

**MINUTES OF MEETING OF JOINT COMMITTEE
OF THE OWYHEE PROJECT**

December 17, 2019

A meeting of the Joint Committee of the Owyhee Project was held at the Owyhee Irrigation District office at 422 Thunderegg Boulevard, Nyssa, Oregon, on December 17, 2019, at 1:00 p.m. Eric White, Chairman, presiding.

The following members of the Joint Committee were present:

Eric White	Frank Ausman
Bruce Corn	Rick Smith
Brett Nielsen	Jerry Nagaki (OID Alternate)

Also present were: Jay Chamberlin, Manager of the Hydro Projects; John Eells, South Board Manager; Harvey Manser, OID Assistant Manager; Michael W. Horton, Secretary and Legal Counsel; Ray Waldo and Dellas Waldo, Insurance Agents; Linda Henderson, OID Patron; Steve Smith, Dam Employee; and Bill Buhrig, REAL Oregon.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on December 12, 2019.

MINUTES. The minutes of the meeting of the Joint Committee held on November 19, 2019, were mailed to the Committee members prior to this meeting. A motion was made by Mr. Ausman, seconded by Mr. Nagaki, and unanimously carried approving the minutes.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. Mr. Chamberlin handed out a financial report for the Tunnel #1 Power Project which the Committee members reviewed.

Tunnel Bond. Mr. Horton read from a letter from Oregon Department of Energy regarding possible refinancing of the Tunnel Bond. He also read an email from Tyler Sweet, CPA, which gave his opinion with regard to participating in the potential refinancing. The matter was discussed and after discussion, a motion was made by Mr. Corn, seconded by Mr. Nielsen, and unanimously carried electing not to participate in the refinancing of the Tunnel Bond with the Oregon Department of Energy.

Tunnel #1 Power Project Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Tunnel #1 Power Project. A motion was made by Mr. Ausman, seconded by Mr. Nagaki, and unanimously carried approving payment of the accounts payable as follows:

Oregon Dept. of Energy	1,500,000.00
Owyhee Irrigation	85,395.46
Oregon-Idaho Utilities	113.72
Stunz, Fonda, Kiyuna & Horton	928.00
Nichols Accounting	<u>350.00</u>
TOTAL	\$1,586,787.18

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. Mr. Chamberlin handed out a financial report for the Owyhee Dam Power Project which the Committee members reviewed.

Owyhee Dam Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Owyhee Dam Power Project. A motion authorizing payment of the following accounts payable was made by Mr. Corn, seconded by Rick Smith, and unanimously carried:

Oregon-Idaho Utilities	\$300.27
Owyhee Irrigation	64,024.42
Nichols Accounting	<u>350.00</u>
TOTAL	\$64,674.69

LIABILITY INSURANCE REPORT. Ray Waldo gave a presentation on the liability insurance for the hydros. He said that it is time to renew the policies and there is a 10% rate increase. Mr. Chamberlin asked about insuring the power lines. He said there are approximately 21 miles of power lines with substations. Mr. Waldo said that he will do some checking on that. He said there is a longevity credit if the Committee elects to do a two-year lock in with SDIS. The matter was discussed and after discussion, a motion was made by Mr. Corn, seconded by Mr. Smith, and unanimously carried that the insurance with SDIS be renewed and that the two-year lock in agreement be entered into.

At 1:40 p.m., Ray Waldo and Dellas Waldo left the meeting.

HYDRO COMPUTER SYSTEMS MAINTENANCE. Steve Smith said that the individual who previously did the maintenance on the hydro computer systems is no longer around. He said that he had a representative from Sierra Controls come out and review the equipment and software. He said they will be getting an update recommendation and maintenance schedule, along with a report on the battery bank. He said we may end up with a maintenance contract with them.

BILL BUHRIG. Bill Buhrig addressed the Joint Committee with regard to REAL Oregon, which is a leadership development opportunity for agriculture. He explained the program. He said he was Chairman of the Board of Class 3. He said he would like to see an Eastern Oregon representative attend the Leadership Development. He said that he is seeking support for Nicole Sullivan from the Owyhee Watershed Council to attend the program and the cost of attendance is \$2,500. He said he would like to have the Joint Committee provide \$500 of support. He said that in the long term, he would like to see someone from the Owyhee Project attend a future class. Mr. Corn said that it is a worth-while program and that he participated in the Idaho Program. Mr. Buhrig left the meeting at 2:08 p.m. The Joint Committee members discussed the request and determined to make a recommendation to the South Board and to OID to each provide \$250 of the \$500 requested support.

