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SDAO Mission

The mission of the Special Districts Association of Oregon is to assist special service districts in providing cost-effective and efficient public services to the people of Oregon.

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Awards, Education and Training, Internship Grant, Legislative, Research and Technical Assistance, and SDAO Advisory Services, LLC

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Prop/Cas Email: claims@sdao.com
Workers' Comp Email: wc@sdao.com





SEASIDE, OR















From: Frank Stratton, Executive Director

SAVE THE DATE!

February 8-10, 2019

2019 SDAO Annual Conference

SUNRIVER, OR

Thank you to each one of you who joined us for the 2018 SDAO Annual Conference in Seaside! This was a record-breaking year in attendance for us. We had about 500 conference attendees with 220 different district members represented.

Chip Eichelberger started the conference off with a lively presentation about living life with greater energy and possibility. His interactive session challenged our attendees to reevaluate their current vision, game plan, mindset and results. Our 20 breakout sessions were held on Friday and Saturday and focused on different areas of special district operations including employment practices, legal issues, boards, and more.

Friday's Exhibitor Trade Show highlighted 23 vendors and sponsors and the services they offer to special districts. In the afternoon, attendees met with their caucus colleagues to discuss important issues affecting their districts and nominated individuals for available SDAO Board of Directors positions.

Association business was discussed at the Annual Business Meeting on Saturday, and elections were held

for the six open seats on the SDAO Board of Directors. During the evening, we recognized special districts and their board members, managers, staff, and volunteers at the Awards Banquet. We also presented the 2018 Lifetime Educational Achievement Award to Professor Craig Shinn with Portland State University. Following, guests had a great time interacting and playing blackjack, craps, Texas Hold'Em, and roulette. Raffle prizes were awarded at the end of the evening.

The conference wrapped up on Sunday with a presentation from Charly Heavenrich. He shared the important lessons he learned through his experience as a whitewater raft guide in the Grand Canyon.

We appreciate your work and dedication to Oregon's special districts and will continually strive to provide you with the best trainings and networking opportunities available. At next year's conference, we will be celebrating SDAO's 40th anniversary. I invite you to join us February 8-10, 2019 in Sunriver.

Requirement for Providing Notice of an Executive Session Meeting

By: Luanne Richey, Director of Membership Services



Oregon Public Meeting Law requires that notice of an executive session be provided in the same manner you give notice of a public meeting. The notice must cite the specific statutory provision(s) authorizing the executive session. Permissible grounds for going into an executive session are available in the Attorney General's Public Records and Meetings Manual and online at www.doj.state.or.us.

A critical factor for providing notice is whether the public and the news media specifically have been given notice of the topic to be discussed and whether in open or executive session. ORS 192.660(1). If the topic is on the agenda, and the need

for an executive session arises, it would be appropriate to go into an executive session (making sure all steps are followed) to discuss a topic that was noticed on the agenda.

However, in the circumstances where there is no reference on the agenda at all, an executive session would not be appropriate—as there would not have been any notice given of any type that a particular topic was going to be discussed. Putting an executive session on every agenda "just in case" might not be sufficient. As noted above, Appendix K-9 of the Attorney General's Manual states, "Provide notice of an executive session

in the same manner you give notice of a public meeting. The notice must cite to the specific statutory provision(s) authorizing the executive session."

As a best practice, if you believe that an executive session is necessary, note it on the agenda to avoid any questions that proper notice was given. Contact SDAO Pre-Loss if you have questions concerning executive sessions. An executive session checklist is available for download at http://ref.sdao.com/bestpractices/public-meetings-and-executive-session.pdf

State & Federal Surplus Property Program

The Oregon Surplus Property Program is available to all special districts in Oregon. This program locates, acquires and distributes state and federal surplus property to state and local government agencies and qualified nonprofit organizations. Examples of items available include office furniture, generators, vehicles/heavy equipment, boats, power equipment, firefighting equipment, camping supplies, kitchen equipment, and emergency supplies.

The program acquires personal property from various executive federal agencies, military installations, state agencies and local governments. At least half of the property available is unused. This is usually a result of a base or office closure, federal contractor finishing a project and having leftover materials, or military operation that has been drawn down.

Surplus property staff also maintain a "want list" of items, will reserve property, and can assist in making transportation arrangements, if necessary.

The Salem warehouse located at 1655 Salem Industrial Drive has a large inventory of items available for direct sale to agencies. The program keeps the service charges on each item at a minimum to cover operating costs. Property received from the federal program is reportable as

a form of federal assistance at 23.4% of the item's original federal acquisition cost.

Port of Toledo has been an Oregon SASP (state agency for surplus property) donee since 2007. The port acquires a large variety of equipment to serve its needs, from plate metal and welders, to high lift equipment and hand tools. In 2016 alone, the port acquired \$200,000 (original acquisition) worth of property from the Oregon SASP for a little over \$18,000. They are a great example of how participation in the federal donation property program benefits certain regions of the state, as well as the state as a whole.

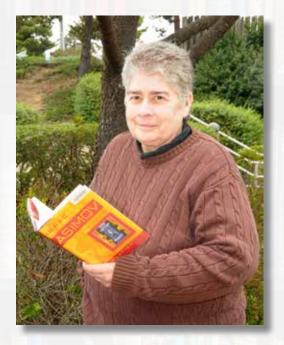
To view current inventory, visit www.oregonsurplus.com and click on "Search for surplus property" in the center column. If you have any questions, please call 503-378-6020 for more information.

SDAO Past President Diedre Conkling Wins 2018 ACRL WGSS Career Achievement Award

Diedre Conkling, SDAO Past President and Director of Lincoln County Library District, has been selected as the 2018 winner of the Association of College and Research Libraries (ACRL) Women and Gender Studies Section (WGSS) Career Achievement Award. This award honors significant long-standing contributions to women and gender studies in the field of librarianship over the course of a career.

