

Final Board Approval Date	6/1/09
Board Secretary Signature	

MINUTES
East Multnomah Soil and Water Conservation District Board Meeting
Monday May 4, 2009, 6:00 PM
Conservation Corner, 5211 N Williams Ave, Portland OR 97217

Attendance:	
<u>Directors</u>	Laura Masterson, Chair Rick Till, Rick Vice Chair Dianna Pope, Secretary
Regrets/Excused	Bob Sallinger, Treasurer Anne Peterson, Associate Director
Not attending/not excused	Ron McCarty
<u>Associate Directors</u>	
<u>Staff</u>	Jean Fike, Executive Director (ED) Lissa Adams, Finance and Grants Manager (FGM) Julie DiLeone, Conservation Technical Assistance Supervisor (CTAS) Diana Lobo, Administrative Assistant/Recording Secretary (AA)
<u>Guests and Others</u>	Steve Fedje, Natural Resources Conservation Service (NRCS) District Conservationist (DC) Nathan Varns, NRCS/Northwest Oregon Resource Conservation and Development (RC&D) Coordinator John Sweeney, Constituent

(Please note that: **Updated Homework/Action Items** are listed in tables with due dates at the conclusion of the minutes.)

Agenda Item #1	Welcome, get refreshments
Presenter	All

District Chair Laura Masterson called the meeting to order at 6:08 PM.

Agenda Item #2	Review/ revise agenda Review of previous action items Approval of April minutes
Presenter	Masterson

Agenda was revised by repurposing the Nadaka item to discussion from decision and adding the authorization of a new District representative to the Oregon Association of Conservation Districts (OACD) "Big Board" meeting on 5/15-16/09. Action Items were reviewed and updated.

Pope/Till motion to approve Board Meeting minutes of 4/6/09 as presented passed unanimously. (Masterson, Till, Pope)

Agenda Item #3	Time reserved for public comment
Presenter	Public

Constituent John Sweeney applauded the Oregonian front page article on invasive weeds and said that the average home lawn provides oxygen for a family of four.

Agenda Item #4	NRCS District Conservationist report
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DC Fedje reported:

- The new Farm Bill has increased Environmental Quality Incentives Program (EQIP) funds and promotions for agricultural transition to organic production, with May deadlines.
- He has promoted lands west of the Sandy River as Rural Reserves to Chuck Beasley, Multnomah County Senior Planner.

- NRCS applauds the District land conservation efforts, is promoting them as much as possible and is seeking an appropriate holding agency.
- His acknowledgment of the District’s regular review of its non-discrimination and sexual harassment policies, which have not changed.
- Introduction of Nathan Varns, NRCS Northwest Oregon Resource Conservation and Development (RC&D) Coordinator who replaced the retiring Rhoda Portis three weeks ago.

Agenda Item #5	CLIP garlic mustard grant
Presenter	DiLeone

CTAS DiLeone reported:

- Landowner adjacent to a priority garlic mustard control site is interested in \$512 District cost share Conservation Landowner Incentive Program (CLIP) assistance for herbicide application.
- This landowner is also dealing with scotch broom on 14 acre forest and farm site and is willing to use site for signage, tour and demonstration
- DiLeone will check with landowner re interest in EQIP funds.

Pope/Till motion to approve CLIP garlic mustard grant application, Masterson to sign, passed unanimously. (Masterson, Till, Pope)

Agenda Item #6	Consider/approve IGA proposal from City of Gresham and Multnomah County
Presenter	Fike

Question and discussion points raised:

- Intergovernmental Agreement (IGA) before Board regards the structure of the Strategic Investment Zone (SIZ) and attendant Community Enhancement Funds (CEF) and is not with a specific company
- Multnomah County, City of Gresham, Metro and Port of Portland have all agreed in principle with the IGA
- ED Fike read the following comments from Director Sallinger who was unable to attend:
As per our discussion on Friday, I will not be able to attend the Board Meeting on Monday. However I did want to weigh-in on the Gresham SIZ issue. I recognize that I will not be there to vote, but please do let other board members know my perspective.

