

CLACKAMAS RIVER WATER  
BOARD OF COMMISSIONERS  
WORK SESSION & EXECUTIVE SESSION  
April 22, 2024 at 6:00pm



Clackamas River Water

**THIS MEETING WILL HAVE REMOTE ACCESS VIA ZOOM\***

**AGENDA**

16770 SE 82<sup>nd</sup> Drive, Clackamas, OR 97015

Anyone who wishes to attend the meeting remotely may do so by internet at <https://us02web.zoom.us/j/89551138068> or by calling the following number [12532158782](tel:12532158782) and join meeting 895 5113 8068#. Passcode: 508407

**Work Session @ 6:00pm**

Call to Order, Roll Call

1. **CRW Board Policy Update Review-** *Todd Heidgerken, General Manager & Bob Steringer, Legal Counsel*
2. **Commissioner Communications-** *CRW Board of Commissioners*
3. **General Manager Update-** *Todd Heidgerken, General Manager*

**Public Comment**

***Adjourn Work Session***

**EXECUTIVE SESSION- will start immediately following the work session**

1. Discuss information or records that are exempt by law from public inspection pursuant to ORS 192.660 (2) (f) and 192.355 (9) (a) and ORS 40.225
2. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. 192.660 (2) (e)

**Work Session Reminders:**

- a. Work Session – audio only
- b. No decisions will be made by the CRW Board
- c. Staff may get direction or a sense of the board on key issues
- d. Members of the public are allowed to attend but not participate (*public comment provided at the end of the session*)

**Public Comment:** If there is a member of the public that wishes to address the Board are encouraged to submit a request through email to [kholzgang@crwater.com](mailto:kholzgang@crwater.com) no later than 4pm the day of the meeting.

Members of the public are welcome to speak for a maximum of three minutes, citizens must state their name, address, if they are a customer or not for the record.

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting to Adora Campbell (503) 722-9226.

# CLACKAMAS RIVER WATER

## BOARD WORK SESSION

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April 22, 2024

**SUBJECT** CRW Board Policy Update Review

**PRINCIPAL STAFF PERSON** Todd Heidgerken, General Manager  
Bob Steringer, CRW Legal Counsel

**DOCUMENTS ATTACHED** Redline Update of Board Policy

### Agenda Summary

**BACKGROUND** CRW Board Policy was last fully reviewed in 2013. There have been Board adopted updates of some sections since that time, but a full review and update has not occurred since 2013. CRW Legal Counsel provided the General Manager and Executive Assistant with an initial update to review and discuss. Edits and comments were incorporated in the draft and then the draft was discussed and reviewed with the Agenda Setting Committee. The attached draft is for the full Boards review and discussion, the “strike-through” language is proposed to be removed and the underline language is an addition.

A final document will be presented to the Board at the May 15, 2024 Board meeting for adoption.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 1           BOARD OPERATION

- 1.1           Definitions
- 1.2           Powers of the Board
- 1.3           Functions of the Board
- 1.4           Orientation
- 1.5           Board Educational Development
- 1.6           Compensation for Services & Reimbursement for Expenses
- 1.7           Formulation of Policies
- 1.8           Public Meetings
- 1.9           Agenda Preparation
- 1.10          Preparation for Board Meetings
- 1.11          Procedures during Board Meetings
- 1.12          Computer Policy

## Section 1.1 Definitions

As used in these sections, unless the context requires otherwise:

- A. “Board of Commissioners” or “Board” means the governing body of Clackamas River Water.
- B. “CRW” means Clackamas River Water or properties owned by Clackamas River Water.
- C. “General Manager” means the appointed Administrator of Clackamas River Water.

## Section 1.2 Powers of the Board

- A. The powers of the Board are outlined in Chapter 264 and Chapter 198 of the Oregon Revised Statutes relating to domestic water districts and special districts. The Board has these-the following general responsibilities, consistent with the afore-statedthose statutes:
  - 1. Identify and adopt strategic polieies-priorities for CRW
  - 2. Hire, evaluate, and dismiss the General Manager
  - 3. Adopt the annual budget for CRW
  - 4. Adopt the Rates, Fees, and Charges schedule for CRW
  - 4. Make decisions in the best interest of CRW and not in the interest of a Board member
  - 5. Monitor execution of Board Policy to ensure compliance with Oregon Public Meeting Law (ORS 192)
- B. The Board may authorize ad-hoc advisory committees as it sees fit.
  - 1. The Board President or designee will outline the duties and responsibilities of each committee at the time of appointment.
  - 2. A board memberCommissioner may serve as an ex-officio member.
  - 3. Advisory committees shall comply with Oregon Public Meetings Law and are responsible for keeping-providing any written records to District staff so they may beand ensuring they are made available to the public if requested.

**Section 1.3 Functions of the Board**

A. Policy Making

1. The Board will establish strategic policy reserving to itself all authority and responsibility not otherwise assigned to the General Manager or others.
2. The Board is CRW's Local Contract Review Board pursuant to ORS 279A.060.

B. Oversight

1. The primary responsibility of the Board is to make policy-level decisions for CRW, and to hire, evaluate and manage CRW's General Manager, who will serve as CRW's chief executive officer. Administrative authority for the daily operations of CRW and the management of all CRW personnel is delegated to the General Manager to the extent reasonably possible.

2. No individual Commissioner may direct or order a staff member on any matter that relates to the daily operations or administrative activities of CRW unless expressly authorized by the Board. No individual Commissioner may order, direct, or conduct any review of personnel records of any staff member or any other record that is exempt under the Oregon Public Records Law unless expressly authorized by the Board.

~~3. If any Commissioner should be delegated by the Board to exercise any administrative authority for CRW, that direction shall be in writing and shall state the express purpose for which authority is being granted and for what duration, and any such appointment shall be agreed upon between the Board and the General Manager. The Board will select a general manager and delegate to this selected General Manager the responsibility for implementing and executing policies adopted by the Board.~~

2.4. The Board will provide the financial means to implement Board policies in order to accomplish organizational goals and objectives as adopted by the Board of Commissioners.

C. Planning/Vision

1. The Board is committed to long-term planning as an essential activity to assure the viability of water service to water users in the region.
2. The Board will develop functional philosophies in the form of vision, mission, and/or values statements that provide guidance to the Board in the execution of its responsibilities and to the staff and others involved in the operations. These are to be reviewed periodically to assure their continued applicability.
- ~~3. The Board and General Manager will develop a priority sequence for short-term activities. The Board will make final selection of the activities that will~~

~~be the responsibility of the General Manager.~~

~~4.3. Annual p~~ Priorities will be established by the Board and be consistent with long-term planning. Areas to be considered for priority status will be balanced between community needs, District requirements, regulatory requirements, and recommendations of the General Manager.

~~5.4. Conduct~~ The Board will conduct a periodic review of rates and charges.

D. Commissioner Assignments

~~1.~~ At least annually, ~~Commissioners the Board~~ will review the various organizations with which CRW has relationships and decide which organizations should have a Board representative assigned to them. ~~Commissioners may volunteer for assignments to these entities based on areas of interest or~~ The Board President may will assign a CRW representative to any organization the Board determines should have a representative from the Board, unless a different assignment process is required by agreement or law make the assignments.

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~~2.~~ A Commissioner's attendance at another organization's meeting is in the Commissioner's individual capacity, not in an official capacity, unless the Commissioner is assigned as an organizational representative pursuant to this section or the attendance is otherwise approved by the Board.

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~~3.~~ If a Commissioner appears before another governmental agency or organization to give a statement on an issue relevant to CRW, that Commissioner must state whether the statement reflects personal opinion, is the official position of CRW, or both. Additionally, if the Commissioner is representing CRW, the Commissioner must support and advocate for the official CRW position on the issue as established by vote of the Board.

**Section 1.4 Orientation**

A. Cooperating with Board Candidates

The Board, through the General Manager, shall cooperate with candidates for the Board on an equal basis and will provide them with information about Board policies and other aspects of the operation of CRW upon request.

B. Orienting New ~~Board Member~~Commissioners

The Board and the General Manager shall assist each new member-elect to understand the Board's functions, policies, and procedures. If possible, orientation will be provided before the member-elect takes office. The General Manager will provide ~~all appropriate~~ information including:

1. A copy of Board policies, including Local Contract Review Board Rules.
2. A copy of the law relating to the operation of water districts.
3. A copy of the Attorney General's "Public Records and Meetings Manual."
- ~~3.4~~ A copy of the Oregon Government Ethics Commission publication "Guide for Public Officials."

