

(1) The District from time to time must interrupt Customers' water service for System maintenance and improvement, including repairing and connecting mains, making main extensions, repairing valves, pumps, and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks.

(2) The District shall, whenever feasible to do so, give Customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time. However, failure to give

such notice shall in no manner cause the District to become liable for loss or damage caused by service interruptions such as bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruptions of water supply, business interruptions, or any other damage resulting from the shutting off of water.

(3) It is the policy of the District to provide adequate potable water to its residents. There may be circumstances beyond the District's control, however, including most particularly weather conditions and the effects of natural catastrophe or the actions of others on the District's water supply sources, that make it necessary to reduce the water regularly used by the District's Customers and apportion among the District's Customers a restricted supply of water. In those circumstances, the District will apportion water in a manner that is consistent with the relevant provisions of this Ordinance, determined by the District to be equitable under the circumstances, and considers public health and safety.

Section 18. PRESSURE REGULATION.

(1) Insofar as is reasonably possible, feasible, and economical for the District to do so, the District will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by Customers, Customers may install and maintain pressure regulators within their Premises plumbing.

(2) The District shall not be responsible for damages or difficulties experienced by reason of variations in pressure within the System.

Section 19. LEAKAGE WITHIN PREMISES.

(1) Customer Water Lines shall be installed, maintained, and repaired in accordance with District construction standards, jurisdictional plumbing code requirements, and good engineering practices. Pipes shall be laid no less than 24 inches deep and provided with stop valve and waste drainage; all standpipes or fittings of any kind must be so located, anchored, and installed so as to not interfere with or endanger the District's service Meter. It is the Customer's responsibility to protect their pipes from freezing.

(2) The District shall not be responsible for any damage or injury for leaking or the running of water on the Premises from pipelines, plumbing fixtures, open faucets, valves, fixtures, and hoses beyond the District's service Meters.

Section 20. SERVICE CONNECTIONS.

(1) No Person shall excavate, fill, dig up, cut, or otherwise alter any street, sidewalk, curb, gutter, or do any other such work in order to install a water Service Connection, Meter, or service line, or connect to the System without completing an application, paying applicable fees, and obtaining a permit in writing from the District. An installation permit shall not be issued until the applicant has obtained and supplied the District copies of all necessary road opening, development and/or building permits from applicable jurisdictions.

(2) Service Connections shall be installed in accordance with current District construction standards relating to size, material, and location.

(3) The District may relocate services at the Customer's written request and expense, subject to approval by the District.

- (4) When, in the judgment of District personnel, unusual conditions exist that require extra fittings, Meter Boxes, Vaults, or other safeguards to assure adequate volume and pressure of water to an individual service and/or to minimize repair and maintenance problems inherent in the installation, the District may require the Customer to pay the associated costs at customary District charges in addition to the usual Meter and service installation charges.
- (5) Customers requesting larger than normal Service Connections for additional fixtures, fire protection, or other services that necessitate an expansion of water mains to accommodate increased flow shall be required to pay the cost of improving and upsizing any Distribution Mains needed to supply the required flow.
- (6) Except as authorized by the District, a separate Service Connection and Meter shall be required for each building, residential unit, or structure. Separate residences permitted under hardship provisions are no exception to this rule. For nonresidential uses, separate Service Connections and Meters shall be provided for each structure and or special uses such as landscape irrigation and public parks.
- (7) Service Connections to a building or Premises containing multiple or mixed commercial or industrial uses shall be furnished through the number and sizes of Meters determined by the District. Each case shall be considered separately based upon the water demands of the Customer.
- (8) If a Service Connection to any Premises is terminated by the Customer or by the District, the District may remove the service and/or Meter. Pursuant to Section 11 of this Ordinance, should a Service Connection be requested at a later date more than one year after Termination, the service shall be considered new, and the applicant shall pay installation and reinstatement fees as provided in the District approved rates and fees.

Section 21. METERS.

- (1) All Meters, including those for fire protection service, shall be located within the public right-of-way or within an access easement approved by the District.
- (2) All Meters, Meter Boxes, fittings, and service lines extending from the main to the Meter location shall be installed by the District or subject to the District's approval and inspection.
- (3) The District may require that an existing Meter and Service Connection be upgraded when a single new house is constructed or remodeled that results in changes to the building plumbing, fixtures, or water usage. Meter and Service Connection upgrades shall be in accordance with current District Construction Standards and a minimum of 1-inch, unless otherwise required or approved by the District.
- (4) The Customer shall provide plans identifying all existing and proposed fixtures, landscape irrigation, fire sprinkler, spas, pools and/or other sources of water use for review by the District.
- (5) The Customer shall complete and submit the District's meter sizing worksheet for review. The District shall determine if the new construction can be adequately served by the existing Service Connection and Meter or mandate a larger Service Connection and Meter to accommodate additional demands on the System due to increased fixture count, irrigation system, fire protection system, or other water features.
- (6) Where a single house is built with an existing Service Connection and Meter, the District will install a larger Meter upon payment of all costs for labor, materials, and SDC upgrade fee.

(7) Customers desiring a new or modified service shall contact the District office to make proper arrangements. The District may relocate Meters at the Customer's written request and expense, subject to approval by the District.

(8) The service line from the main to the Meter as well as the Meter, Meter Box, Curb Stop, and Appurtenances shall be the property of the District and not of the Person owning the Premises or paying for the installation.

(9) 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.

(1) The District, at its expense, shall perform normal maintenance and repair of the Service Connection, including the Meters, Meter Boxes, and Appurtenances to the Distribution System.

(2) Each Customer is required to use reasonable care and diligence to protect the water Meter, Meter Box, Curb Stop, and Appurtenances to the distribution System from loss or damage by freezing, hot water, traffic hazards, landscaping obstructions, and other causes. If the Customer fails to provide reasonable protection, the Customer shall pay to the District the full amount of the resulting damage prior to District repair or replacement.

(3) Customers shall not permit encroachments (*e.g.*, plants, trees, fences, walls, structures, etc.) within the water service line easements to hinder the free access to water mains, water Meters, Meter Boxes, or Appurtenances to the System. All water service line easements shall remain readily accessible to the District for purposes of construction, reconstruction, maintenance, and repair of lines therein. Upon notification from the District, the Customer shall remove encroachments in a timely manner. Should the Customer fail to remove the encroachments, the District shall remove them and the Customer shall be liable to the District for costs incurred.

(4) Upon written Customer request, the District will test the Customer's Meter. If the Meter tests within 95% to 104% of true flow, the Customer shall be charged for the cost of removing, testing, and installing the same or any new Meter. If the tested Meter under-registers water flow by more than 6% or over-registers by more than 4%, the new Meter will be installed for the Customer at no charge. If the tested Meter over-registers the flow by more than 4%, the Customer's account will be credited for the overbilling for the previous four months or two billing periods. This billing credit shall be determined based upon the percentage the Meter over-registers when tested.

Section 23. CROSS-CONNECTIONS OR PHYSICAL CONNECTIONS WITH OTHER WATER SUPPLIES.

(1) The definitions, standards, requirements, and regulations set forth in the Oregon Administrative Rules pertaining to public water supply Systems and specifically OAR 333, Division 61 are hereby adopted and incorporated by reference.

(2) Customers shall complete, sign, and return to the District a water use survey when required by the District Cross Connection and Backflow Prevention Program Director. Failure to do so may result in the Shut Off of water services by the District.

(3) All Backflow Prevention Assemblies installed in the Customer's water line shall be a type and model approved by the District and Oregon Health Authority Drinking Water Services.

