



## M I N U T E S

A regular meeting of the Sunrise Water Authority Board of Commissioners was held on Wednesday, September 28, 2022 at 6:00 pm. The meeting was a hybrid meeting.

**Board Present:** Commissioners Chris Hawes, Chair; Andy Coate, Vice Chair; Kevin Bailey, Secretary; Kevin O’Meara, Gary Barth; Diana Helm, Tim Chairret

**Board Absent:** None

**Staff Present:** Jamey Pietzold, Finance Director, and Kim Anderson, Government Relations Manager

**Visitors Present:** Paul Gornick, Oak Lodge Water Services; Sherry French, Clackamas River Water; Jeff Griffin, WHA Insurance

### CALL MEETING TO ORDER

Hawes called the meeting to order at 6:00 p.m.

### FLAG SALUTE

**ROLL CALL** - Anderson performed the voice roll call.

Jeff Griffin of WHA Insurance introduced himself and noted that the training delivered this evening was on behalf of the SDAO.

### APPROVAL OF AGENDA

O’Meara requested the addition of a discussion item related to public information about the new administration facility construction. Hawes added it as agenda item 2.3.

A motion to approve the agenda was made by Barth and seconded by O’Meara. Motion carried unanimously.

**PUBLIC COMMENT** – None

### BOARD TRAINING

Griffin introduced the training and noted that it is applicable to the SDAO Best Practices Program. He mentioned that Sunrise is one of the few agencies that consistently achieves the full 10% discount available. He summarized the subject matter for the training as an overview of Oregon law applicable to special districts, the basis for the most common lawsuits filed against districts, and how to protect against them. The presentation slides are appended to these minutes for the record.

### 1. CONSENT AGENDA

A motion to approve the consent agenda consisting of the items listed below, was made by Helm and seconded by Bailey. Motion carried unanimously.

- 1.1 Approval of Minutes of August 27, 2022 Board Meeting

### 2. DISCUSSION ITEMS

- 2.1 Board Duties and Responsibilities Policy

Anderson introduced the document and requested any comments, recommendations or directions related to producing a final draft for adoption. Hawes noted that the NCCWC adopted a similar document the prior week.

O'Meara commented that he was unaware of the existence of an advisory committee. Anderson explained that this committee was required under the organizing documents for Sunrise Water Authority and that at this point the function has been limited to acting as the budget committee. The board suggested incorporation of that explanation into the policies.

O'Meara also asked about the requirement for an annual review of the General Manager. Anderson explained that has been the standard, but that she believed COVID had interrupted the routine. Hawes noted for new members that, while the law allows the evaluation to be held in executive session, Hathhorn has always insisted on conducting his reviews in open session in the interest of public transparency.

Hawes indicated that the amended Board Duties and Responsibilities Policy should be brought back to the Board for approval by resolution at the next meeting.

## 2.2 Approval of IGA with Clackamas County Social Services for Administration of the Low Income Assistance Program

Anderson noted that the agreement with Clackamas County Social Services requires annual renewal and that the current agreement expires on September 30. As there is a need for quick action, and the existing agreement had already been approved by County legal counsel, on the advice of Clackamas County Social Services staff, the decision was made to simply change dates and reuse the existing agreement for the next program year. Sunrise staff intends to propose changes clarifying some provisions in the next iteration. She noted that there is a difference between the Sunrise fiscal year and the federal grant cycle year under which the County operates. Hawes inquired about the program initiation fee on Exhibit B. Anderson noted that should have been changed to annual maintenance fee, though the dollar amount remains the same.

O'Meara asked about the reasons behind the spike in use of program funds. Staff conjecture is that it's related to inflation, increased awareness of the program leading to more applicants, and/or the fact that recipients have to reapply each year, so we are now seeing reapplications in addition to new applicants. A conversation ensued about how the Board might address program funding if the increase in usage is not a spike but is representative of ongoing demands. Staff explained that Sunrise does not provide the county with a pot of funds for distribution as direct cash awards, but rather they notify Sunrise of qualifying applicants who then receive a subsidized credit on their account. Board concurred with staff intent to monitor demand for a couple more months to verify if this was an anomaly or not.

The Board discussed the characteristics report and how it related to the customer demographics. Barth asked that staff inquire with the County as to the source for their data.

A motion to approve the proposed IGA with Clackamas County Social Services was made by Coate and seconded by Helm. Motion carried unanimously.

## 2.3 Public Communication on New Administration and Operations Facility

O'Meara noted that a comment came over the Next Door app about "Sunrise Water is wasting the customers' money on a new facility" and that we should prepare a fact sheet or some concise document on it. A discussion ensued about the type of information and formats that might be considered.

