

CORBETT WATER DISTRICT

APPROVED MINUTES

Special Meeting 12:00 p.m.

Wednesday, April 28, 2004
Corbett, Oregon

The purpose of the special meeting was to hold an executive session.

Commissioners Present: Chairman Gordon Fulks, Secretary-Treasury Malcolm Freund, Ken Blanc and Bob Colclesser.

Also present were District Interim Manager Marc Caldwell, District Clerk Jamie Simms and District employee Gene Hubbard.

Audience Members Present: About 60 people were present.

Changes to the Agenda.

Chairman Fulks added the listing in the Corbett telephone book to the Agenda. Commissioner Blanc wanted to add public comment not on the agenda, Health Department concerns on certification, and the letter of complaint the Board received from the community at the April 20th meeting.

Commissioner Colclesser made a motion to approve the Agenda as amended. Motion seconded by Commissioner Freund. Motion passed unanimously.

Resolution on Public Records.

Richard Weill (District's Attorney) said that Public Record Law documents were public unless exempted, which could be found in the Attorney Generals Manual. Records that are exempt could still be disbursed to the public, but at the District's discretion.

Commissioner Blanc said that there was an existing policy that could be found in the Board policy on pages 11 and 12. Commissioner Freund said that this Resolution would update the policy that was written in 1995.

Jane Anderson said to follow Board Policy until the Board felt that it was necessary to change the policy. Mrs. Anderson also said that SDAO provided this type of information for free.

Commissioner Freund made a motion to approve Resolution 2004.04.02 "Release of Public Records." Motion seconded by Commissioner Colclesser. Voting for the motion were Commissioners Fulks, Freund, and Colclesser. Voting against the motion was Commissioner Blanc.

Executive (Closed) Session (Pursuant to ORS 192.660 (1) (h)).

Closed session at 12:15 p.m., to consider potential litigation. Present: Chairman Gordon Fulks, Secretary-Treasury Malcolm Freund, Ken Blanc, Bob Colclesser and District Attorney Richard Weill. The executive session was recorded and filed at the District office.

The meeting was then opened to the public at 12:40 p.m. There was no public discussion of the Executive Session.

Policy on Public Input & Parking at the Fire Hall.

Chairman Fulks read the Board policy on public comments. He stated that the Board was looking for constructive comments.

Chairman Fulks said that the permit for use of the Fire Hall specified that the parking on the side of the building labeled "Fire Department Only" needed to be kept clear of vehicles. The Fire Department allows the Water District to use the Community Room and we do not want to lose this privilege.

Hiring of Legal Council for the District.

Chairman Fulks said that there was a need to hire a Union negotiator. Several Board members have met with Bullard/Smith/Jernstedt/Wilson (BSJW) who only practice Labor Law.

Commissioner Blanc said that he did not know that the District was hiring a specific Union negotiator. He did not understand why the District needed another Labor Attorney. Chairman Fulks said that the first Lawyer was used for the Election process and she was no longer needed. Commissioner Colclessler said that when he visited with BSJW they said they would begin the negotiation process. Commissioner Freund said that BSJW worked with SDAO.

Susan Larson Leigh said if the Board had recognized the Union they would have saved the money spent on the Election Attorney. She believed that three employees, two of which are Union, would not justify a Lawyer for negotiations. Susan Larson Leigh asked how much the Lawyer would charge per hour. Chairman Fulks said that it was typically \$200 per hour, but it could vary from \$125 - \$250 per hour.

Dee Dishman asked how many Requests for Proposal's (RFP's) the Board received. Chairman Fulks said none, but BSJW was recommended by the existing Attorney.

Commissioner Colclessler made a motion to hire Bullard/Smith/Jernstedt/Wilson as the Union negotiators. Motion seconded by Commissioner Freund. Voting for the motion were Commissioners Fulks, Freund, and Colclessler. Voting against the motion was Commissioner Blanc.

Listing in the Corbett Telephone Book.