- (4) Any mobile unit or apparatus that uses District water or water from any Premises within the District shall first obtain a permit from the District and comply with all applicable restrictions and pay all applicable fees.
- (5) Backflow Prevention Assemblies shall be installed on all new and existing Premises that include a potential source for Cross Connection, including but not limited to: inground irrigation system, fire suppression system, certain above ground sprinkler system, pools, water fountain, and other watering devices including do-it-yourself systems.
- (6) The District shall not be responsible for loss of pressure caused by the installation of a Backflow Prevention Assembly.
- (7) The Customer shall provide adequate protection against Thermal Expansion. All costs associated with Thermal Expansion protection will be the financial responsibility of the Customer. The District shall not be liable for any damage occurring from the Customer's failure to provide adequate protection against Thermal Expansion.
- (8) The Customer is responsible for all Cross Connection control within the Premises, which shall be accomplished through Point of Use Isolation and Backflow prevention adhering to Oregon Health Authority Drinking Water Services installation standards.
- (9) All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of Point of Use Backflow Prevention Assemblies are the financial responsibility of the Customer.
- (10) All Point of Use Backflow Prevention Assemblies must be registered with the District. Registration shall consist of the date of installation, make, model, size, serial number, and location as well as initial and subsequent annual test reports.
- (11) In event the Degree of Hazard of a Cross Connection on a Customer's service is determined by the District Cross Connection and Backflow Prevention Program Director to be a Health Hazard, the following requirements shall apply:
- (a) Auxiliary Water Supply—A reduced pressure Backflow Prevention Assembly shall be installed directly downstream of the service Meter unless the following information is supplied by the Customer to the District:
 - (i) Written documentation from the Oregon Water Resources Division of well abandonment consistent with all applicable rules and regulations.
 - (ii) Signed affidavit and a site inspection conducted by the District's Cross Connection and Backflow Prevention Program Director that there are no direct connections to the District water supply System. The Customer shall be responsible to notify the District prior to any changes being made connecting the Auxiliary Water Supply to the Customer's service line and the District's System.
 - (b) Other Health Hazard classification—A reduced pressure Backflow Prevention Assembly shall be installed directly downstream of the service Meter.
 - (c) All costs incurred to install, maintain, and test a reduced pressure Backflow Prevention Assembly shall be the financial responsibility of the Customer.
- (12) Annual testing and repairs of Point of Use Backflow Prevention Assemblies shall be done in accordance with OAR Chapter 333, Division 61 and the following requirements:

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- (a) Backflow Prevention Assemblies shall be tested upon installation and at least annually thereafter by a state certified tester. Any Backflow Prevention Assembly found not functioning properly shall be promptly repaired or replaced at the Customer's expense. If such Backflow Prevention Assembly is not promptly repaired or replaced, the District may Shut Off water service to the Premises. The District may set fees by resolution to cover the cost of this service.
 - (b) The District shall have the right to demand proof of liability insurance, errors and omission insurance, and confined space entry training from certified testers working in the District.
 - (c) The Customer shall be responsible for submitting annual backflow test reports to the District by the date mandated to avoid Shut Off. Test reports must be fully complete and shall be submitted to the District office by mail, email, or fax.
 - (d) The District's Cross Connection and Backflow Prevention Program Director shall approve the type of test report forms.
 - (e) When using a Double Check-Detector Backflow Prevention Assembly, the Meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow.
 - (f) A Reduced Pressure Backflow Prevention Assembly shall include properly located test cocks and tightly closing Shut Off valves at both ends of the assembly.
- (13) All plumbing and plumbing fixtures within buildings shall be installed and constructed to prevent pollution of the District or Customer's water supply by Cross Connections. Water service to any Premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.
- (14) All structures and/or Premises served by the District shall adhere to the Cross Connection Prevention Program adopted by the District. The District shall Shut Off water service to Customers found in violation of the Cross Connection Prevention Program regulations. Water service shall not be restored until such violation has been corrected.
- (15) Whenever it is necessary to conduct an inspection to enforce any of the provisions of this Ordinance, to connect, disconnect, turn on or turn off a water service, or whenever the District has reasonable cause to believe that there exists on any Premises any condition that is unsafe, dangerous, or hazardous to the public water supply System, District personnel may enter such Premises at all reasonable times to inspect the same or to perform any duty set forth in this Ordinance. If the Premises are occupied, the District personnel shall first present credentials and request entry; and if such Premises are not occupied the District personnel shall first make a reasonable effort to locate the owner or other Person having charge or control of the Premises and request entry. In the event the District requires access to any portion of the Premises beyond the Meter, and if the Customer refuses entry to that portion of the Premises or if the owner or Person in control of the Premises cannot be located in a timely manner, the District personnel shall have recourse to a warrant or other remedy provided by law to secure entry. The District is not required to obtain a warrant before entering any portion of the Premises upstream of the District's Meter or before temporarily shutting off the water supply at the Meter if necessary to maintain the safety of the System. Nothing contained herein shall be construed as imposing upon the District the obligation to or liability for inspection of any apparatus on the Customer's Premises, since such liability rests with the Customer.

Section 24. WATER FACILITIES IN GENERAL AND MAIN EXTENSIONS.

(1) When a subdivision or partition is developed, the Developer shall at their expense upgrade or install new water distribution and transmission facilities required to serve the development pursuant to this section. Upgrade of existing mains shall be a condition of development for the construction of a single house on an existing lot if the District determines this will be in the best interest of the System or if required by the fire department for fire protection service. All materials and installation shall be in accordance with District Construction Standards, Specifications, and Details.

(2) The District shall pay for the cost of water supply, pumping stations, storage facilities, and Transmission Mains included in the District's approved SDC Capital Improvement Plan, which the District determines are needed for the conveyance of water within the District. It shall not pay for pumping, storage, or other facilities needed to serve a limited or local area. Those facilities shall be paid for by the Person or Persons requesting them.

(3) Except for Distribution Main upgrades included in the District's approved System development charge Capital Improvement Plan, the District shall not pay the cost of main replacements, upgrades, extensions, or the cost of relocating existing facilities to accommodate or serve additional Customers, properties, tracts, or subdivisions. Such upgrades, extensions, or relocations, when requested of and performed by the District, shall be paid for in advance by the Developer requesting the same at actual cost, plus twenty percent (20%) for administration.

(4) The costs of Distribution Main extensions, upgrades, and water facilities required as a condition of approval of development to furnish water to Premises, developed or not, shall be at the expense of the Developer requesting such services.

(5) All such main upgrades, extensions or relocations shall be made by the District or by a contractor approved by the District in accordance with District Development and Construction Standards. Engineering designs not prepared by the District shall be submitted to the District for plan review and approval prior to any construction.

(6) The District shall determine the size of mains required. Necessary fittings, valves, valve boxes, and fire hydrants required shall be included in the cost of main upgrades and extensions. Required main extensions or upgrades shall be installed along the full frontage of the property to be served to permit ready connection by adjoining properties. Main extensions or upgrades for new subdivisions shall extend the entire distance between opposite boundaries of the subdivision and shall be located within public rights-of-way unless the District determines it necessary to construct water lines in easements across private property, which determination shall be in the sole judgment of the District.

(7) Except for mains funded by SDCs, Developers requesting main extensions or fulfilling obligations to construct water facilities shall pay the full cost of the installation. The size of the main required by the District will be based upon the needs of the development being served, the type of the land uses and building types, fire protection needs, and the integrity of the District water distribution System.

(8) When the Developer requesting extension or upgrades of water mains elects to have the District provide the engineering design, the Developer shall pay a deposit equal to the full amount estimated for engineering services prior to any work being done on the upgrade or main extension.

(9) When the Developer requesting extensions or upgrades of water mains elects to have their own engineer design the water main extension or upgrade, they will place a deposit with the District. The amount of the deposit shall be established by District resolution and will cover costs for plan review, construction inspection, as-constructed drawings, map updates, legal review, and other related District expenses. The Developer shall make full payment of the deposit before starting construction of the upgrade or main extension. If the actual cost of the District work exceeds the deposit, the Developer shall pay the excess cost to the District prior to obtaining final acceptance and water service. If the actual cost of the District work is less than the deposit, the District shall refund the difference to the Developer within thirty (30) days after determination of the actual cost.

Section 25. OBLIGATION TO CONSTRUCT WATER FACILITIES; SECURITY; ACCEPTANCE OF IMPROVEMENTS.