**Section 1.5 Commissioner Conduct**

A. The Board shall not, to the extent possible, involve itself in the day-to-day operations of the District. Without prior approval of the Board, no Commissioner may interfere with or engage in District operations, including programs, maintenance, personnel management, administration, enforcement of facility rules, planning, training, or other daily operations and responsibilities of the General Manager. If the Board sees a need for an exception and asks a Commissioner to become involved in District operations, the Board will clearly state in writing the Commissioner's operational duties/functions, and the Board President and General Manager shall agree to said arrangement prior to the Commissioner commencing involvement.

B. Commissioners will assist the Board President in preserving order and decorum during Board meetings and will not delay or interrupt proceedings. Commissioners will comply with any ruling of the President or Board, and the following rules will be observed to maintain order and decorum during meetings:

1. Commissioners will review necessary information, including the agenda and meeting materials, before meetings, and will come to meetings prepared.
2. Any Commissioner desiring to be heard will request to the President to be heard. Commissioners will be given an opportunity to speak at least once on any pending motion or agenda item. Once recognized, the speaker will

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confine their remarks to the subject under consideration.

3. When speaking on behalf of the Board or District, Commissioners will represent the Board's official position, not their own personal opinion.
4. Commissioners will be open and candid and should be succinct in stating their views. Commissioners should focus on a single issue or topic at any one time and allow one another to finish speaking without interruption.
5. Board discussions are to focus on CRW issues; Commissioners should avoid raising non-District issues not relevant to the current discussion.
6. Commissioners should keep discussions moving and adhere to established time limits on discussions.
7. Commissioners will refrain from criticizing or berating each other, staff, or members of the public.

C. The Board will respect the separation between policymaking and administration (Board and General Manager functions respectively) as outlined in these Board Policies by observing the following communication policies with respect to CRW staff:

1. The Board will work with CRW staff as a team in the spirit of mutual respect and support.
2. Outside of Board meetings, Commissioners will not attempt to influence a CRW employee or the General Manager, or advocate for a certain outcome in regard to personnel matters, purchasing issues, the award of contracts or the selection of consultants. However, Commissioners discussing these matters with the General Manager outside of Board meetings in a non-coercive manner is appropriate.
3. Commissioners will, wherever possible, limit individual contact with CRW staff to the General Manager, management staff, and designated staff for requests that concern the relevant matter or matters, so as not to influence staff decisions or recommendations, interfere with their work performance, undermine management authority or prevent the Board as a whole from receiving information. The General Manager will determine the most effective way to respond to Board requests.
4. When expressing criticism to staff, either at a public meeting or through other communication, Commissioners will be professional and mindful of the role and responsibility of staff members.
5. Any written materials or information requested of staff by Commissioners will be submitted to the entire Board and include a notation stating who requested the information.



6. The Board President will refer comments or questions regarding CRW personnel or administration to the General Manager. The General Manager may, at their discretion, reply to the inquiry directly or instruct the appropriate staff member to do so.

D. Commissioners will protect the confidentiality of CRW information as follows:

1. Commissioners will keep all written materials provided to them on matters that are confidential under law in complete confidence to ensure that the District position is not compromised. No mention of the information read or heard should be made to anyone other than the Commissioners, General Manager, or legal counsel.

2. All public statements, information or media releases relating to a confidential matter will be handled by the General Manager, legal counsel, or designated Commissioner.

3. Unless required by law, no Commissioner may make public the discussions or information obtained in executive session. The Board may censure a Commissioner who discloses confidential information or otherwise violates this policy.

4. Commissioners will comply with the Oregon Public Records Law by retaining all documents they create that relate to the business of CRW, including their notes on documents, for the minimum period of time established by CRW's public records retention policy and any other applicable law. Commissioners may comply with this requirement by providing records to the Executive Assistant to the Board for retention. This obligation continues after a Commissioner leaves office.

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#### **Section 1.56 Board Educational Development**

A. The General Manager will inform and make available information on conferences, meetings and publications which may be useful and informative.

#### **Section 1.67 Compensation for Services and Reimbursement for Expenses**

~~Board Members will be compensated \$50 for any water-related meeting or conference attended on behalf of CRW.~~

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~~A. Commissioners will be compensated \$50 for any water-related meeting or conference attended on behalf of CRW. The stipend is limited to \$50 per day.~~

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~~A.B. Board Members are reminded that the stipend is limited to \$50 per day. If additional meetings are attended in the same day or if you a Commissioner wants reimbursement for attendance at a meeting that has not been authorized by the~~

~~Board non-authorized meetings, then~~ prior Board approval is required.

~~B.C.~~ There is no reimbursement for mileage to and from CRW for meetings.

~~C.D.~~ Commissioners are not entitled to compensation for expenses that are included in the cost of an event registration.

~~D.E.~~ Commissioners shall request ~~are encouraged to notify CRW prior to purchasing~~ supplies they use for CRW business from designated CRW staff. CRW staff often can buy supplies at a lower cost than if the Commissioners makes the purchase on their own.

~~E.F.~~ Additional Criteria for Compensation or Reimbursement Provisions Regarding Attendance at Meetings or Events: In order to qualify for compensation, the following must be met:

1. To qualify for compensation or reimbursement, a meeting or event must be ~~It must be a public meeting or event that is~~ related to CRW's mission. Examples are meetings by of other Public-public or Private-private Entities, such as Chamber of Commerce meetings, SDAO or like Event events, City-city or County-county meetings, monthly agenda preparation meetings, or any other meeting where there is a prior expense authorization by the CRW Board or the Board President. ~~But in~~ no event shall ~~Board Members~~ Commissioners receive compensation for meetings attended with staff at their own request.
2. The ~~Board member~~ Commissioner is encouraged to provide orally, or in writing, a summary of the meeting or event at the next regular Board meeting to the extent that it relates to CRW's operations, planning, or policies.
3. All requests for expense reimbursement must be submitted within 60 days of expense incurrence. In the case of extenuating circumstances, exceptions may be made with approval from the Board President. The ~~document~~ reimbursement form must be signed and ~~detailed with~~ include the dates and times for the meetings attended. Commissioners will not be compensated for time or mileage if a request is not timely submitted.
4. While ~~Board members~~ Commissioners may attend meetings or events, ~~Board member~~ Commissioners shall not make statements on behalf of the District or Board without prior approval of the content by the Board, unless it is already published and attributable to the District. In all other circumstances, the ~~Board member~~ Commissioner must be clear that statements are the individual position of the ~~Board member~~ Commissioner and not the Board or District.

~~5. If the above criteria are not met, Commissioners will not be compensated for time or mileage.~~

~~F.G.~~ Commissioners will submit expense reports for reimbursement to the

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~~CFO Executive Assistant to the Board, who and the CFO will then review that reimbursement the report to verify that the expenses are in compliance with Board Policy. If there are the report includes expenses that are questionable or outside policy, the CFO Executive Assistant to the Board shall review the expense request with the General Manager Chief Financial Officer. If the Chief Financial Officer is unable to confirm that an expense request complies with Board Policy, the General Manager will return the expense request to the Commissioner with direction that there is still disagreement the document shall be returned to the Commissioner and if they the Commissioner wishes to be reimbursed, still want reimbursement the Commissioner may submit their expense reimbursement directly to the Board for consideration. The requestor must declare their conflict of interest and refrain from voting on their own expense submission.~~ The Board's vote is the final resolution.

- ~~G.H.~~ The Board will follow and does adopts the CRW Policy 1-2.10.003 (Travel Expense Policy) staff policies for itself and will follow it.
- ~~H.I.~~ If a Board member Commissioner uses his/hers personal vehicle to travel, the District will reimburse for travel at the then-existing IRS mileage rate. However, no reimbursement will be paid for travel to and from CRW property.
- ~~H.J.~~ No reimbursement shall be allowed for expenses incurred by or for spouses, guests or relatives of Board members Commissioners. No reimbursement shall be allowed for alcoholic beverages.
- ~~J.K.~~ If CRW is reimbursing the member for the expenses and costs of travel, the time spent traveling shall not be considered a meeting or event for which compensation for services can be claimed.
- ~~K.L.~~ Frequent Flyer Miles Travel and Credit Card Perks – CRW will book all travel and lodging for authorized travel by Commissioners. Board member Commissioners traveling on CRW-related business may pay for incidental travel expenses using personal credit cards, debit cards, and other payment methods that accrue “points” or other promotional benefits not accrue frequent flyer miles or other promotional benefits in their personal accounts.
- ~~L.M.~~ The Board and individual Commissioners will comply with Oregon government ethics requirements in connection with any compensation or reimbursement issues decided by the Board. Generally, a Commissioner making a request for compensation or reimbursement has When requests are brought before the Board where a direct conflict of interest that must be declared by the requesting Commissioner, and the Commissioner may not participate in the deliberation or decision on the request, exists, the Board must first declare a conflict of interest (abstentions are prohibited) and then identify a quorum to vote on the issue. Discussions and deliberation of the issue when there is a conflict is not allowed.

