

**CORBETT WATER DISTRICT
REGULAR MEETING OF THE BOARD
Written Summary
February 19, 2013**

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

Absent board members: Robert Gaughan.

Staff present: James Jans, Shanti Burns.

Audience members present: Malcolm Freund, Robert Colclessor, Gordon Fulks, David Jacob, Timothy Hall, Sandraneta Smith-Hall, Sheldon Sloan.

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

APPROVAL OF THE AGENDA

Jeff Hargens suggested moving the executive session to item 10a. **Sonny Boyd** made a motion to approve the agenda as modified, **Kevin Wilhelm** seconded, passed unanimously.

APPROVAL OF THE MINUTES

Robert Colclessor said that his statement during unfinished items for Board consideration was regarding the Corbett School Board, not the Water District. **Gordon Fulks** would like to point out that two of the budget committee members are related to District employees, which is a conflict of interest. He said that the minutes by law are supposed to reflect that the members declared a conflict of interest. **Shanti Burns** informed him that the budget members could not declare a conflict of interest because they were not in attendance at the meeting, however they will declare this at each budget committee meeting during the review of personnel services.

Kevin Wilhelm said that the manager's report reads "only had a couple of small *idioms* to deal with" and should be changed to read "only had a couple of small *items* to deal with". **Sonny Boyd** made a motion to accept the minutes of January 15, 2013 as modified, **Kevin Wilhelm** seconded, passed unanimously.

LEAK ADJUSTMENTS

2700-01: This case was viewed as a hardship due to the large increase of water use as well as the cost to repair the leak. **Sonny Boyd** made a motion to adjust the July/August and November/December 2012 billing cycles to 20 units each, **Robert Churnside** seconded, passed unanimously.

5660-00: This case was viewed as a hardship due to the large increase of water use due to the leak caused by Comcast. **Sheldon Sloan** requested a leak adjustment as well as the removal of the penalties on his account. **Shanti Burns** said the penalties are from delinquent bills prior to and after the leak. She said that the District requires the bills to be paid after the repair of the leak. **Sonny Boyd** made a motion to adjust the January/February, March/April and May/June 2012 billing cycles each to the average use after the repair of the leak, 19 units, **Kevin Wilhelm** seconded, passed unanimously. **Sheldon Sloan** again requested that his penalties be waived.

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LEAK ADJUSTMENTS - 5660-00 (Cont.)

Jeff Hargens states that the Board is only going to adjust the water use at this time since the penalties are for the past due balance prior to the leak as well as after the leak was repaired.

ADOPT BUDGET CALENDAR

Shanti Burns said the Tax Supervising and Conservation Commission (TSCC) has already reviewed the budget calendar and confirmed that all the dates follow the required time frames. **Sonny Boyd** made a motion to adopt the 2013-2014 budget calendar as presented, **Kevin Wilhelm** seconded, passed unanimously.

ACCU-TAB CHLORINE DISINFECTION

James Jans states that accu-tab is 3" chlorine tablets and would be a simple, low cost system improvement for operation performance. He said liquid chlorine can splash and the tabs provide for a cleaner process. He states accu-tab still disinfects the same way as liquid chlorine does. Another benefit is that the employees would not have to handle 600 pound barrels. He said the District will still be able to control the chlorine intake with the computer, as well as manually. Accu-tab is more cost effective than liquid chlorine and the tabs provide for a more stable chlorine intake. He states we already have the funds in the budget to purchase the accu-tab system and the District will still use soda ash to balance the ph. There have been times when the chemical delivery truck could not make it to our treatment plant, and the accu-tab will significantly reduce the amount of trips needed for delivery. **Gordon Fulks** inquired as to what the District does to adjust the chlorine solution with varying water temperature. **James Jans** said the treatment plant is monitored daily with parameters set up. If the chlorine reaches a high or low level an alarm will be set off. To allow more chlorine to go into the system we can run more water over the tablet, and this can be done through the computer as well. **Sonny Boyd** asked how much calcium the tablet will put into the system. **David Jacob** informed him that the District has relatively soft water and very little calcium to begin with. He said there will be a small increase of calcium hardness, but not enough to notice. **Sonny Boyd** said the liquid chlorine is causing corrosion of the equipment and when you walk into the treatment plant there is a strong chlorine smell. He feels that the accu-tab will significantly help reduce this. **David Jacob** states there will still be corroding with the accu-tab, however it will be greatly reduced. **Gordon Fulks** asked if it will affect the Trihalomethanes. **James Jans** said that it is still disinfecting and will not cause an increase in Trihalomethanes (TTHM) or Haloacetic Acids (HAA5).