(1) Whenever a developer or property owner, herein referred to as “Developer,” develops property in the District, such Developer shall be responsible to assure that all extensions, upgrades, or modifications to District facilities shall meet the terms, conditions, and construction standards specified by the District.

(2) No work shall be performed on any portion of the District System unless the Developer has obtained express written permission from the District to do the work prior to commencement of the work, and has complied with all conditions contained in such permission, including without limitation, securing a construction performance bond.

(3) When a Developer has an obligation to install or upgrade water facilities imposed by this Ordinance or as a condition of a development permit, the obligation shall be confirmed by filing an acknowledgment with the District and shall be fulfilled prior to connection to the System unless the District has granted a waiver of this requirement in writing.

(a) The acknowledgment shall state the nature of the obligation, the time within which the obligation is to be met, and identify the property subject to the obligation.

(b) The acknowledgment shall include any necessary temporary construction and permanent easements for water main construction on private property. All permanent easements shall be recorded with the following wording: *“The property owner shall be responsible for and shall bear the expense and/or replacement costs of fences and/or landscaping in all public easements when said fences or landscaping must be removed for access to utilities. The property owner shall grant to the Rivergrove Water District unobstructed access to water mains and facilities.”* Permanent water main easements shall not be less than fifteen feet in width unless the District has granted a waiver in writing of this requirement.

(c) The acknowledgment shall include an engineer’s estimate of the cost of installation, including the cost of restoration of easements or rights-of-way, and a security deposit in an amount equal to 120 percent of the engineer’s estimate.

(d) The security deposit may include a sufficient performance bond, cash deposit, or letter of credit as security. Return of security deposit shall be conditioned upon Developer fulfilling its obligations to the satisfaction of the District.

(e) If the District determines that a Developer has failed to fulfill its obligations, written notice detailing the failure and stating the District’s intention to use the security given to

complete the obligation shall be mailed to the Developer by first class mail delivery confirmation.

(4) Upon receipt of written notice to the District that the public water facility has been completed and is ready for final inspection and acceptance, the District shall within ten (10) calendar days make such inspection. If the District finds the work to be acceptable, a final certificate stating that the work has been completed and is accepted shall be issued.

(5) As an additional and separate part of the acknowledgment, the Developer shall agree to maintain the public water facility for a warranty period of one year following written final acceptance by the District, to include but not be limited to repair, replacement, and all things necessary to insure the operational integrity of the water facility, and shall provide the District security in the amount of 10 percent of the cost of the improvement to insure the fulfillment of this obligation.

(6) Instead of the security and installation requirements of subsections (1) through (5) above, a Developer may pay a Fee In Lieu Of Performance to the District. This lump sum payment to the District shall be in the amount of the engineer's estimate of cost of complying with subsection (1) above and shall be approved by the District Engineer. The charge per linear foot shall be consistent with current installation prices if the District were to perform the installation.

Section 26. CONSTRUCTION STANDARDS.

(1) All water line construction and installation of services and equipment, with the exceptions noted below, shall be in conformance with current District and City of Lake Oswego Construction Standards, Specifications, and Details, copies of which shall be maintained at the District office.

(2) Design of System improvements shall consider provisions for extension beyond the development to adequately grid or loop the System for purposes of water service reliability and fire flow. Dead-end mains normally will not be allowed, but when they are permitted, a blow-off assembly will be required. The mains shall extend just outside the edge of pavement to facilitate future extensions. Where water mains are expected to be extended, isolation valves shall be provided near the end of the dead-end main to avoid future water service interruption to Customers while mains are being extended.

(3) All construction materials, service lines, and Meters used shall be approved by the District and be of first quality, and consistent and fully compatible with the existing System so as to permit the District to apply uniform maintenance, repair, and replacement thereof.

(4) New service lines shall not be less than one inch (1") in diameter size from the main to the Meter Box.

(5) All new Meters installed shall be at least one inch (1") in size.

(6) Fire hydrant model Watrous Pacer with integral Storz adapter shall be the approved fire hydrant model for the District.

(7) The Meter Box shall be a composite box measuring 13" x 24" and any other additional specifications for the Meter Box will be in District standards.

(8) All new Distribution Mains, including Developer and District-constructed extensions and upgrades, shall be a minimum of 8 inches (8") in diameter and consist of Class 52 ductile iron pipe with restrained joints, unless otherwise approved by the District's Engineer.

(9) A Developer may request a Variance from these requirements pursuant to the process set forth in Section 33.

Section 27. WATER MAIN EXTENSION-COST REFUND.

(1) Pursuant to ORS 264.320, any Person required by the District to pay the cost of upgrading or extending a water main adjacent to property other than their own so that water service is made available to such other property without further extension of said main, shall be entitled for a period of ten years after the date of the installation and acceptance of the said water main upgrade or extension, to claim a refund of a pro-rata share of the initial cost of the main upgrade or extension by an adjacent property owner, which shall be paid prior to such Service Connection. The amount to be refunded shall be determined by the District and such determination shall be final. The pro-rata reimbursement shall be based upon:

(a) Total linear frontage of the property served in proportion to the total linear frontage of all property abutting on the street, road, or right-of-way, within which the main upgrade or extension was made and which was benefited thereby; or

(b) Any other reasonable basis that equitably distributes the cost of the main extension to the benefited properties.

(2) When upgrades or extensions described in subsection (1) are installed, the owner of the other property shall pay to the District, prior to receiving water connection or service, the pro rata portion of the upgrade or extension to be refunded, and the District will refund the payment to the Person owed the refund. In the event of failure of the District to collect the payment, the Person owed the refund shall have a claim only against the other Person for the refund.

Section 28. ESTABLISHMENT OF FEES, RATES AND CHARGES.

(1) The Board shall adopt and may thereafter amend by resolution the actual charges, rates, and fees for the use of the System and for other materials and services provided by the District in connection with the System. The Board hereby adopts the following charge classifications:

(a) Administration Fee. A fee assessed to projects for District services that include District inspection, operation, and administration services.

(b) Bulk Water Usage Charges. Charges relating to the temporary use of District equipment to enable water service to be temporarily obtained from a fire hydrant, including the permit fee and Usage Charges.

(c) Delinquency Notification Fee. Charges relating to any Customer whose account has been determined delinquent for Water Service Charge, Usage Charge, or Deposit Charge, and is notified by letter or door tag the District will be implementing Shut Off notification procedure as listed in Section 10.

(d) Development, Review, Inspection, and Acceptance Fee. A fee reimbursing the District the cost incurred for plan review, legal review, engineer review, construction inspection, as-constructed drawings, map updates, water testing assistance, chlorine disinfection and testing, and other District related expenses for new services or projects.

(e) Installation Fees. Fees for direct connection to the System or for enlarging or adding to the Service Connection, which increases the potential flow into the Customer's Premises. These fees consist of the following:

