



MAPLETON WATER DISTRICT  
APPROVED SPECIAL BOARD MEETING MINUTES  
MAY 22, 2023  
5:00 PM

Members Present: Vanessa West, Art Donnelly, Nancy Pettibon, Sharon Kelly, Julie Doran-Lee

Others Present: Mark Knudson, Joe Rochon, ShirleyMarie Raven, Cindy Haberman, Jordan Walker

Meeting opened by West at 5:02 pm.

**Special District Association of Oregon Board Meeting Training**

West handed the meeting to Mark Knudson of the Special District Association of Oregon (SDAO). Knudson explained his previous experience in government and his background. His goal is to provide board training and review authority of special district boards in Oregon. He emphasized that a special district is a local government, not a business, but a public agency. He discussed the role of the Rural Community Assistance Corporation consultants, Kim Williams and Rita Trick. SDAO provides up to eight hours of consulting to member districts every calendar year.

Knudson encouraged all board members read Oregon Revised Statue 264 from which the board's authority comes. He said board members must adhere to the law and that the SDAO does not provide legal assistance. The board provides direction for the district and all decisions and deliberations must be public. Ordinances are effectively law, resolutions are to a lesser extent. Creating policies by resolution or ordinance is effectively delegating. Rates should be set by ordinance. The process of creating an ordinance can take up to two months.

West asked which sort of lawyer the district should obtain. Knudson said that district typically obtain a group of lawyers from a specialist firm. Employment or human resources firms are typically more specialized.

Knudson clarified the definition of a public meeting and explained the difference of legislative versus administrative authority. SDAO recommends that board members stay out of day-to-day operations. Operations should be left to staff. Donnelly said that our district is too small for all operations to be done by staff. Knudson said that some districts do not have any paid staff but that it is important that the board as a whole make the assignments for board members district activity. Also, communications with the public must be coordinated.

Knudson clarified the fiduciary responsibility of the board and explained that board members are entitled to indemnity so long as their actions fall within the course and scope of their position. He then discussed reporting authority and the governing structures. Special districts are not "home rule" entities like cities and therefore has limited authority. He said it was important that a board has a vision for the district.

Knudson proceeded to explain public meetings laws. Donnelly asked for clarification on whether committees would need to be public. Knudson said that if the committee is acting in advisory capacity to the full board then any meeting would need to be made public. The issue of group text meetings was discussed. Knudson said that text meeting are not allow and neither are "serial meetings" where board members discuss public business individually and the content of the discussion is passed on from one member to another. The board could appoint a single person or board member to make decisions on



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particular issues outside of the meeting. However, no more than two board members would be able to discuss the issue.

Knudson then discussed executive sessions. Executive sessions can be held on particular issues list by law. The press can attend but the chair can asked that the matters discussed not be reported on. Executive sessions can be brief.

Knudson then discussed board member ethics emphasizing that members cannot use their office for personal gain. The Oregon Ethics Commission can issue advisory opinions for clarity.

Knudsen said that there is additional information available online at the SDAO's website. Donnelly asked how board members would access the information. Knudsen said that the district would update the board member's information with the SDAO to access the additional information that requires an account.

A copy of Knudson's handout is attached.

Board training concluded at 6:50 pm after which West decided to have a brief break.

**Remaining Agenda Items Continued**

The meeting reconvened at 7:00 pm.

**Consent Agenda**

**Motion:** Approve the consent agenda which included the minutes from April 10, 2023 and May 8, 2023.

Made by West, seconded by Kelly. Motion approved unanimously.

**Resolution 2023-02 Authorizing Cindy Haberman Access to Grant Information**

**Motion:** Approve Resolution 2023-02 Authorizing Cindy Haberman Access to Grant Information.

Made by West, seconded by Kelly. Motion approved unanimously.

**Motion:** Allow Vanessa West permission to give Cindy Haberman additional access to grant information as needed.

Made by Doran-Lee, seconded by Pettibon. Motion approved unanimously.

**Resolution 2023-03 Transferring Contingency Funds to Materials and Services**

Walker explained that the district is on track to overspend in the category of material and services by the end of this fiscal year. This resolution transfers \$20,000 from the district's contingency fund to the materials and services category. Raven asked if this would affect the district's beginning cash balance for the next fiscal year. Walker said he believed that it would.

Doran-Lee made a motion to approve Resolution 2023-03 Transferring Contingency Funds to Materials and Services. Pettibon seconded the motion which was approved unanimously.