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MONTHLY REPORTS

Secretary/Treasurer Financial Reports: **Sonny Boyd** would like comparisons of what has been spent by line item in the budget compared to the actual budgeted amount. He also requested to start receiving reports showing the monthly revenues vs. expenditures. **Jeff Hargens** inquired as to what the safety sensors purchased were for. **James Jans** replied that the safety sensors are for confined space and we received a matching grant from SDAO for this purchase. He states the District is required by OSHA to calibrate the safety sensors that go into the monitors. **Sonny Boyd** made a motion to approve the financial reports as presented, **Kevin Wilhelm** seconded, passed unanimously.

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

Distribution: The old 1964 Mueller 4¼" hydrant that was located at the Fire Station with the 10" water main on E. Historic Columbia River Highway has now been replaced with a 2011 Waterous 5¼" hydrant with a steamer port. The old hydrant has been rebuilt and tested, and we plan on installing it on Knieriem Road which currently only has a 4" water main.

We are planning a boil order for Littlepage in order to tie over the new main and install a fire hydrant on Littlepage and Knieriem Road later this month.

The west end of Hurlburt has been pressure tested and the BT samples came back absent. We have scheduled Reliance Connects to push the 1" service at the west end of this project. The District crews have tied over the three short services and will abandon the old leaking 4" steel main on the south side of the road after they complete their push. We are still looking for a small leak on the newly installed 8" main on the east end of Evans and Hurlburt Road.

The 4" steel inlet line just west of the Corbett Community Church feeding into Reservoir 3 had a leak that was patched last week. We also had a water leak on the 4" steel main near 34220 E. Hurlburt Road.

The repairs from the hot tap failure on Littlepage and Grange Hall Road have been completed and the invoice for the amount of \$7,240.14 has been turned into HD Fowler in order to receive a credit.

Hydro & FERC: Taurus Controls has signed up to be our BETC tax credit partner. They will be sending Corbett Water District a check for \$22,667 in exchange for a tax credit of \$30,780.

Office: We have received \$41.75 from Discover Card, \$888.05 from Master Card and \$2,873.84 from VISA, for a total year to date of \$25,507.62 in credit card sales.

Treatment Plant: We had an emergency replacement of pump #203 that supplies the water for filling the batch tanks at our treatment plant. It had a bearing go out and the impeller was not working up to its standards. Taurus Controls installed the wires for the hydro butterfly valves to the PLC and the solenoids have been replaced on the Cla-Valve. Our next step after setting up the program is to put the treatment plant back on automatic mode after we finish some adjusting. This will get the plant back to the way it was originally designed and engineered.

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MONTHLY REPORTS - Manager's report (Cont.)

Gordon Fulks asked what the procedures are if the treatment plant alarm alerts us of dirty water. **James Jans** replied that we can either turn the treatment plant off from the computer or we can send a utility worker out to the plant. Once the treatment plant is running the way it was designed, the first cla-val will know that the water is too dirty and will send it to the next cla-val to dump the water.

James Jans read the Special Districts Association of Oregon (SDAO) conference highlights:

While attending the SDAO conference held in Portland a couple of weeks ago they helped the attendees understand and follow the ever changing wage and hour laws, along with many topics ranging from implementing discipline for all employees (not just problem employees), sexual harassment and the interactive processes to determine reasonable accommodations for the disabled. Also, all Oregon employers are required to provide reasonable safety accommodations to employees who are victims of domestic violence, sexual assault or stalking (DVSAS). It is an unlawful employment practice for any Oregon employer to discriminate against an individual in hiring, or any other employment decision, because the individual is a victim of DVSAS. Some of the questions brought up at the SDAO conference were:

Q. May an employer also be liable for harassment by co-workers?

A. Yes, if the employer knew or should have known of the conduct but failed to take immediate and appropriate corrective action. *OAR 839-005-0030(6)*

Q. No matter how often I remind my employee, he refuses to take his meal and rest breaks. Since I have given him every opportunity to take the breaks but he chooses not to, am I in compliance?

A. No; your employee may not legally waive his rights to receive required rest and meal periods. To be in compliance, you must require your employee to take all mandated breaks, and you may even need to discipline an employee who refuses to do so.

