

AGENDA  
GOVERNING BODY MEETING

GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT  
1:30 PM, MONDAY, JUNE 24, 2019  
MARION COUNTY COURTHOUSE SQUARE

1. Open Meeting
2. Note Attendance
3. Public Budget Hearing
  - 3.1 Chair Open Public Hearing
  - 3.2 Present Budget
  - 3.3 Public Comment
  - 3.4 Close Public Hearing
4. Action
  - 4.1 Consider the adoption of the budget for the FY2019-20 and the approval of the Resolution making appropriations.
  - 4.2 Approve the FY2019-20 Delinquent Sewer Charge Certification
  - 4.3 Consider the adoption of the supplemental budget for FY2018-19 and approval of the Resolution making appropriations.
  - 4.4 Consider the approval of an IGA between Chemeketa Community College and the Brooks Community Service District for water services.
  - 4.5 Approve the minutes of the February 5, 2019 Governing Body Meeting
  - 4.6 Approve the minutes of the March 25, 2019 Governing Body Meeting
5. Operations Update
  - 5.1 Sewer Service Update - Matt Knudsen
  - 5.2 Water Service Update - Dennis Mansfield
6. Comments
7. Other
8. Date of next meeting - Wednesday, January 22, 2019 at 3:00 PM in the Silverton Conference Room, Marion County Courthouse Square.
9. Adjourn

NOTIFIED:

Board of Commissioners  
Legal Counsel  
Budget & Advisory Committee Members  
Statesman Journal Publication  
Media Release  
Internet  
Bulletin - Marion County Public Works

**FORM LB-1**

**NOTICE OF BUDGET HEARING**

A public meeting of the Brooks Community Service District will be held on June 24, 2019 at 1:30 PM in the Silverton Conference Room at Marion County Courthouse Square, 555 Court Street NE in Salem, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2018 as approved by the Brooks Community Service District Budget Committee. The Governing Body will also approve delinquent sewer charge certification, a supplemental budget for FY2018-19, an Intergovernmental Agreement (IGA) between Chemeketa Community College and the Brooks Community Service District, and minutes from the February 5, 2019 and the March 25, 2019 Governing Body Meetings. Issues regarding the District will be discussed. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at the office of Marion County Public Works, 5155 Silverton Rd NE, Salem, Oregon, between the hours of 8:00 AM and 5:00 PM or online at [www.co.marion.or.us](http://www.co.marion.or.us). This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Dennis Mansfield

Telephone: (503) 588-5084

Email: [dmansfield@co.marion.or.us](mailto:dmansfield@co.marion.or.us)

**FINANCIAL SUMMARY - RESOURCES**

<b>TOTAL OF ALL FUNDS</b>	<b>Actual Amount 2017 - 18</b>	<b>Adopted Budget This Year 2018 - 19</b>	<b>Approved Budget Next Year 2019 - 20</b>
Beginning Fund Balance/Net Working Capital	236,610	160,989	106,113
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	203,955	267,600	291,500
Investments Earnings	2,004	1,900	1,500
All Other Resources Except Current Year Property Taxes	151	0	0
<b>Total Resources</b>	<b>442,720</b>	<b>430,489</b>	<b>399,113</b>

**FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION**

Materials and Services	273,487	307,030	324,255
Capital Outlay	0	25,000	0
Contingencies	0	98,459	74,858
Unappropriated Ending Balance and Reserved for Future Expenditure	0	0	0
<b>Total Requirements</b>	<b>273,487</b>	<b>430,489</b>	<b>399,113</b>

**STATEMENT OF INDEBTEDNESS**

<b>LONG TERM DEBT</b>	<b>Estimated Debt Outstanding on July 1.</b>	<b>Estimated Debt Authorized, But Not Incurred on July 1</b>
General Obligation Bonds		
Other Bonds		
Other Borrowings		\$50,000
<b>Total</b>		<b>\$50,000</b>

The Brooks Community Service District has no Property Tax Levies and no Indebtedness.

**RESOURCES**  
**BROOKS COMMUNITY SERVICE DISTRICT**

General Operating Fund

**Marion County**

(Name of Municipal Corporation)

	Historical Data			RESOURCE DESCRIPTION	Budget for Next Year 2019-20			
	Actual		Adopted Budget This Year Year 2018-19		Proposed By Budget Officer	Approved By Budget Committee	Adopted By Governing Body	
	Second Preceding Year 2016-17	First Preceding Year 2017-18						
1	2,125	2,004	1,900	1 361000 Investment Earnings	1,500	1,500	1,500	1
2	291,280	236,610	160,989	2 392000 Net Working Capital	106,113	106,113	106,113	2
3				3				3
4				4 <b>OTHER RESOURCES</b>				4
5	-	-	-	5 341620 User Fee Sewer				5
6	2,936	493	2,500	6 341790 Delinquent Service Charges	500	500	500	6
7	198,607	168,880	230,000	7 341910 Sewer Fees	254,000	254,000	254,000	7
8	5,064	4,920	5,100	8 341920 Water Fees	7,000	7,000	7,000	8
9	32,160	29,813	30,000	9 344999 Other Reimbursements	30,000	30,000	30,000	9
10				10				10
11	532,171	442,720	430,489	11 Total resources, except taxes to be levied				11
12				12 Taxes estimated to be received				12
13				13 Taxes collected in year levied				13
<b>14</b>	<b>532,171</b>	<b>442,720</b>	<b>430,489</b>	<b>14 TOTAL RESOURCES</b>	<b>399,113</b>	<b>399,113</b>	<b>399,113</b>	<b>14</b>