RECLAMATION DAM OPERATOR TRAINING. Mr. Chamberlin reported on recent dam operator training put on by Reclamation. He said that after attending the training, he thinks the facility is in good shape.

WEATHER FORECAST. Mr. Chamberlin said that things are looking good for the Owyhee Watershed, but the rest of Oregon is in bad shape.

FLOOD CONTROL. Mr. Nielsen asked about the National Weather Service changing the flood stages for the Owyhee River. Mr. Chamberlin said this is happening and that the Weather Service is working on it.

DAM AND POWER PLANT WORK. Mr. Chamberlin and Steve Smith reported on planned work at the dam and the power plants.

RECLAMATION MEETING AT OWRC MEETING. Mr. Chamberlin, Mr. Horton, and Mr. Manser reported on their meeting with Reclamation staff at the recent OWRC meeting and the issues which were discussed.

MALHEUR COMMUNITY EMPOWERMENT FOR THE OWYHEE ACT. Mr. Chamberlin said that Senator Wyden's proposed bill has been introduced in the Senate. He said that he and Mr. Horton made connections with Senator Merkley's and Senator Wyden's offices with regard to moving the Wild and Scenic Designation contained in the bill downstream from the face of the Owyhee Dam to the USGS Gauging Station.

PUMPBACK FERC FILING. Mr. Horton said that comments and a motion to intervene on the recent FERC filing for the possible construction of a pumpback storage facility at the Owyhee Reservoir have been filed with FERC.

ELEVATOR AT DAM. Steve Smith reported on repairs to the elevator at the dam.


EARLY OPERATION OF OWYHEE DAM POWER PLANT. Mr. Eells said that he has received calls on starting the Dam Power Plant right away. Mr. Chamberlin said that the

parameters for operation of the power plant are not yet met. He said he will request an inflow forecast from Reclamation. He said the Dam Plant is ready to go.

OREGON NPDES PERMIT. Mr. Manser said that Oregon's proposed NPDES permit which would allow chemical application for aquatic weeds in the canals and laterals looks like it may require fish screening, TMDLs, and more required testing. He said until the actual language comes out, he's not sure what it will say. He said that if DEQ does not get the permit done in time, that the Districts will have to operate under the existing permit.

ADJOURNMENT. There being no further business, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,


Secretary

APPROVED: _____

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE OWYHEE IRRIGATION DISTRICT**

December 17, 2019

A regular monthly meeting of the Board of Directors of the Owyhee Irrigation District was held on December 17, 2019, at the District office located at 422 Thunderegg Blvd, Nyssa, Oregon, at 10:00 a.m. Jerry Nagaki, President of the District, presiding.

The following Directors were present:

Bruce Corn	Frank Ausman
Dan Tschida	Jerry Nagaki
Eric White	

Also present were: Jay Chamberlin, Manager; Michael W. Horton, Attorney; Harvey Manser, OID Assistant Manager; Ray Waldo, Insurance Agent of Record; Linda Henderson, District Patron; Linda Rowe, SWCD; and Employee Committee Representatives.

MEETING NOTICE. The meeting agenda showed that public notice as to the meeting was given on December 12, 2019.

MINUTES. Minutes of the meeting of the Board of Directors held on November 19, 2019, were mailed to the Directors prior to the meeting. A motion was made by Director Tschida, seconded by Director Ausman, and unanimously carried approving the minutes as mailed.

DISTRICT FINANCIAL REPORT. Mr. Chamberlin handed out a financial report for the District. The Directors reviewed and discussed the report.

ACCOUNTS PAYABLE. Two lists of the District accounts payable for the month were included in the Directors' packets. The Directors reviewed the lists and asked questions. A motion was made by Director Ausman, seconded by Director Tschida, and unanimously carried approving payment of the accounts payable.

MITCHELL BUTTE POWER PROJECT.