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- (i) Drop-In Fee. A fee which includes materials and labor required to install Meter, Meter Box, and associated administrative costs. District personnel shall perform this part of installation.
- (ii) Permit Fee. A fee assessed for the administrative cost of staff to process permits.
- (f) Dispatch Fee. A fee assessed to delinquent Customers when operational staff leaves the District office to proceed with District Shut Offs.
- (g) New Service Fee. A fee assessed for the administrative cost of staff to review and determine applicable requirements and approval process for new services and/or projects.
- (h) Non-sufficient Funds (NSF) Fee. A fee assessed to a Customer for a check or Autopay which is returned or declined due to insufficient funds, a closed financial account, incorrect account number, expired authorization date, or other similar reason.
- (i) Public Records Fee. A fee assessed for administrative cost of copies, production, and research involved in request for public records.
- (j) Reinstatement Fee. A fee assessed for bringing a water service that has been terminated to a regular service status.
- (k) Restoration Fee. A fee assessed to a Customer for the replacement of a Meter that was removed by the District due to a violation of SECTION 17(1) of this Ordinance.
- (l) Service Delinquent Fee. A fee assessed to Customers whose accounts have been designated delinquent due to non-payment of Water Service Charges or Usage Charges.
- (m) Shut Off Lock Destruction Fee. A fee assessed to Customers who cut off the Shut Off lock, destroy it, or turn the water back on without District approval.
- (n) Stop Payment Fee. A fee assessed for processing a stop payment on a check to a Customer due to loss or misplacement.
- (o) System Development Charge (SDC). A reimbursement fee and/or an improvement fee assessed or collected at the time of increased usage of a capital improvement or issuance of a connection permit. System development charges are separate from and in addition to any applicable assessment, fee in lieu of assessment, or other fee or charge provided by law or imposed as a condition of development. SDCs are established and updated by District ordinance.
- (p) Trim Fee. A fee assessed to Customers who have allowed landscaping or other obstructions to impede free access to District water Meters, Meter Boxes, Curb Stops, or Appurtenances, and do not remove them upon request.
- (q) Usage Charge. A charge for the amount of water delivered to the Customer's Premises.
- (r) Water Service Charge. Charges for provision of water, for the fixed and maintenance costs of having the water System available to provide water, for Meter reading, preparing the bill, accounting for the receipt of payment, maintaining Customer records, and responding to Customer inquiries.
- (s) Deposit Charge. A fee assessed to Customers with an Active Account which shall be paid within five (5) business days of activation, will be kept in an interest-bearing account with interest earned being property of the District, and will be applied to unpaid customer obligations or refunded at the time of Discontinuance or Termination of service.

(2) Except as specifically provided herein or by resolution, all charges and service fees shall be due and payable within fifteen (15) days of billing for provision of service.

(3) It shall be unlawful and a violation of this Ordinance for any Person to use or maintain connection to the District System without paying the appropriate charges and fees established herein or in any resolution adopted pursuant hereto, or to fail to pay such fee or fees on time.

(4) Nothing contained herein shall in any way limit the right of the District to bring a civil action for legal or equitable remedies or damages in connection with failure to pay, or late payment of any charge or fee established herein or the right of the District to Shut Off or Terminate water service. The expense of shut-off or Termination, as well as the cost of restoring service, shall be an obligation of the owner or Customer and shall be recoverable in the same manner as other delinquent charges and fees.

Section 29. WATER SERVICE CHARGES; WATER USAGE CHARGES.

(1) The Water Service Charge is an ongoing charge that pays for the District's operation and maintenance of the System.

(2) The water Usage Charge described in (1)(q) is imposed when a Customer uses water from the System.

(3) Timely payment of the Water Service Charge and Water Usage Charge are the joint and severable responsibility of all Customers associated with the account for a given Premises. For multi-tenant property served by a single Meter, the owner shall be responsible for all charges.

Section 30. METER READING AND BILLING.

Meters shall be read at regularly established intervals as determined by the District and bills for water provided shall be based upon consumption to the nearest 100 cubic feet of water provided.

Section 31. ADJUSTMENTS OF ACCOUNTS.

(1) The District may adjust a Customer's account under any of the following circumstances:

(a) Bills for a portion of a billing period shall be prorated based upon the actual days of use.

(b) If a Meter fails to register, registers inaccurately, or for any reason cannot be read, the District may compute the bill based upon average consumption during the preceding two (2) months, the usage at the same time twelve months prior, or in the absence of such consumption history, the average consumption of a similarly situated Customer.

(c) If a Customer has discontinued an account with a balance due and the Customer applies for or maintains a different account, the balance due from the discontinued account shall be transferred to the Customer's active account and must be paid before initiation of the new service. The District may Shut Off water service to the Premises associated with the second account if all amounts due are not paid. The District's failure to collect amounts owed before initiating new service shall not constitute a waiver of the District's right to use any available remedies under this Ordinance or Oregon law.

(d) The District recognizes that leakage at a Customer's Premises may occur and offers to the Customer the ability to apply for a leak adjustment credit. The intent of the District's Leak Credit Policy is to provide some financial relief to Customers who receive a water bill

at least three times the amount for the same period in the prior year or the last three months average if residency is less than one year due to a water leak on the Premises.

- (i)** A water leak or water leakage is defined as any water lost on the Customer's side of the District's water Meter resulting from a condition where repair and/or replacement of infrastructure (service line or interior plumbing, etc.) is required to terminate the water leak.
- (ii)** To qualify for a leak adjustment credit, the leak has to be located in the underground main service line between the Meter and the Premises, or in piping concealed beneath a building or inside of building walls. Leaking faucets, toilets, water softeners, and irrigation systems, as well as accidental over-watering are ineligible. No consideration will be given for irrigation leaks or water features (fountains, ponds, pools, and hot tubs.)
- (iii)** Water usage resulting from conditions that did not involve repairs or replacements (such as leaving an outdoor watering hose or irrigation sprinkler system on too long) are not eligible for a water leak adjustment by the District.
- (iv)** Any District Customer in good standing may apply and be considered by the District to receive an adjustment to their current water bill according to this policy.
- (v)** To be eligible for a water leak adjustment, the Customer is first required to promptly resolve the water leakage at the Customer's own expense. The District is not fiscally responsible for repairs or replacements needed on the Customer side of the District water Meter.
- (vi)** Once the repairs are complete and within one billing cycle of when repairs have been made, the Customer is responsible for requesting a water leak adjustment in writing on the approved District form that can be obtained at the District office or through the District's web site at www.rivergrovewater.com,
- (vii)** The Customer's leak adjustment request must include a statement of where the leakage occurred, receipts from the repairs, and what steps were taken (what work was done) to terminate the water leakage.
- (viii)** No more than one water leak adjustment shall be granted to a Customer during a rolling 24-month period.
- (ix)** Upon receiving a water leak adjustment request, the District will calculate a water leak adjustment credit of up to 50% of cost of the amount of water lost. The water leak adjustment credit excludes the fixed service charge(s) portion of the bill and normal historical water use during the billing period. The Customer's cost for infrastructure repairs (materials and labor) or damage done to other property as a result of the Customer's water leak is not eligible for reimbursement by the District.
- (x)** If the water leak adjustment credit is approved by the District, it will be applied to the Customer's account as a credit on their next regular monthly water bill.
- (xi)** The Customer has the right to appeal the District's leak adjustment decision to the Board at its next regular meeting.
- (xii)** The Customer may appeal the District's decision to the Board when the District determines that the Customer does not qualify for a leak adjustment or if the Customer disagrees with the amount of the leak adjustment.

(xiii) A Customer who elects to appeal the decision must notify the Water District Manager of their desire to appeal by submitting a written request. The Customer must indicate the reason for their appeal and include information supporting the appeal. The District will notify the Customer of the date the Board will consider the appeal. The following information is required for an appeal:

1. Customer's name, address, email, and phone number.
2. A copy of the water bill(s) in question.
3. A copy of the completed leak adjustment form (including receipts).
4. A copy of the District's decision.
5. The Board will review the Customer's appeal at the next regular monthly meeting. The District will convey the Board's decision in writing to the Customer within thirty (30) days of the review. All decisions of the Board are final.

Section 32. PROHIBITED CONDUCT.

(1) It is unlawful and a violation of this Ordinance for any Customer to commit or cause any of the following acts:

- (a)** Wasteful or improper use of water during times of water shortage due to drought, damage to the System or supply capability, or unanticipated substantial demand which threatens the supply or pressure capability of the System, or some combination of the foregoing. Wasteful or improper use under this paragraph shall include, but not be limited to, the use of water at times or in a manner, which is prohibited by the terms of any Board rule, which may be adopted by resolution.
- (b)** Use of an apparatus, appliance or other equipment which utilizes District water service where such equipment is dangerous, unsafe, or violates District ordinances or regulations.
- (c)** Excessive demand for water service by a Customer which results or may result in inadequate service to other Customers.
- (d)** Obtaining water or other service provided under this Ordinance by false or misleading acts or statements.
- (e)** Damage, destruction, alteration, interference with, connection to, or tampering with District equipment, including but not limited to the breaking or destruction of seals, destroying District Shut Off locks, breaking District Curb Stops by turning on and off the water service, and damage to a Meter resulting from hot water or steam from the Customer's Premises.
- (f)** Except by specific written agreement from the District, the resale of water supplied by the District or the delivery of water to Premises other than those specified in the application for service.
- (g)** Except as needed for extinguishing fires by approved fire departments or as expressly permitted by the District, the operation, alteration, change, removal, connection, disconnection with, or interference in any manner with any fire hydrant in the District.
- (h)** The unauthorized connection to or turn on of any water service where such service has been disconnected or Shut Off.

