

OTTER ROCK WATER DISTRICT

APPROVED MEETING MINUTES

Board Meeting - January 8, 2019

A. **Call to Order:** A Board Meeting of the Otter Rock Water District was held on January 8, 2019. The meeting convened at 6:00 p.m., with Commissioner Rod Zawalski, Water Board President, presiding.

B. Roll Call:

Members In Attendance: Commissioners Bradley, Anderson, Gleason, Davis and Zawalski were present.

Staff Members Attendance: Water Superintendent Osburn was present. Office Manager//Bookkeeper and Secretary Erskine was absent.

Public Attendance: Ricardo Alcocer, Buck Boston

Volunteers Present: Richard Appicello, Pat Anderson, Buz Backenstow, Joknee DeMott

C. Consent Agenda:

Approval of Minutes: A motion to approve the December 18, 2018 meeting minutes was made by Commissioner Gleason and seconded by Commissioner Anderson. **Motion carried.**

D. Public Hearing or Comment Items:

None.

E. Ordinances:

Ordinance Number 2019-01: Establishing Standards for Water Curtailment (First Reading, Continued from December 11, 2018)

A motion was made by Commissioner Davis to Read By Title Only and was seconded by Commissioner Anderson. **Motion was carried.**

Attorney Appicello reviewed the proposed ordinance:

- The ordinance has two levels of voluntary compliance for water curtailment before a third level of enforced compliance.
- The first two levels are delegated to the Water Superintendent, who would decide when it is time to start voluntary measures by the community for water conservation. At the third level, the Water Superintendent would report to the Board and provide proof of critical conditions. The Board would then decide by Resolution how to move ahead with measures and possible penalties for noncompliance by a homeowner to the water restrictions.
- The water curtailment ordinance is a structure which encourages the community to conserve water when spring levels are beginning to be low but which also allows enforceable action to be taken, if needed, during times of critical water shortage.

Responses by Commissioners, Community Members and Volunteers:

- An email was received by a community member, Beth Elliker, questioning some of the language in the ordinance and pointing out that two versions of the draft ordinance were posted on the website. She also requested that any water restriction information be placed on the home page of the ORWD website. Ms. Elliker's email is included in the minutes as Attachment A.
- A letter was received by community member, Mike Mullin, who had researched the water curtailment policies of other water districts on the Oregon coast. He found that although penalties for noncompliance were introduced, they were never adopted. Mr. Mullin favors educating community members in water conservation instead of using the threat of penalties, which would not likely be well-received by our small community. Mr. Mullin's letter is included in the minutes as Attachment B.
- Both community members thanked the Board for the time and energy they have contributed.

- Community member and volunteer, Buz Backenstow, recommended that water flow data be gathered on Spring 3 before instituting an ordinance. Leaks have been repaired, and our overall community usage is down, so there may be plenty of water in the future. Since the ORWD has no current data to tell at present, the Board may be instituting an ordinance that is not necessary.

- Mr. Backenstow also took issue with the Water Superintendent being designated as the one to deliver the notice of violation to the homeowner who has committed the violation during a time of mandatory curtailment. With his job of maintenance and repair of the water system and his commitment to install meters, he should not be the designated enforcer, as well. The Board might organize a group of volunteers to do this part of the Ordinance.

- Response: It was suggested that the Board be delegated to serve the notice of violation to violating homeowners. The wording of the Ordinance (2.01.040 Enforcement) will be changed to "... Superintendent or designee ..."

- Response: The best time to develop a plan is before you need it. Therefore, by considering this Ordinance, we are doing what we should do as a District. The ordinance incorporates the concept of progressivity. The least restrictive measures will be the first to be implemented. Thereafter, compliance measures will become more restrictive. The most restrictive measures may never be implemented, but will be available as circumstances demand.

- Response: The Board is setting up a framework. Any penalties imposed need to be set up in the Budget process, e.g. a financial penalty for turning the water back on after water has been shut off during curtailment.

- Response: This framework could be established without a formal Ordinance. A policy could be established instead. This is a small community, which has a history of working together to conserve water. Is the Board working for that or against it? The Board does not need the "hammer" of a formal Ordinance.

- Response: When a larger percentage of homes are metered, the Board will likely set a rate by gallons of water used per month. If a homeowner uses more water than the set standard rate, a different and higher rate will be used.