Financial Report. The Mitchell Butte Power Project financial report was in the Directors' packets. The Directors reviewed the report. Director Corn commented that this was a good year for the Mitchell Butte Power Plant. Mr. Chamberlin said that the expenses for the upcoming year should be minimal. He said the computer and relay stuff will be further inspected and staff will know better next month. Moving funds out of the Mitchell Butte Power Project and into the District's General Fund was discussed and after discussion, a

motion was made by Director White, seconded by Director Corn, and unanimously carried that an amount representing \$1 for each acre of annual incurred charge be transferred from the Mitchell Butte Power Project Fund to the District's General Fund.

Accounts Payable. The agenda listed accounts payable for the Mitchell Butte Power Project. A motion was made by Director Tschida, seconded by Director Ausman, and unanimously carried authorizing payment of the following accounts payable:

AT&T	\$86.91
Tekfinity	42.95
Century Link	175.80
Owyhee Irrigation	35,112.69
Nichols Accounting	<u>125.00</u>
Total	\$35,465.44

LIABILITY INSURANCE RENEWAL. Ray Waldo made a presentation on renewal of the District's liability insurance policy. He said there has been a rate increase with SDAO for irrigation districts in the amount of 10%. He said there are no real competitors for this insurance. He said that if the District does a two-year lock in, that it can get a longevity credit. He said he recommends signing the two-year lock in which he said the District can get out of by paying back the credit the District receives. He gave a handout on the coverages as he went through and explained the coverages and the associated premiums. He noted that the policy includes coverage for buildings at the dam compound. Mr. Chamberlin said that the District will need to allocate a portion of that premium to South Board. Mr. Waldo said that he can help with that calculation.

The Directors discussed the insurance renewal and after discussion, a motion was made by Director Ausman, seconded by Director Corn, and unanimously carried to renew the liability insurance with SDIS and agreed to the two-year lock in.

Mr. Waldo left the meeting at 10:45 a.m.

EAST KINGMAN SIPHON LINING. Mr. Manser reported on lining of the East Kingman Siphon. He said that a crew is on site and they are having to remove prior District repair work. He said costs for that removal was in the contractor's original proposal. He said they hoped to be done by the end of the year.

THEFT OF FUEL AND BATTERIES. Mr. Manser reported on a recent theft of District fuel and batteries from both the new location and the old shop. He said the perpetrators cut through the fencing at the old shop. Security cameras were discussed.

OWRC MEETING. Mr. Chamberlin and Mr. Horton reported on the OWRC annual meeting which they recently attended. The biggest concern raised at the meeting was DEQ's interpretation of waters of the State of Oregon.

FCA. Mr. Chamberlin said that he and Mr. Manser met with FCA staff at the OWRC annual meeting. He said the meeting with FCA went well. He said they should have hydrology wrapped up in February. He said they reported that overall their work is going well.

EMPLOYEE COMMITTEE. The Employee Committee representatives addressed the Board. Mr. Chamberlin explained to them that the Board is still crunching numbers on their proposed wage increases. He said that later today he will be providing more information to the Board so that hopefully they can make a decision on the proposal. At 11:15 a.m., the Employee Committee representatives left the meeting.

2020 BUDGET. Mr. Manser gave a handout on his initial work on the 2020 District budget. The Directors began review and discussion of the handout. Power for pumping costs were explained and discussed.

EMPLOYEE COSTS. Mr. Chamberlin reported that two employee positions have been cut. Director Ausman asked about ditch rider work and potential chemical spraying by ditch riders. The Employee Committee proposal on wage increases were discussed and after discussion, a motion was made by Director White, seconded by Director Corn, and unanimously carried authorizing a 1% increase in hourly rate for all employees, along with a 1% incentive increase to be determined by annual evaluation, and that the HRA amounts remain the same as last year.

MEETING RECESSED. At 12:00 p.m., President Nagaki declared the meeting in recess.

MEETING RECONVENED. At 2:50 p.m., President Nagaki reconvened the meeting. Director Tschida was not present at the reconvened meeting. The Employee Committee representatives were present.

EMPLOYEE PROPOSAL. President Nagaki reported to the employee representatives on the wage increase and the reasons for the Board's decision behind it.

AUDIT ENGAGEMENT LETTER. Mr. Chamberlin presented a proposed audit engagement letter with Brian Richins. A motion was made by Director White, seconded by Director Ausman, and unanimously carried authorizing the District to enter into the engagement letter with Mr. Richins for the 2019 audit.

