

**CLACKAMAS RIVER WATER BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
December 8, 2022**

COMMISSIONERS PRESENT VIA ZOOM MEETING:

Sherry French President
Naomi Angier, Secretary
Tessah Danel, Treasurer-
Rusty Garrison
Bob Rubitschun

STAFF PRESENT:

Todd Heidgerken, General Manager- Absent
Karin Holzgang, Executive Assistant to the Board

CRW Employees: Chief Financial Officer, Jason Kirkpatrick; IT Manager, Kham Keobounnam; Chief Engineer, Adam Bjornstedt; Engineering Manager, Joe Eskew; Emergency Manager, Beth McGinnis

COMMISSIONERS ABSENT:0

VISITORS: Bob Steringer, Kevin Williams, Chris Hawes, Jeff Griffin

Call Regular Meeting to Order

Commissioner French called the meeting to order at 6:00pm. The pledge of allegiance was recited.

MOTION: Commissioner Angier move to approve the agenda as presented. Commissioner Danel seconded the motion

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays: None
Abstentions: None

Public Comment- Chris Hawes (Sunrise Water Authority Board Chair) shared That the Sunrise Board voted to dedicate the new building in the name of their former Board Member Ernie Platt and invited the CRW Board and CRW staff to attend the dedication of the building when it is held.

Insurance Renewal Presentation:

Jeff Griffin presented to the Board to share the information on the insurance renewal numbers for CRW's Property & Liability insurance. The preliminary costs have been provided to staff and the firm numbers will be provided after the first of the year. CRW's rates went up about 5% which is lower than most Special Districts. CRW received all 10% discount from the Best Practices Credit. Commissioner Rubitschun asked about the areas of insurance the district is covered by and asked if it is common to have loss of business insurance (loss of revenue coverage). Commissioner Garrison asked about if there were a loss of equipment

would those be replaced at value or the actual piece of equipment. If there are upgrades to equipment or added property would rates increase mid-year.

Agenda Item 1.0 Consider Approval of Grant Agreement in support of Clackamas River Water Providers (CRWP) Emergency Drinking Water Planning

Ms. McGinnis shared that this is a big step forward in the community value component by water providers in the basin working together. CRW is NIMS compliant which makes them eligible to administer this grant through FEMA. The efforts will benefit all the providers of CRWP with CRW managing the grant on behalf of CRWP.

Commissioner Angier asked if the CRWP could receive the grant and administer it, but they are not NIMS compliant. Commissioner Garrison asked about the City of Milwaukie since they receive water from CRW and other sources and would they be able to participate in this planning.

MOTION: Commissioner Angier Move the Board approve the Grant Agreement in support of Clackamas River Water Providers (CRWP) Emergency Drinking Water Planning and authorize the general manager to sign on behalf of Clackamas River Water. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun

Nays:

Abstentions: None

Agenda Item 2.0 Consider contract award: Redland Road waterline material procurement, CIP 21-5273

Mr. Eskew shared that this is materials for a project that CRW will be doing in conjunction with a Clackamas County project. To make sure CRW has materials when the County is ready to begin their project, staff is procuring the pipe ahead of time and store it so it is ready for the project once that is bid. There were multiple bids received and staff chose the one in the middle based on the shortened lead time to receive materials ahead of the project commencement (the spread between bids was roughly only \$3,000 difference).

MOTION: Commissioner Angier move to award the Redland Road Waterline material procurement contract to HD Fowler for the amount of \$170,976.32 and authorize the General Manager to sign the completed contract. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun

Nays:

Abstentions: None

Agenda Item 3.0 Consider Approval of the Contract Renewal of K & D Flagging

Mr. Bjornstedt shared that this is a second-year extension of an established contract for flagging services. This is a situation where there has been a more increased need for flagging services, rates have increased and so the not to exceed amount of the contract is being requested at \$90,000 which is above the GM signature authority requiring Board approval.

MOTION: Commissioner Angier move to approve the contract extension for Traffic Control Services with K&D Services of Oregon, Inc. with a not-to-exceed amount of \$90,000; and authorize the General Manager to sign the contract extension. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays:
Abstentions: None

Agenda Item 4.0 Consider approval of Resolution 04-2023 delegating contracting authority to the General Manager for Certain “Add-Work” projects

Mr. Bjornstedt shared that the situation occurred with agreements between CRW and ODOT that were for reimbursable work, and some work at CRW’s expense and each of these agreements would need separate Board approval unless the Board approves a Resolution as a “blanket” pre-approval of these types of agreements.