\*The balance of cash, cash equivalents and investments in the fund at the beginning of the budget year

DETAILED REQUIREMENTS

BROOKS COMMUNITY SERVICE DISTRICT

General Operating Fund

1	Historical Data			1	REQUIREMENTS DESCRIPTION	Budget for Next Year 2019-20			1
	Actual		Adopted Budget This Year Year 2018-19			Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	
	Second Preceding Year 2016-17	First Preceding Year 2017-18							
					<b>MATERIALS AND SERVICES</b>				
2	83	259	150	2	521010 Office Supplies	100	100	100	2
3	2,122	1,259	5,000	3	521030 Field Supplies	7,000	7,000	7,000	3
4	-	1,221	-	4	521060 Electrical Supplies	-	-	-	4
5	1,494	221	1,500	5	521070 Departmental Supplies	2,500	2,500	2,500	5
6	10	-	-	6	521210 Gasoline	-	-	-	6
7	226	184	250	7	521240 Automotive Supplies	450	450	450	7
8	-	13	-	8	521241 Oil and Lubricants	-	-	-	8
9	269	573	350	9	521300 Safety Clothing	350	350	350	9
10	-	6	-	10	521310 Safety Equipment	-	-	-	10
11	-	43	-	11	522060 Sign Materials	-	-	-	11
12	7,582	10,732	20,000	12	522100 Parts	20,000	20,000	20,000	12
13	-	8	-	13	522110 Batteries	-	-	-	13
14	199	-	250	14	522140 Small Tools	-	-	-	14
15	1,441	5,399	1,600	15	523040 Data Connections	1,600	1,600	1,600	15
16	-	-	-	16	523090 Long Distance Charges	5	5	5	16
17	2,866	2,180	2,450	17	524010 Electricity	2,400	2,400	2,400	17
18	2,954	2,813	2,600	18	524050 Water	3,000	3,000	3,000	18
19	-	250	-	19	525110 Consulting Services	-	-	-	19
20	3,060	3,140	3,200	20	525150 Audit Services	4,100	4,100	4,100	20
21	7,158	7,310	9,400	21	525235 Laboratory Services	9,000	9,000	9,000	21
22	204,725	181,184	200,000	22	525360 Public Works Services	213,500	213,500	213,500	22
23	990	3,971	1,000	23	525510 Legal Services	1,000	1,000	1,000	23
24	-	128	-	24	525555 Security Services	-	-	-	24
25	49	-	100	25	525710 Printing Services	-	-	-	25
26	1,083	2,750	1,750	26	525715 Advertising	1,750	1,750	1,750	26
27	177	717	250	27	525735 Mail Services	300	300	300	27
28	1,700	863	1,750	28	525999 Other Contracted Services	2,000	2,000	2,000	28
29	574	-	-	29	526030 Building Maintenance	4,800	4,800	4,800	29
30	-	1,019	-	30	526050 Grounds Maintenance	-	-	-	30
31	50,313	42,225	50,000	31	526062 Sewer Maintenance	45,000	45,000	45,000	31
32	86	-	100	32	527300 Equipment Rental	100	100	100	32
33	1,658	1,683	1,750	33	528110 Liability Insurance Premiums	2,200	2,200	2,200	33
34	63	-	-	34	529130 Meals	-	-	-	34
35	470	-	-	35	529140 Lodging	-	-	-	35
36	285	-	-	36	529220 Conferences	-	-	-	36
37	1,080	111	500	37	529230 Training	500	500	500	37
38	505	569	600	38	529300 Dues and Memberships	600	600	600	38

**DETAILED REQUIREMENTS**

**BROOKS COMMUNITY SERVICE DISTRICT**

**General Operating Fund**

	Historical Data			REQUIREMENTS DESCRIPTION	Budget for Next Year 2019-20			
	Actual		Adopted Budget This Year Year 2018-19		Proposed by Budget Officer	Approved by Budget Committee	Adopted by Governing Body	
	Second Preceding Year 2016-17	First Preceding Year 2017-18						
39	480	480	480	39 529840 Professional Licenses	-	-	-	39
40	1,663	2,060	1,800	40 529860 Permits	1,850	1,850	1,850	40
41	195	117	200	41 529999 Miscellaneous Expense	150	150	150	41
42				42 <b>CAPITAL OUTLAY</b>				42
43	-	-	25,000	43 534500 Sewer Systems	-	-	-	43
44				44				44
45				45 <b>CONTINGENCY</b>				45
46	-	-	98,459	46 571010 Contingency	74,858	74,858	74,858	46
47				47				47
48				48 <b>UNAPPROPRIATED ENDING FUND BALANCE</b>				48
49	-	-	-	49 573010 Unapprop Ending Fund Balance				49
50				50				50
51				51 <b>Total Full Time Equivalent (FTE)*</b>				51
52				52 Ending balance (prior years)				52
53				53 <b>UNAPPROPRIATED ENDING FUND BALANCE</b>				53
<b>54</b>	<b>295,560</b>	<b>273,488</b>	<b>430,489</b>	<b>54 TOTAL REQUIREMENTS</b>	<b>399,113</b>	<b>399,113</b>	<b>399,113</b>	<b>54</b>

# Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment or Charge on Property

# FORM LB-50 2019-2020

To assessor of Marion County

Check here if this is an amended form.

