

MINUTES

McKenzie Watershed Council
EWEB, Cafeteria

October 13, 2003
5:30 p.m.

PRESENT: Dana Burwell, Glenn Love (Bob Bumstead alternate), Cheryl Friesen, Ralf Perkins, Jeff Ziller, John Woodrow, Charlene Phipps, Linda Mooney, Emily Rice, Dorothy Anderson, Betty Taylor, Members; Megan Finnessy, Juan Welsh, Staff; David Atkin, Guest; Karl Morgenstern, EWEB Staff

1. AGENDA AND MATERIAL REVIEW

Miss. Finnessy called the meeting to order. She noted that the main portion of the meeting would be about non-profit status of the council.

There were no changes to the agenda.

Regarding the minutes of September 11, 2003, it was noted that John Allen was not present, Juan Welsh was present, and Patrick Lanning should be listed as a guest.

There was general consensus to approve the minutes of September 11, 2003 as amended.

II. OPENING REMARKS

Miss. Finnessy said she had met with a number of council partner representatives over the last month, as well as worked closely with Cascade Pacific on budgeting work. The Council had received BPA agreements the day before the meeting, and Megan has secured two OWEB grants. Conversations regarding the media outreach grant (OWEB) have begun the intentions of the grant are to increase Council representation within the media throughout the state. She suggested that members submit ideas for media topics. The contractor, Jim Yuskavitch, will be contracted for at least one feature article a month and three to four press releases.

Miss. Finnessy said the macro-invertebrate sampling with the Mohawk Partnership had gone well.

Miss. Finnessy said she had attended the Carmen-Smith relicensing meeting and said that there would be a short presentation from EWEB on the project at the November meeting.

Mr. Welsh said there were ten new riparian enhancement projects this winter. These projects will be added to six existing projects making his winter very busy. No new projects will be added until 2005. He stressed the importance of doing quality work on any projects the Council is involved in.

Mr. Welsh said the Green Island project was moving forward. He said there were some Memorandums of Understanding that would be presented to the Executive Committee the following week.

III. FURTHER DISCUSSION AND APPROVAL OF DECISIONS MADE AT THE LAST MEETING

There was no further discussion of decisions made at the last meeting.

IV. SHORT ANNOUNCEMENTS/PUBLIC COMMENT

Ms. Friesen said the PAYCO funding for the Simmons Creek culvert replacement would be transferred to the MWC. Since the culvert was on a county road, not the Forest Service

Ms. Mooney said there would be hazardous waste clean up in Mohawk Valley on November 1 at the fire station in Marcola.

Ms. Phipps said there would be a slash burn above the north bank road starting at the end of the next week.

Mr. Love said he had been unable to find an answer for what water quality monitoring occurs on golf courses in the watershed to ascertain the kinds of chemical runoff getting into the river.

Miss. Finnessy said she would ask Laurie Power next week about where existing monitoring stations that check for chemicals are located.

Mr. Ziller said it was a record year for Chinook Salmon. He said the run over Leaburg Dam had been 60 percent wild. He said a method was being investigated for separating hatchery fish from wild ones.

Mr. Ziller said the Bull Trout run was also doing well. He said bull trout had been showing up at the upper end of the spawning channel and they had been tagged with devices to show that bull trout needed to move back up stream to spawn.

Mr. Ziller said Sturgeon from the Columbia River had been released into the Willamette River between Beltline bridge and the City of Harrisburg.

Mr. Ziller said Cedar Creek Irrigation district had no permitted water use during the winter months but noted that there was a significant amount of water being diverted from the creek all winter long. This will likely be a big issue in the Cedar Creek area since there was a possibility of closing the gates at the head of Cedar Creek. He said there was 20 CFS from the McKenzie River flowing in Cedar Creek right now and noted that there are no winter water rights for Cedar Creek and a limit of 2 CFS during the summer. He

said it was not a permitted use of water going on right now and the water would have to be reduced to legal levels. He said the next phase of the issue would be looking into water rights for an in-stream irrigation canal but noted that there would be no agency to maintain such a facility.

Mr. Burwell said the Watershed protection plan had been finished for the McKenzie. He said it was available for members and suggested that those who were interested should contact Mr. Morgenstern.

V. NON-PROFIT STATUS

Miss. Finnessy distributed new copies of the By-Laws for the Council. She noted some small changes to the document had been made.

