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**East Multnomah Soil and Water Conservation District
Board of Directors *APPROVED* Meeting Minutes**

Monday, April 3, 2023

6:01pm- Call to Order

Zimmer-Stucky, called to order the regular meeting of the EMSWCD Board of Directors at 6:01pm on Monday, April 3, 2023, at EMSWCD's Office.

6:01pm- Introductions, Review/revise agenda, Review previous action items

Zimmer-Stucky conducted introductions for the record. The following persons were present:

Board of Directors: Jasmine Zimmer-Stucky (At-Large 2 Director, Chair), Mike Guebert (Zone 3 Director, Vice-Chair), Laura Masterson (Zone 2 Director, Secretary), Jim Carlson (At-Large 1 Director, Treasurer), Joe Rossi (Zone 1 Director)

Staff: Nancy Hamilton (Executive Director) (virtual), Dan Mitten (Chief of Finance & Operations), Kathy Shearin (Urban Lands Program Supervisor), Julie DiLeone (Rural Lands Program Supervisor), Heather Nelson Kent (Grants Program Manager), Rowan Steele (Headwaters Farm Program Manager), Matt Shipkey (Land Legacy Program Manager), Jeremy Baker (Senior Rural Conservationist), Asianna Fernandez (Executive Assistant)

Guests: Eileen Eakins (Attorney, NW Local Gov Advisors)

Changes to the agenda:

- Move Board Handbook Review to Agenda Item 5

Previous action items:

February 17 Special Board Meeting: Work Session:

- **Asianna** to add 15-20 mins to upcoming Board Meetings to discuss Legislative Bills. -Done
- **Asianna** to send out an invite for the June 26, 6-8pm Work Session: Climate Mitigation Objectives. -Done

March 3 Board Meeting:

- **Mitten** to craft an Organizational Structure Chart for April Board Meeting Packet. -Done
- **Kent** to add a column on the Grants Roles and Responsibilities page for significant program goals/purpose changes to be Board Decision, and clarify the Project Evaluation Process for SPACE process, come back with recommendations at the April Board Meeting. -Done
- **Fernandez** to add the Grants Policy changes topic as an agenda item for the April Board Meeting. -Done
- **Mitten** to add CLIP discussion to the Budget Committee 2 Meeting agenda if appropriate. -Done
- **Staff** to look into restructuring page 6's graphic redesign on Strategic Plan and reframing the Strategic Plan 2-pager. -Done

6:04pm- Approval of minutes

MOTION: Guebert moved to approve the February 17, 2023, Special Board of Directors Meeting Minutes, Carlson 2nd. Motion passed unanimously (5-0).

MOTION: Guebert moved to approve the March 6, 2023, Board of Directors Meeting Minutes, Carlson 2nd. Motion passed unanimously (5-0).

6:05pm- Time reserved for public comment. -N/A



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6:05pm- Executive Director and Leadership Team Updates

Hamilton shared the ED Updates.

External Meetings:

- **Jon Blasher (METRO)**- Preparing him to attend the meeting with the other SWCD District Managers. Discussed how SWCDs may partner more with METRO.
- **Terri Preeg Rigsby (postponed)**- Discussion on amendment language for SB 775
- **Jay Udelhoven (postponed)** – Discuss ideas for working with the Farm Bureau and Farmer outreach, succession planning, and technical assistance opportunities.

Looking Forward:

- Board Handbook- to be presented tonight.
- Complete Office Modification/Updates- Request for more information/proposal for general contractors, hoping to be finished by the end of April.
- Strategic Plan Next steps- Done, incorporating into everyday work now.
- Website redesign- Work will begin in early July unless the Board takes it in a different direction in the Budget Cycle. Working on how to engage all staff. Planning for F&O and CO&E Teams to collaborate on it.
- Investigating possible Federal Grants and strategic partnerships that may be available- Terri sent Hamilton a federal grant idea, but Oregon is not eligible.
- Lunch & Learns- Funding is included in the Budget, to begin quarterly starting July. Topics TBD.
- CRM program- funding recommended, Woolery has been intaking needs/wants from staff.
- Continuing external meetings- done every month, hoping to kick it back into high gear now.
- Attending two Conferences- Will attend the CONNECT Conference again. Will no longer be able to attend tomorrow's UREC Symposium. Will attend the OACD Annual Conference.
- Strategies for changing eligibility requirements: To be discussed with Terri. At Senator Fedrick's request, coming in with recommendations for language, to ensure the needs of those who may oppose it are also met.
- Developing communication strategy for whole District- Operational changes and introduction of CO&E.

