

OAK LODGE

WATER SERVICES

**Oak Lodge Water District Office
14496 SE River Road
Oak Grove, OR 97267
December 6, 2016 at 3:00 p.m.**

Members of the public are welcome to testify for a maximum of three minutes on each agenda item.

This meeting will have a quorum of the Oak Lodge Sanitary District Board

1. Call to Order and Flag Salute
2. Public Comment
3. Approval of November 1, 2016 OLWS Board Meeting Minutes
4. Resolution 2016-4; Approving the Board Governance Policy
5. Resolution 2016-5; Accepting the Oak Lodge Water and Sanitary Districts Rules and Regulations
6. Resolution 2016-6; Adopting the Purchasing Rules
7. Resolution 2016-7; Adopting the Identity Theft Policy
8. Resolution 2016-8; Assuming Existing Contracts and Intergovernmental Agreements of Oak Lodge Water and Sanitary Districts
9. Resolution 2016-9; Acknowledging the Work of Greg Jones
10. Update on Expenses and Savings from the Consolidation
11. Establish Regular Meeting Date and Time
12. Business from the Manager

13. Business from the Board

14. Executive Session, the Board will convene into executive session in accordance with ORS 192.660(2)(f) to consider information or records that are exempt from public disclosure and ORS 192.660(2)(h) to consult with the attorney legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed.

15. Action from Executive Session

16. Public Comment

17. Adjourn

Oak Lodge Water Services District
Minutes of Board Meeting
November 1, 2016

Commissioners Present

Jim Martin, Chair
Kevin Williams, Commissioner
Nancy Gibson, Commissioner
Lynn Fisher, Commissioner

Commissioners Absent

Susan Keil, Vice Chair

Staff Present

Dan Bradley, General Manager of Oak Lodge Water District
Kelly Stacey, Finance Director of Oak Lodge Water District
Jason Rice, Interim General Manager of Oak Lodge Sanitary District
Rich Ludlow, Oak Lodge Sanitary District

Visitors

Greg Jones, OLWS Transition Project Manager
Eric Hofeld, Representing Sunrise Water Authority
Ernie Platt, Commissioner of Sunrise Water Authority
Thelma Haggemiller, Local Resident
Michael Sweiter, Local Resident
Jim Ferris, Local Resident

Special Meeting

(1) Call to Order/Pledge of Allegiance

Chair Martin called the special meeting to order at 3:00 p.m. and Board Member Williams led the flag salute.

(2) Public Comment (For non-agenda items)

None

(3) Approval of October 4, 2016 OLWSD Board Meeting Minutes

Board Member Gibson moved to approve the minutes as presented for the September 12, 2016 Oak Lodge Water Services Meeting. Board Member Williams seconded the motion.

Ayes: Gibson, Martin, Williams

Nays: None

Abstained: Fisher

The motion carried 3-0.

(4) Transition Project Manager Report

Transition Project Manager Greg Jones detailed the large consolidation expenses incurred to date to include his salary, the website, architects fees, legal fees and the appraisal retainer. He further handed out to the Board a tracking schedule regarding the boundary change and initial startup of the consolidated district. He noted the Employee Handbook has been drafted pending the benefits package.

(5) Resolution 2016-4; Approval of Board Governance Policy

The Board discussed several modifications needed including Board Member requirements, representation of the District and authority over the General Manager position, etc.

Board Member Gibson moved to approve the Board Governance Policy. No second was provided. General Manager Bradley recommended coming back to these topics in the December meeting.

(6) Billing System Approval

The Board was asked to approve the purchasing of Accela for the software needed moving forward in consolidation, not to exceed \$120,000.

Board Member Gibson moved to approve the investment policy. Board Member Williams seconded the motion.

Ayes: Fisher, Gibson, Martin, Williams

Nays: None

The motion carried 4-0.

(7) Clackamas County Boundary Petition Hearing Status

General Manager Dan Bradley stated that he, OLSD Chair Gibson, and OLWD Chair Martin were going to be meeting November 3rd and he feels it will go in their favor.

(8) Business from the Manager

OLWD General Manager stated he met with the appraiser at the office and did a walk through.

(9) Business from the Board

None

(10) Public Comment

None

(11) Adjourn

Chair Martin adjourned the meeting of November 1, 2016 at 4:05 p.m.

Respectfully submitted,

Dan Bradley, General Manager

Susan Keil, Vice Chair

For Board Meeting of: December 6, 2016

Agenda Item: Number 4

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is for the Board to adopt Resolution 2016-4; adopting the Board Governance Policy.

Recommendation

It is recommended the Board adopt Resolution 2016-4.

Background

Oak Lodge Water and Sanitary District each had Board policies regarding rules for the Board. The Oak Lodge Water Services Board needs a new set of Board governance rules and guidelines.

The Board reviewed the proposed Governance Policy at the October 4 meeting and a few changes were made. Staff was instructed at the meeting to bring the policy back to the November Board meeting.

Facts and Findings

The revisions that were suggested at the October Board meeting have been incorporated into the document before the Board.

Suggested Motion

I move to adopt Resolution 2016-4; approving the Board Governance Policy.

RESOLUTION 2016-4

**A RESOLUTION OF THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS
ADOPTING A BOARD GOVERNANCE POLICY**

Whereas; the Oak Lodge Water Services has formed and is in the process of adopting policies for many different functions; and

WHEREAS; it is a best practice for a Board to have a policy that guides the Board on items such as membership, powers and duties, responsibilities and other similar items; and

WHEREAS; the Board desires to operate in the most efficient and effective manner including fiduciary and a policy will guide the Board in those efforts.

NOW, THEREFORE, BE IT RESOLVED by the Oak Lodge Water Services Board of Directors that the Board Governance Policy is hereby approved.

Duly adopted this 6th day of December, 2016.

By _____
Jim Martin, Chair

Attest this 6th day of December, 2016

Dan Bradley, General Manager



Board of Commissioners Governance Policies

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Appendix 1 Oath of Office

1.0 Membership on the Board of Commissioners

Positions and Terms

- The Board of Commissioners of the District shall consist of five Members serving four-year staggered terms. No person shall be eligible to be a Board Member who is not at the time of election or appointment a resident or property owner in the district. Employees of the District are not eligible to be Board Members
- All Board Members shall serve at large.

Election of Board Members

The election of Board Members shall be conducted as provided by the ORS Chapter 255.

Qualifications

No person elected or appointed to the Board shall be sworn in unless such person meets the qualifications for office set forth in these policies. If questions exist regarding the eligibility of any candidate, the Board shall obtain an opinion from legal counsel prior to swearing in such person.

Oath of Office

Each newly elected or appointed Board Member shall take an oath of office at a Board meeting prior to assuming the duties of the position.

Term of Office-Starting Date

Except where the Board is filling a vacancy on the Board, terms of office shall start on the first available date in July.

Vacancies

Vacancies on the Board shall be filled by appointment by a majority of the remaining Members of the Board. If a majority of the membership of the Board is vacant, or if a majority cannot agree, the vacancies shall be filled promptly by the Clackamas County Commission.

2.0 Powers and Duties of the Board Policy

Meeting the Needs of the District

It is the policy of the Board of Commissioners to exercise those powers granted to it, and to carry out those duties assigned to it by law, in such a way as to best meet the needs of the District.

Formulation and Interpretation of District Policy

Board Members only have the right and responsibility to participate in Board meetings and vote on District matters as part of the Board. The most important activity of the Board in performing this responsibility is the formulation and interpretation of District policies. To this end, the Board shall establish policy, reserving to itself all authority and responsibility not directly assigned to other District officers and personnel.

- The written policies and rules of the District Board will be subject to amendment only upon a majority vote of the Members of the Board at a regularly scheduled monthly meeting of the Board in which the motion for the proposed amendment has been described by resolution.
- The policies of the Board will be subject to temporary suspension only upon a majority vote of the Board.

Management and Communication between Board and Staff

The primary responsibility of the Board is to make policy level decisions for the District. Management of the daily operations and staff is the responsibility of the General Manager. Unless otherwise authorized

by a quorum of the Board, no individual Board Member may direct or order a staff member on any matter that relates to the daily operations or administrative activities of the District. Moreover, unless otherwise authorized by the Board, no individual Board Member may order, direct, or conduct any review of personnel records of any staff member or any other record that is exempt under Public Records Law.

Board Members Authorized By Official Board Action Only

Board Members have no individual powers separate from the powers of the Board and have no authority to act individually without delegation of authority from a quorum of the Board. Likewise, no individual Board Member may speak for or on behalf of the Board or District, except as authorized to do so by official Board action as recorded in the official minutes, guidelines, or policies of the District.

Ethical Standards

Board Members act as representatives of the citizens of the District. Therefore, Board Members shall adhere to the highest ethical standards in the conduct of District business.

Conflicts of Interest: Board Members and public officials must publicly announce the nature of any conflict of interest before participating in any official action on the issue giving rise to the conflict of interest.

- Potential Conflict of Interest: Following the public announcement, the public official or Board Member may participate in official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official or Board Member must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

Board Member Education

In order to effectively carry out their duties, Board Members must be adequately informed. Members are encouraged to attend such conferences and other training programs as the Board may authorize.

3.0 Board Responsibilities Policy

Communications

- Develop regular channels of communication with Board Members and staff.
- Encourage participation of staff members on appropriate committees.
- Develop procedures for bringing staff opinions and recommendations to the Board, as well as Board opinions, and decisions to the staff.
- Invite non-Board Members, other local governments, and groups to Board or committee meetings or other types of Board-sponsored assemblies to explore and develop approaches to common concerns.
- Recognize that certain information obtained at Board meetings may be non-public and confidential making disclosure a breach of trust.
- Respect the opinion of other Members and accept the principle of majority rule in Board decisions.

Financial

- Approve the annual budget.
- Participate on the Budget Committee.
- Regulate and approve the establishment of rates, charges, and contracts.
- Monitor District finances and the budget, setting policy or taking action to ensure the fiscal integrity of the organization.
- Accept the annual audit.

- Act as the Local Contract Review Board.

Policies, Objectives, and Plans

- Abide by and become familiar with all laws and policies governing the operation of the District.
- Approve the annual strategic plan.
- Approve policies for the organization.
- Recognize that the General Manager should have full administrative authority for properly discharging the duties of managing the operation within the limits of the established Board policy. The Board's basic function is policy making; not administrative.
- Develop and approve long-range plan of growth and development for the District.
- Consider and vote on specific important projects.
- Approve any significant departure from established plans or policy.
- Receive and pass on committee or other planning body recommendations.
- Ensure that program objectives are assigned to the proper planning or implementing subgroups.
- Where applicable, bring other local governments or community groups into the planning and decision-making process.
- Approve contracts binding the District.
- Approve major changes in the District's organization or structure.
- Approve Board plans of action.
- Consider and vote on District Motions, Resolutions, and Ordinances.