▪ Be sure to read instructions in the Notice of Property Tax Levy Forms and Instruction booklet

The Brooks Community Service District has the responsibility and authority to place the following property tax, fee, charge or assessment  
District Name  
 on the tax roll of Marion County. The property tax, fee, charge or assessment is categorized as stated by this form.  
County Name

<u>5155 Silverton Rd NE</u>	<u>Salem</u>	<u>OR</u>	<u>97305</u>	
<small>Mailing Address of District</small>	<small>City</small>	<small>State</small>	<small>ZIP code</small>	<small>Date</small>
<u>Dennis Mansfield Jr.</u>	<u>Budget Officer</u>	<u>(503) 588-5084</u>	<u>dmansfield@co.marion.or.us</u>	
<small>Contact Person</small>	<small>Title</small>	<small>Daytime Telephone</small>	<small>Contact Person E-Mail</small>	

**CERTIFICATION** - You **must** check one box if your district is subject to Local Budget Law.

- The tax rate or levy amounts certified in Part I are within the tax rate or levy amounts approved by the budget committee.
- The tax rate or levy amounts certified in Part I were changed by the governing body and republished as required in ORS 294.456.

**PART I: TAXES TO BE IMPOSED**

		Subject to General Government Limits	
		Rate -or- Dollar Amount	
1.	Rate per \$1,000 or Total dollar amount levied (within permanent rate limit) . . .		
2.	Local option operating tax . . . . .		<b>Excluded from Measure 5 Limits Dollar Amount of Bond Levy</b>
3.	Local option capital project tax . . . . .		
4.	City of Portland Levy for pension and disability obligations . . . . .		
5a.	Levy for bonded indebtedness from bonds approved by voters <b>prior</b> to October 6, 2001 . . . . .		
5b.	Levy for bonded indebtedness from bonds approved by voters <b>on or after</b> October 6, 2001 . . . . .		
5c.	Total levy for bonded indebtedness not subject to Measure 5 or Measure 50 (total of 5a + 5b) . . . . .	<b>0</b>	

**PART II: RATE LIMIT CERTIFICATION**

6.	Permanent rate limit in dollars and cents per \$1,000 . . . . .		6
7.	Election date when your <b>new district</b> received voter approval for your permanent rate limit . . . . .		7
8.	<b>Estimated</b> permanent rate limit for newly <b>merged/consolidated district</b> . . . . .		8

**PART III: SCHEDULE OF LOCAL OPTION TAXES** - Enter all local option taxes on this schedule. If there are more than two taxes, attach a sheet showing the information for each.

Purpose (operating, capital project, or mixed)	Date voters approved local option ballot measure	First tax year levied	Final tax year to be levied	Tax amount -or- rate authorized per year by voters

**Part IV. SPECIAL ASSESSMENTS, FEES AND CHARGES\***

Description	ORS Authority**	Subject to General Government Limitation	Excluded from Measure 5 Limitation
1. Non-Adalorem Delinquent Sewer Charges	454.255		\$6,894.19
2			

\*If fees, charges, or assessments will be imposed on specific property within your district, you must attach a complete listing of properties, by assessor's account number, to which fees, charges, or assessments will be imposed. Show the fees, charges, or assessments uniformly imposed on the properties. If these amounts are not uniform, show the amount imposed on each property.

\*\*The ORS authority for putting these assessments on the roll must be completed if you have an entry in Part IV.

BEFORE THE BOARD OF COMMISSIONERS FOR MARION COUNTY  
STATE OF OREGON ACTING AS GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT

In the Matter of Making            )  
Appropriations to Adopt        )  
Budget                                )                                R E S O L U T I O N # \_\_\_\_\_

BE IT RESOLVED that the Board of County Commissioners, acting as the Governing Body of the Brooks Community Service District, hereby adopts the budget approved by the budget committee of the Brooks Community Service District on May 15, 2019, now on file in the District office.

BE IT RESOLVED that the amounts of the fiscal year beginning July 1, 2019 for the purposes shown below are hereby appropriated as follows:

GENERAL OPERATING FUND:

Materials and Services	\$	324,255
Capital Outlay	\$	0
Contingencies	\$	74,858
Unappropriated Ending Balance and Reserved for Future Expenditure	\$	0
Total	\$	399,113

ADOPTED and appropriated by the Governing Body at the meeting of June 24, 2019.

MARION COUNTY BOARD OF COMMISSIONERS  
ACTING AS GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner



# **Marion County**

**OREGON**

## **BROOKS COMMUNITY SERVICE DISTRICT**

**BOARD OF  
COMMISSIONERS**

Kevin Cameron  
Sam Brentano  
Colm Willis

**DIRECTOR**

Brian Nicholas, P.E.

