

**Marion Soil and Water Conservation District  
BOARD MEETING  
2/05/2020**

Location: Marion SWCD Conference Room  
338 Hawthorne Ave. NE, Salem, OR 97301  
Date: Wednesday, February 5, 2020  
Time: 6:07 PM to 8:53PM

**FINAL / APPROVED**  
Recorder: Janice Calkins  
Chair: Terry Hsu

**ATTENDANCE:**

<u>DIRECTORS</u>	<u>ASSOCIATES</u>	<u>STAFF</u>	<u>GUESTS</u>
Walker, Scott	Budeau, Dave	Bishop, Brandon	Alexander, Catherine – Straub Outdoors
Hsu, Terry	Hardy, Leland (Lee)	Calkins, Janice	Stevenson, Brent – Santiam Water - Control District
Koch, Rochelle	Keppinger, Jane		Bachelor, Les - NRCS
Krahmer, Doug			
Olson, Darin			
Bielenberg, Tim			

**1. CALL TO ORDER/INTRODUCTIONS:** Chairman Hsu called the meeting to order at 6:07 PM. Introductions made (everyone present introduced themselves). Krahmer joined the meeting 6:08 PM.

**2. PRESENTATIONS:**

a) **STRAUB OUTDOORS** – Catherine Alexander, Executive Director  
Alexander provided an overview of Straub Outdoors achievements in 2019, saying that more than 5,000 children and their family members had been directly served through their 52 various programs and events held last year, and that this figure did not include tabling events. Watershed Ecology and culturally based curriculum are taught, along with Native American history. Straub Outdoors serves people of all ages (six through adult) and backgrounds. Many of Straub’s participants had never been to a farm, forest or river before, she said. Alexander was proud of the high-quality programs and services they offer, and by that fact that they operate from a yearly budget of less than \$200,000.00. DEI (Diversity-Equity -Inclusion) principles are included in all aspects of what they do - from program offerings to diversity within their Board, Staff and volunteer workers. Straub’s Outdoor Programs are tripling in size this year, Alexander reported, and a new partnership with the Oregon State Parks has been formed, where participating kids will stay in open air cabins. The-majority of their participant children have special needs, and no resources available for: boots, coats, sleeping bags, etc. Therefore, their programs have been designed to assist those in need by providing the necessities required. Alexander also said Straub’s Outdoor Program has been developed to align with the mission of the Marion SWCD. She thanked the Board for their time and their continued support of Straub Outdoors.

**3 REALTORS, 1 CONTRACTOR/BUILDER PRESENTATIONS** – Future Office Space – 10 Min. Max per each presentation  
Koch asked if Hsu wouldn’t mind tying this into the Ad-Hoc Building Committee update. Hsu agreed, since there were no presentations prepared, that would be fine.

(Bachelor entered the meeting room: 6:21 PM)

**3. PUBLIC COMMENTS:**  
None.

**4. AGENDA APPROVAL / CHANGES:**

None.

**5. AGENCY / COMMITTEE REPORTS:**

a) **NRCS** Les Bachelor, District Conservationist

All Directors were invited to attend NRCS's Local Work Group meeting to be held 2/28/2020, 9 AM to 12 PM. This meeting is held on the last Friday of every February, every year. We get feedback of local resource concerns and those are put into implementation strategies. We have had all implementation strategies funded and we are set for the next five years. In the Willamette for five years. Working on erosion control in Yamhill, Marion and Washington Counties. And the Apple Capitol is a big one for the North Coast and the Willamette Basin, which we have funded. NRCS staff are still awaiting an EQUIP deadline date – but hope to see it in a few days.

b) **AD-HOC BUILDING COMMITTEE-** Rochelle Koch, Chair

Next Steps for Realtor(s) and Contractor/Builder

Koch explained that the presentations planned for, unexpectedly all fell through. She asked Jane and others, if we wish to move forward, do we continue to reach out until you have people to choose from? Jane responded you should at least have more than one presenter. Walker advised that one of the non-presenters had a crisis. A property that had a fire on it. Hsu asked if the gentleman could present at another time? Yes, Walker said. Koch was surprised saying Real Estate professionals are usually clamoring for new business. She asked the Board if they had any Realtors to recommend. Jane? Hsu responded, Alex Rhoden. Bielenberg suggested Terry Frohmeier. Keppinger thought the individual was no longer around. Koch and Walker indicated Jennifer Martin had been contacted. With Walker stating, Martin had perceived that Terry Hancock had the business, and that Walker explained that the District was required to interview several people for the job. Martin responded if the Board remained to be in a quandary, she would make herself available as she had leads on several properties. Koch requested they place this item onto next month's agenda. Hsu agreed, saying sounds good to me. Koch then advised everyone that the Ad-Hoc Committee will be meeting on February 11, at 9:00 AM and the Board was invited to join them to hear Robert Silva explain how one Company can be hired, and both the Architect and Builder's work would be combined into one transaction, making the building process significantly easier. This is one option available. Walker asked if the Committee could review proposals during the 11<sup>th</sup> meeting, then take their recommendations to the next Board meeting. Keppinger responded, yes, if that is what the Committee wants and is planning to do. She was not sure what they had to present. Hsu replied, how it related to those five-questions – and how they hoped responses from various Real Estate brokers would be received back by then. And has the Board reviewed those questions Keppinger asked. Koch responded she had jotted down some questions on her own that she felt would be important. Keppinger replied, it would behoove the Board to review the questions and sanction them, and decide if they were the type of questions, they would want Realtors to respond to. It is important that Committees' take actions always with the Board's backing behind them. Hsu agreed saying that sounds reasonable. Yes, Committees make recommendations, and the Board approves. Koch replied, we were hoping that tonight everyone could ask any questions they had, and answers be provided tonight. This list was just a guideline of questions. Walker agreed saying a half of dozen items or so. Keppinger responded, again does the Board concur with this list of questions created? Walker responded then we could get the Boards approval right now, as we have those questions right here. Hsu adding, they were provided by Terry Hancock on the report distributed this evening. Hsu asked Bielenberg, what he wanted to say. Bielenberg said he wished to resign from his position on the Building Committee. He said he thought they had discussed this matter a few months ago, and that the Board was going to handle this as a couple of issues had been presented, whereby it was said it came from the Committee, but that was not so