Jeff Hargens asked what the required breaks are. **James Jans** said that any employee that works over six hours per day is required to take two 10 minute breaks and one 30 minute break. **Jeff Hargens** states that since the District is not paying prevailing wages the employees are not required to take ten minute breaks. He suggested getting a punch clock for the employees. **Kevin Wilhelm** states that if the District had a punch clock the employees would have to leave the job site and drive to the office every time they needed to punch in/out. **Jeff Hargens** said that only Union employees are required to take ten minute breaks. **James Jans** said that it does not matter if we are under a Union contract, all employees working over six hours a day must take two 10 minute breaks per BOLI rules unless there are special exemptions, which do not pertain to the District. **Jeff Hargens** said he does not provide ten minute breaks to his employees and BOLI does not apply to private sectors except on prevailing wage jobs. **Jeff Hargens** asked what hours the utility crew are scheduled for. **James Jans** replied the utility crew works Monday-Friday from 7:30am-4:00pm, however sometimes they will leave fifteen minutes early to pick up their children from school, at which time they take leave without pay. **Jeff Hargens** said that we do not have to accommodate the employees to pick up their children after school. **James Jans** said that the employees will not be allowed to leave early if we are working on a project, however on

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MONTHLY REPORTS - Manager's report (Cont.)

other days if they chose to take leave without pay then he will allow it. He said that fifteen minutes at the end of a day is acceptable as long as they know they cannot take time off when there is still work required or an emergency. **Jeff Hargens** said that we are not a flexible company. **Shanti Burns** said that it is nice to save money on personnel services as long as all the work for the day is complete. **Jeff Hargens** said that if we are flexible the next thing you know the employees will be working through lunch. **Sonny Boyd** said the employees will not work through lunch. **Gordon Fulks** asked what happens if there is an emergency situation such as a water main break. **James Jans** replied that the employees have always worked straight through emergency situations and he has never had a problem with the employees requesting to leave if there is still work to be done.

James Jans said a recent EEOC lawsuit just settled for \$2.3 million. This gives employers a perfect example of how not to handle sexual harassment complaints. The harassment was compounded by retaliation and evidence tampering. **Sonny Boyd** pointed out that harassment is not always sexual harassment, it can also be employees harassing other employees and making a hostile work place.

Beginning January 2014, the maximum waiting period to offer employees health insurance will be 90 days. Our policy currently states a 180 day waiting period, therefore it will be required to change our policy at the end of this year.

SDAO highly suggested rotating board member positions annually. They said this is the most efficient way to run a board because it allows each board member to learn the roles of every position.

Employees should sign new policy manual acknowledgement forms periodically with policy manual updates.

SDAO also stated that we should pass out a memo to the employees stating that if the employee uses their personal cell phone for government business, even to return a pager call, all their phone records are subject to the public records law.

Gordon Fulks inquired as to why there is a reduction of the waiting period for health insurance. **Shanti Burns** said the 90 day maximum waiting period for health insurance will be required by federal law beginning in 2014.

Gordon Fulks asked how the District plans on tying the hydrant into the 10" main. **James Jans** said this project has already been completed. We used the existing pipe and tapped into the existing gate valve. There was already a 6" tap installed.

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PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Gordon Fulks would like to mention again that the budget committee has two members that are related to District employees. He would like to see the budget committee be completely independent. **Shanti Burns** said the majority of the budget committee quorum has no relation so it should not be a problem, however the committee members in question are aware that they must declare a conflict of interest during the personnel services review. **Shanti Burns** states that she has now been employed with the District for 5 years and is grateful to be able to serve as District Clerk. **Robert Colclessor** said that after reviewing James Jans' figures, he noticed that the rate increase has helped generate more revenue.

Meeting was convened to go into executive session at 8:00 p.m.

EXECUTIVE SESSION ORS 192.660(2)(e): TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS

No decisions were made in executive session.

Meeting was reconvened at 8:20 p.m.

Jeff Hargens would like an engineer to review the small piece of property to see if the District will ever have a need for it. He would also like an appraisal to be done to determine the value of the property and to find out if we can simply sell the property or if we will have to accept sealed bids.

UNFINISHED ITEMS FOR BOARD CONSIDERATION

No comments were made.

Jeff Hargens made a motion to adjourn the meeting, **Sonny Boyd** seconded, passed unanimously. Meeting adjourned at 8:22 p.m.