

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

Minutes  
Regular Board Meeting

April 6, 2023  
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 Greg Solarz presiding. Other Board members present: Carmen Matthews, Bill Richardson and Rob Kilmer. Board Members absent: None. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager; Rick Abbott, Distribution Supervisor; Bryan Tichota, Customer Relations Supervisor; Jeff Page, Operations Manager; Jeff Miller, Water Treatment Supervisor; Vince Stonesifer, Field Services Technician; and Karen Parker, Administrative Assistant. Board Legal Counsel Melissa Cribbins was present. Media present: None. Teddy Keizer was present.

Chair Solarz opened the meeting at 7:00 a.m. and lead the Board and assembly in the Pledge of Allegiance.

Chair Solarz introduced two new Board members: Bill Richardson, resident of North Bend, and Rob Kilmer, resident of Coos Bay.

Chair Solarz stated the Board may wish to consider electing officers for the upcoming year and resume regular rotation in July of 2024.

Currently the positions are as follows:

- Chair – Greg Solarz
- Secretary – Carmen Matthews
- Bill Richardson
- Rob Kilmer

If the Board follows the regular rotation the positions would be:

- Chair – Greg Solarz
- Vice-Chair-Carmen Matthews
- Secretary – Bill Richardson
- Member – Rob Kilmer

Mr. Matthews moved to approve the rotation of Board members as stated effective immediately. The motion was seconded by Mr. Solarz and passed unanimously.

Chair Solarz asked if there were any corrections or additions to the March 16, 2023, Regular Board meeting minutes. Mr. Matthews moved the minutes be approved as written. The motion was seconded by Mr. Solarz and passed unanimously.

Regarding the proposed Adoption of Resolution No. 395, Update to Section III; D. Of Water Board's Rules and Regulations and Section VII; C. of Operating Polices, Mr. Thomas stated Springbrook is the Water Board's primary software company for utility billing services. The Water Board recently purchased the Springbrook Interactive Voice Response (IVR) system that will allow specific customer contact by e-mail, phone call, and text message. The primary reason for this purchase was to realize efficiencies by eliminating physical delivery of door hanger notifications for those customers who become eligible for cut off for non-pay. Currently, approximately 50 door hangers (24-hour notice for non-pay) are physically delivered daily by staff. Staff are ready to use the software and plan to eliminate the use of door hanger notification on July 1, 2023. Eliminating door hangers creates savings on staff time, fuel and road mileage. Over the next three months customers will receive both an automated message and a door hanger notifying them they have become eligible for cut off for non-pay. During this time, the Water Board will advertise its change in notification methods by conducting press releases, leaving highlighted notations on any notification given to customers during the period, notating the change on water bills, on the website, and verbal notifications for customers who visit the Water Board service center.

Additionally, the typical notice for cut off for non-pay has been a 24-hour notice. In prior research and discussions with the State of Oregon Public Utilities Commission, it was determined that a 48-hour notice for cut off for non-pay was among the best practices in the industry. The Board of Directors recently discussed and agreed staff should modify the Water Board's Rules and Regulations Section III; D; and Operating Policies Section VII; C; allowing a 48-hour notice for cut off for non-pay when the Springbrook IVR system is implemented. The 48-hour notice commenced on April 1, 2023. Mr. Richardson asked if shut offs are done on Fridays. Mr. Thomas stated door hangers are delivered on Fridays, however a customer's water will not be shut off on Fridays, or on a holiday weekend.

With the change to an automated delivery of a 48-hour notification for those customers who become eligible for cut off for non-pay, Rules and Regulations, Section III; D; "Billing, Payment, and Non-Payment of Bills"; and Operating Policies, Section VII; C; "Miscellaneous Fees/Charges" need to be revised to reflect the new procedures. These proposed changes are shown on Exhibit "A" of proposed Resolution No. 395 for the Board of Directors' consideration.

