



West Multnomah Soil & Water Conservation District (SWCD) Board Meeting Minutes 12/12/2018

1. Meeting Location and Time:

Location: Montgomery Park, 2701 NW Vaughn St., Suite 452, Portland
The meeting was called to order by Director Miller at 6:02 PM.

2. Introductions and Agenda Approval

Board Members Present: Directors Lightcap, Miller, Peterson, Preeg Riggsby, Sowder; Board Members Absent (Excused): Hartline, Looney; Associate Directors Present: Hamer, Weedall; District Manager (DM): Cathcart; Staff: Ahr, Magyar, Razalenti; Guest: Jonathan Soll (Metro Parks and Nature); Public Attendees: Carol Chesarek, Hank McCurdy

No additions to the agenda.

3. Minutes:

WMSW Conservation District 2018 Annual Meeting Minutesⁱ

Director Lightcap made a motion to approve the minutes as written and Director Sowder seconded the motion. The motion was approved with a vote of 4-0. [Director Preeg Riggsby not in attendance]

WMSW Conservation District 10/10/2018 Board Meeting Minutesⁱⁱ

Director Sowder made a motion to approve the minutes as written and Director Peterson seconded the motion. The motion was approved with a vote of 4-0. [Director Preeg Riggsby not in attendance]

WMSW Conservation District 11/07/2018 Board Meeting Minutesⁱⁱⁱ

Director Lightcap made a motion to approve the minutes as written and Director Sowder seconded the motion. The motion was approved with a vote of 4-0. [Director Preeg Riggsby not in attendance]

4. Treasurer's Report

Director Miller presented the Independent Auditor's Report and the Financial Statements for the Year Ended June 30, 2018. He noted the audit was unqualified (clean, with no exceptions). He also explained that the annual audit was completed later than usual this year because of the implementation of Governmental Accounting Standards Board (GASB) 75 accounting standards, which required that the District's potential liability for post-retirement medical be disclosed. The District's actuarially determined liability for this was calculated by an outside firm, Milliman, hired by the Special Districts of Oregon to compute the liability on behalf of special districts. Director Miller referred the Board to more details in Note 6 "Other Post-Employment Health Benefits", on pages 26-28 of the audit report. Director Miller noted that the District was in compliance with financial reporting requirements of a publicly funded local government and asked for a motion to accept the Audit report. Director Miller moved to accept the audit and Director Lightcap seconded the motion. The motion was approved with a vote of 5-0. [Director Preeg Riggsby arrived during the report]

Director Miller reviewed the monthly financials and stated that overall the District is in a good place with income a little higher and expenses a little lower than expected this time of year.

The following reports were reviewed:

- a) *WMSWCD – Independent Auditor’s Report and Financial Statements for Year Ended June 30, 2018*^{iv}
- b) *WMSWCD-Balance Sheet as of October 31, 2018*^v
- c) *WMSWCD-General Fund Budget Only Budget Performance October 31, 2018*^{vi}
- d) *WMSWCD-Sturgeon Lake Fund Budget Performance October 31, 2018*^{vii}

5. Public Comment Period

Two members of the public interested in giving comments regarding the Multnomah County land use decision and permits for Metro Parks and Nature’s North Tualatin Mountains Access Master Plan were given five minutes each to make comments.

Carol Chesarek introduced herself and explained that she was giving comments on her own behalf, and not as President of Forest Park Neighborhood Association. She distributed a letter^{viii} to the Board with attachments and urged the Board to not rush into a decision during this meeting, as Multnomah County staff does not expect this permit to go to the Planning Commission before February 2019. Carol spoke with two amphibian experts, as well as the Oregon Department of Fish and Wildlife and stated that they have expressed concerns about Metro’s proposed Plan. Carol stated that Metro could help the potential problems to red legged frog populations if they could organize a frog shuttle in Burlington Creek and help identify and fund a permanent frog crossing structure. She thought that the staff recommended letter does not effectively present concerns that the District has and may be overlooked by the County as only a letter of support.

