

**WEST SLOPE WATER DISTRICT**

**Regular Board of Commissioners Meeting**

**October 20, 2021**

**Meeting Summary**

**CALL TO ORDER**

Present on Virtual Meeting: Chair Andy Smith, Commissioners Ramesh Krishnamurthy, Susan Meamber, Paul Schuler, and Carol Wild

Management Staff: Michael Grimm, General Manager

Absent: Lucy Dawes, District Finance & Customer Service Manager

Public: None

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**1.0 – CALL TO ORDER & ADMINISTRATION OF OATH OF OFFICE**

Chair Smith called to order the regular meeting of the West Slope Water District Board of Commissioners at 5:03 P.M., Wednesday, October 20, 2021. The meeting was held through Zoom remote teleconferencing technology. The public was made aware of the meeting through the District’s website (the meeting agenda and Zoom meeting link were posted on the website).

**2.0 - PUBLIC COMMENTS/COMMUNICATIONS**

No public comments were received by District staff.

**3.0 – CONSENT AGENDA**

Chair Smith inquired about the retirement bonus paid to Bart Johnson and asked if the retirement bonus is standard practice for the District. Mr. Grimm stated the bonus is part of the District’s Employee Handbook. The Length of Service Cash Incentive was approved by the Board as an employee benefit for years of service to the District. A \$50 bonus is paid to an employee after their five-year anniversary with the District, and the amount is increased by \$50 for each subsequent five-year anniversary culminating with a \$300 bonus at 30 years of service. Upon the retirement, the policy provides a final \$500 bonus to the employee. Commissioner Schuler made a motion to approve the Consent Agenda consisting of Agenda Items 3.1 through 3.8. Commissioner Krishnamurthy seconded the motion, and the motion passed unanimously.

**4.0 – DISTRICT ACTIVITIES**

**4.1 – General Managers Report**

Mr. Grimm stated the AKS Engineering is continuing to work on the 90% plans for the Beaverton Hillsdale Hwy water main project. AKS is still waiting for ODOT approval for permits, construction window, and other design elements. The Portland Water Bureau will be granted permission from the City to contract with FCS to complete a new water rate model under Phase

3 of the wholesale water sales agreement project. Tom Hickman, Tualatin Valley Water District (TVWD) CEO, and Mr. Grimm have been meeting to discuss issues of common interests to both Districts and believe the next step would be to include one commissioner from each District and TVWD's legal counsel to confirm a discussion topic list that can be presented to the full Board from each District prior to joint meeting of both Boards together. Mr. Grimm suggested to the Board that Commissioner Schuler represent West Slope at the first meeting based on his expressed interest of this subject in previous Board meetings. Commissioner Krishnamurthy stated he supported Commissioner Schuler representing West Slope, but also asked if joint meetings of elected officials from two different Districts are common. Mr. Grimm stated two full boards meeting together is not common, but it does occur when there is a specific strategic issue to resolve. Commissioner Schuler agreed, and Commissioner Wild stated that staff interacts on a regular basis in various capacities like the Regional Water Providers Consortium. Commissioner Krishnamurthy asked if this joint board meeting would be the first of many on-going meetings or would this be a "one-off" kind of meeting. Mr. Grimm stated for the time being, the joint board meeting would focus on possibly 5-10 strategic issues of interest, and joint board meetings would continue as long as the strategic discussion was taking place. Commissioner Wild asked if the working list of strategic issues could be currently shared with the rest of the Board. Mr. Grimm responded that since several of the issues will be discussed in executive session, the process that needs to take place is for the legal counsels of both Districts to share the list of strategic issues and have each District's legal counsel reveal and review that list with their respective board in executive session. Commissioner Krishnamurthy commented it would be helpful if there were a back-up representative for Commissioner Schuler. Chair Smith stated he recognized the need for the executive sessions, and his desire is for West Slope to be able to discuss and arrive at positions and/or opinions for each issue in a West Slope executive session before getting together with the TVWD Board in a joint executive session. Mr. Grimm agreed the process would follow the path identified by Chair Smith, and the need for a legal counsel representative at the initial meeting of the two general managers and two elected officials is primarily to ensure proper adherence to state rules governing executive sessions. Commissioner Schuler added that he alone would not be making any decisions for the Board other than establishing an agenda for a discussion by both boards. The consensus of the Board was to have Commissioner Schuler represent the District in a meeting with TVWD.