A plaque and \$750 award, donated by Duke University Press, will be presented to Conkling at a WGSS event during the ALA Annual Conference in New Orleans.

"Diedre Conkling has been the linchpin that holds together the collective women's groups in ALA, including WGSS, the Feminist Task Force (FTF), the Committee on the Status of Women in Librarianship (COSWL), and the Library Leadership and Management Association (LLAMA) Women Administrator's Discussion Group," said award chair Dolores Fidishun, head librarian at Penn State Abington. "Over the years, as the coordinator of FTF, she has partnered with chairs of WGSS and COSWL to plan and present the annual Introduction to Women's Issues program."



For the full press release, please visit <u>www.ala.org/news/member-news/2018/03/conkling-wins-2018-acrl-wgss-career-achievement-award</u>.



SDAO Awards Program

The Special Districts Association of Oregon's Awards Program gives recognition to member districts for accomplishments which allow them to provide better service to the public and honors individuals who have greatly contributed to the success of their organization. These awards celebrate the ingenuity, creativity, and diversity of our members.

2018 SDAO Awards Recipients

Each year, the SDAO Awards Program honors member districts for accomplishments which allow them to provide better service to the public and gives recognition to individuals who have greatly contributed to the success of their organization. Winners were recognized on Saturday, February 10th at the 2018 SDAO Awards Banquet in Seaside.

Districts that offer innovative programs, outstanding safety, public information, public involvement in a district decision-making process, and outstanding projects/achievements are eligible to be nominated for the Outstanding Special District Program Award. Three districts were selected by the SDAO Awards Committee to receive this award.

Outstanding Special District Program Award: Districts with 5 or Fewer Employees Winner: Aumsville RFPD

Aumsville RFPD has developed a vehicle maintenance program that provides services to various fire districts in Marion County including Turner, Drakes Crossing, Sublimity, Lyons, and Gates. These fire districts can bring their apparatus to Aumsville for repairs and annual pump

testing. The mechanic may also travel to the contracted district for minor repairs or to a site where the vehicle cannot be moved until repair. Charges include parts at cost and a significantly reduced labor rate which in turn helps pay for the cost of the employee. The employee, Christopher Lorenz, is a certified emergency vehicle technician who is also a certified firefighter and responds on calls that may occur in any of the districts served.

While Christopher is an employee of Aumsville RFPD, he performs work for the other districts via an intergovernmental agreement. He is kept busy doing maintenance work for the participating entities and has very few moments of down time. Aumsville's program provides a revenue stream that pays for part of his salary and benefits and can be adjusted for further expansion of the program if additional employees are needed. The value added includes:

- Immediate repairs to prevent safety issues
- Less downtime of apparatus
- Less need for reserve apparatus
- Cost savings for districts due to no mark up on parts and a minimal labor fee that is charged via an hourly rate
- Provides an avenue for cross-district relationships

This program has a positive impact on not just one district but five additional communities in the region. Older apparatus and equipment is given an opportunity for an extended life thus preventing safety issues.

Outstanding Special District Program Award: Districts with 6-25 Employees Winner: Sisters Park & Recreation District

Over the past twenty years, Sisters Park & Recreation District has expanded from essentially an afterschool program to a district with 11 full-time employees with a budget of over \$1.35 million running 100 programs, five

parks, and a community center with no increase in tax rate since its inception. One of the major factors influencing this financial turnaround was the utilization of sports tournaments and special events to boost the performance of the district. These events engaged large numbers of people that were not often served by past park and recreation programming, provided high quality competition in the case of sports tournaments that often was not available locally, and generated revenue from out-of-town participants that then could be used to subsidize programs for locals.

These programs provide the district with the opportunity to directly interact with Sisters residents, many of which would not participate in any other program offered. Program benefits are dramatic. For example, the SALI Tournament raises over \$20,000 to fund the Sisters Park and Recreation Lacrosse Program. Without this tournament and the revenue it generates, it would not be possible to run an expensive sport like lacrosse.

SPRD operates over ten special events a year accounting for approximately 20% of its overall budget. Special events through SPRD now account for more face-to-face user interactions than all other programs combined. SPRD's model of initiative and innovation is one that could easily be replicated at other park and recreation districts across the state.

Outstanding Special District Program Award: Districts with 26 or More Employees

Winner: Salem Area Mass Transit District

Being aware of the need to identify potential hazards to staff, property, and customers, Salem Area Mass Transit District took advantage of the SDAO Internship Grant Program to hire an intern tasked with the job of collecting potential hazard data. Michiel Majors and his staff created a plan to put together a comprehensive database of safety hazard information. This project had two phases including the route hazard analysis for each of the district's bus routes and the personal protective equipment (PPE) hazards assessment for each employee position. The intern, Logan Dickey, started the process by riding and driving all the bus routes. He stopped at each stop to analyze potential hazards from all perspectives. Logan looked at curbs, tree limbs, and other dangers and also put himself in the mindset of a bus driver, pedestrian, and driver in a car.

Back at the district, Logan followed staff members using the PPE (personal protective equipment)

hazard analysis checklist. He documented all of the things that each person was exposed to in their daily tasks.

After the data was collected, Logan entered the information into the district's risk register. Additionally, a summary report of the data and identified risks was presented to the district's safety committee and members of the senior leadership. This process has allowed the district to identify hazards appropriately and collaboratively to reduce accidents, incidents, and injuries. It also allows Salem Area Mass Transit to continue to offer safe and reliable rides to its patrons.