I do not support transferring our revenue into the CSF (sic. CEF). I do not have confidence that the money will be used for purposes consistent with our mission. While I am sure that the CSF will be used towards laudable ends, I feel that we have an obligation to use our tax base for purposes explicitly connected to our mission. Natural resource protection is a particularly difficult challenge in Gresham given their current financial situation. I would prefer that we hold onto our tax base and target the funding to addressing natural resource deficiencies in the vicinity of the SIZ. I would suggest that we should be willing to work with the other parties involved in the SIZ to determine whether mutually acceptable target projects can be identified in any give year, in which case we may want to vote on a case by case basis to pool our funds.

If the rest of the board votes to support the CSF I would encourage folks to do so on the condition that we get a full vote. I have given this issue some thought and my feeling is that if they want our money then we should be made a full voting partner. The idea that we vote every third year on a rotating basis with the Port is unacceptable. Upon further consideration, I also think weighting the votes is not an acceptable process either. I think we bring expertise, \$\$\$ and a commitment to improve the community and we should be treated as a full partner.

The Gresham SIZ also contains some significant fish and wildlife habitat. A portion of Fairview Creek crosses the property. The site has a fairly large intact tract of forest. The habitat has been ranked Class I and Class II Riparian and Class B Wildlife Habitat under Metro's Goal 5 process. As far as we can tell Gresham's current zoning does not protect significant portions of the areas identified by Metro as habitat conservation areas (HCAs). While I realize that our decision tonight will not affect the SIZ designation, I think we should avoid supporting something which may not be providing baseline protection for stream corridors.

- Directors concurred with Sallinger’s concern re habitat protection
- ED Fike clarified discussion focus is what to do about the proposed IGA
- Concern expressed regarding the every third year/proportional vote proposed for the District as being insufficient voice; District should have annual vote

- District's vote would be on the allocation of the Community Enhancement Funds (CEF) which amount to 10% of the District's taxes from the SIZ area
- IGA provides additional opportunity for District goal of enhanced relationships between the District and the other parties, District participation in IGA includes relationship building
- Concern raised re use of District funds for social services through the CEF when required by law to be for natural resources
- Promise of inclusion of "broad language" in IGA re the CEF could allow for "parks" to meet both requirements for social services for the CEF and natural resources for the District
- Concerns raised re proposal having been changed from original or oversimplified originally
- The SIZ has already been approved, this IGA creates the CEF only
- IGA for CEF is desired by Gresham to have more flexibility in addressing problems created by large employers once attracted to the SIZ
- Without the IGA, the 10% CEF funds would come directly to the taxing entities proportionately
- The full District Board will vote on the actual IGA once finalized

Pope/Till motion to approve Strategic Investment Zone (SIZ) IGA in principle, provided that natural resource issues are considered in allocation of the Community Enhancement Funds passed unanimously. (Masterson, Till, Pope)

Additional Board desire to be part of the conversation in CEF fund dispersal every year, even in years without a vote, to be addressed informally by ED Fike in discussion with Multnomah County.

ADDENDUM

From: Bob Sallinger [mailto:bsallinger@audubonportland.org]

Sent: Tuesday, May 05, 2009 11:01 AM

To: Jean Fike; 'Laura Masterson'; 'Xander Patterson'; 'CHRIS RUNYARD'; 'anne peterson'; Bob Sallinger; Dianna Pope; Laura Masterson; Public Records; Rick Till

Subject: Sallinger Comments on Gresham SIZ Decision

Dear Board,

I want to formally put on record my objection to the decision that was made last night at the EMCSWD Board meeting regarding the Gresham SIZ. We are not allowed to deliberate over email without formal notice so this is simply to put my perspective on the record. I oppose the "agreement in principle" that was reached last night. My reasons are as follows:

- 1) Gresham has not yet responded to my request at the last board meeting that they consider giving all parties a vote (potentially a weighted vote) each year. They agreed to consider this request and get back to us. The ball was still in their court. I do not think it was appropriate for the board to reach a decision when requested information was still pending.*
- 2) I consider the opportunity to put ourselves formally on record as to how the money is used as very significant. Even if the votes are weighted, a formal vote carries far more weight than advisory comments. It also allows out constituents to see exactly where we stand on an issue. It is purely a matter of accountability.*
- 3) The request the "natural resources be considered" is in my opinion insufficient. The fact is that natural resources are not currently adequately protected on this site. If the property is developed as allowed under current Gresham Zoning we may well find ourselves working on the property to restore natural resources values that still exist on the site today but which are currently not protected from development.*
- 4) I do not subscribe to the notion that this is a good way to "build relationships." I believe that we would establish a much stronger relationship and more effective over the long haul by setting up a framework that gives us a real voice in the process. I believe that it is pure folly to simply hope that decision-makers somewhere down the road will remember and appreciate our act of charity.*
- 5) I believe that this project will be far more controversial than was articulated at the prior board meetings. The public does not typically pay attention to zoning but they pay very close attention when urban forests are being cut down and streams are being destroyed.*

I fail to see the urgency of last nights decision given that the Gresham has to date failed to respond to our requests and also given that the board was aware that there was strong dissent among at least one board member.

Please add these comments as an addendum to the meeting minutes

Respectfully,

Bob Sallinger

Agenda Item #7	Budget update and discussion
Presenter	Fike & Adams

FGM Adams reported:

- Since last Budget Committee meeting an additional \$331,388 was determined in recalculation of the full tax amount
- This revenue can be captured and included in FY 2009-10 Budget adoption at June Board meeting by:
 1. Spreading the money across several funds
 2. Putting the money into the Contingency Fund, which is limited to unanticipated expenditures
 3. Amount of tax to be levied could be reduced by \$331,388
- Directors stated interest in putting a percentage of the overage into the General Fund for use in the Partners in Conservation (PIC) Program, a percentage into the Land Conservation Fund and the balance into the Contingency Fund
- Interest in tax reduction also expressed

Board agreed to direct Staff to bring to the June Board meeting a final FY 2009-10 Budget that allocates the \$331,388 overage to the General Fund to cover known shortfalls and the balance to the Contingency Fund.

Agenda Item #8	Report from Land Conservation Committee and Discuss funding request for Nadaka project in Gresham
Presenter	Masterson & Sallinger

Land Conservation Committee (LCC) Chair Masterson reported:

- Jim Johnson of the Oregon Department of Agriculture (ODA) brought a variety of maps which were reviewed at the last meeting,
- Several possible strategies were discussed for making decisions on inclusion of properties in the future
- The LCC is also meeting with a larger regional group convened by NRCS and hosted by the District including representatives from Metro, RC&D, Clackamas and West Multnomah Soil and Water Conservation Districts (SWCD), Clean Water Services and the Oregon Department of Land Conservation and Development
- RC&D has helped with agricultural easements in other parts of the country through the Wetland Reserve Program and the Farm and Ranch Lands Protection Program
- The assistance of RC&D Coordinator Varns was solicited in helping to find or create an appropriate holding agency.
- Reference was made to a 5/3/09 Oregonian article which declared that now was a good time to buy land.
- Nadaka Project has requested \$467,000, in part because Metro is limited to 1/3 of total funding in that program.
- Director Till has visited the site and notes they are just beginning to explore other funding sources

Agenda Item #9	Discussion of monitoring and ODA request
Presenter	DiLeone

CTAS DiLeone reported:

- ODA is planning their scope of work for next year and has set a priority on getting agricultural water quality monitoring done.
- Individual jurisdictions are responsible for showing their water quality improvement plans
- ODA is encouraging Districts to use their ODA funds to pay for lab, analytical and sampling expenses
- If the District were to do so, EMSWCD's focus would be on Johnsons Creek and the Lower Willamette
- The potential regulatory implications of monitoring raises questions as to how the District could do such monitoring without alienating landowners from District technical assistance programs

Board directed CTAS DiLeone to pursue potential partnerships for ag water quality monitoring. She was also directed to discuss with Sheila Ault the possibility of the District returning its funds from ODA with the stipulation that they be put towards water quality monitoring by ODA in the District. CTAS DiLeone will report back at the June Board meeting.

