

SEAL ROCK WATER DISTRICT
MINUTES OF THE SPECIAL Work Session Board Meeting
March 28, 2019

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6 Call Regular

7 Board Meeting: President John Garcia called the regular board meeting to order at 2:00 p.m., Thursday,
8 March 28, 2019.
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10 Present: President John Garcia; Commissioner Glen Morris, Treasurer; Commissioner Rob Mills,
11 member; Commissioner Sandra Mies-Grantham, Secretary. Staff: Adam Denlinger, General
12 Manager; Joy King, Office Manager. See sign in sheet for public attendance.
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14 Excused Absences: Commissioner Karen Otta
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16 Announcements: None
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18 Public Comments: None
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20 Discussion and
21 Information Items:

22 Biological Opinion: Adam Denlinger, GM reported to the Board that the District can expect to receive the
23 Biological Opinion (BiOp) from National Marines and Fisheries Services by April 5, 2019. The
24 delay in issuing the BiOp could potentially affect critical paths of the project like in-water work
25 schedule.

26 Dana Larson, a consultant from Jacobs Engineering said that she has been keeping USDA
27 and the District informed of the BiOp processing. The Federal Government shut down that
28 lasted 34 days has caused a delay with NMFS review of the Biological Assessment before
29 they can issue the BiOp. There's not a whole lot of available data on Beaver Creek so NMFS
30 asked for more data. Ken Phippin understands the impact of the delay and has committed to
31 releasing the BiOp on April 5, 2019. There will be conditions, but we will not know what those
32 are until the BiOp is released. The conditions might be water monitoring that the District is
33 already doing as a condition with OWRD (Oregon Water Resources Department) and DEQ.
34 The District's Biological Assessment submitted to NMFS mentions what the District has
35 committed under the OWRD requirements. If there is a condition that is too burdensome, it
36 can be corrected by simply communicating with NMFS.

37 Paul Berg, Jacobs engineer discussed the sequence of the original project schedule.
38 According to schedule the bid documents would be out for publication in April and and the
39 process could take 5 to 6 weeks including USDA review of the bid documents before it goes
40 out for advertisement. Bids will be received in May and needs 6 weeks to process the Notice
41 of Intent to Award, Notice to Award and then Notice to Proceed. The contractor needs time to
42 put together a formal submittal and secure insurance and bonds which could take 8 weeks.
43 The in-water work will start on July 1 through Sept 1 and finished by Sept 15. But because of
44 the delay the in-water work could be pushed to the following year in-water work period.
45 Getting an in-water work extension was discussed. It depends on the condition at that time if
46 the extension will be approved. Some things that will be considered are the amount of rain
47 and if the fish are moving at that time.
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49 Funding: The District's USDA Application for funding has been completed and accepted by USDA. A
50 letter dated Mar 26, 2019 was received by the District with USDA determination that the
51 District's Source Water Project is eligible for funding by USDA. One of the conditions of
52 USDA before funding the project is that the necessary easements are in place. By late April
53 and May, the national pooling by the federal government will take place. USDA funds not
54 used will go back to the federal government. USDA staff are working hard to help the District
55 meet all the requirements, so they can obligate the funds for the District. The application will
56 need to be reviewed by the Federal level because the dollar amount is higher than what the
57 state level can approve. District staff will continue to respond to USDA requests of
58 information in preparation for the Federal level review of the application.

59 Conditional Use
60 Permit:

61 Dana Larson discussed the importance of the strategy of getting the conditional use permits
62 (CUP) from the county which need the signatures of the property owners. It was
recommended to process the CUP application at the same time that the easements will be

63 negotiated since the property owners for the easements will also need to sign the CUP. The
64 GM will work on completing the CUP application.

65 Recessed Special
66 Session: President John Garcia recessed the Special Work Session and convened at 2:50 pm an
67 Executive Session pursuant to ORS 192.660(2)(e)(h) To consult with legal counsel
68 concerning the legal rights and duties of a public body with regard to (e) To conduct
69 deliberations with persons designated by the governing body with regards to real property
70 transactions. (h) To consult with District legal counsel regarding our legal rights and duties in
71 regard to current litigation or litigation that is more likely than not to be filed.

72 Convened Special
73 Session: President John Garcia adjourned the Executive Session at 3:15 pm and convened the
74 Special Session.

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76 Easements: President John Garcia appointed Jeff Hollen and Adam Denlinger to negotiate with the
77 property owners in obtaining the needed easements for the Source Water Project and report
78 the progress back to the Board at the April regular board meeting. The Board stressed the
79 importance of completing the easement transaction to comply with USDA requirement and to
80 avoid any additional project delays.

81 Settlement
82 Agreement: The GM mentioned that the Settlement Agreement submitted by the City of Toledo will be
83 included on the agenda for the April 11, 2019 regular Board meeting. The scheduled Mar. 27
84 meeting with the City of Toledo was cancelled due to conflict of schedule. The next meeting
85 will be on April 9, 2019 at 11 am at the District conference room. The near-term water rates
86 and the rates after Oct. 2020 will be discussed.

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88 Adjournment: Commissioner Sandra Mies-Grantham motioned to adjourn the meeting. President John
89 Garcia adjourned the meeting at 3:20 p.m.

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91 Next Board Meeting: April 11, 2019 at 4:00 p.m. Regular Board Meeting. April 18, 2019 at 6 p.m. Budget
92 Committee Meeting.

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100 Approved by Secretary
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Date