



541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org

KSWCD BOARD MEETING MINUTES

June 12th, 2024

In Attendance:

Board Members: Earl Miller, Martin Kerns, Ken Masten, Charles Dehlinger, Jolene Robison

District Staff: Will Natividad/DM, Alex Sharp/PM, Sam Fletcher/PM, Hanna Chittenden/PM

Community/Agencies: Julie Jespersen/SBC, Josh Elke/NRCS, Samantha Conord/NRCS, Darien Ellis/NRCS, Mike McKoen/Public, Nina Caldwell/ODA, Eric Nusbaum/ODA

Meeting called to order at 12:35pm – Chairman Ken Masten

Agenda Additions/Changes: None.

Old Business:

- Approve April Financials
- Approve May Financials
- Approve May Minutes
- Approve May Special Minutes

Motion 1: Motion to Approve April Financials.

Motion: Miller

Second: Robison

Discussion: None.

Vote: 5 Yes - Unanimous, Motion Passes.

Motion 2: Motion to Approve May Financials.

Motion: Miller

Second: Kerns

Discussion: There is a new grant from SDAO for \$3,000 for Interns, all of which will go directly to Salaries, Wages, & Benefits.

Vote: 5 Yes - Unanimous, Motion Passes.

Motion 3: Motion to Approve May Minutes.

Motion: Miller

Second: Kerns

Discussion: None.

Vote: 5 Yes - Unanimous, Motion Passes.

Motion 4: Motion to Approve May Special Meeting Minutes.

Motion: Kerns

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*



541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org

Second: Miller

Discussion: Earl asked what changes were made between this draft and the one previously sent out, Will answered that the statements of the public and manager were added in more detail. Dehlinger abstained from voting, since he was not present at the special meeting.

Vote: 3 Yes - Kerns, Miller, Moxon, Abstained: Dehlinger, Masten did not vote.

Motion Incomplete.

Motion 5: Motion to Approve the Draft of the FY 2024-2025 Budget, to be finalized by the next board meeting, using SBC's format from last year and also include actual costs for the previous year.

Motion: Kerns

Second: Miller

Discussion: See discussion under New Business.

Vote: 5 Yes - Unanimous, Motion Passes.

Motion 6: Motion for equitable separation of employment for Hanna Chittenden from the District, on good terms and in good faith, as she is no longer considered "legally employable" for the district from overseas, effective immediately.

Motion: Robison

Second: Dehlinger

Discussion: See discussion under New Business.

Vote: 4 Yes - Robison, Dehlinger, Masten, Miller. 1 No - Kerns. Motion Passes.

Reports:

SBC Report: Julie Jespersen

Julie has taken over the district's account this last month, and reported there was nothing alarming about the financial statements, everything looked "status-quo". The district does only have about \$18,000 left in Unrestricted funds currently, so they may want to consider sending out RRF's soon for any outstanding receivables.

NRCS Report: Josh Elke

Josh Elke has onboarded several new employees, including Darien Ellis and Samantha Conord. Since Josh has received a temporary promotion and will have limited availability for his usual job duties the next four months, he also introduced Abby Wicks, who will be stepping in to help out. Josh also displayed the NRCS website for the board, and explained how to navigate the different tools and information on there. There were NRCS maps by basin, and also interactive maps which showed funding opportunities by location, and project type. The site also included information on funding levels, dates, and even ranking questions. This is a very valuable

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*



541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org
resource they often direct landowners to for more information. NRCS Signups are complete for this year, from now until November, they will be focusing on signups for FY 2025. Josh also emphasized he would like to be involved in quarterly performance review meetings for the district, and that he would also like both NRCS and SWCD's 5 year plans to be more reflective and supportive of common goals moving forward. New employees introduced themselves:

- Darien Ellis moved here from Colorado, where he worked in a National Heritage Area near the La Poudre River. He will be working on expanding irrigation project capacity for NRCS.
- Samantha Conord is from Gresham, Oregon originally, but has also worked extensively all over the west. She has worked with mostly non-game species of wildlife as well as pollinators. She is an ODFW/NRCS Conservation Liaison.
- Abby Wicks is the District Conservationist of Lake County and has been there for two years. She will be stepping in to help out for the next four months for Josh.

FSA Report: Laura Hall

Laura introduced Ashley Cohen, who is training to be the County Executive Director for the FSA in Tillamook, Clatsop, and Washington county. The CRP Grasslands program is open, and the deadline is June 28th. Landowners can still graze or even hay their land. The rental rate is lower than last year, and is currently \$20 per acre, but landowners can also opt for lower payments to make their application more competitive, as this is a nationwide program. Acreage reporting is due on the 15th, and goes to Jaycie Schooler.

ODA Report: Nina Caldwell

ODA has published the Lost River Ag Water Quality Management Plan to their website. SIA Applications will be accepted August 5th. Alex asked if there was any more info or resources available from ODA to help mitigate the grasshopper problem. Nina was going to do some more digging and try to find out more for the next meeting.

ODA: Eric Nusbaum, SWCD Operations Specialist

Eric has worked with SWCD's for over 25 years now, and is the ODA SWCD Operations Specialist. Elections for board directors are coming up this year, and Sandi Hiatt at ODA can start accepting petitions from directors starting on July 18th, through August 27th. Eric held an election training webinar this morning, and there will be another one at 6:30pm this evening, and Will is able to share the info for anyone interested. ODA usually offers director training sessions in the winter after elections, and are looking at offering smaller, more localized trainings this next year so directors don't have to travel as far. Ken asked which counties don't have acreage requirements for directors to be eligible, currently there are only 5 counties that waive that requirement, which must have 250,000 or more residents. Directors also must reside within the zone they represent, this is not a requirement that can be waived. Eric also said if the district is

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*



541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org
ever interested in pursuing a tax base, to reach out to him and he would be able to provide more information and guidance for that process.