(i) Except by means of an approved metering device or by express authorization of the District, the use of any water from the System.

(j) The further use of District water service after the date shown on a request for Discontinuance of such service without a request for and approval of resumption or restoration of service.

(k) Violation of any provision of this Ordinance.

(2) In addition to any other remedy provided by District ordinance or state law, violation of any provision of this section is a civil infraction and subject to civil penalty in the amount of \$500 per violation.

(3) In addition to any other remedy provided by District ordinance or state law, where the violation of this Ordinance results in damage to or destruction of District property, the District shall have the right to recover the reasonable value or cost of repair or replacement of the property, plus twenty percent (20%) of such amount and any legal costs and attorney fees incurred by the District to recover.

(4) Whenever it is necessary to perform an inspection to enforce any of the provisions of this Ordinance, such as connecting, disconnecting, turning on or off a water service, or whenever the District has reasonable cause to believe there exists on any Premises any condition that is unsafe, dangerous, or hazardous to the System, District personnel may enter such Premises at all reasonable times to inspect the same or to perform any duty set forth in this Ordinance. If the Premises are occupied, the District personnel shall first present credentials and request entry. If such Premises are not occupied, the District personnel shall first make a reasonable effort to locate the owner or other Person having charge or control of the Premises and request entry. In the event the District requires access to any portion of the Premises beyond the Meter and the Customer refuses entry to that portion of the Premises or if the owner or Person in control of the Premises cannot be located in a timely manner, District personnel shall have recourse to a warrant or other remedy provided by law to secure entry. The District is not required to obtain a warrant before entering any portion of the Premises upstream of the District's Meter or before temporarily shutting off the water supply at the Meter if necessary to maintain the safety of the System. Nothing contained herein shall be construed as imposing upon the District the obligation to or liability for inspection of any apparatus on the Customer's Premises since such liability rests with the Customer.

(5) In addition to any other remedy provided by District ordinance or state law, the District may Shut Off or Terminate water service to a Customer for noncompliance with any provision of this Ordinance. Noncompliance with this Ordinance means failure or refusal to remedy a violation or a repeated violation for which written notice or warning of such violation has been given either by delivery in person, by posting on the property, or by first-class mail delivery confirmation. If such noncompliance affects matters of the health, safety, or security of the System, or other conditions warrant such action such as wasteful or improper use of water, the District may Shut Off or terminate water service immediately.

Section 33. VARIANCES.

(1) The District may grant a Variance from the requirements of this Ordinance in the District's sole discretion. When considering a Variance request, the District may consider all applicable factors including, but not limited to the following:

- (a) Whether the Variance is necessary to prevent unnecessary hardship;
- (b) The physical circumstances of situation involved;
- (c) Whether the situation was created by the Person requesting the Variance;
- (d) Whether the situation is the result of circumstances the Board determines are beyond the control of the applicant/land owner; and
- (e) The economic impact on the applicant if the Variance is denied.

Section 34. ADMINISTRATIVE APPEAL.

(1) Except as otherwise provided in Subsection (2) of this Section, any Person aggrieved by a ruling or interpretation of and is requesting a Variance from the provisions of this Ordinance or a review of such ruling or interpretation, shall submit a written appeal to the District not later than ten (10) days after the ruling or interpretation. The appeal shall:

- (a) Set forth the facts and circumstances leading to the appeal of the rule or interpretation at issue;
- (b) Include the nature of the ruling or interpretation from which relief is sought;
- (c) Provide the impact of the rule or ruling on the appellant; and
- (d) Include any other reasons for the appeal.

Failure of an appeal to conform to the requirements of this subsection shall be grounds for dismissal of the appeal.

(2) In the case of appeals of disputes concerning Water Service Charges or Usage Charges, in addition to the requirements of Subsection (1) of this Section, the following provisions shall apply:

- (a) Unless otherwise directed by the District, where a Shut Off notice concerning the disputed Water Service Charge, Usage Charge, or Deposit Charge has been delivered as provided in Section 11, water service shall be discontinued unless the written appeal is accompanied by a deposit in the full amount of all disputed charges.
- (b) Such deposit shall be in addition to any applicable appeal fee.
- (c) Upon the disposition of such appeal either by the District staff or upon appeal thereto by the Board, that portion of the deposit which is determined to represent correct charges shall be paid to the appropriate District account and that portion of the deposit which is determined to represent incorrect charges shall be credited to the Customer's account or, if appropriate, returned to the Customer.

(3) The Water District General Manager shall review each complete appeal request. The Manager may request additional information from the appellant and from District's records.

(4) The Water District General Manager shall render a written decision on the matter within thirty (30) days of receipt of a complete appeal.

(5) The Water District General Manager's written decision shall be mailed or delivered to the appellant.

(6) If the appellant is dissatisfied with the Water District General Manager's decision, the appellant may appeal the matter to the Board. Such appeal shall be in writing and shall be actually received by the Board within ten (10) days of the date of mailing or delivery of the Water District General Manager's decision.

- (7) Failure of an appeal to conform to the requirements of this Section shall be grounds for dismissal of the appeal.
- (8) The Board shall review the written appeal of the Water District General Manager's decision and any written material submitted by the Water District General Manager as well as the ordinance, rule, or decision at issue.
- (9) The Board may schedule a hearing by written notice not less than fourteen (14) days in advance to hear the testimony and further information.
- (10) The Board may uphold, set aside, or modify the decision of the Water District General Manager.
- (11) The decision of the Water District General Manager may be rejected or modified only if:
 - (a) It exceeds the authority of the District; or
 - (b) It was based upon an incorrect interpretation of law or ordinance; or
 - (c) It was not supported by substantial evidence in the record.
- (12) The decision of the Board shall be made in writing and sent to the appellant not more than sixty (60) days from receipt of the appeal to the Board.
- (13) Notwithstanding the foregoing, this section shall not apply to civil infraction proceedings initiated by the District to enforce the provisions of this Ordinance.
- (14) Except as otherwise provided in Subsection (2) of this section or as directed by the District, an appeal of any ruling or interpretation to the District or the Board shall not stay the effective date of a District decision to Shut Off service.

Section 35. COLLECTION OF ACCOUNTS.

- (1) In addition to, and not in lieu of, the provisions of Sections 10 and 11, the District may pursue collection of delinquent accounts in any manner provided by law.
- (2) In the event account collection shall be necessary, the prevailing party in such collection proceeding shall recover its costs and attorney fees at trial and on appeal.
- (3) If District incurs charges to assist in the collection of an account governed by this Ordinance, including but not limited to attorney fees and fees to transcribe or register judgments, such collection fees shall be the responsibility of the Customer.

Section 36. MISCELLANEOUS PROVISIONS.

- (1) In consideration of use of the System all Customers of the System, all contractors who may perform work on the System in any manner, and all other Persons or entities whose actions may affect the System shall indemnify and hold harmless the District, its officers, employees, and representatives from and against all suits, actions, or claims of any character or nature brought because of any injuries or damage received or sustained by any Person or property or alleged to have been so received or sustained on account of the actions or failure to act of such Customers, contractors, or other Persons, their subcontractors, employees, or representatives. Such indemnification shall include the costs of defense of such claims including attorney fees.
- (2) A Customer or connector to the System does not thereby acquire a vested property interest in continued use or connection to the System. Such use or connection is conditional always upon such Customer or connector complying with all applicable terms and conditions contained in this

**Rivergrove Water District
Water Service Ordinance 23-01**

Ordinance as well as all resolutions adopted pursuant hereto and, further, upon compliance with all federal, state, or local requirements that are or may hereafter be imposed upon such Customer or connector. Nothing contained herein shall require the District to provide service or access to the water System to such Customer or connector when the District has determined that the public interest requires a limitation on such water service or access.

