

# SANTIAM WATER CONTROL DISTRICT

## Assessment and Fee Policy

Santiam Water Control District (SWCD or District) establishes the following policy for the levying and collection of assessments and for the imposition and collection of charges.

### **I. LEVY OF ASSESSMENTS AND IMPOSITION OF CHARGES BY RESOLUTION OF THE DISTRICT BOARD OF DIRECTORS.**

During the regularly scheduled October Board Meeting, the District board of directors (Board) will determine the annual budget by resolution (Annual Budget Resolution). The Board will base the Annual Budget Resolution upon a calculation of the total revenue necessary for performing District obligations for the upcoming calendar year (Annual Budget). When making this calculation, the Board will consider funds necessary for the following line items:

- a) The care, operation, and maintenance of District facilities;
- b) Reasonable reserve funds for major maintenance, improvement, and replacement of capital improvements and facilities;
- c) The acquisition of land or water rights;
- d) Bond or interest payments, or payments due or to become due to the United States or the State of Oregon under any contract of the district with the United States or the State of Oregon; and
- e) Other District expenses anticipated in performance of District obligations.

#### **A. Levy of Assessments**

In order to raise the funds required by the District for the construction, purchase, operation, maintenance and improvement of works and facilities for purposes set forth in in any subdistrict, and in order to pay the general overhead and other expenses of the District which are not chargeable directly to any one subdistrict, the lands benefited by any or all of such types of works and by the operation of the District shall be subject to special assessments of the following classes. 1) preliminary assessment, 2) construction assessment, 3) maintenance and operation assessment, 4) improvement assessment. All assessments shall be levied by an order of the Board. The order shall state the description of the land assessed, the name of the owner of the land as such name appears on the records of the District, or the records of the county assessor, the type and kind of assessment, the amount of the assessment due, and the due date.

The District will file a copy of the order with the county clerk and mail an invoice to each landowner by March 15<sup>th</sup>. Once the order is filed it will become a lien upon the land assessed.

Approved 2-22-2022 motion of the board, rescinded old 2012 policy

All District assessments are due April 15<sup>th</sup>. All accounts not paid by the due date will be charged an interest at the rate of 12 percent per annum. After April 15<sup>th</sup> the Board, by resolution, may direct that all delinquent assessments then unpaid be foreclosed by the District.

**B. Imposition of Charges**

Annually each October, while calculating the Annual Budget, the Board will review and adopt a general fee structure establishing charges for the benefit of the works, facilities and services of the District

**II. DETERMINATION OF BENEFITS**

The District includes three sub-districts: the Irrigation sub-district, McKinney A soil and erosion control sub-district, and McKinney B soil and erosion control sub-district.

The Irrigation sub-district owns the system of ditches and canals operated by the District (District Facilities) used for the purpose of improving the agricultural use of District lands. The District Facilities are used for irrigation delivery, drainage, and control of flood and surface waters for the benefit of all District lands.

**A. Irrigation Sub-District Benefits**

All lands within the Irrigation sub-district are benefitted by District Facilities. Additionally, each tract of land with District-appurtenant water rights, according to certificates issued by the Oregon Water Resources Department, are benefitted lands.

Historically, the cost of District operations, including the operation and maintenance of the District Facilities, was based on the cost of services performed over the irrigation season (April 1 – Sept 30) even though the District Facilities provide year-round drainage functions and require year-round operation and maintenance. Development, urbanization, increased impervious area, and increased regulatory requirements continue to increase costs unrelated to irrigation. The District Facilities now provide greater drainage benefits to District lands during the winter months.

District lands were determined as benefitted lands at the time of district formation or inclusion in the District (District Lands). The Board now clarifies that in order to waive assessments upon any District lands, the District must first receive and approve an engineering determination that the subject District lands are no longer benefitted by the District Facilities (Non-Benefitted Lands). In order to qualify as Non-Benefitted Lands, the subject parcel may not discharge any storm water into any drainage impacting or relied upon by the District Facilities. If a landowner wishes to terminate an irrigation contract but

continues to rely upon the District Facilities for drainage or any other benefits, as determined by the Board, will enter into a new contract determining those uses and benefits.