Management

- Select the District Chair and other officers.
- Hire the General Manager.
- Define the duties and responsibilities for the Chair, General Manager, Officers, and major Committee Chairpersons.
- Select legal counsel and consultants for the Board.
- Approve contracts for professional services required by and for the Board.
- Authorize Officers, or Board agents to enter into contracts or to sign other written instruments and to take financial actions.
- Approve the plan, form, and amount of management compensation, that is, salaries, bonuses, vacation, travel, and so on.
- Evaluate the performance of the General Manager annually.
- Approve the form and amount of reimbursement for Board Members.
- Approve programs for management development.
- Provide advice and consultation to management on matters within the purview of the Board's responsibilities.

Employee Relations

- Approve employee benefit plans.
- Insist that personnel complaints go through a proper chain of command. If not resolved, only then should the Board get involved.
- Approve contracts with and between any unions involved with the District.

Control

- Identify types of information needed by the Board to analyze effectively the District's directions and achievement. Create a process for collecting and analyzing information.
- Realize that the citizens within the boundaries of the district are the true "owners" of the district.
- Review and assess the organization's performance against objectives, resources, plans, policies, and services rendered.

- Analyze major shortfalls in achievement.
- Identify obstacles, sense changing needs, and propose new directions or goals.
- Ensure that the District is in compliance with all federal, state, and local laws.

Board of Commissioners

- Motivate Board Members to accept positions of leadership and responsibility.
- Appoint, change, or abolish committees of the Board.
- Define powers and responsibilities of committees of the Board.
- Recognize that an individual Board Member has no legal status to act for the entire Board unless so delegated by the Board.
- Realize that if a quorum of the Board meets to make a decision or to deliberate, then the meeting is considered a public meeting and must comply with all the requirements of the Oregon Public Meetings Laws.
- Discussions on matters of overall policy outside of regular Board meetings can violate the open meetings law.

Public Accountability

- Keep the public informed on all District matters.
- Make decisions based on the wishes and needs of the public.
- Spend the District’s money with prudence and trust.
- Place the needs of the public above the ambitions of the Board or the District.

4.0 Board Member Orientation Policy

Cooperation with Board Candidates

The Board, through its staff, shall cooperate impartially with candidates for the Board and provide them with information about Board policies, administrative regulations, and other aspects of the operation of the District.

Orienting New Board Members

The Board and its staff shall assist each new Member-elect and appointee to understand the Board’s functions, policies, and procedures before he/she takes office. The following methods shall be employed:

- New Members shall be invited to attend and participate in public Board meetings prior to being sworn in.
- The General Manager shall provide materials pertinent to district meetings and respond to questions regarding such material.
- New Members shall be invited to meet with the General Manager and other District personnel to discuss the services each performs for the District.

5.0 Reimbursement of Board Members Expenses Policy

Board Member Compensation and Reimbursement

Pursuant to ORS 198.190, Board Members may receive daily compensation not to exceed \$50.00 for their services on the Board. Such compensation shall be set by majority vote of the Board. Board compensation will be reported and the appropriate taxes will be withheld. Board Members shall also be reimbursed for their actual and reasonable travel and other expenses incurred in the performance of official District duties.

Reimbursement Documentation

Board Members incurring reimbursable expenses shall submit proper documentation of such expenses to the General Manager or such other designee for reimbursement by the District.

6.0 Board Officer Duties

Duties of the Chair

- Chair of the Board shall preside at meetings of the Board of Commissioners. The Chair shall perform all of the duties prescribed by the Oregon Revised Statutes.
- The Chair shall consult with the clerk of the Board regarding the preparation of each Board meeting agenda.
- The Chair shall have the same right as other Members of the Board to discuss and to vote on questions before the Board.
- The Chair may call special meetings of the Board as described by the Oregon Public Meetings Law.
- The Chair of the Board shall sign official District documents on behalf of the Board when authorized to do so by a majority of the Board.

Duties of Vice-Chair

In the Chair's absence, or during any disability of the Chair, the Vice-Chair shall have the powers and duties of the Chair of the Board as prescribed by District policy. The Vice-Chair shall have such other powers and duties as a majority of the Board may from time to time determine.

Duties of the Registered Agent

- The Registered Agent of the Board shall assure that accurate accounting and financial records are maintained by the District.
- The Registered Agent shall annually review the District's financial audit with District personnel prior to submitting the audit to the balance of the Board. The Registered Agent shall send copies of the audit to state or local agencies requiring its submission.

Duties of the Clerk

The Clerk of the Board shall be the General Manager or such other person as may be designated by the board. The duties of the Clerk of the Board are:

- Respond directly to routine correspondence.
- Handle correspondence of special interest to the Board as follows:
 - ◆ Draft replies in advance, when possible, for Board Members.
 - ◆ Seek instruction for reply when necessary.
 - ◆ Prepare correspondence as the Board directs.
- Prepare for Board meetings:
 - ◆ Prepare the agenda with the advice of the Chair.
 - ◆ Maintain a calendar for the Board's unfinished business.
 - ◆ Call to the Board's attention legal requirements and those matters for which the District is responsible.
 - ◆ Draft policy motions at the request of any Board Member.
- Board Meeting duties:
 - ◆ Attend all Board meetings or designate an alternate.
 - ◆ Make physical arrangements for Board meetings.
 - ◆ Provide notice of Board meetings in accordance with the Public Meetings Law.
- Maintain and update the District's policy and procedure manual.

7.0 Public Meeting Policy

Preparation for Board Meetings

- **Distribution of materials to Board Members**
The agenda, General Manager's report, Financial report, shall be given to each member of the Board of Commissioners at least (4) days prior to any regularly scheduled Board meeting. At the same time, the General Manager shall provide members detailed information relative to the agenda, including existing Board policy pertinent to agenda items.
- **Distribution of agenda to the public**
The proposed agenda will simultaneously be distributed to all District officers and other facilities, and posted at one or more convenient locations for review by District personnel and the public.

Board Meeting Agenda

The Clerk of the Board shall draft the agenda after conferring with the Chair of the Board. The Chair of the Board shall set the order of Agenda which will generally include but is not limited to the following items:

- Call to Order
- Roll Call by Registered Agent or designee
- Approval of the Minutes
- Financial Report
- Operations Report
- District Business
- General Manager's Report
- Adjournment

Notice and Location of Meetings

- **Application**
This policy applies to all meetings of the Board of Commissioners of the District and to any meetings of subcommittees or advisory groups appointed by the Board. If such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Board of Commissioners.
- **Compliance with Law**
All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710 and 192.990.
- **Locations of Meetings**
All meetings shall be held within the geographic boundaries of the District, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, age, national origin, sexual preference, or disability is practiced. All meetings shall be held in public places meeting the Americans with Disabilities Act accessibility requirements.
- **Meetings Held by Telephone**
Meetings held by telephone or other electronic communication is subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum. ORS 192.670(1) Notice and opportunity for public access shall be provided when meetings are conducted by electronic means. At least one location shall be provided where meetings held by telephone or other electronic means may be listened to by Members of the public. ORS 192.670(2)

- **Regular Meetings**
The Board shall hold regular monthly meetings at the time listed on the Notice. Board meetings shall be held at Oak Lodge Water Services Board Room or at other locations and times as the Board may designate.
- **Special Meetings**
The Board shall hold special meetings at the request of the Chair or any three members of the Board. If the Chair is absent from the District, special Board meetings may be held at the request of the Vice-Chair. No special meeting shall be held upon less than 24 hours public notice.
- **Emergency Meetings**
Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours public notice in situations where a true emergency exists. An emergency exists where there are objective circumstances which, in the judgement of the person or persons calling the meeting, create a real and substantial risk of harm to the District which would be substantially increased if the Board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of Board members is not grounds for calling an emergency meeting. At the beginning of any emergency meeting, the Director or Commissioners calling such meeting shall recite the reasons for calling such meeting and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes. The Board shall then determine if the reasons are sufficient to hold an emergency meeting, and if not, shall immediately adjourn such meeting. Only business related directly to the emergency shall be conducted at an emergency meeting.
- **Notice of Meetings**
Notice of the time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be sent to all Board members, local media, and to all persons or other media representatives having requested notice in writing of every meeting. The Notice shall also be posted at the following locations with the District: Oak Lodge Water Services bill board, Oak Lodge Water Services website, Oak Lodge Library bill board, and a general circulation newspaper; as required by ORS 192.640. In the case of ordinances and consideration of the annual budget, they will be noticed per ORS 198.540. The Notice shall state to see website for agenda 48 hours in advance of meeting.

Notice by email shall also be sent to any persons who the District knows may have a special interest in a particular action. For special meetings, email notice shall be issued or phone calls made to interested parties and the media. Interested persons shall be notified by mail, email, or telephone. For emergency meetings, the District shall attempt to contact local media and other interested persons by email to inform them of the meeting.
- **Executive Sessions**
Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special, and emergency meetings as set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis for calling the executive session.
The Chair or other Presiding Officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the Chair shall direct any representative of the news media who are present not to report certain specified information from the executive session. In general, the extent of the nondisclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff, and

other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.

- Interpreters for the Hearing Impaired
The District shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at Board meetings, in accordance with the following rules:
 - ◆ The District shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the District at least 48 hours' notice of the request, provided the name of the requester, the requester's sign language preference, and any other relevant information which the District may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission or other state or local agencies that maintain a list of qualified interpreters.
 - ◆ If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present.
 - ◆ The requirement for an interpreter does not apply to emergency meetings.
 - ◆ The General Manager shall be responsible for developing and maintaining a list of qualified interpreters and shall have the responsibility for making the required good faith effort to arrange for attendance of an interpreter at any meeting for which an interpreter is requested.

Board Meeting Conduct

- Presiding Officer
The Chair shall preside at Board meetings. In the Chair's absence, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, any other member of the Board may preside.
- Authority to Conduct Meetings
The Chair or other Presiding Officer at any Board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the Chair or other Presiding Officer at the meeting may be overridden by a majority vote of the Board.
- Simple Rules of Voting Order
The Presiding Officer shall conduct the meeting using simplified rules of order unless the rules are suspended or modified. The Presiding Officer introduces agenda items and calls for discussion. After discussion, the Presiding Officer calls for a motion, then a second. Amendments can delete, substitute, or add words to a motion but cannot negate it. A motion can also be tabled, withdrawn, or referred back for further work. The Presiding Officer may then call for a vote. Three Votes passes the motion.
- Forms of Action
Actions by the Board are usually in the form of Motions, Ordinances, or Resolutions. The District Board may also adopt rules, regulations, establish codes, approve contracts, agreements, and establish rates and charges, and other actions, but would normally do so by adopting either an Ordinance or Resolution.
 - ◆ Ordinances are action taken by the District to adopt law or policy applying to district residents. They are subject to the statutory adoption process defined in Oregon Revised Statutes ORS 198.540.
 - ◆ Resolutions are adopted to express internal policy, opinions of the Board, or intent of the Board.
- Public Participation
If public participation is to be a part of the meeting, the Presiding Officer may regulate the order and length of appearances and limit appearances to presentations of relevant points. Persons failing to comply with the reasonable rules of conduct outlined by the Presiding Officer, or causing any

disturbance, may be asked or required to leave. Such persons become trespassers upon failure to do so.

