

COOS BAY-NORTH BEND WATER BOARD  
P O BOX 539 – 2305 Ocean Boulevard  
Coos Bay, Oregon 97420

Minutes  
Regular Board Meeting

April 2, 2020  
7:00 a.m.

Coos Bay-North Bend Water Board met in open session in the Board Room at the above address, date, and time with Chair Bob Dillard presiding. Other Board members present: Melissa Cribbins, Greg Solarz and Dr. Charles Sharps. Board members absent: None. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager; Jeff Page, Operations Manager; and Karen Parker, Administrative Assistant. Board Legal Counsel Jim Coffey was present via telephone. Media present: None. Chair Dillard opened the meeting at 7:00 a.m. and lead the Board and assembly in the Pledge of Allegiance.

Chair Dillard asked if there were any corrections or additions to the March 5, 2020 Regular Board meeting minutes. Dr. Sharps moved the minutes be approved as written. The motion was seconded by Ms. Cribbins and passed unanimously.

Chair Dillard asked if there were any public comments, and there were none.

Regarding proposed Resolution No. 381-Temporary State of Emergency Declaration for Coos Bay-North Bend Water Board, Mr. Thomas stated on March 8, 2020 Governor Kate Brown declared a state of emergency in Oregon due to the recent COVID-19 outbreak. At the current time the Water Board does not have a policy in place and in speaking with Attorney Jim Coffey it was decided to follow suit as state of emergencies are being declared by local and municipal government entities throughout Oregon and have been declared by both the Cities of Coos Bay and North Bend in wake of the COVID-19 pandemic. Based on state statutes, a local declaration can allow a governing body flexibility in managing resources under emergency conditions.

Extraordinary measures must be taken to protect the public health, safety and welfare of Water Board employees and the public; local resources (those of the Water Board and its primary mutual aid partners) are projected to be expanded; and state and federal assistance will be needed. While a state of emergency can be declared without the goal of seeking state or federal help, it is usually viewed as the vehicle that sets the stage to request that help which includes potential reimbursement for funds expended during the emergency. Mr. Dillard asked if any staff members have received FEMA training. Jeff Page, Operations Manager, has had training and staff plans to set up trainings for other staff members when possible.

The Water Board is tracking all costs associated with this emergency. It will continue to be diligent in operating as an essential need to the communities it serves within the City of Coos Bay, the City of North Bend, and Coos County.

Water Board staff and the General Manager have already taken several steps that the Water Board should take within a declared state of emergency. Those steps include:

- Closing the Water Board lobby to walk in customers.
- Sequestering the Water Treatment Plant to essential staff only.
- Drafting a Pandemic Continuity of Operations Plan.
- Purchased computers and software that enables staff to work from home.
- Adopted applicable leave policies that encourage sick employees to stay home.
- Adopted applicable social distancing policies.
- Discontinued all travel.

Future operational steps the Water Board may take in response to the temporary declared state of emergency may include but are not limited to:

- Rotating shift work by essential employees.
- Rotating on call schedules.
- Closing the drive thru window for customers. (Requiring remote payment/communication).
- Require additional staff to work from home.
- Cease all non-essential construction activity.

After a brief discussion, Dr. Sharps moved to adopt Resolution No. 381 declaring a temporary state of emergency for the Water Board; ratifying prior activities, and, allowing the General Manager to continue to protect Water Board employees and the public it serves while ensuring continuous operation of the community Water System until the temporary state of emergency is lifted. The motion was seconded by Ms. Cribbins and passed unanimously. The resolution read as follows:

**RESOLUTION NO. 381**

**COOS BAY – NORTH BEND WATER BOARD**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COOS BAY-NORTH BEND WATER BOARD DECLARING A TEMPORARY STATE OF EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC**

WHEREAS, the Coos Bay – North Bend Water Board (hereinafter “Water Board”) is a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, organized and operated under the authority granted by the City Charters of Coos Bay and North Bend and ORS 225.050; and