...it came from a few members of the Committee. He felt there was too much discussion going on, about Soil and Water business outside the Board Meetings. He suggested that the Board handle this, and not a Committee. Umm, oh (Hsu). Koch asked if she might speak, saying she had made several attempts to contact Bielenberg to schedule a meeting. Bielenberg again stated there was too much discussion outside the Board meetings, how he was told by two people that there had been a couple of Board members at McDonalds in Silverton at different times there, discussing Soil and Water business...in a public building. Koch responded, G\_\_, like I've never been to a McDonalds. Hsu, interjected, my understanding is there is nothing wrong about discussing Soil and Water business as long as you don't form a quorum. Keppinger added, the function of a Committee when assigned a project by the Board, is to discuss matters within an official public meeting. If discussions are made between individuals and decisions are being made, outside a public meeting – they must be extremely careful due to Public Law regulations. There is a very fine line to follow. It has nothing to do with the number of people on a Committee. Two people can make a quorum if they have a discussion and are making decisions and that type of stuff amongst themselves. I just caution you guys. I am asking you now, obviously questions were developed – here you have them. Let the Board take-action now, about the questions so that you guys may move forward and contact the other agents, asking them the same set of questions and then bring them to a Committee meeting. We were asked. Oh, go ahead (Koch). Bielenberg added, and the other thing was, that in an earlier Building Committee meeting, the Landlord brought a proposal to the Committee, and the Landlord was willing to speak directly to the Board regarding it. Bielenberg felt the proposal looked real-good and asked the Committee to take it forward to the Board. It was responded, no wait a minute. Bielenberg was concerned that the proposal had never been officially presented to the Board, and fully reviewed. There was paperwork handed out in the Board meeting, but there was never a discussion held about it, he said. Koch responded that he was not present, when a discussion was held regarding it. There were four Board members present in the meeting. Walker agreed saying, a vote was held during the December meeting, and there was a full discussion held and that Keppinger was present. Bielenberg expressed concern, that the proposal was put on hold and not presented immediately. You did not reveal the proposal until December – at which time it was almost too late... Hsu said, well, uhm, we... Walker responded, they did an analysis of the stuff, and he provided the material...so there was a lot of conversation about that stuff. Okay? Bielenberg said, and some of that was yours, not the Committee. I, uh – okay, but that was part of a different conversation that people would look at and talk about (Walker). Hsu interjected that he was not at Committee meetings. Committees must decide how they will function. Decisions are made, things happen- you might like it, a decision might be to your favor or something you don't like. That's how it works (Hsu). Like on a Board, we don't all agree. That's how it's going to be. (Hsu). If you don't want to be on the Building Committee, that your choice (Hsu). The Committee made its recommendations, the Board chose to accept them.(Hsu). Koch requested the Board review the questions (which were noted in red) and take a vote. Hsu responded, that looked good to him. He asked everyone to take-a -look at the list and decide if they liked the questions, or wished to add to them, or subtract? Keppinger noted that items six and four were redundant, however item six had better wording used in the question. Hsu and Koch both agreed. With Hsu saying they would scratch item four from the list. Keppinger agreed it would be beneficial for a Realtor to demonstrate the fact that they had worked with public agencies before and or built public buildings, and or- and not just say oh yes, I get along with anybody. Yes, agreed (Hsu).

Koch asked if she might move to accept the questions presented (refer to document signed by Terry L. Hancock, on Hancock Real Estate letterhead) to any potential Real Estate persons if they decide to go in that direction. Hsu, 2<sup>nd</sup> the motion.

#### **DISCUSSION:**

Olson said he wished to abstain from that vote, on the basis he was not present for the whole conversation. Hsu replied, all right. Yes, there was more to the discussion Hsu said, but basically do we want to approve these questions. Jane's comment was that as a Board we need to decide if these questions are appropriate (Hsu). Koch added these are a base of questions and that the Board will be able to add

additional questions. It's to establish a base of who they are, and what their experience is (Koch). Okay (Olson). Walker asked that the Motion be restated.

**MOTION:**

Koch motioned that the Board approve these questions for potential real estate interviewees, if we decide to move forward in purchasing a property, or looking at property, or contracting an agent. (2<sup>nd</sup> the motion/Walker). Hsu repeated, he had already 2<sup>nd</sup>.