Updated per Board Res. 3/12/15

**Section 1.7.8 Formulation of Policies**

~~A. Proposals to adopt, change, delete, add to or repeal a policy may originate from several people including a Board member, General Manager, customer, employee, employee organization, or civic group.~~

~~B.A. Proposed District policy amendments will be drafted by or at the direction of the General Manager for Board review.~~

~~C.B. Adoption of new District policies, amendments of existing District policies, or repeal of existing District policies shall be made by resolution of the Board pursuant to changes, additions, deletions and repeal of established policies require a two-step procedure separated by no less than 28 days:~~

~~1. Inclusion of the proposed action in-on the public agenda with introduction, discussion, and deliberation at one meeting.~~

~~2. Inclusion of the proposed action on the public agenda with further deliberation and a vote to be held at a second meeting.~~

~~2.3. The Board may, by unanimous vote, waive the requirement of two readings and take action on a District policy in a single meeting.~~

~~3. Adoption of new policies, amendments and suspensions to existing policies shall be made by resolution of the Board.~~

~~D. Amendment~~

~~1. Board policies may only be amended by a majority vote after the proposed amendment has been reduced to writing and been placed on the agenda.~~

~~E.C. Suspension Board Policies~~

~~1. The Board may temporarily suspend Board policies may be suspended by a majority vote if the motion has been provided to all Commissioners in writing of members in the call for which the proposed suspension has been described in writing, or by unanimous vote of all members when no such written notice motion has been given provided.~~

~~2. The board may vote to suspend the second reading and the 28-day passing period as it so chooses.~~

~~3.2. Policies specific to board Board government governance, including these Board Policies, do not require a second reading or a 28-day passing period.~~

**Section 1.8.9 Public Meetings (See ORS 192.610 – 192.660695)**

~~ORS 264.430 Proceedings of Board: The Board of Commissioners shall hold~~

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~~meetings at such time and place within the District as it may determine. The Board shall hold at least one regular meeting in each month on a day to be fixed by it and may hold special meetings under such rules as it may make.~~

~~The Board has established the regular meeting date of record as the second Thursday of each month.~~

~~A. The Board shall hold meetings at such time and place within the District as it may determine. The Board shall hold at least one regular meeting in each month on a day to be fixed by it and may hold special meetings under such rules as it may make.~~

~~B. The Board has established the regular meeting date of record as the second Thursday of each month.~~

~~A.C. The Board shall make every reasonable effort to commence all public meetings no later than five (5) minutes after the start time published in the meeting notice unless a delay in the start time is announced to the public at the scheduled start time.~~

~~B.D. No publicly attended Board meeting shall extend beyond 10:00 p.m. or for a period of time longer than three hours unless the Board approves a motion to extend the except that such a meeting may extend for a specified additional time period approved by the Board.~~

~~C.E. Any No Executive Session held following a public meeting shall not extend beyond 10:30 p.m. unless the Board approves a motion in public session to extend except that such a meeting may extend for a specified additional time period approved by the Board.~~

~~D.F. The Board adopts the definitions relating to public meetings as set forth in ORS 192.610.~~

~~E.G. The Board reserves the right to change the place, time, and date of such regular Board meetings and to call and hold such additional or special meetings, as shall be deemed necessary, as provided by law. The Board President or two Board members Commissioners may call special meetings. If the date of a regular scheduled meeting is to be changed, notwithstanding an emergency, the public must be given at least 30-14 days' notice except in the event of an emergency.~~

~~H. The Board, through District staff, will comply with Oregon law regarding public meeting notices, including without limitation ORS 192.640. Except in the case of emergency meetings, all meetings are to be posted and advertised as required by law. The Board from time to time may require posting or publication of additional notices as it deems necessary to provide notice to the public.~~

~~I. The Board, through District staff, will comply with Oregon law regarding the location of meetings, access to meetings, accommodation for persons with~~

disabilities, and the availability of interpreters as required by Oregon law, including without limitation ORS 192.630.

J. The Board, through District staff, will comply with Oregon law regarding minutes and record keeping of meetings, including without limitation ORS 192.650. The full recordings of open meetings are deemed to be the official minutes of such meetings.

K. The Board will comply with Oregon law regarding executive sessions, including without limitation ORS 192.660.

L. The Board, through staff, will comply with Oregon law requiring remote access to meetings open to the public to the extent reasonably possible, including without limitation ORS 192.670. The District may take actions necessary to exclude malicious disruptions of meetings, including requiring persons to notify the District in advance if they wish to provide public testimony in a meeting so access permissions may be granted.

M. Commissioners will comply with the requirements of ORS 192.630, including those provisions prohibiting three or more Commissioners from meeting outside a properly noticed public meeting for the purpose of deciding on or deliberating toward a decision on any matter that will or may be decided by the Board, except as otherwise provided by ORS 192.610 to 192.705. For purposes of this policy, "meeting" includes (1) gathering in a physical location; (2) using electronic, video or telephonic technology to be able to communicate contemporaneously among participants; (3) using serial electronic written communication among participants; or (4) using an intermediary to communicate among participants.

N. The Board and each Commissioner will comply with ORS 192.700, requiring annual training on compliance with the Oregon Public Meetings Law. The Board directs the General Manager to arrange for Board training through a method that complies with ORS 192.700.

F.O. Any Commissioner who has a question about compliance with Oregon Public Meetings Law may direct the question to the General Manager. The General Manager, may, but is not required to, direct the question to the District's General Counsel.

G.P. The District will use the Attorney General's Public Records and Meetings Manual as a guidance document.

### **Section 1.910 Agenda Preparation**

A. The General Manager will draft a proposed agenda for Board meetings and present the draft to the Board President and Secretary for review approximately two weeks prior to the meeting in question. The Board President and Secretary will approve the Board meeting agenda with any revisions they might make to the draft agenda.

~~A.B.~~ Any Commissioner may request that an item be placed on the agenda for a Board meeting. Agenda items for Board Meetings are submitted to the Board Secretary on a monthly basis to be presented to the Board President for approval. All items must be submitted to the Executive Assistant to the Board no later than 17 days before the scheduled meeting. The Board President and Secretary will decide whether the matter is placed on the agenda.

~~B.C.~~ The Board President may approve, add or delete agenda items prior to approval of the agenda. The Board President can add, edit or delete emergency items up to the time of the Board Meeting.

~~C.D.~~ The Board President may add or review agenda items to the agenda by majority vote at the time the agenda is approved by the Board, at any time, at his/her discretion.

#### Section 1.1011 Preparation for Board Meetings

- A. The ~~Agency's~~ Executive Assistant to the Board shall prepare, distribute, and post all public notices.
- B. The agenda serves as the public notice of the time and place of the meeting and will be distributed to the Board, and interested persons, including news media, ~~which~~ who have requested notice. The agenda will be posted at the CRW administration building, the CRW web page, and other locations as designated by the Board.
- C. ~~Board member~~ Commissioners will receive a Board packet.
- D. Other interested persons may request a packet, in writing, ~~to from CRW's the~~ Executive Assistant to the Board. CRW may charge for paper copies of the Board packet per CRW's public records policies.

Sect. 1.9 and 1.10 updated per Board 1/8/15

#### Section 1.1112 Procedures during Board Meetings

- A. ~~Except as otherwise provided by state law, These~~ Board ~~policy~~ Policies, as supplemented by, and/or Board Motion "Robert's Rules of Order" (Revised), shall guide the Board in its deliberations except as otherwise required by state law. Rules may be amended at any meeting by majority vote. The order of business may be suspended at any meeting by a majority vote of those present.
- B. Public Participation
  - 1. The Board will provide a time at each regular meeting for public comment on

non-agenda items. The Executive Assistant to the Board will provide a process for those wanting to make public comment. All remarks should be addressed to the Board as a body. Each person is allowed a maximum of three minutes unless allocated additional time by the Board. Time may not be yielded or allocated by one person to another.

2. Meeting Conduct – Persons attending and making statements shall do so in a courteous, professional manner; common respect will be maintained among all participants. The Board President has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of the meeting. The President may regulate the order and length of appearances and limit appearances to presentations of relevant points and to limit repetitive and redundant comment. Only ~~Board-member~~Commissioners or the General Manager may ask questions of a person, staff member, or attendee making a presentation or giving testimony. Questions from the audience to staff members or guests will not be allowed. The President is authorized to stop interruptions of Board deliberations or attempts to debate with staff, other meeting attendees, or ~~Board-member~~Commissioners. The President may, to the extent allowed by law, exclude a person for not complying with meeting policy or causing a disturbance.