**ADMINISTRATION/  
OPERATIONS**

503-588-5084

June 24, 2019

Marion County Assessor's Office  
c/o Tom Rohlfing  
555 Court St NE, Ste 2233  
Salem, OR 97301

Dear Mr. Rohlfing:

As Governing Body of the Brooks Community Service District and pursuant to the provisions of ORS 454.225 and Rules and Regulations adopted by said district, we hereby certify as follows:

1. That the itemized list of delinquent sewer service charges attached hereto and marked Exhibit "A" is in the total sum of \$6,894.19.
2. That payment of said delinquent charges had not been received through normal billing and collection procedures.
3. That each sewer service charge certified includes a twenty percent penalty and a \$25.00 administration charge.
4. That the amounts shown as certified should be added to the appropriate tax accounts indicated, pursuant to the above-mentioned statute and regulations.

Dated at Salem, Oregon, this 24th day of June, 2019.

Respectfully submitted,

**MARION COUNTY BOARD OF COMMISSIONERS  
ACTING AS GOVERNING BODY FOR  
BROOKS COMMUNITY SERVICE DISTRICT**

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Chair, Governing Body

G:\Administration\ServiceDistricts\Budget\FY2019-20\Brooks\FY 19-20 Sewer Certification Letter.doc



Exhibit A

Total: \$ 6,894.19

Brooks Community Service District  
Delinquent Sewer Service Charges FY 2019-20  
Certified to the Marion County Tax Assessor

Name	Tax ID	Situs	Amount
BLANEY, ETTY	R332651	5353 FAITH AVE NE	\$ 367.00
BLANEY, KEN	R43141	5373 FAITH AVE NE	\$ 367.00
BRYANT TREE & LANDSCAPE CO	R18604	5020 BROOKLAKE RD NE	\$ 209.50
GREEN, ROBERT	R43726	4980 RIVERTON ST NE	\$ 462.90
KIRK, BRAD	R18641	9170 PORTLAND RD NE	\$ 449.80
MALKIN, JAMES & HOLLY	R332649	5393 FAITH AVE NE	\$ 372.83
MEDINA, ROBERT R &	R18635	5435 RAMP ST NE	\$ 674.30
NEWTON, JANAY & DEION	R332691	9351 HALLELUJAH DR NE	\$ 367.00
QCM INC	NO ID	5042 BROOKLAKE RD NE	\$ 230.42
QUIROZ, GERARDO	R18581	8765 PORTLAND RD NE	\$ 1,907.12
REYES, SANTIAGO	P355172	9030 PORTLAND RD NE	\$ 349.00
REYES, SANTIAGO & SOTO, TIM	R18586	8805 PORTLAND RD NE	\$ 107.80
ROBERTS, CHRISTOPHER	R332694	9321 HALLELUJAH DR NE	\$ 402.64
STUBBLEFIELD, DENNIS L & LISA A	R332654	9359 CHARITY AVE NE	\$ 626.88

BEFORE THE BOARD OF COMMISSIONERS FOR MARION COUNTY  
STATE OF OREGON ACTING AS GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT

In the Matter of the First Regular)  
Supplemental Budget for )  
Fiscal Year 2018-19 )

R E S O L U T I O N # \_\_\_\_\_

This matter came before the Governing Body of the Brooks Community Service District at its scheduled public meeting on June 24, 2019, to consider adopting the first regular supplemental budget and make appropriations for fiscal year 2018-19.

WHEREAS, the District has requested budget adjustments due to unforeseen circumstances as described in the explanation attached hereto and marked Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the District Budget Officer has reviewed the requests and recommends a first regular supplemental budget for fiscal year 2018-19 to the Governing Body;

BE IT RESOLVED that the Board of County Commissioners, acting as the Governing Body of the Brooks Community Service District, hereby adopts the first regular supplemental budget for the fiscal year 2018-19.

BE IT RESOLVED that for the fiscal year beginning July 1, 2018, the amounts for the purposes shown in the attached schedule, and by this reference made a part hereof, are hereby appropriated.

DATED at Salem, Oregon this 24th day of June, 2019.

MARION COUNTY BOARD OF COMMISSIONERS  
ACTING AS GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Exhibit A

**Brooks Community Service District  
First Supplemental Budget Request  
Fiscal Year 2018-19**

	Fund No. and Name: <i>540 Brooks Service District</i>		
	Current Budget	1st Supplemental Increase / Decrease	Revised Budget
<b>Resources:</b>			
Charges for Services	267,600		267,600
Interest	1,900		1,900
Financing Proceeds	-	41,000	41,000
Net Working Capital	160,989	8,245	169,234
<b>Total Resources</b>	<b>430,489</b>	<b>49,245</b>	<b>479,734</b>
<b>Requirements:</b>			
Materials and Services	307,030	56,000	363,030
Capital Outlay	25,000	-	25,000
Contingency	98,459	(6,755)	91,704
Ending Fund Balance	-		-
<b>Total Requirements</b>	<b>430,489</b>	<b>49,245</b>	<b>479,734</b>
<b>FTE:</b>	-	-	-

Justification for the request and changes in FTE.