WHEREAS, the Board of Directors of Water Board has the authority to adopt resolutions; and

WHEREAS, on March 8, 2020 Governor Kate Brown declared a state of emergency in Oregon due to the recent COVID-19 outbreak. State of emergencies are being declared by local and municipal government entities throughout Oregon and have been declared by both the Cities of Coos Bay and North Bend in wake of the COVID-19 pandemic. Based on state statutes, a local declaration can allow a governing body flexibility in managing resources under emergency conditions.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COOS BAY – NORTH BEND WATER BOARD AS FOLLOWS:**

1. The above recitals are true and accurate and are incorporated herein by this reference.
2. That the Board of Directors hereby ratify and approve of the prior actions taken by the Water Board staff and General Manager following the State's declaration of an emergency and in response to the COVID-19 pandemic; and
3. That the Board of Directors hereby declares a State of Emergency to allow the General Manager to continue to respond to the COVID-19 pandemic and institute continuing measures to ensure the uninterrupted operation of the community water system.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Regarding proposed Resolution No. 382, Adoption of the Water Board's Pandemic Continuity of Operations Plan, Mr. Thomas stated in response to the 2019/2020 COVID-19 pandemic, staff has prepared the utility's first Pandemic Continuity of Operations Plan (Exhibit "A" of proposed Resolution No. 382). The plan was started from a template found with Great Lakes Community Action Partnership as that template was driven toward preparedness for water utilities. The template and plan was compared to those that were offered by FEMA and other preparedness organizations.

The template has been modified to meet Water Board operations and to give guidance during times of pandemic. A schedule is included in the plan to update the plan with more detailed information and operational scenarios as more detailed planning takes place. The plan will be included as a section within the utility's Emergency Action Plan. Mr. Thomas reviewed Appendix E within the pandemic plan which contains by due date the Pandemic Planning Schedule & Recommendations. The essential functions listing has been completed. Mr. Coffey commented although the Water Board isn't required to comply with the Governor's executive order as a governmental body, this plan does comply with the contents of the Governor's executive order.

After a brief discussion, Ms. Cribbins moved to adopt Resolution No. 382 accepting the Water Board's Pandemic Continuity of Operations Plan and allowing the General Manager and/or their designee to update the plan as needed per the schedule within the plan. The motion was seconded by Dr. Sharps and passed unanimously. The resolution read as follows:

**RESOLUTION NO. 382**

**COOS BAY – NORTH BEND WATER BOARD**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COOS BAY-NORTH BEND  
WATER BOARD ADOPTING A PANDEMIC CONTINUITY  
OF OPERATIONS PLAN**

WHEREAS, the Coos Bay – North Bend Water Board (hereinafter “Water Board”) is a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, organized and operated under the authority granted by the City Charters of Coos Bay and North Bend and ORS 225.050; and

WHEREAS, the Board of Directors of Water Board has the authority to adopt resolutions; and

WHEREAS, the Board of Directors of the Coos Bay - North Bend Water Board now find it is necessary to adopt a Pandemic Continuity of Operations Plan to establish a policy for the Coos Bay-North Bend Water Board to give guidance during times of pandemic.

NOW, THEREFORE, be it resolved by the Board of Directors of the Coos Bay - North Bend Water Board, Coos County, Oregon as follows:

1. The above recitals are true and accurate and are incorporated herein by this reference.
2. The Pandemic Continuity of Operation Plan of the Coos Bay-North Bend Water Board, identified as Exhibit “A”, attached hereto and incorporated herein by this reference, is hereby adopted by the Board of Directors of the Coos Bay – North Bend Water Board.
3. It is the policy of the Board of Directors of the Water Board that Water Board’s Pandemic Continuity of Operations Plan is to be considered a document which may be updated by the General Manager, and/or their designee, as needed per the schedule within the plan.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

Regarding the proposed Letter of Agreement between the Water Board and SEIU Local 503 Employees Union, Mr. Thomas stated in mid-March, as information compiled concerning the response to the 2019/2020 COVID-19 pandemic, SEIU Local 503 union representatives contacted Water Board management concerning a letter of agreement for conditions of leave for employees during the pandemic.