A motion was made by Commissioner Anderson and seconded by Commissioner Zawalski to approved the First Reading of the Water Curtailment Ordinance. Commissioners Anderson, Zawalski, Gleason and Bradley voted yes. Commissioner Davis voted no. **Motion passed.**

F. Resolutions:

RESOLUTION NO. 2019-01: A RESOLUTION OF THE OTTER ROCK WATER DISTRICT ESTABLISHING AND UPDATING THE SYSTEM DEVELOPMENT CHARGE FOR THE WATER SYSTEM; APPROVING A LIST OF FUTURE CAPITAL IMPROVEMENTS UPDATING THE ADOPTED WATER MASTER PLAN / CAPITAL IMPROVEMENT PLAN

A motion was made by Commissioner Davis to approved the SDC Resolution and seconded by Commissioner Anderson. **Motion carried.**

The amount set for the SDC was developed from the costs on the ORWD Capital Improvement Plan for Water Board's projects. A SDC formula was then applied to determine the SDC amount.

Commissioner Davis has filed the SDC Ordinance with Lincoln County, and a copy will be placed on the ORWD website. The signed hard copy of the ordinance will be filed in the ORWD office.

G. Special Order of Business:

Authorize President to sign S17005 Otter Rock Feasibility Study - Project Completion/closeout.

The Otter Rock Feasibility Study Project Completion document has been signed by the President, Commissioner Zawalski. Attorney Appicello will mail the document to the Small Business Development Agency.

H. Reports and Announcements:

1. Treasurer's Report:

- A request was made to include the Budget summary in the meeting minutes for approval at the next Board meeting on 2/12/19. The Budget Summary is included in the minutes as Attachment C.

- Money has not yet been received for the grant to install a fence around the Weir and Spring 2.

- \$15,000 will be transferred from the ORWD Savings Account to the Checking Account to be able to pay for meter installation. As customer revenues are received for meter installation throughout the year, the Board will reimburse Savings. The Board will stay within the budgeted amount for installing meters.

- In the temporary absence of OM/B/S Erskine, some reports and bills were not available for presentation at the meeting. Consequently, Board approval is needed for writing checks for meter installation, which are due but not yet paid, and to Civil West for services rendered in 2018. Bills paid will be reviewed by the Board at the meeting on February 12, 2109, and approval of the Treasurer's report will occur at a later date.

A motion was made by Commissioner Gleason that for this month, the ORWD Treasurer is authorized to pay the usual and customary bills, with the secondary required signature. The motion was seconded by Commissioner Anderson. **Motion carried.**

- Our annual insurance for Comprehensive and the Community Center facility is due. The renewal process with the vendor, Brown and Brown, is extensive and our information to the vendor needs adjustment, e.g. the square footage of our facility. Commissioner Anderson was asked to review the forms with Commissioner Bradley and return to the Board in February for further discussion. Currently through SDAO, ORWD is obtaining insurance from two vendors. The Board may want to request competitive pricing and services with several vendors and choose a single vendor to contract with directly. This could lower costs and provide better services.

2. Water Superintendent's Report:

- Water usage remains at about 200,000 fewer gallons per month than used last year and considerably less than in 2013. Moving into the late-summer and fall of 2019, water availability may not be so critical due to community conservation efforts and the fixing of leaks. In addition, installing meters and informing these homeowners of their water usage has lowered the amount of water used.

- As meters have been installed, leaks have been discovered, which are primarily due to failed fittings. Although new fittings are no longer available, Superintendent Osburn has been able to make short-term repairs. Unfortunately, it is unlikely that the fitting will stop breaking along the main lines. Finding saddles for the odd-sized pipes in Otter Rock is also an issue.

- Nine meters were installed last month, trees were downed by the wind, signs were installed by Lincoln County and PUD moved a number of poles. A number of locate services were required by Superintendent Osburn throughout the month.

- The Depoe Bay Fire Department will be involved with the ORWD tank inspection as a training opportunity for their department.

- Spring flow is not what it has been in the past. The springs from Cape Foulweather are taking a long time to recharge. There is likely a leak between Spring 1 and the small tank. The line needs to be replaced and must be done in winter in order to use Spring 2 to supply water to the community. Joe Howry has been contacted to give the ORWD a bid for excavation. In addition, the engineer who will examine the tank is also a Contractor and may be interested in providing a bid.

- A timed push-button turn-off valve, which could better control the use of water with the outside shower at the State Park, will be suggested to the Park Service by Commissioner Zawalski.

- Nine meters were installed in January, making a total of twenty-three meters installed in the community. The cost of installations in January ranged from \$570-817 per meter. Payments need to be made to both Jim Osburn for meter installation and to Joe Howry for excavation. Mr. Howry's invoice was received on December 20, 2018. Commissioner Bradley will write the check for payment.