(3) The invalidity of any section, subsection, paragraph, sentence, or phrase of this Ordinance or any resolution adopted pursuant to this Ordinance or incorporated herein, shall not affect the validity of the remaining portions thereof and a reviewing court shall sever the offensive provision so that every other section, subsection, paragraph, sentence, and phrase of the Ordinance shall remain effective irrespective of the invalidity of any other provision.

(4) All complaints and special requests for service, and all other matters, upon which action by the District is requested or sought, shall be presented to the District in writing. The District need not consider any request or complaint not so presented.

Section 37. REVISION AND MODIFICATION OF RULES, REGULATIONS, AND CHARGES.

Rate and charge schedules of the District shall be adopted, modified, revised, added to, or deleted by the Board by resolution. Increases in rate schedules shall be made only after public hearing as provided in ORS 264.

Section 38. PRIOR ORDINANCES REPEALED.

District Ordinance No. 10-01 is repealed. District Ordinance No. 19-01 is repealed.

Commissioner _____ moved to adopt Ordinance 23-01 seconded by Commissioner _____ . The motion passed and was adopted this ____ day of _____, 2023.

Ayes: Commissioners _____.

Nays: Commissioners _____.

Chair

Attest:

Secretary

Proposed Addition to Board Policy Handbook, Section 6.3 E, Performance Management and Review

~~Resolution regarding Performance Evaluation of the General Manager – DRAFT~~

~~WHEREAS the Rivergrove Water District has the obligation of employing a General Manager to oversee operations~~

~~AND~~

~~WHEREAS District employees benefit from regular performance evaluations~~

~~And~~

~~WHEREAS the Board of Commissioners needs to complete evaluations in a timely manner per the Board Policy Handbook~~

~~Be it resolved that the Board of Commissioners adopts the schedule prescribed below. The General Manager's Performance Evaluation must be completed annually by the end of the fiscal year. In the event that the Chair is unable to complete any tasks in the process and timeline listed below, the responsibility will be delegated as stated in section 2.4 of the Rivergrove Water District Board Policy Handbook.~~

Schedule:

By the 4th Monday of April, the Board Chair must send a copy of the General Manager's Performance Evaluation form to the General Manager, with a request that a self-evaluation be completed.

The general manager shall submit a self-evaluation to the Board Chair no later than end of business the second Monday in May, prior to the May Board Meeting.

After receiving the General Manager's self-evaluation, the Board Chair shall acknowledge receipt, with copy to the entire board within 72 hours. This acknowledgement shall include a copy of the General Manager's self-evaluation.

Subsequently, the Board Chair will send out materials for the General Manger's Evaluation to all board members. This is including but not limited to the General Manager's Self Evaluation, the General Manager's Performance Evaluation Form, and a copy of this resolution.

At the May Board Meeting, the Chair shall agenzize and subsequently present the General Manger's performance evaluation process. This is only to share the process of the evaluation and the timeline. It is not a forum in which Commissioners can discuss the general manager's performance. The performance evaluation must be conducted in Executive Session unless the

General Manager requests an open session for the deliberation of their performance evaluation. The Board must follow OAR 199-040-0030.

Board members shall subsequently complete their evaluations of the General Manager and send to the Board Chair no later than 2nd Friday in June by end of day.

The Chair must notify the General Manager that the Rivergrove Water District's Board of Commissioners will be holding an executive session in June. This notice shall be issued no later than the end of the first week in June. The notice must contain the time, date and location of the meeting, and shall include the purpose for the executive session, including the citation from ORS 192.660 . It shall state that the Board of Commissioners will be conducting an employment evaluation. The notice shall also state the process in which the General Manager can request an open meeting.

The process for requesting an open meeting is as follows. Upon receipt of the notice pursuant to OAR 199-040-0030, the General Manager shall respond within 48 hours or two business days, whichever is greater with a response that indicates their preference on holding an executive session.

The Board Chair shall compile the responses in a document by averaging the letter grades assigned in the matrix, and list all feedback contributed from each commissioner. This shall be distributed to all board members by the 3rd Monday in June, prior to the June Board Meeting.

The General Manager and Board Chair shall give proper notice regarding an Executive Session (if applicable) to discuss the performance evaluation with the board.

The Board shall review the performance evaluation during the June meeting in executive session, and return to open session to accept the evaluation. If the General Manager has requested an open meeting, the executive session will not be held, and the deliberation will occur in the regular board meeting.

In the event that the Chair fails to complete any tasks in the timeline listed above, the responsibility will be delegated as stated in section 2.4 of the Rivergrove Water District Board Policy Handbook.



Rivergrove Water District

General Manager Performance Evaluation Worksheet

Evaluator: _____

Date: _____

Criteria	Evaluation Rating*	Comments & Feedback
1. Provides Effective Management of District Resources and Programs		
2. Provides Effective Financial Management		
3. Provides Effective Customer and Community Service		
4. Maintains a Positive Relationship with the Board of Commissioners		
5. Provides Effective Leadership and Management of District Staff		
6. Provides Effective Management of the Water System		
7. Demonstrates Personal and Professional Development		
Overall Performance Rating		

***Evaluation Rating Legend:**

- A = Consistently exceeds expectations, exceptional or outstanding performance
- B = Meets and at times exceeds expectations, fully effective
- C = Meets expectations, developing at an acceptable rate
- D = Not meeting expectations, improvement needed
- F = Unsatisfactory performance, does not meet requirements of position

Notable Accomplishments in the Past Year:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

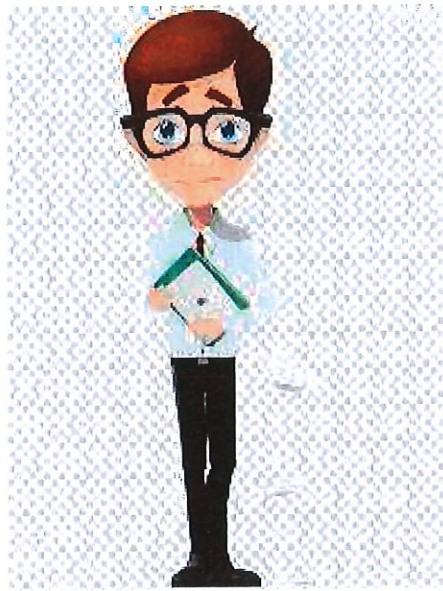
Goals for the Next Year:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Signatures:

	Concurrence		Concurrence
Christine Roth, Commissioner	Yes / No	Larry Magura, Commissioner	Yes / No
Grant Howell, Commissioner	Yes / No	James Johnson, Commissioner	Yes / No
Sherry Patterson, Commissioner	Yes / No	Janine Casey, District Manager	Yes / No

New Business





17661 Pilkington Road
Lake Oswego
OR 97035
(503) 635-6041
rgwd@rivergrovewater.com
www.rivergrovewater.com

2023-05 RESOLUTION FOR “CONFLICT OF INTEREST – RELATIVE OF GENERAL MANAGER EMPLOYMENT AT FERGUSON ENTERPRISES”

WHEREAS: the Rivergrove Water District recognizes a public official is met with a conflict of interest when they make decisions or recommendations, or take action, in their role as a public official, and the effect of that decision, recommendation, or action would be an actual conflict of interest or could be a potential conflict of interest to the financial benefit or detriment of the public official, their relative, or any business with which they or their relative is associated,

WHEREAS: the General Manager authorizes all purchases of supplies and materials for maintenance of the distribution system and, at times, will purchase these supplies and materials through Ferguson Enterprises for which a direct relative of the General Manager is employed,

WHEREAS: the Rivergrove Water District is committed to ensuring a public official does not use or attempt to use their official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or their relative or household member is associated if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official’s holding of the official position or office,

THEREFORE, BE IT RESOLVED the Board of Commissioners of the Rivergrove Water District formally prohibits the General Manager from authorizing the purchase of supplies and materials through Ferguson Enterprises and authorizes the Senior Water Operator with the legal authority to purchase supplies and materials through Ferguson Enterprises not to exceed a spending limit over \$5,000 per purchase. Any expenditure over this limit will be approved by two officers of the Board prior to any purchase.