During the week of March 23 -27, the Federal Government passed The Families First Coronavirus Response Act (FFCRA or Act) which requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

Mr. Thomas drafted a letter of agreement citing conditions that he thought were acceptable to the Water Board prior to the FFCRA. The draft letter was reviewed by legal counsel Jim Coffey and proposed to the union on March 23, 2020. Union representatives accepted and signed the letter of agreement on March 25, 2020 and the General Manager followed suit on March 26, 2020.

Mr. Thomas is proposing to get approval and ratification of the letter of agreement by the Water Board of Directors for the period of March 23 –March 31. The letter of agreement was provided to Board members in their Board packet.

Mr. Thomas stated as now the Letter of Agreement between the union and the Water Board conflicts with the FFCRA, the union and Water Board need to amend their agreement to match rules proposed in the FFCRA. Staff is working to have a letter of agreement with the union that considers the changes to leave policies in the FFCRA. Dr. Sharps asked how the leave conflicts with the FFCRA. Mr. Thomas stated he feels the Water Board did the opposite of what the federal government put in place. Water Board gave more leave for employees whose family might contract the virus, rather than giving more leave for school closures and daycare closures. Under the FFCRA there are 2 types of leave: One if a person is symptomatic of COVID-19 and one for a longer term (12 weeks) if your school or daycare closes.

Staff is working with the SEIU Local 503 union representatives on an amended letter of agreement for employee leave conditions under the new FFCRA rules and regulations.

Board attorney Jim Coffey reviewed the Families First Coronavirus Response Act that the Federal Government enacted on April 1, 2020 (FFCRA). The FFCRA entails two types of leave: 1) Emergency Paid Sick Leave and 2) Emergency Family and Medical Leave.

The rules for Temporary Emergency Paid Sick Leave are as follows:

1. The leave applies to all employers with 1 to 500 employees;
2. The leave is IN ADDITION to all other paid leave offered by the employer;
3. Employees can use their Temporary Emergency Paid Sick Leave first, before other available types of leave;
4. Employees are entitled to take paid sick time for the list below known as Qualifying Reasons for Paid Sick Leave:

The general rules for Emergency Family and Medical Leave Expansion Act (EFMLEA) are as follows:

1. An employee must have worked for 30 days before becoming eligible to take this leave;
2. The length of the leave is up to twelve (12) weeks;
3. The reason for taking this leave is limited to an employee who is unable to work or telework from home due to a need for leave to care for a child **of the employee, under the age of 18**, if the school or place of care for the child has been closed or the child care provider of the child is unavailable due to a public health emergency;
4. This leave is limited to “an emergency with respect to COVID-19 declared by federal, state or local authority;
5. There is no requirements that an eligible employee work a minimum number of hours;
6. The first 10 days of this leave is unpaid, but an employee can choose to use their accumulated sick leave, vacation leave or other paid leave for the first 10 days. The employer cannot require the employee to use other available leave for the first 10 days, using accumulated leave or not is up to the employee.
7. After the first 10 days of leave, the Employer **must** pay the employee paid leave for each additional day off work.
8. This leave runs concurrent with OFLA leave.

The Qualifying Reasons for Paid Sick Leave are:

1. *Quarantine* – to comply with a federal, Oregon or local quarantine or isolation order related to COVID-19. This does not include situations where a city or county orders its residents to “shelter in place”.
2. *Self-Quarantine* – to self-quarantine, if the employee has been advised to do so by a local healthcare provider.
3. *Diagnosis or Treatment* – to obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19.
4. *Care for a Quarantined Individual* – to care for an individual required to be quarantined or advised to be quarantined.
5. *Child Care* – to care for an employee’s son or daughter if the son or daughter’s school or child care provider has been closed or is unavailable due to COVID-19-related issues.
6. *Substantially Similar Care* – to care for a substantially similar condition, as determined by the secretary of health and human services.

