

**CORBETT WATER DISTRICT
REGULAR MEETING OF THE BOARD
Written Summary
January 21, 2014**

Board members present: Jeff Hargens, Robert Gaughan, Sonny Boyd, Robert Churnside, Kevin Wilhelm.

Staff present: James Jans, Shanti Burns.

Audience members present: Gordon Fulks, Dave Mysinger, David Jacob, Debra Rotman, Robert Reams, Larry Lotz, Brian Lee, Nicholas Ray (arrived at 6:34 p.m.), Malcolm Freund (arrived at 6:36 p.m.), Dave Toby (arrived at 6:40 p.m.), Robert Colclessor (arrived at 6:57 p.m.), Patrick Oldright (arrived at 6:57 p.m.)

Chairman **Jeff Hargens** called the meeting to order at 6:30 p.m.

APPROVAL OF THE AGENDA

Jeff Hargens would like to table items 7, 8 and 9 until the next regular Board meeting due to the amount of items on the agenda. **Sonny Boyd** made a motion to approve the agenda, **Kevin Wilhelm** seconded, passed unanimously.

APPROVAL OF THE MINUTES

Robert Gaughan approved the minutes of December 17, 2013, **Kevin Wilhelm** seconded, passed unanimously.

LEAK ADJUSTMENTS

3330-00: This customer moved out of her home in order to sell it. When the realtor entered the home in order to show it, they discovered a large water leak which had caused significant damage to the home. The customer was later denied payment from their insurance provider for the damages. This case was viewed as a hardship due to the large amount of the bill caused by the leak and the damage to the home. **Sonny Boyd** made a motion to adjust the November/December 2013 billing cycle to the six month average prior to the leak, 8 units, under the stipulation that the water is not turned back on until the leak has been repaired, **Robert Churnside** seconded, passed unanimously.

2338-00: This leak adjustment was tabled since the customer did not complete the necessary paperwork or attend the meeting.

6040-01: This customer's case was viewed as a hardship due to the large amount of the bill caused by the leak. The customer repaired the leak and informed the Board that they have already scheduled a date in spring to replace the entire water line. **Sonny Boyd** made a motion to adjust the November/December 2013 billing cycle to the six month average prior to the leak, 17 units, **Robert Gaughan** seconded, passed unanimously.

8165-00: This customer's case was viewed as a hardship due to the large amount of the bill caused by the leak and the customer being on a fixed income. **Sonny Boyd** made a motion to adjust the November/December 2013 billing cycle to the six month average prior to the leak, 25 units, **Kevin Wilhelm** seconded, passed unanimously.

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SOUTH FORK DISCUSSION

Brian Lee from Pace Engineers distributed a progress report for the South Fork fish passage, along with a scope of work for the North Fork fish passage. **Brian Lee** states he will have to show a basic set of plans to the Oregon Fish and Wildlife Department (ODFW) so they can verify the elevations and step increases meet the requirements. **Jeff Hargens** made a motion to have the North Fork fish passage project added to the budget of the South Fork fish passage project, **Kevin Wilhelm** seconded, passed unanimously. **Brian Lee** asked which option the Board would like him to proceed with. **Jeff Hargens** said he would rather have the farmers screen so it does not collect silt.

ELECT BUDGET OFFICER

Jeff Hargens made a motion to elect James Jans as the budget officer, **Robert Gaughan** seconded, passed unanimously.

ELECT BUDGET COMMITTEE MEMBERS

Shanti Burns said that Robert Telford, Robert Kraai, Malcolm Freund, David Ranieri, and Keith Lund have volunteered to be on the budget committee. **Sonny Boyd** asked if any of the budget committee members will have a conflict of interest. **Shanti Burns** informed him that Robert Kraai is her father, however he will abstain from voting on the personnel services category.

MONTHLY REPORTS

Secretary/Treasurer Financial Reports: **Sonny Boyd** asked what the Continental Utility Solutions, Inc. payment was for. **James Jans** informed him that this an annual maintenance fee for our utility billing program. He said this fee includes program updates, training, and unlimited customer service. **Shanti Burns** said the office uses their services quite often. **Sonny Boyd** asked if there were issues with payroll ACH deposits. He said there were a couple of employees that normally receive their paychecks via ACH, however they received paper checks for the December payroll. **Shanti Burns** informed him that the paychecks are deposited on the WellsFargo site via ACH on the last working day of the month, however sometimes it takes an additional day for the employee's bank to accept the funds. Since the day after the pay date was a holiday, some of the employees chose to receive paper checks in order to receive the funds in their account quicker. **Sonny Boyd** made a motion to accept the financial reports as presented, **Kevin Wilhelm** seconded, passed unanimously.

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MONTHLY REPORTS - (Cont.)

Manager's Report: District Manager **James Jans** read as follows:

Distribution: We abandoned the old 4" steel pipe that was feeding the Mershon reservoir inlet without a shut off gate valve. That reservoir now has a new 4" gate valve, ductile pipe, and flow meter. The service main is now approximately 30 feet from the 6" main, instead of over 200 feet away and on the Corbett Community Church property as it was before. We were required to flush the main twice and take repeat samples in order to remove the "boil order" due to the hilly terrain and lack of hydrants between the two reservoirs on Mershon.