A motion was made by Commissioner Davis to accept the Superintendent's Report and was seconded by Commissioner Gleason. **Motion carried.**

I. Action Items Review

- The Action Items Review Sheet was reviewed by the Board, and items were checked off or reassigned, as appropriate. The Action Items Review Sheet will be placed on the ORWD website (otterrockwater.org).

- Thanks to Commissioner Gleason for creating a Household Water Usage Spreadsheet, which provides monthly water usage data for each meter installed.

- Superintendent Osburn and Commissioner Gleason will continue to find a way to transfer the meter-reading wand data to a computer. Superintendent Osburn will send the Meter-Reading Wand Users Manual to Volunteer Craig DeMott, who will try to pair the wand to a computer via Bluetooth.

J. Announcements or Comments by Commission Members:

Davis:

- Commissioner Davis read his Letter of Resignation. His resignation is effective February 12, 2019. Mr. Davis will continue to work with the Board as a volunteer and is committed to both the Board and the community. The letter of resignation is included in the minutes as Attachment E.

- A motion was made by Commissioner Zawalski to accept the resignation of Commissioner Davis. It was seconded by Commissioner Gleason. **Motion carried.**

- Community Member Buck Boston has agreed to assume Commissioner Davis' position until elections are held in May, 2019. He will then formally run for the Commissioner's position.

A motion was made by Commissioner Gleason to appoint Buck Boston to Commissioner Davis' position and was seconded by Commissioner Anderson. **Motion carried.**

- Commissioner Bradley will notify the Lincoln County Elections Office of Commissioner Davis' resignation and Buck Boston's appointment to fill the position until the term ends. The appropriate forms will be completed.

- The official swearing-in of Buck Boston will occur at the next meeting of February 12, 2019.

- Elections for the Commissioners' positions will be held in May, 2019, and three positions will be open. In order to inform the community, Commissioner Gleason will write a notification of the open Commissioners' positions. The notification will be added to the ORWD website in "News of the Month," and an email sent out to the community within the next couple of weeks.

Bradley

- The Board Meeting dates for 2019 are to be reviewed for accuracy on the ORWD website. A list will also be posted on the community bulletin board at the community center.

Anderson

- Commissioner Gleason will write an announcement of the open Commissioners' positions and place it on the website, and notification of the vacancies will be posted on the mailbox stations.

Zawalski

- Commissioner Davis was thanked for his involvement and time as a Commissioner.

Public Comment:

Community Member Ricardo Alcocer asked that the Board to be careful about describing Buz Backenstow's involvement as "Engineering Advisor." The Board minutes of December 18, 2018, are to be revised to describe Mr. Backenstow's involvement as voluntary, thus avoiding the implication that he is currently licensed as an engineer.

K. Adjournment:

The next Water Board Meeting is scheduled for February 12, 2019, at 6:00 p.m., in the Otter Rock Community Center.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted by Communications Advisor, Joknee DeMott, substituting for OM/B/S Erskine.

Date of Approval: February 12, 2019

Date Approved Minutes were posted on website: February 13, 2019

New Action Items:

- Attorney Appicello will change the wording of the Draft Water Curtailment Ordinance, 2.01.040 Enforcement, to read "... the Superintendent or designee ..."
- Attorney Appicello will mail the required signed document for the feasibility study close out.
- Commissioner Bradley will write checks to Joe Howry and Jim Osburn for meter installation services.
- Commissioner Bradley will write a check to Civil West.
- Water Superintendent Osburn will send Meter-Reading Wand Users Manual to Volunteer Craig DeMott.

- Commissioners Bradley and Anderson will review the Brown and Brown insurance renewal documents and report to the Board on February 12, 2019. Commissioner Davis will provide information concerning the research he has already conducted with SDAO and the two companies currently handling ORWD insurance.

- Commissioner Bradley will notify the Lincoln Country Elections Office of Commissioner Davis' resignation and Buck Boston's appointment to fill the position until the term ends. The appropriate forms will be completed.

- Ms. DeMott will verify that Board meeting dates for 2019 are accurate on the website and will post the meeting dates on the bulletin board at the community center.

- Commissioner Gleason will write a notification to the community about the open Commissioners' positions, which will be sent out as an email and will be placed on the website.

Future Agenda Items:

- Conduct an insurance renewal review and determine if a Request For Proposal process should take place for insurance services.

From: **Beth Elliker** ceabeefly@gmail.com
Subject: **ORWD Water Curtailment**
Date: **December 21, 2018 at 9:04 PM**
To: **ottersurf@charter.net**

BE

Jerry,

Below are a few thoughts I had on the proposed ordinance.