For leave due to reasons 1, 2 or 3 above, an employee will earn the employee’s regular rate of pay, capped at \$511 per day, for a maximum of \$5,110 (over a 2 week period).

For leave due to reasons 4, 5, or 6 above, an employee will earn two thirds of the employee’s regular rate of pay, capped at \$200 per day, for a maximum of \$2,000. Additional paid leave may be available to employees who take School Closure Leave.

Employees on leave under qualifying reason 5 may be eligible for an additional 10 weeks of partially paid School Closure leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA). There is a 10-day wait period before qualifying for the EFMLEA leave. Employees may utilize paid sick leave of 80 hours during the 10-day wait period. Employers are required to provide up to 10 weeks more of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason No. 5 for up to \$200 daily and \$12,000 in total over those 10 additional weeks.

Mr. Thomas stated the Water Board needs to meet the minimum requirements of the FFCRA. The Water Board also has more than half of its employees that are considered essential to the continuity of water utility operations. The FFCRA has some exemptions in place for essential staffing to fully pay and treat essential staff and first responders as required positions. Many positions at the Water Board could be seen as exempt from the FFCRA, especially as it relates to water treatment, distribution, communicating with the public and in essence providing clean water for public health.

Mr. Thomas provided the Board members with three options for them to consider:

Option 1 – Offer 160 hours of fully paid sick leave for any reason under the qualifying reasons for paid sick leave through December 30, 2020. For additional time under EFMLEA (school or day care closings), pay 100% of the employee’s salary up to  $\frac{3}{4}$  of their accruals for an additional 8 weeks prior to September 13, 2020. The other  $\frac{1}{4}$  can be made up using the employees’ accrued sick, vacation, or compensatory leave, or leave donated from other employees.

This option would be the easiest for the utility to implement as far as timekeeping and payroll purposes. It easily separates time accruals versus percentages of pay and does not discriminate against employees who make more than \$200 per day. It would likely be seen as acceptable by the employees union as it exceeds the new rule. This also allows the Water Board management to treat all employees the same regarding payroll practices when considering essential tiers of employees. This option would allow employees 160 hours to take care of themselves or their family members if they contract COVID-19 not being pressured to rush back to work before they are ready. Mr. Thomas commented he does not want infected individuals at the utility at any time.

Option 2- Offer 160 hours of fully paid sick leave for any reason under the qualifying reasons for paid sick leave through December 30, 2020. For additional time under EFMLEA (school or day care closures) pay 100 percent of the employee's salary up to 100 percent of their accruals for an additional 8 weeks prior to September 13, 2020.

Option 3-For leave due to reasons 1, 2 or 3 an employee will earn the employee's regular rate of pay, capped at \$511 per day for a maximum of \$5,110 over a 2 week period.

For leave due to reasons 4, 5 or 6 an employee will earn two thirds of the employee's regular rate of pay, capped at \$200 per day, for a maximum of \$2,000. The additional paid leave may be available to employees who take school closure leave per below. Mr. Thomas stated this option would be horrendous as far as tracking time accruals and paying all employees. In addition, this would negatively affect employees who make more than \$78,000 annually.

Mr. Thomas commented the Water Board has a handful of employees that have children attending school and therefore may need time away from work. Mr. Solarz inquired if there is a way they could perform some work duties while at home. Mr. Thomas stated we are working on getting set up so this could happen, but it would also depend upon the position, skills, remote ability. Currently, there are a couple of employees in the Finance Division, Customer Service Division and Administrative Assistant who are working from home for different lengths of time.