**Resources**

\$49,245 increase, a net of:

- \$41,000 increase in Finance Proceeds for a loan to purchase and replace a water pump and water meter
- \$8,245 increase in Net Working Capital to match actual

**Requirements**

\$49,245 increase, a net of:

- \$56,000 in Materials and Services, comprised of:
  - \$41,000 increase in Other Contract Services for the purchase and installation of the pump and meter.
  - \$6,000 increase in Legal Fees for legal services
  - \$5,500 increase in PW Services for the operation and maintenance services of the sewer and water systems.
  - \$3,500 increase in Data Connections to allow network access at the Brooks facility
- \$6,755 decrease in Contingency

**Net Change**

The net change to the 540 - Brooks General Operating Fund is an increase of \$49,245

**INTERGOVERNMENTAL AGREEMENT**  
**Between**  
**BROOKS COMMUNITY SERVICE DISTRICT and CHEMEKETA COMMUNITY**  
**COLLEGE**

**1. PARTIES TO AGREEMENT**

This Agreement between Chemeketa Community College (“CCC”), a community college district formed under ORS chapter 341, and *Brooks Community Service District, a county service district formed under ORS chapter 451 (“BCSD”)*, is made pursuant to ORS 190.010 (Cooperative Agreements).

**2. PURPOSE/STATEMENT OF WORK**

The purpose of this Agreement is to establish the terms and conditions under which both parties will work together to provide water services which will not exceed the capacity of the water system to BCSD. These services are further described in Section 5.

**3. TERM AND TERMINATION**

3.1 This Agreement shall be for a term of ten years, effective for the period of January 1, 2019 through December 31, 2028, unless sooner terminated or extended as provided herein.

3.2 This Agreement may be extended for an additional period of five years beyond the initial term, not to exceed December 31, 2033 by written amendment. Notice of extension shall be submitted by either party no later than six (6) months prior to the expiration of the initial term. Any modifications in the terms of such amendment shall be in writing.

3.3 This Agreement may be terminated by either party upon 3 years’ notice in writing, and delivered by mail or in person. Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

**4. FUNDING AND BILLING**

4.1 Payments under this contract shall be based on the following terms: BCSD shall pay CCC for water used by customers of the BCSD, based on CCC’s water rates. Rates for water provided by CCC to BCSD under this Agreement may be adjusted annually to the mutual satisfaction of both parties. In the event that the parties are unable to agree upon water rates, the parties may enter into mediation to resolve the dispute. CCC shall give written notice of any proposed rate increases to BCSD at least 60 days before the effective date of the increase. Rates for water provided by BCSD to BCSD customers shall be determined by BCSD.

4.2 Requests for payment shall be submitted to the BCSD monthly to the attention of: Brooks Community Service District at the following address: 5155 Silverton Road NE, Salem, OR 97305.

## **5. OBLIGATIONS UNDER THE TERMS OF THIS AGREEMENT**

5.1 CCC shall:

- a. By means of its water well, located at 4960 Brooklake Road NE, Brooks, OR, provide water to the BCSD for distribution by BCSD to BCSD customers.
- b. Be responsible for any drinking water well testing required under Oregon Revised Statutes or Oregon Administrative Rules, or any other drinking water testing requirements contained in the laws of the United States. The BCSD may choose to re-test the water at any time at its expense. Copies of any drinking water well testing results or reports shall be made available to each party.

5.2 BCSD shall be responsible for the monthly billing of its customers and shall pay CCC monthly for water supplied under this Agreement.

5.3 BCSD shall not add any new customers without first obtaining the written consent of CCC.

5.4 CCC is responsible for all maintenance and repairs for all equipment up to and including the point of sale, which shall be defined as the flow meter monitoring BCSD water volumes.

## **6. COMPLIANCE WITH APPLICABLE LAWS**

The parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement. The parties agree that this Agreement shall be administered and construed under the laws of the state of Oregon.

## **7. NONDISCRIMINATION**

The parties agree to comply with all applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations in the performance of this Agreement.

## **8. HOLD HARMLESS**

To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, each party agrees to waive, forgive, and acquit any and all claims it may otherwise have against the other and the officers, employees, and agents of the other, for or resulting from damage or loss, provided that this discharge and waiver shall not apply to claims by one party against any officer, employee, or agent of the other arising from such person's

malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

**9. INSURANCE**

Each party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon tort claims act (ORS 30.260 TO 30.300).

**10. MERGER CLAUSE**

Parties concur and agree that this Agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change to the terms of this Agreement shall bind either party unless in writing and signed by both parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its term and conditions.

**11. NOTICES**

Any notice required to be given to CCC or BCSD under this Agreement shall be sufficient if given, in writing, by first class mail or in person as follows:

For CCC:  
Chemeketa Community College  
PO Box 14007  
Salem, OR 97309-7070

For BCSD:  
Brooks Community Service District  
5155 Silverton Road NE  
Salem, OR 97305

**SIGNATURES**

This Agreement and any changes, alterations, modifications, or amendments will be effective when approved in writing by the authorized representative of the parties hereto as of the effective date set forth herein.

In witness whereof, the parties hereto have caused this Agreement to be executed on the date set forth below.

