

POLICIES
OF
HECETA WATER PEOPLE’S UTILITY DISTRICT

Adopted July 1, 2014
Revised September 17, 2019

Definitions

Elements – The elements of the water system are part of the Plant, and include but are not limited to: water source, pump stations, reservoirs, piping, lines, valves, hydrants, meters, meter boxes, and supporting equipment such as trucks, trenching or grading equipment and tools required for operation of the Plant. Meters and meter boxes may be located on private property. Piping may be on land of public domain (dedicated roads, etc.) All other elements of the plant must be on land owned by the District or on service or other easements obtained by the District and recorded in Lane County records.

Plant – The water works plant, consisting of all real property, easements, water rights, and all elements of the water system known as Heceta Water People’s Utility District.

Water Supply Source – Clear Lake, located north of Florence, Lane County, Oregon.

Water User – A District water user is an owner or owner’s agent of a property located inside the boundaries of the District and served by the District’s water system through a metered service connection. For purposes of this definition, “owner’s agent” shall also refer to any tenant or otherwise authorized occupant of owner’s property.

Policies

Unlawful Activities

It shall be unlawful for any person to trespass on gated and posted access roads or areas without consent or to direct firearms at water source pumping facilities, reservoirs, or any other property of Heceta Water People’s Utility District.

It shall be unlawful for any person to throw, place, or deposit any article or substance in or near the water supply source which could cause an obstruction

to the flow or contaminate in any way the water supply or water supply source. Such areas are to be posted, but lack of posting will not affect the illegality of the previously mentioned activities.

Opening or closing valves belonging to the District, tampering with or causing injury or damage to any of the Plant's elements is prohibited. Violators will be prosecuted to the full extent of the law.

Water Service Conditions

Water service connections are the property of Heceta Water People's Utility District. Removal of, tampering with, or modification of this property will result in the disconnection of water service. Once disconnected, the water service will remain disconnected until repairs have been made and inspected by Heceta Water People's Utility District.

No water from the District's water system is to be turned on or off through the meter or any other means by anyone other than District personnel or authorized agents.

All water pumping outside or inside buildings and residences is to be maintained in good condition to prevent waste through leaks.

Water service may be temporarily interrupted in whole or part of the system by the District to facilitate repairs, maintenance, or other necessary purposes. On such occasions, every effort will be made to inform the water user when and for what period the service will be off. The District will not be responsible for damages resulting from the interruption or resumption of service, or damages resulting from the lack of service during such period.

Water Service Applications and Fees

Water service applications for new water meters are available at the District office. All applications must be accompanied by payment in full of the fee for the size of service required and all connection fees. A schedule of fees and rates may be obtained from the District office.

All fee and rate schedules will be adjusted from time to time, by resolution of the Board of Directors, and will be available for inspection at the District office.

If water service has been terminated for any reason and unauthorized persons turn the water on, the District may remove the meter and require submission of a renewal application and additional fees and charges be paid prior to reconnection.

Extension of Lines

Any plot or property or subdivision receiving County approval after July 13, 1966, will be required to advance 100% of the total cost (material, labor, engineering, legal fees, etc.) of extension of District lines to their subdivision or plot.

These lines must be on land of public domain or in a service easement granted to the District through private land. The applicant will be responsible for obtaining and paying for all rights of way or easements necessary. Upon connection to the District's Plant, the lines, easements and rights of way shall become the property of the District. All easements and rights of way will be reviewed and approved by the District's legal counsel. The applicant will be responsible for obtaining and paying for all necessary legal fees incurred by the District, recording fees, and costs, etc. associated with transfer of the lines and easements to the District.

A developer may elect to install the lines, but the lines will be installed to District specifications, and will require inspection and approval of the General Manager prior to connection to the District Plant. All easements, etc. will be reviewed by the District's legal counsel. In all cases, hydrant tees and valves are to be included as recommended by the insurance rating bureau.

Private Water Sources

Private water sources such as wells and springs will not be allowed to be connected in any way to piping connected to the District's Plant. Access for inspection and approval by the Cross Connection Specialist of private water systems shall be granted by the owner prior to connection to the District's Plant. Connection to the District's Plant shall be deemed implied consent by the Water User for periodic inspections of private water source piping and water by the Cross Connection Specialist.

Private Service Lines

Private service lines are to be buried a minimum of twelve inches (12"), and are to be protected from freezing, breaks or leaks by methods in compliance with the Oregon State Plumbing Code.