This Resolution moved by Commissioner _____, seconded by Commissioner _____, and adopted by the Board of Commissioners of the Rivergrove Water District this ____ day of _____ 2023 by the following vote: Ayes: Commissioners _____
_____. Nays: Commissioners _____.

Signed: Chair

Attest: Secretary

November 30, 2023

Rivergrove Water District
17661 Pilkington RD,
Lake Oswego OR 97035-5360

Dear RiverGrove Water District Board Members,

I am writing to address a distressing experience with the water shut off incident on November 29, 2023, at 7:30 am. A field Technician from RGWD delivered a letter indicating a credit card decline and thus shut off scheduled.

The roots of this situation trace back to a credit card fraud incident resulting in a declined processing fee of \$71.05 on October 10, 2023. Upon receiving the delinquency notification November 13, 2023, I promptly engaged with RGWD and dropped off the automatic withdrawal application to update the previous payment method on November 15, 2023; assuming it will cover the 2 weeks of delinquency and future payments. Regrettably, it was not communicated that a followup call and payment for the current balance were necessary.

Realizing the impending shut off at 7:30 am, I contacted RGWD to avoid a shutoff for my children to get ready for school, only to find the office is still closed. Pleading with the technician did not help. By 8:27 am I was on the phone with the GM, shaken and pleading, expressing the following circumstances:

- We actively attempted to resolve the matter promptly upon notification
- We already have an automatic payment method in place
- Miscommunication and insufficient explanation to mitigate shut off with only the automatic payment application offered.
- Within a 2 week of delinquency, RGWD imposed 225% fees of the addition to \$71.05 charge:
 - 11/10/2023 \$25 RCC declination fee
 - 11/13/2023 \$15 Penalty
 - 11/29/2023 \$20 Adjustment Delinquent Notification
 - 11/29/2023 \$50 Adjustment
 - 11/29/2023 \$50 Dispatch fee

Despite our proactive efforts, the imposition of exorbitant fees has exacerbated the situation. In light of this I urge the Board to consider the following comprehensive measures:

Board Review: Urgent Request for Consideration

-Ethical Solution: Evaluating RGWD's Pricing Approach:

Conduct a comprehensive review and audit of the RGWD pricing strategy, emphasizing transparency and fairness. The deceptive practice of adding penalties and offering small discounts, akin to *price anchoring or price manipulation tactic*, lack a genuine solution

to the community's financial challenges.

-Policy Reforms for Special Circumstances/Hardship:

Adoption of meaningful policy changes at RGWD to address special circumstances, hardship, and low income assistance. This includes the creation of robust programs supporting families facing financial challenges.

-Examination of Ethical Practices and Elimination of Opportunistic Charges:

The term "*opportunistic charges*" raises ethical questions about exploiting families in need, especially amid widespread financial challenges. Shutting off vital utilities like water has *immediate consequences*, and RGWD, by adding fees promptly will burden those already facing financial challenges, emphasizing the need for a compassionate approach within procedural confines. Advocating for policy review to avoid exacerbating financial hardship, uphold the ethical responsibilities of utility providers during economic uncertainty.

Water is an essential utility and I believe these measures will contribute to a fair, sustainable solution and equitable water service for the welfare of our community..

Thank you for your attention and consideration.

Sincerely,



17661 Pilkington Road
Lake Oswego
OR 97035
(503) 635-6041
rgwd@rivergrovewater.com
www.rivergrovewater.com

November 13, 2023

Ms.
McEwan Road
Lake Oswego, OR 97035-7943

Ref: Act - Declined Credit Card

Dear Ms.

On November 10, 2023, we attempted to process your recurring credit card payment for the billing period of October 2023 and received a declination payment error. We are requesting payment as follows:

Account balance prior to 11/10/23:	\$ 71.05
Late fee:	\$ 15.00
RCC Declination Fee:	\$ 25.00
Total	\$111.05

Please remit payment to our office no later than **November 28, 2023, at 4:00 pm.**

If payment is not received by this date, your account will be placed on the shut off list effective **November 29, 2023, at 7:30 am.** If placed on the shut-off list, additional charges will be assessed: a \$20.00 delinquent notification fee and a \$50.00 dispatch fee at the time of shut-off.

Your credit card on file has been deleted. Please contact the office at 503-635-6041 if you have any questions or would like to re-enroll in our Recurring Payment Program.

Sincerely,

Chien Crisp
Finance Specialist

RIVERGROVE WATER DISTRICT

17661 PILKINGTON RD

LAKE OSWEGO OR 97035

PHONE: (503) 635-6041 FAX: (503) 699-9423

MONDAY - FRIDAY 7:30 AM - 4:00 PM

DATE 11-13-23 ACCOUNT # _____

NAME _____

ADDRESS _____ McEwan Rd

CUSTOMER ALERT

- Water WILL BE shut off due to delinquent water account deposit or water bill
- Water service IS shut off due to delinquent water account deposit or water bill

DELINQUENT BALANCE DUE \$ 111.05

DELINQUENT NOTIFICATION FEE _____

TOTAL BALANCE DUE \$ 111.05

DISPATCH FEE _____

TOTAL SHUT OFF BALANCE DUE _____

Due Date 11-28-23 Time 4:00 PM

Turn Off Date 11-29-23 Time 7:30 AM

A \$20 delinquent notification fee has been assessed. A \$50 dispatch fee will be charged for all services turned off for non-payment. Balance due can be paid with money order or credit card at the office or online at our website www.rivergrovewater.com. Notify the office if payment is made via the website to ensure proper processing.

NO PERSONAL CHECKS WILL BE ACCEPTED

Finance1

From: RGWD
Sent: Wednesday, November 29, 2023 11:35 AM
To:
Cc: RGWD
Subject: FW: Water Service at McEwan Road
Attachments: 20231129112335773.pdf

Good morning Ms.

Please find attached your receipt for today's payment. As we discussed during our telephone conversation this morning, the District has removed/adjusted \$31.05 in delinquency fees which brings your account to a \$0.00 balance.

Please contact us if you have any questions.

Thank you,

Janine Casey
General Manager
Rivergrove Water District
Office: 503.635.6041



From: RGWD
Sent: Monday, November 27, 2023 11:06 AM
To:
Subject: Water Service at McEwan Road

Good morning Ms.

We sent you a letter on 11/13/2023 to inform you that your recurring credit card payment was declined. We wanted to remind you that your account balance is due tomorrow, 11/28/2023, at 4:00 pm. If we do not receive full payment by the end of business tomorrow, your account will be placed on our disconnection list for 11/29/2023 at 7:30 am.

Please contact us if you have any questions.

Thank you,

Chien Crisp

Chien Crisp
Finance Specialist
Rivergrove Water District
Office: 503.635.6041

=====

SOUND TELECOM

MESSAGES TAKEN BETWEEN 11/28/2023 12:45 AND 11/29/2023 08:00

CLIENT: 1234850521 RIVERGROVE WATER DISTRICT
RECEIVER: 161025 MESSAGE RETRIEVAL/MESSAGE CLEARING

11/29/2023 07:59 | 66 | 8777730849 | NON-URGENT

RT/ER ROUTINE

Name: .

Phone: .