**Motion Passed** (Aye – 6 votes, Nay – 0 votes)

Koch updated Olson about info discussed earlier (before his arrival) that there will be a meeting on the 11<sup>th</sup>, and Robert Sylvette will attend the meeting and present, she hoped Olson would be able to attend it.

c.) **EDUCATION COMMITTEE** – Scott Walker, Chair

Walker advised three proposals had been reviewed by the Committee. (1) a field trip for McKay High School. Walker pointed out that the request was greater than 1,000.00 standardly requested. However, Staff advised the amount was not an issue – as it did not exceed the yearly cap of \$3,000.00. (2) a request by GeerCrest Farm, whereby they will restore native habitat. A concern was noted about the request, as this was the second time in four years money was sought for purchasing hand tools. Walker said he was curious to know what had happened to the tools purchased last time around. The concern was brought up earlier to the Committee, but there was no response back. (3) a stream bank restoration project by Sprague High School, if he recalled correctly.

d.) **PROGRAM COMMITTEE** - Doug Krahmer, Chair

Krahmer and Bishop explained that the Program Committee was still working on review of the Grant Limitation Policy (\$22,500 amount once in every five years). Keppinger reminded them that there was still an item to be addressed by the Committee. This discussion item will be addressed next month (in March). The Program Committee has been discussing the needs for budget increases next year for: LAP, SPG and Cover Crop programs both Krahmer and Bishop announced. Hsu noted he read about some proposed numbers discussed, and asked but you have no final numbers to recommend at this time? Correct, Krahmer responded. Walker advised that they wished to review the Cover Crop program, after fields had been plowed over and responsibilities were completed. Bishop interjected - well we would need to do this before that time – for next year's budget. Why, you won't be plowing until April? Walker asked. Sometime in spring (Krahmer). It's dependent upon the weather (Koch). Hsu chose to move forward with the meeting, as they would discuss the matter again in the future.

e.) **LANDOWNER ASSISTANCE PROGRAM REIEW COMMITTEE** – Leland Hardy, Jane Keppinger

Recommendation to Award Cycle 2 Funds to Applicants

The Committee's January meeting minutes were reviewed, Page two of the report listed the various LAP projects funded (17 conservation projects, total payout \$102,480.00). Hardy indicated to the Board the Committee recommends that all 17 projects be funded. They are good projects, and the applications are all worded well – perhaps the best he has yet to see. Koch voiced she liked the report, however she had issues about reading it (very fine print). Keppinger said that the balance remaining in the LAP fund was just over \$6,000.00 and that the Committee would like to have the fund amount increased, perhaps by transferring funds remaining in the Special Grants fund – to create a new Cycle 3 funding account so that additional landowners might be assisted with their conservation projects this year. Walker asserted that perhaps the monies could be taken from another account like the general fund, or the unanticipated funds...Keppinger and he discussed options a bit, and it was agreed that the contingency fund (\$190,000) might be a good option to access additional monies from.

**6. FINANCIAL REPORT:** - Scott Walker, Secretary/Treasurer

Walker asked the Board to review the report submitted. Koch asked why Keppinger could not continue reviewing the document with the Board. Walker responded he had been asked to do it. He suggested the Board look at the expenditures and voice any questions they might have. Hardy liked the way Keppinger explained the document, as he could more easily follow and understand the figures seen. Hsu asked Keppinger to please review the report with the Board. Local Government Investment Pool closing balance as of January 31, 2020 was \$2,657,238.36. Monthly Distribution/Interest was at 2.25% which seems to be holding (which is a good thing) it went up to 2.75% then dropped down for a few months. The second sheet is the QuickBooks reconciliation sheet, which shows the same ending balance (lower right-hand column). It shows one deposit of taxes earned (\$9,428.79), and a deposit of \$5,232.91 representing interest earned. The District's revenue was higher than anticipated, which was a good thing she said – as this meant people were paying their taxes. Keppinger continued through all sheets, explaining what the figures represented. Keppinger noted that the District's outgoing expense checks averaged between \$50 – 60,000.00 each month – which was consistent.

**MOTION:**

Krahmer motioned that the Board accept the financial report as presented. 2<sup>nd</sup> by Olson. There was no discussion. **Motion Passed.** (Aye - 5 Votes, Nay 1- Vote (Olson))

**7. DISCUSSION ITEMS** (May lead to an approval or action on any item.)

**a. DISTRICT MANAGER PERFORMANCE EVALUATION PROECSS/PROCEDURE RECOMMENDATIONS**

(from Attorney) – Chair Hsu

Hsu advised the Board would discuss this in Executive Session and then would resume the Board meeting to discuss Manager evaluation.

