

**BOARD OF COMMISSIONERS REGULAR MONTHLY BOARD MEETING
VIRTUAL MEETING VIA ZOOM ~ Wednesday, February 28, 2024, 6:30 p.m.**

**BOARD MEMBERS PRESENT: Michael Arion, Dan Graff, Sara Grigsby, Angie Kimpo
Kelly Piper**

BOARD MEMBERS ABSENT: none

**STAFF MEMBERS PRESENT: District Manager Ana Linden, District Clerk Heather
McGivney, DRC David Jacob**

AGENDA

1. Call to Order – Board President Kelly Piper called the meeting to order at 6:32pm.

2. Roll Call – All Board members were present.

3. Approval of the Agenda – Sara Grigsby moved to approve the agenda, except that New Business #5 will be modified to read Update on Communications. Angie Kimpo seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*)

4. Public Comments – Community member Nina Sackett Kronberg started by thanking the utility workers for all of their hard work to keep the water flowing during the recent storm. The storm made her think about redundancies, because water is essential for life. There used to be a redundancy of water because of the Dabney Spring. If Corbett Water was ever unavailable, she could go get drinkable water just down the road. However, the Dabney Spring has been blocked and diverted due to traffic concerns. While we don't know what the next disaster will be, we should be working on having a redundant water source. Kelly Piper wanted to clarify that the Dabney Spring was not monitored for contaminants, nor was it chlorinated water, so we wouldn't consider it as a secondary water source. However, it is a Board priority to find a secondary water source, in case of natural disaster.

5. Approval of the Minutes: Michael Arion moved to approve the 01/14/24 Emergency Board Meeting Minutes, Sara Grigsby seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*); Sara Grigsby moved to approve the 01/16/24 Emergency Board Meeting Minutes, Michael Arion seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*); Sara Grigsby moved to approve the 01/23/24 Special Board Meeting Minutes and the 01/23/24 Regular Board Meeting Minutes, Michael Arion seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*)

6. Treasurer's Report January 2024 – Sara Grigsby

- On January 31, we had \$713,000 in our LGIP savings account and \$82,000 in our Maps Credit Union account.
- Miscellaneous income in January was for putting in a meter. The Tax income was from property taxes.
- There was \$4,400 under Vehicles and Maintenance was an expense for tires. Legal fees for January were for the well project lawsuit. We had invoices from our lawyer and regular expert, but also fees from a firm called Interra, which was for a special expert who examined the drill cuttings. Reservoir repairs were new batteries and generators to keep telemetry warm. These are

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purchases that resulted from what we learned during the storm. There was also a lot of on-call time and overtime that resulted from the storm.

- In the previous year comparison, a reminder that \$75,000 in miscellaneous income this year was from a legal settlement. In expenses for Infrastructure Maintenance, we have separated out the flagging expenses this year. We've spent more on meter repairs this year, about \$25,000 this year, compared to \$12,000 at this time last year. This report is still catching up with last year, as evidenced by the line Payroll Expenses. This year, that line indicates what we've spent for our payroll software, but last year all of the payroll expenses including salaries, benefits, and taxes were being lumped into that line. System Conformity and GIS Mapping are new line items. System Conformity is the category for moving meters to the correct side of the road.
- Sara looks at the Budget vs. Actual report to see if we are spending over or under projections for good reasons. Income is at 96% of projections, though the projections were conservative. Under expenses, Buildings, Tools, and Vehicle Maintenance are all categories that are starting to show expenses that resulted from the storm. We have spent 41% of the budget for Infrastructure Maintenance, but we are over halfway through the year, which makes Sara wonder if we need to be spending more in that category. Sara is also thinking about the new budget cycle and wondered what we need to spend in the Safety Gear, Training, and Reservoir Repairs categories. This report brings up questions that Sara hopes to address during the upcoming budget process.
- A community member asked for clarification on System Conformity, and Ana Linden said it means moving meters to where they are supposed to be; in the right-of-way on the customer side of the road. Several meters have been on the wrong side of the road and a leak has developed under the road. It is illegal for the customer to dig under the road to fix the leak. So we need to do the work to make it so that the customer has control over their water line from the meter to their property. It could also be other tasks that bring the water system in line with our policies.