After a brief discussion, Mr. Matthews moved to adopt Resolution No. 395 approving amendments to Section III; D; of the Water Board's Rules and Regulations and Section VII; C; of Water Board's Operating Policies allowing staff to implement the beforementioned practices in cut off for non-pay customer notification. The motion was seconded by Mr. Richardson and passed unanimously. The Resolution read as follows:

**RESOLUTION NO. 395**

**REVISIONS TO COOS BAY-NORTH BEND WATER BOARD'S  
RULES AND REGULATIONS, SECTION III; D. AND OPERATING POLICIES SECTION VII; C.  
REGARDING CHANGES IN PRACTICES IN CUT OFF FOR  
NON-PAY CUSTOMER NOTIFICATION**

WHEREAS, by and pursuant to the authority vested in the Coos Bay-North Bend Water Board (Board) through the respective Charters of the Cities of Coos Bay and North Bend, Oregon, and the laws of the State of Oregon, said Board has the right and authority to make effective regulations and service policies in connection with the operation of said water system; and

WHEREAS, Board has reviewed its Rules and Regulations/Operating Policies and found it prudent and beneficial to make additions and deletions to Rules and Regulations, Section III; D; "Billing, Payment, and Non-Payment of Bills"; and Operating Policies, Section VII; C; "Miscellaneous Fees/Charges" to reflect the new procedures.

NOW, THEREFORE, be it resolved that Section III; D. of the Rules and Regulations of Board and Section VII; C. of the Operating Policies be modified as shown on attached Exhibit "A", incorporated herein by reference, effective immediately.

Said modifications in the Board's Rules and Regulations and Operating Policies shall remain in full force and effect until changed by appropriate action of Board.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

COOS BAY-NORTH BEND WATER BOARD

By \_\_\_\_\_  
J. Gregory Solarz, Chair

ATTEST

\_\_\_\_\_

## EXHIBIT "A" TO RESOLUTION NO. 395

### D. Billing, Payment, and Non-Payment of Bills<sup>85, 95</sup>

1. All customers will be billed for services on a monthly basis.
2. The Water Board may enter into Intergovernmental Agreements with Cities or other Governmental organizations, within the Water Board's service boundary, to authorize the Water Board to bill charges and/or fees for services provided by such City's or other Governmental organizations, to collect payments for the charges and /or fees billed, to transmit the payments collected to the Cities or other governmental organizations, and to enforce the collection of the charges and/or fees billed for such other Cities or other Governmental organizations.
3. Bills for all services are due and payable on the billing date and become <sup>44</sup>past due fifteen (15) days thereafter. All bills become delinquent on issuance of a two-month bill.
4. Payments received from a Water Board customer will be processed and applied to customer accounts in the following priority: First, to water service; second, to Water Board meter charges; third, to any Water Board miscellaneous fees; fourth, to any Water Board surcharge fees due. The application of payments received from Water Board customers that pay for municipal or other governmental services as provided in paragraph 2, above, shall be applied by Water Board according to the priority established in the Intergovernmental Agreement.
5. The Water Board shall not act upon any customer request to apply a payment to any specific priority listed in Paragraph 4, above, and, further, shall not apply a customer payment in any priority other than as contained in an adopted Water Board procedure or Intergovernmental Agreement.
6. If customer has a past due balance, the Water Board shall apply payments made on the account first to any past due balance and then to new charges as provided by the priorities as provided in paragraph 4 above.
7. Service may be discontinued to customers having delinquent bills or invoices if, in the judgment of the Water Board, such action is necessary to enforce collection.
8. <sup>44</sup>At least five days before service is disconnected for a delinquent bill, a final written notice of such action shall be provided to the customer. The notice must be printed in boldface type and must state in easy to understand language the following:
  - The reasons for the proposed disconnection;
  - The earliest date for disconnection;
  - The amount required to be paid to avoid disconnection;
  - An explanation of the Water Board's appeal process.

This final written notice may be served on the customer by personal service or by sending it by first class mail to the last known address of the customer and/or the customer's designated representative. Service is complete on the date of mailing or personal delivery.

