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**HSWCD monthly business meeting**

Harney County Courthouse Basement conference room  
August 26, 2021 at 3:30 pm

Present: Board Chair (BC) Jeff Hussey, Vice Chair (VC) Scott Franklin,  
Secretary/Treasurer (S/T) Carol Dunten, Board Directors (BD) Ken Bentz, Ryan Peila,  
Susan Doverspike; HSWCD District Manager (DM) Jason Kesling, Admin Assist (AA)  
Barbara Pearson

Guests: Trout Creek Landowner (LO) Rick Brewer (landowner for Trout Creek); BLM Jeff  
Rose; Alfred Dunten

Remote: SONEC Biologist Carlton Strough, Sage-grouse Habitat and Rangeland  
Restoration Planner Danielle Reynolds

BC Hussey called meeting to order 5:30 pm.

Agenda item #2) Trout Creek: Two bids were submitted. HSWCD directors received a  
copy of the bid packet in their notebooks, as well as two bid scoring sheets for each  
submitted bid (one for their records and the other to return to the AA). Landowner Rick  
Brewer was introduced and the directors were told he was present in the event of a tie.

Discussion followed on if the bids included a workplan and why was this discussed in the  
regular meeting instead of executive session. DM Kesling said he spoke to Eric  
Nusbaum of OWEB and was advised the district could be fined if the bid evaluation  
process was in executive session. BC Hussey opened both sealed bids and DM Kesling  
read them to the board. Submitted bids and workplans are attached in the meeting  
minutes. DM Kesling said that he wrote grant in cooperation with LO and also spoke to  
NRCS District Conservationist Zola Ryan and the rates at the time reflect these  
discussions. The project entailed 138 acres total, some lop and scatter and some  
machine piled. Cost per acre is based on CCAA, there may be difference because  
NRCS now budgets \$70 per acre, and fuel has increased with may impact bids. The  
submitted bids were from the following:

- 1) Bailey Bros Building Company (Josiah Briels, submitter).

- 2) AS Gruber logging (Anthony Gruber, submitter). This bidder requested to be paid when he completes 25–30-acre increments.

Both submitted bids were over the amount of the grant. Board response options were discussed:

- 1) LO could make up the difference between grant amount and bid. LO said that would not happen. LO said a problem with him was lowest bidder did not have the equipment.
- 2) District could either not do project or renegotiate with OWEB. Or put it back out.
- 3) District could also decline the two bids

DM Kesling told the board he and AA recently reviewed online SDAO webinars and learned the district only needs three bidders for projects \$10K to \$150K. He hopes to have a proposed list of "Local Rules" in place for next meeting. OWEB's Nusbaum would not give legal advice suggesting what should be included in such a list and the district may have to contact retaining lawyer. He said we have reached out to other districts to what they have done for direction. AA also said Youtube also has these classes online if board wanted to review.

The board discussed details of the project, density of trees, cost of labor, and cost per acre. The budget discussion included if OWEB could kick in additional funds and if it would have been better to pursue this as a large grant. DM Kesling explained he pursued it as a small grant because it was highly unlikely to be funded as large grant, as the land was limited sage-grouse habitat.

A motion was made to decline both submissions, and a yes vote reflected this. BD Bentz moved and VC Franklin seconded declining both submitted bids. A yes vote reflected this and all were in favor. The motion passed. (voting tally attached) LO left the meeting at 4:05 pm. He did give his preference of the two bids submitted. He felt the one with more experience (Bailey Bros.) was more qualified and had the necessary equipment.

Item #3: Approve meeting agenda. DM Kesling had additions to the agenda: 5a Approval of June meeting minutes that were tabled from last meeting; 6a Zane Taylor's evaluation; 7a letter to Oregon DEQ; and 7b COVID vaccination form for office visits of board members.

BC Hussey said he would like to give Jeff Rose from the BLM time to speak, and asked where it could be in agenda. BLM Rose agreed that he would like to be included. It was decided to discuss agenda item #7 at that time so Mr. Rose wouldn't have to remain for the full meeting. BC Hussey said he had asked Mr. Rose to attend after he had researched the BLM litigation subject. He then contacted Mr. Rose and received the answers he was looking for. Rather than attempting to restate what he had been told he had asked Mr. Rose to tell the board.