#### 4.2 – District's Covid-19 Response

Commissioner Schuler asked what the District's vaccination rate was, and Mr. Grimm responded the District's vaccination rate is believed to be 66.7%. Commissioner Wild stated her uncomfortableness with what was provided in the agenda item and was hoping to review options in a mandated vaccination policy and understand what kinds of education information have been provided to staff and encouragement given to unvaccinated staff to get vaccinated. Commissioner Wild hoped the Board would table this issue and not make any decision at this meeting on a mandated vaccination policy. Commissioner Krishnamurthy agreed and thought it would be wise to review a spectrum of options before a mandated policy is approved. Commissioner Schuler also agreed stating the goals are to keep people/employees safe, keep the utility open and moving, and minimize health care and insurance costs to the District. Commissioner Meamber claimed she understood the difficult position the District and the General Manager would be in if the District were to implement a mandatory vaccination policy for six employees. Commissioner Meamber continued saying she believed the vaccination information presented for the City of Portland to be inaccurate claiming many people chose vaccination over exemptions or non-compliance when the mandatory policy was implemented with no adverse employee backlash. Commissioner Meamber believes the Delta variant will not go away and expects people will be getting booster vaccinations for many years to come. Chair Smith agreed with the other four commissioners, expressed concerns with the angle of the

agenda item and the way it was written as a persuasive document not an informative document. Commissioner Wild made a motion to table this agenda item as presented. Commissioner Schuler seconded the motion, and the motion passed unanimously (Note: Discussion of this Agenda Item moved on to Agenda Item 5.2 below).

#### **5.0 – COMMISSIONERS COMMUNICATIONS**

Item 5.2 – Other Topics Raised by the Board: Chair Smith stated the three options he wanted to see presented in November are 1) a vaccination or test option, 2) a vaccination or exemption option, and 3) a hybrid option that includes both options 1) and 2). Chair Smith further stated he hoped the same level of effort would be given to identify benefits and costs in the next agenda item as was given in this month's Agenda Item 4.2. Chair Smith left the meeting to address a personal issue, and Commissioner Schuler chaired the meeting at this point. Commissioner Wild expressed her desire to have include "accommodations" in a policy instead of the term "exemptions" and would also like to see the District use the word "requirement" instead of "mandate" in any future District policy to minimize any further political angst. Commissioner Wild stated she read in the meeting summary for TVWD's recent meeting the estimated cost of Covid-19 testing was \$200/test and believed TVWD would be required to pay for the cost of the test. Mr. Grimm added that in addition to the cost of the testing, TVWD is obligated to pay for the employee's time away from work to get tested if the testing is done during the TVWD's normal business hours. Commissioner Krishnamurthy stated he hoped a decision could be made by the District's next meeting instead of being tabled for another month. Commissioner Wild asked if the next Board packet could be sent out earlier than normal so the Board could better review the options. Mr. Grimm stated since the November meeting comes early in the month and there is a holiday (Veteran's Day) around the typical distribution day for Board packets, it could be difficult to get the packet out earlier than normal, but staff will make an effort to meet that desire.

Commissioner Krishnamurthy asked the Board if the District Board should be following the model of cities and Metro where elected officials should oversee the District's daily business operations in terms of finance, engineering, customer service, and administrative leadership (that is, have a Commissioner assigned to each branch of the District's business groups). Chair Smith stated each form of government has its own processes by which it governs and believes the District would be overstepping its statutory authority as a special district if it were to appoint Commissioners to offer direct oversight to District business groups. The process of being policy makers, being overseers of the General Manager, and fiduciary overseers of the District's budget is within the statutory authority for Districts provided by the State. Commissioner Krishnamurthy asked if he could work with the General Manager to attend the Board member training through Special District Associations of Oregon (SDAO), and Mr. Grimm stated he would keep all Board members informed of future training events from SDAO.

Chair Smith asked Mr. Grimm to share any comments he wanted to make regarding Agenda Item 4.2. Mr. Grimm stated the agenda item was difficult to present given the dynamic nature of issue, the accuracy of information on the topic from all sources, the statements by federal, state and local governments regarding mandated goals and future rulemaking, and the input from other water utilities in the Portland metro region. Currently, OSHA and OR-OSHA are no closer to a rule to comply with than in September. Mr. Grimm reminded the Board they had asked for information on what other utilities were doing to comply and what information SDAO was providing to utilities, and that information was researched and shared in Agenda Item 4.2. The Board asked about the views of staff on this issue, and that information was extensively gathered in a safe, equitable, and respectful manner without judgment or comment, and that information was provided in Agenda Item 4.2 as well. Mr. Grimm disagreed with comments