- **Electronic Equipment**

The authority to control the meetings of the District Board extends to control over equipment such as cameras, tape recorders, and microphones. The Presiding Officer shall inform persons attending any meeting of the District Board of reasonable rules necessary to assure an orderly and safe meeting. The physical comfort and safety of members of the Board and the public attending the meeting shall be of primary concern in formulating such rules.

- **Recording Votes**

Votes shall be recorded. Any Member may request that his or her vote be changed if such request is made prior to consideration of the next order of business.

Appendix 1 Oath of Office

Sample Oath of Office

I (insert name of Board Member), do solemnly swear, that I will support the laws of the State of Oregon, and the policies of the Oak Lodge Water Services District, and that I will faithfully discharge the duties of Director according to the best of my ability.

_____ Board Member

Attest:

_____ Board Secretary

Attest:

For Board Meeting of: December 6, 2016

Agenda Item: Number 5

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is for the Board to approve Resolution 2016-5; Adopting the Rules and Regulations of the Oak Lodge Water and Wastewater Districts.

Recommendation

It is recommended the Board adopt Resolution 2016-5.

Background

In the May, 2016 election, voters of the two Districts overwhelmingly approved the consolidation of the two Districts. On November 3rd, the Clackamas County Board of Commissioners approved the new boundary on a unanimous vote. These two actions confirmed the consolidation of the Districts.

Each District has their own specific Rules and Regulations that describe various requirements of each District. Among the items that are covered are design standards, billing structures, and general requirements of each District.

Facts and Findings

The Rules and Regulations of each District serve as the laws and requirements for each entity. They need to be adopted by the Oak Lodge Water Services District to continue as a guideline and enforcement tool.

Suggested Motion

I move to adopt Resolution 2016-5; adopting the Rules and Regulations of the Oak Lodge Water and Sanitary Districts.

RESOLUTION 2016-5

A RESOLUTION OF THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS ADOPTING THE RULES AND REGULATIONS OF THE OAK LODGE WATER DISTRICT AND THE OAK LODGE SANITARY DISTRICT

WHEREAS, the voters of the Oak Lodge Water and Sanitary Districts approved the consolidation of the two Districts on May 17, 2016; and

WHEREAS, the Clackamas County Board of Commissioners unanimously approved the boundary of the Oak Lodge Water Services District on November 3, 2016; and

WHEREAS, the Oak Lodge Water District and the Oak Lodge Sanitary District each have their own set of Rules and Regulations that codify their operations and need to remain in existence after the consolidation occurs; and

WHEREAS, the consolidation will become effective on January 1, 2017 and the Districts will dissolve on December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED that effective January 1, 2017 the Oak Lodge Water Services Board will accept and adopt the Rules and Regulations of the Oak Lodge Water District and the Oak Lodge Sanitary District.

Duly adopted this 6th day of December, 2016.

By _____
Jim Martin, Chair

Attest this 6th day of December, 2016

Dan Bradley, General Manager

For Board Meeting of: December 6, 2016

Agenda Item: Number 6

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is to approve Resolution 2016-6; Adopting the Purchasing Rules for Oak Lodge Water Services.

Recommendation

It is recommended the Board adopt Resolution 2016-6.

Background

Both Oak Lodge Water and Oak Lodge Sanitary Districts have existing purchasing rules in place. The rules for each entity conformed with the Attorney General's Public Contracting Rules.

Facts and Findings

The proposed Purchasing Rules combine the two District's rules into a single document. The rules are modeled after the Attorney General's Public Contracting Rules. The proposed rules also set the limits for purchasing authority among staff in OLWS.

The Purchasing Rules once approved will be a living document in that the Oregon Revised Statutes contracting laws have tended to be amended in the Legislative process. As such the OLWS purchasing rules must be amended to conform with the Attorney General's revisions.

Suggested Motion

I move to adopt Resolution 2016-6; adopting the OLWS Purchasing Rules.

RESOLUTION 2016-6

A RESOLUTION OF THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS ADOPTING PURCHASING RULES FOR AOK LODGE WATER SERVICES

WHEREAS; Both Oak Lodge Water District and Oak Lodge Sanitary District have existing purchasing rules to provide guidance and ensure compliance with the Attorney General's Public Contracting requirements; and

WHEREAS. The proposed purchasing rules for Oak Lodge Water Services were developed combining the two rules of the Districts and were written to ensure compliance with the Attorney Generals Public Contracting Rules; and

WHEREAS, Oak Lodge Water Services will need purchasing rules to provide guidance and ensure compliance with Oregon Revised Statute requirements well into the future; and

WHEREAS, the Board's adoption of the Purchasing Rules establishes the requirements for staff to follow in public contracting and in general purchasing guidelines.

NOW, THEREFORE BE IT RESOLVED by the Oak Lodge Water Services Board of Directors that the District Purchasing Rules are hereby adopted.

Duly adopted this 6th day of December, 2016.

By _____

Jim Martin, Chair

Attest this 6th day of December, 2016

By _____

Dan Bradley, General Manager

OAK LODGE WATER SERVICES DISTRICT

PURCHASING RULES

November 14, 2016

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Oak Lodge Water Services District
Draft PUBLIC PURCHASING RULES AND PROCEDURES
December 6, 2016
Adopted _____
Revised _____

Overview

The Oak Lodge Water Services District General Manager is responsible for ensuring that their procurements follow the adopted Purchasing Rules, as well as the Oregon Statutes and Administrative Rules pertaining to purchasing by public agencies. In the event of a conflict or a resulting ambiguity between the District Purchasing and Contracting Rules and Oregon State Statutes and/or the Model Rules adopted by the Attorney General, as authorized by ORS 279A.065 the Board of Commissioners declare that the District Purchasing and Contracting Rules will prevail. Notwithstanding the previous statement, the District Board of Commissioners intends to maintain the maximum degree of control of public contracting afforded by Oregon law. If there is a situation in which strict adherence to the Oregon Administrative Rules provides the District Board of Commissioners greater discretion in award of a contract, the District Board of Commissioners may defer to said rules.

BASIS OF PURCHASING RULE

The Contract Review Board has adopted as its public contracting rules ORS 279, A, B and C and the Attorney General's Model Public Contracting Rules, OAR Chapter 137, Division 46 (General Provisions Related to Public Contracting), Division 47 (Public Procurements For Goods or Services), Division 48 (Consultant Selection: Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services), Division 49 (General Provisions Related to Public Contracts for Construction Services), subject to the exceptions provided in this document.

Federal Law Supremacy

Except as otherwise expressly provided in ORS 279C.870 and notwithstanding ORS Chapters 279A, 279B, and 279C.005-279C.670 applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of these rules, or require any conditions in Public Contracts not authorized by these rules.

Preference for Oregon Goods and Services

The District shall endeavor to utilize Oregon suppliers of materials and services whenever practical and feasible while seeking to obtain the lowest and best responsive and responsible bid, quotation, or proposal. When the District receives offers identical in price, fitness, availability, and quality, and chooses to award a Contract; the District shall award the Contract to the Offeror among those submitting identical offers that is offering Goods or Services or Personal Services that have been manufactured or produced in Oregon.

Reciprocal Preferences:

When evaluating Bids pursuant to Rules 137-047-0255, 0257 or 137-049-0390, the District shall add a percentage increase to the Bid of a Nonresident Bidder equal to the percentage, if any, of the preference that would be given to that Bidder in the state in which the Bidder resides. The District may rely on the list prepared and maintained by the State Department of Administrative Services pursuant to ORS 279A.120 (4) to determine both whether the Nonresident Bidders state gives preference to in-state bidders, and the amount of such preference.

Recyclable/Recycled Materials and Products

The District shall make every effort to prefer, specify, and purchase recyclable items and materials with recycled content in accordance with ORS 279A.125. Incentives for recycled materials shall be applied whenever economically feasible. In comparing goods from two or more Bidders or Proposers, if at least one Bidder or Proposer offers goods manufactured from recycled materials and at least one Bidder or Proposer does not, the District shall select the Bidder or Proposer offering goods manufactured from recycled materials, if each of the following conditions are met:

- The recycled product is available;
- The recycled product meets applicable standards;
- The recycled product can be substituted for a comparable non-recycled product; and
- The recycled product's costs do not exceed the costs of non-recycled products by more than five (5) percent or a higher percentage if a written determination is made by the District and set forth in the Solicitation document.

Contract Officer/Finance Director

A role of the Finance Director is to ensure and facilitate compliance with the Oregon Revised Statutes, Chapter 279, (Public Contracting Code), OAR Model Rule Division 46,47,48,49, and these District Purchasing Rules.

Minority, Women, and Emerging Small Business Opportunities (MWESB) Policy

The District shall pursue a policy of providing opportunities for available contracts to Minorities, Women, and Emerging Small Businesses. The District will cooperate with the State advocate for minority contractors, women contractors, and emerging small businesses to determine the best means to make contracting opportunities available. The District may in solicitation documents, require that some portion of the work to be performed, or some portion of the materials be provided by a state certified **MWESB** firm and establish other requirements authorized by ORS 279A.105.

Definitions

Generally, these rules use the definitions in OAR 137-046-0110 unless specifically stated otherwise in these rules, as follows.

AWARD means the selection of a person to provide goods, services or public improvements for a specified price or prices.

BID means a binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

BIDDER means a person that submits a bid in response to an invitation to bid.

FINANCE DIRECTOR means the District manager that directs all financial and administrative activities within the District.

CONTRACTING AGENCY means a public body authorized by law to conduct procurement.

CONTRACT REVIEW BOARD means the Board of Commissioners for Oak Lodge Water Services District.

DAYS mean calendar days.

DISTRICT means Oak Lodge Water Services District, a political subdivision of the State of Oregon.

EXEMPTIONS mean exemptions from the formal competitive selection procedures for public improvement contracts and personal service contracts for architects, engineers, land surveyors, and related services, as well as contracts and classes of contracts designated as "Special Procurements" under ORS 279B.085.

GENERAL MANAGER means the District Manager appointed by the Board of Commissioners responsible for operations and administration of the District.

PERSON means a natural person capable of being legally bound, a sole proprietorship, a corporation, a partnership, a limited liability company or partnership, a for profit or nonprofit unincorporated association, a business trust, two or more persons having a joint or common economic interest, any other person with legal capacity to contract or a public body.

PERSONAL SERVICES mean services described as follows:

- Services that call for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary. In addition to the general description of personal service contracts, the following classes of contracts are personal service contracts: Contracts for services performed as an independent contractor in a professional capacity, including but not limited to: the services of an accountant, attorney, architect, architectural or land use planning consultant, construction manager, information technology consultant, registered professional engineer, financial/investment, insurance Agent, underwriter, appraiser or surveyor, data processing consultant. The General Manager or his designee shall have the authority to determine whether a particular service is a "personal service" under this definition.

Personal Services contracts **do not include**:

- Contracts primarily for equipment, supplies or materials. For example, a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract.