**MARION COUNTY BOARD OF COMMISSIONERS  
ACTING AS THE GOVERNING BODY for the  
BROOKS COMMUNITY SERVICE DISTRICT:**

\_\_\_\_\_  
Chair Date

\_\_\_\_\_  
Commissioner Date

\_\_\_\_\_  
Commissioner Date

Authorized Signature:

\_\_\_\_\_  
BCSD Secretary Date

Authorized Signature: \_\_\_\_\_  
Chief Administrative Officer Date

Reviewed by Signature: \_\_\_\_\_  
Marion County Legal Counsel Date

Reviewed by Signature: \_\_\_\_\_  
Marion County Contracts & Procurement Date

**CHEMEKETA COMMUNITY COLLEGE**

Authorized Signature: Beverly L. Hillier Date: June 6, 2019

Title: General Counsel

MINUTES  
REGULAR MEETING

GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT  
3:00 PM, TUESDAY, FEBRUARY 05, 2019  
SILVERTON CONFERENCE ROOM  
MARION COUNTY COURTHOUSE SQUARE

MEETING OPENED: Commissioner Kevin Cameron opened the meeting and noted the following attendance:

ATTENDANCE: Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Colm Willis, Scott Norris - Legal Counsel, Dennis Mansfield - Public Works, Matt Knudsen - Public Works, Roxanne Fleming - Public Works, Stephanie Rosentrater - Public Works, Terry Beilke, Earl Horton – ESSD Budget Committee, Cynthia Granatir – Finance, Michael Johnson - ESSD Advisory Committee, Gerry Wimer - ESSD Advisory Committee, Doug Barrow – ESSD Budget Committee, Thomas Kissinger - Public Works, Rebecca Hillyer - Chemeketa Community College, Thomas Hogue - Economic Development, Brian Nicholas - Public Works, Brian May - Public Works, Zina Lerma, Thelia Finley

ACTION: **MOTION:** Commissioner Brentano made a motion to approve the minutes of the May 9, 2018 Public Hearing, the May 23, 2018 Special Meeting, the July 23, 2018 Regular Meeting, and the December 4, 2018 Special Meeting. Commissioner Brentano noted that although the minutes from the May 23 Special Meeting state that he is in favor of a system development charge, he is not. He did not request to amend the minutes. Commissioner Willis seconded the motion. A voice vote was unanimous.

**MOTION:** Commissioner Willis made a motion to approve the appointment of Dennis Mansfield as District Secretary. Commissioner Brentano seconded the motion. A voice vote was unanimous.

Thelia Finley, a prospective member of the Brooks Community Service District Advisory Committee, introduced herself to the Governing Body. Thelia learned about the Advisory Committee through an advertisement she received in the mail. Thelia lives in Brooks, is the Treasurer of the Bethel Park HOA, and has a desire to be more involved with her community. Michelle Duchateau was not able to attend the meeting.

**MOTION:** Commissioner Brentano made a motion to approve the appointments of Michelle Duchateau and Thelia Finley to the Brooks Community Service District Advisory Committee. Commissioner Willis seconded the motion. A voice vote was unanimous.

Dennis presented an Intergovernmental Agreement (IGA) between the Brooks Community Service District (BCSD) and Chemeketa Community College (CCC). The purpose of the IGA is to allow the Brooks Community Service District to move forward with the replacement of the pump and meter for the water system. The IGA states that after allowing for an entire year's worth of flow data to be collected, CCC will reimburse



the BCSD for the BCSD's and Marion County Fire District's portion of water usage for the pump cost only. BCSD will purchase the meter entirely. There will be another IGA at a later date that will address how water services are provided. Rebecca Hillyer stated that CCC is happy with the IGA. Scott Norris confirmed that Marion County Legal Counsel had reviewed the agreement. Commissioner Brentano wanted to know how long water would be unavailable to customers for the installation of the pump and meter. Dennis said that at this point it is uncertain, but that BCSD would give customers warning and specifics ahead of time. Matt Knudsen stated that the work for both would occur at night to reduce the inconvenience to customers. Commissioner Willis wanted to clarify that CCC would be purchasing the pump, BCSD would reimburse CCC for it entirely, and then after a year of collecting flow data, CCC would reimburse BCSD for the pump partially, depending on usage. Dennis confirmed that this is correct.

**MOTION:** Commissioner Willis made a motion to approve the IGA between the Brooks Community Service District and Chemeketa Community College. Commissioner Brentano seconded the motion. A voice vote was unanimous.

**OPERATIONS UPDATE:**

Matt Knudsen stated that the Sewage Use and Regulation ordinance has not been updated for almost thirty years. It is currently being updated and will be brought to the governing body for approval upon its completion. At the last meeting, Matt reported that one of the industrial customers, May Trucking, was having a problem with waste strength. Matt reported that they have been able to bring their waste strength down significantly. They were able to do so by better maintaining their treatment system. The BCSD worked with them on lab testing and sampling properly. Matt happily reported that for the first time in two years, the BCSD has a full staff of Wastewater Operators. This staff has experience in other utilities around the state and from outside of the state. Commissioner Cameron wanted to know if with current staff, the Service Districts could take on a new district. Matt reported that it would depend on the size and maintenance needs of the new district.

