

**CLACKAMAS RIVER WATER BOARD OF COMMISSIONERS  
BOARD WORK SESSION  
February 28, 2022**

**COMMISSIONERS PRESENT:**

Sherry French, President  
Christine Alexander  
Naomi Angier, Secretary  
Tessah Danel, Treasurer  
Rusty Garrison

**STAFF PRESENT:**

Todd Heidgerken, General Manager  
Karin Holzgang, Executive Assistant to the Board

CRW Employees: Chief Finance Office Jason Kirkpatrick; Chief Engineer, Adam Bjornstedt; Emergency Manager, Beth McGinnis; Water Resources Manager, Rob Cummings

**COMMISSIONERS ABSENT: 0**

**VISITORS: Bob Steringer, Kevin Williams**

**Call Work Session to Order**

Commissioner French called the meeting to order at 6:00 pm. Roll call was taken

1. **North Clackamas County Water Commission (NCCWC) Water Supply Agreement-** Mr. Heidgerken will be providing the Board with an overview of the agreement, allow for questions and an opportunity for the Board to provide direction on the agreement. The Board received a copy of the previous agreement and amendment extending the agreement along with the draft new agreement for future approval.
  - Section 1- 20-year contact period (same as the original)
  - Section 2- available capacity
    - ✓ The amount is consistent with the CRWSC agreement of 2.5 MGD but allows for an additional capacity up to 10 MGD once the infrastructure is in place.
    - ✓ The points of delivery will be included in a separate planning document
    - ✓ The capacity amounts can also be adjusted in a separate planning document
    - ✓ To improve infrastructure both parties must be in agreement; one party cannot force the other. There would be a separate agreement put in place when any infrastructure is built- Commissioners Alexander and Angier both asked if up to 10 MDG amount was allowing for flexibility for a provision of water or was it a firm commitment; the answer is the amount was to provide flexibility for growth and future need.
  - Section 3
    - ✓ Maintains the current 2.5 MGD amount that will be provided through the agreement. This section also provides the need for a planning document that will be a living document which will be developed after the supply agreement is approved.
    - ✓ The planning document will be approved by the General Managers of the entities

- ✓ NCCWC will test the meters annually and CRW is responsible for maintaining the infrastructure to the points of delivery (water lines)
- Section 4
  - ✓ The hope is to have the planning document drafted within the first six months of having the agreement in place
  - ✓ methodology for establishing rates and charges are outlined in this section
- Section 5-
  - ✓ Establishes that NCCWC will conduct the meter reads and report those
- Section 7- Left blank intentionally
- Section 8- Emergency Operations
- Section 9-13- The “Legalese” sections

Staff is looking to get a sense from the Board if there is additional information that they need and any things that may need to be adjusted/changed prior to the agreement being ready for the Board to have on a future Board agenda for CRW approval.

## **2. Emergency Management Update (see attached presentation)**

- Staffing/People
  - Who does what?
  - Plans help people understand systems
  - Training & Practice helps even more
- Spaces
  - Incident location(s)
  - Emergency Operations enter
  - Continuity of Operations
- Stuff/Resources
  - Understanding what we have on hand
  - Mutual aid agreements
  - What do we need in order to fulfill our objectives?
  - Where do we get it
  - Understanding national guidance for resource ordering
- Where does the CRW Board fit in in an emergency
  - Staff needs the Boards help to get us up and running
  - What does an Emergency Declaration Do (see attached)
  - Scope of declarations of emergency
  - GM is the key contact for the Board to get updates/questions answered during an emergency
  - The Board needs to assess their methods of communication and stay in contact with CRW
  - Situational updates will be provided to the Board by staff
  - First of all keep yourself and family safe

## **3. Commissioner Communications- this is being held until the March Board meeting**

## **4. General Manager Update**

- Staffing update- Shawn Sandberg accepted an internal promotion to Water works mechanic 3; there is now an opening for a level 1 or 2 Waterworks mechanic that will be an external recruitment. Have begun the Water

Resources Manager recruitment and will be starting the recruitment for a summer intern for system operations

**Public Comment: none**

**Open meeting is adjourned at 7:20pm**

Adjourn to Executive Session

1. To discuss information or records that are exempt by law from public inspection pursuant to ORS 192.660 (2) (f) and 192.355 (9)



Clackamas River Water

# Emergency Management Update

CRW Board Worksession  
February 28, 2022

Presented by Beth McGinnis



# Desired Outcomes

- Understand the staffing, spaces, and resources that support CRW's Emergency Management Program.
- Understand the role of the CRW Board in declaring emergencies.
- Understand what communications to expect from the General Manager during emergency operations.

# What are the foundations of an emergency response?



Staff



Space



Stuff  
(resources)



# Staffing/People



- Who does what?
  - Blue Sky Days vs. Emergency Activations
- Plans help people understand systems
  - Required by the AWIA 2018 Federal Legislation
    - Soon to be state required
  - Describe the way in which we organize for an activation
- Training & Practice helps even more
  - National Incident Management System (NIMS)
  - Incident Command System
  - Hazard specific (Earthquake)



# Spaces



- Incident Location(s)
- Emergency Operations Center
  - Primary – Administration Building
  - Secondary – System Operations
- Continuity of Operations
  - Reconstitute alternate facility





# Stuff/Resources



- Understanding what we have on hand
  - Supplies
  - Equipment
  - Spaces
- Mutual Aid Agreements
- What do we need in order to fulfill our objectives?
- Where do we get it?
- Understanding national guidance for resource ordering (FEMA)



# Where does the CRW board fit in?



- We need your help to get us up and running!
- What does an Emergency Declaration Do?
  - SDAO handout
- Scope of declarations of emergency
  - Authority limited to existing scope
  - Continuing Operations, not expanded authority.
  - Aligned with state statutory requirements for special districts.
  - Does not change collective bargaining agreements.