PUBLIC IMPROVEMENT means projects for construction, reconstruction, or major renovation on real property by or for the District. "Public Improvements include emergency work, minor alteration, ordinary repair, maintenance necessary to preserve a public improvement.

PUBLIC CONTRACT means any purchase, lease, or sale by the District of personal property, public improvements, or services other than agreements, which are for personal and professional services.

PROPOSAL means a binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on evaluation of factors other than, or in addition to, price. A proposal may be made in response to a request for proposals or an informal solicitation.

QUOTE means a price offer made in response to an informal solicitation to provide goods, services or public improvements.

REQUEST FOR PROPOSAL (RFP) means the solicitation of written competitive proposals, or offers, to be used as a basis for acquiring, or entering a contract when specifications and price will not necessarily be predominant award criteria.

DELEGATION

Except as otherwise provided in these rules, the powers and duties of the Local Contract Review Board (LCRB) under the Purchasing Rules, must be exercised and performed by the District Board of Commissioners. The Board of Commissioners retains authority to order revisions, exceptions, and suspensions of these rules within the limitations of District Policy, and Oregon Revised Statute, and Administrative Rule.

Unless expressly limited by the Local Contract Review Board or these rules, all powers and duties given or assigned to contract agencies by the Purchasing Rules may be exercised or performed by the Board Chair or the General Manager, including the authority to enter emergency contracts pursuant to ORS 279B.080.

All public contracts estimated to cost \$50,000 or more in a calendar year must be approved by the Board of Commissioners.

All public contracts estimated to cost less than \$50,000 in a calendar year may be entered by the General Manager without Board approval. However, either the Board or the Board Chair or designee may enter emergency contracts regardless of dollar limits, subject to ORS 294.481.

The District Board of Commissioners must approve all grant applications prior to submission and the subsequent grant agreements.

The Board of Commissioners delegates authority to the Finance Director to sign agreements for maintenance (copiers, fax machines, computer systems, servers, security systems, vector control, landscape maintenance, janitorial service, etc.) that do not exceed \$5,000 annually.

SPECIAL PROCUREMENT, EXEMPTIONS, AND EXCEPTIONS

The Local Contract Review Board may exempt from competitive bidding certain contracts or classes of contracts for procurement of goods and services according to the procedures described in ORS 279B.085.

The Local Contract Review Board may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the Local Contract Review Board may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

Exceptions

The Public Contracting Rule does not apply to contracts or agreements between:

- The District and the Federal Government (ORS 279A.025)
- The District and the State Government
- The Oregon Health Science University
- A public university listed in ORS 352.002
- The Oregon State Bar
- An American Indian tribe, or an agency of an American Indian tribe
- Insurance and service contracts
- Grants
- Contracts for professional or expert witnesses
- Acquisition or disposal of real property
- Sole source expenditures when rates are set by law or ordinance (Public and Private Utilities)
- Textbooks
- Employee Benefit Plans: Contracts for employee benefits insurance where either the annual or aggregate premium exceeds \$5,000 must be let by formal competitive bidding or by one of the following procedures:
 1. Agent of Record: The District may appoint a licensed insurance agent (Agent of Record) to perform insurance services in connection with more than one insurance contract. Among the services to be provided is the securing of competitive proposals from insurance carriers for all coverages for which the agent of record is given responsibility are:
 - ♦ Public advertisement or notice shall be given in advance of selecting an Agent of Record in a general circulation newspaper, or a trade journal or publication of general circulation.
 - ♦ An appointment period shall not exceed three (3) years. Agents may serve more than one appointment period. Agents must qualify for appointment prior to each period as if each appointment period were the first
 - ♦ The District shall select the Agent of Record most likely to perform the most cost-effective services.
 2. Specific proposals for insurance contracts: The District may solicit proposals from licensed insurance agents for the purpose of acquiring specific insurance contracts subject to the following conditions - -
 - ♦ Public advertisement or notice shall be given in a general circulation newspaper or trade journal of general circulation
 - ♦ Inform known insurance agents in the competitive market area
- Contracts with qualified non-profit agencies providing employment opportunities for disabled individuals
- Agreements or contracts with other public agencies

Exemptions

The following public contracts shall be exempt or exceptions to the Purchasing Rules as allowed under ORS 279A.025 and or the District Local Contract Review Board. The Public Contracting Rules do not apply to:

- Gasoline, Diesel Fuel, Heating Oil, Lubricants, and Asphalt where the material is to be used for maintenance where practicable competitive quotes shall be obtained

- **Investment Contracts**
The District may without competitive bidding, contract for the purpose of the investment of public funds or the borrowing of funds by the District, when such investment is contracted pursuant to duly enacted statute, ordinance, or constitution [OAR 125-247-0288 (7)].
- **Personal Services not exceeding \$10,000**
If the estimated cost is greater than \$10,000, the District must use the applicable informal or formal selection procedure. Personal Services contracts are for consulting services of a professional nature. Contracts for trade related labor or labor that can be done by any competent worker, are not personal service contracts; rather they are labor and materials contracts. Eligible contractors must demonstrate and certify their status as Independent Contractors as defined in ORS 670.600.
- **Contracts for price regulated items**
- **Office copier and fax purchases and leases**
- **Advertising contracts including those intended for the purpose of giving public notice [OAR 125-247-0288 (4)].**
- **Equipment Repair and Overhaul**
The District may, without competitive bidding, contract for equipment repair or overhaul subject to the following conditions:
 - ♦ Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing, or;
 - ♦ Service or parts are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source.
- **Contracts for temporary services (other than personal services)**
- **Water Filtration Chemicals and Media**
- **Copyrighted Materials and Subscriptions**
- **Event Planning**
- **Board appointed consultants and retained professionals**
- **Water Treatment Chemicals, Supplies**
- **Emergency Procurements**
The District may, in its discretion, let public contracts without formal bidding if an emergency exists under the following conditions:
 - ♦ The emergency consists of circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services or threat to public safety, and requires prompt execution of the contract to remedy the condition

- ♦ The General Manager shall create a public record of the nature of the emergency and record the method the District used for the selection of a contractor
 - ♦ Encourage competition to the extent reasonable under the circumstances
 - ♦ Any contract awarded under this exemption shall be awarded within sixty (60) days following declaration of the emergency
- Contract amendments (including change orders, extra work, force orders) if the original contract was let by competitive bidding or alternate procurement process
 - Contracts for purchase or acquisition of data processing hardware or software if the contract amount does not exceed \$150,000 and reasonable efforts shall be made to solicit proposals from three or more vendors
 - Telecommunications Systems Contracts and Telecommunications Services Contracts, if the contract amount does not exceed \$150,000 and three quotes are obtained; and
 - Any public contracting specifically exempted from the code by another provision of law

The District may let public contracts and or purchases not to exceed \$150,000 for the purchase of goods, services, materials, and supplies without formal competitive bidding, if the District has determined that the awarding of the contract without formal competitive bidding will result in cost savings and the following conditions are complied with:

- The contract is for a single purchase and is not a component of any other purchase
- If the amount of the contract is less than \$10,000 the District will obtain three (3) or more oral or written quotes, if practicable. The District shall keep a written record of the source and amount of the quotes received.
- If the amount of the contract is \$10,000 but less than \$150,000 the District will obtain a minimum of three written quotes. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. The District shall keep a written record of the amount of the quotes received.
- If the contract is for a public improvement the Board shall hold a public hearing and adopt findings justifying the exemption. The findings must address the avoidance of favoritism in awarding contracts, and that public competition for contracts is not substantially diminished.
- Notification of the public hearing shall be published in a newspaper of general circulation and one trade journal or newspaper of statewide circulation a minimum of 14 days prior to the hearing. The notice shall state the purpose for the hearing is to take public comment on findings for the proposed exemption from competitive bidding.

The District may let public contracts and or purchases for trade related projects (i.e., construction, maintenance, repair, or similar labor and materials contracts) if the District has determined that the awarding of the contract without formal competitive bidding will result in cost savings and the following conditions are complied with:

- The contract is for a single project and is not a component of any other purchase.
- If the amount of the contract is less than \$10,000 the District will obtain three or more oral or written quotes, if practicable. The District shall keep a written record of the source and amount of the quotes received.
- If the amount of the contract is \$10,000 but less than \$150,000 the District will obtain a minimum of three written quotes. If three written quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. The District shall keep a written record of the source and amount of the quotes received.

SMALL PROCUREMENTS (UNDER \$10,000)

Public contracts under \$10,000 are not subject to competitive bidding requirements. The General Manager shall make a reasonable effort to obtain competitive quotes to ensure the best value for the District.

The District may amend a public contract awarded as a small procurement beyond the \$10,000 limit in accordance with OAR 137-047-0800.

INTERMEDIATE PROCUREMENTS

A contract for procurement of goods and services estimated to cost between \$10,000 and \$150,000 in a calendar year, or a public improvement that is estimated to cost between \$10,000 and \$150,000 in a calendar year, may be awarded according to the processes for intermediate procurements described in ORS 279B.070.

The District may amend a public contract awarded as an intermediate procurement beyond the stated limitations in accordance with OAR 137-047-0800, provided the cumulative amendments shall not increase the total contract price by more than 25% of the original contract price.

ELECTRONIC ADVERTISING

Pursuant to ORS 279C.360 and ORS 279B.055C(4c) , electronic advertisement of public contracts in lieu of newspaper publication is authorized when it is cost- effective to do so. The Board Chair or designee shall have the authority determine when electronic publication is appropriate and consistent with the District's public contracting policies [OAR 137-47-0270(3)].

EMERGENCY CONTRACTS

EMERGENCY shall be defined as follows: "Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition."

The General Manager shall have authority to determine when emergency conditions exist sufficient to

warrant an emergency contract.

The nature of the emergency and the method used for the selection of the contractor shall be documented.

Emergency contract may be awarded as follows:

- **Goods and Services**
Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and Paragraph 2, "Delegation" of these Rules.
- **Public Improvements**
The District hereby adopts OAR 137-049-0150 as its contacting rules for awarding a public improvement contract under emergency conditions.

SOLE SOURCE PROCUREMENTS

When necessary, the District's Local Contract Review Board may make a finding to allow the General Manager to enter into a sole source procurement per ORS 279B.075.

DISPOSAL OF SURPLUS PROPERTY

SURPLUS PROPERTY is defined as any personal property of the District that has been determined by the Board Chair as being of no value to the District.

The General Manager may dispose or surplus property as follows:

- For surplus property deemed to have an estimated salvage value of \$50,000 or less, the General Manager may authorize the property to be sold, donated or to be destroyed.
- For surplus property deemed to have an estimated salvage value of more than \$50,000, the Board of Commissioners may authorize the General Manager to dispose of the property in any appropriate manner.

Surplus property may be disposed of in the manner that is most advantageous to the District or the community at large, including, but not limited to, the following:

- **Public Auction:** Auctions must be sufficiently advertised in the manner that is most likely to obtain a competitive bidding pool for the property. Employees of the District may purchase surplus property from the District only at an advertised auction, and only if the employee submits the highest bid for such property.
- **Donations:** Surplus property may be donated or sold to any non- profit organization, any other local government, or any state or federal program created to dispose of surplus property.
- **Disposal:** Surplus property determined to be of insufficient value to merit auction or donation may be disposed of in any appropriate manner.