Dr. Sharps inquired why offer 160 hours (Option 1) when the minimum required is 80 hours. Mr. Thomas stated the union agreed to 160 hours of COVID leave and the reason he put 160 hours is it is his belief that 80 hours is not enough time because if an employee contracts the virus they will be home for 2 weeks, and then if someone in their family contracts the virus they will be away from work as we would not let the employee return to work until their family member is better. As an essential operation of the supplying water to the community, Mr. Thomas stated he does not want to take any chances.

After a brief discussion, Ms. Cribbins moved to ratify the COVID-19 Letter of Agreement between the Water Board and the SEIU Local 503 Employee Union effective March 23 – 31, 2020. The motion was seconded by Dr. Sharps and passed unanimously.

Motion was made by Ms. Cribbins to adopt Option 1 for employee leave under the Families First Coronavirus Response Act and direct the General Manager to draft and implement policies to adhere to the new rule and to work with the union to amend the prior Letter of Agreement to reflect said Option 1. The motion was seconded by Mr. Solarz and passed unanimously.

Engineering Supervisor Matt Whitty presented staff's request regarding adoption of the proposed Intergovernmental Agreement with the City of Coos Bay to combine the 4<sup>th</sup> Street Main Replacement Project with the City's 4<sup>th</sup> Street Roadway Safety Improvement Project.

The City of Coos Bay hired Civil West Engineering Services, Inc. to prepare a design and contract documents for the 4<sup>th</sup> Street Roadway Safety Improvement Project. The Water Board has a high priority project within the limits of the City project. The Water Board hired Civil West Engineering Services, Inc. to prepare a design for the water main and incorporate that design and specifications prepared by Water Board staff into the City's contract documents.

The City has put the project out for bids and has received two bids. The City plans to accept the low bid and has issued Notice of Intent to award pending approval by the Water Board of Directors and the Coos Bay City Council. The contractor who submitted the low bid for the City's project is also submitted the low bid for the Water Board's project.

The City and the Water Board propose to enter into an Intergovernmental Agreement (IGA) to combine the projects and identify the responsibilities of both parties regarding project oversight and payment for their respective portions of the project. Staff has relayed the proposed IGA to City representatives and has received approval from the City for the IGA.

After a brief discussion, Dr. Sharps moved to adopt Resolution No. 383 and enter into the Intergovernmental Agreement with the City of Coos Bay to combine the projects and identify the responsibilities of both parties regarding project oversight and payment for their respective portions of the project. The motion was seconded by Ms. Cribbins and passed unanimously. The resolution read as follows:

**RESOLUTION NO. 383**

**A RESOLUTION TO ADOPT AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE  
CITY OF COOS BAY AND  
THE COOS BAY – NORTH BEND WATER BOARD TO COMBINE  
4<sup>TH</sup> STREET PROJECTS**

WHEREAS, the Coos Bay – North Bend Water Board (hereinafter "Water Board") is a joint instrumentality of the Cities of Coos Bay and North Bend, Oregon, organized and operated under the authority granted by the City Charters of Coos Bay and North Bend and ORS 225.050; and

WHEREAS, the Board of Directors of Water Board has the authority to adopt resolutions; and

WHEREAS, the Water Board and the City of Coos Bay (hereinafter "City") now desire to adopt an Intergovernmental Agreement to combine the City's 4<sup>th</sup> Street Roadway Safety Improvement Project and the Water Board's 4<sup>th</sup> Street Main Replacement Project and identify the responsibilities of both parties regarding project oversight and payment for their respective portions of the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COOS BAY – NORTH BEND WATER BOARD AS FOLLOWS:**

1. The above recitals are true and accurate and are incorporated herein by this reference.



2. The Intergovernmental Agreement between the City of Coos Bay and the Coos Bay – North Bend Water Board, identified as Exhibit “A”, attached hereto and incorporated herein by this reference, is hereby approved and adopted by the Board of Directors of the Coos Bay – North Bend Water Board.

3. The Board Chair is hereby authorized to execute the Intergovernmental Agreement hereby adopted on behalf of the Water Board.