Agenda Item #10	Work plan development for FY 09-10; How would Board like to participate?
Presenter	Fike/All

ED Fike requested Board input in preparation for District work plans, with ODA work plans due in August. *Board directed Staff to bring draft Program level work plans to the June Board meeting for input.*

Agenda Item #11	PIC update
Presenter	Adams

FGM Adams reported:

- 12 PIC applications were received by deadline for a total of \$151,900 requested of the \$90-95,000 available
- Copies have been made and forwarded to the PIC Review Committee consisting of Director Rick Till; Jennifer Devlin of Portland Bureau of Environmental Services Watershed Program; Katy Weil, coordinator of Metro's wildlife monitoring program; the District's Sustainable Urban Landscapes Supervisor Kathy Shearin and FGM Adams.
- Review Committee meets 5/4/09 and will make recommendations to the 6/1/09 Board Meeting with intent to encumber funds before end of FY 2008-09

Agenda Item #12	Update from Lower Willamette LAC meeting
Presenter	DiLeone

CTAS DiLeone reported:

- ODA Ag Water Quality Local Advisory Committee (LAC), which includes the District and Department of Environmental Quality (DEQ), has started bi-annual review of ag water quality rules for the Lower Willamette
- Available samples from spring 2007-summer of 2008 do not provide consistent baseline data
- No changes are planned to the Total Minimum Daily Loads (TMDLs) or 303 listings, clarifications only
- Only four complaints have been filed in last two years in Lower Willamette region
- DEQ is working on standardization of monitoring
- United States Geological Survey (USGS), city of Gresham and Inter-jurisdictional committee for Johnson Creek are all doing some monitoring
- Gresham may be a partner for the District in sampling Johnson Creek
- LAC will meet again this month to discuss and vote on proposed changes to the rules

Agenda Item #13	Urban and Rural Reserves process update and discuss possible next steps
Presenter	Masterson

Chair Masterson reported:

- Public comment opportunities have been made available and there has been thoughtful community engagement
- The process dove tails with the LCC process well
- Chair Masterson sits on the Urban and Rural Reserves (URR) Review Committee to which CTAS DiLeone has been providing technical information
- URR Committee hopes to conclude its work by end of June

Agenda Item #14	Treasurer's report
Presenter	Sallinger

In the absence of District Treasurer Bob Sallinger, FGM Adams reported:

- District's financial picture shows nothing out of the ordinary.
- Interest rates continue to drop for both the Local Government Investment Pool and money market accounts
- interest rates will continue to be monitored as part of budget process and may drop below 1%

Agenda Item #15	Announcements and reminders
Presenter	All

- TSCC Budget Hearing, Tuesday, May 19, 4 PM, 5211 N Williams Ave. Budget review questions were shared. Director Till can attend and ED Fike will check on availability of District Treasure Sallinger

- Director Rick Till cannot attend the OACD Big Board Meeting 5/15-16/09

Masterson/Till motion to authorize Director Dianna Pope to vote on behalf of the District at the OACD Big Board Meeting 5/15-16/09, passed unanimously. (Masterson, Till, Pope)

- ED Fike will inform ODA of the change in District Representative and forward meeting info to Director Pope
- LCC meeting scheduled for Thursday, June 4th at 9:00AM at the District office
- ED Fike announced a possible eco-system services trading grant opportunity upcoming. Stay tuned.
- Directors Till and Masterson will use their home emails for District business, always copying Public Records when their communication does not include District Staff, and avoiding Reply All discussions.
- Director Pope will use the District email for District business and FGM Adams will try to get spam defaults adjusted for her.

Action Items were reviewed. The meeting was adjourned by Chair Masterson at approximately 8:08 PM.