PURCHASES FROM FEDERAL CATALOGS

Subject to applicable Board approval requirements stated in the District's Purchasing Rules, the District may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the Local Contract Review Board that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.

GOODS AND NON-PERSONAL SERVICES

Purpose

The purpose of this policy is to establish guidelines regarding the purchasing of goods and non-personal services, governed by State statute, primarily ORS 279A and 279B, as modified and adopted by the Board of Commissioners, Oak Lodge Water Services District.

Policy

Oak Lodge Water Services District is subject to the Model Rules adopted by the Attorney General under ORS 279A, 279B, and 279C, which includes Divisions 46, 47, 48, and 49 in the Attorney General's Public Contracts Manual for contracting activities. Division 47 is applicable to public procurement of goods and services contracts specifically.

1. **Competitive Quotes**
 - a. **Small Procurements**

When the actual amount of the contract does not exceed \$10,000 the District is exempt from competitive procurement, pursuant to ORS 279B.065: however, the District shall, when practical, obtain competitive quotes; less than \$500, quotes are not necessary.
 - b. **Intermediate Procurements**

When the actual amount of the contract is more than \$5,000, but not more than \$150,000, the District shall, at a minimum, obtain three (3) complete quotes based on written specifications. A written record of the sources of the quotes or proposals received shall be kept. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.
2. **Competitive Bids**

When the actual contract amount exceeds \$150,000, the District shall proceed with a formal competitive bidding procedure, which includes budget authority, developing specifications, advertising, formal bid opening, bid analysis and bid award to the lowest responsible bidder
3. **Special Procurements**

The District's Board of Commissioners, acting as the Local Contract Review Board may exempt certain contracts or classes of contract for procurement of goods and services from competitive bidding requirements.
4. **Purchasing Through Government Agency Contracts (Cooperative Procurements ORS 279A.205)**

Whenever feasible, the District may purchase from contracts available through governmental agencies, which includes, but is not limited to State, City, County, and Special Districts. Contracts between agencies utilizing an existing solicitation or current requirement require that:

- a. The original contract meets competitive procurement requirements;
- b. The original contract identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and
- c. No material change is made in the terms, conditions or prices of the contract from the original contract.

Procedures

1. Obtaining Competitive Quotes (for contracts under \$150,000)
 - a. Budget Authority: The item or contract contemplated for purchase must be funded in the current adopted budget (including transfers and supplemental budget adoptions).
 - b. Specifications: Specifications must be developed and reflect all necessary attributes desired in the item being requested. It is important that specifications be written so as not to expressly or implicitly require any product of any particular manufacturer or seller.
 - c. Public Notice: All rules related to public notice must be followed, and the bid must be advertised in a publication of general circulation.
 - d. Obtaining Quotes: Quotes may be obtained by phone calls, mail, e-mail or faxing **written specifications** to specific vendors or by advertising that quotes are being sought. The objective of obtaining quotes is to obtain the desired product at the lowest cost to the District without incurring the cost and time involved in the competitive bid process. The method of obtaining quotes is therefore determined by the situation. Whichever method of obtaining is selected, all efforts should be made to obtain a sufficient number of quotes, three to five in most cases, to encourage competition among vendors and to secure the lowest price for the District.
 - e. Documentation: All quotes must be clearly documented on the Request for Quote Worksheet. The rationale for the method of obtaining quotes must also be clearly explained in writing. If at least three quotes cannot be obtained, the effort to obtain the quotes must be included in the documentation.
 - f. Bid Closing: A deadline for submission of bids will be set at least seven days after public notice has been given.
 - g. Bid Opening: The bid opening will take place immediately after the deadline for submission of bids. The objective of the bid opening is to document the bids of each vendor and to determine the apparent low bidder who is responsive and responsible.
 - h. Bid Analysis: The manager requesting the purchase is responsible for evaluating the submitted bids in order to recommend the award of a contract to the Board of Commissioners.
 - i. Bid Award: When the contract amount exceeds \$50,000, only the Board of Commissioners has the authority to award a contract for goods or services.
 - j. Notice of Intent: At least seven (7) days before the award of a public contract for goods or services, the District shall post or provide to each bidder notice of the District's intent to award a contract.

**Goods and Non-Personal Services
Procedures**

> <	\$500 and \$10,000	Three (3) Informally Solicited Quotes, Direct selection or credit card
>	\$10,000 up to \$150,000	Formally Solicited Quotes <ul style="list-style-type: none"> • Written specifications required for quotes • Attempt to obtain at least three (3) quotes • Document attempts and quotes • Board Approval when over \$50,000
>	\$150,000	Competitive Bidding Required <ul style="list-style-type: none"> • Board Approval Needed Advertising required in a publication of General circulation, a statewide trade newspaper or electronically if over \$150,000 in accordance with OAR 137-047-0300.

PERSONAL SERVICE CONTRACTS

For non-state agencies (such as special districts), “personal services” are whatever the governing body decides they will be, by rule or legislative act. [See ORS 279A.055.] ORS 279A.070 permits a local contracting agency to adopt rules governing personal services contracts, and requires them to create procedures for screening and selection. Typical examples of personal services contracts are those with accountants, attorneys, consultants, physicians, artists, architects, engineers, land surveying and related services (procured under ORS 279C.105 or 279C.110).

Purpose

The purpose of this policy is to establish guidelines for authorization regarding personal services contracts, governed by State statutes, primarily ORS 279A and 279C, as modified and adopted by the Board of Commissioners.

Policy

The District is subject to the Model Rules adopted by the Attorney General under ORS 279A, 279B, and 279C, which includes Division 46, 47, 48 and 49 in the Attorney General’s Public Model Rules for contracting activities. Division 46 and 47 are applicable to Personal Services contracts, while Division 48 rules are limited to professional services to be performed by a licensed Architect or a Registered Professional Engineer (A&E). The following policy governs all personal services contracts; subset apply only to A&E Contracts, and are identified as such.

Personal service contracts do not require a competitive bidding process. When screening or selecting a personal service contractor, the District will consider qualifications, performance history, expertise, knowledge and creativity, and the ability to exercise sound judgment. The selection is based primarily on these factors rather than price.

Contracts for Personal Services under \$25,000

Except as provided in Paragraph D, below, non-exempt personal services contracts, including contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, for a contract amount of less than \$25,000 may be awarded from proposals that are solicited informally, either orally or in writing. If it is practicable, proposals shall be solicited from a sufficient number of qualified prospective proposers to ensure that no fewer than three (3) qualified proposers submit proposals. If fewer than three (3) qualified proposers submit proposals, the efforts made to solicit proposals shall be documented in the District's files. The selection may be based on criteria including but not limited to, each proposer's:

- Particular capability to perform the services required;
- Experienced staff available to perform the services required, including
 - ♦ Each proposer's recent, current, and projected workloads;
 - ♦ Performance history;
 - ♦ Approach and philosophy used in providing services;
 - ♦ Fees or costs; and
 - ♦ Geographic proximity to the project or the area where the services are to be performed.

Price may be considered, but not be the determining factor. Proposals may also be solicited using a written request for proposal, at the District's discretion.

Contracts for Personal Services of \$25,000 and over

Except as provided in Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services below, non-exempt personal services contracts, for a contract amount of \$25,000 or greater, shall be awarded according to the procedures described in ORS 279B.060 and OAR 137-047-0260.

Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services

Contracts for Architectural, Engineering and Surveying Services, and Related Services, shall be awarded in accordance with the procedures described in ORS 279C.110 and OAR 137-048.

Exempt Personal Services Contracts

Personal Services contracts existing on the effective date of these Rules are exempt and hereby extended by direct appointment. Contracts for accounting, legal, underwriting, and investments, financial and insurance advising services are exempt. Personal Services contracts for less than \$5,000 are exempt from this rule.

Selection Process for Personal Service Contracts other than A&E

1. Informal Selection Process (under \$25,000)

When the estimated cost of Consultant Services is not expected to exceed to exceed \$25,000, proposals may be awarded that are solicited informally, either orally or in writing. If it is practicable, proposals shall be solicited from a sufficient number of qualified prospective proposers to ensure that no fewer than three qualified proposers submit proposals. If fewer than three qualified

proposers submit proposals, the efforts made to solicit proposals shall be documented in the District's files. The selection may be based on criteria including, but not limited to, each proposer:

- a. Particular capability to perform the services required;
- b. Experienced staff available to perform the services required, including each proposer's recent, current, and projected workloads;
- c. Performance history;
- d. Approach and philosophy used in providing services;
- e. Fees or costs; and
- f. Geographic proximity to the project or the area where the services are to be performed.

Price may be considered, but need not be the determining factor. Proposals may also be solicited using a written request for proposal, at the District's discretion.

2. **Formal Selection Process (over \$25,000)**

The formal procedure shall be used whenever the estimated cost of Consultant exceeds \$25,000. Consultation Services may be obtained using the formal selection procedure set forth in OAR 137-047-0255 or 137-047-0260.

Architect, Engineer, and related Services are a special class of Personal Services Contracts, which are defined by ORS 279C.100 and are subject to special provisions of these rules.

Selection Process for A&E Consultants

1. **Direct Appointment Process (Under \$10,000)**

2. **Informal Selection Process (Under \$25,000)**

When the estimated cost of Consultant Services is not expected to exceed \$25,000, the informal selection procedure set forth in OAR 137-048-0210; shall be used.

3. **Formal Selecting Process (Over \$25,000)**

The formal procedure shall be used whenever the estimated cost of Consultant Services exceeds \$25,000, using the formal selection procedure set forth in OAR 137-048-0220.

Procedures

The following procedures must be used for solicitation of A&E contracts:

Competitive Procurement

1. **Direct Appointment Process**

A&E Consultation Services may be appointed directly without completing the competitive procurement process if the contract is under \$10,000. The appointment can include, but not be limited to: District's current list of consultants (OAR 137-048-0120); or another public contracting agency's current list of consultants, pursuant to an interagency or intergovernmental agreement.

2. **Informal Selection Process**

When the estimated cost is equal to or less than \$25,000 the following informal selection process should be used:

- **Written Solicitation:** Solicitations inviting written proposals shall be sent to a minimum of five (5) prospective A&E Consultants to include at least:
 - ♦ Description of project;

- ♦ Anticipated contract performance schedule;
 - ♦ Conditions or limitations;
 - ♦ Date and time proposals are due;
 - ♦ Criteria upon qualified consultant will be selected;
 - ♦ Statement that proposers are responding at their own expense; and
 - ♦ Statement directing proposers to protest procedures set forth in Division 48 of the State Model Rules.
- Review Proposals: All proposals shall be reviewed and the three most qualified consultants selected and ranked.
 - Competitive Informal Selection: The informal selection procedure shall be competitive to the maximum extent practicable and the selection and ranking based on criteria which include, but not limited to consultant's capacity to perform; number of experienced staff; performance history; project approach and design philosophy; compensation information; geographic proximity to the project.
 - Negotiate Scope of Services: The District shall discuss and refine the scope of services for the project and shall negotiate conditions, including but not limited to a compensation and performance schedule with the highest ranked consultant.