Chairman Fulks said that the listing in the Corbett Telephone book for bold print would cost \$228, and regular size font would be a free service. He said that the Water District was not in competition with another District, so the name did not have to have a bigger listing, the District has a monopoly. Chairman Fulks said that the 695-2284 would be listed, but once the District had a phone number for the 'Voice Over Internet Protocol' (VOIP) that number would not be listed in any phone book.

Nev Scott said that the older she got, the less she could see. She would like for the bold print to remain. Barb Adams agreed and she said that it was a small price to pay. Dale Burkholder said it would be more convenient for the community to use the bold print.

Jane Anderson called a point of order for the purpose of a Special Meeting. She asked if the option for bold type on the telephone listing belonged on a 'Special Meeting' Agenda.

The Board came to a general consensus that the bold type face should stay in the telephone listings.

Purchase of a GPS System for Documenting District Infrastructure.

The Global Positioning System (GPS) would allow the crew to locate the meters and valves in the District. Chairman Fulks said that the GPS location of the meters and valves would be of use when something hindered visibility.

Chairman Fulks said that the staff had been documenting the meter locations using a tape measure. For example, they would say left side of drive, fifty feet. The difficulty with this type of locating was that it could not be entered on a map.

Chairman Fulks said that the GPS system was about the same size as a cell phone, and it cost about \$150. The crew had been using a GPS system that was on loan. Gene Hubbard had been working with the GPS for about three days, and he had never used one before but he believed that the GPS system that was on loan was inaccurate. He received five out of twelve satellites. Chairman Fulks said that the GPS was recommended by Brian Lee of Lee Engineering. Gene Hubbard thought that the GPS system was a good idea, but he would like to try a different version.

Gene Hubbard said that he had some difficulty getting the GPS to repeat the same location. He would leave and come back later and he would get a different number. Chairman Fulks said that Gene needed to make sure that the indicator WASS was visible on the screen, before reading the numbers.

Dave Tobie said that GPS worked best when there were no obstructions, too many trees in Corbett could hinder the GPS signal. He asked if the GPS system had been purchased. Chairman Fulks said that he had personally purchased the GPS, but the District had not.

Melvin Christensen said that the earlier versions of the GPS system had two inaccuracies and he wondered if the GPS the crew was using was an earlier version. Chairman Fulks said that was what the WASS system was about.

Phil Dufresne wondered what part Commissioners Colclessner and Freund had in deciding on the GPS. Commissioner Colclessner said that when he previously met with Brian Lee they had discussed the GPS system. Commissioner Freund said that he had not looked into the GPS, but he said that this particular GPS system was a sample made available to the District.

Commissioner Blanc said that he believed that the crew wanted to try a different GPS. Don Sturm said that he had three different GPS systems and he would entrust the crew to borrow his equipment.

Commissioner Colclessner made a motion to approve the purchase of a GPS system. Motion seconded by commissioner Freund. Commissioner Freund wanted to amend the motion that the Board look into the concept of the GPS and into other GPS devices. Commissioner Colclessner accepted the amendment.

Commissioner Freund wanted to table the motion. Motion tabled.

Health Department – Certification Levels.

Commissioner Blanc said that the liability for not having the proper certification level for people who are making water quality decisions needed to be considered. Commissioner Blanc wondered if while Marc Caldwell was on vacation if there would be a Certified Water Operator. Marc Caldwell said that the Oregon Health Division (OHD) required the Corbett Water District to be at a Distribution II and a Treatment I level of certification. A certified operator had to be in Direct Responsible Charge (DRC) at all times. Marc Caldwell called OHD when the previous Superintendent resigned. OHD sent a letter stating the need to have a DRC assigned.

Marc Caldwell said that he checked with OHD about Frank Sterzinar's certification level, Frank has a Distribution I certification and no treatment certification. Dale Burkholder asked how long Frank Sterzinar had to obtain his additional certification needed. Commissioner Freund said that there were only certain test dates available and that Frank Sterzinar would take the tests at the next available testing date. Commissioner Freund said that Frank Sterzinar did not have the certification before because he did not need it until now. Commissioner Colclessner said that the Engineer was certified.

Woody Davis asked if any Board member was a friend or relative of the new District Manager. All Commissioners present said no. Some discussion followed.