Mr. Rose discussed the litigation. Follow up questions were asked and the board discussed options. He left meeting at 4:32 pm, thanking the board for allowing him to speak. The board relayed their gratitude in his willingness to attend the meeting.

Item #3 Approve Agenda with additions—VC Franklin moved and S/T Dunten seconded approval; all were in favor and the motion passed. (voting tally attached).

Item #4 Approve July Financials.

DM Kesling said he thought the district was doing well, It currently had \$90K in the bank. The report is a reflection of what was spent in July. S/T Dunten asked if the Colby project was completed and paid. DM Kesling said it was completed, but not paid yet and some paperwork had to be reworked. He had asked the LO if they wanted to wait until paid by OWEB before sending and they agreed. BD Bentz moved and BD Peila seconded approval of the July financial report; all were in favor and the motion passed. (voting tally attached)

Item #5: Approval of July meeting minutes

There were no additions or corrections. VC Franklin moved and BD Bentz seconded approval of July meeting minutes. In favor were BC Hussey, VC Franklin, S/T Dunten and BD Bentz and Peila. BD Doverspike abstained. (voting tally attached)

Item #5a Approval of June meeting minutes, tabled from last meeting.

There were no additions or corrections. BD Bentz moved and VC Franklin seconded approving the minutes. In favor were BC Hussey, VC Franklin, and BD Bentz and Peila. S/T Dunten and BD Doverspike abstained. (voting tally attached)

Item #6: Employee Evaluation: Goss

A copy of the evaluation is attached in the meeting minutes. It was a favorable review and a request to move Tyler Goss to the next salary step. VC Franklin moved and BD Bentz seconded this. All were in favor and the motion passed. (voting tally attached)

Item #6a Employee Evaluation: Taylor

A copy of the evaluation is attached in the meeting minutes. It was a favorable review and a request if Zane Taylor returns to the district next summer that he be moved to the next salary step. BD Peila asked if this meant the district is holding his position. DM Kesling said yes, depending on the budget. VC Franklin moved and BD Peila seconded this. All were in favor and the motion carried. (voting tally attached) DM Kesling said he spoke to both employees prior to the meeting, gave them the option of attending and the option of this being discussed in an executive session rather than a regular meeting. Both employees were fine with this being discussed in a regular session.

Item #7, BLM Litigation, further discussion and decision.

There was further discussion. BD Bentz moved and BD Doverspike seconded the district remain involved in the BLM litigation. All were in favor and the motion passed. (voting tally attached)

Item 7a: Letter to Oregon DEQ

A copy of the letter was presented to the board in their notebooks. DM Kesling discussed the letter. He said the letter was written when he received it from OACD; he just changed it to reflect coming from the district. Discussion on grass banks, stubble

height, carbon storage, no till ag sequestration followed. BD Bentz said the best sequestration is to prevent fire. VC Franklin moved and BD Doverspike seconded approving the letter. All were in favor and the motion passed. (voting tally attached)

Item 7b: Federal Directive on COVID vaccination and visitors

DM Kesling handed out copies of the directive and form to the board and explained that according to the Federal government the HSWCD staff are considered contractors and the board would be visitors. He presented this to the board in the likelihood directors could be in office at regular intervals. The NRCS wanted HSWCD staff and board to complete the form. DM Kesling said he would retain possession of the forms and destroy them once they were no longer needed. He said another option would be just the check signors to complete the form. A third option would be for the board to always meet offsite. The board went ahead and completed the forms on their own and DM Kesling took possession of them. There was further discussion on COVID virus and state mandates.

Public comment: There were no comments.

Future agenda items: Local Rules for bidding process, \$10K to \$150K

BD Bentz moved and VC Franklin seconded adjourning the meeting. All were in favor and the meeting adjourned at 5:07 pm

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District Representative

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Date