Leadership Team Updates

Hamilton shared the Conservation Legacy Team updates:

- **Headwaters Farm:** Space and facilities allocation: 99% done. The Irrigation Board is new and updated! Working with Marion AG Service to do bulk purchase of materials at a great discount. Graduates are leaving this year, and cleanup is almost complete to prepare for the new farmers. DPNA Bump out project is almost if not completely done. Steele and DiLeone meeting with Hamilton to make for a smooth transition into the Rural Lands program.
- **Grants:** Final recommendations for PIC Grants to be presented at the May Board Meeting.
- **Land Legacy Program:** Next steps regarding the Disposition of Gordon Creek land to be discussed at the next Land Legacy Committee Meeting. The Big Creek lots are now merged on county records. Updated GIS inventory outside of UGB is currently being updated by DiLeone, Shipkey, working with Metro. Shipkey and DiLeone meeting with Hamilton to make for a smooth transition into the Rural Lands program.

Shearin shared the Urban Lands updates:



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- Workshop Series: recently removed the longer workshops and changed up some of the topics, both of which resulted in attendance increase to the same level as that of the beginning of the Pandemic. 60-150 attendees per workshop.
- Oregon Land Justice project with Coalition of OR Land Trusts: formed a council to facilitate meaningful relationships with Native Communities, and they asked Monica McAllister to sit on the council.

Mitten shared F&O Updates

- Budget revisions are taking up most of Mitten's time.
- Healthcare Benefits: 16% increase in premiums. Spent some time shopping through other carriers, found increases across the board. Going over the analysis from our broker, will report back to Hamilton and staff in the next couple of weeks.
- CRM: Woolery reaching out to vendors, and interviewing staff on their needs, and looking into Cloud or Server based platforms while retaining ownership of data. Woolery and Mitten will review everything together and report back to the Leadership Team, then the staff. It will take months to completely implement the CRM, which includes scrubbing and importing the data properly.
- Legislative Bill Tracking- sent to Board before today's meeting.
- Step vs Merit analysis ongoing with Shannon Drohman and Kathy Marek from Compensation Connections.

Action Item: Mitten to add all board members to the Legislative Teams Channel for updates.

DiLeone shared RL Updates

- Winter English Ivy Control in Columbia Gorge finished in time for Garlic Mustard season.
- Nipp finished all StreamCare plantings for this year.
- White-Brainard is promoting the Weather and Climate Data workshop, in collaboration with Clackamas SWCD.
- Baker is promoting the Eat n' Greet for Farmers: April 19th: at Columbia Grange. Board members, please rsvp!

Action Item: Fernandez to send Board RSVP for Eat n' Greet Event.

Action Item: DiLeone to add numbers and data for StreamCare plantings to next Board meeting update.

Something to Celebrate- SPACE Grants

Kent SPACE Grants are the smallest of our grants. \$54,268 was granted for the year. Many who didn't get a PIC grant got SPACE grant funds instead. One of the more popular projects applications are sent in for are community gardens for houseless communities. Highlighted 3 Grantees:

- Hogan Cedars Elementary School – Green Bronx Machine School Tower Garden Project
- Green Lents Pollinator Habitat Plantings
- OSU -Culinary Breeding Network's Sagra del Radicchio Event to promote Winter harvest crops.

6:30pm- Board Handbook Review

Zimmer-Stucky introduced the updated Board Handbook and Eileen Eakins. The function for the document to play for the Board: Some parts are legally binding to ensure we're following statute. Some are more specific to the expectations of being an EMSWCD Board member.

Hamilton It's a mix of law, statute, and EMSWCD Board culture. It used to be much longer, with some unclarities and major redundancies. The board can find some intentional redundancies to ensure the information is easy to find.



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Eakins introduced herself: An attorney for EMSWCD and other special districts across the state. Hamilton and Mitten did most of the editing, Eakins reviewed the changes and believes it's much better than before. Chatted with Zimmer-Stucky to ensure its goal is to keep it as a main resource for the Board. Some key aspects reviewed to keep in line with law: statutory authority for SWCDs, proper introduction comes from ORS 568 (principal act), public meetings law (processes, notices, Executive Session, etc.), public records, ethics for public officials (primarily for financial conflicts of interest).