Adopted this \_\_\_ day of \_\_\_\_\_, 2020.

Regarding award of the 4<sup>th</sup> Street Main Replacement Project, Engineering Supervisor Matt Whitty stated this project will consist of replacing approximately 1,100 feet of water main. The City of Coos Bay received bids for the 4<sup>th</sup> Street Roadway Safety Improvements on March 19 and the following are the bid results:

Bidder	Schedule 1 (Street)	Schedule 2 (Water)	Total Bid
Knife River Materials	\$2,175,267	\$234,702	\$2,409,969
K & E Excavating	\$2,982,665	\$330,020	\$3,312,685

Notice of Intent to Award has been issued for the project and if no protests are received the bid will be awarded once the City Council and Water Board of Directors approve the bid.

This project was included in the 5-year CIP with an estimated construction cost of \$276,500 without contingencies. Funding for any immediate project costs will come from capital reserves. Mr. Thomas stated as of now there is \$880,000 in the active capital fund. Since this project will be done later in the year staff has the option to include this project in the FY20-21 capital budget, but there is still planning being done.

After a brief discussion, Mr. Solarz moved to accept Knife River Material’s bid in the amount of \$234,702 for the 4<sup>th</sup> Street Main Replacement Project and authorize the General Manager to enter into a contract for the work. The motion was seconded by Dr. Sharps and passed unanimously.

Regarding North 15<sup>th</sup> Street Water Main Replacement Project, Engineering Supervisor Matt Whitty stated staff proposes the replacement of 170 feet of 1-inch diameter galvanized iron pipe with 170 feet of 2-inch diameter PVC pipe on North 15<sup>th</sup> Street at Butler Road in Coos Bay.

This 65-year old main is undersized for the two customers it serves and is well beyond its useful life. The available flow through the main is 5 gallons per minute which indicates the main has internal corrosion restricting flow. An application has been received for an additional water service that will also be served by the main.

The estimated cost for replacement of this main is \$15,000. The proposed job would be performed by Water Board crews and begin in April with a projected completion date by the end of May.

After a brief discussion, motion was made by Dr. Sharps authorizing replacement of 170 feet of 1-inch diameter galvanized iron pipe with 170 feet of 2-inch diameter PVC on North 15<sup>th</sup> Street at Butler Road in Coos Bay at an estimated cost of \$15,000. The motion was seconded by Mr. Solarz and passed unanimously.

The Board's next regular meeting was set for Thursday, May 7, 2020, at 7:00 a.m.

Updates were given as follows:

- Springbrook – Finance and billing software were scheduled for updates to be done in July, however this most likely will be postponed until the fall as the representatives performing the updates are coming from California
- Pennsylvania, Flanagan and Oregon Pump Stations – Pennsylvania is near complete and Flanagan and Oregon will be started once parts have been received.
- Budget Committee – One position needs to be filled (a North Bend resident).
- McCullough Bridge – Pressure test passed, the first bacti test passed, however the second bacti test failed. The crew is flushing the main and will run 2 more bacti tests.
- Madrona Street Main Replacement – Sawcutting now. Two people from Salem will be coming to begin the project next week. Due to the COVID-19, the contractors will avoid knocking on doors if needing to contact residents. Notification letters were sent out to all residents in the project area and the letter states we are following all of the governor's guidelines regarding the pandemic.
- Nutria Removal – A person from the U. S. Department of Agriculture has removed one nutria so far and staff has sent an email to get an update.
- SCADA System Computer Replacements – Computers and monitors have been ordered.

At 7:55 a.m. Chair Dillard directed they go into executive session for the purpose of discussing potential litigation pursuant to ORS 192.660(2)(h). They returned to open session at 8:08 a.m. There being no other business to come before the Board, Chair Dillard adjourned the meeting at 8:08 a.m.

Approved: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Chair Robert Dillard

ATTEST: \_\_\_\_\_