

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

Minutes
Regular Board Meeting

October 24, 2024
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 Carmen Matthews presiding. Other Board members present: Bill Richardson, Rob Kilmer, and Greg Solarz. Board Members absent: none. Water Board staff present: Ivan D. Thomas, General Manager; Matt Whitty, Engineering Manager; Jeff Miller, Operations Manager; Monica Kemper, Finance Director; Jason Mills, Distribution Supervisor; Aimee Hollis, Customer Relations Manager; Micah Demanett, and Stacey Parrott, Executive Assistant & HR Specialist; Board Legal Counsel Melissa Cribbins was present. Media present: None. Tara Kamp from Pauly, Rogers and Co., P.C. was present (virtually). Danielle Fish and Katherine Muzik were present.

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

Chair Matthews asked if there were any corrections or additions to the September 20, 2024, Regular Board meeting minutes. Mr. Solarz moved the minutes be approved as written. The motion was seconded by Mr. Kilmer and passed unanimously.

Chair Matthews asked if there were any public comments. Ms. Danielle Fish, resident and advocate from Coos Bay was present. Ms. Fish delivered a detailed presentation on the potential risks of fluoride in drinking water, referencing a recent federal court ruling regarding fluoride in drinking water, citing health risks, especially to children. She continued to state that a recent federal court ruling indicated fluoride in drinking water poses an unreasonable risk to children, prompting the EPA to consider regulatory actions. She cited studies highlighting fluoride's potential negative impact on children's IQ, specifically through long-term exposure. Additional research from various international and domestic studies linking prenatal fluoride exposure to potential neurodevelopmental impacts, especially concerning to pregnant women and young children. Ms. Fish requested for the board to voluntarily remove fluoride from the local water supply to prevent potential health risks, with a follow-up request on the decision within two months.

The board acknowledged past discussions and local concerns with fluoride in the drinking water in recent years. General Manager Ivan Thomas stated the community had previously voted to add fluoride to the drinking water, which means the Board of Directors cannot adopt a motion to remove fluoride without a referendum decision. Any changes would require either an EPA regulatory update or a vote by the majority of all water system users. Mr. Thomas went on to share that current fluoride levels are at or below the Maximum Contaminant Levels as stated by state regulations. The Board reiterated that it is not within their control to decide on fluoridation practices and a change would require further community discussion and collected signatures for a future ballot measure. The Board thanked Ms. Fish for the information stating that the General Manager will follow up with additional information in a letter to provide further clarity.

Ms. Katherine Muzik raised a question concerning PFOS and PFAS levels in the drinking water, specifically asking whether testing for these substances occurs and if a report is available. Jeff Miller, Operations Manager confirmed that the results for PFOS and PFAS testing are included in the Consumer Confidence Report (CCR), which is publicly accessible on the water board's website.

Regarding audit findings from FY2024 Financial Statement Audit, Finance Director Monica Kemper introduced Tara Kamp from the audit firm Polly, Rogers and Co., to present the audit findings. Ms. Kamp summarized key points from the Governing Body letter, highlighting necessary communications related to the audit. She reported that the audit showed strong fiscal management and no issues regarding legal or regulatory compliance, with no exceptions noted. However, a significant deficiency was identified in the area of internal control over journal entry reviews, which will require further attention. Tara commended Monica and her team for their hard work and professionalism during the audit process.

After a brief discussion, Mr. Richardson moved to accept the final draft of the Fiscal Year 2024 Financial Audit and Statements completed by Pauly, Rogers, and Co., ratifying the decision of the General Manager. The motion was seconded by Mr. Kilmer and passed unanimously.

Regarding the corrective plan of action for audit deficiencies, Finance Director Monica Kemper reported on the corrective action plan addressing the deficiency identified in the FY2024 audit by Pauly, Rogers and Co. The audit noted that some journal entries lacked documentation review and approval. The Oregon Secretary of State requires a plan of action be adopted to address the deficiency and be submitted within 30 days of filing the audit report. In compliance with the Oregon Secretary of State, a corrective plan was developed and implemented as of July 1, 2024. That plan mandates that each journal entry be reviewed and approved by a knowledgeable individual and the review be documented with a signature and date.

After a brief discussion, Mr. Kilmer moved to approve the Plan of Action be adopted and submitted to the Oregon Secretary of State. The motion was seconded by Mr. Richardson and passed unanimously.

