

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

Minutes
Regular Board Meeting

January 5, 2017
12:00 p.m.

Coos Bay-North Bend Water Board met in open session in the Board Room at the above address, date, and time with Chair Solarz presiding. Other Board members present: Melissa Cribbins, Dr. Charles Sharps, and Bob Dillard. Board members absent: None. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager; Jerre Cover, Water Treatment Supervisor; Bill Hagan, Operations Manager; Jeff Howes, Finance Director, Bryan Tichota, Customer Relations Supervisor, Karen Parker, Administrative Assistant and Monica Kemper, Accounting Technician. Board Legal Counsel Jim Coffey was present. Media present: None. Chair Solarz opened the meeting at 12:00 p.m.

Chair Solarz asked if there were any corrections or additions to the December 15, 2016 Regular Board meeting minutes. Dr. Sharps moved the minutes be approved as written. The motion was seconded by Mr. Dillard and passed unanimously.

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

Regarding proposed Resolution No. 350 Adopting a Revision to Coos Bay-North Bend Water Board's Personnel Policies and Procedures to Provide for Reporting Procedures Should a Water Board Employee become Aware of Improper Water Board Action and to Protect Any Such Employee from Retaliation, Mr. Thomas stated the Oregon legislature passed House Bill 4067 (HB 4067) to expand the Oregon Whistleblower statute. It requires employers provide reporting procedures should an employee become aware of improper government actions, protect such an employee from retaliation by the employer and requires the employer to deliver a written or electronic copy of the policy to each employee to comply with the provisions of HB 4067.

HB 4067 states employers must implement an update to any existing Whistleblower policy by January 1, 2017. The Water Board's current Whistleblower Policy only speaks to an employee reporting violations or suspected violations of applicable laws, rules and regulations and does not fully explain the term retaliation as defined by House Bill 4067 therefore needing updated to comply with House Bill 4067.

Proposed Resolution No. 350 fully complies with the expansion of the Oregon Whistleblower statute, incorporated with Exhibit A which contains language to replace and update the Water Board's Personnel Policies and Procedures. Mr. Coffey stated if the Resolution is approved, staff will provide all employees of the Water Board with a copy of Resolution No. 350, with attached Exhibit A, and in turn will have each employee sign an acknowledgement that they have received a copy.

After a brief discussion, Ms. Cribbins moved to adopt Resolution No. 350 and Exhibit A (as an update to the Water Board's Personnel Policies and Procedures) as proposed, to fully comply with HB 4067. The motion was seconded by Dr. Sharps and passed unanimously. The resolution read as follows:

RESOLUTION NO. 350

A RESOLUTION ADOPTING A REVISION TO THE COOS BAY – NORTH BEND WATER BOARD'S PERSONNEL POLICIES AND PROCEDURES TO PROVIDE FOR REPORTING PROCEDURES SHOULD A WATER BOARD EMPLOYEE BECOME AWARE OF IMPROPER WATER BOARD ACTION AND TO PROTECT ANY SUCH EMPLOYEE FROM RETALIATION

RECITALS

1. **WHEREAS**, the Legislature for the State of Oregon has adopted House Bill 4067, effective January 1, 2017, to protect Water Board employees who act on good faith and objectively reasonable beliefs who report a violation of Federal, State or local law, rule or regulation by the Water Board; and
2. **WHEREAS**, House Bill 4067 requires all public employers to establish and implement a whistleblower policy which must delineate all rights and remedies provided to public employees and deliver a written or electronic copy of the policy to each employee; and
3. **WHEREAS**, the Water Board now wishes to adopt a policy to protect Water Board employees and comply with House Bill 4067 and to set forth the policy in the Water Board's Personnel Policies and Procedures.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The above recitals are true and accurate and are incorporated herein by this reference.
2. The Water Board hereby adopts the Water Board's Whistleblower Policy, identified as Exhibit "A", attached hereto and incorporated herein by this reference, for the Water Board and directs Water Board staff to add this policy to remove the current Section IX, subsection E of the Water Board's Personnel Policies and Procedures and insert in its place the text in Exhibit "A".
3. It is the policy of the Board of Directors of the Water Board that Water Board's Personnel Policies and Procedures is to be considered a document which is to be continually updated, to keep current with changes made to Oregon employment law and to provide a coherent framework for teamwork and success oriented attitudes of Water Board employees.
4. The Water Board shall provide each employee of the Water Board a copy of this Resolution and Exhibit "A", and each employee of the Water Board shall sign an acknowledgement that the employee has received a copy of this Resolution and Exhibit "A".

**EXHIBIT "A"
TO
RESOLUTION NO. 350
COOS BAY – NORTH BEND WATER BOARD**

The purpose of the Coos Bay – North Bend Water Board (hereinafter "Water Board") in adopting this Whistleblower Policy is to provide reporting procedures should a Water Board employee become aware of improper government actions, protect such an employee from retaliation by the Water Board and to comply with the provisions of House Bill 4067, amending ORS 659A.200 to 659A.224.

I. The Water Board encourages any employee with knowledge of or concern about an illegal, dishonest or fraudulent Water Board activity to report it to the Water Board General Manager, or their designee, unless the Water Board General Manager is the subject of the report. If the Water Board General Manager is the subject of the report, then an employee can make the report to the Water Board's attorney and/or the Chairman of the Board of Directors. An employee may also provide the information or report to a state or federal regulatory agency, a law enforcement agency or any attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the Water Board may report violations of law to the Attorney General, subject to rules of professional conduct.