Outstanding Special District Service Award: Board Member

Winner: Ted Schoenborn, Bend Park and Recreation District



Ted Schoenborn has integrally been involved in the parks and recreation industry for more than 33 years. He has been on the Bend Park and Recreation District Board of Directors for 14 years. Prior to living in Bend, he served as a board member for Fort Mitchell, Kentucky Parks and Recreation for 19 years. Ted has also served as a National Recreation and Parks Association (NRPA) trustee and was chair of the NRPA Citizen Network.

Ted always takes time to attend community events and public meetings. He's been particularly involved in state legislative efforts, which regularly requires traveling more than 130 miles each way to testify and/or meet with legislators. He has also assisted Oregon Recreation and Parks Association with its national legislative platform for almost a decade and traveled to Washington D.C. as part of a delegation.

Ted is an example for other elected officials of special districts. He demonstrates a long-standing commitment to the organization and the community he serves.

Outstanding Special District Service Award: Manager

Winner: Ernie Palmer, Basin Transit Service Transportation District



After serving his country in the United States Air Force, Ernie went back to his home town in Michigan to look for employment. He was hired as a bus driver for the county and over time, was promoted to general manager. Ernie worked for the county for 18 years then moved to Oregon and became the general manager for Basin Transit Service Transportation District. He recently retired bringing continuous and stable leadership to the district for 25 years.

During his time at the district, he led a staff of 30 which retains an impeccable safety record, increased ridership, brought in over \$5.3 million of federal and state grant funding in the last five years alone, and built up reserves to over \$1 million. Ernie cultivated relationships and partnered with local entities to improve the rural community's access to public transit. The board of directors, district staff, and community are all very grateful for his dedication to a variety of causes from child and senior welfare to local, regional, and statewide transportation issues.

Outstanding Special District Service Award: Employee

Winner: Vicki McKelvy, North Unit Irrigation District



Vicki McKelvy started her career with North Unit Irrigation District (NUID) as a water records clerk in 1977, was promoted to bookkeeper in 1981, and had office manager added to her title in 1992. She also served on the SDAO Board of Directors from 1994 to 2001. In her spare time, Vicki is the bookkeeper for the Deschutes Basin Board of Control which is comprised of eight irrigation districts. A few of her NUID duties included attending board meetings, working on grants, preparing yearly budgets, and keeping all aspects of the district's responsibilities intact.

Vicki was instrumental in preparing NUID's 50th anniversary celebration and in 2016, she prepared a presentation of NUID's history for the Madras Chamber of Commerce awards banquet. Subsequently, NUID was named business of the year by the chamber. Vicki also recently applied and received a grant through Jefferson County Historical Society to update and document NUID's history by developing history boards that are displayed throughout the district's headquarters.

Vicki retired on February 8, 2018 and has been greatly missed.

Outstanding Special District Service Award: Volunteer

Winner: Samantha Carter, Westridge Water Supply Corporation



Samantha Carter is the volunteer water system operator and water quality monitor for Westridge Water Supply Corporation. She has been consistently performing her duties on a volunteer basis for over nine years. Samantha uses her knowledge from her service in the Navy to keep the equipment, all original and from the 1960s, running. She ensures the pump and well equipment are operating smoothly, monitors and adjusts the chlorine levels at least twice weekly, collects monthly water samples, records the daily water usage, and attends district board and budget committee meetings. Samantha also attends the Oregon Association of Water Utilities "Small Water System Training Course" every three years.

Her work continues even into the cold weather months. She ensures that the space heater is on in the pumphouse to keep the system from freezing and the electrical warming wires are working on the outside pipes leading from the storage tank to the pumphouse. Because of volunteers like Samantha, the water district has been able to provide clean drinking water to their residents at a comparatively low cost since its inception in 1964.

Lifetime Educational Achievement Award Winner: Craig Shinn, Portland State University



Dr. Craig Shinn, Professor Emeritus of Public Administration for Portland State University, is the first recipient of the SDAO Lifetime Educational Achievement Award. Dr. Shinn has committed to communicating the importance of Oregon's special districts in his teaching and research. He has always made certain that special districts were a topic of discussion of curriculum or course content. Dr. Shinn has encouraged a number of doctoral students to learn, engage, and do research about special districts.

He has also been quick to remind his colleagues and his students that their research should consider special districts even if the work was not specifically aimed at that kind of organization. In terms of service and advocacy, Dr. Shinn has consistently made special districts a key focus, not only in his primary field of interest in natural resources and environmental policy, but in the wide range of services in which special districts are engaged throughout Oregon from parks and recreation, to fire protection, to water and drainage districts.



Videos of our award winners were presented at the Awards Banquet at the SDAO Conference in Seaside. The videos can also be found on our website at www.sdao.com/s4/Programs/S4/Programs/Awards.aspx

You are invited to submit your photos of your special district for a chance to be featured in the 2019 SDAO Calendar. Don't miss this opportunity to showcase your district in a publication that is mailed to over 1.000 individuals!

If selected, your image(s) will appear with a photo credit to your district.

- Images must be in .jpg format and high-resolution (300 dpi).
- There is a limited amount of space, not all photos submitted are guaranteed to be included.

Email your digital photo(s) to <u>MemberServices@sdao.com</u> by July 13, 2018. Please include your name, district name, address, and phone number with your submission.

Please contact SDAO Member Services at <u>MemberServices@</u> <u>sdao.com</u> or 800-285-5461 with any questions. We look forward to seeing your photos!



Hey Members!

Submit Your District Photos!

PUBLIC RECORDS REQUEST

FROM AMERICAN TRANSPARENCY

It has come to our attention that many of our members are again receiving public records requests from a Florida-based non-profit agency called American Transparency. The return email address of **Oregon@openthebooks.com** is where the messages typically generate from.

While in no way providing legal advice, we would like to provide some general guidance to assist your district in responding to this public records request.

