



**SOUTHWEST LINCOLN COUNTY WATER PEOPLE'S UTILITY DISTRICT  
(SWLCWPUD)**

7740 HIGHWAY 101 NORTH, YACHATS, OR  
PO Box 368 Waldport, OR  
[www.swlcwpud.org](http://www.swlcwpud.org)  
541-547-3315



**BOARD OF DIRECTORS MEETING AGENDA  
21 May 2024 – 10:00 AM**

The regular meeting will be held at the District Office, 7740 Hwy. 101 North, Yachats, OR

- 1. REGULAR MEETING CALL TO ORDER**
  - a. Determine Quorum Present
  - b. Conflict of Interest Declarations
  - c. Agenda Changes and Agenda Approval – Action Item
  - d. Note Guests Present
  - e. Review and Approval of April Meeting Minutes – Action Item
- 2. DISCUSSION WITH LEGAL COUNSEL**
  - a. Yachats Supplemental Agreement
  - b. Waldport 2000 Agreement
- 3. PUBLIC INPUT – Public Input (limited to 5 minutes per speaker)**
- 4. TREASURER'S REPORT**
  - a. Review and Approval of Disbursements – Action Item
  - b. Monthly Financial Report – Action Item
  - c. Treasurer Report/Update
- 5. BUDGET HEARING**
  - a. **Public Comment**
  - b. **Adopt Budget Resolution No. 24-03**
- 6. MANAGERS REPORT**
  - a. Employee Certification
- 7. OTHER NEW BUSINESS FOR BOARD CONSIDERATION**
- 8. OTHER OLD BUSINESS FOR BOARD CONSIDERATION**
  - a. Wage Survey
  - b. Water Management Conservation Plan
  - c. Waterline Project: Engineering Scope and Fee
  - d. Renewable Energy Grant
- 9. CORRESPONDENCE AND REPORTS**
- 10. OTHER ITEMS OF INTEREST**
- 11. ADJOURNMENT**

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If you need any assistance or would like to attend a Board meeting remotely,  
please contact the SWLCWPUD Office at 541-547-3315 or email [office@swlcwpud.org](mailto:office@swlcwpud.org)

May 14, 2024

**SOUTHWEST LINCOLN COUNTY WATER PUD (SWLCWPUD)**  
7740 HIGHWAY 101 NORTH, YACHATS, OR - PO BOX 368, WALDPORT, OR 97394-0368

[www.swlcwpud.org](http://www.swlcwpud.org)

541-547-3315

**BOARD OF DIRECTORS MEETING**

**21 May 2024 – 10:00 AM**

<b>1. REGULAR MEETING CALL TO ORDER</b>	President Cuellar called the meeting to order at 10:00 AM.
a. Determine Quorum Present	President Cuellar deemed that a quorum was present: President Cuellar, Vice President Anthony, Director Tucker, Director Sommer, and Director Sherkow. PUD Managers, Ms. Angela Vogl and Mr. Zachary Forcier, were also present.
b. Conflict of Interest Declarations	None
c. Agenda Changes and Agenda Approval – Action Item	The following items were recommended for additions to the agenda: Item #1f – Billing Clerk Resignation, #2c – Misc. Legal Items, and #6b – Waterline Break on Wakonda Beach Rd. Motion by Director Sherkow to approve the agenda as amended. It was seconded by Vice President Anthony. Motion passed unanimously.
d. Note Guests Present	Mr. Peter Gintner, PUD Attorney (departed at 10:45 AM); Retired Director Bill Turner and Budget Committee Member Waverly Hayner were also present.
e. Review and Approval of April Meeting Minutes and Budget Committee Meeting Minutes– Action Item	Director Sommer moved, seconded by Vice President Anthony, a motion to approve the April PUD Board Meeting Minutes. Motion passed unanimously.  Vice President Anthony moved, seconded by Director Sommer, a motion to approve the Budget Committee Meeting (April 30, 2024) Minutes. Motion passed unanimously.
f. Billing Clerk Resignation	President Cuellar noted the Billing Clerk’s resignation. She said that she would help Angela get the bills out to customers until additional office help could be secured. Ads for the position will be posted today. Possible use of a temporary employment service is being concerned. The job will be posted for 40 hours per week at \$20 per hour.
<b>2. DISCUSSION WITH LEGAL COUNSEL</b>	
a. Yachats Supplemental Agreement	Mr. Gintner said that negotiations with the City will depend on the Board’s position on the sale of water. President Cuellar said that this prospective agreement would be for supplemental water at the end of the summer season.  Director Sherkow noted that the City’s request was for 100 gpm. Zach said that the plant was operating at about 270 gpm and that he had tested it up to 350 gpm. The water treatment plant at Blodgett was built for delivery of 400 gpm. Director Sherkow asked if the treatment plant could sustain operations at 370 gmp for several months, and if the pipe connection to Yachats was large enough to handle 100 gpm. Zach and Director Tucker said that the pipe capacity was sufficient and the plant should be able to run at the that level.  After some discussion, Director Sherkow recommended that if the Board was to sell water to the City, there should be a base contract amount at a fixed price, whether or not the City used any water, and that if the City used more water than the base amount (possibly 100 gpm), then an additional cost at a price per gallon be implemented. The PUD could establish an upper limit to the amount of water to be sold to the City. The price should be higher than that charged to customers within the PUD boundary.