Date Decided/ Approved	EMSWCD Board Meeting Actions Taken/Decisions Made/Resolutions Passed
5/4/09 Board Meeting	Pope/Till motion to approve Board Meeting minutes of 4/6/09 as presented, passed unanimously. (Masterson, Till, Pope)
5/4/09 Board Meeting	Pope/Till motion to approve CLIP garlic mustard grant application, Masterson to sign, passed unanimously. (Masterson, Till, Pope)
5/4/09 Board Meeting	Pope/Till motion to approve Strategic Investment Zone (SIZ) IGA in principle, provided that natural resource issues are considered in allocation of the Community Enhancement Funds passed unanimously. (Masterson, Till, Pope) <i>Additional Board desire to be part of the conversation in CEF fund dispersal every year, even in years without a vote, to be addressed informally by the ED Fike in discussion with Multnomah County.</i>
5/4/09 Board Meeting	<i>Board agreed to direct Staff to bring to the June Board meeting a final FY 2009-10 Budget that allocates the \$331,388 overage to the General Fund to cover known shortfalls and the balance to the Contingency Fund.</i>
5/4/09 Board Meeting	Masterson/Till motion to authorize Director Dianna Pope to vote on behalf of the District at the OACD Big Board Meeting 5/15-16/09, passed unanimously. (Masterson, Till, Pope)

Date Generated	NEW "Homework"/Action Items	Responsible Party(ies)	Due Date	Current Status as of date of draft Minutes
5/4/09 Board Meeting	<i>Additional Board desire to be part of the conversation in CEF fund dispersal every year, even in years without a vote, to be addressed informally by ED Fike in discussion with Multnomah County.</i>	Staff	By 5/8/09	Communicated on 5/5/09
5/4/09 Board Meeting	<i>Board agreed to direct Staff to bring to the June Board meeting a final FY 2009-10 Budget that allocates the \$331,388 overage to the General Fund to cover known shortfalls and the balance to the Contingency Fund.</i>	Staff	By 6/1/09	

5/4/09 Board Meeting	<i>Board directed CTAS DiLeone to pursue potential partnerships for ag water quality monitoring She was also directed to discuss with Sheila Ault the possibility of the District returning its funds from ODA with the stipulation that they be put towards water quality monitoring by ODA in the District. CTAS DiLeone will report back at the June Board meeting.</i>	Staff	By 6/1/09	
5/4/09 Board Meeting	<i>Board directed Staff to bring draft Program level work plans to the June Board meeting for input.</i>	Staff	By 6/1/09	
5/4/09 Board Meeting	<i>ED Fike will inform ODA of the change in District Representative and forward meeting info to Director Pope</i>	Staff	By 5/5/09	Communicated on 5/5/09
5/4/09 Board Meeting	<i>Directors Till and Masterson will use their home emails for District business, always copying Public Records when their communication does not include District Staff, and avoiding Reply All discussions.</i>	Directors Till and Masterson	As of 5/4/09	As of 5/4/09
5/4/09 Board Meeting	<i>Director Pope will use the District email for District business and FGM Adams will try to get spam defaults adjusted for her</i>	Director Pope and Staff	As of 5/4/09	As of 5/4/09

Date Generated	COMPLETED (FYI and to be replaced each month with current month's items):	Responsible Party	Due Date	Status as of Date of most recent Board Meeting
4/6/09 Board Meeting	<i>ODA must be informed of Board choice of Director Rick Till to vote on behalf of the District at the OACD Big Board Meeting 5/15-16/09,</i>	Staff	by 5/1/09	Sent
4/6/09 Board Meeting	<i>A Supplemental Budget reflecting the updated fiscal agency services fees will need to be approved by the Board</i>	Staff and Board	By 6/1/09	Subsequently determined by Staff to be unnecessary
4/6/09 Board Meeting	<i>Ms Yates to forward to ED Fike a hypothetical example of how Strategic Investment Zone (SIZ) and Community Enhancement Fund (CEF) would impact the District; ED Fike to forward to the Board. Ms Yates to also forward to other proposed SIZ partners the District's desire to have a vote on the CEF.</i>	Peggidy Yates and Staff	By 4/29/09	Examples sent to Board 4/10/09

