

**OTTER ROCK WATER
DISTRICT
BUDGET COMMITTEE
MEETING AGENDA**

**Tuesday, June 12, 2018
6:00 p.m.**

The Budget Committee of the Otter Rock Water District will hold a regular Budget Committee Meeting and Public Hearing at the Otter Rock Community Center, 6515 Gladys Avenue in Otter Rock, Oregon at 6 p.m. on Tuesday, June 12, 2018.

The Committee reserves the right to add or delete agenda items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Information for this meeting is available for review at the Community Center on Tuesday June 5, 2018 or you can request an electronic copy of the Agenda materials from the Budget Officer orwdcom1@gmail or the Water Board attorney: orwdatty@gmail.com.

Oregon Public Meetings law is a public attendance law not a public participation law. If you wish to speak on a public hearing or public comment agenda item, please sign up on the sheet near the entrance door to the Community Center Hall.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for any other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Art Bradley, 541-270-6193.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. SWEARING IN NEW MEMBERS**
- D. ELECTION OF OFFICERS**
- E. PRESENTATION OF BUDGET MESSAGE / REPORT OF BUDGET OFFICER**
- F. PUBLIC HEARING / PUBLIC COMMENT ITEMS**
 - BUDGET**
 - MASTER PLAN / CIP DISCUSSION**

G. DELIBERATIONS / ACTION ON BUDGET BY COMMITTEE

H. ANNOUNCEMENTS- / COMMENTS BY MEMBERS

- **ORWD Budget adoption Hearing 6/26/18 [Notice ORS 294.438.]**
- **ORWD Rates review (proposed increase) June 26, 2018**
- **SDC Ordinance consideration July 27, 2018 (methodology available for review)**
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H. ADJOURNMENT

ALL:

we cannot adopt the SDC ordinance at our next meeting - there is a requirement the SDC methodology be available 60 days prior to the hearing for adoption. That is, in addition to our normal District ordinance notice requirement (ORS CHAPTER 198 -publish Ordinance Title IN THE AGENDA NOT LESS 4 /NOT MORE 10 DAYS PRIOR), the Oregon Statutes specific to SDC's provide:

6) Any local government that proposes to establish or modify a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge.

(7)(a) Written notice must be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge must be available at least 60 days prior to the first hearing. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the local government. The local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(b) Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge ordinance or resolution by the local government.

I don't think we have had any requests for the methodology so the 90 day notice does not apply. The law also provides:

223.309 Preparation of plan for capital improvements financed by system development charges; modification. (1) Prior to the establishment of a system development charge by ordinance or resolution, a local government shall prepare a capital improvement plan, public facilities plan, master plan or comparable plan that includes a list of the capital improvements that the local government intends to fund, in whole or in part, with revenues from an improvement fee and the estimated cost, timing and percentage of costs eligible to be funded with revenues from the improvement fee for each improvement.

(2) A local government that has prepared a plan and the list described in subsection (1) of this section may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as described in ORS 223.307 (2):

(a) The local government shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.304 (6).

(b) The local government shall hold a public hearing if the local government receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

(c) Notwithstanding ORS 294.160, a public hearing is not required if the local government does not receive a written request for a hearing.

(d) The decision of a local government to increase the system development charge by modifying the list may be judicially reviewed only as provided in ORS 34.010 to 34.100. [1989 c.449 §6; 1991 c.902 §30; 2001 c.662 §4; 2003 c.765 §7a; 2003 c.802 §23]

Richard Appicello

We had a public hearing on the "Master Plan" and adopted it. If the Board wants to revise it (you have been talking about a "reduced plan"), we may want to hold a hearing on the reduced plan (at least 30 days out) and also set a hearing date at least 60 days out for the SDC ordinance. Might as well because we can't get around the 60 day delay. So that means we notice and set a hearing for the capital improvement plan (as revised) for June 19, 2018 and for SDC ordinance adoption on July 17, 2018. We advertize the ordinance also per ORS CHAPTER 198.

198.540 Notice prior to adoption of ordinance affecting regulation. (1) Except in an emergency, an ordinance adopting, amending or repealing a regulation shall not be considered or voted upon by a district board unless the ordinance is included in the published agenda of the meeting. The agenda of a meeting shall state the time, date and place of the meeting, give a brief description of the ordinances to be considered at the meeting and state that copies of the ordinances are available at the office of the district board.

(2) The presiding officer shall cause the agenda to be published not more than 10 days nor less than four days before the meeting, in one or more newspapers of general circulation within the district or, if there is no such newspaper, in a newspaper of general circulation in each county in which the district is located. The presiding officer may also cause the agenda:

(a) To be posted in three public places within the district at least 10 days before the meeting; or

(b) To be published by radio and television stations broadcasting in the district as provided by ORS 193.310 and 193.320. [1971 c.268 §4]