**8. ACTION ITEMS** (Motion to approve, accept or postpone an item).

**a. NOVEMBER 14, 21, 2019, JANUARY 8, 2020 Special/Board Meeting Minutes** – Chair Hsu

Hsu asked if Walker might advise on this matter. Walker indicated that each Board Member had before them a set of the transcribed minutes, which reflected word by word what everyone had said during the November 14<sup>th</sup> and 21<sup>st</sup> meetings. As there were many comments made during the 14<sup>th</sup> meeting, it would be hard to summarize accurately what everyone said. He felt it important that it become an instructive document going forward in terms of the housing situation. A full transcription was wanted on the 21<sup>st</sup> meeting, due to potential issues that can be assisted and resolved, he said. It won't leave it up to one's interpretation, but rather what was said is said. It was a laborious process, and we spent \$492.60 or so to have the transcriptions done. Janice (Calkins/Staff) helped on the first one, in terms of identifying the speakers because the transcribers had no idea whom the speakers were. She was not able to assist on the 21<sup>st</sup> document, due to other pressing responsibilities at the time (like Annual Meeting). Walker himself added speaker names, in various sections of the report. He then thanked Krahmer for saying at an earlier date, that names were not important. Walker asked the Board to review the documents over the next month and grant their approval during the next meeting (March). Keppinger advised that since names were missing, the minutes therefore would be considered incomplete. Hsu responded he saw no problem, that the minutes should be accepted as they are. Walker then indicated that perhaps Janice (Calkins/Staff) might find the time to listen to the recording and insert names into the 21<sup>st</sup> transcript and asked if Hsu might instruct the Manager to assign Janice the task. Hsu responded that he felt the 21<sup>st</sup> minutes were most important. Olson suggested not placing the burden on Janice until after the Annual Meeting was past. Hsu agreed. Olson asked Janice if that was okay. She responded it sounded fine. Hsu asked, then all the meeting minutes will wait until a future date. Right? Is my understanding correct? Alright then. Moving forward then....(Hsu).

**b. NRCS CONSERVATION PLANS** (if presented) – Chair Hsu

None presented.

**c. CLEAR GRANTS-** Chair Hsu

1. **Sprague H.S. \$1,000 for Stream Restoration Project**
2. **McKay H.S. for Marine Science Field Trips (3 Buses/3 Classes) \$1,650.00**
3. **GeerCrest Farms & Historical Society for Materials and Supplies \$894.10**

**MOTION:**

Walker motioned that the Board approve the CLEAR grant applications for **Sprague and McKay High Schools** as submitted. Olson 2<sup>nd</sup> the motion. No further discussion

**Motion Passed.** (Aye – 6 Votes, Nay – 0 Votes)

**MOTION:**

Hsu motioned to accept and approve the CLEAR grant application from **GeerCrest Farms** and the Historical Society for materials and supplies in the amount of \$894.10. Walker asked for a modification, that the Board approve it if GeerCrest provides receipts of the purchases made. Olson responded, but they “have to”. Keppinger indicated they had never required receipts be provided on a CLEAR grant in the past. She advised the Board to be cautious and not single out a “particular” group, placing requirements upon them that others are not required to adhere to. Olson asked what date the event monies were needed by. If not right away, Staff can be asked to determine what supplies had been purchased in the past. Otherwise, if needed sooner, that would be a different story. Keppinger indicated the funds are needed by 3/01/2020.

**DISCUSSION:**

The Board discussed back and forth what actual supplies were being asked to purchase, what GeerCrest’s project entailed, and how GeerCrest is doing some great work - serving a large sector of the community. Hsu voiced he felt the supplies asked for would require updating periodically, it was plausible that a lot of tools and equipment would be needed. He had no issues supporting approval of the request. Hsu and Hardy were in full support of the grant.

**Motion:**

Hsu again motioned to accept and approve the GeerCrest CLEAR request. 2<sup>nd</sup> by Koch. No further discussion made.

**Motion Passed.** (Aye – 5 Votes, Nay – 1 Vote (Walker))

**d. STRAUB OUTDOORS FUNDING REQUEST** – Chair Hsu

Hsu addressed Catherine Alexander, Executive Director of Straub Outdoors, saying I see you do not have an amount specified on your request for funding assistance. She responded how she and Jane Keppinger had spoken, and how last year’s support was for \$10,000.00. Olson asked for how many years now had the District provided \$10K in funding? Keppinger responded two years, perhaps even three. Alexander responded the District’s support was not their sole support, they received grant funding and support from other agencies, as well as from private supporters. She also said funding from a couple of multi-year grants would be ending soon. Yes, the District’s support is an important piece but not all. Olson indicated he would like to see the amount increased a few years out, as costs keep increasing. Hsu added, and Catherine you said you are asking for another \$10K yet you are also tripling your outreach as well. What

are your thoughts on that? Alexander indicated that in review of all, she felt she would be able to manage well with the \$10K this year. Perhaps funding should go up perhaps 5 to 6% to cover labor and materials, Olson suggested. Walker added, not only to cover inflation but expansion of programs.

**MOTION:**

Krahmer motioned for the Board to approve and grant funding to Straub Outdoors in the amount of \$10,000.00 with a caveat that if Straub Outdoors needs more money, they can come back and request more. 2<sup>nd</sup> by Olson. There was no further discussion.