Hazardous Locations

The District maintains a cross connection program for hazardous locations. **Backflow protections are required** at these locations. These devices must be tested annually by a certified tester, and the test report will be filed at the District office. Additional information on this program is available at the District office.

Water Resale

No water provided by the District shall be resold or transmitted through pipes from one private premise to another.

Water Leak Adjustment

A 50% adjustment of charges exceeding a billing cycle annual average consumption caused by a leak or broken pipe after the District's water meter. The leak must be promptly repaired and any requested adjustments must be submitted within 30 days after the end of the billing cycle in which the leak was repaired.

Complaints

The Water User may bring any complaint or dissatisfaction with the water service or District management to the Board of Directors.

Public Records

The purpose of this section is to assure that all records of Heceta Water People's Utility District, with some exceptions, are available for inspection and copying by the public. Every person has a right to inspect any non-exempt public records of a public body in the state. The intent, identity, motivations, or need of the person requesting the records are irrelevant.

Compliance

The HWPUD shall fully comply with the Oregon Public Records Law, ORS 192.311-192.478.

Location of Records

All original signed documents relating to Board decisions such as Meeting Minutes, Ordinances, Resolutions, etc., shall be stored at the District Office or in a secure storage facility.

Point of Contact

To request public records from HWPUD:

Email: customer-service@hwpud.com

Mail a written request to: Heceta Water PUD

87845 Hwy 101

Florence, OR 97439

Custodian of Records

HWPUD's point of contact will be the Administrative Assistant, who shall acknowledge all requests within five (5) business days after receiving a written request (either paper or email) for specific records. As soon as reasonably possible but not later than ten (10) business days after acknowledging receipt of request, the custodian will complete its response to the public records request. If needed, they will "provide a written statement that HWPUD is still processing the request and a reasonable estimated date by which HWPUD expects to complete its response based on the information currently available." ORS 192.329(5)(b)

Specificity of Request

In order to facilitate the public's access to records in the District's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, must submit written requests for copies of public records, and shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable District personnel to readily locate the records sought.

Access

The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's office, or such other locations as the General Manager may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained. ORS 192.440(3).

Copies

Copies of non-exempt public records shall be furnished upon written request, and receipt of payment thereof.

Fees for Public Records

Fees must be limited to no more than \$25.00 unless the requestor is provided with a written notification of the estimated amount of the fee and the requestor confirms that he/she wants the public body to proceed.

In order to recover its costs for responding to public records requests, the following fee schedule is adopted by the District. ORS 192.324(7):

Copies of Public Records

Copies of public records shall be ten cents per photocopied page for standard letter size copies.

Copies of Sound Recordings

Copies of sound recordings of meetings shall be ten dollars per copy.

Copies of Maps and Other Nonstandard Documents

Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.

Research Fees

If a request for records requires District personnel to spend more than 30 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$25.00 per hour and additional charges shall be in one-quarter hour increments. The District shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Additional Charges

If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as

are necessary to reimburse the District for its actual costs of producing the records.

Reduced Fee or Free Copies

Whenever the District determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the Board or General Manager may so authorize. ORS 192.440(5).

Authorization Required for Removal of Original Records

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or the General Manager of the District.

On-site Review of Original Records

If a request to review original records is made, the District shall permit such a review provided that search fees are paid in advance in accordance with the Fees for Public Records section, above. A representative shall be present at any time original records are reviewed and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

Unauthorized Alteration, Removal, or Destruction of Records

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District.

Requests for Information

Any requests for written information or creation of reports, analyses, compilations, summaries, etc. will be made by the President of the Board. This policy is intended to prevent duplication of effort and preservation of district resources. This policy is not intended in any manner to restrict or interfere with any individual board member's right to request public information as provided by Oregon state laws.

Billing

Billing shall be on a monthly or bi-monthly basis, and payment is due before the 25th of each month for the previous period. Delinquent payments may be cause for termination of water service.

If a meter fails to register the amount of water used for any period, the charge for that period will be calculated from the average quantity of water used in the previous billing period. Any water user may request a meter check if the water usage records appear unreasonable. If the readings appear unreasonable to the General Manager, he will assist in determining the cause for the readings.