C. Votes will be recorded. Any ~~member-Commissioner~~ may request a vote be changed if such request is made prior to consideration of the next order of business.

D. Three ~~members-Commissioners~~ shall constitute a quorum. Commissioners may appear by telephonic or electronic means. Commissioners appearing remotely shall be counted for purposes of establishing a quorum- so long as all Commissioners can speak to and hear each other. If only a quorum is present, a unanimous vote is required to approve a motion.

E. The Board generally makes decisions by~~Members may request a~~ roll-call vote. In the event that a vote is not taken by roll call, any Commissioner may require that a roll-call vote be conducted if the request is stated promptly after the vote occurs.

F. Members may append to the record, at the time of voting, a statement indicating the reason for the vote or the reason for abstaining.

~~G. —Members must declare a conflict of interest and abstain from voting when required to do so by law and may abstain on the basis of a conflict or other reason when allowed to do so by law.~~

### **Section 1.4213 Computer Policy**

Objective: To establish the respective responsibilities of CRW and the Commissioners in regard to ~~District-approved portable electronic communication~~ devices purchased by the District for use by the Commissioners to conduct District-related business. ~~As used~~



~~herein, portable electronic communication devices shall include all related equipment and hardware, such as but not limited to, modem, printer, software and Internet access. All electronic devices and related equipment are and will remain property of the District.~~

A. The District will provide ~~an portable electronic communication~~ device to each Commissioner for ~~his/her/their~~ use.

~~B. Commissioners will sign the District's IT Asset Acknowledgement Form when issued any device. The Commissioner will acknowledge agreement to the District's IT policies.~~

~~B.C.~~ The District will provide basic training in the use of the ~~portable electronic communication~~ devices and will provide technical support for the care and maintenance of the ~~hardware and software device~~. The ~~portable electronic communication~~ devices will be the sole property of CRW.

~~C.D.~~ CRW shall be responsible for the cost of the maintenance and/or replacement of any defective equipment and/or software, ~~the cost of connection to the Internet, and the cost of use of the Internet for District purposes.~~

~~D.E.~~ At the end of the term of the Commissioner's service ~~on the Board, or resignation from the Board~~, the Commissioner will return ~~it all District property~~ to the District ~~within thirty (30) days of immediately upon~~ vacating office.

~~E.F.~~ CRW will provide the capability to interface with the connections of CRW.

~~F.G.~~ If the ~~portable electronic communication~~ device is damaged because of a negligent or intentional act, or other act for which the commissioner is responsible, the Commissioner will be responsible for its replacement costs.

~~H.~~ Information received on or maintained on the portable electronic communication devices is a public record and may be subject to disclosure under ORS Chapter 192. ~~All such information must be preserved indefinitely unless a complete copy is provided to the General Manager for the District to preserve. Commissioners shall not communicate via the portable electronic communication devices in a manner that shall not violate~~ the public meetings law under ORS Chapter 192.

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~~G.I.~~ ~~Commissioners are encouraged to use District-approved devices for communications related to District business in order to support District retention of public records and to reduce the likelihood that a Commissioner's personal devices must be searched for public records. Public meetings law under ORS Chapter 192.~~

Section 1.12 Revised per Board 10.16.14

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 2        BY-LAWS OF THE BOARD

- 2.1        Number of Positions and Terms
- 2.2        Officers
- 2.3        Duties of the President
- 2.4        Duties of the Secretary
- 2.5        Duties of the Treasurer
- 2.6        Duties of the General Manager as Clerk of the Board
- 2.7        Selection and Duties of the Legal Counsel
- 2.8        Selection and Duties of the Auditor
- 2.9        Minutes
- 2.10      Budget Hearing

**Section 2.1 Number of Positions and Terms**

- A. Unless appointed, the Board shall consist of five members serving four (4) year terms, elected by CRW voters pursuant to ORS chapters 198, 255, and 264.
- B. No person, elected or appointed, shall be sworn in unless the qualifications set forth in ORS chapters 198, 255, and 264 are met. If an eligibility question arises, the Board will obtain an opinion from legal counsel prior to swearing in.
- C. Unless filling a vacancy, terms start officially on July 1. A new member must qualify by taking an oath of office before assuming the duties of the position.
- D. Should a vacancy occur on the Board, that vacancy will be advertised and the Board will select an individual from among those indicating their interest. ORS 198.320 will be followed in fulfilling this procedure.

**Section 2.2 Officers**

- A. The officers of the Board shall consist of:
  - 1. President
  - 2. Secretary
  - 3. Treasurer
- B. At the first meeting in July of each year, the Board shall elect from its members the officers for the ensuing year effective upon their election. In the event that there will be no change in the Board's membership on July 1 of a given year, the Board may in its discretion elect officers during a regular meeting in June of that year, effective at the beginning of the first meeting in July.
- C. The term of office for the officers shall be for one (1) year ~~as provided in ORS 264.~~
- D. ~~Before a board member may take the position of an officer of the board they must provide proof of the ability to be bonded for \$20,000 of financial loss~~ The Board shall require a bond or an irrevocable letter of credit of any Commissioner or any officer or employee of the district who is charged with possession and control of district funds and properties as set out in ORS 198.220.

**Section 2.3 Duties of the President**

- A. The President shall preside at all meetings, shall have the right to make motions, discuss questions and vote on any issue.

- B. The President shall sign, on behalf of the Board, contracts, deeds and other similar documents as may require representative signature.
- C. The President shall appoint all committees except the Budget Committee, subject to approval of a majority of the Board, and perform all other duties as set forth in Board policies and rules.
- D. The President shall appoint, in the absence of the Secretary, a Board member Commissioner to temporarily act in that capacity, subject to the approval of the Board.
- E. The President, in addition to the Treasurer, shall sign short-term debt notes unless otherwise directed by the Board.

**Section 2.4 Duties of the Secretary**

- A. In the absence of the President, the Secretary shall perform the duties and have the rights and obligations of the President.
- B. In the absence of the Treasurer, the Secretary shall perform the duties of the Treasurer.
- C. Compile the agenda as described by Board policy.

**Section 2.5 Duties of the Treasurer**

- A. In the absence of both the President and Secretary, the Treasurer shall perform the duties and have the rights and obligations of the President.
- B. The Treasurer, in addition to the President, shall sign short-term debt notes.

**Section 2.6 Duties of the General Manager as Clerk of the Board**

It shall be the duty of the General Manager to perform the following functions as Clerk of the Board:

- A. Handle correspondence of special interest to the Board as follows:
  - 1. Ensure appropriate preparations have been made for Board Meetings
  - 2. Attend all Board meetings
  - 3. Ensure records are taken to record Board decisions.

## Section 2.7 Selection and Duties of the Legal Counsel

- A. The Board shall select ~~a general~~General or other legal Counsel for CRW and negotiate the terms and conditions of ~~the General Counsel's~~ duties. ~~The General Counsel will be authorized, in coordination with the General Manager, to engage special legal counsel for matters the General Counsel cannot perform directly.~~
- B. ~~General Legal~~Counsel shall advise the Board on specific legal problems submitted by the Board or the General Manager and recommend a course of action.
- ~~C.~~ The General Manager, or authorized staff, has authority to seek legal counsel from CRW's ~~counsel~~General Counsel as deemed advisable by the General Manager on matters relating to legal issues. ~~Upon engagement of special counsel,~~ ~~the~~ General Manager shall immediately advise the Board of ~~such~~the engagement ~~of special counsel.~~
- ~~C.D.~~ With ~~Upon receiving such the~~ approval ~~or consensus~~ of the Board, ~~Board members~~Commissioners may seek clarification from CRW's legal counsel on matters ~~that affect or of current litigation affecting CRW or a matter that~~ could affect CRW. All such requests from individual ~~Board member~~Commissioners, except for requests dealing with the hiring, termination or performance issues of the General Manager, shall be submitted to counsel through the General Manager and shall be in writing with copy to the entire Board. All requests to counsel relating to the hiring, termination, or performance issues of the General Manager shall be in writing with copy to the entire Board.
- ~~D.E.~~ Legal counsel shall advise the Board of any action, or proposed action of the Board or CRW, that is not in compliance with the law.
- ~~E.F.~~ Legal counsel shall not take action on any matter unless directed to do so by the Board or the General Manager.
- ~~F.G.~~ When a non-represented employee of the CRW is called to testify or otherwise required to provide information on legal matters arising out of the scope of ~~his or her~~their employment with CRW, and to which ~~he or she is~~they are not a named party or the subject of disciplinary action, the General Manager may authorize legal representation during such testimony to protect the interest of CRW. - A Commissioner may request and obtain legal representation, if authorized by the Board in advance, under similar circumstances.
- ~~G.H.~~ Legal~~e~~General Counsel shall be the designated ~~the~~ registered agent of CRW, pursuant to ORS 198.340, unless otherwise designated by the Board.