**B. Soil Erosion and Control Sub-District Benefits**

The soil and erosion control sub-districts care for the system of revetments, both privately installed and those installed by the U.S. Army Corp of Engineers. The sub-district serves as the local sponsor for the operation and maintenance of those facilities and serves as the recipient of FEMA funds to repair damage that may occur during any federally declared flood disaster. The sub-district benefit roll was established during formation and generally includes the lands within the District that are within the 100-year floodplain of the North Santiam River.

**III. APPORTIONMENT OF ASSESSMENTS**

The sum of money needed to be raised by each sub-district, as determined by the Board, shall be apportioned by the Board to the lands owned or held by each person, so that each acre of land in the District that is benefitted is required to pay the same amount. The Board will also set an appropriate administrative fee to collect for tasks and costs specific to each tax lot, such that each tax lot is assessed the same fee.

**IV. DELINQUENT NOVEMBER 1st**

The assessment schedule is as follows:

Assessments Mailed	by March 15th
Due & Payable	April 15 <sup>th</sup>
Delinquent and Water withheld	November 1st

If payment is not made by November 1<sup>st</sup> or the first business day thereafter **the account will be deemed delinquent, and a delinquent account fee will be assessed.** Water will be withheld from all delinquent accounts pursuant to ORS 553.230 unless a Board- approved written payment plan is agreed upon.

Any water user unable to make their assessment payment in full may request a payment schedule. The request must be submitted in writing, include a proposed payment schedule, approved by the Board, and signed by the water user and the Board. Acceptable payment plans for delinquent accounts must provide for payment of 1/3 of the delinquent principal each year plus current charges and interest, unless otherwise approved by the District.

## **V. GENERAL FEES**

The annual District fee structure for office and administrative charges, as well as equipment and labor will be updated and are posted in the District office. A resolution adopting the fee structure will be approved at the regularly scheduled December Board Meeting.

**SANTIAM WATER CONTROL DISTRICT**  
Minutes of the Regular meeting on February 22<sup>nd</sup>, 2022, at 3:00pm

President Dalke called the meeting to order at 3:02pm. In attendance were Directors Butler, Dozler, Gilbert, Koenig and Keudell. Manager Brent Stevenson and Office Manager Morgan Pitchford from SWCD were also in attendance. Via video chat, attorney Michael Schultz, SWCD Austin Wegner, FCA Jed Jorgenson and Sam Swanson were present.

**Minutes** –

The board reviewed the minutes from December 13<sup>th</sup>, 2021, meeting as presented. *Director Koenig made a motion to approve the minutes, seconded by Director Dozler. The motion passed unanimously.*

**Old Business** –

Sam Swanson and Jed Jorgenson were present via video chat to present to SWCD the system improvement plan. Sam gave a 14-page slideshow that showed the engineering that would take place the pipe The District. It is an initial planning document that would give SWCD a background for future planning. FCA is seeking board approval to finalize the document. The Board has 2 weeks to review the SIP, if they find they want changes made, they will discuss changes at the March board meeting. Once The Board approves the SIP, SWCD can move to the next step, the NEPA planning. SWCD secured a \$50,000 grant from NRCS that will cover costs associated with NEPA planning.

The regular meeting adjourned at 4:10pm and went into executive session.

*An Executive Session was held for the purpose of To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. pursuant to ORS 192.660(2)(h) Executive Sessions are closed to the public.*

The executive session adjourned at 5:16pm and the regular meeting reopened.

The review of the drainage assessment memo was assigned for the Board to review and discuss at the March board meeting.

**New Business** –

A new assessment and fee policy has been written. SWCD old policy stated collection occurs under an irrigation district statute. That statute has continued to be amended and is no longer beneficial to The District. With the new policy an annual budget will be set earlier than normal. Assessments will now be a lien on the lands, the resolution will be filed with Marion County Assessor's office after invoices are sent out. The statute does not give a specific time frame for these liens to be recorded. The annual interest rate will also change from 16% to 12%.

*Director Butler made a motion to rescind the old Assessment and Fee Policy and adopt the new one, seconded by Director Keudell. Motion carried.*

SWCD applied for a drinking water grant, it was approved but after further examination, it was determined that the Watershed would hold the grant.

**Manager's Report-**