Turn-off/Tampering/Returned Checks

- a. Tampering Fee: If a water service is turned off for non-payment reasons and is turned on by the customer without arrangements being made through the District office, a fee of \$100.00 will be charged for tampering with the service. This fee will be paid along with all arrears before service is restored.
- b. Lock damage fee: If a water service is turned off and locked for non-payment reasons and the lock has been tampered with or damaged, a charge of \$20.00 for the lock will be required plus \$100.00 for the tampering fee plus all arrears before service is restored.
- c. Administration fee: If a water service is turned off for non-payment reasons and any part of the service is damaged by tampering, repairs will be made and all costs will be charged to the customer at a rate of cost of materials and labor plus 15% administration fee plus all arrears and fees shall be paid by the customer before water service is restored.
- d. After hours fees: If a water service has been turned off for non-payment reasons and the customer is requesting that service be restored after regular business hours or on weekends, a fee of \$30.00 along with the \$25.00 turn-on fee will be charged plus all arrears will be paid at the time of turn-on before service is restored.
- e. Returned Check Fee: A fee of \$25.00 will be charged for all returned checks.
- f. Turn-on fee for a non-payment turn-off is \$25.00.
- g. If no payment has been made for 6 billing cycles, the District will consider the meter abandoned and the meter will be removed from service and will not be returned to service until all past bills and fees are paid in full.

Termination of Service

In addition to any conditions set forth above, the District may terminate water service to a Water User under any of the following conditions:

1. Violation of any Water Service Condition, as defined above;
2. Non-payment of monthly billing;
3. Non-payment of required fees;

Whenever the District uses its authority to terminate service due to the failure of the Water User to comply with the Rules and District Policies, the Water User will be charged a fee or fees and a possible additional charge (to be set by the Board) before renewal application for service will be accepted.

Financial Information Review

The General Manager and Secretary of Record will continue to closely supervise and review the day to day financial affairs of the District. Individual board members may review individual bills and invoices at the office of the Secretary of Record, at a mutually convenient time, outside regular board meeting times, each month. The General Manager will continue to provide a monthly summary, as provided by the Secretary of Record, in each board packet for information purposes.

District Expenditures

The Board acknowledges the General Manager's authority to make expenditures within the limitations set out in the duly adopted budget. A monthly summary of expenditures is provided at each board meeting for informational purposes. As a courtesy, the General Manager will report expenditures of District funds in excess of \$10,000 to the Board during the next regular monthly meeting.

Investment Policy Statement

The Heceta Water People's Utility District (PUD) is a special district formed under Oregon statutes to supply potable water within Lane County, Oregon. It exists and exercises legal authority under ORS Chapter 261. As an Oregon local government, the PUD is a tax-exempt entity and complies with all applicable state and federal laws.

The PUD serves an area north of the City of Florence and is funded by PUD's customers.

The PUD is committed to use the services of local qualified depository institutions for all financial matters. All funds in deposit shall be collateralized in accordance with current and future laws and regulations. The PUD is also committed to use the services of local investment manager(s) whenever appropriate and in the best interest of the PUD.

The PUD will review, or have reviewed by a qualified individual or firm, the financial statements of the institutions where its funds are on deposit on no less than an annual basis.

Public Contracting Rules

The purpose of this policy is to encourage public contracting competition that supports openness and impartiality to the maximum extent possible, and to insure compliance with Oregon Revised Statute 279, as is applicable to District activities.

a. Public Contracts

Public contracts shall be let by the District according to the State of Oregon Public Contracting Code, Oregon Revised Statute Chapter 279, including the Model Rules adopted by the Oregon Attorney General as they now exist and as they may be amended in the future.

b. Local Contract Review Board

The Board of Directors of Heceta Water People's Utility District is designated as the 'Local Contract Review Board' under the State of Oregon Public Contracting Code. The Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code or the Model Rules.

c. Contracting Agency

The General Manager is appointed as the District's 'Contracting Agency' for purposes of contracting powers and duties assigned to the District under the State of Oregon Public Contracting Code or the Model Rules.

Public Meetings

The purpose of this section is to assure that meetings of the Heceta Water People's Utility District Board of Directors, including any advisory body, subcommittee, task force, or other official group that has authority to make

recommendations to the Board of Directors, are open to the public so the public will know of the activities and actions of its public officials.

Preparation for Board Meetings

Distribution of materials to Board Members

The Agenda, Manager's Report, and Statement of Bills shall be made available to each member of the Board prior to any regularly scheduled Board meeting.