Kelly Piper moves to approve the Treasurer's report as presented. Angie Kimpo seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*)

7. Manager's Report – Ana Linden

- We continue dealing with the fallout from the January storm. Ana answered some questions that were posed at the previous meeting.
 - Eric Eaton asked about the causes of the problems during the storm. Ana answered that CWD was not prepared for the length or severity of the storm. There was no main line break. The staff and DRC did not properly assess the car accident on Pounder Rd to see if it was a leak from CWD. The telemetry at reservoirs failed, and two customer lines broke and drained the Mershon reservoir.
 - Terry Cook asked what the rate increases were for if not to upgrade infrastructure. Ana answered that the rate increases were to improve the financial position of the District. We can't currently afford the manager that we need, and the cost for parts, materials, supplies, utilities, and staffing are increasing.
 - John Smith asked if the District lost water during the storm. Ana answered no.
 - Rebecca Gandy asked if there was a way to reply anonymously to the online questionnaire, and Ana answered that the answers are not published with the name of the person, but we asked for address because we wanted to make sure we were hearing from the target audience (our customers). Sara also answered that several respondents had filled in the word "anonymous" in the name and address fields of the questionnaire. We also had a customer print the questionnaire and drop it at our office without filling in their name.
 - Roel Uleners asked about several funding options and whether the District was pursuing them. Ana answered that the USDA Water and Water Disposal Loan and Grant program is not suitable for CWD because our median income is too high. We are pursuing the

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Water and Wastewater Technical Grant from Biz Oregon for an ASR feasibility study. The Emergency Funding for Small Water Systems is being pursued to possibly help with the erosion at our Larch Mountain reservoir.

- Char asked about the Larch Mountain reservoir overflow and what was being done to prevent Alder Meadow Rd from being washed away. Ana answered that we have replaced the level transducer and purchased a backup, installed a sump pump in the manhole where the drain is located, and we are performing visual inspections weekly. We are looking into stabilizing the slope, and are keeping the reservoir at half capacity to reduce the weight on the slope.
- We have formed an after-action committee about the storm. There are two board members and two staff on the committee. We're studying the answers to our storm questionnaire, and trying to update our Emergency Response Plan. Ana will reach out to everyone who offered to help in future emergencies and with Multnomah County Office of Emergency Management.
- We are beginning work on the budget, and hope to find money to hire temporary field workers for the summer. We'd like them to help with infrastructure maintenance. We also hope that we can train them to be certified flaggers, which would save us a considerable amount of money.
- Utility crew Alivia Pence and Steve Young are working very well with our power mole, which is a piece of equipment that we haven't used in a long time. It bores under the road, and they have been using it to repair service lines. They did a fantastic job, and we appreciate that they are curious and love to learn new skills.
- Ana and Alivia went to our South Fork intake and did some experiments with how much flow we could get from that intake. They discovered that, at maximum, South Fork flows at about 800 gallons per minute.
- Lauri Aunan submitted our application for the System Optimization Review grant. Ana is using some of the gathered information to make estimates in the budgeting process.
- Ana, Alivia and David Jacob are all attending the Oregon Association of Water Utilities conference. They hope to learn a lot and to meet other local water utility workers. Steve will be holding down the fort.

8. Customer # 8072-00 Leak Adjustment – The customer said that she had a leak adjustment request in March 2023 for a burst pipe. In late December, the customer discovered another leak in the service line that is about 200 feet above her on her neighbor's property. The leak was running for about four days while the plumber looked for and repaired the leak. Kelly Piper said that our policy is to give one leak adjustment every two years, so this customer didn't qualify. The customer knew this, but wanted to plead her case for an exception. Ana said that the policy also says that customers need to replace their whole water line after the second leak adjustment. However, this customer has a very long water line that goes through her neighbor's property, and that is because CWD doesn't have a main line down Lucas Rd. This saved money at the time of installation, but this means that this customer is responsible for a very long line. The customer didn't feel that she could turn off the water during the leak because the meter box has shifted and it is very difficult to turn the curb stop. It also would have been further displacing the meter box that houses both her meter and her neighbor's meter. Sara asked if the customer could have filled a bathtub to allow her to have the water turned off. The customer said that there are several people living in the house, so that wouldn't have been practical. Dan Graff said that he believes we should do a leak adjustment in this case because CWD put the meter in a difficult spot and ran lines across private property rather than improving the system with a main line down Lucas Rd. Also because CWD advised the customer to use our meter curb stop to turn the water on and off. Sara reminded the Board that they decided a short while ago to tighten the leak adjustment policy. Kelly said that she is inclined to support a leak adjustment in this case because of the amount of the leak adjustment, which would be around \$330, because of the length of the customer lines in the area, and