9. <sup>44, 95</sup>A notice of intent to disconnect service shall be issued to the customer at least forty-eight (48) hours prior to such disconnection. A service charge shall be charged to any customer to whom a 48-hour notice is issued. If payment in full of the amount specified in the final notice

and the charge is not received by the Water Board in its main office within the allotted time, service may then be disconnected. An applicable delinquency charge shall be made on all accounts to which a final notice has been mailed if the specified payment has not been made in the allotted time as defined above. (See Section VII of Operating Policies for current charges.)

10. <sup>44, 95</sup>Resumption of service after discontinuance or termination for non-payment of bills shall not be made until payment of the delinquent bill is received in the office of the Water Board plus applicable delinquency charge, cut-off notice charge, and lock charge as listed in Section VII of Operating Policies. In cases involving a backflow prevention assembly, there may be additional charges (See Section V of Rules and Regulations).
11. Unauthorized resumption of service by the customer will result in additional charges to recover the actual costs to the Water Board of re-terminating the service and repairing damage.
12. <sup>44</sup>If within the five-day period for making payment provided in paragraph 8 above any affected customer wishes to dispute the delinquent bill or the proposed discontinuance or termination of service, that customer may contact the <sup>53</sup>Finance Director or his/her designee of the Water Board to discuss the customer's disagreement with the Water Board's action. To request any meeting, the affected customer should call the Water Board or go to the Water Board offices in person not later than 5:00 p.m. on the working day prior to the date water service is scheduled to be discontinued.
13. The Water Board has discretion to make payment arrangements with the affected customer, depending upon the customer's <sup>53</sup>necessity for credit arrangements, previous payment record, current account status, and the customer's ability to pay. If reasonable payment arrangements are not made or there are no reasonable grounds for the customer's disagreement with the Water Board's proposed termination of water service, water service will be discontinued or terminated unless payment in full of all delinquent bills is made by 5:00 p.m. on the date scheduled for discontinuance or termination.
14. <sup>53</sup>If payment arrangements (Credit Agreement) are made but the customer fails to adhere to the mutually agreed upon payment schedule, the discontinuance or termination of service process due to non-payment will be started by giving the customer a 15-business-day written notice of termination of service, followed by a 5-business-day written notice of termination of service, as well as a 48-hour notice as provided for in paragraph III.D.9 above. The notices shall inform the customer that service will be disconnected on or after a specific date and shall explain the alternatives. The notice may be served in person or sent via first class mail to the last known address of the customer. Service is considered complete on the date of mailing or personal delivery.
15. <sup>44</sup>If disputes regarding delinquent bills or discontinuance or termination of service cannot be resolved informally by the <sup>53</sup>Finance Director or his/her designee, the customer shall be notified of the right to appeal the Water Board's action to the General Manager. This request must be made in writing and must be presented to or received by the General Manager within five days of the date of the previous adverse decision by the <sup>53</sup>Finance Director or his/her designee. The General Manager shall, within five days of receipt of the written appeal, render his decision and mail a written notice to the customer.
16. <sup>44</sup>Any customer who is not satisfied with the written decision rendered by the General Manager shall be informed of the right to appeal such decision to the Board of Directors. Any such appeal must be in writing and shall conform to the requirements of this section. Any such appeal must be delivered to the offices of the Water Board no later than five (5) calendar days from the date the General Manager rendered a decision adverse to the customer. The written appeal to the Board shall contain the following information:
  - a. The date of the appeal to the Board;

- b. The facts and grounds upon which the request for relief is made;
- c. The signature of the appellant or his/her attorney;
- d. If service is to be restored pending the appeal, payment in full of all delinquent bills.

Any such appeal will be scheduled by the Board for hearing at a special or regular meeting of the Board. Notice of the time, date, and place of the hearing will be mailed to the customer by first class mail to the last known address of the customer.