Note: If the scope of a project is revised during negotiations and the estimated cost of the consultant's services exceeds \$150,000, then the informal process will be terminated and the services of a qualified consultant shall be solicited using the formal selection process below.

3. Formal Selection Process

This formal procedure shall be used whenever the estimated cost of A&E consultant services exceeds \$25,000.

- Request for Qualifications (RFQ): Used to develop a short list of at least three (3) qualified Consultants. Must be followed by a Request for Proposal.
- Request for Proposal (RFP): Whether or not preceded by an RFQ, the RFP shall describe or contain project description, evaluation process, whether interviews are anticipated, closing date and time, reservation to reject any or all proposals, contract requirements, and a sample contract.
 - a. Procuring Managers shall create a Request for Proposals (RFP) to include at a minimum:
 - ⇒ Background information and project description; (ii) Evaluation Criteria for Selection;
 - ⇒ Conditions or Limitations;
 - ⇒ Whether interviews are possible;
 - ⇒ Proposal Due Date;
 - ⇒ Reservation of the right to: seek clarification, negotiate, and reject any and all proposals;
 - ⇒ Statement that Proposers responding at own expense; (viii) Protest Procedures;
 - ⇒ Special Contract Requirements;
 - ⇒ Statement of whether a pre-Proposal meeting will be held; and
 - ⇒ Sample Contract

- b. District shall advertise each RFP at least once in the publication of general circulation, such as the Daily Journal of Commerce, no fewer than fourteen (14) calendar days before the closing date of the RFP.
 - ⇒ Pre-Proposal Meeting: May be held for all interested consultants to discuss the proposed project and the required consultant services.
 - ⇒ RFP Analysis: Consultant selection committee shall review, score and rank all responsive proposals according to the criteria included in the RFP.
 - ⇒ Contract Negotiations: Contract negotiations with the highest ranked consultant shall be directed toward obtaining written agreement.
 - ⇒ Contract Award: Only the Board of Commissioners has the authority to award a contract for services.

4. Solicitation Requirements

All formal solicitations require an RFP or RFQ, and must be in writing and advertised at least once in the publication of general circulation, such as the Daily Journal of Commerce, no fewer than fourteen (14) calendar days before the closing date of the RFP or RFQ. Upon completion of contractor selection and competitive procurement procedures, refer to Purchasing Authority Policy

5. Consultant Lists

OAR 137-048-0120 requires the District to maintain a list of consultants who are interested in providing A&E or related services. Consultants may annually submit a statement describing their qualifications and related performance information. The District must update the list every two (2) years.

The District shall keep a record of all A&E and related services contracts covering the preceding 10-year period. Records can include information regarding each consultant's performance under the contract. OAR 137-048-0120(2&3). These records are public records subject to disclosure under the public records law.

PUBLIC IMPROVEMENT PROJECTS POLICY

Purpose

The purpose of this policy is to establish guidelines regarding contracting for public improvement projects, governed by State statute, primarily ORS 279A and 279C, as modified and adopted by the District Board of Commissioners. Policies and procedures regarding architectural and engineering services are addressed in personal services contracts.

Policy

Oak Lodge Water Services District is subject to the Model Rules adopted by the Attorney general under ORS 279A, 279B, and 279C, which includes Divisions 46, 47, 48, and 49 in the Attorney General's Public Contracts Manual for contracting activities. Division 49 applies to public improvement projects specifically. The following policy governs public improvement contracts.

PUBLIC IMPROVEMENT refers to the construction, reconstruction, major renovation, or painting carried on or contracted by a public agency.

Competitive Quotes

1. **Small Procurements:** When the actual amount of the public improvement contract does not exceed \$10,000 the District is exempt from competitive bidding, pursuant to ORS 279B.065; however, the District shall, when practical, obtain competitive quotes.
2. **Intermediate Procurements:** When the actual amount of the public improvement contract is more than \$10,000, but not more than \$100,000, the District shall, at a minimum, obtain three (3) competitive quotes from written specifications. A written record of the sources of the quotes or proposals received shall be kept. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

Competitive Bids

When the actual contract amount exceeds \$100,000, the District shall proceed with a formal competitive bidding procedure, which includes budget authority, developing specifications, advertising, formal bid opening, bid analysis and bid award to the lowest responsive, responsible bidder.

Public Improvement Requirements

1. **Requirement for Bid Security (Optional for Proposals).** Unless the district has otherwise exempted a solicitation or class of solicitations from Bid security pursuant to ORS 279C.390, the Contracting Agency shall require Bid security for its solicitation of Bids for Public Improvements. This requirement applies only to Public Improvement Contracts with a value, estimated by the Contracting Agency, of more than \$100,000 or, in the case of Contracts for highways, bridges and other transportation projects, more than \$50,000. See ORS 279C.365(6).. Contracting Agencies may also require Proposal security in RFPs. See ORS 279C.400(5). See OAR 137-049-0290
2. **Performance and Payment Bonds:** Public Improvement Contracts require the Contractor to execute and deliver to the agency a Performance and Payment Bond in a sum equal to the Contract Price, unless waived under ORS 279C.380(4), or exempt from the required performance bond pursuant to ORS 279C.390.
3. **Prevailing Wages:** Public Improvement Contracts in excess of \$50,000 require that the hourly rate of a wage paid by the contractor or subcontractor to a worker shall not be less than the prevailing rate of a wage for an hour's work in the same trade or occupation in the locality where the labor is performed.
4. **First-Tier Subcontractor Disclosure -** Public improvements with a contract value of more than \$100,000, require that a bidder shall submit a disclosure of any first-tier subcontractors that will be furnishing labor or materials in connection with the public improvement (ORS 279C.370), within two working hours of the date and time of the deadline when bids are due.

Special Procurements

The Board of Commissioners, acting as the Local Contract Review Board, may exempt certain public improvement contracts from competitive bidding requirements.

Procedures

1. **Obtaining Competitive Quotes (For contracts under \$100,000)**

- a. **Budget Authority**
The project must be funded in the current adopted budget (including transfers and supplemental budget adoptions).
 - b. **Specifications**
Specifications must be developed and reflect all necessary attributes desired in the item being requested. It is important that specifications be written so as not to expressly or implicitly require any product of any particular manufacturer or seller.
 - c. **Obtaining Quotes**
Quotes may be obtained by phone calls, mail, and e-mail or faxing written specifications to specific vendors or by advertising that quotes are being sought. The objective of obtaining quotes is to obtain the desired product at the lowest cost to the District without incurring the cost and time involved in the competitive bid process. The method of obtaining quotes is therefore determined by the situation. Whichever method of obtaining quotes is selected, all efforts should be made to obtain a sufficient number of quotes, three to five in most cases, to encourage competition among vendors and to secure the lowest price for the District.
 - d. **Documentation**
All quotes must be clearly documented on the Request for Quote Worksheet. The rationale for the method of obtaining quotes must also be clearly explained in writing. If at least three quotes cannot be obtained, the effort to obtain the quotes must be included in the documentation.
 - e. **Award**
Once a sufficient number of quotes have been obtained, the purchase may be awarded to the vendor with the lowest price quote, provided that the quote is responsible to the purchase specifications.
2. **Obtaining Competitive Bids (For Contracts over \$100,000)**
 - a. **Budget Authority**
The contract project must be funded in the current adopted budget.
 - b. **Specifications**
Specifications must be developed and should reflect all necessary attributes desired in the item being requested. It is important that specifications be written so as not to preclude any name brands or manufacturers of similar or competing products.
 - c. **Advertising**
All rules related to advertising must be followed, and the bid must be advertised in the Journal of Commerce.
 - d. **Bid Closing & First Tier Subcontractor Disclosure**
The deadline for submission of bids will be set at 2:00 pm on Tuesday, Wednesday, or Thursday. Within two (2) working hours of the Bid Closing for a Public Improvement Contract greater than \$100,000, all bidders shall submit a disclosure form, identifying any first-tier subcontractors that will be furnishing labor or materials on the Contract.
 - e. **Bid Opening**
The bid opening will take place immediately after the deadline for submission of bids. The

objective of the bid opening is to document the bids of each vendor and to determine the responsible and responsive apparent low bidder (ORS 279C.375 (3)).

f. Bid Analysis

The manager requesting the purchase is responsible for evaluating the submitted bids in order to recommend the award of a contract to the Board of Commissioners.

g. Bid Award

In the competitive bidding process, only the Board of Commissioners has the authority to award a contract for services.

h. Notice of Intent

At least seven (7) days before the award of a public improvement contract, the District shall post or provide to each bidder notice of the District’s intent to award a contract. The notice and the manner in which the notice is posted or issued must conform to rules adopted under ORS 279A.065.

**Public Improvement Projects
Selection Procedures**

Budget Authority	Develop Written Specifications	Board Approval to Advertise
		Advertise*
Less than \$10,000	Less than \$100,000	Greater than \$100,000
Yes	Yes	Bid Opening**
Obtain Quotes Where Practical	Obtain Quotes	Bid Analysis
Award	Documentation of Quotes	7-Day Notice of Intent to Award
	Award	Board Approval to Award

* Note A: Must advertise in a publication of statewide circulation if over \$100,000.

**Note B: Public improvement contracts with a contract value of more than \$100,000 require that a bidder shall submit a disclosure form of any first-tier subcontractor that will be furnishing labor or materials in connection with a public improvement, within two hours of the date and time of the deadline when bids are due.

CAPITAL PURCHASING, CHANGE ORDERS, PROGRESS PAYMENTS

The Oak Lodge Water Services District Board of Commissioners will approve all capital purchases and Public Improvement contracts exceeding \$50,000. Change Orders less than \$10,000 may be signed by the General Manager. Change Orders greater than \$10,000 and less than \$25,000 must be co-signed by the Board Chair. When change orders cumulatively total 25% of the original contract price; the Board must approve any further change orders. Any single Change Order equal to or greater than \$25,000 must be approved by the Board of Commissioners. Progress Payments on construction contracts previously authorized by the Board of Commissioners must be signed by the General Manager, and reported at the next Board meeting.

AUTHORIZATION TO APPLY FOR OR ENTER INTO AGREEMENTS, CONTRACTS, CONTRACT AMENDMENTS, ISSUE BIDS, ISSUE REQUESTS FOR PROPOSALS

The Board of Commissioners has the sole authority to apply for grants, enter into grant agreements, issue formal invitations to bid, issue formal Requests for Proposals, and enter into Contracts, or Contract Amendments greater than \$25,000 unless delegated by the Board to the General Manager.

PUBLIC NOTICE

As stated in ORS 279B.055 (4) (b) every formal solicitation must be advertised. OAR 137-047-0300 describes the public notice requirement. The Notice must be published at least once in a local paper of general circulation in the area where the contract is to be performed.

Every advertisement must be posted at the business office of the District.