Although this may appear to be spam or a phishing email, this is a legal public records request. Valid public records requests must be responded to in a manner and timeliness required by state statute ORS 192.324, which states in part:

(2) If an individual who is identified in a public body's procedure described in subsection (7)(a) of this section receives a written request to inspect or receive a copy of a public record, the public body shall within five business days after receiving the request acknowledge receipt of the request or complete the public body's response to the request. An acknowledgment under this subsection must:

(a) Confirm that the public body is the custodian of the requested record;

(b) Inform the requester that the public body is not the custodian of the requested record; or (c) Notify the requester that the public body is uncertain whether the public body is the custodian of the requested record.

The public records request is asking for "An electronic copy of any and all vendor (transfer of property or services) payee payments for the year 2017. Production shall include the vendor name; vendor address; vendor city; vendor state name; vendor zip code; check date/ACH date; check number/ACH code; check amount/ACH amount; department; agency; type of payment (i.e. contract, grant, etc.) and description of products or services/purpose of payment."

See page A-1 and page 7 of the 2014 Attorney General's Public Records and Meetings Manual for more information and citation.

There are four responses:

- **1.** If your district maintains electronic records that would enable you to provide a generated report of the specific requested information, then you must do so as per ORS 192.324(3).
- 2. Use the citations listed in the AG Manual to state that you do not have the requested information in electronic form and are not required to create a new document and therefore cannot provide the information requested. Wait and see what their response is.
- 3. Use the citations listed in the AG Manual to state that you do not have the requested information in electronic form and are not required to create a new document but will create a new document for the fees as outlined in your district public records policy. You should provide an estimate for the time required and the cost. If part of the district's policy, you may also request that pre-payment be made if the estimate is over \$25. Wait and see what their response is. They may ask for electronic copies of original source documents. You will have to estimate the time and fees for gathering, redacting exempt information, and turning the documents into electronic copies (PDFs).
- **4.** You could create a record with this information even though the law does not require it and do not attempt to charge a fee. This may make your life simpler, especially if you are a small district and you can gather the information quite quickly.

View a sample response at http://ref.sdao.com/general/sample-public-records-request.pdf

The public records request from American Transparency asks for a waiver of fees for this public records request. ORS 192.324(4)-(6) addresses fees. ORS 192.324(5) states: The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver of reduction of fees is in the public interest because making the record available primarily benefits the general public. Also, pages 19-23 of the AG Manual provide a discussion of fee waivers and when you many decide to deny the waiver.

Finally, a reminder that this request provides your district with a good opportunity to ensure that you have a current or updated public records request policy, which is required under statute. Information on the requirements of a public records request policy can be found in ORS 192.324(7).

If you have any questions or would like assistance in creating or updating your public records request policy, please contact Luanne Richey at 800-285-5461 ext. 113 or **Lrichey@sdao.com**.



Join SDAO Consulting Services Administrator George Dunkel for a session reviewing board duties, responsibilities, and liabilities. Management staff and board members will benefit from this overview of the varied and often complex laws governing Oregon's special districts.



This training is SDIS Best Practices credit eligible.
The cost to attend is \$50.

Trainings will be held from 9 a.m. - noon.

April 12 | Shilo Inn Suites Hotel 2500 Almond St, Klamath Falls, OR 97601

May 1 | Red Lion Hotel 304 SE Nye Ave, Pendleton, OR 97801 Walla Walla Room

May 2 | Four Rivers Cultural Center 676 SW 5th Ave, Ontario, OR 97914 Collins Room

May 22 | Hampton Inn & Suites 201 39th St, Astoria, OR 97103

June 5 | SureStay Plus Hotel by Best Western 29232 Ellensburg Ave, Gold Beach, OR 97444

To register for this training, please visit www.cvent.com/d/7tqh8s

2018 LEGISLATIVE SESSION OVERVIEW

By: Mark Landauer and Hasina Wittenberg, SDAO Government Affairs

Prior to the 2018 Legislative Session's opening gavel, much of the focus was given to Ballot Measure 101 which was referred to the voters after the conclusion of the 2017 Legislative Session. Measure 101 asked voters whether two health care related taxes that were enacted during the previous session should remain in place. Voters overwhelmingly supported the preservation of the taxes. If voters had rejected the measure, the Legislature would have spent a good deal of time trying to balance the state's Medicaid budget.

Another topic that received a great deal of attention presession was the effort to reduce the state's carbon impact. Soon after the 2017 session concluded, the chairs of the House and Senate environment committees convened a clean energy and jobs workgroup in order to develop a carbon cap and trade proposal for consideration during the 2018 session. Shortly before the session began, the Senate announced that the votes did not exist at the time to undertake such a complex policy discussion during the 35-day session. Furthermore, the Governor did not even mention the proposal during her State of the State speech during the opening day of session. Regardless, the House worked hard until the final days of session to find a pathway to the Governor's desk for this proposal.

The Federal Tax Cut and Jobs Act that had been passed by Congress and signed into law by the President also received attention. Enactment of this bill in Washington D.C. created a new budget challenge for Oregon. Specifically, the bill created a tax cut for repatriated profits being held in offshore accounts. Estimates were that this new law would reduce state income taxes by approximately \$100 million from the Close of Session Forecast – necessitating program cuts without new revenue. In the end, rather than making program cuts,



the Legislative Assembly disconnected the state's tax code from the federal tax code, which turned a \$100 million loss into a \$140 million one-time windfall.

As in previous short sessions, policy makers were intent on addressing more than budget adjustments and technical fixes. Policy measures were filed to address a number issues including but not limited to: access to firearms, prescription drug pricing, industrial emissions, the broken foster care system, updating advance directives, affordable housing and homelessness, net neutrality, and consumer Leadership limited each member's protections. ability to introduce legislation to a maximum of two bills in the House and one bill in the Senate (unlike previous short sessions when each member was provided two bills). Committees were prohibited from introducing more than three pieces of legislation, with a few exceptions. In the end, 259 pieces of legislation were introduced for consideration.