17. <sup>44, 95</sup>Pending resolution of the dispute, the customer's obligation to pay undisputed amounts continues. A customer who has appealed a delinquent bill or discontinuance or termination of service to the General Manager or to the Board may be entitled to continued or restored service provided:

- a. Service was not terminated for theft of service or failure to establish credit;
- b. A bona fide dispute exists in which the facts asserted by the customer, if favorably resolved to the customer, would entitle the customer to service;
- c. Where discontinuance or termination is based on nonpayment, the customer makes adequate arrangement to avoid future loss to the Water Board, such as prepaying monthly water charges; and
- d. The customer diligently pursues the appeal.

If the above conditions are not met, the Water Board has no obligation to restore service once it is discontinued or terminated. If service is temporarily restored pending the Board hearing the customer's appeal and the conditions described in subparagraph c or d above are not met, the Water Board may again discontinue or terminate service by providing 48-hour notice, describing the defect in performance and the date and time service will terminate.

18. <sup>46</sup>A summary of the foregoing procedure shall be provided to any customer disputing a delinquent bill or proposed termination of service. This summary shall be provided at the time required in Section III.D.8.
19. <sup>44</sup>Service shall not be turned off on the day prior to a holiday or weekend, unless <sup>53a</sup>a potential or actual health hazard exists.
20. Service may be discontinued or new service may be refused at a location under any of the following circumstances:
- a. <sup>44</sup>If the customer has a delinquent bill or outstanding invoice from any location;
  - b. Where an account has been closed and the customer has turned on the service himself or he otherwise began use of the water service before contacting the Water Board to apply for the service and before the Water Board has had an opportunity to read the meter;
  - c. <sup>44</sup>A delinquent bill has been incurred by a customer of record at a service address. A new applicant for service resided at the service address above during the time the delinquent bill was incurred and/or the old customer of record will continue to reside at the service address.
  - d. In cases involving a backflow prevention assembly, see Section V of Rules and Regulations.

21. <sup>37</sup>A customer of the Water Board who has paid with a check which is then returned to the Water Board from the drawer's bank due to non-sufficient funds (NSF) in that account, or for any other reason, shall be charged a service fee reflective of the Water Board's cost of service (See Section VII of Operating Policies for current NSF fee).
4. System Development Charges<sup>6, 31, 35, 39, 40, 41, 42, 60, 62, 64, 66, 67, 69,72,74,75, 79,80, 82, 91, 93, 94</sup> (See Rules and Regulations Section III - SERVICE POLICIES, subsection I for further information.)

<b>SYSTEM DEVELOPMENT CHARGES Inside and Outside City Limits</b>		
<b>METER SIZE</b>	<b>(ME) Meter Equivalent</b>	<b>SDC</b>
5/8"	1.0	\$ 4,462
3/4"	1.5	\$ 6,693
1"	2.5	\$ 11,155
1.5"	5.0	\$ 22,310
2"	8.0	\$ 35,696
3"	16.0	\$ 71,392
4"	25.0	\$111,550
6"	50.0	\$223,100
8"	80.0	\$356,960
10"	115.0	\$513,130

5. New Service Installation Surcharges - Hauser Area<sup>21, 71</sup> – This charge shall apply to each new service installation for the following customer classifications: Residential, Multiple-Residential, Commercial, Industrial, Public Agencies and Other Customers: \$500.00 per each new service.

**C. Miscellaneous Fees/Charges<sup>82, 95</sup>**

NSF Check Fee - \$10.00 (See Rules and Regulations, Section III.D.15 for further information.)

Turn On Fee - \$20.00 (See Rules and Regulations, Section III.D.18 for further information.)

48-Hour Notice Fee - \$8.00 (See Rules and Regulations, Section III.D.4 for further information.)

Delinquency Charge or Shut Off Fee - \$31.00 (See Rules and Regulations, Section III.D.5 for further information.)

Lock Charge - \$13.00 (See Rules and Regulations, Section III.D.5 for further information.)

Meter Tampering Reconnection Charge - \$18.00 (See Rules and Regulations, Section VI.D.2 for further information.)

Meter Test Charge - \$22.00 (See Rules and Regulations, Section VI.C.2 for further information.)

Mandatory Conservation And Curtailment (second violation surcharge) - \$50.00 (See Rules and Regulations, Section G.4.b ii for further information.)