made in this meeting that Agenda Item 4.2 was written to persuade and not inform the Board and pointed to the Action Requested on Agenda Item 4.2 to simply not make a decision on any mandatory vaccination policy at this time pending the availability of more information at future date, and that is the motion that was passed by the Board (tabling the decision) earlier at this meeting. The action requested was not to implement or not implement a policy. Those utilities that have created a mandatory vaccination policy have largely done so to address stressful confrontations and issues between vaccinated and unvaccinated employees returning to the work place after remote working since March 2020. That issue does not exist among/between District employees. District employees returned to full on-site work June 2020 and have not developed such issues since the vaccinations have been available. The unanimous opinion of District staff viewed a forced vaccination policy to be more troubling than the virus itself not from a lack of education or information (Staff's unanimous opinion was they have received more than sufficient information through the District and through their own research to make their own informed choice) but from being stripped of the opportunity to make a personal health choice in the absence of a federal, state or local rule requiring compliance with a vaccine. Such a policy could create animosity not among District employees but between staff and the Board. Mr. Grimm stated he is caught between honoring the wishes of the Board and doing what is right by District employees by honoring the health and well-being of each employee. Mr. Grimm and the management team have invested time and energy developing a healthy and unified employee culture to provide safe drinking water to West Slope customers, and he does not want to see that culture eroded and ultimately destroyed. Mr. Grimm stated he is also equally committed to serving the Board as customers of the District doing what is best in the long run for the District. Despite the content of Agenda Item 4.2 not being what each Commissioner was expecting, Mr. Grimm stated the content represented accurate information and views of the issue Mr. Grimm believed are important for the Board to consider before acting on a mandatory vaccination policy. Mr. Grimm thanked the Board for refraining from considering a policy at this time. Chair Smith stated the Board understands and respects the difficult position in which this issue puts the General Manager and furthermore has full confidence the General Manager can lead the District through this change. Chair Smith believes this is an issue that most employees will have to comply with in Oregon is a minimum qualification for employment with West Slope. Chair Smith shared the organizational experience from the City of Hillsboro and its achievement of a higher vaccination rate. Commissioner Wild shared there is value in the General Manager investigating the experiences of other utilities where there was initial resentment of a mandatory vaccination policy but resulted in employees complying with the policy through vaccinations or exemptions without a loss of staff. Mr. Grimm stated that he has spent considerable time inquiring of other entities regarding mandatory vaccination policies. And while employees have not left organizations in protest over these policies, managers from those entities confirmed the animosity remains not openly but under the surface, and are aware employees are likely to begin searching for work at other utilities. Commissioner Krishnamurthy believes the Board will soon need to make a decision based on what is best for the District.

Item 5.1 – Commissioner Meetings Attended: Commissioner Schuler attended the SDAO Board member training and WEFTEC during the last month. Commissioner Wild attended the Regional Water Providers Consortium Board meeting last month discussing the Consortium's strategic plan and upcoming budget.

Item 5.3 – Items for Future Meetings: Chair Smith suggested future agenda items should include an update on the District's Strategic Plan, and also encouraged other Commissioners to present their ideas to the full Board through an email to all plus the General Manager without replying to all in the email. Mr. Grimm advised the Board to use the Agenda Item 5.3 to discuss future meeting agenda items rather than broad email strings citing the benefit of doing District

business in open public meetings. Chair Smith stated the consideration was not to discuss agenda items in emails but rather the opportunity for individual Commissioners to request agenda items directly to the General Manager and the Board Chair. Mr. Grimm agreed it is in keeping with public meeting laws to have conversations with the General Manager about future board meeting agenda items. Commissioners Wild and Krishnamurthy stated the Board has a responsibility to District customers to address and discuss agenda items in a timely fashion.

Item 5.4 – Meeting Evaluation: Commissioner Schuler appreciated the new concepts and ideas shared by Commissioner Krishnamurthy and the difficult tasks and efforts undertaken by Mr. Grimm to listen to and work with staff on these issues. Commissioner Wild thanked Mr. Grimm for the time and effort put into Agenda Item 4.2 and stated she did not particularly envy his position. Chair Smith agreed and appreciated the work and leadership of the General Manager, and the open discussion atmosphere of this Board to discuss difficult issues. The Board’s consensus was this meeting went well through all agenda items.

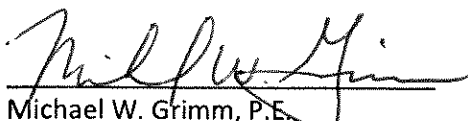
The Board left the regular session at 6:38 PM. At 6:40 PM, the Board entered into Executive Session to discuss the performance appraisal process of the General Manager. The Board concluded the Executive Session at 7:12 PM and entered back into regular session. Chair Smith needed to leave the meeting, and Commissioner Schuler became the acting chair of the meeting. Following the Executive Session, consensus of the Board was to investigate hiring an outside consultant to conduct a performance appraisal process for the General Manager. Commissioner Wild volunteered to conduct the initial investigation and return to the Board with her findings in November.

#### 6.0 - ADJOURNMENT

There being no further business to discuss, Commissioner Wild moved to adjourn the meeting. Commissioner Meamber seconded the motion, and the motion was approved unanimously. Chair Smith returned to the meeting and adjourned the October 20, 2021 Regular Board of Commissioners meeting at 7:15 PM.

Respectfully Submitted,

Approved:

  
Michael W. Grimm, P.E.  
Acting Secretary

