



**Marion Soil and Water Conservation District (MSWCD)
Board of Directors December 4, 2024, Monthly Minutes**

6:32 PM to 9:06 PM

Facilitator: Chair Olson

Recorded by: Brenda Sanchez

Approved 02-05-25

Directors & Record of Attendance		Associate Directors
At Large 1-Peggy Hart	Present	Angela Plowhead
At Large 2-Scott Walker	Present	Leland Hardy
Zone 1-Vacant	Vacant	
Zone 2-Vacant	Vacant	
Zone 3-Darin Olson (Chair)	Present	
Zone 4-Dave Budeau (Secretary-Treasurer)	Present	
Zone 5-Rochelle Koch (Vice-Chair)	Present	
Staff		Guests
Sarah Hamilton		Catherine Alexander
Susan Ortiz		Emma Smith
Brenda Sanchez		Les Bachelor
Cesar Zamora		MacKayla Fithian
		Nik Ovchinnikov
		Noah Justice

Note: All documents and materials displayed or referenced are retained in the Board of Directors Meeting file at the Marion Soil and Water Conservation District (Marion SWCD or District).

- 1. Olson-Call to Order:** 6:39 PM
- 2. Announcements -** None
- 3. Agenda Additions or Changes**

Walker asks to add the Budget Calendar to the agenda. Sanchez replies she does not have it ready. Olson instructs that the Budget Calendar be added to the January Board Meeting. Walker adds that it is time to start thinking about District programs so we can consider the budget and new programs; not waiting until the last minute.

Minutes

- 1. Public Comment**

Alexander starts by stating that this is her last month, officially representing Straub Outdoors, and to say thank you (Marion SWCD) for all for your support.

Their Board has selected 4 beneficiaries for any assets that remain at the end of the year: Spring Water Environmental Science School in Oregon City (Public Charter School); a scholarship program run by the Willamette Valley Chapter of the Native Plant Society for undergrads in Forestry Plant Botany, Friends of Tryon Creek Indigenous Outdoor Education Program, and the North Santiam watershed council for youth education.

Emma Smith and MacKayla Fithian introduced themselves as new staff for the Pudding River Watershed Council.

2. District Snapshot

Sanchez provided an update on several key initiatives and accomplishments:

- **2025-2026 Budget Progress:** She shared her ongoing work on the upcoming budget and emphasized the need for Budget Committee members. Individuals interested in this opportunity can find links on the District's website or reach out directly to the District Manager.
- **Native Plant Sale:** The sale is scheduled for March 1, 2025, and early indicators show strong sales.
- **Strategic Implementation Area (SIA) Planning:** The SIA team recently met to explore potential areas for a new proposed SIA. Additional details will be shared soon.
- **Operational Manual Development:** Work on the operational manual is progressing steadily.
- **Salmon Watch Success:** Sanchez highlighted a highly successful Salmon Watch season. The team held a productive working lunch to reflect on achievements and discuss lessons learned for future improvements.

Koch asked about the work on the Landowner Handbook, Sanchez said we are looking at it to see how we can update the handbook. Koch asked if she could take a look at it before print. Sanchez said yes, she will make sure to do that. Walker asked for an electronic copy. Sanchez explained that yes, we will have both hard copy and digital print.

3. Treasurer's Report October 2024

Olson announced that this is Budeau's final Treasurer's Report. Budeau proceeded to present the October 2024 Treasurer's Report, noting that it reflects the District's progress a third of the way through the fiscal year (33% of the budget). He highlighted the following key points:

- **Revenue:** The report shows year-to-date income, with last year's levied taxes arriving later than expected. Although interest rates have declined, the District remains ahead of its interest income projections. However,

current-year levied taxes are lagging compared to previous Novembers. Budeau pointed out that, as Sanchez noted, by this time last year, the District had already received \$1.4 million in levied taxes. He expressed concern about the slow trickle of revenue and suggested that if December does not bring significant improvement, Sanchez will investigate the underlying issue.

- Expenditures: On the expenditure side, the year-to-date balances indicate that the District is well under budget in all categories. Budeau emphasized that the District is in a solid financial position with respect to expenses.

Action: Walker motioned that the Board **accept as corrected, the October 2024 Treasurers Report, 2nd** by Hart. No further discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

4. November 4, 2024, Board Meeting Minutes for Review

November 4, 2025 Board minutes will be provided in January for review. Removed from the agenda.

Koch raised a few questions regarding the audit and sought clarification on specific points. Sanchez explained that Russ Ries, the District's auditor, was originally scheduled to attend the meeting to present his report but had to cancel. Directors further discussed audit-related matters and raised concerns about potential fraud. Sanchez responded by outlining the steps she has taken to implement deterrent procedures to safeguard the District's financial integrity.