Handbook Highlights:

- Section 1: Overview: Statutory Authority, SWCDs' relationship to ODA, Board Members elected by Zone.
- Section 2.0: Responsibilities of the Board. Duties of Elected Board (and of the associates and emeritus decided by elected Board)
- Section 2.2: Board Eligibility. ODA plays a role in Board elections, useful resource.
- Section 2.3: Restrictions of the Board: nothing prevents elected official to play a volunteer role or staff role as long as they don't approve something that will put money in their own pocket.
- Section 2.4: Special Districts elections. SWCDs are the only Special District authorized to give money away. Filling Board vacancies, being removed from the Board, Oaths of office, duties of emeritus falls under policy created by the Board.
- Section 3.0: Associate Directors and Directors Emeritus decided by Board as long as duties are within statutory limitations.
- Section 3.4: Director Emeritus appointment process
- Section 3.5: Oath of Office taken by all elected officials. Not a legal requirement for associates, but it is an option. Associates are still bound by the same service rules and Board Handbook.
- Section 4.0: Most is coming from statute.
 - Section 4.2: coming out of Statute 568.
 - Section 4.3.4: Public Meetings Law; Statute
 - Section 4.3.6: Political Activities; mostly limitation on staff, but also on expending public funds.
- Section 5.6: Board best practices; not law mandated.
 - Only mandated positions: Chair and Secretary. The other positions and what they do are up to the District.
 - How long a Board Member can serve. The policy is that the Board cannot run more than once consecutively.
- Section 8.0: Committees Policy: Only the Budget Committee is required under local budget law; all other committees are discretionary. Committee meetings with recommendations to the Board must follow public meeting law.
- Section 11.1.1: General Meeting Procedures describes the way we do motions, process for decision making. The language contradicts the order in which the Board tends to take motions, but that doesn't matter, legally, as long as a vote is taken.
- Section 10.13: Meeting minutes must be taken, legally, but the how is policy.
- The table in Appendix 1 is from the original Board Handbook. Table not required, can be changed, or removed if desired. The board agreed it is helpful to keep.

7:00pm – Rossi left the meeting to attend another commitment.

Masterson asked for clarification about what's in statute vs. policy.



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Eakins If it has to do with Board authority, elections, and SWCD authority, it's a statute. Then all policies need to comply with statutes, but details are up to the Board. All Handbook's policies are now in compliance with statutes.

Masterson Filling Board vacancies: EMSWCD will solicit applications from interested candidates. Had thought the District staff were not handling interested Board members.

Eakins Prohibition of staff being on Board is due to the statute that paid public employees are prohibited from participating in anything that advocates for a Board member or measure proposed. Staff are limited in that they can give information/ facilitate information to the public about vacancies. Staff can receive applications but cannot advocate or recruit for a Board member. Staff can solicit associate officials as they are not public officials.

Changes/edits to Board Handbook:

- Change "Staff solicit" to "Staff receive applications and publicly post vacancies" for Board Member elections. Clarify that EMSWCD Board members may solicit applications.
- Change 3.2.1: Associate Directors must have lived within service area boundaries and Director Emeritus must live within service area and have served on the Board before.
- Put an asterisk at all Board Statutes within the Board Handbook to differentiate between statutes and policies.
- Look into/confirm Section 2.2.1: Zone Directors requirement to live within the District boundary.
- Add link or cross reference to Public Meetings Law.
- Add redundancy/clarity regarding political activity between the Board as a whole (4.3.6) and individual Board members (5.6).
- Add language around the requirement for SWCDs to have a Board Chair.
- Clarify language around when committees must follow public meeting law.
- Keep Grants Committee in the Handbook.

Zimmer-Stucky Political activities for staff vs. Board. Wants to make it clear that individual Board members can make solo positions.

Eakins This is listed later in the Handbook (Section 5.6) that individual Board Members must make it clear that their position is of their own, and not of the whole Board's unless the full Board approves of such.

Masterson Is this where we want redundancies? Would like the Board to continue announcing where they will be representing only themselves politically instead of speaking as a Board Member.

No decision was made tonight.

Eakins will be doing Board Member Trainings in the Summer, sign up on SDAO website.

7:23pm- Legislative Updates

Guebert gave a brief update:

- HB 3016 (Green Infrastructure): passed unanimously out of committee, headed to ways and means. Amended to add stipulations for state to certify green community infrastructure, and expanded Ash Borer section to add climate change and allow public bodies to address those issues, including SWCDs.
- HB 2998 (Oregon Soil Health Initiative): passed unanimously out of committee. Included resources potentially for SWCDs including equipment, and a way to tap into dollars for some of our new proposed projects.