**BROOKS WATER UPDATE:**

Dennis reported that, as previously mentioned, the BCSD is currently working on the second IGA for water services with CCC. Hopefully by the next regular meeting, if not earlier, it will be ready to present to the governing body.

The BCSD is working on engineering plans for the seven non-metered customers. They need to be metered, but the cost to make that happen is high. Dennis hopes to have an update on costs by the next meeting. The customer would typically pay these costs on their side of the property. There are 17 customers, seven without meters and 10 with meters. There is a possibility that other customers are using the water system without paying for it.

The BCSD will also be doing a user rate study on water. Historically, the BCSD has been billed by CCC and passed that bill on to the customers with a small administrative fee added on. The study will ensure that the

system is paying for itself and help with future economic development needs, specifically applying for grants. Dennis hopes to have this information ready by the next regular meeting or to call a special meeting before that. Currently, the customers are not paying rates. They are paying a percentage of the bill from Chemeketa, based on usage, and a \$225 administrative fee split between the 17 customers. The non-metered customers are paying based on estimated usage.

**PUBLIC COMMENT:**

A question was asked about how to come off of a private well onto the BCSD water system. Currently, there is no system for this. Thomas Hogue added that this is why they want to do a broader community development plan for Brooks. There are a lot of issues in the area that BCSD will start to weed through and solve.

A concern was stated about the amount of development going in and the lack of infrastructure.

A question was asked about when these further discussions would be had and if the public would be able to be a part of them. The process was explained about how meetings are noticed and how to submit questions or concerns.

Chemeketa commented that their meters are so gummed up that the last two months have been zero readings. Water that's going through is not being metered, meaning that there is no way to charge BCSD. CCC hardly collects any money for the services.

**NEXT MEETING:**

The next Regular Meeting is scheduled for Monday, July 9, 2019 at 2:30 PM, in the Silverton Conference Room, Marion County Courthouse Square, 555 Court St. NE, Salem, Oregon. Dennis commented that the Service Districts are considering combining the regular meeting with the Adopt Budget Meeting in June, which is currently scheduled for June 19.

**ADJOURNMENT:**

There being no further business to come before the governing body, the meeting was adjourned.

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Chair, Governing Body  
Brooks Community Service District

MINUTES  
PUBLIC HEARING

GOVERNING BODY  
BROOKS COMMUNITY SERVICE DISTRICT  
3:07 PM, MONDAY, MARCH 25, 2019  
SILVERTON CONFERENCE ROOM  
MARION COUNTY COURTHOUSE SQUARE

MEETING OPENED: Commissioner Cameron opened the meeting and noted the following attendance:

ATTENDANCE: Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Colm Willis, Scott Norris - Legal Counsel, Dennis Mansfield - Public Works, Matt Knudsen - Public Works, Glen Rader Jr. - ESSD Advisory Committee, Jason Meyer - Sheriff's Office, Earl Horton - ESSD Budget Committee, Bill Gardner - Pacific Stair, Daniel Reynolds - Saalfeld Griggs Law Firm, Loretta Lent - Pacific Stair, Brian Nicholas - Public Works, Thomas Kissinger - Public Works, Cynthia Granatir - Finance, Danielle Gonzalez - Economic Development, Thomas Hogue - Economic Development, Terry Beilke, Michael Johnson, ESSD Advisory Committee, Stephanie Rosentrater - Public Works, Rebecca Hillyer - Chemeketa Community College

ACTION: Terry introduced himself as the owner of a farm in the Brooks Community Service District. He has lived there his whole life.  
**MOTION:** Commissioner Willis made a motion to approve the appointment of Terry Beilke to the Brooks Community Service District Advisory Committee. Commissioner Brentano seconded the motion. A voice vote was unanimous.

STATUS UPDATE: **History:** The Brooks Community Service District (BCSD) was approached in the Spring of 2018 by Chemeketa Community College (CCC), who reported that they were incurring many expenses due to the water system and felt that they were not being fairly compensated. CCC also reported that they were not interested in being in the water-supply business. This leaves the BCSD with two options; BCSD finds a new well or BCSD manages the entire system, but doesn't charge a fee to CCC or the Fire District for their water usage. There is no agreement between BCSD and CCC since CCC purchased the well. CCC has been acting in good-faith. BCSD is working on an agreement and hope to have it ready for review soon.

**Purpose of this meeting:** Discuss the source of funding to pay back CCC for the pump and meter replacement that was approved via an intergovernmental agreement (IGA) at the February 5, 2019 Regular Meeting.

**Financial History:** BCSD provides sewer services to over 200 residential, commercial, and industrial customers and water to 17 commercial customers, only 11 of which are metered. The focus is mainly on the sewer service because it brings in so much more revenue than water service. Water service has lost more than it

has gained in the last six years. The expenses are expected to continue to increase, due to the aging system and the amount of time and effort to improve the system.

**Rate History and Comparison:** Methodology used to calculate rates is convoluted and has been in place for a long time. Dennis explained how the charges are calculated for both metered and non-metered customers. Exhibit C is a rate comparison based off a 2017 survey, showing rates per 5,000 gallons used.