Jeff Mershon asked Marc Caldwell if the District was currently in compliance? Marc Caldwell said that OHD needed to be notified that when he was gone that Lee Engineering would be the backup, but yes, the District was in compliance.

Commissioner Freund made a motion to review the DRC with the OHD and Lee Engineering. Motion seconded by Commissioner Colclessler. The motion passed unanimously.

Letter of Complaint.

Commissioner Freund asked Commissioner Blanc if this item could be discussed at the next Board meeting when the questions the District Clerk compiled would be answered. Commissioner Blanc said that was okay with him as long as it was in the first part of the Agenda and not at the end. All Commissioners present seemed to be in agreement.

Public Input on Items Not on the Agenda.

Barb Adams said that she had prior experience in hiring management. She was a part of the interviewing process for the District Manager. Barb Adams said that she felt the attacks against Frank Sterzinar were ridiculous and she hoped that the community would look at his qualifications and greet him into the community.

Dale Burkholder asked if the Board planned on keeping three field employees, including the District Manager and the two field workers. Or, if Frank Sterzinar was disqualified if he would be replaced with another person. He questioned if there was a hidden agenda that could cause high employee turnover.

Jane Anderson wanted Commissioner Blanc to speak about his conversation with Frank Sterzinar, to add information about Barb Adams allegations of harassment. Commissioner Blanc said that he had called Frank Sterzinar, about the alleged harassment. Frank Sterzinar told Commissioner Blanc that he was eager to start work at the Water District; he said that he had a few phone calls but he did not say anything about being harassed. He did want to know how his cell phone number got out. Commissioner Blanc told him that his cell number was listed in a letter to Commissioner Geller.

Jim Layton said that he had not heard any community member bad mouth Frank Sterzinar. The community had questioned why the Board hired him when he was not certified. Commissioners Fulks and Freund both spoke to Frank Sterzinar and were told by Frank that he had been receiving threatening phone calls and people have been also calling his current employer. Frank was concerned of the nature of the calls going to his current boss.

Bob Simms asked about the new District Managers expectations of qualification, he could be a great guy, he could know a lot, but he was only legally capable of doing so much, setting a drop dead date for certification was needed. He said that the new hire could work for the Water District under Marc Caldwell's certification but that would not be good business practice.

Phil Dufresne said that the community needed to stand together to insure the quality of water.

Nev Scott spoke to a repairman from Cascade Utilities and he told her that the Corbett Water District and the Cascade Utilities worked well together and that he hoped it would be able to continue.

Jeff Aho said that he had concern for the new District Manager. He wanted to make sure that the new Manager was aware of the issues in Corbett before he resigned his job in Coos Bay.

Dick Wand wanted to know why Marc Caldwell would not be the District Manager because he was qualified and currently performing the position. Marc Caldwell said that he chose to be a part of the Union, and the manager would be exempt from the bargaining unit. He would love to be the District Manager and it was once his goal, but as time went on he felt that job security was his number one priority. Dick Wand asked Marc if he would still like to be the Manager, and if so, how could it be done. Marc Caldwell said that he would still like to be the Manager, but to do so the job description would have to change to Lead instead of Manager.

Dick Wand said that the community wanted Marc to be the Manager, the Board worked for the community, and the community was present at the meeting to show the Board that they have chosen Marc Caldwell to be the boss, because he had earned it. Chairman Fulks said that the District was subject to Equal Employment Opportunity (EEO), and no one from the District staff had applied for the job. Phil Dufresne commented that he could not understand why the Board was so against hiring Marc Caldwell as the Manager. Some discussion followed.

Susan Larson Leigh said that the community took the time to come to the Water Board meeting and she would like for the Board to listen to the community. She said that she had heard rumors that anybody who had called the new District Manager might be sued. She also commented about what a 'skeleton' crew would consist of. She requested that these items be placed on the next Agenda.

Jane Anderson said that she did not represent the Local 701 union or the School Board. She had recently been attending the meetings because the community had recruited her to help. Jane Anderson stated for the record that she had not called the new District Manager.

Commissioner Freund made a motion to adjourn. Motion passed unanimously.

Meeting adjourned at 2:15 p.m.