## Section 2.8 Selection and Duties of the Auditor

- A. The Board shall select the auditor for CRW. This selection will be done in a

manner to allow timely preparation of the audit and cover audit services for a period of three (3) years. No contract shall be extended or renewed for more than two (2) terms without Board approval. This shall not prevent an incumbent service provider from responding to a Request for Proposal (RFP).

B. The auditor shall:

1. Examine the accounts of CRW at the close of every fiscal year in accordance with applicable Accounting ~~Standards-standards~~ and laws.
2. Include such tests of the accounting records and other such auditing procedures as are necessary in the circumstances.
3. Render an opinion on the financial statements prepared at the close of the fiscal year.
4. Support staff in preparing financial statements for publication as required by law.
5. Make recommendations to the Board concerning CRW accounting records, procedures and related activities.
6. Perform such other related services as requested by the Board.
7. Review the written accounting policies, practices, and procedures and render an opinion for the Board.

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## Section 2.9 Minutes

A. The Board shall keep minutes of all its meetings in accordance with the requirements of ORS ~~C~~chapter 192. Recordings of meetings, when created, shall serve as the official minutes of the meetings.

A.B. Board meeting minutes, including recordings constituting official minutes, will be preserved permanently. Recordings not constituting official minutes will be kept for a minimum of two-one (21) year after minutes are prepared and approved. All other meeting materials will be kept for a minimum of five (5) years. The District will follow Oregon Secretary of State Archives Division public record retention rules with respect to minutes and meeting materials, in accordance with the requirements of ORS Chapter 192. Recordings shall be available to the public within a reasonable time after the meeting.

B.C. Executive sessions will be recorded.

C.D. According to ORS 192.660, CRW has determined that any information discussed

during Executive Session is confidential and non-disclosable unless specifically authorized by the Board or as required or as excluded by law.

**Section 2.10—Budget Hearing**

- A. ~~The annual hearing on the budget shall be held after the budget is approved by the budget committee and at the time and place designated in the notice of the meeting required by ORS 294.416—294.430.~~

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 3            BUDGET AND FINANCE

- 3.1            Formulation of Budget Document
- 3.2            Budget Committee - Membership and Responsibilities
- 3.3            Budget Administration
- 3.4            Banking Services
- 3.5            Purchase, Acquisition by Donation and Disposition of Real Property
- 3.6            Investment of Funds
- 3.7            Borrowing
- 3.8            Acknowledgement of Payments
- 3.9            Accounting Policy
- 3.10          Audit



### Section 3.1 Formulation of Budget Documents

- A. The adopted budget document shall serve as the financial plan for operation and provide guidelines for carrying out the goals and objectives of CRW.
- B. Within the budget process the Board shall appoint the Budget Committee membership, appoint the CRW Budget Officer, and adopt the budget.
- C. The CRW budget shall be prepared and adopted in full compliance with State of Oregon Local Budget Law.
- ~~D. The Budget Officer will annually review the existing CRW capitalized items/facilities to determine regular maintenance and future needs. The review will relate to changing laws, area growth and/or fire control. All material jobs/projects are to be included in the Capital Improvement Program.~~

Legal References ORS 294.305 ~~TO~~ to 294.520, ORS 294.565

### Section 3.2 Budget Committee - Membership and Responsibilities

- A. The Budget Committee shall consist of the five (5) members of the Board of Commissioners and five (5) community members. ~~The Board shall establish a process for appointment of community members to the Budget Committee. Community members of the Budget Committee will serve for a four (4) year term members shall be responsible for establishing a process for consideration and subsequent appointment by the Board of Commissioners, for a four (4) year term.~~
- B. At the Budget Committee's first meeting, the Board President shall open the budget meeting. The Budget Committee shall select a chairperson and vice-chair.
- C. The responsibilities of the Budget Committee are:
  - 1. Approve the level of expenditures and set the corresponding tax levy requirements, if necessary, to balance each fund.
  - 2. Review and, if necessary, revise the proposed budget.
  - 3. Be aware of the legal constraints imposed upon CRW.
  - 4. Be familiar with the Budget Document and what it means.
  - 5. Approve the budget.
  - 6. Be involved in the supplemental budget activity as required by local budget law.

D. The hearing on the budget shall be held after the budget is approved by the Budget Committee and at the time and place designated in the notice of the meeting required by ORS 294.438 - 294.453.

D.E. The Board ~~of Commissioners~~ shall adopt the budget, make appropriations, and determine the tax levies, if necessary, to finance the programs approved to meet CRW goals and objectives.

Legal References ORS 294.414, ORS 294.428, ORS 294.456 Sect.3.2 Updated 2/15 per Board Resolution

### Section 3.3 Budget Administration

- A. The adopted budget is the financial plan developed to carry out the programs supporting CRW's goals and objectives.
- B. The General Manager is authorized to approve expenditures up to the amount appropriated by the budget and in accordance with Local Contract Review Board Rules and any resolutions of the Board.
- C. The budget may be amended to reflect changes in budget categories.
- D. The Board will be provided financial reports, on a regularly scheduled basis, in which actual revenues and expenditures will be compared with budget.

Legal References ORS 294.456

### Section 3.4 Banking Services

- A. The General Manager through the Chief Financial Officer will recommend, and the Board will approve, the selection of the banking entity utilized by CRW.
- B. ~~Annually,~~ sStaff will advise the Board of any changes to the status of banking signatories.

Legal References ORS chapter 264

### Section 3.5 Purchase, Acquisition by Donation and Disposition of Real Property

- A. The purchase, receipt ~~of real property or property interests~~ by donation, lease, exchange, sale, or gift of all real property or real property interest by CRW must have the approval of the Board, provided that any acquisition or disposition of real property or real property interest having a fair market value of ~~\$2075,000~~ or less, and any disposition of a public utility easement, may be made by the General Manager, as delegated authority, in accordance with this policy. As used in this policy, “disposition” shall mean the sale, exchange, or other transfer of title or other interest in real property.
- B. Any donation or gifting of CRW property, regardless of value, shall be donated in the following order of priority:
1. To federal, state or local governmental or quasi-governmental entities
  2. To non-profit entities serving a wide spectrum within the District boundaries.
  3. To non-profit entities having a narrower focus within the District boundaries.
  4. To non-profit entities serving within the State of Oregon.
  5. To private utility companies having the ability to reuse the facilities located on the property.
  6. To private utilities having the ability to use the property.

~~In the event that Federal or State funding is to be used as part of the entirety of the purchase price,~~ The General Manager shall comply with applicable requirements and conditions imposed as part of ~~the Federal or State~~ any funding agreement or grant. Any disposition of property or property interests in excess of ~~\$2075,000~~ shall comply with applicable law and the appraisal requirements of this policy as stated below.

- C. The General Manager shall project site needs in advance and the Board, with advice and counsel of the General Manager, shall select sites prior to immediate need. Such sites shall be chosen with a view to best serve the residents and properties of the whole District and will be based on demographic data, growth projections, availability, and cost of land. Any proposed acquisition of real property or real property interests in which a District employee or ~~Board member~~ Commissioner has an interest shall be disclosed to the entire Board in a public meeting and any action taken on such acquisition shall be in accordance with ORS Chapter 244.

~~D. Selection of specific sites will depend upon county planning requirements, accessibility and relationship to the street system, availability of utilities, topography of the land and ease of exit and entry of emergency equipment.~~

E.D. Sites that have a fair market value of \$2075,000 or more and become surplus to CRW's needs shall be declared such by Resolution of the Board and shall be considered for sale, exchange, gift or lease pursuant to State statute and this policy.

F.E. Acquisition or disposition of real property or real property interests shall be accomplished pursuant to ORS 264.210, ~~this policy~~ these Board Policies, and, in the event the exercise of eminent domain is necessary, ORS Chapter 35. All fair market value estimates, market studies, or appraisals as specified and detailed below shall be obtained from a real estate broker or appraiser having all necessary certifications and licenses in the State of Oregon and having knowledge of the real estate market in the location and type of property being acquired or disposed.

~~1.~~ For real property or property interests estimated by the General Manager to have a fair market value of \$2075,000 or less, the General Manager shall obtain a market survey from an independent real estate broker. Upon confirmation of the estimated fair market value, the General Manager shall have delegated authority to acquire or dispose of the property in accordance with this policy.

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~~1. For acquisition of property, the General Manager shall comply with the provisions of the Uniform Real Property Relocation and Acquisition Policies Act of 1970, as amended.~~

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2. For real property or property interests estimated by the General Manager to have a fair market value of more than \$2075,000 but not more than \$150250,000, the General Manager shall obtain a market study from a real estate broker prior to consideration by the Board.