MOTION: Commissioner Angier move that the Board approve Resolution 04-2023 Delegating Contracting Authority to the General Manager for Certain “Add Work” Projects Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays:
Abstentions: None

Agenda Item 5.0 Consider approval of contract with Harrang Long Gary Rudnick for General Counsel Services

Mr. Bjornstedt shared with the Board this is a three-year extension for legal services for CRW. There have been some changes/modifications to what services fall in the retainer amount and there is an increase in the base retainer fee and the outside of retainer blended fee. There will also be trainings included in the retainer amount. Commissioner Angier voiced her support for the legal services CRW receives. Commissioner Rubitschun asked about if the full number of hours in the retainer were being utilized and was told there will be additional trainings and projects added in the upcoming year to use more of those hours.

MOTION: Commissioner Angier move that the Board approve the professional services agreement with Harrang Long Gary Rudnick, P.C. for legal services for Clackamas River Water and authorize the General Manger to sign on behalf of the Clackamas River Water Board of Commissioners. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun

Nays:

Abstentions: None

Agenda Item 6.0 Consider approval of Resolution 05-2023-Legislative Action Policy

Mr. Bjornstedt shared that this topic was shared with the Board at a previous work session and that have this in place would allow a quick response for CRW to support efforts identified by SDAO that would benefit special districts
Commissioner Garrison asked if the policy was reviewed; the policy was based on an SDAO template, received legal review and Mr. Heidgerken crafted the priorities on water.

MOTION: Commissioner Angier move that the Board approve Resolution 05-2023 adopting the Legislative Action Policy. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun

Nays:

Abstentions: None

Agenda Item 7.0 Consider approval of Resolution 06-2023- updating water rates charges to Oregon City effective January 1, 2022

Mr. Bjornstedt shared this water rate approval are a result of a 2016 IGA between CRW and the City of Oregon City for water sales through a master meter to serve a development. The agreement had not been utilized until this year when the first amount of water is going to be purchased. The rates being approved through this resolution will catch up the established 2016 rate to what the current 2022 rate should be to comply with the agreement

MOTION: Commissioner Angier move that the Board approve Resolution 06-2023 Updating water rates charges to Oregon City effective January 1, 2022. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays:
Abstentions: None

Agenda Item 8.0 Consider approval of Resolution 07-2023 updating water rates charges to Oregon City effective January 1, 2023

Mr. Bjornstedt shared that this approved resolution will set the water sales rates beginning in 2023 as the City of Oregon City purchases water through the master meter.

Commissioner Rubitschun asked about the established increase rate of 3% in the agreement and that the amount doesn't reflect the current economic climate. Asked if there is an opportunity for the GM and legal counsel to approach the City to review if the amount of increase could be re-negotiated. Commissioner Garrison asked about if staff looked at the cost of providing water through the meter and the maximum increase of 3% covers CRW's costs.

MOTION: Commissioner Angier move that the Board approve Resolution 07-2023 Updating water rates charges to Oregon City effective January 1, 2023. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays:
Abstentions: None

Consent Agenda

CA-1: Gross Payroll and Account Paid for November 2022

CA-2: Cash Position and Transfers November 2022

MOTION: Commissioner Angier move approve the consent agenda as presented. Commissioner Danel seconded the motion.

MOTION CARRIED 5-0

Ayes: Angier, Danel, French, Garrison, Rubitschun
Nays:
Abstentions: None

Agenda Item 9.0 Management Report

- CRW received the GFOA award for Excellence in Financial Reporting for FY 21
- CRW applied for a FEMA grant to assist with the Redland Road WL project and if the materials are purchased ahead of receiving the grant the project did not qualify and since there was a need to purchase the materials now to be ready for the County's project. Staff asked FEMA if the application could be modified to cover a separate portion of the Redland Road WL project and

so that request was approved and staff submitted a revised application to go back in the que for review and hopefully eventual award.

- The December bill insert was provided and will go out with the December utility bills.
- Still looking for additional applicants for the budget committee

Agenda Item 11.0 Commissioner Reports and Reimbursements

- Commissioner Angier is the RWPC representative for CRW. She attended the Executive Board meeting where there was a discussion on a possible proposed change to the current 5-year plan.
- Commissioner French attended the Sunrise Water Authority meeting and the Oak Lodge meeting

No public comment

Open meeting is adjourned 7:49pm