First though, please know you have two different copies of the draft on the ORWD website. On the Notices - Proposed Ordinances page, there is a draft titled "ORWD 2019-01 WATER CURTAILMENT for discussion December 18 2018.pdf". This one appears to be older, since it is missing section 2.01.030.

I finally found another version on the BOC Meetings page - ORWD 2018-07 WATER CURTAILMENT December 11 2018.pdf

- I am guessing this second one might be the latest draft since it seems more complete and I am basing my comments on this one.

In the section 2.01.040 Enforcement it says " Any violation of the mandatory restrictions and prohibitions stated in this chapter..." I found this a bit unclear since the term "mandatory restrictions" is not used anywhere else in the document. IOW it really is not stated in this chapter. I'm going to guess you are probably referencing the "enforceable prohibitions" as stated in 2.01.030. My suggestion would be to use the same terms in both sections. Also it is usually safer citing the section or sections by number, i.e. "blah, blah, blah as stated in sections 2.01.020 and 2.01.030".

I also have a request that the water board post any current water restriction information either on the home page of the website or have a very visible link from the home page.

And lastly a big thank you to all those involved in the water board for all the time and energy you all are contributing.

Thanks,
Beth Elliker

ATTACHMENT A: Beth Elliker's email to the Board

ATTACHMENT B: Mike Mullin's Letter To The Board of Directors, Otter Rock Water District

Comment on Ordinance No. 2019-01

In researching how other coastal water districts deal with the use of water during drought conditions, I found the following on the City of Cannon Beach website:

4.4 Relevant Municipal Codes (proposed)

Public Works staff will be proposing to City Council ordinance language in general semblance to the following:

Section 13.04 —- Water waste. Where water is wastefully or negligently used on a customer's premises, the utility may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

Section 13.04 —- Declaration of water emergency; order The utility may, by written order of the Public Works Director, declare a water emergency and impose such limits on water use or consumption as it deems necessary under the circumstances. The utility shall provide as much notice to the public or the order and limits imposed as is practicable under the circumstances. Any deficiency in the notice given shall not affect the validity of the order.

Section 13.04 —- Water use contrary to emergency order prohibited. Use of water by any person contrary to the limit imposed by any water emergency order is prohibited. Each such use shall be considered a separate violation, punishable as described in section 13.04.

Section 13.04 —- Penalty. Any person violating any of the provisions of this Code shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment in the County jail for a period not exceeding six months, or by both such a fine and imprisonment. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense.

4.4 was proposed in 2006 as part of the Cannon Beach Management and Conservation Plan but never adopted in its entirety as part of the Municipal Code. I can find no example of the use of penalties as mentioned in the current Cannon Beach Municipal Code. I contacted Trevor Mount, the Assistant Public Works Director, and was told that it apparently was never adopted. I am not sure whether that was because of philosophical differences or if it was a legal matter. I believe the amount of \$500 was originally included in Ordinance No. 2019-01 being discussed here.

I am in favor of an educational approach to encourage the conservation of water instead of using the threat of penalties. I consider theague language of a surcharge found in 2.01-040 Enforcement, included in Ordinance No. 2019-01, to be a penalty. I believe in a small community such as ours, this can become divisive.

I would suggest the water board consider the following website as a tool to help us work together.

<https://learn.eartheasy.com/guides/45-ways-to-serve-water-in-the-home-and-yard/>

I appreciate the work you are all doing.

Thank you,

Mike Mullin

ATTACHMENT C: Budget Summary for December

To Be Attached

ATTACHMENT D: Current Action Item Checklist - 1/8/19

See Home Page of ORWD Website: otterrockwater.org

Click on: Who We Are

Click on: Working Board Documents

Click on Website Action Item Checklist

ATTACHMENT E: Commissioner Jerry Davis' Resignation Letter to the Board

January 8, 2019

To: Otter Rock Water District Board of Directors
From: Jerry Davis, Board Member
Subject: Resignation From Water Board

When I was approached to fill a vacant Board Member's place on the Water Board, it was understood that I would serve a short while in order to help with some short and long range infrastructure planning. I know that the Board has more work to do in this area, but a plan is in place, and the community is in full support. Additionally, since the Board voted to have me take the open position, I have had some serious health issues and my father has been experiencing increasing memory issues.

I am a very civic-minded person and enjoy working with the Board members and the community to improve our water delivery system, however, I feel it is necessary, at this time, to give my resignation, effective February 12, 2019.

Thank You,

Jerry Davis
6750 Ellie Ave
Otter Rock, Or 97369