**3. STAFF REPORTS**

3.1 Manager’s Update

Pietzold provided updates of agency activities including:

- Construction on the new facility is on schedule. Barth asked if there is a project timeline or master schedule that the Board could see. Pietzold suggested an executive summary of the master schedule to avoid the detail in the master schedule.
- River flows are around historic medians, likely due to releases from Timothy Lake.
- Disruption and loss of facility operations due to stormwater construction were discussed by Hawes. He covered numerous issues related to the construction process including staging, closure of access to our facility, insufficient notification and communication by the City, the lack of appropriate project oversight and inspection by City staff, safety issues, damage to Sunrise property, and the response by City staff to the numerous issues that Hathhorn has raised in relation to the project. In particular he mentioned the risk that the project is creating for Sunrise simply by their presence on our property and Sunrise being a signatory on the original agreement related to this project. Discussion of those issues expanded to a conversation about the overarching relationship between Sunrise and Happy Valley, the failed efforts to improve that relationship, and the possibilities for taking a more deliberate and assertive stance about the issue. A suggestion was made that a joint work session with the City Council may be advisable.

Pietzold shared internal discussions with engineering staff about the potential for a main break as the work enters the intersection and the cautionary actions that are being implemented in addition to preparations that are being made in the event of a main break and the need for a boil water notice.

- Staffing vacant positions continues to be an issue. Staff was asked where positions are being posted.

3.2 Engineering Report - No comments

3.3 Construction Report

O’Meara wanted to thank Wubbena for expediting the pump station enclosure project to get it completed before winter and the potential for long run times due to power outages.

3.4 Operational Report – No comments

3.5 Finance Report

Pietzold updated the Board on several items including:

- The capital expenditures continues to lag but will be catching up as expenditures on the new facility start coming in more regularly

**4. BOARD REPORTS**

4.1 Board Calendar (see meeting packet)

4.2 Meeting Attendance and Liaison Reports

Commissioner	Meetings    Travel (T) or Remote (R)
Chris Hawes	Boring (T) Discussion of new pipeline to reservoir, activated interruptible service protocols for the first time, updating radio read meters, SDC increases. OL 9/16 conversion to Authority, OL 9/20 (R) Presentation about I and I and trunk main

	capacity, NCCWC Elected officers Matt Tracy, Gladstone Chair, Kevin Bailey, Vice Chair, Adopted Board policies, discussed apprenticeship program success.
Kevin Bailey	HV 9/6 Work session on middle housing rules, requires development to make street improvements, sidewalks and storm gutters and updates on investments. 9/20 Fees
Andy Coate	None
Gary Barth	None
Kevin O'Meara	SDAO Training in Salem(T)
Diana Helm	None
Tim Chairret	SDAO Training in Salem(T)

4.3 Information Items – None

4.4 Future Agenda Items – Public information about administrative facility

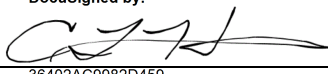
5. EXECUTIVE SESSION

The Board entered executive session pursuant to ORS 192.660(2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions, at 7:48 p.m.

The Board returned to regular session at 8:19 p.m.

5. ADJOURN

The meeting adjourned at 8: 19 p.m.