The 79th Oregon Legislative Assembly, 2018 Regular Session convened on February 5th with Democrats controlling the Senate by a 17 to 13 margin. Four days into session, Senator Jeff Kruse (R-Roseburg) announced his resignation effective in mid-March and stated he would not enter the Capitol during the remainder of the session. In the House of Representatives, Democrats held a 35 to 25 majority over their Republican counterparts. Measures that were not posted for a work session by February 9th were considered dead and those that were posted but had not been moved out of their originating committee by February 15th, were also considered dead under the provisions of House Concurrent Resolution 40 (2017). As a result of these deadlines,

many of the bills introduced and printed at the beginning of the session saw no further action. Bills that moved to the second chamber were required to be posted for a work session by the 22nd and moved out of committees by the 27th. These strict timelines did not apply to the Joint Ways & Means Committee, both chamber's Rules Committees, nor the House and Senate Finance and Revenue Committees.

The Legislative Assembly, unlike the previous short session, was not influenced by the threat of any initiative petitions. Despite this, a few high-profile measures did ultimately make it to the Governor's desk. A bill requiring state and local governments to only contract with internet services providers who do not block, slow or charge more for information, was a direct swipe at the Trump Administration's repeal of net neutrality at the Federal Communications Commission. Other high-profile issues included elimination of a state tax break for pass through entities which resulted from the federal Job Act and Tax Cut, closing the "boyfriend loophole" in the gun background checks, and greater transparency for large increases in prescription drug pricing. A number of bills also passed relating to homelessness and affordable housing. Most measures were less controversial this session and many passed with broad bi-partisan support in both chambers. In fact, only two measures passed this short session without Republican support - SB 1528 which eliminates the state tax break for pass through entities (part of the federal Job Act and Tax Cut) and HB 4135 making changes to the state's advance directives law.

Unlike the last short session, the Joint Ways and Means Committee released their budget adjustments and expenditures towards the end of session. This was largely due to the fact that closing the pass-through state deduction was not assured until the final days resulting in a nearly \$200 million swing in revenue for the state. The three significant expenditure measures were the lottery bonding bill (SB 5703), the general obligation bonding bill (SB 5702), and general fund expenditure bill (HB 5201).

In the end, the Legislative Assembly adjourned sine die shortly before 5pm on March 3rd – eight days short of the constitutionally required adjournment. This was the shortest short session thus far (28 days), beating the 2016 shortest session which lasted 32 days. A total of 259 bills and resolutions were introduced with about 150 bills approved by the Democrat-led House and Senate, only two passed with no Republican votes. SDAO monitored 82 of the measures introduced because of their potential to impact our member districts in one way or another.

All 60 seats in the state House are up for election, along with 16 state Senate seats, all five of Oregon's U.S. House seats, the governorship, and the Commissioner for Bureau of Labor. 15 people applied to challenge Gov. Kate Brown, including two fellow Democrats.

In the coming weeks, SDAO will mail a full summary of legislation affecting districts.

STATE BUDGET SOLID WITH REVENUE

At the conclusion of the 2017 Legislative Session, the Legislature approved a spending plan of \$20.9 billion in general fund and lottery revenue over the next two years, which was a \$2 billion increase or 10.3% more than the previous two-year budget. Since lawmakers approved the budget last year, revenue estimates based on the previous two forecasts, coupled with the current forecast provided during the second week of the 2018 session, showed that general fund and lottery revenues had increased nearly \$255 million from the close of session forecast. The February 16th forecast set the stage for the budget co-chairs to make the necessary modifications to the budget based on the latest revenue. However, whether the Legislative Assembly would disconnect with portions of the recently passed Jobs Act and Tax Cuts had yet to be determined. Once it was determined that Oregon pass-through entities would no longer receive the state tax break, the assembly was in a position to make additional expenditures.

Victory for Drinking Water Providers

Recently, the Oregon Health Authority proposed some updates to their Oregon Administrative Rules under Division 333 Division 61, a nearly 200-page document. Specifically, the Authority proposed new rules requiring drinking water providers to consider seismic resiliency in emergency response plans. Unfortunately, the proposed rules were ambiguous and potentially very expensive. The Health Authority also attempted to limit the ability of water providers to take "special samples." This last proposal raised a number of concerns because they would have resulted in discouraging investigative sampling and possibly resulted in delays in problem identification/ resolution thereby potentially placing the public at risk. SDAO, the League of Oregon Cities, the Oregon Association of Water Utilities, and the Oregon Water Utility Council worked together with the Health Authority to drop the "special sampling" language and to modify the rules on seismic resiliency making them acceptable to all parties.

SDAO Members in the News

Building on growth, Port of Morrow looks ahead

Pendleton East Oregonian | 1/31/2018

The second-largest port in Oregon is also a driver of rapid local economic development. Capping off several years of steady industrial growth, the Port of Morrow's 2017 economic impact analysis revealed that it had an output of \$2.77 billion last year -- more than doubling the port's numbers from a decade ago. In 2006, port businesses generated roughly \$896 million, and in 2012, their output was \$1.8 billion. And the port has room to grow. With more than 12,000 acres of land to its name, the port has 2,500 acres zoned for future industrial development, and about 600 that are "shovel-ready".

Please visit <u>www.eastoregonian.com/eo/local-news/20180130/building-on-growth-port-of-morrow-looks-ahead</u> to read more.

NW Connector Regional Transit System Reaches a Milestone

Tillamook County Pioneer | 2/9/2018

The NW Connector, a partnership of transit districts in Benton, Clatsop, Columbia, Lincoln and Tillamook counties, surpassed 1.1 million bus miles in 2017,

carrying over 188,000 passengers. According to Doug Pilant, Tillamook County Transportation District General Manager, Riders are finding it easier to travel by bus when visiting the Coast, going from the Coast into the metropolitan areas for appointments, and commuting to work. NW Connector trips save money and the hassle of driving.