**Meter Issues:** Dennis explained why the need for a new meter is so high. Exhibit D shows that until around September of 2017, what CCC's meter read vs. what BCSD customer meters read was pretty consistent. After that, there were discrepancies of up to 1.5 million gallons per year (see Exhibit E). Any difference between the CCC meter and the 11 customer meters should be the 6 non-metered customers, but this number is much too high to account for only 6 customers, meaning that the meter must be faulty, water is being used by more than our 17 customers, our historical usage data for non-metered customers is outdated, there are leaks in the pipes, or a combination of some or all of these things. Since meeting in February and having the IGA between the BCSD and CCC signed, CCC has ordered the pump and meter and set an installation date.

**Funding:** Dennis provided two options to the governing body. Option one would be to approve a loan, the terms of which are set out in the IGA provided in the packet. Exhibit F shows the 10-year forecast of this loan, including a conservative estimate of what BCSD would receive from CCC for reimbursement of their portion of the pump, an increase in CCC's rates to BCSD for water, and an increase in rates to BCSD customers. Dennis explained that the rate increase to the customers is imperative to help pay for the system and to make the District eligible for grant funding and future loans. Rates will be calculated per EDU and not include any separation of overhead. Non-metered customers will have their estimated usage increased and will likely be required (by ordinance) to install meters in the future. Exhibit G shows the impact to each customer in this scenario. Option two is a donation to the BCSD from the general fund, not requiring payback. Rates to customers would still need to be raised in this scenario. The impacts to the customers in this scenario are shown in Exhibits H and I.

**Clarifying questions:** Is there a way to mitigate the need to raise rates, like figuring out where the unaccounted-for water usage is coming from? While figuring that out would help, the customer rates are far below surrounding areas' rates. This puts the District

at a disadvantage because they are unable to qualify for many programs that would help to improve the system. Commissioner Willis was curious as to why we're paying for maintenance on infrastructure that we don't own. The District is working on fixing the whole system, but the most important thing is getting the pump and meter replaced because they're failing and could go out at any time. We have to be able to provide water to the customers that depend on it.

COMMENT:

Daniel Reynolds, legal representative for Pacific Stair, wanted to know why the words "danger" and "urgency" kept being used when referring to the pump and meter repair. He was wondering if there was a timeline or expected failure date for the system. The system is older than we have records of and is far past its service life. The meter is clogged by sediment or particulates and not metering correctly. The system could fail at any time, though it is impossible to be certain of when.

Terry Beilke commented that he does not agree with supplying CCC or the Fire District with free water in the event that BCSD takes over maintenance of the system.

Rebecca Hillyer provided history of CCC's ownership of the system. Since 2005, CCC has been maintaining the system and paying for maintenance costs. What they charge the BCSD does not cover the cost of maintenance. CCC has never raised the rates that they charge to BCSD. CCC no longer has the money to cover all of the maintenance costs. CCC does not necessarily want to stop maintaining the system, though they are open to negotiations with BCSD. CCC is merely asking for assistance with the cost of this necessary repair and potentially other large repairs in the future.

Bill Gardner commented that any growth in Brooks will be stunted until we figure out the water issues. In his opinion, a part of the problem is how many agencies are involved and all of the different ownerships/rights. Bill also claimed that there are at least 8 businesses not on the list that are getting water from Pacific Stair's water line. According to Bill, every business south of Pacific Stair is on his line. Some of these businesses are being billed by the BCSD, meaning the District is collected twice – once from Pacific Stair and once from the customer (i.e. Brooks Hardware). BCSD staff expressed an interest in setting up a meeting with Bill.

Brian Reynolds comments that the district needs to spend more time on figuring out the system and a long term solution.

**DISCUSSION:** Commissioner Cameron does not want to make a decision yet. There is infrastructure money set aside that could potentially be granted to the district, but not until they know what they would be investing in.

Commissioner Brentano wants to get all customers metered quickly. Thomas Hogue added that we should maybe figure out the long term solution before asking customers to pay \$5,000 for a meter when the future source of water is currently unknown.

Commissioner Willis is happy to develop infrastructure in Brooks, but does not want to just paying for maintenance on a system that is not owned by the District. Brian Nicholas and Dennis explained again how the BCSD will get reimbursed by CCC and the Fire District for their portion of the pump.

It was decided that the governing body would approve the loan today, as the repair is critical. They are not yet ready to make a decision on rates. Dennis clarified that the agreement put in front of them is only to approve the loan. It does not mention rate changes.

**ACTION:** **MOTION:** Commissioner Brentano made a motion to approve the Intergovernmental Agreement between Marion County and the Brooks Community Service District to loan up to \$50,000 to the Brooks Community Service District. Commissioner Willis seconded the motion. Commissioner Willis wanted to confirm that the agreement could be amended at a later date. Scott Norris confirmed that it can. A voice vote was unanimous.

**NEXT MEETING:** The date of the next meeting is scheduled for Wednesday, May 15, 2019 at 3:00 PM, Marion County Courthouse Square, 555 Court St. NE, Salem, Oregon.

**ADJOURNMENT:** There being no further business to come before the governing body, the meeting was adjourned.

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Chair, Governing Body  
Brooks Community Service District

# Brooks Water System Project Plan