Public Improvement projects notice of solicitation must be placed in a trade journal of general circulation when the estimated cost is greater than \$100,000 (ORS 279C.360). The District will use the services of the Daily Journal of Commerce and/or the Pamplin Publishing Group for notices of Public Improvement Projects.

SOLICITATION GUIDELINES

The requesting supervisor will have staff prepare an Invitation to Bid (ITB), a Request for Proposal (RFP), or a Request for Quotes (RFQ). These documents will contain specifications, desired delivery date, quantities and other relevant information. This document will be forwarded to the Finance Director along with a completed Agenda Report for review. The Board of Commissioners will consider all solicitations greater than \$50,000.

Bids must be let in a manner prescribed by State Statute, which states in part: advertisement for bids shall be published at least once in at least one newspaper of general circulation in the area where the contract is to be performed (ORS 279B.055 (4) (b)). The Advertisement must state the date after which bids will not be received (not less than five (5) days after date of the last publication of advertisement), the nature of the bids, and where specifications can be obtained. There are additional advertising requirements for many types of bids; the Finance Director shall advertise and issue the solicitation document. Questions pertaining to the solicitation will be directed to the Finance Director or his/her designee.

Bids/Proposals shall be received by the Finance Director and stamped with the date and time of receipt. All bids/proposals shall be securely stored by the Finance Director until the time fixed for opening. All bids/proposals shall be opened publicly and read aloud at the time and place stated in the ITB/RFP. Contractors must submit First Tier Subcontractor Disclosure Forms if the contract specifications require them with the Bid or within 2 hours after the bid closing date and time. The ITB/RFP will be forwarded to the requesting supervisor for Bid/Award recommendation. Following the award of the bid, the Finance Director will have an appropriate contract prepared.

Bid security or surety bond in the amount of ten (10%) percent of the bid may be required for public improvement contracts expected to exceed \$50,000 (\$100,000 Highways, Bridges) unless specifically exempted by the Board of Commissioners [ORS 27C.365 (5) (6)].

The Board of Commissioners must accept the bid that meets the District's needs based on all applicable standards, specifications, and requirements, or reject all bids and re-advertise.

Bonds Required:

- **Performance Bond:** A performance bond pursuant to ORS 279C.380, in the amount equal to the full contract price to ensure faithful performance will be required of the successful bidder when required by the District, and shall be required for all public improvement contracts exceeding \$50,000 (\$100, 000 Highways, Bridges).
- **Payment Bond:** A payment bond in an amount equal to the full contract price is also required to ensure that contractors pay for all goods and services supplied to them for the contract.

The prepared contract will be reviewed and approved by the General Manager, and the successful bidder shall sign the contract. The signed contract will be returned to the Finance Director for review along with all necessary attachments, including required certificates of insurance. The contract will then be given to the District Counsel for approval as to form, and legal sufficiency. The General Manager will present the contract to the Board of Commissioners for action.

Contracts initiated by other entities, such as Intergovernmental Agreements, and Grant Agreements generally involve direct negotiations with the Board of Commissioners, and the General Manager. Proposed contracts and agreements shall be forwarded to the Finance Director for initial review, comments, and recommendations. When completed the final contract shall be forwarded to the District Counsel with all necessary attachments for approval as to form and legal sufficiency. The General Manager will then place the contract on the Board of Commissioners Agenda for consideration.

The Finance Director shall maintain all records of bids, quotes, and proposals received as a result of procurement activity. Records shall include solicitation document, notification lists, motion approving bid, any addenda, affidavit of publication, records of bids, quotes, and proposals received as a result of procurement activity, justification for rejection of any higher scoring proposals or for rejecting lowest bid, the completed evaluation forms, correspondence and resulting contract (OAR 137-030-0125). Contract originals shall be filed along with Board records. Copies of all active contracts shall be maintained by the Finance Director, and the initiating supervisor. Bid documents for public improvements must be maintained for ten (10) years, all others for six (6) years. Bid documents for procurements involving federal or grant funds shall be maintained for the time period required in the Grant Agreement. The signature page of every contract whether initiated by the District or the Contractor, shall be identified with the name of the contractor, nature of the contract, and term of the contract.

TYPES OF CONTRACTS

Resulting from an ITB (formal process) or a RFQ (informal process);

- Bonds: Bid, Public Works, Performance, and a Payment Bond are required for Public Improvement contracts if over \$100,000 (\$50,000 if transportation, highway or bridge works)
- Bid Bond is returned after contract is fully executed (OAR 137-049-0290)
- Performance Bond Requirements; see (ORS 279C.380)
- Contractor registration (ORS Chapter 701)
- Public Works Bond posted with the Oregon Contractor Review Board (CRB) (ORS 279C.836)
- Hours of Labor (ORS 279C.540)
- Employee Drug Testing Certification [ORS279C.505 (2)]
- First Tier subcontractor reporting [ORS279C.370 (2)]
- Responsible Bidder Form (ORS 279C.375)
- Address Provisions concerning environmental and natural resources law (ORS 279C.525)
- Inclusion of amount for solar energy technology (ORS 279C.527)
- State Department of Energy requirements (ORS 279C.528)
- Public Improvement or Public Works contracts exceeding \$50,000:
 - ⇒ Prevailing Wage provisions (ORS279C.800-279C.870); when applicable;
 - ⇒ File form WH-81 with BOLI and send copy to contractor (ORS279C.835)
 - ⇒ Fee paid to BOLI by District (ORS 279C.825)

Request for Proposal (RFP)

Request for proposals are generally used when the awarding of a contract is not to be based exclusively on the lowest responsive, and responsible bid; but rather on the nature, and quality of service to be provided, as well as factors such as the expertise and experience of respondents to the RFP.

The District may at its discretion, use request-for-proposal competitive procurement methods pursuant to OAR 137-047-0260 or Multi-tiered and Multi-Step Proposals pursuant to OAR 137-047-0263 subject to the following conditions.

1. Minimum contractual requirements are stated clearly in the solicitation document (or attach a sample contract).
2. Evaluation criteria to be applied in awarding the contract and the role of an evaluation committee are stated clearly in the solicitation document.
3. Criteria used to identify the proposal that best meets the District's needs may include but are not limited to cost, quality, service, compatibility, product reliability, operating efficiency, expansion potential, proposer qualifications, and experience.
4. Solicitation document clearly states all complaint processes and remedies available.
5. Solicitation document states the provisions made for vendors to comment on or protest the solicitation, any addenda, exclusion from competitive range or any subsequent phases or multi-tiered or multi-step sealed proposals and/or award of contract.
6. All RFP's shall include a statement of residency status, certification of compliance with the Oregon tax laws and certificate of non-discrimination; and for public improvement project only, a statement of written drug testing policy.

The initiating employee will forward a draft RFP to the Finance Director for review. If acceptable, the General Manager will place the proposed RFP on the next available Board Agenda. Once approved by the Board (if required) the Finance Manager will advertise and issue the RFP. RFP advertisement must

be published at least once in a newspaper with general circulation in the area of the contract. The last published date being no later than ten (10) days prior to opening of proposals. The proposals will be received and securely maintained, unopened, by the Finance Director and/or District Engineer until the closing date. The proposals will be publicly opened and the name of each proposer read aloud at the time and date specified in the RFP. The Finance Manager will retain one original of each proposal. The proposals will then be forwarded to the supervisor and General Manager for consideration. A review committee may be established to score the proposals according to the criteria described in the RFP.

Proposal Evaluations

The District may establish a review committee of three (3) or more individuals who are familiar with the District and the project requirements. Members of the review committee must sign a statement agreeing to confidentiality, and that they have no conflict of interest in the outcome of the award of the contract. Reviewers should include members who are not District employees, who are professionals or experts in the area of the RFP, or who are representative of the District Community. Reviewers will receive a copy of the RFP, and score the proposals separately or together in a review committee meeting. Each reviewer scores the proposals individually, and records the score on a separate score sheet. Scoring must match the evaluation criteria and procedure set in the RFP. All scoring worksheets become public records and kept with the RFP and contract documents.

The General Manager will then select the proposal based on a staff evaluation or the evaluation of a review committee. The General Manager will then request approval from the Board of Commissioners (if required by size of contract).

After the District accepts the proposal, and the intent to award contract "notices" are mailed to all proposers; the proposals are all available for public review. The proposer next in line for award may file a protest within seven (7) calendar days of the "notice of intent" to award the contract pursuant to OAR 137-047-0740. Contract negotiations may begin with the highest ranked proposer but must be accomplished as described in the RFP unless otherwise stated in the RFP the District may only negotiate the statement of work and the contract price. The contract may be signed after completion of the protest period, if no protests are received

Invitation to Bid (ITB)

An invitation to bid is used when selection will be based primarily on cost. Evaluation criteria can be established in the Invitation to Bid documents such as: conversion costs, transportation costs, volume weighting, trade-in allowances, cash discounts, depreciation allowances, cartage penalties, ownership or life-cycle cost formulas, performance history on other contracts, experience of key personnel, financial wherewithal, sources of supply, references and warranty provisions etc. The evaluation criteria must be stated in the ITB. A written justification must be placed in the contract file if other than the lowest bidder is selected. All ITB's must include a statement of residency status, certification of compliance with Oregon Tax laws, certificate of Non-Discrimination, and for public improvement projects, a statement of written drug-testing policy.

Awarding a Bid (ORS 279B.055 (6) or Proposal OAR 279B.060 (6), the General Manager or designee shall evaluate an offer ONLY AS SET FORTH IN THE SOLICITATION DOCUMENT and in accordance with applicable law. The General Manager or designee shall not evaluate an offer using any other requirements or criterion. The General Manager or designee may reject an offer or reject all offers that do not meet the specifications as described in the solicitation document. The General Manager or

designee may not negotiate scope of work or other terms or conditions under an Invitation to Bid process. (OAR 137-047-0600 (3)).

PROTESTS OF AWARD

A. Adversely affected or aggrieved bidders or proposers must exhaust all avenues of administrative review and relief before seeking judicial review of any decision by the District under the Public Contracting Code or these rules.

B. Notice of Award. The written notice of award of the contract shall constitute a final decision by the District to award the contract if no written protest of the notice of award is filed with the District within seven (7) calendar days of the notice of award or such other period as provided in the District's solicitation. If a protest is timely filed, the notice of award is a final decision of the District upon issuance of a written decision denying the protest and affirming the award. The notice of award and any written decision on a protest shall be sent to every bidder or proposer who provided an address.

C. Right to Protest. Any actual bidder or proposer who is adversely affected or aggrieved by the District's notice of award of the contract to another bidder or proposer on the same solicitation shall have seven (7) calendar days after notice of award to submit to the District a written protest of the notice of award or such other time as provided in the solicitation documents. The written protest shall specify the grounds upon which the protest is based. In order to be adversely affected or aggrieved, a bidder or proposer must itself be eligible for award of the contract as the lowest responsible bidder or best proposer and must be next in line for award, i.e. all low bidders or better proposers are ineligible for award because they are non-responsive or non-responsible and the written protest must so claim. The District shall not entertain a protest submitted after the time period established in this rule or such different period as may be provided in the District's solicitation.