Please visit <u>www.tillamookcountypioneer.net/</u> <u>nw-connector-regional-transit-system-reaches-a-milestone</u> to read more.

An unexpected delivery

Scappoose Spotlight Portland | 3/2/2018

Emergency responders and a bathtub weren't part of Carra Riffle's birth plan. Riffle, of Scappoose, had arrangements to deliver her baby with a small group of midwives at Legacy Hospital in Portland. She intended only women to be present. Instead, her daughter Faith was born at home Feb. 1 with the help of four men all firefighter/paramedics with Scappoose Fire District. Nothing about Faith's delivery went as planned.

Please visit <u>pamplinmedia.com/scs/83-news/388405-278772-an-unexpected-delivery</u> to read more.

Find additional news clippings online at

www.sdao.com > Newsroom



Facebooking with SDAO

If you are on Facebook, we invite you to join us. Not only do we connect with our followers through our page, but we also have two groups available for you to interact with your special district colleagues and SDAO staff.

- SDAO Connections was created last year to provide a forum for board members, staff, and volunteers of special districts to collaborate, share ideas, and network with one another. You can access this group at www.facebook.com/groups/SDAOConnections
- Our newest group is called SDAO Drone Users. This is a more specialized group for our members to utilize as an online forum to discuss topics or ask questions related to drones. You can access this group at www.facebook.com/groups/SDAODroneUsers

To keep up on SDAO activity, please like and follow our page at **www.facebook.com/SpecialDistricts**.

Administered by Special Districts Association of Oregon



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Safety and Security Grant Program

SDIS Insurance Programs

Next SDIS Board of Trustees Meetings

April 4, 2018 | 1 p.m. | Tetherow - Bend

June 13, 2018 | 11 a.m. | SDAO Office - Tigard

Work Session with SDAO Board April 5, 2018 | 9 a.m. | Tetherow - Bend





SDIS Drone Program Provides New Opportunities for SDIS Members

By: Troy DeYoung, Risk Management Consultant

Last fall, Special Districts Insurance Services (SDIS) members had the opportunity to attend free drone training classes. We were pleased to see a variety of district types participate in these trainings and in total, we had 71 different districts represented. SDAO also sent three members of the risk management team to the training so we could start the process of implementing our own drone program.

SDIS has experienced nearly \$12,000,000 in property losses since 2012. This is why the primary focus of SDIS's drone program will be to conduct infrastructure reviews for the facilities insured in our property insurance program. In addition, we have hired a part-time risk management consultant that will focus almost exclusively on assisting member districts identify property loss exposures and solutions to mitigate those risks.

Currently, SDAO has three licensed drone pilots and a single DJI Phantom 4 Pro drone that will be used in the field. The intent of these infrastructure reviews is three-fold:

- Identify risk exposures to these properties.
- Document properties for underwriting, claims and reinsurers.
 - Documentation of insured properties has assisted the insurance pool in keeping reinsurance costs down.
- Assist members with conducting exterior building inspections without the risk of putting district staff on roofs and ladders.

We have additional plans on the use of the SDAO drone such as conducting inspections of piers, water towers, canals/dikes, and other infrastructure that is not easily accessible. We also recognize there may be needs of our members that we may not have thought of yet. That's why we want to hear from you. If you have the need for SDAO Risk Management to fly a drone at your district that would help address or identify a risk, give us a call and request a flight at riskmanagement@sdao.com.



IMPORTANCE OF DETAILED JOB DESCRIPTIONS

NOT JUST A LIABILITY EXPOSURE

By: SDAO WORKER'S COMPENSATION DEPARTMENT

Members have been hearing from the SDAO Pre-Loss Legal Team and liability claim adjusters about why having a detailed job description is so important in handling and preventing employment practice and discrimination claims. But, members may not realize that it is also a key component for handling and processing a workers' compensation claim.

The job description is used in several ways.

In serious on-the-job injuries, the job description is used to determine whether the employee will be able to return to their job-at-injury.

The job description is used in less serious injury claims when attempting to return injured employees back to transitional duty work.

The Workers' Compensation Division uses the job description to determine the amount of a permanent impairment award and whether or not an employee is eligible for vocational retraining if they cannot return to the job-at-injury.

Because claim costs and resources are assessed based on the job description, SDIS recommends that you have both a description of the activities required to perform the job as well as a description of the specific physical requirements necessary to perform the job. Physical requirements include duration of sitting, standing, and walking in an 8-hour period along with required lifting, pushing, pulling, and carrying. If awkward postures such as crawling, squatting, and overhead lifting are required, this should be documented as well.

The United States Department of Labor also publishes their Dictionary of Occupational Titles which references Strength Factor classifications which can also help a district document the physical demands of the job.

"Sedentary Work | Exerting up to 10 pounds (4.5 kg) of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time. Jobs are sedentary if walking and standing are required only occasionally and other sedentary criteria are met.

Light Work | Exerting up to 20 pounds (9.1 kg) of force occasionally and/or up to 10 pounds (4.5 kg) of force frequently, and/or negligible amount of force constantly to move objects. Physical demand

requirements are in excess of those for Sedentary Work. Light Work usually requires walking or standing to a significant degree. However, if the use of the arm and/or leg controls requires exertion of forces greater than that for Sedentary Work and the worker sits most the time, the job is rated Light Work.

Medium Work | Exerting up to 50 (22.7 kg) pounds of force occasionally, and/or up to 25 pounds (11.3 kg) of force frequently, and/or up to 10 pounds (4.5 kg) of forces constantly to move objects.