	<p>Mr. Gintner said that the Board should decide on the price and other terms. President Cuellar suggested that staff and Board member suggest a price for the water. Director Sherkow suggested that Zach and Angela bring back a recommendation to the Board at the next meeting. The item was carried-over to the June meeting.</p>
<p>b. Waldport Year 2000 Agreement</p>	<p>President Cuellar briefed the Board about the situation, material previously distributed, and recent discussions with the City Manager, Dann Cutter. The City had asked that the PUD de-annex several areas related to the Samaritan Clinic and the Ocean Hills development (Phases 2 and 3). Mr. Gintner said that the utilities' service maps were not necessarily the same as their "political" map. He noted that it was common to have service changes between jurisdictions, especially near boundary areas. He said that this could be handled by intergovernmental agreements, but that he would not suggest any changes to the political map of the PUD.</p> <p>Director Sherkow suggested securing a new Federal loan as a way to further protect the PUD from encroachment by the City. Mr. Gintner said that there were also differences between a "water district" vs. "PUD" in State law and that a PUD had more protection from possible City action, and that having a new Federal loan would be a further layered protection against possible City legal action.</p> <p>President Cuellar said that, according the Mr. Cutter, the owner of Ocean Hills development wanted to sell. There were 3 lots left to sell in Phase 1 and that there were discussions with a possible buyer of Phases 2 and 3. She noted that the State infrastructure funding was being tied to housing development. Mr. Cutter had suggested that the Dick's Fork Tank replacement be a joint project. President Cuellar said that she was against a "joint" project. Director Sherkow suggested that the PUD work with the City such that the City and PUD identify the tank replacement as a high priority (with ownership and control remaining with the PUD). President Cuellar said that the tank replacement might not be the highest infrastructure priority for the PUD.</p> <p>Director Tucker suggested that a Board discussion be scheduled in the near future about a new Federal loan. Discussions ensued about waterlines, a new filter at the treatment plant, and other possible capital improvements. Zach was asked to find out how a Federal loan could keep the City from encroaching on the PUD service area.</p> <p>President Cuellar noted that the City was talking with ODOT about moving the weigh station on US101. This could make access to the Industrial Park easier, but it was not certain.</p> <p>President Cuellar said that no action was required now. Mr. Gintner said that he did not recommend any changes to the PUD political map.</p>
<p>c. Miscellaneous Items                  1. Splitting the District Manager Position                   2. Sole Sources Contract for Renewable Energy</p>	<p>Recently, the Board split the District Manager position into two positions. Mr. Gintner opined that, according to State law (specifically ORS 261.445 Appointment and removal of district manager; qualifications; salary; acting manager; powers and duties), this action was in keeping with the law.</p> <p>Director Sherkow noted that, by working with Green Ridge Solar on the Renewable Energy Grant program, it was likely that a sole source contract for installation and construction will result due to the acquisition of their technology and services. He noted that this was agreeable by ODOE. Mr. Gintner said that this should be fine and, if the grant was awarded, he would work with Director Sherkow on procurement language to address the situation.</p>