Cross Connection Reinstatement - \$50.00 (See Rules and Regulations, Section V.M.1 for further information.)

Deposits - Residential customers may not be required to make deposits to establish credit. For other classes of customers, the deposit is to be a sum equivalent to twice the estimated amount of one month's water bill, and in no case shall the deposit be less than a sum equivalent to two monthly minimum charges. (See Rules and Regulations, Section III.B for further information.)

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Regarding proposed Resolution No. 396 “Banking Signature Authorizations”, Mr. Thomas stated when new Board members are appointed to the Board of Directors of the Water Board it is necessary to update the banking institutions by way of a Resolution adding new Board members and removing past Board members.

After a brief discussion, Mr. Matthews moved to adopt Resolution No. 396 authorizing Bill Richardson, Rob Kilmer and Carmen Matthews to complete all necessary signature sheets and act as signatories for the Coos Bay-North Bend Water Board. The motion was seconded by Mr. Solarz and passed unanimously. The Resolution read as follows:

## **Resolution No. 396**

### **BANKING SIGNATURE AUTHORIZATIONS**

WHEREAS, the Coos Bay-North Bend Water Board (hereinafter “Water Board”), requires banking services to efficiently carry out its collection and payment functions; and

WHEREAS, the Cities appoint new members to the Board at various times;

WHEREAS, the Water Board deems it necessary to authorize Board Members to sign banking checks;

NOW, THEREFORE, BE IT RESOLVED that the Water Board authorize Carmen Matthews, Bill Richardson and Rob Kilmer to sign all documents pertaining to authorized changes in its bank checks, sign on payroll and petty cash accounts, have access to information on all accounts and complete any necessary signature sheets with the financial institutions used by the Coos Bay-North Bend Water Board. Furthermore, to remove Dr. Charles Sharps, Robert Dillard and Melissa Cribbins from all accounts.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

COOS BAY-NORTH BEND WATER BOARD

By \_\_\_\_\_  
J. Gregory Solarz, Chair

Regarding an application for temporary water service, Engineering Manager Matt Whitty stated Teddy Keizer was present as representative for his family who own a 15-acre parcel in North Empire. Mr. Keizer has made an application for temporary water service on this property and wants to house security personnel in a recreational vehicle on the property due to trespassing issues and homeless camping problems.

In response to a significant increase in trespassing and unauthorized camping on private property the City of Coos Bay has amended their Ordinance to allow private property owners of vacant land greater than 2 acres to site a recreational vehicle on their land for the purpose of housing security personnel. The City of Coos Bay's Ordinance is as follows:

*8.45.030 Temporary camping program. (7) Owners of vacant land may authorize the placement of a recreational vehicle on their property for the purpose of housing security personnel who will temporarily live on the vacant property for the purpose of protecting public health and safety.*

Mr. Keizer has received approval from the City of Coos Bay to place a recreational vehicle on their property to house security personnel. The City's approval comes with a requirement to provide sanitary services for the recreational vehicle. In this case the property has sanitary sewer lines running through it and the City is allowing a temporary connection to an existing sewer lateral.

Mr. Keizer has approached the Water Board to inquire about a temporary water service. Temporary services are allowed under Water Board rules:

*Section III.H.2. Any service for less than one year will ordinarily be considered temporary service. Temporary services may be extended beyond one year at the discretion of the Water Board for good cause shown. After one year or at such other time as determined by the Water Board to be appropriate, temporary service shall be categorized as permanent service, and the customer shall then pay all charges and fees then in effect for permanent service. The Water Board shall notify any such customer of a change in status from temporary to permanent.*

A temporary service does not require payment of a System Development Charge (SDC). The customer is required to pay only the cost of installing and retiring the temporary service prior to installation of the service. In this case the location of the temporary service will not be useful for the future development of the property.

Mr. Keizer stated they anticipate the temporary service will be in place much longer than one year. Rather than extend service under Water Board rules and ask the Board of Directors for an extension at a later date, staff elected to bring the matter before the Board of Directors for consideration prior to extending a temporary service.