Heavy Work | Exerting up to 100 pounds (45.4 kg) of force occasionally, and/or up to 50 pounds (22.7 kg) of force frequently, and/or in excess of 20 pounds (9.1 kg) of force constantly to move objects.

Very Heavy Work | Exerting in excess of 100 pounds (45.4 kg) of force occasionally, and/or in excess of 50 pounds (22.7 kg) of force frequently, and/or in excess of 20 pounds (9.1 kg) of force constantly to move objects."

An area often overlooked in job descriptions is not just the physical demands but also the cognitive demands. For example, does the position allow the worker to methodically process information or is rapid processing of multiple details required? With an aging workforce, cognitive capabilities should not be overlooked.

Some districts are proactively using this information to provide pre-employment physicals for screening candidates to determine if they are fit for the job before making a hiring decision. If this is something your district would like to consider, contact SDAO's Pre-Loss Legal Program for assistance.

Districts need to ensure that an accurate job description/job analysis is available. When the job description is left up to the injured employee, important details may be omitted or alternatively, activities added that are not part of the job-at-injury.

As always, SDIS is here to assist with your claims. We can help you create an accurate job description/job analysis. For additional information or assistance, please contact the SDAO Workers' Compensation Department at 503-670-7066.



Be a Wise Health Care Consumer: Reduce Your Prescription Drug Costs

If you take prescription medication, you can cut costs up to 90 percent by becoming an informed consumer and using the same buying techniques that you use when shopping for other goods and services. As more individuals comparison shop for drugs, more retailers will compete to win their business, which will drive prices lower. These strategies can help you become a savvy prescription drug consumer.

Price comparisons. Drug prices are not uniform; you can save a considerable amount of money by shopping around.

Drug substitution. When your doctor prescribes a drug, ask if a cheaper alternative is available.

Bulk buying. As you may know from your everyday shopping, it's cheaper to buy in bulk. The same is true for drugs. Buying larger quantities at a time generally reduces the per-dose cost of drugs. This is especially true for generics purchased by mail.

Mail-order Pharmacies. Mail-order and Internet pharmacies offer the best deals on prescription drugs, especially for patients with chronic conditions.

Pill splitting. Many prescription drugs are available at increased dosages for similar costs as smaller dosages. Prescribing half as many higher-strength pills and having the patient split them to achieve the desired dosage can reduce the cost of some medications as much as 50 percent.

However, pill splitting is not safe for all medications. If a pill is FDA-approved for pill splitting, it will say so on the label or informational insert that comes with the prescription. The FDA recommends pills only be split if FDA-approved and after consulting with your doctor to ensure it is safe.

Over-the-counter drugs (OTC). Ask your doctor if an OTC drug will work just as well as a prescription drug. Today there are hundreds of OTC drugs that were previously only available by prescription.

Generally, employers who have self-funded plans will set up special funds to earmark corporate money to pay for employee medical claims.

Generic medications. Generic medications work as well as brand-name drugs and can cost 20 to 80 percent less. This applies for both prescriptions and OTC drugs.

Pharmaceutical company assistance programs/state drug assistance. Many drug companies and states offer drug assistance programs for the elderly, low-income and/or people with disabilities.

Medicare drug plans. Seniors can combine smart shopping techniques with the Medicare drug plan. All the information you need is available at www.Medicare.gov.

Samples. Drug companies give thousands of samples to doctors every year. Your doctor may be able to provide you with weeks' worth of the medication at no charge.

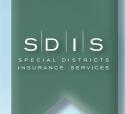
Stay on your meds. If you take medication regularly, don't skip doses or go off your meds to save money. Sticking to your medication schedule will help you avoid health complications that will cost more money in the future.

Discount prescription cards. Look into a discount card, either through a drugstore chain or a national plan. They can provide additional discounts on your prescriptions for a small monthly or annual fee.



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SDIS Health & Dental Program 2018 Regional Meetings

Join us for an informational and interactive session to learn more about the SDIS Employee Benefits Program. Topics covered will include:

Health Plan Basics

- A refresher on how to understand your health plan.
- What is a deductible and when does a member have to pay toward the deductible?
- · What does "Out of Pocket Maximum" mean?
- How does a member know how much they have to pay before the plan pays 100%?
- What are HSA and HRA plans and how do they work?
- What is a Section 125 Plan and how does it work? How does it help members?

What's Happening in the World of Pharmacy and Medications

Gene therapy is creating exciting opportunities for treatment of conditions that were untreatable before. In addition, new cancer drugs based on gene therapy have the potential to eventually cure certain types of cancer. However, the cost of these new treatments is enormous. This session will discuss the latest pharmacy trends, breakthroughs, and cost trends.

Health Care Legislative Update

The 2018 Legislative Session is coming to a close. Learn which health insurance bills passed and which failed. Also, a prediction of what we are likely to see back before the Legislature in 2019 will be discussed.

Renewal Update

- Rates have now been set for the July 1, 2018 renewal!
- · Learn about any coverage changes or enhancements.
- · BMI dependent audit update.
- · MD Live video medicine update.
- · Willamette Dental offering.
- Marking the Master Application "as-is" if the district has no changes.
- Fully completing the master application if the district changes options or adds other coverage.
- Emailing all master applications to SDIS: **sbarker@sdao.com**

Registration is required. Meetings will be canceled if minimum registration is not met.

Visit <u>www.cvent.com/d/ztqyl5</u> to register.