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3. For real property or property interests estimated by the General Manager to have a fair market value of more than \$150250,000 the General Manager shall obtain an appraisal from a real estate appraiser prior to consideration by the Board.

~~F. For acquisition of property for which CRW receives or uses federal financial assistance in any part of the project, the General Manager shall comply with the provisions of the Uniform Real Property Relocation and Acquisition Policies Act of 1970, as amended.~~

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G. All appraisal reports shall comply with the standards for appraisals as published in the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal. The appraisal and level of documentation will depend on the complexity of the appraisal problem. All appraisals must contain sufficient

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documentation, including valuation data and the appraiser's analysis of that data, to support the opinion of value.

- H. The General Manager may release any interest CRW might have in a public utility easement if the encumbered property is not served by CRW, the encumbered property is within the limits of a city, and the General Manager determines that CRW is unlikely to serve the encumbered property in the future. No appraisal is necessary for the release of a public utility easement under this subsection.

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Legal References ORS 264.210, 49 CFR Part 24

### Section 3.6 Investment of Funds

- A. CRW's policy is to invest a maximum of surplus-available funds as is reasonably prudent, while having available cash on hand to meet daily operating needs.
- B. The General Manager, or designee, is the Investment Officer.
- C. The Investment Officer shall adhere to the rules set forth in Oregon Revised Statutes ORS 294.035, and ORS 294.040, and the any CRW Investment Policy adopted by the Board.
- D. Diversification of investments will be in accordance with the CRW Investment Policy.
- E. The Investment Officer will provide the Board with a register of outstanding investments on at least a quarterly basis. This report will include the name of the financial institution, issue date, maturity date, principal invested, and the interest rate, if applicable.

Legal References ORS 294.805 to 294.885, ORS 295.002 to, ORS 295.093

### Section 3.7 Borrowing

- A. Staff shall recommend, and the Board shall approve, the total amount of short-term loans when borrowing is necessary.
- B. CRW is authorized to contract for short-term loans for the purpose of meeting current expense. These notes shall be signed by the Board President and Treasurer.
- C. CRW has authority to issue Revenue Bonds by resolution in accordance with Oregon State Law.

Commented [BS1]: Note: "Short-term" borrowing is not defined by statute. Leaving it undefined provides the Board with discretion in deciding how to exercise this power.

Legal References ORS 287A.180, ~~287A.150~~

### Section 3.8 Acknowledgement of Payments

~~Staff shall provide the Board with a monthly report of all expenditures. The Board will review and acknowledge the expenditure report at its regular meeting in the month that is two months after the month of the report. all expenditures made for the prior month at their monthly business meeting.~~

### Section 3.9 Accounting Policy

CRW's financial and accounting procedures, records and reporting will be in accordance with Generally Accepted Accounting Principles (GAAP) and the Government Accounting Standards Board's (GASB) authoritative guidance.

### Section 3.10 Audit

The General Manager, or designee, will work with the auditor selected ~~in pursuant to~~ Section 2.8 of these Board Policies each year to accomplish the objective of the annual audit.

Legal Reference ORS 297.405 et. seq.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

- SECTION 4            BUSINESS OPERATIONS
- 4.1            Personnel
  - 4.2            Preparation and Modification of Personnel Policies
  - 4.3            Employment Classification of Commissioners
  - 4.4            Safeguarding Assets
  - 4.5            Use of CRW Property
  - 4.6.           Risk Management and Insurance Program
  - 4.7            Insurance Agent of Record
  - 4.8            Property Appraisal
  - 4.9            Disposal of Surplus or Outdated Equipment and Property
  - 4.10           Pension Plan
  - 4.11           Records Management
  - 4.12           Annexation, Merger, Consolidation

#### Section 4.1 Personnel

CRW is committed to equal employment opportunity. Management is required to recruit, employ, train, transfer, promote, pay, discipline, lay off, and terminate employees solely on the basis of individual qualifications and merit and/or according to the standards and policies outlined in its personnel and related policies. Decisions involving any aspect of the employment relationship must be made without regard to an employee's race, color, creed, religion, sex, age, national origin, marital status, physical or mental handicaps that with reasonable accommodation do not prevent performance of the work involved, or any other status or characteristic protected under any applicable federal or state law.

Discrimination or harassment based on any of those factors is totally inconsistent with the Board's philosophy and will not be tolerated at any time.

~~(Whenever the pronoun "he" is used it is solely for editorial reasons. All positions are open to employees of either gender.)~~

#### Section 4.2 Preparation and Modification of Personnel Policies

The General Manager shall prepare and modify personnel and employment policies in compliance with ~~Oregon state~~ and ~~Federal federal~~ law and general CRW Board — policy applicable to personnel. The General Manager shall provide copies of any personnel manual or policy and modifications to such manual or policies ~~at such time as they are implemented by the General Manager to a Commissioner upon request.~~

#### Section 4.3 Employment Classification of Commissioners

The District's Commissioners, whether elected or appointed, are employees for tax withholding purposes only. Commissioners are not entitled to any employment related benefits as required by law or as otherwise provided in ~~subsequent sections of~~ CRW's personnel policies or manual.

#### Section 4.4 Safeguarding Assets

The CRW Board of Commissioners fully supports a structure of policies and procedures that systematically provide reasonable assurance that management will achieve its basic objectives (operations, financial reporting, and compliance). This policy includes the following five components:

1. Provide a favorable *control environment*;
2. Provide a periodic *risk assessment*;



3. Provide for the design, implementation and maintenance of effective *control activities*;
4. Provide for effective *information and communication*; and
5. Provide for ongoing *monitoring* of the effectiveness of control-related policies and procedures, as well as the resolution of any potential problems identified.

Source: Governmental Accounting, Auditing, and Financial Reporting (GAAFR), Stephen J. Gauthier. Copyright 2012 by the Government Finance Officers Association of the United States and Canada, Chicago, IL, (p. 736)

#### Section 4.5 Use of CRW Property

- A. Board Use of CRW Property: ~~The Board is~~Commissioners are required to comply with ~~Oregon Government Ethics Law the ethics laws of Oregon~~ (ORS ~~244.010 TO~~ 244.047) in the use of CRW property in the execution of their duties as a ~~CRW Board member~~Commissioner.
  1. ~~Board Members~~Commissioners are prohibited from loaning CRW property without approval of the Board.
  2. It is the policy of CRW to loan equipment to other ~~Districts-special districts~~ or ~~Governmental-governmental~~ agencies when it does not adversely impact operations. The General Manager will determine methods of remunerations and charges as defined in miscellaneous fee schedule.
- B. Employee Use of CRW Property: CRW employees are required to comply with ~~the ethics laws of Oregon~~ Government Ethics Law (ORS ~~2-44.010~~ to 244.047) as well as Operations and Personnel Policies of CRW. The General Manager will administer all policies related to acquisition, use, and disposition of CRW property.
  1. Employees are prohibited from loaning CRW property without approval of the General Manager.
  2. CRW property is defined as all tools, equipment, material, and facilities - regardless of cost - owned or leased by CRW.
  3. In the event of an emergency, employees are permitted to ~~lead-loan~~ equipment to other governmental agencies and then report to the General Manager following the emergency.

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#### Section 4.6 Risk Management and Insurance Program

- A. The Board shall provide a program of risk management consistent with legal

requirements pertaining thereto and with the ability of CRW to finance the same.

- B. ~~CRW staff~~The General Manager and the Insurance Agent of Record will recommend, and the Board will review and approve, the purchase of necessary insurance or a self-insurance program sufficient to meet minimum statutory requirements and provide for adequate insurance for all activities. Any self-insurance program adopted by CRW shall provide for reasonably adequate reserves. Coverage shall be adequate to protect:

1. Itself as a corporate body
2. Its Board of Commissioners
- ~~3. Its individual members~~
- 4.3. Its appointed officers
- ~~5.4.~~ Its employees

~~Except for acts outside the scope of duties, criminal or the result of willful or wanton misconduct,~~ The above entities and individuals are to be insured against financial loss to the extent required or authorized by law where the loss arises out of a claim, suit or judgment by reason of negligence or other acts resulting in accidental injury to a person or damage to property within or without CRW while the above named insured are acting in the discharge of their duties within the scope of their obligations as ~~Board member~~Commissioners or as employees carrying out their duties. Normally, ~~Board member~~Commissioners will not be held personally liable for the consequences of their actions and decisions in fulfilling Board responsibilities. However, Commissioners will be held personally liable in the event they have acted outside the scope of their duties (as defined in Section 1 of Board Policy) or their conduct is not required to, or cannot be, indemnified by CRW.

