

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

Minutes
Regular Board Meeting

November 2, 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: Rob Kilmer, Bill Richardson and Carmen Matthews. Board Members absent: None. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager and Karen Parker, Administrative Assistant. Rick Abbott, Distribution Supervisor and Vince Stonesifer, Field Services Technician, attended virtually. Board Legal Counsel Melissa Cribbins was present. Media present: None. Roland Iparraguirre, Roger Iparraguirre, Jeffrey Howes and Sheila Shrum were present.

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

Chair Solarz asked if there were any corrections or additions to the October 19, 2023 Regular Board meeting minutes. Mr. Matthews moved the minutes be approved as written. The motion was seconded by Mr. Kilmer and passed unanimously.

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

Regarding the Post-termination hearing for Jeffrey Howes, Water Board's Legal Counsel, Melissa Cribbins, stated this is the time and date for a hearing in the matter of the termination of Jeffrey Howes. Attorney Cribbins asked Mr. Howes to confirm for the record that he has requested that this hearing be held in open session. Mr. Howes' attorney, Roland Iparraguirre replied yes. Attorney Cribbins asked if Mr. Howes understood that he has the option to have this hearing held in executive session if he so wishes. Mr. Iparraguirre stated Mr. Howes does understand this.

Attorney Cribbins stated it is the Board's understanding that Mr. Howes wishes to appeal his termination to the Board of Directors stating the Water Board's General Manager, Ivan Thomas, will first explain the reason for Mr. Howes' termination and he has 22 minutes and 3 minutes for rebuttal. Attorney Roland Iparraguirre will have 25 minutes after Mr. Thomas' 22 minutes.

Mr. Thomas explained how management came to the decision to terminate Mr. Howes' employment and read the termination of employment letter that was given to Mr. Howes on September 29, 2023. Mr. Thomas played a phone recording where Mr. Howes disparaged an employee to a vendor, and other Water Board employees.

Attorney Cribbins asked the Board of Directors if they had any questions, and they did not.

Attorney Cribbins stated Attorney Iparraguirre and Jeffrey Howes now have 25 minutes to explain their reasons for contesting the termination of Jeffrey Howes. Attorney Iparraguirre put forth explanation to the Board of Directors of why the decision of Jeffrey Howes' termination should be overturned and gave various documentation for Mr. Howes' request to overturn the General Manager's decision. Attorney Iparraguirre spoke for 25 minutes regarding the matter. Mr. Thomas spoke for an additional 2 to 3 minutes for rebuttal of Attorney Iparraguirre's statements.

Attorney Cribbins advised Attorney Iparraguirre his 25 minutes have expired and to please wrap things up. Attorney Iparraguirre asked the Board of Directors for additional time stating Mr. Howes had not spoken yet. It was the Board of Directors' consensus that the hearing process has been clearly laid out and they wish to stay within the set time parameters. Attorney Iparraguirre asked if that meant Jeffrey Howes is not allowed to speak. Attorney Cribbins stated what the Board of Directors is saying is that he was allowed to speak within the 25 minutes allotted. Attorney Cribbins commented she had sent several emails to Attorney Iparraguirre asking if he was going to appear in person and he never responded, and if they would have had any conversations regarding how the hearing procedure was going to be set she would have sent him the information but she was unclear. Attorney Iparraguirre stated he believes it does not matter if they appeared in person or not. Attorney Iparraguirre told Attorney Cribbins he would let her know if he needed a link. Attorney Iparraguirre was advised of the hearing process upon arriving in person for the termination hearing. Attorney Iparraguirre stated the constraints are contrary to the law as to what Mr. Howes is entitled to for purposes of his due process and to have the Board hear him out. Attorney Cribbins advised the Board has made their response. Attorney Iparraguirre asked if the Board could take a vote. Mr. Kilmer stated the Board has already reached a consensus.

This hearing was recorded in accordance with Public Meetings Law and Coos Bay-North Bend Water Board's meeting policy. The recording of the hearing is an extension of these minutes and can be accessed per public records rules and procedures.

Attorney Cribbins asked the Board of Directors if they had any questions for Attorney Iparraguirre. Chair Solarz stated no.

Chair Solarz asked the Board members if they have any further discussion. Motion was made by Mr. Solarz to affirm the decision of the General Manager and uphold the termination of Jeffrey Howes. The motion was seconded by Mr. Richardson and passed unanimously. The hearing is adjourned.

The Board's next regular meeting was set for Thursday, November 16, 2023, at 7:00 a.m.

At 8:00 a.m. Chair Solarz directed they go into executive session for the purpose of discussing potential litigation pursuant to ORS 192.660(2)(h). The Board returned to open session at 8:30 a.m.

There being no other business to come before the Board, Chair Solarz adjourned the meeting at 8:30 a.m.

Approved: _____, 2023

By: _____
J. Gregory Solarz, Chair

ATTEST: _____