In response to the discussion, Walker asked Sanchez to provide an overview of what an audit entails. Sanchez explained the role of an auditor and their responsibilities in reviewing financial records and ensuring compliance with accounting standards. Walker then inquired whether Ries could attend next month's meeting. Sanchez confirmed that she would coordinate with Linda Lovett, the District's Financial Administrator, to schedule his attendance.

Sanchez added that she is considering a new auditor as suggested by the Board. But they are hard to find and costs have gone up. Walker adds that it is good practice to change auditors but feels costs could allow us to stick with our current auditor. Olson directs to move the auditor presentation to January Board meeting.

5. United States Department Agriculture (USDA) and Natural Resources Conservation Services (NRCS) Report

Bachelor delivered his final Board report before his retirement, reflecting on his attendance at over 100 Board meetings during his 24-year tenure. He will officially retire on December 27, 2025.

Bachelor reported that the recent sign-up period for the Environmental Quality Incentive Program (EQIP) closed last Friday, with a total of 58 applications received. He noted that there is a significant amount of funding available, and once the applications are assessed and ranked, the contracting process can begin. He also highlighted that NRCS has \$65,000 in technical service funds to support these efforts.

Hart inquired about updates on the Farm Bill. Bachelor responded that there is no new information at this time and that they are waiting to see how things unfold under the incoming administration.

Appoint Fiscal Year 25-26 Budget Officer

Walker emphasized the importance of discussing the budget process during this meeting. However, Sanchez informed the Board that she was not prepared to be present at this time. Olson clarified that the budget discussion will be added to the agenda for the next meeting.

Action: Olson motioned that the Board **appoint Brenda Sanchez as the Budget Officer for FY25-26**, 2nd by Koch. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

6. Letters of Support Requests

- a. Pudding River Watershed Council Silver Creek False Brome Outreach, Surveys, and Treatments.
- b. North Santiam Watershed Council's North Santiam Clear Waters Initiative: Tackling Aquatic Invasives, Restoring Instream Habitat.
- c. North Santiam Watershed Council's Swift Action, Stronger Ecosystems: Early Detection and Rapid Response in North Santiam Watershed.

Action: Walker motioned that the Board **approve a letter of support for the Pudding River Watershed Council's Silver Creek False Brome Outreach, Surveys, and Treatments; the North Santiam Watershed Council's North Santiam Clear Waters Initiative: Tackling Aquatic Invasives, Restoring Instream Habitat, and the North Santiam Watershed Council's Swift Action, Stronger Ecosystems: Early Detection and Rapid Response (three letters)** 2nd by Hart. No further

Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

7. Invasive Plant Budget-Line-Item Description

Sarah Hamilton (Staff-Native and Invasive Plant Specialist) provided an overview of the proposed use of funds (\$25,000) allocated to the Invasive Plant Control budget. She explained that the budget includes support for the Upland Knotweed Control Project, a long-standing partnership with the City of Salem and the District that has been ongoing for several years. Hamilton noted that the allocation for this project has been slightly increased to account for inflation and to address any newly identified infestations.

Additionally, Hamilton highlighted collaboration with the North Santiam Watershed Council, which includes \$5,000 towards outreach efforts. This funding was included in the recent letter of support request approved by the Board.

Sanchez also emphasized that a portion of the budget continues to support work on aquatic invasive species, often referred to as the Ludwigia Project. This initiative focuses on controlling Ludwigia and other aquatic invasive plants in the North Santiam River. Directors discussed further the concerns related to invasive plants in Marion County. Budeau asked whether or not the District's landscaping project is coming out of the line item. Sanchez replied that no, the greenscaping project has its own line item in the budget for \$20,000. Olson adds that Sanchez has the authority within her spending limit to approve invasive plant control projects under this line item.

8. Conservation Assistance Grants & Partner Grants

a. CAG Cycle 2 Applications

Budeau raises his concern regarding applications CAG 20-25-015 and CAG 20-25-16 particularly the budget for the irrigation supplies, and the design was abstract and vague. Budeau states he needed more information to fund as presented and states he is unable to support. Leland also adds that he is concerned with the budget and recommends that we do not fund the project until we have the budget understood and in control, adding the cost per acre is too high. Directors discussed further the details of the projects.

Action: Walker motioned that the Board **approve CAG applications 20-25-008, 20-25-010-014**, 2nd by Hart. No Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

Olson suggested sending CAG 20-25-015 and CAG 20-25-016 back to staff for further review. The Directors engaged in a detailed discussion about the grant application process and the definition of an entity as it pertains to District grant policies.