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the fact that the customer's line crosses a neighbor's property. Kelly moved to grant a leak adjustment in the amount of \$330 to the customer as a onetime courtesy. Angie Kimpo seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*)

9. Customer # 6185-01 Leak Adjustment – Customer noticed a leak last year, but they couldn't locate the leak. They hired leak detection companies, but they were unsuccessful in locating the leak. Finally, in October 2023, their bill increased so much that they decided to replace the whole line. A leak adjustment has been given, but it was based on recent usage. They are asking that the Board review the last 3 years of usage to give an additional leak adjustment. They are also asking for a late fee to be removed because they were late making the payment when the bill ballooned in October. Angie Kimpo asked the customer to clarify their summer usage, which increased dramatically during the period in question. The customer answered that they increased usage because of new crops and livestock, so if the leak started during that time, they didn't notice because they were expecting usage to increase. Kelly pointed out that the leak adjustment was calculated using the regular usage from the October/November period for the last three years. Heather McGivney clarified how the office leak adjustment was done by looking at the Sep/Oct and the Nov/Dec bills for 2022, 2021, 2020. This average doesn't include the summer months when they were watering crops. We also only automatically adjust two billing periods, per the policy. The customer now understood how the policy was applied, but requested that the late fee be removed. Angie Kimpo made a motion to remove the late fee of \$117, Michael Arion seconded. (*motion passed 5 yes votes: M. Arion, D. Graff, S. Grigsby, A. Kimpo, K. Piper; 0 no votes*)

OLD BUSINESS

1. Updated Budget Calendar – Heather explained that when she planned the budget calendar, she neglected to reserve the space needed for the Budget Committee meetings. One of the planned dates was already booked at our venue. The second Committee meeting will be changed to April 11, 2024. The second thing on the calendar that changed is a background date to remind us to file the approved budget with Multnomah County TSCC by April 18, 2024. Kelly asked if the Budget Committee had been informed of the changes, and Heather replied that they had not, but she would send an email directly. Heather also clarified if the Board wanted public comment to be allowed at both meetings, because public comment was only accepted at the second meeting last year. Kelly said she thought having public comment at the second meeting was sufficient.

NEW BUSINESS

1. Triangle Property on E. Historic Columbia River Hwy – Ana explained that CWD had been deeded a property in the 1930s, a triangle of land across from Crestview Lane. Ana was investigating the possibility of using the property to dump fill dirt from projects. However, when they went there, they discovered that the neighbors had made some improvements that went through our property. The neighbors claim to have an easement for a driveway. Volunteer Barbara Liles did research into the issue. She found a deed dating back to 1933. The owner sold the property to CWD for \$10, but with strings attached. The original owner put into the contract a condition that CWD must put the plot of land into use within 5 years, or it would revert to the original owner or their heirs. Barbara recommends doing an official title search, and then hire a property lawyer to establish a case of eminent domain. The Board thanked Barbara for her diligent research and hard work. Kelly asked if there was enough room on the property to do the task we want, and Ana answered that she stopped doing research when she learned about the ownership problem. Barbara added that she did some genealogical research and she believes that there are heirs to the original owner in the Corbett area. The driveway installed by the

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neighbor has been there for a long time, so even if they don't have an easement, they might make a case for eminent domain as well. Angie suggested that CWD do a title search. Ana pointed out that we are paying property taxes on the property. Sara said that she believes that if CWD has a use for the property, she thinks pursuing the matter is worth it.