**Catastrophic event = everything changes**



# What can you expect in terms of communications during emergencies?



- **General Manager is your key contact for updates/questions/concerns during activations.**
- Assessing your ability to stay in contact with CRW post-disaster/event
  - What method will you use to communicate?
  - What is in your emergency plan?
- Situational updates will be provided at regular intervals for longer duration events
- Keep yourself and family safe first.



# Recent Work Highlights

- Established the CRW Emergency Operations Center (EOC) on the 2<sup>nd</sup> floor
- September Preparedness Month Drawing
- Conducted Great Shakeout Earthquake Drill in October
- Conducted staff orientations to new Emergency Response Plan (ongoing)
- Determining staff roles that should be prepared to serve in the EOC & providing training.
- Relationship building & industry awareness
- Continuity of Operations Plan revisions and training.
- Planning grant opportunity – regional coordination CRWP & Clackamas County
- Emergency Communications Planning (radios, phones, etc.)
- Supporting Public Information programming

Presented by Beth McGinnis



*Clackamas River Water*

# Thank You!

Presented by Beth McGinnis



## **Guidelines for Special Districts in Declaring a State of Emergency**

By: Tommy A. Brooks and Laura Westmeyer, Cable Huston, LLP

### **Introduction**

Since the Governor declared a state of emergency in Oregon on March 8, 2020, many local governing bodies have been acting to declare their own state of emergency within their jurisdictions. The process for cities and counties to make an emergency declaration is laid out in statute, but special districts have little guidance for doing the same, and some may be wondering whether they should consider making a local declaration, and what the import and effect of a declaration would be for their district.

### **Purpose of Emergency Declarations**

The primary purpose of an emergency declaration is to maintain continuity of service in situations where the normal decision-making process may be unavailable. Emergency declarations allow governments to quickly mobilize to minimize, respond to, or recover from the emergency presented. While each emergency will present its own unique set of facts and needs, the common purpose for a declaration is when the risks of delay or inability to take certain actions outweighs the public benefits from following the ordinary procedure. An emergency declaration functions as the triggering action for a government to activate a menu of powers and authority that may not be ordinarily available, or to use processes that may not be ordinarily used, in order to respond to the emergency circumstance. Special districts should consider the type of powers, processes, and authority that it would want to authorize in the event of an emergency.

### **Authorized Actions in a State of Emergency**

Declaring a state of emergency allows special districts to make adjustments to a variety of functions. Below are some of the more common actions and functions that may be authorized or adjusted through an emergency declaration:

1. ***Provide additional sources of funding.*** Divert funds appropriated for certain purposes to meet the needs of the emergency.
2. ***Designate a line of succession for the governing body and district staff / Authorize individuals to take action that they would not otherwise be authorized to take.*** In an emergency, a quorum of the governing body may be unable or unavailable to take an action that is needed to protect the district. Or the administrative or executive head of a district may be unavailable to make day-to-day decisions. An emergency declaration may designate a line of succession for individuals authorized to perform the needed functions in their place.
3. ***Authorize the suspension or waiver of local policies or ordinances.***
4. ***Suspend local procurement rules and spending authority limits.***
5. ***Allow for greater cooperation among local governments.*** Authorize the district's entrance into contracts and agreements with other governments. Provide and receive resources with or without a formal contract.
6. ***Prioritize certain district activities and functions.***
7. ***Demonstrate eligibility for certain funding.*** Some emergency funding sources require documentation of the existence of an emergency and spending during that time.

8. *Raise public awareness.*

9. *Provide legal protection for actions taken during a state of emergency.*

### **Process for Declaring an Emergency**

Unlike for the state, cities, and counties, there is no statutory process in place for special districts to declare an emergency. Special districts do, however, generally have broad authority to adopt local rules and regulations and to take all action that is necessary or proper to perform the functions and purposes for which the district was formed. For special districts, a two-step process is recommended.

First, the governing body should act to generally authorize declarations of local states of emergency. This may be in the form of an ordinance or resolution. This first action should identify, at a minimum: (i) what would constitute a local emergency; (ii) who is authorized to make a declaration of a state of emergency; (iii) delegations to individuals for actions that the governing body as a board may be unable to make; (iv) a line of succession of board officers and district staff; (v) the additional powers and authorities; and, (vi) any processes that are authorized to be revised or suspended during the emergency.

The next step would be to declare a state of emergency that is specific to the circumstances presented at the time of the declaration – for example, to respond to the threats imposed by the COVID-19 outbreak. This would be in the form of a resolution or declaration. This second action should contain, at a minimum, the following elements: (i) findings of the criteria meeting the definition of a local emergency; (ii) the actions that are authorized as appropriate for the current emergency; (iii) the individuals who are ordered or authorized to take the authorized actions; (iv) the method for keeping the governing body apprised of all actions taken pursuant to the emergency powers that are taken other than by the governing body; (v) the duration of the emergency during which time the actions would be authorized.

### **Limitations on Emergency Declarations / Conclusion**

While declaring a state of emergency has multiple purposes and value for a special district, and can assist it to respond to the emergency at hand, districts should also keep in mind that a declaration is about continuing operations and does not provide a district with authority beyond the reasonable protection of district assets and resources. Such a declaration does not serve to override federal law. Further, state statutory requirements for special districts will continue to remain in place, such as the requirement to hold public meetings and hearings, and to adopt a budget before the start of the fiscal year. A special district may additionally be restricted by its unionized collective bargaining. This makes it imperative for each special district to take into account the authorities it has pursuant to its organizing statute, along with any other limits it may have placed on itself through policies, rules, or contracts.