Distribution of Agenda to the Public

The proposed Agenda will simultaneously be distributed to:

Siuslaw News editor

KCST radio station

Any other media that has requested notice

Agenda posted on door of PUD office

District Meeting Information List

Board Meeting Agenda

The General Manager shall draft the Agenda after conferring with the President.

The following general order shall be observed:

- | | |
|------------------------|--|
| 1. Call to Order | 8. Unfinished Business |
| 2. Roll Call | 9. New Business |
| 3. Financial Report | 10. Items not on agenda |
| 4. Public Comment | 11. Agenda suggestions for future meetings |
| 5. Approval of Minutes | 12. Executive Session (when needed) |
| 6. President's Report | 13. Adjournment |
| 7. Staff Report | |

Notice and Location of Meetings

Application

This policy applies to all meetings of the Board of Directors of the HWPUD, and to any meetings of subcommittees, or advisory groups appointed by the Board if such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Board of Directors.

Compliance with Law

All meetings shall be conducted in accordance with the Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990.

Location of Meetings

All meetings shall be held within the geographic boundaries of the District, except for training sessions held without any deliberative action. No meeting shall be held in any place where discrimination on the basis of race, creed, color, sex, age, national origin, or disability is practiced. All meetings shall be held in places accessible to the handicapped.

Meetings Held by Telephone

Meetings held by telephone or other electronic communication is subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum. ORS 192.670(1). Notice and opportunity for public access shall be provided when meetings are conducted by electronic means may be listened to by members of the public. ORS 192.670(2).

Regular Meetings

The Board shall hold regular monthly meeting on the third Tuesday of each month. Such meeting shall be held at 87845 Hwy 101, Florence, Oregon at 4:00 pm, or at such other places and times as the Board may designate.

Special Meetings

The Board shall hold special meetings at the request of the President or any member of the Board. No special meeting shall be held upon less than 24 hours public notice. A brief statement of the objective or objectives of such special meeting shall be included in the notice.

Emergency Meetings

Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours' notice in situations where a true emergency exists.

An emergency exists where there are objective circumstances which, in the judgment of the person or persons calling the meeting, create a real and substantial risk or harm to the District which would be substantially increased if the Board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of Board members is not grounds for calling an emergency meeting.

At the beginning of any emergency meeting, the Director or Directors calling such meeting shall recite the reasons for calling such meeting, and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes. The Board shall then determine if the reasons are sufficient to hold an emergency meeting and, if not, shall immediately adjourn such meeting. Only business related directly to the emergency shall be conducted at an emergency meeting.

Notice of Meetings

Notice of time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be sent to all Board members, local media (Siuslaw News and KCST radio station), and to all persons or other media representatives having requested notice in writing of every meeting. The agenda shall also be posted on the door of the District office.

Written notice shall also be sent to any person who the District knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive.

For special meetings, notices shall be delivered, or phone calls made to local media (Siuslaw News and KCST radio station), and interested persons shall be notified by mail or telephone. For emergency meetings, the District shall attempt to contact local media (Siuslaw News and KCST radio station) and other interested persons by telephone to inform them of the meeting.

Executive Sessions

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis for calling the executive session.

The President or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the President shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement

should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board.

Interpreters for the Hearing Impaired

The District shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at Board meetings, in accordance with the following rules:

The District shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the District at least 48 hours' notice of language preference, and any other relevant information which the District may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission, or other state or local agencies that maintain a list of qualified interpreters. If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present. The requirement for an interpreter does not apply to emergency meetings.

The General Manager shall be responsible for developing and maintaining a list of qualified interpreters, and shall have the responsibility for making the required good faith effort to arrange for attendance of an interpreter at any meeting for which an interpreter is requested.

Board Meeting Conduct

Presiding Officer

The President shall preside at Board meetings. In the President's absence, the Vice President shall preside. If both the President and Vice President are absent, any other member of the Board may preside.

Authority to Conduct Meetings

The President or other presiding officer at any Board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the President or other presiding officer at the meeting may be overridden by a majority vote of the Board.

Public Participation

If public participation is to be a part of the meeting, the presiding officer may regulate the order and length of appearances, and limit appearances to relevant points. Persons failing to comply with the reasonable rules of conduct outlined by the presiding officer, or causing any disturbance may be asked or required to leave. Upon failure to leave, such persons become trespassers.