Hardy expressed a desire to collaborate with Cesar Zamora (Staff-Conservation Planner) and the applicant to refine the project budget and address the high costs associated with the proposal. Susan Ortiz (Staff-Grants Coordinator) provided a detailed explanation of the policy definition of an entity, assuring the Board that each application is reviewed for compliance with District grant policies. She acknowledged that situations do arise where an applicant is both a landowner and a business owner and, in this case, also a land manager.

Plowhead raised concerns about the potential lack of clarity in such cases, noting the risk that applicants might exceed or circumvent grant limitation caps, potentially jeopardizing the integrity of the District's grant program. Walker emphasized the importance of addressing these concerns while ensuring that the District adheres to its established policies.

Koch added that there may be a conflict of interest when an individual owns a business and uses grant funding to purchase from their own company for work on their property. This led to a broader discussion about various scenarios that could present similar challenges. The Directors agreed that these concerns warrant further exploration to ensure fairness and accountability in the grant process.

Action: Olson motioned that the Board **send CAG applications 20-25-015 and CAG 20-25-16 back to staff to review with Leland Hardy for more information regarding the budget**, 2nd by Hart. Discussion. Hardy adds that we also have to sort out the project details and are these projects managed as two separate systems. Directors discussed further the details that they would have liked to see to decide. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

Olson directs Sanchez to send this topic to the Admin Committee for discussion as well.

b. Grant Extensions

Action: Koch motioned that the Board **approve the extension for LAP 20-22-031, 2nd** by Hart. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

c. PG 60-25-008 Aurora Mills Greenspace Project Change Request

Sanchez explained that the Pudding River Watershed Council (PRWC) would like to make changes to their project because the Oregon State University project site is no longer available. Requested changes:

- i. Change project locations from OSU Northwest Research and Extension Center to The Aurora Mills Greenspace, which is a property owned by the city of Aurora that the PRWC is currently managing.
- ii. Adjustments to project objectives.
- iii. Extend timeline to late fall 2026 from the original end date of April 2026
- iv. Increase the award amount from \$18,560.00 to \$19,229.50. Increase of \$669.50.

Olson reminded the Board that anyone can submit a change request for a grant project and asked whether this policy should also apply to Partner Grants. He sought clarification on whether proposed changes should be submitted to the Board directly or routed through the review committee. Koch then asked Olson if he had any specific concerns. Olson responded that he believed grantees should draft their proposed changes and submit them to staff for review. Following staff review, Sanchez could present the request to the Board with her recommendations or raise any concerns.

Walker expressed his support for allowing changes but emphasized the importance of conducting on-site inspections for applicable projects to ensure their completion. Sanchez confirmed that on-site inspections have now been integrated into the grant process.

The Directors continued discussing the requested changes, seeking clarification from Sanchez and Ortiz. Olson asked Sanchez if the changes had already been reviewed with staff. Sanchez confirmed that they had, but she voiced concern about the scale of the changes and whether they altered the intent of the original project. Despite these concerns, Sanchez recommended approving the proposed changes, stating that the project remained viable.

Walker inquired whether an on-site inspection had been conducted. Sanchez explained that the grant originated from the previous year when on-site inspections were not a standard part of the process, but she assured the Board that they are now a requirement for current grants.

The Directors further discussed the project changes with Smith, a staff member from PRWC, who assured them that the new site identified for the project is a long-term solution and will work as effectively as the original location.

Action: Walker motioned that the Board **approve the project revisions as presented for the Green Space Project PG 60-25-008**, 2nd by Hart. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

Action: Olson motioned that the Board **amend the previous motion to include the correct grant number and correct 60-25-008 to 60-24-005**, 2nd by Hart. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

Hart asked whether the Board should review the scale of project changes and establish a formal policy. Olson suggested that the District should maintain a consistent process across all grant programs. Hart agreed and added that the procedure for project changes should be clearly communicated during the grant application process to ensure transparency.

Walker reiterated the importance of conducting on-site reviews for any project change requests to verify their implementation. The Directors concurred that this discussion should be included as part of the upcoming internal audit of the grant program.

9. New Natural Resource Committee

a. CAG 2025-26 Cycle Revised

Sanchez asked the Board to reduce the number of annual CAG cycles from three to two to balance workload because of the new Partner Grant process and provide the time needed to complete all the moving parts of the grant process to provide better technical assistance and a smooth process.

Action: Hart motioned that the Board **change the CAG Cycle to cycles as recommended by the Natural Resources Committee** 2nd by Budeau. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

b. CAG Review Committee

Sanchez explained that with Budeau leaving we would need to appoint a Director to the CAG Review Committee. Ovchinnikov stated he would like to join the committee. Olson thanked him. Sanchez added that Budeau will be a CAG Review Committee member but as Director Emeritus and a public member. Olson states that he will appoint committee members at the January meeting. Directors discussed their personal experiences on committees.

10. Education Committee

a. CLEAR Grants

Hart presented the CLEAR grants for approval.