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- HB 3021 (Water Right Forfeiture): OACD is opposing after all, feels like the District should oppose as well. Most of the water rights are already protected under law and it was found out that the bill was brought up by one person who felt wronged. It's a minor issue, but it could lead to confusion down the road.
- SB 775 (SWCD Board Eligibility): Hasn't moved, still in Rules Committee, can still come up. Senator Frederick is trying to schedule a hearing.
- SB 530 (Natural Climate Solutions): passed 3-2 out of committee, referred to ways and means.

Masterson Asked about funding for Oregon Agricultural Heritage Program (OAHP), HB 3366. It's \$10,000,000 in grants and \$800,000 in program administration. Advocating for such to go into the OWEB budget. Would like to see the District support it as well.

Guebert passed 3-0 out of committee, referred to ways and means.

Action Item: Mitten to add HB 3366 to OACD Bill Tracker.

MOTION: Masterson moved to give any Board Members the ability to testify in support of HB 3066, Guebert 2nd. Motion passed unanimously (4-0, Rossi absent).

7:32pm- Personnel Committee Recommendations

Hamilton gave an overview of the Personnel Committee Recommendations: CO&E Supervisor Job Description and the Step/hybrid pay structure (annual 3% increase) for staff and decouple the salary increases from performance evaluations for staff.

MOTION: Masterson moved to approve the CO&E Supervisor Job Description as recommended by the Personnel Committee, Carlson 2nd. Motion passed unanimously (4-0, Rossi absent).

MOTION: Guebert moved to approve the recommended pay structure design for staff, Masterson 2nd. Motion passed unanimously (4-0, Rossi absent).

7:39pm- Knotweed Control Partnership with CSWCD

DiLeone The proposed Knotweed control work would be outside of the District, but within the Sandy watershed, upstream of the District. Portland Water Bureau would pay for the project, but we would put in some money for staff time, depending on what the rates would be for contractors. The main focus of the project would be on the upstream part of the Sandy River and the upper watershed if there's still time. The Nature Conservancy hasn't done it since 2012. Foraging Knotweed out of riverbanks for consumption actually stimulates growth instead.

MOTION: Masterson moved to approve the District's work on Knotweed Control in the Sandy Watershed, Carlson 2nd. Motion passed unanimously (4-0, Rossi absent).

7:43pm- Truck Purchase Authorization

DiLeone explained that Oregon's Department of Administrative Services (DAS) will no longer allow local governments to lease state vehicles. We have money in the capital outlay budget to purchase one or two new trucks, to replace the two we lease from DAS now. We are asking for board approval to increase Hamilton's spending authority on this specific purchase up to \$70,000. Will come back to the Board if the purchase price is over the stated price in the memo.

MOTION: Guebert moved to approve Hamilton's signing authority for up to \$70,000 for two new trucks for the District, Carlson 2nd. Motion passed unanimously (4-0, Guebert absent).



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7:46pm- Grants Policy Changes

Kent presented the current Board Policy 3.2.2, the table that's included in the packet. She explained that in the table, where there's an X and/or a strikethrough, indicates a change or addition to the policy. For example, in Issue 3: Transparency, Conflicts, and Disclosure, it previously noted that the committee was responsible for declaring any of the 3, but we clarified that it is specifically for the PIC Committee to do since we don't have anyone outside of the Board or Staff doing grant review.

Hamilton CLIP funding authority was under 10,000, even though Hamilton's authority is \$50,000 for everything else.

Kent then explained the Updates to Policy Section 3.2 Grants, as laid out in the packet.

3.2.1 – Grant Disclosure and Avoidance of Bias – no updates.

3.2.2 – Grant Program Decision-making – update recommended.

3.2.3 – Partners in Conservation (PIC) Grant Process and Criteria (update to be made later for the 2024 PIC Grants).

3.2.4 – Strategic Conservation Investment (SCI) Grants – remove this program as it is not being funded.

3.2.5 – Cooperative Landowner Incentive Program (CLIP) Grant Guidelines and Process – update recommended.

3.2.6 – Small Project and Community Event (SPACE) Grant Process – update recommended.

3.2.7 – Equity Focused Strategic Opportunity Grant Process – add to Policy Section 3.2.

Masterson What's the timing on SPACE and CLIP?

Kent Updating CLIP grants would be in the Fall and would want to talk to the Board in the Summer. All Grants but PIC starts with the beginning of the FY.