Reservoir 4 (Larch Mtn.) now has a flow meter that will be tied into our Mission Communication. This meter is the same type used at Reservoir 2 (Cabbage Hill). We have replaced four of our 2" pressure reducing valves located on Chamberlain Road, lower Corbett Hill Road, and Mershon Road.

Office: Our water billing from November/December produced \$53,366.44 in water sales and \$27,959.92 in base rate income. Our website now has the capability to collect water bills online. You can access the site directly at www.corbettwaterdistrict.epayub.com. On this site, you will be able to view your payment history, view your water use history, and update contact information.

Treatment Plant: One of our chemical pumps (201) that supplies water from the clear well for the sampling had an instrument fail. These pumps have been in service since the plant overhaul project back in 2001. We replaced both pumps (201 & 202) and rearranged their location in the vault in order to make more room.

Hydro & FERC: We received a check from the Energy Trust of Oregon in the amount of \$12,000. David Jacob will be meeting with Daryl from Taurus Controls this Friday in order to change the programming so the hydro butterfly is not controlled by the clear well butterfly. They will also work on the issue of the inlet Cla-val not throttling down the flow when it's on the hydro mode. A rectifier was damaged early this month, so David replaced it using good quality materials from Europe. This new part also replaced two other control components, the over voltage dump control and the capacitors. The hydro will be up and running later this month.

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Dave Toby asked why he did not get notified of the boil water notice until the day after the work was done. **Shanti Burns** informed him that the District did not expect his street to lose water pressure. She said the office was notified the day after the work was done by a customer that lived on his street, at which time a call was placed to every customer on the street to inform them of the need to boil their water. **James Jans** said that according to the Oregon Health Authority, a boil water notice does not need to be in effect unless the customer's water pressure falls below 20 psi. He said the District dug well below the pipe to eliminate any dirt from falling into the water line during the installation, then flushed and chlorinated the line.

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UNFINISHED ITEMS FOR BOARD CONSIDERATION

No comments were made.

EXECUTIVE SESSION ORS.192.660 (2)(b): TO CONSIDER DISMISSAL OR DISCIPLINE OF, OR TO HEAR CHARGES OR COMPLAINTS AGAINST AN OFFICER, EMPLOYEE, STAFF MEMBER OR AGENT

Nicholas Ray (Nick) states he would like to have the executive session discussed in the open meeting.

Jeff Hargens states that Nicholas Ray was in front of the Board of Commissioners at the December 17, 2013 meeting due to safety violations. He said he interviewed two of the other employees and was informed that the statements Nick gave at the Board meeting regarding what happened when he entered the vault on August 13, 2013 were false. The other employees said that Nick was not told to get into the vault, nor was he told to enter the vault without safety equipment. He was also informed by the other employees that there was a vehicle available and Nick could have driven to retrieve the safety equipment. **Nicholas Ray** said that he stands by his statements, and said he did ask for the safety equipment and was told to enter the vault and do as he was told. **Jeff Hargens** said that he also spoke with the Multnomah County inspector, who informed him that when he visited the job site on August 8, 2013 the person flagging did not have their flagging certification. **Jeff Hargens** said that Nicholas Ray has a current flagging certification, so the person that was flagging when the County inspector arrived could not have been Nick. Therefore, the statement that Nicholas Ray made at the Board meeting stating he was flagging all day was false. **Jeff Hargens** said that the Board will determine by vote on a written ballot if Nick is to keep his position at the District or if he will be terminated. **Sonny Boyd** said the only thing that he really wants to understand is, what are the grounds for the dismissal? Exactly what are the charges? **Jeff Hargens** said the grounds are from before, of safety violations, and getting into the vault and now it has kind of stepped into giving false information to the Board about the safety violations. He said the grounds are for getting in the vault without the safety equipment, for being written up on it months before that for the same offense and basically not going and getting the correct equipment to get in and basically stating there wasn't a vehicle to go get the equipment, which there was a vehicle there to go get the equipment. **Sonny Boyd** said that on that piece right there, if that's part of the charge? What would of happened had he taken the vehicle there, because the only vehicle there was the dump truck, wasn't it? **Jeff Hargens** replied no, there was the one ton that was there with the trailer. This was from two different employees. Discussion about the voting process took place. **Sonny Boyd** asked Jeff Hargens, remember when you said, as far as lying to the Board, is that one of the charges? **Jeff Hargens** said that what I investigated, I had just found that there has been false information. And so, I guess I am adding that to the charges because falsifying to the Board about safety violations is not permissible. **Patrick Oldright** feels that the Board should have had an outside entity do the interviews with the employees instead of having a Board member do them. **Shanti Burns** informed him that the legal counsel provided by the Special District's

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Association of Oregon, Dian (Dee) Rubanoff, also attended and recorded the interviews. **Jeff Hargens** said that he spoke to each of the Board members and has given them the opportunity to listen to the recording and view the documents to determine their own opinion in the matter. **Jeff Hargens** informed the Board that a “yes” vote would be to terminate Nicholas Ray, and a “no” vote would have Nicholas Ray keep his employment with the District. **Jeff Hargens** counted the votes and declared that the majority of the votes were to terminate Nicholas Ray’s employment.

Jeff Hargens made a motion to adjourn the meeting, **Sonny Boyd** seconded, passed unanimously. Meeting adjourned at 7:45 p.m.