Electronic Equipment

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

Recording of Votes

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

Quorum Requisites

Three Board members shall constitute a quorum. If only a quorum is present, a unanimous vote shall be required to take final action.

Vote Explanations

Members of the Board may append to the record, at the time of voting, a statement indicating either the reason for their vote or abstention.

Conflict of Interest/Ex Parte Contacts

In the event of a potential conflict of interest, a member of the Board shall declare such conflict but may participate in discussions and vote. In the event any member of the Board has had any ex parte contact in a quasi-judicial matter, the member shall declare such contact prior to participating in discussion on the matter.

Smoking

Pursuant to ORS 192.710, no person shall smoke or carry any lighted cigar, cigarette, pipe or other smoking equipment into a room where a meeting is

being held by the Board or is to continue after a recess. For purposes of the statute, a meeting is deemed to have started at the time the agenda or meeting notice indicates it is to commence, regardless of the time the meeting actually begins. This rule shall apply at any regular, special or emergency meeting at which the Board intends to “exercise or advise in the exercise of any power of government. No quorum requirement shall apply for this smoking ban to apply. If the Board intends to reconvene after leaving a meeting room for an executive session, the Board will be deemed to be in a “recess” during which smoking shall be prohibited in the meeting room.

Adjournment

The meeting shall be adjourned by a majority vote or as a result of the loss of a quorum.

Executive Sessions

Notice

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate the general subject matter to be considered at the executive sessions, but it shall also set forth the statutory basis for calling the executive session.

No Final Decisions

The Board shall not make any final decisions during any executive session. This policy, however, shall not prohibit full discussion of Board members’ views during executive sessions.

Purposes

Executive sessions shall be held only for the following purposes:

Employment of Personnel: ORS 192.660(2)(a). To discuss the employment of a public officer, employee, or staff member, but only if the following requirements have been met: the vacancy for the position has been advertised; regularized procedures for hiring have been adopted; there has been opportunity for public input into the employment of such employee or officer. Where employment of a General Manager is under consideration, the standards, criteria and policy directives to be used in hiring

such officer must have been adopted at a meeting open to the public at which the public has had an opportunity to comment. No executive session may be held under ORS 192.660(2)(a) for purposes of filling a vacancy in an elective office.

Discipline of Public Officers and Employees: ORS 192.660(2)(b). To consider the dismissal or disciplining of a public officer, employee, staff member or individual agent, or to hear complaints or charges brought against such persons, unless the person complained against requests an open hearing.

Consultation with Labor Negotiator: ORS 192.660(2)(d). To conduct deliberations with persons designated by the Board to carry on labor negotiations in its behalf. News media representatives may be excluded from executive sessions called under this section.

Real Property Transactions: ORS 192.660(2)(e). To conduct deliberations with persons designated by the Board to negotiate real property transactions.

Exempt Records: ORS 192.660(2)(f). To consider records which are exempt by law from public inspection. Examples of such records include medical records pertaining to personnel, confidential communications from legal counsel, employment tests or examination materials, and other material exempted from public disclosure under the Public Records Law, ORS 192.501 and 192.502.

Trade or Commerce: ORS 192.660(2)(g). To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

Litigation/Consultation with Legal Counsel: ORS 192.660(2)(h). To consult with legal counsel concerning the District's legal rights and duties, as well as current litigation or litigation likely to be filed. Whenever written legal advice received from counsel is to be discussed, the Board may utilize an executive session to discuss the writing under the authority of ORS 193.660(2)(f), as well. This section authorizes an executive session to consider records which are exempt by law from public inspection.

Performance Evaluations: ORS 192.660(2)(i). To review and evaluate the employment related performance of the chief

executive officer, other officers, employers or staff members, pursuant to standards, criteria and policy directives adopted by the District, unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers must first have been adopted by the Board in meetings open to the public in which there was an opportunity for public comment. Executive sessions called pursuant to this section may not include a general evaluation of any District goal, objective or operation and may not include any directive to the Chief Executive Officer or other District personnel concerning agency goals, objectives, operations or programs.

Public Investments: ORS 192.660(2)(j). An executive session may be called to negotiate with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

Labor Negotiations: ORS 192.660(2)(d). Labor negotiations may be held in executive session if either side requests an executive session.