D. Authority to Resolve Protests. The General Manager or designee shall have the authority to settle or resolve a written protest submitted under section C of this rule.

E. Decision. If the protest is not settled or resolved by mutual agreement, the General Manager, or designee, shall promptly issue a written opinion on the protest. If the opinion denies the protest, judicial review of this decision will be available if provided for by statute. If the General Manager or designee determines that there is good cause for the protest, the matter shall be submitted to the Local Contract Review Board for further action. The decision of the Board on a protest shall be final. Both the protestor and the person to whom the contract was awarded shall have the right to present arguments to the Board.

PROTESTS OTHER THAN NOTICE OF AWARD

A. A protest may be filed to contest the adoption or amendment of these rules, adoption of a class of contract specific exemption, solicitation documents (including specifications and contract terms), or the process used in the solicitation. The protest must be filed with the General Manager within seven (7) days of the adoption or amendment of rules or exemptions, the publication of solicitation documents, or other action being protested. Grounds for protest are limited to:

1. That the District acted contrary to law;
2. That the District's actions unnecessarily restrict competition; or
3. That the District has improperly specified a brand name;

- B. The protest must include:
1. Sufficient information to identify the solicitation;
 2. The grounds of the protest;
 3. Evidence or supporting information; and
 4. The relief sought.
- C. The General Manager shall if possible, issue a written decision on the protest under this section at least three days before any bid or proposal opening that could be affected by the protest.
- D. A bidder or proposer who does not protest a proposed contract term included in the solicitation documents must accept the contract term as included in the solicitation documents.
- E. If protest of a solicitation is timely received, the opening date may be extended if necessary to allow consideration for the protest and issuance of any addenda to the solicitation documents.
- F. Envelopes containing protests of solicitation specifications shall be marked as follows:
Specification Protest
Bid or Proposal Number or other identification

RECORD KEEPING

The Finance Director and/or District Engineer shall keep the following in the Contract File:

1. Solicitation Document (RFP, ITB, or RFQ)
2. Notification List (list of prospective proposers notified of the solicitation)
3. Any Addenda issued
4. Advertisement and documentation of Publication
5. Bids
 - a. Completed bid tabulation sheet
 - b. Justification letter for rejection of lower bids
6. Proposals
 - a. Completed evaluation or scoring sheets, and list of review committee members
 - b. Signed confidentiality, and no conflict of interest statements of evaluators
 - c. Written justification for any rejection of higher scoring proposals or for failing to meet mandatory requirements of the RFP
 - d. If agency permitted negotiations, completed evaluation of the initial proposal and completed evaluation of the final proposal
7. Correspondence
8. Final Contract and contract amendments

For Board Meeting of: December 6, 2016

Agenda Item: Number 7

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is to adopt Resolution 2016-7; adopting the Identity Theft Prevention Program.

Recommendation

It is recommended the Board adopt Resolution 2016-7.

Background

The Fair and Accurate Credit Transactions Act was enacted into Federal Law in 2003. One of the components of the Act was inclusion of the Federal Trade Commission's Red Flag Rules.

Facts and Findings

Each District had their own sets of rules particularly addressing the Red Flag Rule requirements. Oak Lodge Water Services is required to adopt and follow the Federal Transaction Act requirements.

Suggested Motion

I move to adopt Resolution 2106-7; adopting the Identity Theft Prevention Program.

RESOLUTION 2016-7

**A RESOLUTION OF THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS
ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS, the Fair and Accurate Credit Transactions Act was signed into Federal Law in 2003; and

WHEREAS, the Federal Trade Commissions Red Flag Rules are included in Section 114 of the Act; and

WHEREAS, both the Oak Lodge Water District and Oak Lodge Sanitary District had individual Red Flag Rules; and

WHEREAS, the Oak Lodge Water Services District is required and desires to comply with Federal Regulations and adopting the Identity Theft Prevention Program complies with the requirements of the Fair and Accurate Credit Transactions Act.

NOW, THEREFORE BE IT RESOLVED by the Oak Lodge Water Services Board of Directors that the Identity Theft Prevention Program is hereby adopted.

Duly adopted this 6th day of December, 2016.

By _____
Jim Martin, Chair

Attest this 6th day of December, 2016

Dan Bradley, General Manager

IDENTITY THEFT PREVENTION PROGRAM

PROGRAM ADOPTION

The Oak Lodge Water Services District developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the District's Board of Commissioners. After consideration of the District's size and complexity of its operations and accounting systems, and the nature and scope of the Oak Lodge Sanitary District activities, the Board of Commissioners, the governing body of Oak Lodge Water Services District has determined this Identity Theft Prevention Program Policy appropriate for the District, and therefore approved on _____.

I. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, any public utility agency is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the District’s accounts that are individual service accounts held by customers of the District whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

1. Any account the District offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the District offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the District from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

II. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the District considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and any previous experiences with identity theft. The District identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and

4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the District that a customer is not receiving mail sent by the District;

6. Notice to the District that an account has unauthorized activity;
7. Breach in the District's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the District from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

III. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, District personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, District personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

IV. PREVENTING AND MITIGATING IDENTITY THEFT

In the event District personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Chief Financial Officer for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of Identity Theft occurring with respect to District accounts, the District will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for District purposes.

V. PROGRAM UPDATES

The Chief Financial Officer will periodically review and update this Program to reflect changes in risks to customers and the soundness of the District from Identity Theft. In doing so, the Chief Financial Officer will consider the District's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the District's business arrangements with other entities. After considering these factors, the Chief Financial Officer

will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Chief Financial Officer will update the Program or present the General Manager with his or her recommended changes and then present to the Board of Commissioners for final approval. The Board of Commissioners will determine whether to accept, modify or reject those changes.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the District. The Committee is headed by a Chief Financial Officer who may be the head of the District or his or her appointee. Two or more other individuals appointed by the head of the District or the Chief Financial Officer comprise the remainder of the committee membership. The Chief Financial Officer will be responsible for the Program administration, for ensuring appropriate training of District staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

District staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. *(The District may include in its Program how often training is to occur. The Program may also require staff to provide reports to the Program Administrator on incidents of Identity Theft, the District's compliance with the Program and the effectiveness of the Program.)*

C. Service Provider Arrangements

In the event the District engages a service provider to perform an activity in connection with one or more accounts, the District will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the District's Program and report any Red Flags to the Program Administrator.

D. Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any

documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the District's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

For Board Meeting of: December 6, 2016

Agenda Item: Number 8

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager 

Issue

The issue is to adopt Resolution 2016-8, accepting all the existing contracts and obligations of the Oak Lodge Water District and Oak Lodge Sanitary District.

Recommendation

It is recommended the Board adopt Resolution 2016-8.

Background

Oregon Revised Statute 198.790 establishes the rights of creditors in the event of a change in an organization. ORS 198.790 states that any bondholders or other creditors are assured of receiving any funds they are owed. This obligation includes any commitments through Intergovernmental Agreements or Memorandum of Understanding.

The consolidation of the two Districts clearly falls under this provision. This statute mandates that Oak Lodge Water Services must assume all contracts that exist at the time of the formation of the new District.

Facts and Findings

Both Districts have many Intergovernmental Agreements (IGA's) and contracts with various vendors and suppliers. The Sanitary District also has bond covenants that must be met and assumed by OLWS.

Although the acceptance of the obligations occurs automatically the adoption of Resolution 2016-8 clearly defines the intent of OLWS to all bondholders and creditors.

Suggested Motion

I move to adopt Resolution 2016-8 assuming all contracts, IGA's and bond obligations to Oak Lodge Water Services District.

RESOLUTION 2016-8

A RESOLUTION OF THE OAK LODGE WATER SERVICES BOARD OF DIRECTORS DECLARING THE ASSUMPTION OF THE EXISTING CONTRACTS, INTERGOVERNMENTAL AGREEMENTS, BONDED DEBT OBLIGATIONS AND MEMORANDUMS OF UNDERSTANDING ENTERED INTO BY OAK LODGE WATER DISTRICT AND OAK LODGE SANITARY DISTRICT

WHEREAS, the Oak Lodge Water District (OLWD) has existing contracts with various vendors and intergovernmental agreements or memorandums of understanding with other governmental entities; and

WHEREAS, THE Oak Lodge Sanitary District (OLSD) has existing contracts with various vendors, intergovernmental agreements or memorandums of understanding with other entities and bonded debt obligations; and

WHEREAS, the consolidation of the two Districts to form Oak Lodge Water Services District as the successor District to OLWD and OLSD constitutes a governance change; and

WHEREAS, Oregon Revised Statutes 198.790, 198.890(2)(c) and 198.900 establishes the rights of creditors and bondholders in the event of a governance change which requires Oak Lodge Water Services District, as the successor District to accept all rights, obligations and duties of OLWD and OLSD,

NOW, THEREFORE BE IT RESOLVED that pursuant to the statutory requirements set forth above, Oak Lodge Water Services District accepts and assumes all rights, obligations and duties in existing contracts, intergovernmental agreements, memorandum of understandings and bond indebtedness for Oak Lodge Water and Oak Lodge Sanitary Districts.

Duly adopted this 6th day of December, 2016

By _____
Jim Martin, Chair

Attest this 6th day of December, 2016.

By _____
Dan Bradley, General Manager

For Board Meeting of: December 6, 2016

Agenda Item: Number 9

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is to recognize the work of Greg Jones.

Recommendation

It is recommended the Board publicly acknowledges the work performance of Greg Jones.

Background

Greg Jones began work on September 1, 2016 to compare and integrate the different policies, guidelines and personnel rules into a single document for implementation by the Oak Lodge Water Services District. He completed the work in mid-November,

Facts and Findings

The Board wished to recognize the exceptional work of Greg Jones and the rapid timeframe in which he completed a vast amount of work.

For Board Meeting of: December 6, 2016

Agenda Item: Number 10

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

Kelly Stacey, Finance Director, will provide the Board with an update of the expenses and revenues that have occurred during the consolidation.

For Board Meeting of: December 6, 2016

Agenda Item: Number 11

To: Chair Martin and OLWS Board Members

From: Dan Bradley, General Manager



Issue

The issue is for the Board to select a regular meeting date and start time.

Recommendation

Staff recommends a regular meeting date of the third Tuesday of each month with meeting beginning at 6:00 p.m.

Background

Oak Lodge Water Services will be in full mode beginning January 1, 2017. Both existing Districts will have been dissolved on December 31, 2016.

Facts and Findings

Staff is recommending the third Tuesday of the month primarily due to being able to produce financial reports for the preceding month. If the meeting were held on earlier dates the financials would be from two months prior. The third Tuesday allows enough time to receive the bank statements that are necessary to complete the financials.

In addition, the third Tuesday is the regular meeting date for oak Lodge Water District and there should not be any conflicts with other groups the Board Members may participate in.

Suggested Motion

I move to establish the regular meeting date of the Oak Lodge Water Services to be the third Tuesday of each month beginning on January 17, 2017.

Business from the Manager

Update on petition status

Elections Division Investigation