Where & When

April 3 | 1-3 p.m. | Bend

East Bend Library – Deschutes Public Library 62080 Dean Swift Rd. Bend, OR 97701 Conference Room

April 11 | 1-3 p.m. | Tigard

Oregon Medical Association 11740 SW 68th Pkwy. Tigard, OR 97223

April 17 | 1-3 p.m. | Tillamook

Port of Tillamook Bay 4000 Blimp Blvd. Ste 100 Tillamook, OR 97141 *Conference Room*

April 18 | 1-3 p.m. | Eugene

Bob Keefer Center 250 S 32nd St, Springfield, OR 97478 *Heron Room*







In-Person

We have an extensive list of different in-person trainings we can facilitate. Some examples include health and safety, employment practices, transportation, and driving simulation. The entire list is available on our website at www.sdao.com/S4/Trainings/Training_Home.aspx. If there is a different training you are interested in but it isn't listed, be sure to reach out to us as we may be able to accommodate your request.

Online

Our online training library is available through a partnership with SafePersonnel. SDAO members enrolled in the SDIS Property/Casualty Program can complete safety and liability education through the SafePersonnel online training system at no charge. Visit the SDAO website at www.sdao.com/S4/Trainings/Training_Home.aspx and click on the Online Training tab.

Webinars

Each month, we offer a webinar training on a risk management topic. They are hosted on the first Thursday of each month from 12 to 12:30pm. Visit the training page at www.sdao.com/S4/Trainings/Training_Home.aspx and click on Webinars for more information.

If you have any questions or would like to schedule a visit, please contact us at riskmanagement@sdao.com or 800-285-5461.



Interactive Process - ADA

By: HR Answers

The American Bar Association has some excellent advice in an article entitled (as you might think) Implementing the Interactive Process under the ADA. It can be found at http://apps.americanbar.org/litigation/committees/employment/articles/fall2013-1013-implementing-interactive-process-under-ada.html. But if you are short of time (the article is lengthy), here are some of the highlights:

- 1. The employee must make a request for an accommodation. But that doesn't mean they have to use those exact words. They simply need to say enough that the employer should be put on notice that there is a problem and that the employee may need some assistance. Remember that the "employer" is any supervisor or manager that the employee thinks represents the organization. So the employee doesn't have to make this a formal request to a particular person, they simply need to mention this within earshot of a supervisor or manager. The employer has a duty to provide an accommodation without an expressed request.
- 2. The employer has a duty to engage in the interactive process. Once the need for an accommodation has been requested or is apparently needed, the employer needs to begin the conversation about what the employee might need to be able to perform the duties of their position. The actions necessary for the employer are:
 - a. analyze job functions to establish the essential and nonessential job tasks;
 - identify the barriers to job performance by consulting with the employee to learn the employee's precise limitations; and,
 - explore the types of accommodations that would be most effective.

This process should go back and forth until some identification about what would work best is determined.

It is possible that no reasonable accommodation can be identified, but that should only be evident once there has been substantial conversation about possible ways to address the concerns and restrictions.

3. The employer is not required to provide the specific accommodation requested. The law states that the accommodation must be reasonable, but that does not mean that the employer has to do what the employee wants, only that the accommodation must meet the needs of the employee and be a reasonable way for the employee to carry out their job responsibilities. Assume for a moment that assistance with getting to and from work is needed. The employer doesn't need to hire a limousine to provide that transportation because that is what the employee suggested. They may be able to arrange a ride assistance program that can serve the employee needs. In determining what is "reasonable" the employer can consider the cost, the impact on other employees, whether additional employees would need to be hired to cover the work the employee can no longer do, and whether the accommodation would cause a direct threat to the employee or others.

The larger the organization, the more it is expected to try and reach an accommodation. Liability can accrue to the employer for failure to go through this process with an open mind and an emphasis on finding a way to accommodate the employee.

In summary, think about the interactive process in terms of what you would want an employer to do and the consideration you would hope they offer to you. Not all situations or conditions can be accommodated, but the more sensitive and respectful the employer can be, the more likely it is something that can be worked out that meets most of the identified needs.



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UNDERWRITING

Toll-Free: 800-285-5461 Email: underwriting@sdao.com Fax: 503-371-4781

RISK MANAGEMENT

Toll-Free: 800-285-5461 Email: riskmanagement@sdao.com Fax: 503-371-4781

REPORT AN SDIS WC CLAIM

Toll-Free: 800-305-1736 Email: wc@sdao.com Fax: 503-620-6217

REPORT AN SDIS P/C CLAIM

Toll-Free: 800-305-1736 Email: claims@sdao.com Fax: 503-620-9817

MEMBER CALENDAR

April 3	SDIS Health & Dental Program Regional Meeting – <i>Bend</i>
April 4	SDIS Board of Trustees Meeting – <i>Bend</i>
April 5	First Thursday Webinar: Accident Investigation
April 5	SDAO/SDIS Joint Board Meeting - Bend
April 5	SDAO Board of Directors Meeting – Bend
April 11	SDIS Health & Dental Program Regional Meeting – <i>Tigard</i>
April 12	Board Duties, Responsibilities, and Liabilities Training - Klamath Falls
April 13	Deadline: SDAO Internship Grant Program
April 17	SDIS Health & Dental Program Regional Meeting – <i>Tillamook</i>
April 18	SDIS Health & Dental Program Regional Meeting – <i>Eugene</i>
April 20	SDIS/PACE Public Entity Agents Conference – <i>Salem</i>
May 1	Board Duties, Responsibilities, and Liabilities Training – <i>Pendleton</i>
May 2	Board Duties, Responsibilities, and Liabilities Training – <i>Ontario</i>
May 17	Risk Management Forum – <i>Klamath Falls</i>
May 22	Board Duties, Responsibilities, and Liabilities Training - Astoria
June 5	Board Duties, Responsibilities, and Liabilities Training – <i>Gold Beach</i>
June 13	SDIS Board of Trustees Meeting - <i>Tigard</i>
June 14	SDAO Board of Directors Meeting - Salem
Download this newsletter online at http://ref.sdao.com/newsletters/18spring.pdf	