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 CHRIS HAWES, CHAIR

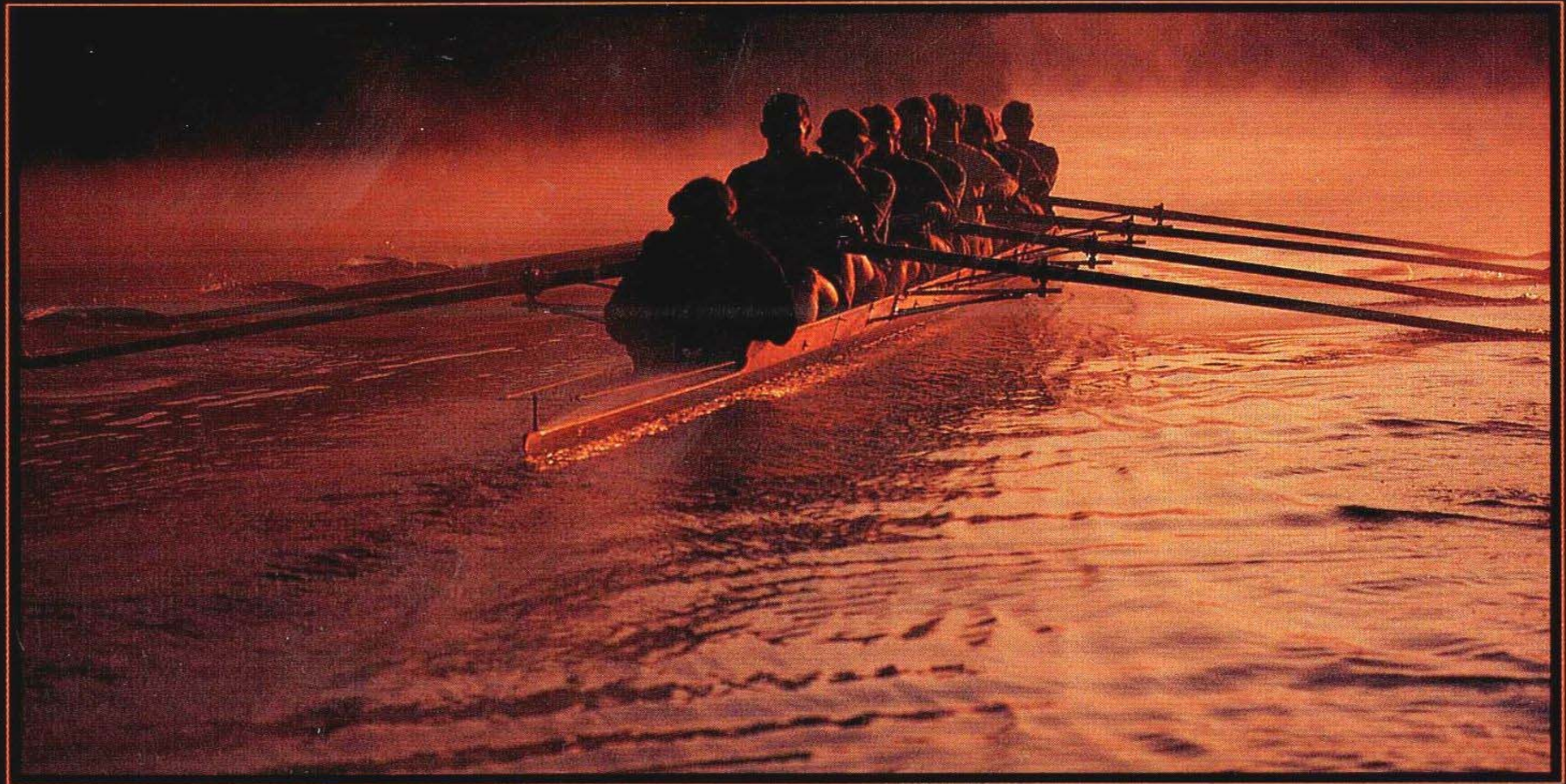
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 KEVIN BAILEY, SECRETARY

# The Law from a Risk Management Perspective



Presented by Jeff Griffin 2022





# T · E · A · M · W · O · R · K

TEAMWORK IS THE ABILITY TO WORK TOGETHER TOWARD A COMMON VISION.  
THE ABILITY TO DIRECT INDIVIDUAL ACCOMPLISHMENT TOWARD  
ORGANIZATIONAL OBJECTIVES. IT IS THE FUEL THAT  
ALLOWS COMMON PEOPLE TO ATTAIN  
UNCOMMON RESULTS.

# The Sheet



- **PA Sued over sexual assault of a minor**
- **MS 2.5 million suit over dreadlocks**
- **CO Manager suit over Discrimination**
- **VA Employees sues 17 officers Bullying**
- **MA 10 residents sue special district**
- **RI Employee sues district**
- **IL Sued over exam**
- **CO Settles porn suit**
- **NY Volunteer charged embezzling \$5.7 Mill**



# What Are The Problems On Your Desk

A glowing lightbulb is positioned above a ripple in water, set against a dark background with a warm, golden glow at the top.

- Are they Op's = Rarely
- Employment issues?