3.2.6 has a lot of details about the admin process and has been updated. Overall looking for the Board to approve the updated Grants Program Decision Making Policy and allow staff to bring back individual policy updates for CLIP and SPACE, that would then need to be approved by the Board.

MOTION: Masterson moved to approve the Grants Program Decision Making Policy 3.2.2 as presented in the Packet, Guebert 2nd. Motion passed unanimously (4-0, Rossi absent).

7:58pm- Strategic Plan Graphic Redesign

Action Item: Fernandez to add Strategic Plan Graphic Redesign topic to the May Board Meeting Agenda.

7:58pm- EMSWCD Org Chart

Mitten presented the updated EMSWCD Org Chart, and pointed out the changes that will be effective July 2023. These are the roles each person covers and who they report to.

Masterson thanked Mitten. Language seems clearer for each person's job. Would like to see another chart just with titles instead of individual positions.

Action Item: Mitten to create a more generic chart with overall titles for the next Board Meeting Packet.

8:01pm- EMSWCD FY 23-24 Meetings Scheduling

Board agrees to continue with May LLC Meeting. Zimmer-Stucky will not attend.

Action Item: Fernandez to add EMSWCD FY 23-24 Meetings Scheduling topic to the May Board Meeting Agenda.

8:03pm- Monthly Financial Reports- February 2023

Mitten presented the February 2023 Financial Report: Balance sheet is about 1% above where it was last year at this time. No variation in assets. Increases in our cash accounts by 2%. For P&L by Performance:



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Cash revenue that's come in is exceeding expectations as it doesn't include some of March's tax receivables. Everything seems to be within budget balance.

Guebert When we have property tax higher than budget, where does that money go?

Mitten It sits in the General Fund and is untouched. It then rolls into the next fiscal year and is included in the beginning fund for next year's budget. This is incorporated into the FY 23-24 budget estimate.

8:05pm- Board Discussion

Carlson gave an update on the Portland Water Bureau filtration project.

- An ODA land use expert attended the meeting to report. Brought up that contrary to belief, it's actually easier than expected to convert Exclusively Farm Use (EFU) land to non-farm use. Multnomah County has been anti- converting farm-use land into non-farm use though.
- The Multnomah County Farm Bureau is trying to get local farmers to submit statements of farm impact.
- There aren't any plans on how to mitigate run off.
- Jeff Stone would like to speak with the Board (in May?) on OAN's position on the matter.

Hamilton had conversation with David Peters of PWB: While it is a Multiple Use Agricultural area (MUA), it is able to be held for community use which the county decided this project will fall under. Their application was submitted to the county in October and recognized in February, in which there are 150 days from then to offer public comment. The county is required to hold a hearing within 30 days (expected before the end of May). The county is accepting comments now. Hasn't heard about the Neighborhood Community Association concern. He is aware of the hay farmer and is in communication with them about possible compensation for the years of use. Without successful appeal, they plan to begin construction by September 2023 and have it up and running by September 2027 as it's out of federal compliance if not.

Guebert Terri Preeg Rigsby, on the Board for National Association of Conservation Districts (NACD), asked if she could nominate Guebert for committee on Urban Agriculture. Unsure if it's approved yet. It would be a way to advocate for the District. To continue to update when he knows more.

Masterson At the OAHF meeting, they approved the first round of Grant proposals for organizations of all different sizes. More demand than there were funds for. Matching federal dollars is finally used to protect working lands, in the form of easements. Can forward the report/more info to the Board.

8:15pm- Announcements, Action Items, and Adjournment

Hamilton Morgan Allen, worked for ODA, passed away a week ago. A tragic loss to the community.

Action Items:

- Mitten to add Masterson to the Legislative Teams Channel for updates.
- Fernandez to send the Board the RSVP email for Eat n' Greet Event.
- DiLeone to add numbers and data for StreamCare plantings to the next Board meeting update.
- Mitten to add HB 3366 to the OACD Bill Tracker.
- Fernandez to add Strategic Plan Graphic Redesign topic to the May Board Meeting Agenda.
- Fernandez to add Board Handbook Review topic to the May Board Meeting Agenda.
- Mitten to create a more generic chart with overall titles for the next Board Meeting Packet.



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- Fernandez to add EMSWCD FY 23-24 Meetings Scheduling topic to the May Board Meeting Agenda.
- Fernandez to add Equipment Library to the list of topics for Work Sessions.
- Board to review the past plan for the Guerrero property's office building.

Zimmer-Stucky adjourned the meeting at 8:17pm