

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

October 25, 2016

A meeting of the Joint Committee of the Owyhee Project was held at the offices of Stunz, Fonda, Kiyuna & Horton, LLP, 106 Main Street, Nyssa, Oregon, on October 25, 2016, at 7:00 p.m. Eric White, Chairman, presiding.

The following members of the Joint Committee were present:

Chris Landa	Eric White
Bruce Corn	Jerry Nagaki
Dan Tschida	

Also present were: Jay Chamberlin, Manager of the Hydro Projects; Harvey Manser, OID Assistant Manager; Frank Ausman, (OID Alternate); John Eells, South Board Manager; and Michael W. Horton, Secretary.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on October 18, 2016.

MINUTES. The minutes of the meeting of the Joint Committee held on September 20 2016, were mailed to the Committee members prior to the meeting. A motion was made by Mr. Corn, seconded by Mr. Landa, and unanimously carried approving the minutes.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. Jay Chamberlin handed out a financial report for the Tunnel #1 Power Plant which was reviewed by the Committee members.

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. Landa, seconded by Mr. Tschida, and unanimously carried approving payment of the following accounts payable:

Oregon-Idaho Utilities	111.86
Cable Huston, LLP	87.50
Nichols Accounting	<u>2,125.00</u>
 TOTAL	 \$2,324.36

OWYHEE DAM POWER PROJECT.

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

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

Stunz, Fonda, Kiyuna, Horton, LLP	\$1,686.00
Cable Huston, LLP	87.50
Oregon-Idaho Utilities	295.13
Nichols Accounting	<u>2,125.00</u>
TOTAL	\$4,193.63

SDIS ETHICS AND BEST PRACTICES. Mr. Chamberlin went through a checklist with the Committee members which he received from SDAO which is the Committee's insurance carrier. Mr. Chamberlin said the Joint Committee can receive a 2% discount on its liability insurance if it goes through the checklist. Mr. Chamberlin then went through the checklist while the Committee members answered the questions.

ETHICS POLICY. Mr. Horton said that SDAO will also give a 2% discount to the Joint Committee on its insurance if it adopts an ethics policy. Mr. Horton presented a proposed resolution. A motion was made by Mr. Nagaki, seconded by Mr. Tschida, and unanimously carried adopting the following preamble and resolution:

**RESOLUTION ADOPTING OREGON ETHICS LAW POLICY
A RESOLUTION ADOPTING COMMITTEE COMPLIANCE
WITH OREGON ETHICS LAW**

WHEREAS, compliance with Oregon's Ethics Law set out in Oregon Revised Statutes 244, is required by all Oregon special districts.

NOW, THEREFORE BE IT RESOLVED BY THE COMMITTEE OF THE OWYHEE POWER PROJECT AS FOLLOWS:

That the Committee hereby adopts the attached Oregon Ethics Law Policy.

The Ethics Policy is attached to the end of these minutes.

WHISTLEBLOWER POLICY. Mr. Chamberlin said that SDAO is also wanting the Joint Committee to adopt a whistleblower policy. Mr. Horton presented a proposed resolution. A motion was made by Mr. Tschida, seconded by Mr. Corn, and unanimously carried adopting the following preamble and resolution:

**RESOLUTION ADOPTING OREGON WHISTLEBLOWER
PROTECTION POLICY**

WHEREAS, compliance with Oregon's Whistleblower Protection Policy set out in Oregon Revised Statutes 659A.200 to 659A.224, is required by all Oregon special districts.

NOW, THEREFORE BE IT RESOLVED BY THE COMMITTEE OF THE OWYHEE POWER PROJECT AS FOLLOWS:

That the District hereby adopts the attached Oregon Whistleblower Protection Policy.

The Whistleblower Protection Policy is attached to the end of these minutes.

OWYHEE DAM BOAT RAMP. Mr. Chamberlin said that there will be four concrete pours on the boat ramp. He said that one of the pours is done and there are three to go. He then gave a report on the planned work for the boat ramp.

USBR INSPECTION. Mr. Chamberlin said that USBR did inspections at the dam with regard to maintaining the historical status of the Owyhee Dam.

ELEVATOR AT DAM. Mr. Chamberlin said he is working on getting the elevator at the dam repaired. He said Mr. Horton has reviewed the contracts with the repair company. He said the company will be doing testing later this year. The matter was discussed.

JOHN KEYS PARTNERSHIP TOUR. Mr. Chamberlin said that the tour went well. He thanked John Eells and Dan Tschida for helping out with the tour.

OWYHEE WATER RESERVATION UPDATE. Mr. Corn said the reservation process went well and the Owyhee Reservation has been extended for another 20 years. He said reports will need to be filed on the reservation.

TREASURE VALLEY IRRIGATION CONFERENCE. Mr. Chamberlin said that on December 16 in Nampa, there is a Treasure Valley Irrigation Conference. He encouraged the Joint Committee members to attend.

B2H POWER LINE UPDATE. Mr. Horton said that the environmental impact study is due out on November 15. He said there will be a 30-day protest period when that study comes out.

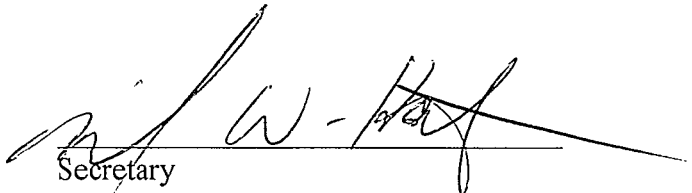
TUNNEL BOND NEGOTIATION. Mr. Horton and Jay Chamberlin provided an update on their meeting with SELP in Salem. Mr. Horton said that SELP sent out a letter asking if the Joint Committee wants to participate in the refinancing of the Tunnel loan. Mr. Horton said that there was a time deadline on when the letter needed to be signed and returned and Mr. Chamberlin went ahead and did that. Mr. Horton and Mr. Chamberlin both made recommendations to the Joint Committee that they participate in the refinancing. A motion was made by Mr. Corn, seconded by Mr. Landa, and unanimously carried approving and ratifying Mr. Chamberlin's signing of the letter and approving and ratifying that the Joint Committee participate in the refinancing of the Tunnel Bond.

OREGONIAN ARTICLE. Mr. Chamberlin said there was a recent article published in the Oregonian alleging water over pumping in Central Oregon. He encouraged the Committee members to review the article which he believes is based upon false information.

WATER SEASON REPORT. Mr. Manser handed out reports on 2011 and 2016 water usage throughout the project. The report includes reservoir levels and usage levels between the Districts. Mr. Corn said he has used the 2011 information as it was the last year the reservoir was full. The Committee members discussed the reports as Mr. Manser explained them. Mr. Corn noted that the reports show a water savings from 2011 to 2016 of 19%.

ADJOURNMENT. There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,


Secretary

APPROVED: _____

Oregon Ethics Law Policy

Overview

Oregon Government Ethics Law

- Applies to all elected and appointed officials, employees and volunteers
- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Limits gifts that an official may receive per calendar year
- Found in Oregon Revised Statutes, Chapter 244

Purpose

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics law.

Financial Gain

Each public official is prohibited from using the position as a public official to receive certain financial benefits if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. In addition, each public official is prohibited from using or attempting to use the official position to obtain financial benefits for a relative or a member of the public official's household, or for a business with which the public official, a relative, or a member of the public official's household is associated.

The following is a list of financial benefits that may be received. These include:

- Official compensation
- Reimbursement of expenses
- Honorarium
- Unsolicited awards for professional achievement
- Some gifts

Gifts

No public official shall solicit or receive any gift(s) with a total value of more than \$50 from any single source who could reasonably be known to have a financial interest in the official actions of that public official. A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source . In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflict of interest and potential conflict of interest.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words "would" and "could ."

A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated.

A public official is met with a **potential** conflict of interest when the public official participates in action that could affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

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

If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

Useful Links

Oregon Government Ethics Commission Home Page: <http://www.oregon.gov/OGEC/>

Link to the Guide for Public Officials:

[http://www.oregon.gov/OGEC/docs/Public Official Guide/2010-10 PO Guide October Final Adopted.pdf](http://www.oregon.gov/OGEC/docs/Public%20Official%20Guide/2010-10%20PO%20Guide%20October%20Final%20Adopted.pdf)

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Link to the public meeting statutes found in ORS 192: <http://landru.leg.state.or.us/ors/192.html>

Link to the Attorney General's Public Records and Meetings Manual, prepared by the Oregon Department of Justice:

<http://www.doj.state.or.us/pdf/publicrecordsandmeetingsmanual.pdf>

Whistleblower Protections

Purpose

To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- I. The Committee encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent Committee activity to report it to the District Manager or designee. The employee may also provide the information to another District manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the District Manager.
- II. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.
- III. Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The Committee will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the District Manager or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- IV. All reports of illegal and dishonest activities will be promptly submitted to the District Manager or designee who is responsible for investigating and coordinating corrective action.