Hank McCurdy introduced himself and commented that a recommendation made by the Board will not make a difference as he believes Metro’s proposal will be kicked back by the Land Use Board of Appeals. Hank explained various concerns he had about the Plan including the requirement for development to be within 200 feet of a public road and the current map of the proposed Plan does not show a road that is consistent with this requirement. He also expressed that Metro has at least 30 legal errors in the Plan. He expressed appreciation for the District’s work and urges the Board to not provide support of the Plan.

6. Staff Recommendation - Multnomah County Land Use Decision and Permits for Metro Parks and Nature’s North Tualatin Mountains Access Master Plan^{ix}

DM Cathcart introduced the draft letter of support written by staff and reminded the Board that the staff recommendation was prompted by the District being asked for a letter of support by Metro Parks and Nature. It was clear to both DM Cathcart and staff member Ahr that there were concerns from the public around this topic and staff spent time researching and serving their due diligence about these concerns. Staff member Ahr reviewed the various ways that this topic was discussed and researched. There is both appreciation and hesitation in regards to the Plan. The hesitation lies in various habitat issues, erosion and water quality. He gave an overview of some of the recommendations within the draft letter. DM Cathcart noted that when staff looked at these items as natural resource professionals, there wasn’t anything in this Plan that threatened the work that the District does on the surrounding private lands, but are in agreement with concerns of the public that there isn’t enough available data about the area. In the surrounding area amongst landowners there is a mistrust that the District would

like to see Metro build an advisory committee to reverse the polarity that is happening, which is part of staff's recommendations.

Director Lightcap expressed concern over cougar populations that are increasing that are not mentioned in Metro's Plan, and most of the public that would use the trails are unaware of the cautions needed in order to avoid a cougar attack. He would like to see language about this as part of the letter. Director Sowder expressed concern over the length and format of the letter, and recommended that the letter begin with an introduction where the District points out specific weaknesses it has over Metro's application to the County followed by District recommendations that would address these weaknesses, noting that the District's support of Metro's application is contingent on the County making the recommendations a requirement of approving the application. Directors Preeg Riggsby and Sowder, DM Cathcart, and staff member Ahr will work together to revise the letter to present to the Board at the January Board meeting.

Director Preeg Riggsby yielded time to DM Cathcart to ask Jonathan Soll his views about the Board's discussion and direction regarding the letter of support. Mr. Soll stressed that he firmly believes and respects that Metro partners such as the District should only provide support that they feel is consistent with their mission. Mr. Soll acknowledged that the discussed conditions of the District's support for Metro's application was not necessarily what Metro had in mind when Metro first asked the District for a letter of support, but at the same time, Mr. Soll was very appreciative of the time and thought the District was putting into the matter.

7. Diversity, Equity and Inclusion (DEI) Update

Associate Director Weedall announced that a training for the Board to learn how to use the District's equity lens will take place on Saturday, January 26th from 10:00am-2:00pm with a working lunch provided. Cliff Jones will facilitate the training, and has worked with the District before in two of the former Intertwine Cohort trainings that some of the Board and staff participated in. The topic that the Board will use to learn how to use the equity lens tool is requirements to serve on a SWCD Board. Director Preeg Riggsby emphasized that all Board members including Associate Board members need to attend. Also announced was a meeting that will be taking place on February 1st between East Multnomah and West Multnomah SWCDs, Port of Portland, Metro Regional Government, Multnomah County, Multnomah County Drainage District, and City of Portland's Office of Equity and Human Rights, to share local government agency activities regarding diversity, equity and inclusion as well as potential support that these agencies could provide each other in this regard. Director Preeg Riggsby announced on behalf of staff member and DEI Committee Co-Chair Logalbo that the Board should look for DEI reporting within individual staff reports monthly which began recently as a way to integrate reporting by the individual staff, and look for a separate DEI report that will be included in the Board materials in those months that follow DEI Committee meetings to capture the work of the DEI Committee.