Item #	Date Generated	IN PROCESS/NOT YET COMPLETED (Lettered items Board approved to remain on list as of 9/8/08)	Responsible Party	Due Date	Status as of Date of draft minutes
1	12/4/06 Board Meeting	#K Committee to develop recommendations for a process for setting priorities/goals and decision making for Conservation Easement program and forward to Board	Masterson & Sallinger	Ongoing	In process
2	2/12/07 Board Meeting	#L Chair Pope with help from Director Davies to contact Chairs of West, Clackamas and Tualatin SWCDs to discuss options for restarting and discuss focus of revamped Community Resources Conservation Consortium (CRCC)	Staff, Directors Pope and Davies	2/26/07	All contacts made and discussion started
3	2/12/07 Board Meeting	#M Chair Pope requests assistance in preparing testimony for fish recovery plan on Lower Willamette and Columbia Basin	Director Pope	Before 12/07	2/8/09 meeting
4	8/4/08 Board Meeting	#F Director Sallinger suggested a credit check and criminal background check on himself as the District's new treasurer and check signer	Director Sallinger	By 9/8/08	Needs to be re-done
5	1/5/09 Board Meeting	<i>Facility use to be on a trial basis, during which time costs will be tracked, and requiring a security deposit and development of a cancellation policy. ED Fike delegated to modify the policy language regarding facility use by organizations unrelated to the District's conservation mission, vet the modifications by Directors as needed and to administer the policy in the interim. Board further agreed to come to a decision based on the trial data at a future date on future use of the facility by partners.</i>	Staff	By 6/1/09	In process
6	3/2/09 Board Meeting	<i>ED Fike was also requested to draft language to expand District employee Family Leave options beyond birth and adoption for discussion at the next Personnel Committee meeting on 5/14/090.</i>	Staff	By 5/14/090	Personnel Committee meeting date to be rescheduled
7	3/2/09 Board Meeting	<i>Chair Masterson agreed to review and sign any proposed building-related agreements and Directors were requested to weigh in on any pending building improvements, with the option of returning to the full Board for input and decision if necessary.</i>	Directors	As needed	Roofing contract signed
8	3/2/09 Board Meeting	<i>Board directed FGM Adams to investigate whether or not a six month certificate of deposit (CD) would be in the District's interest for some funds currently in the LGIP.</i>	Staff	By 5/4/09	Investigation continuing

Next meetings:

Thursday, May 14th, Partners in Conservation (PIC) Grant Application Review Committee Meeting, 9AM-1PM, 5211 N Williams Ave

Tuesday, May 19, TSCC Budget Hearing, 4 PM, 5211 N Williams Ave

Monday, June 1st, Board Meeting, 6 PM, 5211 N Williams Ave

Thursday, June 4th, Land Conservation Committee Meeting, 9:00AM, 5211 N Williams Ave

Saturday, July 4th, District participates in Corbett Fest all day with float, booth etc.

Date Generated	“Pervious Parking Lot/Bike Rack”	Responsible Party	Current Status
2/4/08 Board Meeting	#N Sustainable District Operations Committee meetings with Directors Masterson and Runyard and Staff member Candace Stoughton with assistance from Andru Johnson and Kathy Shearin held and make twice yearly reports to the Board.	Board and Staff	First meeting held 2/27/08; report to Board 3/3/08 Meeting
2/4/08 Board Meeting	#Q A list of potential District activities for identifying District scope of work, from which sub-sets of items requiring the input of all Board and Staff or smaller sub committees could be identified.	Staff	Ongoing
4/3/06 Board Meeting	#R Monitor closely Metro’s “New Look” at regional long-range planning for opportunities to partner and/or participate; Masterson and Fry appointed by Metro to “Urban and Rural Reserves Review” 9/08	All Board Members and All Staff	Ongoing
4/3/06 Board Meeting	#S Keep on look-out for possible Associate Directors, keeping in mind the skill set needs of the Board	All Board and All Staff	Ongoing
3/6/06 Board Meeting	#T Board development ideas, requests and suggestions to Chair and/or Executive Director	All	Ongoing
4/7/08 Board Meeting	#U Director Sallinger reported that he would be contacting DM Fike with any updates on the Metro Nature in the Neighborhoods Powell Butte plan	Director Sallinger	As they develop