

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

Minutes
Regular Board Meeting

December 9, 2021
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 Dr. Charles Sharps presiding. Other Board members present: Melissa Cribbins, and Bob Dillard. Board members absent: Greg Solarz. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager; John McKevitt, Operations Manager; and Karen Parker, Administrative Assistant. Board Legal Counsel Jim Coffey was present. Aaron Speakman of The Dyer Partnership was present. Media present: None. Chair Sharps opened the meeting at 7:00 a.m. and asked Mr. Whitty to lead the Board and assembly in the Pledge of Allegiance.

Chair Sharps asked if there were any corrections or additions to the November 18, 2021, Regular Board meeting minutes. Ms. Cribbins moved the minutes be approved as written. The motion was seconded by Mr. Dillard and passed unanimously.

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

Regarding the proposed Coos Bay-North Bend Water Board System Emergency Response Plan, Mr. Thomas stated the America's Water Infrastructure Act Section 2013 requires community (drinking) water systems serving more than 3,300 people to develop or update risk and resilience assessments (RRAs) and emergency response plans (ERPs). The Water Board's existing RRA and ERP do not meet AWIA requirements.

Upon completion, both documents must be submitted to the U.S. Environmental Protection Agency (EPA) for certification. The certification deadline is dependent upon the population a water system serves. The deadline for Water Board certification of the RRA is June 30, 2021. Water Board staff have completed the RRA and the document was submitted on time to the EPA on June 29, 2021. The ERP must then be completed and certified within six months of RRA certification, which is December 29, 2021.

The Board contracted the preparation efforts of its ERP portion of the AWIA requirement be completed by The Dyer Partnership. Dyer has completed a draft of the Water Board's ERP to be approved by the Board of Directors prior to submittal of the document to the EPA. Staff has reviewed and given feedback on the ERP at the 50% and 90% completion levels and Dyer has implemented those recommendations.

Mr. Speakman stated the entire document was triggered by the America's Water Infrastructure Act of 2018, which is different than the previous Emergency Response Plans. What this legislation focused on is terrorism, physical security, human threats, hazard threats, electronic systems, financial and administrative functions. The Dyer Partnership used the Board's current Water Management Plan, brought it into current formatting, and worked with Water Board staff to update it to meet all the criteria of the Emergency Response Plan requirements. It is designed to be an individual document to assist the Water Board in emergency situations for the water system. Emergencies between natural and/or malevolent acts are gathered and included in this document so it outlines normal procedures handling emergencies. Key incidents included but are not limited to include Cyber-attack, tsunamis, hurricanes, and earthquakes. It is designed to protect water quality, the environment and the public's health. The ERP assists regulatory agencies that are contacted as well that provide standard response in recovery protocol.

Purposes of the ERP include, but are not limited to:

- Descriptions of the Water Board's responsibilities of each team member;
- Establishes procedures for internal and external notification and crisis communications, including emergency contact information;
- Help the Water Board minimize impacts of emergencies on its facilities and develop general actions, procedures and provide critical response information;
- Provides guidelines for distribution of the ERP;
- Provides training guidelines to develop and conduct emergency response training and exercises;
- Prevent, mitigate and minimize adverse effects to water quality, the environment, public health and safety and rapidly store water in a state of emergency.

Dr. Sharps commented the proposed ERP is very complete and asked if a tour of the Water Board's system once a week will be accomplished. Mr. Thomas stated staff currently visits all of the pump stations and reservoirs weekly.

Mr. Speakman stated moving forward the ERP is required to be updated every five years. Board and staff can review this document verifying job assignments, add and remove equipment, update procedures, contact numbers, and resources. Mr. Thomas commented The Dyer Partnership will provide 8 hard copies as well as a digital copy to the Water Board. Systems must maintain a copy of the emergency response plan for five years after certifying the plan to the EPA.

After a brief discussion, Ms. Cribbins moved to adopt the Water System Emergency Response Plan allowing staff to submit the plan to the EPA to meet the requirements of America's Water Infrastructure Act. The motion was seconded by Mr. Dillard and passed unanimously.

The Board's next regular meeting was set for Thursday, January 13, 2022, at 7:00 a.m.

Updates were given as follows:

- Meter Change out – Staff is about one-fourth of the way through installation of meters. Training from Mueller will take place at the end of the month or mid-January.

Regarding Timber Cruising Services Contract with Barnes & Associates, Mr. Whitty stated he received notification Mr. Barnes is retiring and selling the business to Mason, Bruce & Girard with the sale to close at the end of the month. Mr. Barnes requested the Water Board assign the contract to Mason, Bruce & Girard. Mr. Coffey stated the Professional Services Agreement the Board signed with Barnes & Associates does not have a clause that allows assignment of the Agreement by Barnes. If the Board wants to consent to an assignment to Mason, Bruce & Girard, this would need to be done by Board action. Mr. Coffey referred to paragraph 3 of the written Consent which states the Water Board consent to assignment of the contract and agrees that Mason, Bruce & Girard shall be responsible for performing the terms of the contract and Barnes shall have no further liability under the contract. Mr. Coffey commented Barnes has performed work for the Water Board which Mason, Bruce & Girard will be using and relying on. Mr. Coffey recommended staff contact Mr. Barnes and request the portion of the contract stating "they have no further liability" be taken out of the assignment. Dr. Sharps asked if the Board needs to wait to make a motion until an amended Consent is received. Mr. Coffey stated the assignment is to be effective December 31, 2021 so the Board would need to take action on this matter prior to that date. After a brief discussion, Ms. Cribbins moved to approve assignment of the Contract from Barnes and Associates to Mason, Bruce & Girard subject to Barnes and Associates retaining liability for the work that has been performed under the contract and authorize staff to negotiate this. The motion was seconded by Mr. Dillard and passed unanimously.

At 7:20 a.m. Chair Sharps directed they go into executive session for the purposes of discussing potential litigation pursuant to ORS 192.660(2)(h) and personnel issues pursuant to ORS 192.660(2)(a). They returned to open session at 7:42 a.m. There being no other business to come before the Board, Chair Sharps adjourned the meeting at 7:42 a.m.

Approved: _____, 2022

By: _____
Chair Charles Sharps, Ph. D.

ATTEST: _____