Action: Hart motioned to **approve funding for the four CLEAR grant applications**, 2nd by Budeau. Discussion. Walker asked if the same teacher was the applicant? Hart responded yes, she is awesome. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0).

- **Yoshikai Elementary School's \$1,000**
- **North Salem High School's \$5,000**
- **Oregon Garden \$5,000**
- **Pringle Creek Sustainable Living Center \$4,962**

Hart added that we should discuss at the next committee meeting (education) how we plan to connect further with farmer markets. Hart asks for the budget can we change grant caps or change the budget amount to be awarded. Sanchez said yes. Olson added we can talk about this at the next meeting.

b. **Environmental Education Specialist Job Description**

Agenda item cancelled and moved to a future Board meeting.

11. Admin Committee

a. Revised-Public Contracting Policy

Sanchez explained that this policy governs whether we can that a sound and responsive public contracting system should allow impartial, meaningful, and open competition, preserving formal competitive selection as the standard for public contracts unless otherwise specifically exempted herein, by state law.

In 2023, Oregon made several updates to its Public Contracting Rules, particularly through revisions to the Attorney General's Model Public

Contracting Rules and legislative changes. Key highlights that could apply to District contracting include:

- Threshold adjustments would align thresholds for using approved templates and materials with statutory provisions in ORS 279A.157 and ORS 279A.161.
- SB 594: Expanded prevailing wage requirements to include certain demolition and hazardous waste removal projects using \$750,000 or more in public funds.
- HB 2922: Increased contractor bond requirements.
- SB 228: Modernized procedures and enforcement for the Construction Contractors Board (CCB).

These changes are aimed to modernize public contracting, enhance workforce development, and improve the transparency and fairness of procurement processes.

Action: Walker motioned to **accept the Attorney General's model contracting rules as they are presented, Public Contracting Policy Resolution #2024-12-04-2, and reserve the right to modify as needed**, 2nd by Hart. No further Discussion. MOTION PASSED (Aye-5 [Walker, Olson, Koch, Hart, and Budeau], Opposed-0)

b. Revised Volunteer Elected Officials Workers Compensation Coverage

Sanchez explained that Workers' Compensation insurance provides benefits for workers who are injured because of work. By law, Oregon employers must carry workers' compensation insurance. Workers' compensation insurance protects workers by paying for medical treatment and lost wages, and it protects employers by shielding them from liability lawsuits that might result from work-related injuries or illnesses.

The District covers all employees with workers' compensation insurance. However, this policy is specific to volunteer workers. Oregon law allows county, city or other municipality utilizing volunteer personnel to elect Workers' Compensation coverage for various classes of volunteer workers.

This resolution clarifies that the District will provide Workers' Compensation coverage for the class of volunteer workers, its Public Officials on unpaid boards, for administrative and clerical functions while performing their authorized duties as elected officials.

The District is currently covering Board Directors and have for previous years. This resolution is to clarify this and make it a policy for continued coverage. Excerpt from Administrative Committee Meeting:

Sanchez presented the current 2005 resolution outlining who is covered under Volunteer

Action: Hart motioned to **adopt the revised Volunteer Elected Officials Workers Compensation Coverage Resolution #2024-12-04**, 2nd by Olson. No further Discussion. MOTION PASSED (Aye-4 [Olson, Koch, Hart, and Budeau], Opposed-0)

Koch asked if the Board is covered for liability. Koch requested the information. Olson says to send to all the Board. Plowhead says there is additional homeowners' insurance to add further coverage.

c. Public Meeting Law Required Training

Sanchez explained that under the new Public Meeting Law, Directors serving on Boards governing entities with an income of \$1,000,000 or more are required to complete Public Law Training. Additionally, the District is responsible for tracking compliance and reporting to the Oregon Ethics Commission to confirm which Directors have completed the training. Olson directed that all personnel should take the training. Directors instructed Sanchez to bring the Public Meeting Law training opportunities to the Board and help schedule the training

12. 2025 Marion SWCD Board of Director's Officer Nominations and Election

Moved to January Board Meeting

Olson reminded the Board that January's meeting will be moved to January 8, 2025 because of the New Years Day holiday.

Olson instructed Sanchez to make sure that the Board receives a copy of the Board guidelines and ethics code.

Koch expressed her gratitude to Budeau, thanking him for his dedication and hard work over the years. She added that his presence would be greatly missed by the Board.

In response, Budeau thanked the Board, sharing his appreciation for the opportunity to work alongside such a committed group. He acknowledged the positive experiences he had working with both the Board and staff, emphasizing how rewarding it had been to contribute to the District's mission.

Nik Ovchinnikov and Noah Justice were then welcomed as new members joining the Board.

Adjourn: Chair Olson adjourned the meeting at 9:06 PM



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