Conduct of Executive Session

The President or other presiding officer shall announce the statutory authority for the executive session before going into closed session. Once the executive session has been convened, the President shall direct any representative of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. **Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.**

Minutes of Board Meetings

Written Minutes

The Board shall keep written minutes of all its meetings in accordance with the requirements of ORS 192.650. Minutes of public meetings shall include at least the following information:

All members of the Board present.
All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
Results of all votes, including the vote of each member by name.
The substance of any discussion on any matter.
Subject to ORS 192.410 – 192.505 relating to public records, a reference to any document discussed at the meeting.

Minutes of Executive Session

Minutes of executive sessions shall be kept separately from minutes of public meetings. Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. If minutes of an executive session are kept by tape recording, written minutes are not required, unless otherwise provided by law. ORS 192.650(2).

Disclosure of Executive Session Matters

If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held, the material may be withheld from disclosure. No executive session minutes may be disclosed without prior authorization of the Board. ORS 192.650(2).

Retention

Any tape recording or written minutes of public Board meetings or executive sessions shall be retained by the District until such time as their disposal is authorized by rule or specific authorization of the State Archivist pursuant to ORS 192.105. It is recommended that minutes be retained forever.

Availability to the Public

Written minutes of public sessions shall be made available to the public within a reasonable time after the meeting. ORS 192.650(1)

Reimbursement for Board Member Expenses

Board members will receive reimbursement for attending out of town meetings (attended in capacity of HWPUD board member) for lodging, meals, and mileage at the same rates allowed in the Personnel Policy. Other incidental expenses will be reimbursed only if preapproved by the board. The current practice of distribution of board meeting materials via email was adopted as a cost-cutting measure by the board. In recognition of the possible need by

individual board members for paper copies of HWPUD meeting materials, the district staff will provide printed versions, upon request, at no charge to the board member.

Electronic Mail Communications

Heceta Water People's Utility District has established this policy with regard to the acceptable use of agency-provided electronic messaging systems, including but not limited to e-mail and instant messaging. E-mail and instant messaging are important and sensitive business tools. This policy applies to any and all electronic messages composed, sent or received by any employee or by any person using agency-provided electronic messaging resources.

Policies

Heceta Water People's Utility District sets forth the following policies, but reserves the right to change them at any time as may be appropriate or required under the circumstances.

Heceta Water People's Utility District provides electronic messaging resources to assist in conducting agency business.

All messages composed and/or sent using agency-provided electronic messaging resources must comply with agency policies regarding acceptable communications.

Heceta Water People's Utility District prohibits discrimination based on age, race, gender, sexual orientation, physical or mental disability, sources of income, or religious or political beliefs. Use of electronic messaging resources to harass or discriminate for any or all of the aforementioned reasons is prohibited.

The electronic messaging system(s) is/are Heceta Water People's Utility District property. All messages stored in agency-provided electronic messaging system(s) or composed, sent or received by any employee are the composed, sent or received by any person using agency-provided equipment are the property of Heceta Water People's Utility District. Electronic messages are NOT the property of any employee.

Upon termination or separation from the agency, Heceta Water People's Utility District will deny all access to electronic messaging resources, including the ability to download, forward, print or retrieve any message stored in the system, regardless of sender or recipient.

Each employee will be assigned a unique e-mail address that is to be used while conducting agency business via e-mail.

Accessing external-mail systems from agency-provided equipment is prohibited. This includes, but is not limited to, Yahoo! Mail, Hotmail, MSN mail, AOL, Earthlink, Comcast and other e-mail services offered by Internet service providers.

Employees are prohibited from automatically forwarding electronic messages sent through agency provided systems to external messaging systems.

Heceta Water People's Utility District reserves the right to intercept, monitor, review and/or disclose any and all messages composed, sent or received. The interception, monitoring and reviewing of messages may be performed with the assistance of content filtering software, or by designated agency employees and/or designated external entities. Employees designated to review messages may include, but is not limited to, an employee's supervisor or manager and/or a representative from the District's legal firm.

Heceta Water People's Utility District reserves the right to alter, modify, re-route or block the delivery of messages as appropriate. This includes but is not limited to:

Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to Heceta Water People's Utility District resources.

Discarding attachments, such as music, considered to be of little business value and of significant resource cost.

- Rejecting or quarantining messages with suspicious content.
- Rejecting or quarantining messages containing offensive language.

Re-routing messages **with** suspicious content to designated Heceta Water People's Utility District employees for manual review.

- Rejecting or quarantining messages determined to be unsolicited commercial e-mail (spam).