**If it is PREDICTABLE**  
***It is PREVENTABLE***

**Regulations and standards are only the starting point for a quality Risk Leadership program.**

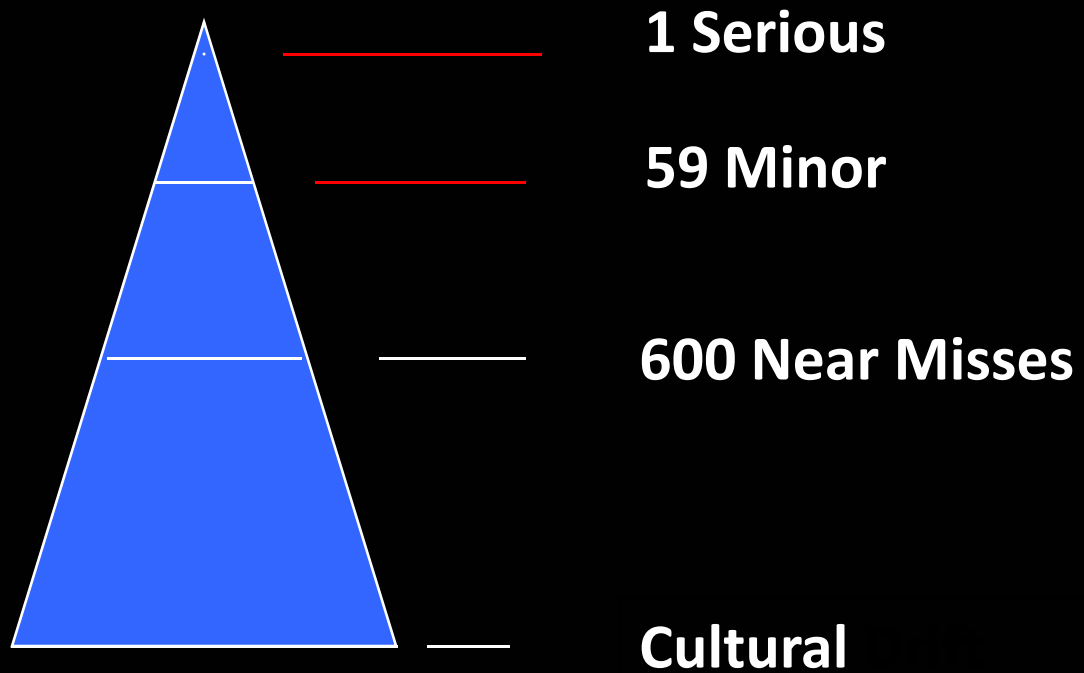
- **7.5% of injuries and lawsuits are attributed to “things”**

**Focusing on the Human Factor is the key to a successful Risk Leadership program.**

- **92.5% of all injuries have one common thread!**

# Understanding the Power of the Near Miss

- **Near Miss Relationships**



# Moment of Truth



- **The Law**
  - **Formation law**
  - **Tort 30.260-30.300**
  - **Federal and State Protected Classes**
  - **ORS 192**                      **ORS 297**
  - **ORS 243**                      **ORS 656**
  - **ORS 244**                      **Or-OSHA DEQ**
  - **ORS 279**                      **Ultra Virus**
  - **ORS 294**                      **Personal**

# The Law



- **Chapter 198**      **Special Districts General**
- **ORS.261**        **Peoples Utility District**
- **ORS.266**        **Park and Recreation**
- **ORS.267**        **Mass Transit**
- **ORS.450.650**    **Formation of Authorities**
- **ORS.450.665**    **Special District**
- **ORS.478**        **Fire District**
- **ORS.777**        **Ports Generally**

# Moment of Truth



- **The Law**
  - **Formation law**

**General Provisions**

**Formation**

**Powers and Duties**

**Benefits**

**Revenues**



# Moment of Truth

A close-up photograph of a single water droplet suspended in mid-air just above a dark surface. The droplet is perfectly spherical and reflects light, creating a bright highlight. Below the droplet, several concentric ripples are visible on the surface, indicating the point of impact. The background is a soft, out-of-focus gradient of light colors, possibly a sunset or sunrise, adding a dramatic and contemplative atmosphere to the image.

- **The Law**
  - **Tort 30.260-30.300**

**Limits liability**

**Limits statute of limitations**

**Provides for discretionary immunity**

# Moment of Truth



- **The Law**
  - **Federal and State Protected Classes**

**Federal Protected Classes are there 8, or 11, or 20?**

**Oregon Protected Classes is it 13, or 18, or 20?**



# Moment of Truth

- **The Law**
  - **ORS 192**

**Public Records**

**Open Meetings**



# Moment of Truth

- **The Law**
  - **ORS 243**

**Public Employees Rights and Benefits**



# Moment of Truth

- **The Law**
  - **ORS 244**

## **Government Ethics**

**General Provisions**

**Reporting**

**Conflicts of Interest**

**Nepotism**





# Moment of Truth

- **The Law**
  - **ORS 279**

**Public Contractation**



# Moment of Truth

- **The Law**
  - **ORS 294**

**Financial Administration (Budgeting)**



# Moment of Truth

- **The Law**
  - **ORS 656**

## **Workers Compensation**

- **Chapter 437 Rules**
- **Other regulatory requirements (all other Oregon law, for example DEQ)**



# Moment of Truth

- **The Law**
  - **ORS 297**

**Audits of Public Funds (crime or bond requirements)**



# Moment of Truth

- **The Law**
  - **Ultra Vires**

**Acting or done beyond one's legal power or authority**



# Moment of Truth

A close-up photograph of a single water droplet suspended in mid-air just above a dark surface. The droplet is perfectly spherical and reflects light, creating a bright highlight. Below it, several concentric ripples are visible on the surface, indicating the point of impact. The background is a soft, warm gradient of yellow and orange, suggesting a light source like the sun or a lamp.

- **The Law**
  - **Personal liability**



**Do the Right Thing... Always!**

## **Our Greatest Asset is Our People:**

- **Doing The Right Thing**
- **At The Right Time**
- **In The Right Way**
- **With The Right Attitude**
- **For The Right Reasons**