District Staff Report: Will Natividad

The Cooperative Agreement with NRCS will go into effect on July 1st. Will would like to add a part-time, 5th employee at some point soon. The request for proposals for the IM11 Funding related to the dam removal will be available soon. These funds could be used for irrigation projects, stockwater wells, etc. The Algoma project is complete, and the district is planning on submitting the final funding request soon. Will would also like for the district to work more closely with OSU in the future on projects.

Chair Report: Ken Masten

Ken had no major updates. For the audit, Todd completed reviewing the financial reports at the end of this last month, and once the check to the state for the fee has two board member signatures, Will will deliver it to Todd Goebel and Todd will send everything off to the state.

New Business:

FY 2024-2025 Budget

Will shared the Annual Work Plan, which is used to help develop the annual budget. Will also mentioned that starting on October 1, 2024, the Federal De Minimis Indirect Cost rate will be going up from 10% to 15%. He also noted that the district can receive tax-deductible donations; Jolene said she would not want to focus or rely on monetary donations. Eric mentioned most SWCD's that do this receive non-monetary donations, such as land, or equipment. The board wanted to review the draft of the Annual Work Plan and approve a final version at the next meeting.

Will presented the budget summary (included in Appendix), the goal of this was to create a more simplified, easier to understand snapshot of the budget. Jolene said she found the simplified version of the budget insulting, and that she was sick of management assuming the board does not understand the financials. Jolene also claimed that the budget, as presented, was illegal. Eric Nusbaum clarified that the budget was not illegal, and that there are few guidelines regarding the creation and format of the budget for non taxing districts. Will said he will go with whatever format the board as a whole agrees on for the budget. Ken asked for Julie's thoughts on the budget, and this was her first time seeing this, so she has not had time to review it for accuracy. Jolene asked why the district did not work with the bookkeeper to develop the budget. Jolene and Ken both agreed they liked the previous year's format better, where it was broken down by grant. They also agreed it would be helpful to see the actual costs for last year in the budget. Jolene emphasized that creating the budget is closely related to the bookkeeping, and that working with the bookkeeper is essential for success. Also, working with the bookkeeper, all of the figures will

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*



541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org
have backups, and justifications. Charles agreed. Julie asked if there were any objections from the board on the format of last year's budget, and there was not. The board ultimately agreed that the format of last year's budget would be used, with a column including actual costs from last year as well. The district will work with the bookkeeper to develop this budget before the next meeting.

Hanna Chittenden/Overseas Telework

According to the legal advice Ken received, the SWCD would need to be registered with the German government, and would also need to support Hanna in the process of obtaining a German Work Visa, which would require time and financial resources. Will said this should not be necessary, as she would be covered by the Status of Forces Agreement (SOFA). Ken said that the lawyer he spoke with said SOFA is only specifically for Federal employees, which would not apply to the SWCD, as it is local government. Will retained L&E Global, a global association of lawyers with a German law firm as a member, for advice. He also had received advice and reference materials from the Kaiserslautern Legal Services Center, which provides legal services for American service members and their families stationed in Germany. He provided a list of questions with answers and references relevant to Hanna's employment. Ken said that the US based lawyer, Spencer Rockwell, concurred with HR Answers and their previous determinations. Jolene emphasized that if we did not have Hanna properly covered, the board is who will be held personally liable. The district could end up bankrupt, and every single director would be held personally liable as well, putting their homes, ranches, and entire livelihoods at risk. Jolene said the board still has not received anything official or legal saying this situation would be okay. Jolene and Charles agreed that this entire process should've been more properly researched before the board made a decision on this. Will said he was able to find a workers compensation insurance policy to cover Hanna, at the cost of \$2,500 per year. The current workers comp policy for all employees is \$661 per year, according to Julie. Jolene said she does not support any additional dollars or resources being spent on this issue. Jolene made a motion for the district and Hanna to equally separate at this time in good faith, as the situation does not seem legally advisable at this time.

Public Comment:

Will apologized to Hanna for how the situation turned out. He also stated that now that the district will have a lower capacity, reduced to 75%, we will need to inform partners, and potentially extend deadlines for some projects. Hanna was also the only employee with job approval authority for CRP Grasslands, so the SWCD will need to adjust moving forward for that.

Meeting is adjourned at 3:11pm – Chairman Ken Masten

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*



Klamath
Soil & Water
Conservation District

541.883.6924 | 1945 Main Street, Suite 200 | Klamath Falls, Oregon 97601 | www.kswcd.specialdistrict.org

Minutes Approved as Written or Amended:

F U N A L

KSWCD Chair

Date

KSWCD Secretary/Treasurer

Date

Board members | Ken Masten, *Chairman*, Jolene Robison, *Vice Chairman*, David Cone, *Treasurer/Secretary*, Martin Kerns, *Director*, Charles Dehlinger, *Director*, Earl Miller, *Director*

Staff | Will Natividad, *District Manager*, Alex Sharp, *Project Manager*, Sam Fletcher, *Project Manager*