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**Establishing Job Titles and Descriptions for Employees**

The board then discussed job titles and descriptions for employees. Donnelly and West both reviewed Oregon Bureau of Labor and Industries regulations regarding exempt employees. However, Donnelly said that each of them seem to have come to different conclusions in this matter. Donnelly said that there is a possible liability for the district but was advised not to call SDAO's human resources department until the board has taken action on this matter. Kelly asked for an explanation as to what the issue is. West said Joe Rochon was hired as an hourly employee but has been paid as an exempt hourly employee. This could mean that he is owed overtime and possibly compensation.

West said that we may need legal assistance in resolving this matter. Donnelly said he is willing to take responsibility on this matter. He also said that the district may need to spend up to \$5,000 on legal fees to resolve this issue.

**Motion:** Appoint Art Donnelly as the Mapleton Water District' liaison to obtain legal assistance for the purpose of resolving issues surrounding Joe Rochon's classification and pay.

Made by Doran-Lee, seconded by Pettibon. Motion carried with four in favor (Doran-Lee, Pettibon, West, Donnelly) and one abstention (Kelly).

Pettibon suggested that Walker create a proposed job description for himself.

**Operational Reports**

**Plant and Leak Update**

Rochon discussed possible training opportunities for himself including an upcoming quarterly boot camp in Albany sponsored by the Oregon Association of Water Utilities.

**Motion:** Approve Joe Rochon's attendance at the quarterly bootcamp organized by the Oregon Association of Water Utilities.

Motion made by Doran-Lee, seconded by Donnelly. Approved unanimously.

Rochon said he has been in contact with H&J Construction about possible solutions to the leak under the bridge. He also discussed possible solutions to leaks on the two mains above Highway 36. He resolved a leak near the plant. It appears an old clean out valve was left on at some point causing a loss of water. With the recent location and repair of several leaks, reserves are building in the tanks. The clarifying tank the district rents from Rain 4 Rent will be returned to them next week.

West said that the engineer for the new plant has been on vacation. She said that she and Rochon would be discussing any possible issues when he returns.

West said that a tree above the plant damaged the settling tank.

Rochon said that Three Rivers Casino contacted him regarding the possibility of taking water equipment from a soon-to-be decommissioned water plant. Three Rivers will be soon connecting to the City of Florence water system. He also said that we still need listening equipment for leak detection. He also said that Jerry's Home Improvement will be having a half-price sale on tools.



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The board discussed purchasing approval policy. Requiring three votes for approval might violate public meetings law and this needs to be adjusted. It was suggested that the board designate two board members for purchasing approval.

**Motion:** Designate Nancy Pettibon with Vanessa West to approve purchases outside of and between board meetings.

Motion made by Doran-Lee, seconded by Art Donnelly. The motion was approved with four votes (Doran-Lee, Donnelly, Pettibon and West). Kelly abstained.

**Cybersecurity Update**

Doran-Lee said at the suggestion of Rita Trick (RCAC) she contacted the Lane Education Service District for possible assistance. She also contacted the IT consulting firm Step Up. Donnelly said he has been in contact with Convergent regarding cybersecurity. Wireless and internet security remains a problem.

**Email and Website Update**

Donnelly and Walker met to discuss the website. Doran-Lee will also be looped into the discussion regarding the website and email. Donnelly said he wanted to get a board and staff picture for the website.

**Miscellaneous Board Discussion and Action**

Kelly offered to assist in organizing the office to which Walker was receptive.

The board discussed the issue of the district office manager, Kelsie Allen's, current pay rate. Currently she makes less than the other district part-time employees. Walker said that he currently believes he makes \$18.50 per hour.

**Motion:** Increase Kelsie Allen's pay rate to \$18.50 per hour to achieve parity with the district's other part-time employees effective her next paycheck.

Motion made by Doran-Lee, seconded by Kelly. Approved unanimously.

The board discussed the need for a special meeting to discuss an organizational chart.

The board discussed the effectiveness of the grant committee as currently composed. Doran-Lee said it might be best if we simply dissolve it and begin again.

**Motion:** Dissolve the current grant committee and reappoint new members in a future meeting.

Motion made by Doran-Lee, seconded by Kelly. Approved unanimously.

Doran-Lee discussed to use of Facebook notifications. Not everyone uses Facebook, but enough do that the district can get notifications to a fairly wide group of customers. Other members discussed the use of a phone tree.



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Walker asked if a different setup of the Lions Club kitchen might be easier for the board. The consensus was that it would.

Meeting adjourned at 8:35 pm.