2. Treatment Plant Update – Ana said that we have been looking into alternate ways to purchase sand for our slow sand filter ponds. The sand needs to be NSF certified, and there is currently only one vendor who sells NSF sand in the state. Since spring of 2023, David has been seeking a variance from the Oregon Health Authority to conduct his own testing on comparable sand to ensure that sand is NSF. The OHA finally notified David that he has been granted the variance. David presented a proposal to build a testing facility to have local labs perform the chemical tests on the sand. However, the testing trailer and the equipment are expensive, and David is proposing that we hire him to build and equip the trailer, perform the tests, and he would waive his labor fees. He would then own the trailer and be able to use it for other Districts in similar situations. Kelly asked if David anticipates if the tests will be successful? David responded affirmatively. OHA used to give exceptions to water districts because there was no NSF certified dealer in Oregon, but then a company decided to get the certifications and now they have a monopoly. However the sand itself is fundamentally the same from other vendors, just without the certification. David believes that his process would be better because he can use CWD water for the tests, rather than generic water. Angie asked about the actual costs for NSF sand. She would like to know the comparable costs. She would also like to approach OHA for more clarification about what information they need. Dan said that other water districts are running into the same issue. He suggests that we contact those other districts to band together to share the costs. Ana has done research and she said that ultimately, OHA is not clear about what testing would be necessary to get approval to use alternate sand. David read from the email that he received from OHA that said the tests he's proposing would be adequate, but he also needs to guarantee the test results, chain of custody tracking, and contaminant free transportation. David believes that waiting for other water systems would cost valuable time. If he were to get approval, he could have his process up and running within one or two months, and we could be purchasing sand in the summer for fall installation. Michael Arion said that he remembers two budget cycles ago, we appropriated \$100,000 for purchasing sand, and the price ended up being \$200,000. Dan responded that involving other districts who are bigger would put pressure on OHA to accept this procedure. If there are other players in the game, he feels that we shouldn't have to foot 100% of the startup costs. David pointed out that a lot of the cost for sand is for transportation. So the closer our supplier, the cheaper it will be to get the sand to us. David and Ana agreed to get more information, and David will flesh out his proposal.

Ana said that we generally believe that we are unable to account for up to 50% of our treated water. We have been trying to determine the cause for several years. It could be leaks, a faulty flow meter at the treatment plant, or something else. Ana and David did a bucket test on the outlet meter because its readings have been suspicious when compared to the inlet meter that is upstream. They used this information to look at where other figures could be wrong. They found that one of the meters was not calibrated correctly, which resulted in an 11% difference. They also compared the treatment plant daily logs to the bimonthly meter reads. They concluded that, yes there are leaks in the system, but the flow meters have now been calibrated correctly, and as of January, their readings should be correct. Dan believes that more data needs to be gathered, potentially with more frequent reads. Ana said that we could also install meters at our reservoirs, or on some of our lines to measure flow on a more local/regional level within our system. However, it might be hard to isolate which locations are being supplied through which meters, and whether some of them are supplied through more than one.

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Community member Andrew Parker had a question about the contract that we had with Asterra to locate leaks with satellite imagery. He is running the scan for Portland Water Bureau, and he wonders how it worked for CWD? Ana responded that our results were mixed. They were able to identify several leaks, many on the customer side of the meter. However, the algorithm Asterra uses is normally compared to a GIS, and CWD doesn't have one. So they compared the image to our street grid (most of our main lines are along our streets). Thus our results weren't very accurate. Andrew replied that geographical features like hills also play a large factor in finding leaks. Angie said that our current effort to create a GIS will help with a future Asterra analysis.

3. Larch Mountain Reservoir Overflow – Ana said that during our January storm, a large amount of water was lost to overflow from our Larch Mountain reservoir. Victor Schmidt is the owner of the land around our reservoir. Victor said that reservoir one (now decommissioned) was built in the 1930s, and reservoir four (the current reservoir) was installed in the 1970s. The current reservoir has overflowed down a slope and into a ravine. There have been several washout events that have eroded the slope leading down to the ravine. There was some fill dirt that was placed by ODOT from a building project, but most of that has been washed away. There has never been an engineered solution for dissipating the energy from a high volume overflow, so the slope erosion has gotten worse. There are two solutions to stabilizing the slope, a temporary solution that involves building a rock wall, and a more permanent solution that involves stabilizing the slope. He would prefer the permanent solution to create a stable slope. Ana said that she found two engineers who live in our district to look at the problem: Andre Mare, and David Gorman. Andre knows about soil erosion: reconstructing where soil used to be before an event, and predicting where soil will go in the future. Ana has asked him to prepare a bid for a few different options to stabilize the slope. However, one of the complications is that the reservoir land belongs to CWD, but the slope does not. Landowner Victor would have to put in an insurance claim to get payment to help him restore the land. He has also offered to do a land swap, where we give up our reservoir plot, remove reservoir four, leave reservoir one, and build a new reservoir on a different plot of his land. Ana believes that this is an opportunity because we might be able to claim some FEMA money because of the nature of the storm damage. Andre spoke and expressed gratitude for the history that Victor provided. He will study maps and the land in the next few weeks to make a plan to move forward. His initial impression is that the situation is serious, but not dire. Ana thanked Victor for being so flexible and supportive during this situation. Angie thanked David Gorman for his assistance with preparing a FEMA estimate. Ana offered to send out more information to the Board, including a slope analysis that David put together.

4. Apology for Interruption During 2/20/24 Zoom Meeting, and Next Steps – Heather expressed regret on behalf of the District for the disruptions to our Zoom meeting on February 20, 2024. She said that she didn't know how to effectively deal with the disruptions, and knows that many people in attendance were offended and hurt by the images and language that the disrupters used. She then presented several options to increase security and prevent Zoom-bombing. There is the option to purchase a webinar plan, which offers much more vigorous security measures. However, it would involve an increased expense of about \$540. Heather has implemented some security settings like: not allowing participants to join the meeting before the host, the participants are muted and without video or profile pictures when they join the meeting, participants cannot rename themselves, participants can only chat with the host (which caused objections during this meeting) and removed participants cannot rejoin the meeting. Other security settings involve changing our meeting ID to unique links, making participants pre-register or email the clerk for the meeting link, we can enable the waiting room to let the host admit participants one by one, and finally we can start meetings with certain participant

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activities disabled. They might be that participants are unable to unmute or turn on their video. We could ask them to raise their hand to make a comment or ask questions. Then they would be allowed to unmute and start their video. However, we cannot force someone to start their video, so anonymity could be maintained with a pseudonym and keeping video off. The final and most effective deterrent for a disruption is to remove the person and suspend participant activity. Suspending participant activity would make it so that everyone is muted with their video turned off and unable to restart either on their own. It also locks the meeting to prevent new attendees from joining. Angie wants participants to register before each meeting. This would provide an extra level of security, but it would also give us their contact information if we needed it. Ana said that she didn't like that a participant could use a pseudonym and keep their video off during public comments. Kelly agrees with the preventative settings that have been put in place, having participants only chat the host is fine, and she thinks pre-registration might cause more work, but it is reasonable. Heather asked if the Board would like the participants to be able to unmute themselves, and turn on video or profile pictures. Kelly thought that this was probably ok, now that we know how to remove someone and keep them from rejoining the meeting. They concluded that these settings are a work in progress, and we'll re-address the problem if it becomes necessary.

5. Update on Communications – Ana Linden explained that we are going to try to be intentional in the emergency preparedness committee about the frequency and forms of communication during future emergencies. We'll be reporting back on this issue in the future.

6. Proposal for Rate Hearing on March 14, 2024 – Ana Linden said that last year the Board asked us to look at the rate and fees every year to monitor if changes are needed. They asked that we do this in sync with the budget cycle. The notices went out to customers with their February bills. The two main things that Ana wants to consider are tying rates to inflation, and the cross connection control program. She has reviewed the law, and would like to update our cross connection control program going into the new fiscal year. She will present more on these ideas at the Rate Hearing.

ITEMS NOT ON THE AGENDA – None

SUGGESTIONS FOR FUTURE AGENDA ITEMS – None

ADJOURNMENT OF MEETING – Kelly Piper made a motion to adjourn the meeting at 9:10pm. Sara Grigsby seconded. (*motion passed 4 yes votes: M. Arion, D. Graff, S. Grigsby, K. Piper; 0 no votes*)

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