- C. The ~~Board-District~~ shall purchase insurance to cover or self insure:
1. All real and personal property of CRW.
  2. Losses due to employee dishonesty, injury or death.
  3. A program of benefits for employees to the limits established from time to time by the Board.

~~D. CRW shall require contractors doing business with CRW to carry general liability and automobile liability insurance (for any automobiles used to perform services for CRW). Prior to the commencement of any work or services secured by contract with CRW, the contractor shall procure, and thereafter during the term of the contract continue to, carry general liability and automobile liability (to the extent applicable), insurance with a company or companies authorized to issue insurance in the State of Oregon with limits provided by the contract. Such~~

~~insurance shall cover all risks arising directly or indirectly out of the contractor's activities or performance. Certificates evidencing such insurance and bearing endorsements naming CRW as an additional insured, on such policy or policies of insurance shall be delivered to CRW. The certificate shall require not less than ten (10) days' written notice to CRW prior to any change of the coverage's or any portion thereof and notice to CRW in the event of cancellation of such policy or coverage's. Additionally, all contracts shall contain a provision by which the contractor shall indemnify and defend CRW from any claim, loss or liability arising out of, or related to any activity, performance or nonperformance of the contractor in connection with said contract. The provisions for insurance and indemnification in all contracts shall be reviewed and approved by CRW's legal counsel. The limits of liability for each contractor will meet or exceed the Oregon Tort limit requirements for Oregon Special Districts, unless otherwise agreed to.~~

E.D. The General Manager shall develop and maintain procedures and regulations to carry out this policy and may designate CRW employees to administer and supervise the program.

1. The person(s) so designated shall be guided by the reasonable person rule and shall:
  - i. Identify and measure those risks.
  - ii. Evaluate physical properties owned or leased by CRW.
  - iii. Establish risk management records to reflect values of such property.
  - iv. Establish procedures to maintain property and designate security personnel to protect property.
  - v. Establish procedures for good housekeeping, safe environmental conditions for employees and members of the public.
  - vi. Establish procedures for handling of risk management funds and record keeping.
  - vii. Utilizing the services of the CRW's insurance consultant and/or Broker to determine which risks can normally be assumed as a proper business risk and which risks shall be ceded to professional risk bearers considering:
    - 2.1 Frequency and magnitude of loss; and
    - 3.2 The ability of the CRW to replace damaged property.

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## Section 4.7 Insurance Agent of Record

- A. CRW will retain an insurance agent of record for casualty and property insurance, bonds, and workers' compensation.
- B. The agent will be designated by the Board for a period to be determined by the Board with an annual review of the type and quality of service and the insurance program recommended by such agent. ~~Any appointment shall comply with CRW's Local Contract Review Board Rules. The term of such contract shall be for such period as the Board shall determine is in the best interest of CRW, provided that the term shall not exceed the length allowed by CRW's Local Contract Review Board Rules.~~
- C. The agent shall be responsible for assisting CRW with the development of a sound risk management program and for writing and servicing all necessary policies and statutory bonds.
- ~~D. CRW may require the agent of record to develop and deliver the annual risk management report to the Board of Commissioners. If so required, CRW will maintain the right to edit and finalize the report prior to it being delivered to the Board of Commissioners~~

**Section 4.8 Property ~~Appraisal~~Valuation for Insurance Purposes**

- A. CRW shall maintain an up-to-date ~~appraisal-valuation~~ of all buildings, including improvements, fixtures, and fixed contents, as necessary to inform decisions on property and casualty insurance.
- B. ~~The appraisal shall be conducted by an appraiser who is certified or has a history of successful experience in the field. This appraisal~~A valuation may be performed by CRW's insurance agent of record.
- ~~C. Effective in 1997, a physical reappraisal of replacement values on property and improvements shall be conducted no less than each ten (10) years. All values of all buildings shall be updated at least annually or more often if necessary.~~

**Section 4.9 Disposal of Surplus or Outdated Equipment and Property**

- A. CRW shall dispose of surplus or unusable property in accordance with Oregon ~~Statutes-statutes~~ and Local Contract Review Board Rules adopted by the Board.

**Section 4.10 Pension Plan**

- A. CRW is a Public Employees' Retirement System (PERS) participating agency.
- B. CRW also authorizes participation in qualified 457-type retirement plans.

#### Section 4.11 Records Management

- A. The Board directs the General Manager to develop policies that conform to the Secretary of State Archives Division public records retention schedule applicable to special districts.
- B. Compliance with the Oregon Public Records Law (ORS 192.~~410-311~~ through 192.~~505478~~), including proper filing and retention of records in accordance with these statutes, Oregon Administrative Rules 166-150-0005 to 166-150-0215 as applicable, and CRW's Record Management Policy, shall be required of all employees and ~~Board members~~Commissioners.

#### ~~Section 4.12 Annexation, Merger, Consolidation Policy~~

- ~~A. The Board will consider all annexations where the annexing entity proposes to automatically withdraw the territory annexed. The Board will generally not oppose annexations where the property owner has requested annexation in order to receive other services. The Board, however, retains the right to oppose annexations that may have a deleterious effect on CRW's operations and/or financial well-being, or is otherwise considered not to be in the best interest of CRW. The General Manager shall render an opinion on any such action prior to Board consideration.~~
- ~~B. The Board may consider the concept of consolidation or merger with adjoining governmental entities providing water services.~~

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 5           GENERAL MANAGER ROLE

- 5.1           General Manager as Administrator of CRW
- 5.2           General Manager Appointment and Terms of Employment

**Section 5.1 General Manager as Administrator of CRW**

- A. In accordance with the policies adopted by the Board, all administrative and operational functions are delegated to the General Manager.
- B. The General Manager shall create and maintain an organizational structure such that staff is arranged for efficient and effective operation of CRW.
- C. In all areas, the General Manager is delegated to develop and maintain the water system at levels necessary to maintain CRW's investments.

**Section 5.2 Appointment and Terms of Employment - General Manager**

- A. The General Manager shall be appointed and work at the pleasure of the Board.
- B. The terms of employment shall be agreed upon by the Board and the General Manager and be reduced to writing in the form of an employment contract between CRW and the General Manager.
- C. The Board shall review the position, the person, and the terms of employment annually. The results of the review shall be contained in an annual evaluation.
- D. The terms of employment shall include, ~~but not necessarily be limited to~~ without limitation: responsibilities of the General Manager, demonstrable skills, and salary and benefit considerations.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 6          PURCHASING/CONTRACTING

- 6.1          General
- 6.2          Responsibility, Authority, Standardization
- 6.3          Sales to Outside Agencies



### Section 6.1 General

CRW recognizes that effective purchasing policies can result in significant savings. In accordance with ORS 279A.060, CRW has adopted Local Contract Review Board Rules. Clackamas River Water's Board of Commissioners is the Local Contract Review Board and acts as such.

### Section 6.2 Responsibility, Authority, Standardization

- A. The General Manager is responsible for the procurement of all goods and services and for establishing procedures to sell goods and services.
- B. Standardization of supplies, materials and equipment is to be achieved whenever possible.
- C. Only persons designated by the General Manager are authorized to order or otherwise commit CRW for materials, equipment, supplies and services.
- D. ~~Board Member~~Commissioners may not contact vendors, consultants or other parties having an existing contractual relationship with CRW related to current agency business or relationships without first being authorized for such contact by a majority vote of the CRW Board.

### Section 6.3 Intergovernmental Cooperation

- A. Whenever feasible, CRW will attempt to develop cooperative agreements with federal, state, or local governmental agencies to promote the efficient use of resources by sharing facilities and avoiding duplication of services. No service charges will be added to goods or services sold to participating governmental agencies.
- B. All agreements ~~between-with~~ other government agencies will be in writing and any agreement ~~that exceed the General Manager's contracting authority~~ will be submitted to the Board for approval unless the Board has delegated applicable contracting authority to the General Manager.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 7            COMMUNITY RELATIONS

- 7.1            Communication with the Public and News Media
- 7.2            Gifts and Donations
- 7.3            Public Records
- 7.4            Participation in Community Affairs

### Section 7.1 Communications with the Public

Public involvement ~~with CRW will be~~ encouraged. In order to foster that involvement, the General Manager shall keep the public informed of relevant polices and directives ~~in a manner consistent with ORS 192.~~

- A. Nothing in this section shall prevent CRW employees from taking an active part in community affairs.
- B. Employees are entitled to enter into political activity provided it is ~~done on their own time that no political pressure is placed upon other employees, and that all political activities are~~ in conformance with ORS 260.432.