Regarding the adoption of Resolution 412 – Proposed updates to the Water Board Personnel Policies and Procedures Manual – Section IX, Non-Discrimination and Harassment, General Manager Ivan Thomas recommended the updates following Oregon's recent HB 851, which led to a BOLI-recommended respectful workplace policy. The Water Board reviewed and proposed adding this policy to enhance the existing non-discrimination and harassment guidelines. The respectful workplace policy emphasizes fostering mutual respect and understanding among employees, leading to additional updates to the existing employee behavioral agreement. Both the General Manager and legal counsel have reviewed the proposed changes. Staff recommends that the Board approve Resolution 412 to formally update Section IX of the Personnel Policies and Procedures Manual.

Further discussion followed, including a proposed word change from "asked" to "required" in section "J", paragraph one. Following this, Mr. Solarz moved to adopt the amended Resolution No. 412 allowing staff to update the Water Board's Personnel Policies and Procedures Manual, Section IX. Non-Discrimination and Harassment.

The motion was seconded by Mr. Kilmer and passed unanimously. The resolution read as follows:

RESOLUTION NO. 412

A RESOLUTION ADOPTING REVISIONS TO THE COOS BAY-NORTH BEND WATER BOARD'S PERSONNEL POLICIES AND PROCEDURES MANUAL SECTION IX. – NON-DISCRIMINATION AND HARASSMENT

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 to amend and update policies and procedures; and

WHEREAS, the Water Board now finds it necessary to adopt amendments to Section IX – Non-Discrimination and Harassment of the Water Board’s Personnel Policies and Procedures Manual; and

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

1. The Water Board’s Personnel Policies and Procedures Manual, is hereby revised and amended as identified in Exhibit “A”, attached hereto and incorporated herein by this reference.
2. The revised Non-Discrimination and Harassment policy, as presented in Exhibit “A”, is hereby adopted and shall be effective immediately upon passage of this Resolution.
3. The General Manager is hereby authorized and directed to ensure that all employees are notified of and receive training on the updated policy.

Adopted the 24th day of October , 2024.

COOS BAY – NORTH BEND WATER BOARD

By: _____
Carmen Matthews, Chair

ATTEST:

EXHIBIT “A”

UPDATED POLICY

SECTION IX. NON-DISCRIMINATION AND HARASSMENT

I. Respectful Workplace

Mutual respect between and among managers, employees, temporary employees, contractors, and volunteers is an integral value of the Coos Bay-North Bend Water Board (Water Board). Only when all individuals work together can we create and maintain a work environment that is respectful, professional, and free from inappropriate workplace behavior.

1. Definitions

- a. Inappropriate Workplace Behavior includes unwelcome or unwanted conduct or behavior that causes a negative impact or disruption to the workplace or results in the erosion of employee morale. Inappropriate workplace behavior may also rise to the level of unlawful harassment or discrimination when in conjunction with an employee’s protected class status, such as race, gender, or disability. Examples of inappropriate workplace behavior include, but are not limited to, comments, actions, or behaviors of an individual or group that are wholly disconnected from concerted or other protected

activity that purposefully humiliate, intimidate, disparage, demean, or disrespect another employee, a manager, a subordinate, a volunteer, a customer, a contractor, or a visitor in the workplace.

- b. Inappropriate workplace behavior does not include actions taken to form, join, or assist labor organizations, bargain collectively through representatives, and engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. Inappropriate workplace behavior does not include performance management actions such as giving supervisory instructions, setting expectations, giving feedback, administering disciplinary actions, or conducting investigatory meetings. Inappropriate workplace behavior generally does not include assigned, requested, or unsolicited constructive peer feedback on projects or work.

2. Policy

Employees of all types, as well as temporary employees and volunteers at every level of the organization, must foster an environment that encourages professionalism and discourages disrespectful behavior. All employees, temporary employees, and volunteers must behave respectfully and professionally and avoid engaging in inappropriate workplace behavior.

3. Addressing Inappropriate Workplace Behavior

- a. Supervisors must address inappropriate behavior they observe or experience and should do so as close to the time of the occurrence as possible and appropriate.
- b. If an employee, temporary employee, or volunteer observes or experiences inappropriate workplace behavior, they may:
 - Redirect inappropriate conversations or behavior to workplace business.
 - Tell the offending employee, temporary employee, or volunteer that their behavior is offensive and ask them to stop.
 - Report the observation or experience to their immediate supervisor, manager, human resources, or other designated individuals.