Mcewan Road,
Lake Oswego
OR
97035

Message: Received A Delinquent Letter This Morning, Water Has Been Shut Off For A Past Due Balance Of 71.05, I Have Small Children In My Home, I Dropped Off The Automatic Withdrawal Application, Wondering Why My Water Was Turned Off. Call Asap.

Caller ID:

--Delivery Detail--

11/29/2023 07:59 | MESSAGE RETRIEVAL/MESSAGE CLEARING Master ID 0000161025
MESSAGE SENT

11/29/2023 07:59 | Email: jcasey@rivergrovewater.com

11/29/2023 07:59 | Email: rgwd@rivergrovewater.com

11/29/2023 07:59 | Email: breid@rivergrovewater.com

11/29/2023 07:59 | Other: ESCALATION EXPIRED

Janine Casey

From: soundtelecom@sound-tele.net
Sent: Wednesday, November 29, 2023 8:00 AM
To: RGWD
Subject: RT/ER ROUTINE Name: Phone: Mcewan Roa+

RT/ER ROUTINE

Name:

Phone: .

Mcewan Road,
Lake Oswego
OR
97035

Message: Received A Delinquent Letter This Morning, Water Has Been Shut Off For A Past Due Balance Of 71.05, I Have Small Children In My Home, I Dropped Off The Automatic Withdrawal Application, Wondering Why My Water Was Turned Off. Call Asap.

Caller ID:

Customer Transaction Summary

Customer Information

MCEWAN RD
LAKE OSWEGO, OR 97035-7943

Location Information

Location No:
MCEWAN RD
LAKE OSWEGO, OR 97035-7943

Date	Type	More Info	Reading	Usage	Prior Balance	Transaction Amount	Balance
10/10/2023	Charge	10/10/2023	509 1	7	0.00	71.05	71.05
11/10/2023	Misc - RET	<i>RCC Declination Fee</i>			71.05	25.00	96.05
11/13/2023	Penalty	<i>Late Fee</i>			96.05	15.00	111.05
11/29/2023	Adjustment	<i>Notification Fee</i>			111.05	20.00	131.05
11/29/2023	Adjustment	<i>Shut-Off Fee</i>			131.05	50.00	181.05
11/29/2023	Payment	CREDIT CARD			181.05	-150.00	31.05
11/29/2023	Adjustment	<i>Courtesy Adjustment by District</i>			31.05	-31.05	0.00

Rivergrove Water District Fee Comparison

District	Late Fees	Return Check or Autopay Reprocessing Fee	Notification Fee	Shut-off Fee	Turn-on Fee	Payment Plan	Referral to Local Support Agencies (City Programs, Churches, or Other Groups)
Clackamas River	\$5 < \$99 5% > \$100	\$35	-	\$50	\$40	Yes	St. Vincent Church
Lake Grove	\$10	-	\$20	\$50	-	No	No
Lake Oswego	\$5 2.5% > \$200	\$20 - 1 st offense \$35 - repeat offense	\$20	\$30	\$30	No	Clackamas County Energy Assistance
Oak Lodge	1% interest	\$28	\$7	\$50	-	Yes	Clackamas County Energy Assistance
Palatine	\$5 < 5 days \$25 > 10 days \$100 > 30 days	\$50	\$25	\$100 plus 1% interest rate per month	\$25	Yes	No
Raleigh	\$25 < 30 days \$75 > 60 days	\$25	\$25	\$25	-	No	No
Rivergrove	\$15	\$25	\$20	\$50	-	Yes	211
Rockwood	\$10	\$32.47	\$20	\$30.40	-	Yes	Our Just Future & 211
Southwood Park	\$5	\$4	-	\$40 if paid at door \$80 if not paid at door	-	Yes	No
Sunrise	\$5 < 5 days \$25 > 10 days	\$20	-	\$40	-	Yes	Clackamas County Energy Assistance & 211
Tualatin Valley	-	\$37	-	\$105	-	Yes	Local non-profit
Valley View	\$5	\$2	-	\$40 if paid at door \$80 if not paid at door	-	Yes	No
West Slope	\$0	\$25	\$15	\$100	-	Yes	Community Action of Washington County

**211 provides information on over 7,000 nonprofit, government, and faith-based health and social services programs in Oregon and SW Washington.*

***Our Just Future provides utility assistance and other vital support services for very low-income residents in Portland and East Multnomah County by helping to pay utility costs.*

****Community Action of Washington County provides utility, housing, and rent assistance, along with parenting support, childcare, and education.*

*****Clackamas County Energy Assistance aids eligible low-income households with heating and cooling energy costs during weather-related emergencies due to changing temperatures.*



Rivergrove Water District Employee Pay Scale

As of July 2023

POSITION	FTE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
Utility Trainee (No certification)	0	21.00						
Utility I	1	24.00	25.00					
Utility II	1	26.00	27.50	29.00	30.50	32.00	33.50	35.00
Utility II DRC*	1	28.00	29.50	31.00	32.50	34.00	35.50	37.00
Finance Specialist	1	22.00	22.75	23.50	24.25	25.25	26.25	28.00

Pay Scale Steps

- Step increases will be based on the employee's work performance.
- Once an employee reaches Step 7, the Maximum Wage Threshold, any future pay increases will be considered on an individual basis.

Wage Review

- Wages will be reviewed annually to determine if a cost of living adjustment (COLA) is appropriate. COLA increases will be based upon the adjusted percentage of the cost of living index in the Portland Metro areas.

Merit Increases

- The General Manager will determine if a merit raise is warranted based on the employee's work performance.
 - o Merit increases will be considered in increments of .5 starting with 1% and ending with 4% on the employee's anniversary date.
 - o Merit increases are not automatic or guaranteed.

On-Call Duty

- Any employee serving on-call duty will receive an additional \$200.00 per week or \$28.57 per day.

**If the DRC is a District employee, this individual will also perform Utility II duties and count as 1 FTE.*

Employers Eyeing More-Modest Pay Increases for 2024

SHRM: Society of Human Resource Management

U.S. employers are planning smaller pay increases in 2024 compared to 2023. A new survey out from consulting firm Mercer—which comes on the heels of several other compensation prediction surveys—finds that employers in the U.S. plan to raise their compensation budgets for merit increases by 3.5 percent for 2024, compared to the 3.8 percent they awarded in 2023. And they plan to raise their total salary increase budgets for nonunionized employees by 3.9 percent, compared to 4.1 percent in 2023.

Mercer surveyed more than 900 organizations for the results. While the preliminary data show that compensation increases are declining slightly, they are still "well above pre-pandemic levels." That reflects the ongoing tightness of the labor market and low levels of unemployment.

Recent layoffs and financial strain on the tech industry also appear to be impacting merit budgets, with projected increases of 3.3 percent—a stark difference from historical trends, as the tech sector has typically led pay increases across industries. Several industries, including energy and consumer goods, though, are planning merit budgets above the national average, projecting an increase of 3.7 percent.

A 2024 Pay Picture

Mercer's survey is the latest study predicting employer compensation strategies for 2024.

[A June report by consulting firm WTW](#), which surveyed more than 2,000 U.S. organizations, predicted that **employers are budgeting an average salary increase of 4 percent in 2024.**

[Research from Seattle-based compensation software firm PayScale](#) found that U.S. employers are budgeting for 3.8 percent pay increases next year—down slightly from 2023's average 4 percent bump. While more than three-fourths of U.S. companies plan to increase salaries in 2024 at the same level or higher than this year, according to Payscale's Salary Budget Survey, the percentage of organizations expecting to lower their salary increase budgets in 2024 has risen to 22 percent from 9 percent last year.

And [total rewards association WorldatWork](#), which surveyed more than 6,500 employers, found that **U.S. employers are budgeting an average increase of 4.1 percent in 2024.**

Mercer's survey, however, predicts the smallest increase yet. Together, the surveys suggest employers are planning to stay aggressive on pay in 2024—although they are more cautious about compensation plans.

Agenda

Category: New Business

Topic: Office Space for District

Speaker: Commissioner Magura

**No handouts or materials generated; verbal
presentation only**

ADJOURNMENT