SULLIVAN REAL SPONSORSHIP. A motion was made by Director Corn, seconded by Director Ausman, and unanimously carried that the District sponsor Nicole Sullivan to participate in the Oregon Real Program with a contribution of \$500.

PERSONNEL POLICIES. Mr. Chamberlin explained that Oregon law requires all governmental districts to adopt a harassment policy by January 1. He presented a proposed policy, along with proposed personnel policy revisions. He explained issues the District has been having with sick leave and the potential need for doctor's notes. The matter was

discussed and after discussion, a motion was made by Director Ausman, seconded by Director Corn, and unanimously carried adopting the harassment and personnel policies which are attached to these minutes.

LINDA HENDERSON. Linda Henderson asked about repairs being done on Highway 52. President Nagaki explained that those repairs are being done by the Road District and not the irrigation district.

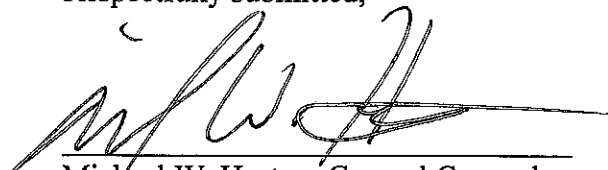
EXECUTIVE SESSION. Mr. Chamberlin said that an executive session is needed to discuss real estate matters. Mr. Horton said that the Board will enter into executive session pursuant to ORS 192.660(2)(e). The Board entered executive session at 3:17 p.m. Linda Henderson left the meeting at that time and President Nagaki left the meeting at 3:20 p.m.

MEETING RECONVENED. At 4:00 p.m., the Board returned from executive session.

REAL ESTATE COUNTEROFFER. By consensus, the Directors authorized Mr. Chamberlin to make counteroffers on the offers the District received on real property listed for sale.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 4:02 p.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____

PREVENTION OF WORKPLACE DISCRIMINATION, HARASSMENT, AND RETALIATION (OREGON PUBLIC SECTOR)

The Owyhee Irrigation District is committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Owyhee Irrigation District expects that all relationships among persons will be respectful and professional, free of bias, prejudice, and harassment in the workplace, at a work-related event, or any activity coordinated by or through the organization. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person we interact within the course of accomplishing the work of the organization.

The Owyhee Irrigation District has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The Owyhee Irrigation District will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

Discrimination, harassment, and retaliation are not acceptable.

Any employee who has questions or concerns about these policies should talk with our primary contact, the Manager. As an alternative you may reach the Assistant Manager.

EQUAL EMPLOYMENT OPPORTUNITY

It is our policy to ensure equal employment opportunity without discrimination or harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

RETALIATION

We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of The Owyhee Irrigation District to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

SEXUAL HARASSMENT

Sexual harassment constitutes discrimination and is illegal under federal and state laws. In this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission

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to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may consist of unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled using physical force, manipulation, threat, or intimidation.

HARASSMENT

Harassment based on any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes labels, insults or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

REPORTING AN INCIDENT OF HARASSMENT, DISCRIMINATION OR RETALIATION

The Owyhee Irrigation District encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with the Manager or the Assistant Manager. See the complaint procedure described below.

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Also, we encourage individuals who believe they are being subjected to such conduct to advise the offender, promptly, that their behavior is unwelcome and to request that it stop. Often this action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue the follow-up process, a request must be submitted in writing to the Manager.

INTERNAL COMPLAINT PROCEDURE

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such behavior should discuss their concerns with the Manager. If you are unable to reach the primary contact, please reach out to the Assistant Manager. We encourage employees to document the event(s), associated date(s), and potential witnesses.

The Owyhee Irrigation District encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation. We encourage employees to document the events, associated dates, and potential witnesses.

Any reported allegations of harassment, discrimination, or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

The Owyhee Irrigation District will maintain confidentiality throughout the investigatory process to the extent possible with the acceptable investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as [Identify potential options: warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination] as The Owyhee Irrigation District believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to allegations that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

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EXTERNAL COMPLAINT PROCEDURES

We encourage employees to bring their concerns and complaints to the organization, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address:
https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

EMPLOYMENT AGREEMENTS

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

ADDITIONAL EMPLOYEE SUPPORT SERVICES

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides the following for additional assistance:

NOTE: insert specific resources for each bullet below

- Legal Resources
- Counseling and Support Services and/or Employee Assistance Services