8. Resolution – District Purchases from Board Member Operated or Owned Businesses

Director Preeg Riggsby introduced Resolution No. 2018-12-12^x. DM Cathcart briefed the Board on a minor purchase (under \$400) that the District had made that was flagged by Director Miller due to the payment being to a business operated by a Board member. The reasoning why the purchase was in the public interest has been captured in writing by the staff member making the purchase and is documented in the District's financial files. DM Cathcart consulted with Eric Nusbaum, SWCD Operations

Specialist, Oregon Department of Agriculture, who confirmed that the payment was sound; but recommended the Board have policy on what conditions the District would need to follow in order to make purchases like this in the future. DM Cathcart and Director Miller, developed the policy captured in Attachment A of the Resolution in consultation with Mr. Nusbaum. Only when the public interest is being met would a Board member's business be used. The policy also made explicit the District's policy that a Board member cannot receive salary or similar type of wage or contractual payment for services provided to the District; either directly or indirectly as a member or employee of a partner organization funded in part by the District.

Director Sowder moved that Resolution No. 2018-12-12, A Resolution Regarding District Purchase from Board Member Operated or Owned Business, be passed. Director Miller seconded the motion. The motion passed with a vote of 4-0-1, with Director Lightcap abstaining. The Resolution was signed by Director Preeg Riggsby as Board Chair and Director Lightcap as Secretary.

9. Directors' and Associate Directors' Check-in

This agenda item was skipped due to lack of time.

10. Oregon's Equal Pay Law^{xi}

The Board decided to not go into Executive Session for this topic. DM Cathcart gave background on Oregon's new Equal Pay Law that became effective on 10/18/17, reviewed the actions that the District had completed in 2017 and the fall of 2018, and the proposed corrective action and financial impact. It was determined that the District has one comparable position class with more than one employee in it – the Conservation Specialist position class. Five positions fall in this class – Urban Conservationist, Forest Conservationist, Forest Conservationist, the Invasive Species Coordinator and the Conservationist and Education Coordination position. It was also determined that the District did not have written policy that explained why there were differences in pay in this position class. As such, the District is required to implement its corrective action plan by 1/1/19, and has up to three years to bring all comparable positions to an equal level of pay. Special Districts Association of Oregon reviewed the District's proposed corrective action plan and concurred with the District's approach. The District would like to begin making corrective actions on half of the increase in personnel costs needed effective on 1/1/19. This will cost \$7,404 over the remainder of the current fiscal year. The remainder that will be implemented next fiscal year will be budgeted for accordingly.

Director Miller motioned for half of the increase costs of \$7,404 to come from fiscal year 2018-2019 monies effective 1/1/19 within the Personnel line item of the budget, and as needed the monies may be moved by DM Cathcart and Budget Officer & Controller Levis to take from the Supplies/Materials Services line item of the budget. Director Sowder seconded the motion. The motion passed with a vote of 5-0.

11. Announcements/Reminders/Confirmation of next Meeting:

The January Board meeting will be held on Wednesday, January 9th, 2019 at 6:00pm. The Board training on the District's equity lens will be on January 26th at 10:00am. The CONNECT 2019 conference is going to be in Sunriver from April 9-11, 2019. Director Miller moved to adjourn the meeting at 8:22 PM; Director Lightcap seconded; all approved (5-0).

ⁱ WMSWCD 2018 Annual Meeting Minutes

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- ⁱⁱWMSWCD 10/10/2018 Meeting Minutes*
 - ⁱⁱⁱWMSWCD 11/07/2018 Meeting Minutes*
 - ^{iv}WMSWCD Independent Auditor's Report and Financial Statements for Year Ended June 30, 2018*
 - ^vWMSWCD-Balance Sheet as of October 31, 2018*
 - ^{vi}WMSWCD-General Fund Budget Only Budget Performance October 31, 2018*
 - ^{vii}WMSWCD-Sturgeon Lake Fund Budget Performance October 31, 2018*
 - ^{viii}Letter from Carol Chesarek re: Proposed Letter about Metro North Tualatin Mountains Application (12/12/18)*
 - ^{ix}Draft staff recommendation letter of support to Multnomah County Land Use Planning Office regarding Metro Park and Nature's North Tualatin Mountains Access Master Plan*
 - ^xResolution #2018-12-12, A Resolution Regarding District Purchases from board Member Operated or Owned Businesses*
 - ^{xi}Oregon Pay Equity Law and Proposed Action*
 - ^{xii}Staff Reports*
 - ^{xiii}Diversity, Equity and Inclusion Committee Report*