Mr. Whitty stated the Board has at least three options including extending service for a designated time period; extending service indefinitely until the property is developed; or requiring the payment of a \$4,462 SDC for the smallest residential meter in addition to the installation and retirement charges which total \$1,730. The SDC would then be credited when the property is developed.

Mr. Thomas asked Mr. Keizer if he had any comments for the Board members. Mr. Keizer stated the homeless camping and trespassing have been longstanding issues for the neighborhood. Mr. Keizer presented pictures of their property showing massive amounts of garbage, active fires, and trees that have been caught on fire. The fire department and police have been called many times to deal with these problems. Mr. Keizer explained he met with the City and said they would like to have a caretaker on the property. The City did not have an ordinance for this so they amended their ordinance for these types of situations. Mr. Keizer is asking for temporary water service for the caretaker and to help with small fire issues. Mr. Solarz commented it would be hard to put out fires with just a small water service and asked if there were any fire hydrants in the area. Mr. Whitty stated there is a fire hydrant at the intersection of Margaretta and Seagate. Mr. Keizer stated the property is gated with a lock and the fire department has their own lock to enter the property.

Mr. Richardson asked if one person on 15 acres is enough to keep people out. Mr. Keizer stated it would probably be rough in the beginning, they will likely have to work with the police. Mr. Richardson commented he worries about the safety of just one person. Mr. Keizer stated the family wrote up a plan and presented it to the Chief of Police and it has been approved.

Mr. Thomas asked the Board what their thoughts are regarding possible temporary service. Mr. Keizer stated what they are asking for is to pay the installation charge and retirement of the temporary service, but a waiver of the SDC. Mr. Kilmer asked if the caretaker would be responsible for payment of the water usage. Mr. Keizer confirmed the caretaker would be responsible for payment of water usage.

Mr. Matthews commented since there is no plan for development he feels the SDC could be waived. Mr. Keizer said the family does not have any plans to develop the property.

Mr. Solarz questioned whether the term "waive" SDC should be worded differently. Mr. Thomas agreed and suggested it should be replaced with "postponed". The Board could postpone it for a certain length of time. Staff could postpone it for one year, however the Board could postpone it for a number of years and revisit it at that point. Mr. Solarz suggested postponing the SDC for 5 years. Mr. Kilmer asked if the Board waived the SDC would it set a precedent for anything else. Ms. Cribbins stated waiving the SDC would not be a good decision.

After a brief discussion, motion was made by Mr. Matthews to allow the landowners, Keizers, to have a temporary water service line to a caretaker site (single residential service) on their 15-acre parcel, postponing the System Development Charge, or until such time that the property is developed, but the landowner, Keizers, are responsible for the costs of installation and decommissioning. The motion was seconded by Mr. Kilmer and passed unanimously.

Mr. Keizer thanked the Board for their time and consideration.

The Board's next regular meeting was set for Thursday, April 20, 2023, at 7:00 a.m.

The Budget Committee Meetings are scheduled for June 1 and June 15, 2023, at 12:00 noon.

Mr. Thomas will be giving annual updates to the North Bend City Council on April 17th and Coos Bay City Council on May 16<sup>th</sup>.

Updates were given as follows:

- Dunes and Wellfield – The 22<sup>nd</sup> Annual Report for Dunal Wellfields has been completed and is available for review
- Woodlawn, Union & Newmark/Tremont Upgrades – Telemetry upgrades are complete and came in under budget at \$16,000.
- Chlorine SCADA Integration – Sodium Hypochlorite (liquid chlorine) is used as a disinfectant at Pony Creek Treatment Plant and it does not have the ability to connect to the SCADA system to sound an alarm, currently there is a localized alarm. \$20,000 was included in the current fiscal year's budget to complete this project. Staff researched and found this could be done for \$5,000. Parts have been ordered and staff will do the installation.

At 7:30 a.m. Chair Solarz 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 7:43 a.m. There being no other business to come before the Board, Chair Solarz adjourned the meeting at 7:45 a.m.

Approved: \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Greg Solarz, Chair

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