### Section 7.2 Gifts and Donations

- A. CRW may accept gifts, grants, donations, and title to property from parties desiring to convey property to CRW. Upon receipt, CRW shall have sole and complete control of same. The Board ~~shall~~ may recognize the receipt of gifts and donations.
- B. The Board shall recognize presentations of memorials or other awards without such recognition being considered as a testimonial or endorsement by CRW.

### Section 7.3 Public Records

~~Public records are to be created, maintained, retained and destroyed pursuant to the definitions and requirements of ORS Chapter 192.~~

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- ~~A. Public records are to be created, maintained, retained and destroyed pursuant to the definitions and requirements of ORS chapter 192.~~
- ~~B. Clackamas River Water CRW shall comply with the Oregon Public Records Law, ORS 192.410311-192.505478. Access to public records will be provided pursuant to a Public Records Policy adopted by the General Manager and made available to the public.~~
- ~~A.C. The Board designates the General Manager as CRW's records custodian. The General Manager may delegate records custodian functions to CRW staff.~~

~~B. Public Record Requests: In order to facilitate the public's access to records in CRW's possession, and to avoid unnecessary expenditure of staff time, all requests for inspection or copies of public records must be submitted to CRW in writing. The written request shall specify the records requested with reasonable particularity, furnishing the dates,~~

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~~subject matter and such other detail as may be necessary to enable CRW personnel to readily locate the records sought. CRW staff shall determine what records, if any, are subject to the requests that are exempt from public disclosure as provided by law.~~

~~C. — Access: CRW shall permit inspection and examination of its non-exempt public records during regular business hours in CRW's offices, or such other locations as the Board may reasonably designate from time to time. Copies of non-exempt public records maintained in machine-readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained. ORS 192.440(2).~~

~~D. — Certified Copies: Certified copies of non-exempt public records shall be furnished upon request and receipt of payment therefor.~~

~~E.D. The Board, from time to time, may set a reasonable charge or fee, by resolution, for making public records available for inspection or copying, which charges or fees shall be applicable to all requests for inspection or copying made after the date of adoption of the applicable charge or fee. The General Manager, as the Custodian of Records, shall have the ability to waive charges or fees for requests requiring nominal effort or expense as the General Manager deems appropriate. Notwithstanding this CRW's pPublic rRecords pPolicy, the Board, from time to time, may set policy and grant a waiver of fees with respect to public records requests by Commissioners relating to agenda items under current discussion by the Board.~~

~~F.E. Authorization Required for Removal of Original Records~~

- ~~1. An original record of CRW shall not be removed from CRW's files or the place at which the record is regularly maintained, except upon authorization of the Board.~~

~~G. — On-Site Review of Original Records~~

- ~~1. If a request to review original records is made, CRW shall permit such a review provided that search charges or fees are paid in advance in accordance with paragraph E, above. A CRW representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.~~

~~H.F. Unauthorized Alteration, Removal or Destruction of Originals~~

- ~~1. If any person attempts to alter, remove, or destroy any CRW record, the CRW representative shall immediately terminate such person's review, and the person shall be removed from CRW premises. Nothing in this policy-Board Policy shall prevent the destruction of public records as is allowed by Oregon~~

| ~~law~~ ~~the Secretary of State's statutes, rules or guidelines~~ relating to public record retention and destruction.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 8            COST OF WATER SERVICE AND SYSTEM DEVELOPMENT

- 8.1                    Billing and Collection
- 8.2                    Water Loss Policy
- 8.3                    Meter and Service Installation Charges
- 8.4                    Water Critical Customers
- 8.5                    Service to Other Entities
- 8.6                    Availability of Service
- 8.7                    System Safety and Water Quality
- 8.8                    Local Improvement District (L.I.D.)
- 8.9                    Metering
- 8.10                  Developer Installed Systems

## Section 8.1 Billing and Collection

It is the policy of CRW that all customers pay for the costs of providing water to their premises. The Board will adopt rules and regulations, water rate structures, and other resolutions and ordinances that provide details on the conditions and costs for those services. These will be ~~periodically~~ reviewed periodically and updated by the General Manager and submitted to the Board for consideration and adoption.

## Section 8.2 Water Loss Policy

Recognizing the possibility of water leakage within the customer-owned system, leakage is generally non-disputable and at the customer's expense. If any adjustment is to be made it will be consistent with the CRW Leak Adjustment Policy ~~adopted by the Board~~.

## Section 8.3 Meter and Service Installation Fees

- A. The fees for meter and service installation will be set by the Board and reviewed annually.
- B. When the meter is purchased, the customer will pay the balance due, plus a system development charge (SDC) as applicable.

## Section 8.4 Water Critical Customers ~~[deleted]~~

~~A. CRW provides reasonable notice of temporary service interruptions to customers who have been identified as a "water critical user" so they can have an opportunity to secure an alternate supply of domestic water during the service interruption.~~

~~B. "Water Critical Customer" shall mean any person who notifies CRW in writing that domestic water is critical to the health or health maintenance of the customer. Water critical customers may include, but are not limited to, those customers using kidney dialysis machines, elderly individuals living alone and bedridden or other chronically ill individuals.~~

~~C. The General Manager is hereby authorized and directed to establish and implement a procedure whereby water critical customers may notify the General Manager in writing that they are a water critical customer and wish to be notified in the event of temporary service interruptions.~~

~~D. It is not the intent or purpose of the water critical customer policy to amend or in any manner alter the Rules and Regulations of the CRW relating to the purchase of and payment for water by water critical customers or the adopted Rules and Regulations relating to the nonpayment of water charges, fees, or the sanctions for the misuse of CRW property.~~

**Commented [BS2]:** In the alternative to deleting Section 8.4, the following could be added:

"Nothing in this Section 8.4 shall be construed as the adoption of a standard of care applicable to CRW. The Board, in behalf of CRW, disclaims any and all liability, under any legal theory, based on an alleged failure to take any actions specified in this Section 8.4."

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## Section 8.5 Service to Other Entities

CRW may sell surplus water to other governmental entities upon Board approval and in accordance with the requirements of ORS Chapter 264.

## Section 8.6 Availability of Service

~~The~~ Board directs the General Manager to establish policies to provide ~~our~~ CRW's customers with uninterrupted service.

## Section 8.7 System Safety & Water Quality

The Board directs the General Manager to ensure there are appropriate policies and procedures to comply with State and Federal mandates for location and protection of underground facilities for the installation and maintenance of backflow devices.

## Section 8.8 Local Improvement District (L.I.D.)

Upon petition by CRW customers, the Board authorizes the General Manager to begin the procedure to establish a Local Improvement CRW (L.I.D.) under provisions of ORS 264.362.

## Section 8.9 Metering

- A. Clackamas River Water reserves the right to determine the proper meter size and configuration to be used to supply its customers. ~~Criteria to be used in such determination are:~~
- ~~1. Type of building being serviced.~~
  - ~~2. Size of building being serviced.~~
  - ~~3. Occupancy of building being serviced.~~
  - ~~4. Construction/facilities of building being serviced, including fixture units as determined by the County Plumbing Department.~~
  - ~~5. Usage to which building is to be applied.~~
- B. Metering devices are to be installed in accordance with CRW rules and regulations. Any exceptions are to be approved by the Board.



### **Section 8.10 Developer Installed Systems**

All new water mains will be installed in accordance with CRW's water extension procedures and CRW's water system standard specifications.

**CLACKAMAS RIVER WATER  
BOARD POLICIES**

SECTION 1	BOARD OPERATION DEFINITIONS
SECTION 2	BY-LAWS OF THE BOARD
SECTION 3	BUDGET & FINANCE
SECTION 4	BUSINESS OPERATIONS
SECTION 5	GENERAL MANAGER'S ROLE
SECTION 6	PURCHASING / CONTRACTING
SECTION 7	COMMUNITY RELATIONS
SECTION 8	COST OF WATER SERVICE & SYSTEM DEVELOPMENT



*Clackamas River Water*

CLACKAMAS RIVER WATER

BOARD POLICIES

Complete Revisions

October 2013

# CLACKAMAS RIVER WATER

## BOARD WORK SESSION

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April 22, 2024

**SUBJECT** Commissioner Communications

**PRINCIPAL STAFF PERSON** CRW Board of Commissioners

**DOCUMENTS ATTACHED**

### Agenda Summary

**BACKGROUND** Time is being set aside during the work session to provide an opportunity for Commissioners to:

- Identify topics for consideration at future works sessions or board meetings;
- Discuss future agenda items.

# CLACKAMAS RIVER WATER

## BOARD WORK SESSION

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April 22, 2024

**SUBJECT** General Manager Update

**PRINCIPAL STAFF PERSON** Todd Heidgerken, General Manager

**DOCUMENTS ATTACHED** None

### Agenda Summary

**BACKGROUND** Time has been set aside to briefly update and inform the Board on topics since the April Board Meeting.