**Motion passed.** (Aye-6 Votes, Nay – 0 Votes)

**e. MOU WITH PARTNERS WITH THE NORTH SANTIAM – Chair Hsu**

Hsu asked Keppinger if she might clarify. She in turn asked Brent Stevenson of the Santiam Water Control District to clarify. Stevenson this is a working group, formalizing a partnership for work in the basin. Establishing a plan for restoration work in the Basin. It doesn't say much, rather it establishes a commitment to be a part of the partnership in grant applications for activities within that plan. Basically, telling the story of the multiple partners, all working similar projects, and sharing the same/or similar goals. Partners include: The Water Control District, the City of Salem, the Watershed Council, ODF&W, DEQ, Forestry Department, the BLM, NRCS amongst others. Krahmer asked if this was preparation work or is this a partnership grant through OWEB? Yes, a grant, and they got the grant. They were awarded it Keppinger replied. The Control District received a grant, the District was awarded another \$100K for partnership with the Bureau of Reclamation they are combining both of those dollars and searching for some of those big-dollar grants (Stevenson). Hsu asked, so would the District be a signatory or other non-signatory participant? Keppinger replied, a signatory. It was clarified, non-Federal agencies can be a signatory. Walker asked, so if the partnership undertakes a project, we (under definition) are for it? No, replied Stevenson. There would be a Committee who establishes priorities. Each agency, entity or individual(s) can bring grant applications forward to leverage the community so that everyone can participate. Krahmer indicated then the District could have someone representing it on the Committee? Yes, Keppinger advised – stating Sarah Hamilton would be on the Committee. The partnership would be formed, to establish the rules, establish the methods. Someone on the Committee would report back to you to describe projects and activities being planned. How the group endorses projects (Stevenson). Walker asked, somewhere down the road the group decides to go forward on a project, and our Board does not support it, we are then tied to it based on the MOU signed? No (Stevenson). Hsu jumped in saying this is simply an agreement that we are going to participate and discuss. Olson indicated some of this may become policy issues. Wouldn't it be better to have a Board member versus a Staff member on the Committee? He would hate to place a Staff member in what might become an uncomfortable position (Olson). Stevenson interjected he felt any decisions would come back to the Board before they were made. Hsu asked Stevenson why the District should want to join in support. The benefit is for all entities desiring to do good things to gain leverage for our water, our environment and our farmers in the community. It will give us a common path, common goals, help set priorities and leverage all the different players that are within the Basin an opportunity to communicate, coordinate - all of those things (Stevenson). Hsu advised that the Army Corp has a similar group they call the Silver Jackets and they discuss flooding issues. They work with the City of Salem, and a number of other agencies who have to deal with flooding. They share ideas and determine best ways to get funding and such to accomplish goals (Hsu). To him this MOU sounded like a good thing.

**MOTION:**

Hsu motioned to accept and approve signing the MOU agreement. 2<sup>nd</sup> by Koch.

**DISCUSSION:**

Walker voiced he was uncomfortable with it, as he did not fully understand what was being approved. He voiced that he felt the District would be making a commitment to the unknown. Hsu explained he felt it was a way of forming a group and determining their commonalities to establish how to best work together. Am I correct Brent (Stevenson), Hsu asked. Olson added, we have worked with the Water Control District now, many times and it has always been a positive thing. And he would like to see that relationship continued and support it. Keppinger added, and most of the representatives/ committee members are staff, and not necessarily board members or elected officials. That is why she had suggested it be staff. As Sarah (Hamilton) had worked to help create the agreement and pull the whole process together. She is the one intricately involved and understands everything (Keppinger).

**Motion Passed.** (Aye – 5, Nay – 1 (Walker))

- f. **CURRENT LANDOWNER ASSISTANCE PROGRAM PAYMENT/EXTENSION REQUESTS** – Chair Hsu Keppinger advised there is a payment request applicant Freddy Tipikin in the amount of \$7,500.00 and you also have an extension request until September 30<sup>th</sup> from David Goin.

**MOTION:**

Olson motioned for the Board to approve the payment and the extension as noted. 2<sup>nd</sup> by Koch. There was no discussion.

**Motion passed.** (Aye – 6 Votes, Nay-0 Votes)

- g. **LANDOWNER ASSISTANCE PROGRAM -AWARD CYCLE 2 FUNDS** – Chair Hsu

Olson began asking about the Moisture Monitoring. What are we doing on that? he asked. The DEQ recognizing soil moisture, requires EPA certification through an irrigation controller. Research has shown that you have it monitored, but no one changes their controller or their irrigation practices. He would like to know what exactly are we funding? Is it meeting the criteria of what it is meant to do? And the question of soon, it may not be meeting certification (Olson). Bishop (Brandon/Staff) responded we are funding for landowners to purchase the soil moisture sensors, basically giving them a year to calibrate it and then report back to us so that we can track it. Their systems do have flow meters he said. This system is different. We hadn't done anything before with this landowner. But others have gone up to the next level, installing moisture sensors so that they understand it more. Olson reiterated study after study has confirmed most landowners, 6 months after having installed the moisture sensors have made no changes to their irrigation practices. Hardy suggested, then this is something we can ask them. Bishop agreed. Olson added, but no one admits to that. Olson indicated the DEQ requires that the controller be tied into the soil moisture sensor, so that an automatic adjustment to water flow will occur (both residential and AG). Koch asked Olson, is this something that could be added in the future as required criteria? She then said, at this point in time we can only approve or not approve, we can't do anything about the soil moisture monitors. Technically we could, Olson responded.

**MOTION:**

Koch motioned to accept and approve funding the 17 LAP applicants listed in the amount of \$102,480.00. Olson advised he had a conflict of interests with Mark Lewis Farms, Inc. Koch revised her motion to approve all LAP requests, with the exception of Mark Lewis Farms, Inc. for funding. 2<sup>nd</sup> by Krahmer.

**DISCUSSION:**



So... Darin, Hsu asked. You have a problem with the moisture monitoring request? Actually - one, two, and three Olson responded. There are three different people having soil moisture monitoring (Olson). Okay, got it (Hsu). But the motion is you have a conflict of interest with (Bielenberg)... Yes, with Mark Lewis Farms (Olson). Hsu returned to his inquiry, would it be wise to hold the three LAP requests out and inquire with those landowners about their moisture monitoring and get more detail. Olson responded, he would like to address the issue again later, but did not wish to hold up these projects. There was no further discussion.

