

LA PINE WATER DISTRICT

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LA PINE SPECIAL SEWER DISTRICT



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AGENDA
LA PINE WATER DISTRICT BOARD OF COMMISSIONERS
LA PINE SPECIAL SEWER DISTRICT BOARD OF
DIRECTORS
SPECIAL SESSION
51490 Hinkle Way, La Pine, Oregon
February 10, 2012
12:00 p.m.

- I. Establish quorum and call to order
- II. Pledge of Allegiance
- III. Public Records Requests
- IV. Retention of Labor Counsel
- V. Election of Officers for the La Pine Water District
- VI. Public Comment
- VII. Adjourn

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**MEETING MINUTES
LA PINE WATER DISTRICT BOARD OF COMMISSIONERS
LA PINE SPECIAL SEWER DISTRICT BOARD OF
DIRECTORS
SPECIAL SESSION
51490 Hinkle Way, La Pine, Oregon
February 10, 2012
12:00 p.m.**

I. Establish quorum and call to order

Quorum was established for both districts, the following members were present for La Pine Water District: President Wayne Kovacs, Vice-President Bill Sawders, Secretary/Treasurer Makinson, Commissioner Brian Earls, and Commissioner David Harms. The following members were present for the La Pine Special Sewer District: Chairman Wayne Kovacs, Vice-Chair Brian Earls, and Secretary/Treasurer Bill Sawders. Also present was Donna Zigler, Operations Manager and Office Administrator.

II. Pledge of Allegiance

Administrative Assistant Ashley Williams led the Pledge of Allegiance.

III. Public Records Requests

Attorney Christy Monson stated that the first public record's request is from the Bend Bulletin. She said they have made a request for all the documents that were used to prepare the audit that was done in November 2011. She said in her opinion most of the documents are disclosable. Ms. Monson said

that she and staff could review the individual documents and then prepare a cost estimate for the Bend Bulletin.

Vice-President/Secretary/Treasurer Bill Sawders made a motion to assemble and release the documents prepared by the auditor and exempt any private information. Vice-Chair Earls seconded the motion for the Sewer District. Commissioner Harms seconded for the Water District. Motion passed unanimously for both districts.

Attorney Monson stated that the City has requested the January 20th letter from her regarding disciplinary options. She said the requests of disclosing it could waive attorney client privileges regarding other information. Attorney Monson said the City could file a complaint with the District Attorney if the document request is not granted.

Vice-President/Secretary/Treasurer Bill Sawders stated that the five options are already available so he did not see why that information should go to the City. Vice-President/Secretary/Treasurer Sawders made a motion to not release the documents to the City. Secretary/Treasurer Makinson seconded for the Water District and Vice-Chair Earls seconded from the Sewer District. Motion passed unanimously for both districts.

Attorney Monson stated that the third request was from the Bulletin for a document sent from an employee to each of the commissioners. She said she would like the Board to work with staff to determine what document is requested and then to research it to see if it is disclosable under the law.

Commissioner/Vice-Chair Earls made a motion to direct Christy Monson to work with the staff to determine which document it is and to research if it is disclosable. Secretary/Treasurer Makinson seconded for the Water District. Secretary/Treasurer Sawders seconded the motion for the Sewer District. Motion passed unanimously for both districts.

IV. Retention of Labor Counsel

President/Chair Wayne Kovacs stated that the labor lawyer, Mr. Bruce Bischof, who was representing the Districts, has resigned. Attorney Monson said that she would recommend Ken Jones, another attorney in her law firm. She said he has done many collective bargaining negotiations with public entities. Attorney Monson said she would also recommend the Local Government Personnel Institute that is connected to the League of Oregon Cities. She said the Executive Director there is a former labor attorney. President/Chair Kovacs stated that he felt it might be advantageous to use an attorney from the same law firm the Districts already employ. Secretary/Treasurer/Vice-Chair Earls stated that they need to have someone that wants to stay. Attorney Monson stated that the Board could direct staff to gather more information. She said that an attorney needs to be hired as soon as possible as there are timelines that need to be met. President/Chair Kovacs stated they received and forwarded to Attorney Monson communications about negotiating a contract with the labor union. He said the process has started and the Districts need a negotiator. Attorney Monson said that they could select a member from the Sewer District and a member from the Water District to make that decision and get it going. Commissioner/Vice-Chair Earls said that the process does need to move forward so no deadlines are missed. It was decided that Commissioner Harms and Vice-Chair Earls would work together to hire a new labor attorney. Secretary/Treasurer Makinson made a motion to delegate the hiring of a labor attorney to Commissioner Harms for water and Vice-Chair Earls for sewer and allowing them to enter into an agreement for labor counsel on behalf of both districts. Secretary/Treasurer Sawders seconded for Sewer and Commissioner Harms seconded for Sewer. Motion passed unanimously for both districts.

Attorney Monson wanted to make sure it was on the record that she was only mentioning Ken Jones as a possible labor attorney and not making a recommendation to the Districts that they should hire him. Attorney Monson wanted to declare a potential conflict on the record.

V. Election of Officers for the La Pine Water District

President/Chair Kovacs stated that this item has been stricken from the agenda. Attorney Monson said that after researching this topic she found that the authority for electing officers comes only once a year. She said for the Sewer District the first regular meeting or soon thereafter of the New Year they could elect officers. Attorney Monson stated for the Water District the election would need to happen at the first meeting in January.

Commissioner Harms stated that he was concerned because President/Chair Kovacs was not supportive of withdrawing the Districts to the City. President/Chair Kovacs said he only thought it might be necessary to slow down the process as there had been no open communication with the city and there was concern about what was happening with district employees. President/Chair Kovacs said they have submitted everything they were asked for to make it happen. He said they have always moved forward.

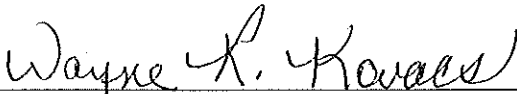
VI. Public Comment

Vicky Jackson, area resident, criticized the last Special Session of the Board. She said she has never seen a member of a Board be so disrespectful of an employee or fellow Board members. Ms. Jackson said that Vice-President/Secretary/Treasurer Sawders discussed personal medical issues about an employee that was originally discussed in an Executive Session. She stated he also accused Commissioner/Vice-Chair Earls of running scared. Ms. Jackson said this led to another negative and embarrassing newspaper article containing what should have been confidential information. She also said the voters wanted integrity and not disrespectful behavior from their Board members.

VII. Adjourn


Commissioner/Vice-Chair Earls made a motion to adjourn the meeting. Commissioner Harms seconded for the Water District. Secretary/Treasurer Sawders seconded it for the Sewer District. Motion passed unanimously by both districts.

President/Chair Kovacs adjourned the meeting at 12:45 pm.



President/Chair Wayne Kovacs

Attest:



Operations Mgr/Office Admin. Donna Zigler