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

October 25, 2016

The regular monthly meeting of the Board of Directors of the Owyhee Irrigation District was held on October 25, 2016, at the offices of Stunz, Fonda, Kiyuna & Horton, LLP, 106 Main Street, Nyssa Oregon, at 8:00 p.m. Jerry Nagaki, President of the District, presiding.

The following Directors were present:

Jerry Nagaki	Bruce Corn
Dan Tschida	Eric White
Frank Ausman	

Also present were: Jay Chamberlin, District Manager; Michael W. Horton, Attorney; Harvey Manser, OID Assistant Manager; and the Employee Committee.

MEETING NOTICE. The meeting agenda showed that public notice as to the meeting was given on October 18, 2016.

MINUTES. Minutes of the meeting of the Board of Directors held on September 20, 2016, were mailed to the Directors prior to the meeting. A motion was made by Director White, seconded by Director Ausman, and unanimously carried approving the minutes.

FINANCIAL REPORT. Mr. Chamberlin handed out Nichols Accounting's financial report for the District. The Directors reviewed the report. Mr. Chamberlin said that it looks like the District will be in good shape for the fourth quarter though it will probably not have any carryover into next year.

SIPHON REPAIRS. Mr. Chamberlin updated the Board on needed siphon repairs throughout the District.

DISTRICT ACCOUNTS PAYABLE. Two lists of the District accounts payable for the month were included in the Directors' packets. The Directors reviewed the lists. A motion was made by Director Corn to pay the accounts payable. Director Ausman asked if the payment in the accounts payable to MWH Engineering makes the District current with them. Mr. Chamberlin said that he is not sure. The motion was seconded by Director White and passed unanimously.

MITCHELL BUTTE POWER PROJECT.

Financial Report. The financial report for the Mitchell Butte Power Project was in the Director's packets. The Directors reviewed the report. Mr. Chamberlin said that staff are going to be pulling out one unit for repairs.

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

Century Link	140.20
Nichols Accounting Group	<u>110.00</u>
Total	\$249.88

SDAO CHECKLIST. Mr. Chamberlin said that the District can save money on its liability insurance if the Board goes through an ethics checklist. The Board then went through the ethics checklist.

ETHICS POLICY. Mr. Horton said that the District can save additional sums on its liability insurance policy if it adopts an ethics policy. Mr. Horton then presented an ethics policy. Mr. Horton said that SDAO is also recommending the District pass a whistleblower policy. Mr. Horton presented a whistleblower policy and resolution. The matter was discussed and after discussion, a motion was made by Director White, seconded by Director Ausman, and unanimously carried adopting the following preambles and resolutions:

**RESOLUTION ADOPTING OREGON ETHICS LAW POLICY
A RESOLUTION ADOPTING DISTRICT COMPLIANCE
WITH OREGON ETHICS LAW**

WHEREAS, compliance with Oregon's Ethics Law set out in Oregon Revised Statutes 244, is required by all Oregon special districts.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF OWYHEE IRRIGATION DISTRICT AS FOLLOWS:

That the District hereby adopts the attached Oregon Ethics Law Policy.

**RESOLUTION ADOPTING OREGON WHISTLEBLOWER
PROTECTION POLICY**

WHEREAS, compliance with Oregon's Whistleblower Protection Policy set out in Oregon Revised Statutes 659A.200 to 659A.224, is required by all Oregon special districts.

NOW, THEREFORE BE IT RESOLVED BY THE COMMITTEE OF THE OWYHEE POWER PROJECT AS FOLLOWS:

That the District hereby adopts the attached Oregon Whistleblower Protection Policy.

EMPLOYEE COMMITTEE. The Employee Committee made a presentation on what they would like to see happen for next year. The Employee proposal was made in writing and a copy of that proposal is attached to these minutes. Director Corn asked Mr. Chamberlin how much the health insurance premium is projected to increase next year. Mr. Chamberlin said he spoke with Chet Whitman and he estimates the premiums to go up 5% to 10%. The employee proposal was discussed with the Employee Committee. Potential PERS increases were discussed. The Board then expressed their thanks to the Employees. Mr. Chamberlin explained a new special employee award for employees who have gone the extra mile. He said that Brad Goul was the recipient of the award. The Board thanked Mr. Goul for his hard work for the District.

HEALTH INSURANCE HRA. Director Corn asked the Employee Committee if the HRA is working for the employees. The Employee Committee said it is working great.

At 8:35 p.m., the Employee Committee left the meeting.

TWILIGHT PIPELINE PROJECT UPDATE. Mr. Chamberlin gave an update on the progress of the Twilight Pipeline Project. He said that the existing structures have been removed and dirt is being bought back in. He said the contractor should start digging next week.

PROPOSED PIPELINE PROJECT ON 38.7 LATERAL. Mr. Chamberlin said there is a proposed pipeline project off of Morgan Avenue. He said the landowners under the lateral are very supportive of the project. He said that Linda Rowe at SWCD is putting the project together. Mr. Chamberlin said that if the pipeline goes in a whole lateral would be piped. He said there are still a lot of details that have to be worked out. He said the project would encompass between 500 to 600 acres. Mr. Manser said that USBR would need to do a cultural resource assessment on the proposed project. The Directors discussed the proposed project.

MALHEUR SIPHON. Mr. Chamberlin said that Greg from MWH Engineering will be coming to next month's meeting. He said the soil testing has paid off and should save the District money.

OWRC CONFERENCE. Mr. Chamberlin said that the OWRC Annual Conference is scheduled for November 28 through December 1. He encouraged the Board members to attend the conference.

MANAGER REPORT. Mr. Chamberlin said that he purchased a detachable trailer, a small backhoe trailer, and a dump box when he went over to Salem. He said the total price paid for all three items was \$8,500. The Directors said that this was a good buy. Mr. Chamberlin said there is a screen in Utah which is potentially available. He said that staff is working on the budget. He said that he will be looking at a backhoe for the Ontario area. District equipments need were discussed.

DIRECTOR POSITION. Mr. Horton stated that the deadline for filing nomination petitions for the director position for Division #5 has passed. He said that only one petition for that division has been received and the petition nominated Jerry Nagaki as Director. Mr. Horton said that

Oregon law provides that if only one nominating petition is submitted for a division, the Board is to name the person nominated in the petition as the duly elected director without an election. A motion was made by Director Corn, seconded by Director White, and unanimously carried that Jerry Nagaki be named as a duly elected Director for Division #5 to serve for a three-year term commencing on the third Tuesday of January, 2016.

POLICIES ON WATER NON-USE. Mr. Chamberlin said that the law provides that if water has not be beneficially used on a property one year out of ever five consecutive years, the water right can be forfeited to the state. He said the law allows irrigation districts to have the water revert back to the District rather than to the state if certain procedures are followed. Mr. Horton presented a proposed Beneficial Use and Confiscation Procedures and Policies. These polices were reviewed and discussed by the Directors. After discussion, a motion was made by Director White, seconded by Director Ausman, and unanimously carried adopting the following preamble and resolution: effective January 1, 2017.

**RESOLUTION ADOPTING BENEFICIAL USE AND
CONFISCATION PROCEDURES AND POLICIES**

WHEREAS, Oregon Revised Statute 504.610, and Oregon Administrative Rules enforcing this statute, require a water right to be beneficially used one year out of every five consecutive years; and

WHEREAS, the Board of Directors of Owyhee Irrigation District deem it necessary to adopt beneficial use and confiscation procedures to carry out the requirements of the Oregon Statute and Rules.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF OWYHEE IRRIGATION DISTRICT AS FOLLOWS:

The attached Beneficial Use and Confiscation Procedures and Policies are hereby adopted: and

Such procedures and policies may be updated by District staff as statute and rule changes occur.

EXECUTIVE SESSION. Mr. Horton said that an executive session is needed to discuss litigation pursuant to ORS 192.660(2)(h). At 9:17 p.m., the Board entered into executive session.

At 9:32 p.m., the Board returned to regular session.

WATER RESOURCE COMMISSION TOUR. Director Corn updated the Board on a recent tour of the Rouge Valley which the Oregon Water Resource Commission went on.

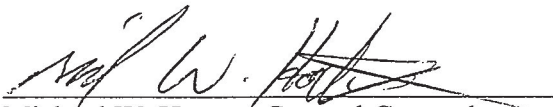
PLANNED WINTER WORK. Mr. Chamberlin updated the Board on planned winter work throughout the District.

HRA. Authorizing continuation of the District HRA was discussed. After discussion, it was the consensus of the Board of Directors to continue the HRA on the same terms and amounts as are currently in place.

WEATHER FORECASTS. Mr. Chamberlin updated the Board on current weather forecasts.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____

Oregon Ethics Law Policy

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Useful Links

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Whistleblower Protections

Purpose

To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- I. The District encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent District activity to report it to the District Manager or designee. The employee may also provide the information to another District manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the District Manager.
- II. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.
- III. Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation to comply with the law, and to provide accused individuals their due course, the identity of the individual making the report will be protected as much as possible. The District will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the District Manager or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- IV. All reports of illegal and dishonest activities will be promptly submitted to the District Manager or designee who is responsible for investigating and coordinating corrective action.

**Owyhee Irrigation District
Employee Committee
Wage and Benefit Proposal for 2017**

Committee Members:

Brad Goul

Mark Legg

Rob Bair

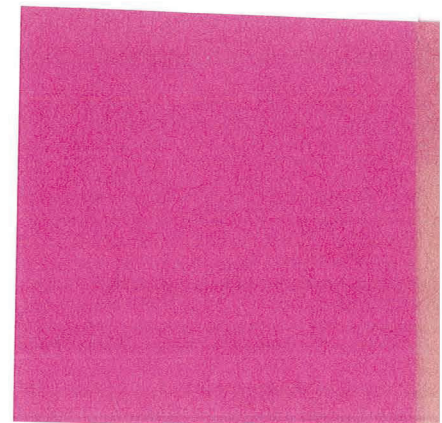
Scott Lawrence

The members of the Employee Committee met with the staff of the Owyhee Irrigation District and after some deliberation would like to propose the following wage and benefit for 2017:

- **1% increase in hourly rate for all employees**
- **1% incentive increase to be determined by annual evaluation**

The employees would also like to request that the HRA amounts remain the same for 2016; individuals receive \$4,250 and families receive \$8,500.

Sincerely,



**BENEFICIAL USE AND CONFISCATION PROCEDURES AND POLICIES
EFFECTIVE JANUARY 1, 2017**

Oregon Revised Statute 540.610 and the Oregon Administrative Rules enforcing the Statute require a water right be beneficially used 1 year out of every 5 consecutive years. District procedures addressing non-use of a water right are as follows:

1. Survey of entire District will be conducted and documented each year. Throughout the season, District staff shall document the use of all water rights as fully used, partially used, or not used. If partial use, an estimate will be made of actual acres irrigated. Aerial photos may be used when available.
2. The surveys will be completed no later than October 15th of each year and will be maintained in a permanent record.
3. The survey results will be entered into a database. Staff will compile a list of appurtenant water rights reported as partially used or not used.
4. All users with a documented 4 years of non-use shall receive a notice from the District clearly stating the ORS and OAR, the options they have to protect their water, and the District's right to petition OWRD to remove the water if not used in the 5th year. Notice shall be mailed to users by November 15th by certified mail and copy by first class mail. Copy of notice shall be sent to any security interest holders of record. The District shall provide the Oregon Water Resource Department with a copy of each 4th year notice sent to users within 30 days of the mailing date of the notice.
5. During the season of the 5th year, the user must do one of the following:
 - a. lease instream (application must be filed with District by February 15th)
 - b. transfer off
 - c. exercise the right on land
6. If any of the options under #5 are not exercised, the District will file a transfer application with OWRD to remove the non-use water from the property. No later than November 15th a Notice will be sent by certified mail and a copy by first class mail to the water user stating District intent to transfer the water off. Copy of notice shall be sent to any security interest holders of record. The District shall provide the Department with a copy of each 5th year Notice sent to a user within 30 days of the mailing date of the Notice. User has 30 days from the mailing date to advise the District in writing of their objections.
7. District Manager shall attempt to resolve the objection with the user. If unable to resolve, a hearing will be held before the District Board of Directors within 30 days. The Board shall determine whether to submit the application to the OWRD Director.

8. If the District does not receive a written objection in 30 days, the District will submit the transfer application to the Director requesting approval. Application must be submitted to OWRD before the last working day of December of the 5th year of non-use.