**Motion passed.** (Aye – 6 Votes, Nay – 0 Votes)

**MOTION:**

Bielenberg motioned that the Board accept and approve funding the LAP payment requested by Mark Lewis Farms, Inc. in the amount of \$4,151.00. 2<sup>nd</sup> by Krahmer. Discussion: Olson restated he held a conflict of interest. No further discussion ensued.

**Motion Passed.** (Aye – 5 Votes, Nay – 0 Votes, Abstained – 1 (Olson))

**h. ALLOCATE REMAINING SPECIAL PROJECTS FUNDS TO LAP FOR CYCLE 3 – Chair Hsu**

Keppinger reminded the Board, the LAP fund has a balance of a little over \$6K remaining, and they would like to reallocate funds to it in support of new projects. The SPG fund holds a balance of \$40,000.00 she advised. Walker interjected that the Contingency Fund holds a balance of \$190,000.00. Take from there, and you have sufficient monies available for unexpected SPG requests. Olson replied, it makes no difference. If additional funds are needed later, we can access from there then.

**MOTION:**

Olson motioned that the Board approve the transfer of SPG Fund balance to LAP for Cycle 3 funding. 2<sup>nd</sup> by Krahmer. There was no further discussion

**Motion Passed.** (Aye – 6 Votes, Nay – 0 Votes)

**i. OREGON ASSOCIATION OF CONSERVATION DISTRICTS REVISED ARTICLES OF INCORPORATION – Chair Hsu**

Keppinger explained these articles of incorporation are required to be voted on by all Districts. It establishes who the Oregon Association of Conservation Districts (OACD) is as to their filing status with the State, their non-profit status, their registered agent. It does not have to do with their operating/by- laws.

**MOTION:**

Olson motioned that Marion SWCD support OACD's revised articles of incorporation. 2<sup>nd</sup> by Hsu

**DISCUSSION:**

Walker restated the question: this doesn't have to do with by-laws, and is not saying we support them? Correct, Keppinger replied.

**Motion passed.** (Aye – 6 Votes, Nay-0 Votes)

**j. MID-WILLAMETTE WATERSHED COUNCIL ALLIANCE – APPOINT SWCD REPRESENTATIVE – Chair**

Hsu asked if there was anyone that wished to be the representative for the Mid-Willamette Watershed Council Alliance. Keppinger advised it would probably be for only one meeting, because they are probably going to dissolve. They have a little amount of funds remaining in their bank account of which they must

distribute. So, they need to get what is left of the group together, in order to dissolve and distribute those funds, she said. And Ken Hetzel (MSWCD Board Director, now deceased) was that representative. Walker confirmed they were using this as a clearing house for a 503C status. He asked, and no one will be left out in the cold? Keppinger responded that John Savage worked hard to contact everyone affiliated with the group. She believed he had reached 95% or more of those individuals. All agencies involved had become Non-Profit, therefore they did not need the 503C status any longer, Keppinger advised. So, we're only looking for a volunteer Koch asked. Yes (Keppinger). Walker accepted the responsibility to attend. ***Hsu officially appointed Scott Walker as Representative of the Mid-Willamette Watershed Council Alliance.***

**k. SWCD ANNUAL MEETING – REMINDER AND OVERVIEW** – Chair Hsu/SWCD Staff

Directors had postcard invitations before them and Calkins reiterated that the date, time and location of the event had all been confirmed, invitations mailed, award winners determined and notified, awards being made, door prizes lined up, RSVPs being taken by Jenny A (Staff). Keppinger added that Nellie McAdams of Oregon AG Trust had agreed to speak for half an hour during the meeting. All was shaping up well. (Annual Meeting: February 26, 2020, 5:30pm to 8:30pm at the Keizer Community Center, Keizer, OR).

**I. REVIEW OF MARION SWCD CURRENT POLICIES** (at each meeting) – Chair Hsu

**1. Review/Revise Suggestions for Delegation of Authority**

Walker moved that they postpone review of policies until the next meeting, due to pressing matters yet before them. Hsu agreed that would be acceptable with him, unless others had any objections or complaints. Koch suggested, though nothing was added earlier into the agenda, could something be added now? Hsu indicated Koch and he had discussed if members of Committees be asked if they were happy in their current positions? Koch said she had asked this be added to the Agenda earlier, but it was not added. Hsu felt this was a good item for discussion and now.

➤ **COMMITTEE MEMBER CONTENTMENT**

Walker addressed the number of people on a Committee. Currently we require two Board members, one Associate Board member and two Staff members. Perhaps the number of required members should be changed, as there are only so many Board members to go around. Koch expressed that her life is very busy at this time, her plate is full, and she would like to withdraw from being on the Program Committee. She said the Committee was well run, was in good hands and that she regrets pulling away from it as she is learning a lot about the District by being on the Committee, yet it is too much for her to commit to at this time. She also proposed that others join in Committees, saying it would be nice if on the Building Committee some young, just out of school Architects for example be included as members. If a new building is considered, it would be nice to take in account the changing world – looking forward to 2040, 2050. Getting new blood, young views and perspectives who might see the world differently. Walker added, the meetings are public meetings, but there are specific voting members. Keppinger was asked her thoughts. She agreed having different people of different backgrounds and abilities like Real Estate professionals, Architects etc. as members who can bring their expertise and might help provide new ideas, suggestions/recommendations and input that can assist the Committee in making objective, perhaps better or different decisions. Hsu was open to any/all ideas of whom

might make good additions as members on Committees. Koch asked that any suggestions for new Building Committee members be sent her way.