- Appending legal disclaimers to messages.

Electronic messaging resources may be used *infrequently* and *occasionally* for personal use. Excessive personal use may result in disciplinary action including but not limited to the loss of this privilege and/or termination. Heceta Water People's Utility District-provided electronic messaging resources may not be used for the promotion or publication of one's political or religious views, the operation of a business or for any undertaking for personal gain.

The policies in the document apply equally to instant messages as well as e-mail.

The unique-mail addresses and/or instant messaging identifiers assigned to an employee are the property of Heceta Water People's Utility District. Employees may use these identifiers only while employed by the Heceta Water People's Utility District. The right to use these identifiers terminates upon termination or separation from the agency.

Heceta Water People's Utility District employs sophisticated anti-virus software. Employees are prohibited from disabling anti-virus software running on Heceta Water People's Utility District-provided computer equipment. Any employee who discovers a violation of these policies should immediately notify the General Manager or the President of the Board of Directors.

Any employee in violation of these policies is subject to disciplinary action, including but not necessarily limited to, termination.

Practices and Procedures

Heceta Water People's Utility District employs certain practices and procedures in order to maintain the health and efficiency of electronic messaging resources, to achieve agency objectives and/or to meet various regulations. These practices and procedures are subject to change as appropriate or required under the circumstances.

Heceta Water People's Utility District treats relevant electronic messages as a business record, established practices and procedures for the safekeeping, retention and ultimate destruction of the business record must be followed.

Heceta Water People's Utility District serializes, archives and retains copies of all internal and external electronic messages in conformance with retention periods outlined in the Oregon State Archives Division's general records retention schedules.

It is recommended that e-mail be printed when it contains information pertinent to a particular project or important issue. The e-mail will then take on the retention period of that record series.

Sixty (60) days after electronic messages have been successfully and verifiably archived, electronic messages will be deleted from the local, online electronic messaging system(s).

The Heceta Water People's Utility District automatically and systematically destroys all archived messages when the record has reached the end of its retention period as outlined in the Archives Division's general records retention schedule.

All email communications from Heceta Water People's Utility District personnel will include the following statement at the end of each message:

"PUBLIC RECORDS LAW DISCLOSURE: This is a public document.
This e-mail is subject to the State Retention Schedule and may be
made available to the Public."

Risks and Cautionary Advice

While electronic messaging resources allow employees to conduct agency business efficiently, use of e-mail and instant messaging systems comes with some inherent risks. All employees should be aware of these risks. All employees should be aware of these risks and take precautions to mitigate them.

All employees using electronic messaging will be given a copy of this policy, including the following advisory statement:

Electronic messages are legally discoverable and permissible as evidence in a court of law.

Messages sent electronically can be intercepted inside or outside the

agency and as such there should never be an expectation of confidentiality.

Do not disclose proprietary or confidential information through e-mail or instant messages.

Electronic messages can never be unconditionally and unequivocally deleted. The remote possibility of discovery always exists. Use caution and judgment in determining whether a message should be delivered electronically instead of in person.

Electronic messages are frequently inadequate in conveying mood and context. Carefully consider how the recipient might interpret a message before composing or sending it.

Even though the agency employs anti-virus software, virus infected messages could enter the agency's messaging systems. Viruses, "worms" and other malicious code can spread quickly if appropriate precautions are not taken.

- Be suspicious of messages sent by people not known by you.
- Do not open attachments unless they were anticipated by you.
- Disable features in electronic messaging programs that automatically preview messages before opening them.
- Do not forward chain letters. Simply delete them.

Heceta Water People's Utility District considers unsolicited commercial e-mail (spam) a nuisance and potential security threat. Do not attempt to remove yourself from future delivery of a message that you determine is spam. These "Remove Me" links often are used by unscrupulous mass junk e-mailers as a means to verify that you exist. Attempting to remove it yourself will only ensure that you will receive ever increasing amounts of spam.

Internet message boards are a fertile source from which mass junk e-mailers harvest e-mail addresses and e-mail domains. Do not use agency-provided e-mail address when posting to message boards.

Other Conditions

Any condition, circumstance or occurrence not provided for in these policies will be considered by the General Manager on a case by case basis, and will be presented to the Board of Directors for a vote. Their decision will be final.

President: Wendy L. Lohner

Vice President: Vito V. Conello

Date: 09 / 17 / 2019