4. Reporting Inappropriate Workplace Behavior

Any employee aware of or experiencing bullying or inappropriate workplace behavior should report that information immediately. Specifically, an employee may make the report verbally or in writing to the employee's immediate supervisor, or alternatively, an employee may report the experience to the General Manager, Human Resources, or the Board of Directors. All employees are encouraged to document incidents involving bullying or inappropriate workplace behavior as soon as possible.

5. Retaliation Protections

The Water Board prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. The Water Board will not tolerate retaliation against any employee for raising a good faith concern, providing information related to a concern, or otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to, and including, dismissal.

6. Disciplinary Action

The Water Board will not tolerate inappropriate workplace behavior. Any individual found to have engaged in such conduct may face disciplinary action up to, and including, dismissal. The Water Board may also subject managers and supervisors who fail to report known harassment or fail to take prompt, appropriate corrective action to disciplinary action, up to and including dismissal.

J. Behavior Agreement

All employees are encouraged to maintain a positive working environment. All employees of the Water Board shall be presented with a Behavior Agreement, which they will be ~~required~~^{asked} to sign as a condition of their employment, acknowledging the employee's understanding of the behavior the Water Board expects of its employees and confirming their understanding that the Water Board may take disciplinary action for a violation of the Behavior Agreement."

Coos Bay-North Bend Water Board Employee Behavior Agreement

~~It is~~ The Coos Bay-North Bend Water Board (Water Board) is committed to maintaining a safe, professional, and respectful work environment where all employees are treated with dignity and mutual respect. This policy outlines the expectations for employee conduct and provides guidelines for addressing inappropriate workplace behavior and retaliation. ~~that employees maintain a working environment that encourages mutual respect, promotes civil and pleasant relationships among employees and is free from all forms of negativity.~~

Objective:

This agreement ~~defines~~^{identifies} the ~~respective~~ responsibilities of both the Water Board and its employees in fostering a positive and respectful ~~regarding conduct and the~~ working environment.

Policy and Procedures:

Employees are expected to conduct themselves professionally ~~in~~ and appropriately, as deemed appropriate by a reasonable standard of conduct. ~~manner as judged by a reasonable person. The Water Board is committed to creating a work environment that is free from negativity, harassment, and any form of unprofessional behavior.~~

Expectations for Conduct:

Employees have the right to conduct their work without disorderly or undue interference from ~~other employees.~~ All employees must respect this right and avoid actions that intentionally disrupt the work of their colleagues. ~~The Water Board prohibits employees from violating this right of their co-workers.~~

The Water Board ~~is dedicated to promoting~~^{encourages} a congenial work environment of respect, ~~and professionalism, and collaboration.~~ All employees are required to uphold these standards and refrain from engaging in any behavior that could ~~and prohibits employees from harming or threatening to harm others, including coworkers, employees, clients, volunteers, vendors, and visitors.~~

~~This p~~^{Prohibited} ~~behaviors include~~^{include}, but ~~are~~^{is} not limited to: ~~acts such as:~~

- o ~~Physically harm or attempts to physically harming others.~~
- o ~~Verbally abuse~~^{ing others.} ~~(A including negative or defamatory~~ defining statements ~~made~~^{told} ~~to a person or about an individual~~^{the person.})
- o ~~Using~~ intimidation, bullying tactics, or ~~and~~ making threats.
- o Sabotaging another's work or efforts.
- o Stalking ~~or~~ others persistent harassment.
- o Spreading ~~Making~~ malicious, false, and harmful statements about others, (including gossip).
- o Publicly disclosing ~~another's~~ private or sensitive information about another individual.
- o Any conduct that the Water Board deems is in violation with the non-discrimination and harassment policy as stated in Sec IX of the Water Boards Personnel Policies and Procedures Manual.

Addressing Inappropriate Behavior and Retaliation:

Employees who experience or witness any form of inappropriate behavior, harassment, or retaliation are encouraged to report the incident immediately to their supervisor, Human Resources, any member of management, or the Board of Directors. All reports will be handled confidentially to the extent possible and will be investigated promptly and thoroughly.

The Water Board strictly prohibits retaliation against any employee who, in good faith, reports inappropriate behavior or participates in an investigation. Any act of retaliation will be considered a serious violation of this policy and will result in disciplinary action.

Consequences of Policy Violations:

The Water Board may take appropriate disciplinary action against employees whose conduct violates this policy or any other Water Board policies, practices, or agreements. Disciplinary actions may range from verbal warnings to termination, depending on the severity of the violation.