David Atkin provided a presentation on the non-profit status of the Council. He said the two primary reasons for creating a parallel organization stemmed from the Council not being able to directly receive grants and donations and having to go through a fiscal sponsor. He added that there had been concern over representatives from federal agencies sitting on the Board of a non-profit corporation and dealing with resources that those federal agencies manage.

Mr. Atkin said Friends of the McKenzie Watershed had been incorporated in March 2003 and was now recognized by the federal government. He noted that 501(c)(3) status will not be achieved until By-Laws had been created.

Mr. Atkin said Friends of the McKenzie Watershed would be controlled by the Executive Committee of the McKenzie Watershed Council. He said there were a variety of provisions such as the Board of Directors being selected by the Executive Committee of the MWC so complete control could be maintained, one member of the Board of Directors must be a member of the Executive Committee of the MWC, and three members had to be stakeholder representatives. He noted that more than four could serve on the Board of Directors.

Mr. Atkin called for clarification questions from the council. He said approval of the MWC was not a legal step in the creation of the parallel organization but noted that the Executive Committee wanted to make sure that the MWC did approve of its choices for the By-Laws.

Mr. Atkin said the Executive Committee had to appoint the members of the nonprofit Board of Directors. He said the MWC could suggest members or let the Executive Committee do the selection. He said the next step would be to hold the first meeting of the new organization. He said he would attend to see that all of the resolutions that had to be made for non-profit organizations were done properly. He added that he would also do a board training seminar to cover issues such as reporting requirements, financial/record keeping requirements, conflicts of interest, and liability issues.

Mr. Atkin said phase II would be to go to the IRS to get the 501(c)(3) status. He said that once that status was achieved then the IRS would grant retroactive tax exempt status. He said this would help with some initial fundraising.

In response to a question from Ms. Anderson regarding the articles of incorporation and whether there would be a separate document for those, Mr. Atkin showed the separate document and said the articles of incorporation were there to establish 501(c)(3) status.

In response to a question from Ms. Anderson regarding Section 13 in the By-Laws requiring no proxy voting and whether alternates would not be able to vote, Mr. Atkin said alternates would not be able to vote on the Board of Directors for the non-profit organization.

In response to a question from Ms. Anderson regarding Section 4 of Article 4 regarding election of officers, Mr. Atkins said if the Council did not like what the Board had done with the election of officers, the Council could simply remove them.

In response to a question from Ms. Rice regarding how the charter defined the Executive Committee of the MWC, Mr. Atkin said the charter language would have to be strengthened since the Friends of the McKenzie Watershed needed the committee to exist. He noted that only one member of the Executive Committee needed to be on the Board of Directors and the rest could be regular Council members.

Mr. Burwell, seconded by Ms. Rice, moved to approve the By-Laws as presented. There was general consensus for approval.

In response to a question from Ms. Phipps regarding members who could not serve on the board of directors, Mr. Atkin said members of federal agencies would not be able to serve on the board of directors. He noted that state agencies were generally less reluctant to let their members serve.

In response to a question from Ms. Phipps regarding the possibility of making the Executive Committee the Board of Directors, Mr. Atkin said that would be a good idea for an initial start but noted that it would not have to be a permanent situation.

Mr. Burwell, seconded by Mr. Ziller, moved to make the Executive Committee and Miss. Finnessy the nominating committee for the first Board of Directors. There was general consensus.

Ms. Taylor suggested that those who wished to serve on the Board notify the Executive Committee.

Mr. Burwell, seconded by Ms. Rice, moved to let the Executive Committee also appoint officers for the Board of Directors. There was general consensus.

VI. MWC CHARTER

Miss. Finnessy noted that there was no longer a quorum for the meeting. She said any discussion points could be e-mailed out to members for approval or wait until the November meeting.

Ms. Rice suggested that the discussion could wait until the January retreat.

Ms. Taylor suggested a subcommittee, chaired by Ms. Rice, to do some initial work before the January retreat. Ms. Rice said she sit on the subcommittee.

Miss. Finnessy said she would ask Ryland Moore to be a member. She said she would also work with the subcommittee to work with charter changes.

VII. UPDATES ON MWC ADMINISTRATION

Miss. Finnessy said the administrative change was going well and expressed her appreciation of staff helping with the process.

Miss. Finnessy said she had distributed the six year statewide boating facilities plan to give the Council an idea of the needs of the County while considering the requests of the Friends of Leaburg Lake.

Miss. Finnessy said the letters written at the request of Friends of Leaburg Lake would be signed at the next Executive Committee meeting.

The meeting adjourned at 7:45 pm.

(Recorded by Joe Sams)

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