II. All such reports will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. Examples of other protected activities include reports relating to workplace safety or health, asbestos in the workplace, environmental violations and motor vehicle safety. This list is not exhaustive or complete and for any employee wishing more information further details can be obtained from the Water Board General Manager.

III. The employee making any report must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of Water Board wrongdoing may be subject to discipline and/or corrective action up to and including termination.

IV. Whistleblowing protections are provided to maintain confidentiality and to prevent retaliation. While the identity of an employee making a report may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The Water Board **will not** retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments or threats of physical harm. Any whistleblower who believes that he or she is being retaliated against must contact the Water Board General Manager, or their designee, immediately. A whistleblower may also file a complaint with OSHA for retaliation, but there are strict time limits for filing a complaint. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

V. All reports of illegal, dishonest or fraudulent Water Board activity will be promptly submitted to the Water Board General Manager, or their designee, which will then be investigated and coordinated corrective action will be undertaken.

Regarding quotes for FY2017 vehicles, Mr. Thomas stated staff solicited quotes for four new vehicles to replace the following pickup trucks:

One new pickup truck would be a 2 WD extended cab for use by the service truck. This truck would replace Truck #22, a 2011 Chevrolet Silverado with 87,000 miles. The rotation period established in the VRP for this vehicle is six years. Cumulative corrective maintenance costs total about \$1,800. Its initial purchase price was \$18,355; we estimate it would now surplus at about \$6,500. We budgeted \$23,000 this year for its replacement.

Second new pickup truck would be a 2 WD regular cab with utility a box for use by the service truck. This truck would replace Truck #23, a 2011 Chevrolet Silverado with 81,000 miles. The rotation period established in the VRP for this vehicle is six years. Cumulative corrective maintenance costs total about \$4,000. Its initial purchase price was \$18,355; we estimate it would now surplus at about \$6,500. We budgeted \$23,000 this year for its replacement.

Third new pickup truck would be ½ ton, 4 WD extended cab for use by the Engineering Section. This truck would replace Truck #17, a 2009 Chevrolet Silverado with 98,000 miles. The rotation period established in the VRP is eight years. Cumulative corrective maintenance costs total about \$2,300. Its initial purchase price was \$21,221; we estimate it would now surplus at about \$11,500. We budgeted \$27,000 this year for its replacement.

The fourth new pickup truck would be a 4 WD extended cab for use by the Operations Director truck. This truck would replace Truck #48, a 2002 Chevrolet Silverado with 38,000 miles. The rotation period established in the VRP for this vehicle is eight years. Cumulative corrective maintenance costs total about \$500. Its initial purchase price was \$13,331; we estimate it would now surplus at about \$4,000. We budgeted \$22,000 this year for its replacement. The 4 WD extended cab vehicle will be about \$4,000 more than our budget for this vehicle.

Quotes were solicited from fourteen dealers, however only two dealers submitted quotes. In addition, only one of those dealers met the specifications on each requested quote. Pursuant to Section 4.4.3 of the utility's purchasing guidelines, for procurement of goods where the cost exceeds \$50,000 but does not exceed \$150,000, the LCRB may award a public contract after obtaining three written quotations, bids or proposals. Staff recommends the Board reject all bids due to these circumstances and authorize the re-solicitation of quotes.

Mr. Thomas commented staff also recommends upgrading the replacement of Truck #23. This truck was to be replaced with a ½ ton pickup truck with a service body, however after investigation ½ ton pickup trucks with service bodies are prone to more wear and tear due to the vehicle weight and lower towing capacity. Staff recommends replacing Truck #23 with a ¾ ton pickup at an additional estimated cost of \$4,000. Dr. Sharps questioned why Truck #48 is being replaced as it only has 38,000 miles on it. Mr. Thomas stated it is scheduled for replacement in accord with the utility's Vehicle Replacement Program. This truck is used by the Mr. Hagan, Operations Manager. Dr. Sharps inquired if Mr. Hagan needs a 4WD pickup. Mr. Hagan stated he has not needed a 4WD to date. Dr. Sharps suggested keeping Truck #48 and revisit replacing it next year. After a brief discussion, Dr. Sharps moved to reject all quotes received for FY2017 vehicles, authorize re-solicitation of quotes for replacement of Truck Nos. 17, 22 and 23, upgrading Truck No. 23 to a ¾ ton pickup truck, and withdrawing replacement of Truck No. 48. The motion was seconded by Mr. Dillard and passed unanimously.

Dr. Sharps inquired as to the status of the Upper Pony Creek Dam Seismic Assessment Report. Mr. Whitty stated the report is being reviewed and most likely will be addressed at the next Board meeting.

Mr. Dillard asked if staff have received an updated source water assessment from DEQ. Mr. Thomas stated he has received an assessment. Mr. Dillard asked if there were any erosion problems in the watershed. Mr. Thomas stated very few problems were noted.

Dr. Sharps asked if there was an update on accepting credit cards and if there was a date set to begin. Mr. Howes stated staff is currently working on this and would like to begin this process by the end of the current fiscal year.

The Board's next regular meeting was set for Thursday, January 19, 2017, at 7:00 a.m.

Regarding the chemical removal quotes, Mr. Thomas stated staff is in the process obtaining a DEQ site number and then would obtain additional quotes.

At 12:17 p.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 12:39 p.m. There being no other business to come before the Board, Chair Solarz adjourned the meeting at 12:40 p.m.

Approved: _____, 2016

By: _____
Chair Greg Solarz

ATTEST: _____