<b>3. PUBLIC INPUT – Public Input (limited to 5 minutes per speaker)</b>	None
<b>4. TREASURER’S REPORT</b>	
a. Review and Approval of Disbursements – Action Item	<p>Director Sherkow noted that the PUD was continuing to make payment to Civil West Engineering for various project services, but that there did not appear to be corresponding progress reports to explain what had been accomplished and the completeness of the projects.</p> <p>Director Sherkow moved the approval of the April Disbursements with the understanding that progress reports from Civil West be required in the future. The motion was seconded by Vice President Anthony. Motion passed unanimously.</p>
b. Monthly Financial Report – Action Item	Vice President Anthony moved and Director Sherkow seconded a motion to approve the April financial report. Motion passed unanimously.
c. Treasurer Report/Update	None
<b>5. BUDGET HEARING</b>	
a. Public Comment	None
b. Budget Resolution No. 24-03	<p>Director Sherkow moved the approval of Budget Resolution 23-03. The motion was seconded by Vice President Anthony. Motion passed unanimously.</p> <p>Director Sherkow said that at the June meeting, the PUD should have final COLA related CPI data and hoped that the Budget Builder would be used to consider water rates for FY 25 as well as looking forward from there.</p>
<b>6. MANAGERS REPORT</b>	
a. Employee Certification	Zach said that Gabriel Greenwood was studying for the Treatment – Level 1 test and would soon take the test. Zach was still targeting his test for Treatment – Level 2 in October. Director Tucker noted that some utility entities compensated employees with a monetary incentive when the employees achieved a certification level. A brief discussion ensued about this possibility. Zach was asked to make a recommendation about this at an upcoming meeting.
b. Waterline Break on Wakonda Beach Rd.	Zach briefed the Board on the recent waterline break along a section of Wakonda Beach Rd. This section of old waterline is an AC pipe and was originally on the list of waterline improvements now funded by BizOR. Zach used photos to explain the situation. He said that he was seeking a contractor to do trenching and support making patches to the pipe. The cost was not known at this time.
<b>Dump Truck</b>	This brought up the situation of the PUD’s dump truck which broke down while staff were investigating the waterline break on Wakonda. The field staff used it for moving material and hauling other equipment. It was down for about a day and a half, stalling operations, while staff did troubleshooting and repairs. After a brief discussion, it was the consensus of the Board that Zach purchase a new service truck using the \$20,000 from the FY 24 equipment budget and \$20,000 from the FY 25 budget. This would cover the monthly cost until FY 26.
<b>7. OTHER NEW BUSINESS FOR BOARD CONSIDERATION</b>	
<b>Banking Directive</b>	At the request of 1 <sup>st</sup> Security Bank, the Board discussed the change to who has authority to sign checks and credit card transactions. Director Sommer moved that Ms. Angela Vogl be added as an authorized signer for checks and credit card transactions on behalf of the PUD, and that this authorization be transmitted to appropriate entities. Director Sherkow seconded the motion. Motion passed unanimously.

<b>8. OTHER OLD BUSINESS FOR BOARD CONSIDERATION</b>	
a. Wage Survey	Director Tucker said that he was close to having the data assembled and analyzed. The item was carried-over until the June meeting.
b. Water Management Conservation Plan	President Cuellar said that the item will be carried-over until the June meeting. Mr. Gintner’s review of the contract will be available by that time.
c. Waterline Project: Engineering Scope and Fee	<p>Director Sherkow briefed the Board on the prospective contract with Civil West Engineering for the design, bid support, and construction management work for the Waterline Project. As a result of the Board’s direction to have Civil West conduct all inspection work, the estimated cost will increase by approximately \$141,000 (over the original Civil West proposal) to about \$1.03M.</p> <p>He noted that these were estimated costs because the bid support and construction management work is proposed to be paid based on “time and material”. Phase 1 (design) was proposed to be a “lump sum” element. He said that most of the elements had been review by the internal review team (Director Sherkow, Mr. Gintner, Angela and Zach) and that “boilerplate” elements were being refined by Mr. Gintner. A final contract could be presented at the June meeting.</p>
d. Renewable Energy Grant	<p>Director Sherkow distributed a spreadsheet summarizing the final version of the project grant application, submitted to ODOE on May 8, 2024. The original budget called for a solar energy system at the Blodget site for the water treatment plant and the maintenance facility. This budget anticipated a grant covering 50% of the total cost (\$202,593 of which the local contribution would equal \$101,297).</p> <p>He noted that because of discussions with program managers at ODOE, the project was changed in order to qualify for a 100% ODOE grant (if awarded). The revised budget anticipated a grant covering 100% of the total cost (\$275,977 of which the local contribution would equal \$9,977). The local cost would cover a new generator that is compatible with the solar system. The new budget would include 3 backup batteries (which makes the project eligible for the 100% grant). The ODOE grant awards will be announced on Sept. 2, 2024.</p> <p>He also recognized Angela for her efforts in bringing together all of the application parts and getting the application submitted on time.</p> <p>Director Sherkow recommended that the prospective savings of having a 100%-grant be used to reroof the two buildings and that staff examine the possibility of new roofs. This work, if done, should be coordinated with Green Ridge Solar to ensure compatibility with their equipment. Zach noted that the roof at the treatment plant was starting to leak.</p>
<b>9. CORRESPONDENCE AND REPORTS</b>	None
<b>10. OTHER ITEMS OF INTEREST</b>	<p>Director Tucker noted the Subdivision Map corrections that should be done by the County Clerk. Mr. Gintner discussed the work that his office did and asked about what needed to be done. Angela was asked to contact the Clerk’s office to find out what they needed to complete the corrections.</p> <p>Due to vacations, <b>the next meeting was rescheduled to June 11, 2024 at 10 AM.</b></p>
<b>11. ADJOURNMENT</b>	President Cuellar adjourned the meeting at 12:07 PM.

Roxie Cuellar, Board President  
Roxie Cuellar, Director Subdivision 1

Date 6/11/24

Franklin Sherkow, Board Secretary  
Franklin Sherkow, Director Subdivision 4

Date 6/11/24