**9. BOARD MEMBER OR STAFF REPORTS/MEETINGS/UPDATES -Directors/Staff**

Hsu reported he had attended COG training (by Mid-Willamette Council of Governments) about board governance. It was excellent. Walker added, one of the presenters of the Ethics Committee, expressed concern when board members excuse themselves from voting when determining grant funding for others. He said sometimes a no vote may be made based on personal reasons that would cause the individual to benefit indirectly. He also spoke on having Staff be included on discussions to obtain their thoughts/understanding on various topics of concern, and how Board meeting minutes should be published no later than three weeks after a meeting is held. Walker wanted to know if the Board might wish to hire an outside agency to prepare minutes. Hsu indicated he had said he might consider that during a previous board meeting, and they could discuss this again later. In fact, **let's place this item on our next meeting's agenda.**

**10. MEETING WAS ADJOURNED BY CHAIR HSU AT 7:48 PM  
TO CONVENE EXECUTIVE SESSION ORS 192.660 (f)  
WITH MEETING TO RESUME AFTER EXECUTIVE SESSION IS CONCLUDED – Chair Hsu**

**11. BOARD MEETING RESUMED AT 8:25 PM**

**12. DISTRICT MANAGER PERFORMANCE EVALUATION – Chair Hsu**

Hsu indicated the Board reviewed a letter provided by Attorney Dee Rubinoff which was based on the results of HR Answers 360-Review. The topic of discussion was that memo. No motions were allowed during that session, Hsu said.

**MOTION:**

Hsu moved that the Board accept the memo from Attorney, Dee Rubinoff based upon the information from HR Answers 360 Review and present it to our Manager, Jane Keppinger. 2<sup>nd</sup> by Walker.

**DISCUSSION:**

Krahmer said, he opposed the motion because he feels the process was flawed. We're asking Dee to come up with a process where this Board and this District can have a procedure and a policy on how often and when to evaluate the Manager and he would just like to do it from that process rather than using the flawed process that we had to date. Bielenberg said he was also in opposition of the motion, for some similar reasons saying he never had a whole lot of faith in the 360 questions from the beginning. He had questioned some of the questions that had been brought up initially. He felt they were a little one-sided. We had an attorney here a couple of months ago, who offered to do some facilitating...(Bielenberg). You mean John Stein (Hsu)? Yes (Bielenberg). He was not an attorney (Hsu). Oh, he wasn't? Okay (Bielenberg). Anyway, he mentioned something about doing some facilitating, some type of evaluation program. I'm more in favor of doing something like that. Hsu responded, after that meeting was held with John Stein, I had a discussion with John and asked him, what do you think we should do about this facilitation? And John, he wanted nothing to do with it, and said why don't you get an attorney. And Hsu responded to John, we have an attorney. John replied why don't you get a labor attorney, one well versed on how these things work and not simply working for Special Districts. So that's when I (Hsu) decided, well he's (John) is not really helping us, Special Districts is not providing us any assistance – they keep pointing us to John Stein – okay, let's hire an attorney, that's how I came to that conclusion. That's how I entered...to talk to Dee (Hsu). Dee Rubinoff then said, our office works very closely with Special Districts....and they know that this is all happening. Olson said, I think this is good because this has been over the Manager's head for far to long which is very unfair to her, while no discipline action will be taken out of this it helps the District to move forward in a positive way and it will clear this off her slate so that she can move forward and put her and the District in a positive light without waiting another six months. Walker voiced that any process used will be flawed. No one has really designed a perfect system where it involves people, and he would like to proceed with what they have. Koch added, she was

aware no one had been happy with this process and the question was, if they had to redo this process it was made very clear that the same results would come through even with the new process. On that basis, it would be a waste of the District's time and money – I feel it would be best to simply move forward with this.

Rubinoff indicated she had provided a copy of her review HR-Answer's 360 results; saying it also included references to the results of the 360-Review conducted in 2015. That Review covered many of the same areas/types of questions that the current review held. A similar process was used, getting input from Staff, Directors and other members of the community. There were more questions asked (#82), many of which related to personality traits. Three questions were about financial management. Financial management was not specifically addressed on the current review she said. But there were comments about Jane doing a good job with financial management. Employee responses were very positive. There was strong confidence in her (Keppinger's) knowledge of compliance and regulatory. So, this has been referred to as a flawed process. There were some questions asked that Rubinoff felt were valid. They did line up with some line items on the job description that the Board approved in 2017 and I believe, she said, after evaluating this entire process, I don't know what the overall rating would be if those other things had been included,....but I don't feel the areas identified as needing improvement would show any differently. Therefore, I feel these results are valid (Rubinoff).

#### **MOTION:**

Hsu then said, all those in favor say Aye. Opposed – two voices (Bielenberg, Krahmer).