Acknowledgment:

I have read and understand the contents of this Behavior Agreement. I agree to adhere to the guidelines and expectations outlined above to maintain a respectful and professional work environment.

Employee Signature: _____

Date: _____

Rev. ~~3/16/2018~~10/24/2024

Exhibit "A" to Resolution No.412

Regarding proposed Terramar Pump Station upgrades, Jason Mills Distribution Supervisor presented an overview of the Terramar Pump Station upgrade project, a key facility serving about 85 connections in the Empire area. Due to an irreparable leak in the fire pump's shaft seal and occluded suction piping in smaller pumps, the station's performance has declined. In order to restore capacity, we recommend replacing the fire pump with a new model matching current hydraulic specifications, replacing the occluded suction piping for smaller pumps to enhance flow rate and efficiency, and installing a suction bypass to maintain water service during the project. The estimated project cost is \$64,147, slightly above the board budgeted \$60,000, with any overages covered by the reserve fund if necessary.

After a brief discussion, Mr. Richardson moved to authorize the purchase and installation of the necessary upgrades to the Terramar Pump Station for a total estimated cost of \$64,147 with a contingency for further cost management if additional quotes become available. The motion was seconded by Mr. Kilmer and passed unanimously.

The Board's next regular meeting was set for Thursday, November 14, 2024, at 7:00 a.m.

Updates were given as follows:

- Springbrook Merger – The merge of the general ledger with the utility billing package is improving our access to real-time financial data on billing, payments, and customer refunds. The new system automatically processes refunds and reduces the need for separate journal entries, enhancing efficiency. Despite some initial challenges with implementation, the merged system is expected to streamline operations and enhance transparency in cash flow tracking. After this merger, the team is exploring an app-based work order system to improve tracking for Field Services and Distribution tasks. This could allow remote access for field teams and simplify payroll and parts tracking by consolidating all work orders and mileage reporting into one streamlined system.
- Timber Sale Update – The recent timber sale has generated \$1.6 million in revenue. Only two tasks remain: burning the piles and planning tree replanting to restore the logged areas.
- Oregon Avenue Fence Project – There are plans to install a fence along a boundary with neighboring property. Local authorities will support us while removing vehicles and materials encroaching on the Water Boards property line. West Coast Fencing is then scheduled to install the fence. Looking to install remote cameras in order to monitor the site moving forward, as it will be the future site of the Oregon Ave pump station.
- AMR Installation Project – AMR installation will begin next week on Cycle one, with installation expected to take about four weeks. This project phase is smaller than previous years, around 900 meters compared to over 4,000 last year. Current contract pricing for meters under the consolidated supply agreement is set to end June 30, 2025. We have requested quotes under current pricing for the remaining cycles 2-7, they range from \$192,000 to \$285,000 per cycle. While unconfirmed, we could see a 30% cost increase for future cycles after our current contract ends.

Chair Mathews proposed adding a future agenda topic focused on emergency preparedness and collaboration with local cities for a work session. He emphasized the importance of creating a comprehensive plan to ensure the continued supply of clean drinking water to the community during a natural disaster. Further discussions highlighted the need for cooperation with city official officials, local businesses with access to heavy equipment, and other essential services to enhance readiness. A suggestion was made by Ms. Danielle Fish to leverage existing knowledge from the Coast Guard and incorporate experiences from past disaster response committees. Chair Mathews expressed strong commitment to fostering a coordinated effort, potentially involving a joint meeting with city leaders and stakeholders, encouraging future planning and the facilitation of these efforts.

Additionally, Chair Mathews raised concern regarding the format and guidelines for public comments. He noted there was an unclear understanding of how the comments should be structured and managed, including time allocations and whether any formal policy exists. Further discussion emphasized the importance of having a consistent approach as public comments can be unpredictable. It was stated that a general statement should be included in meeting agendas, however it is customary for the chair to set the tone and manage the time allocated for public input. The format typically allows the board time to listen to comments without engaging in dialogue during the session, with any responses or discussions taking place later through the General Manager or other appropriate channels.

At 8:04 a.m. Chair Matthews directed they go into executive session for the purpose of discussing potential litigation pursuant to ORS 192.660(2)(h) and personnel issues pursuant to ORS 192.660(2)(a). The Board returned to open session at 8:48 a.m.

There being no other business to come before the Board, Chair Matthews adjourned the meeting at 8:48 a.m.

Approved: _____, 2024

By: _____
Carmen Matthews, Chair

ATTEST:
