

**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.

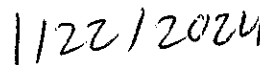
General Manager Casey: Alrighty.

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.

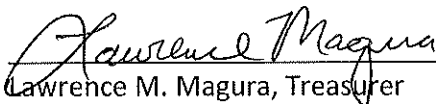

9. Adjournment: The meeting was adjourned at 5:25 p.m. The next regular meeting will be held on Monday, November 20, 2023 at 4:30 p.m.



Grant E. Howell, Secretary



Date


Lawrence M. Magura, Treasurer

Date