**Motion passed.** (Aye – 4 Votes, Nay – 2 Votes (Krahmer, Bielenberg).

Olson then asked, do we wish to hold a discussion about the time frames or...Uh, what does the Board think (Hsu). I thought it was in the memorandum....6 months (Krahmer). Rubinoff then said addressing Keppinger, Jane I just want you to understand that the memorandum is a draft, and it is very important that you have input about this... Okay, which I have...ok (Keppinger). Rubinoff continued, and whether that input happens tonight or later. It is important that you know it is a draft. It does contemplate that there will be another evaluation in six months. I feel like an employer in this situation would do one of two things, to do a work improvement plan which feels more disciplinary, or not wait a whole year for another evaluation. So, move it up sooner. The memorandum sets forth expectations of an overall rating of at least meets expectations or satisfactory, whatever you call it. Overall rating in the topical areas in which you were rated. This is not to say that if you don't do that this is going to happen (Rubinoff). Yeah, okay (Keppinger). It's just that your Supervisor is setting expectations down. Keppinger then asked for clarification: so, whatever the period of time is, you will repeat the process and go through HR Answers – then you will repeat....(Keppinger) (laughter from multiple persons) this, this is part of my confusion, is the fact that discussions held over the last couple of months has been, with working with an attorney to develop an actual process to which they could evaluate me – maybe using the 360 Review like you said, or not using a 360-Review but having some policies, procedures or whatever in place. And I was to work with Terry, to work with the Attorney to develop that, and what we ended up reaching out to a few other SWCD's to ask them what their process or systems would, and could they share examples. We didn't necessarily get the best responses, except for maybe from the Council of Governments for examples and that type of stuff. That's where I (Keppinger) was left. The Board then, still directed last month, for Terry to work with the Attorney to develop actual drafts of either policies or procedures or something to bring back to the board, to have a discussion as to see if that was something the Board actually wanted to do. But the 360-Review, was still being discussed as being a tool they would still use to evaluate me. And so, this is a little bit of my confusion ...I feel I've been left out of the loop (Keppinger). The 360-Review has been done three times...or four. Cascade did it, and HR has done it, and that type of stuff and nothing has ever resulted from it unfortunately – that was meaningful. And so, the Board has lacked that procedural, or process to do that (Keppinger). When this 360 came through from HR, we found my job description had not been sent to them. It was just an expectation sheet that went along to compliment the actual job description itself (Keppinger). Rubinoff said, there was some confusion whether-or-not the Job Description had ever been approved by the Board. Keppinger responded it had, back in June 2017 the actual job description along with an addendum/or attachment which was an expectation sheet ...Yeah, it may have been done in one or two votes, but what was given to HR was only the expectations sheet. This is my understanding, that HR Answers developed its questions based on that

document along (Keppinger). Conversations held later, revealed those who answered questions wondered why those responsibilities within her job description were not addressed, she said.

Rubinoff responded saying she will be working directly with the full-Board to develop an evaluation format they are happy with. My goal is for all to be happy with it. The question really was, do we throw out the 360 rather than you having-the-benefit of what was in the 360 and start...uh... (the Dialog – Keppinger added). Rubinoff continued, if we do a new evaluation now, a lot of the answers are going to come out the same way. And then doing it again in six months anyway, or just take it for what it is. There is no disciplinary action. It is a tool to be used in going forward (Rubinoff). Right (Keppinger). Rubinoff later revealed, she feels there to be a big communication problem. Keppinger agreed saying, Absolutely. Another part of this, Rubinoff said is to get a good (top-notch) facilitator to improve communication all the way around. If communication can be improved, a lot of these issues will be taken care of. And that's on the Board not only you (Rubinoff). Right (Keppinger). Koch then said, we will give her this document (assumed meaning Keppinger). Then she asked what do we do next? Hsu asked Rubinoff what is a fair time for Keppinger to respond to the memo? A week, three day or... (Hsu). Rubinoff replied, well you could select a Committee of Board members to work with her and I can be involved in that to help. Walker asked, in curiosity, hypothetical, she wants to make edits on the letter and the Board objects – what happens? The Board has the final say (Rubinoff). Two thirds of the memorandum show what HR Answers report said. There are comments, and factual inaccuracies...the last portion is a list of expectations for improvement based on the questions that were asked. It is important to get input from Jane about, if there are areas that seem vague to her she gets clarification on how that is going to be evaluated. If there are things, she wants the Board to know, that are obstacles to her achieving things – that is the type of input we need (Rubinoff). Hsu indicated he feels the entire Board needs to meet with Jane and the Attorney, it could be a special meeting or not. Keppinger felt a public meeting would be fine, whatever the Board wished. Olson replied it would be okay for a Board meeting to be held, but he highly encouraged Jane to have a face-to-face with Hsu and Rubinoff, discuss a few things make notes of Jane's input then take the information forward to the Board. Krahmer added, if we are speaking of next month, I will not be attending the March meeting. Olson added, it is important we all be at this Board meeting, he was okay with postponing it till all can be present. Krahmer suggested holding it sooner. The Annual Meeting is February 26<sup>th</sup>. It was agreed they would postpone the meeting until March 11<sup>th</sup> at which time all Directors should be present.

### **Upcoming Meeting Dates:**

Next Regular Board Meeting: **March 11, 2020 beginning at 6:30 PM (NOTE: SPECIAL TIME)**  
Location: Marion SWCD Multnomah Falls Conference Room  
338 Hawthorne Ave NE, Salem, OR 97301

### **MEETING WAS ADJOURNED BY CHAIR HSU AT 8:53 PM**

Minutes submitted by Janice Calkins, Office Coordinator. Handouts and audio available by request.

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