

WEST SLOPE WATER DISTRICT

Regular Board of Commissioners Meeting

November 17, 2021

Meeting Summary

CALL TO ORDER

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

Management Staff: Michael Grimm, General Manager; Lucy Dawes, District Finance & Customer Service Manager; Daniel Gridinar, Operations Manager

Absent: Commissioner Ramesh Krishnamurthy

Public: Bob Lieberman and Tracy Schiffman, 7115 SW Canyon Lane, Portland; Quinton Anderson, District employee

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 5:04 P.M., Wednesday, November 17, 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

Bob Lieberman wished to comment on Agenda Item 4.2 regarding the District’s Leak Adjustment Policy and his own appeal to the Board. Mr. Lieberman provided a brief history of the water leaks he has had (included in detail as Attachment 4.2.1 in the Board packet). The first break in his irrigation system was visible and easily addressed to minimize the loss of water. Months later, the irrigation system experienced another break, but this break was not easily observable and the water leaking from the system was not noticed for some time until other routine work on the system was performed. Because the volume lost in the second break was much greater than the first, the water bill associated with the second break was higher as well. A leak adjustment was requested and granted for the first leak, but the second leak occurred within the policy’s limit of 24 months before another adjustment can be granted. Mr. Lieberman appealed to the Board to either rescind the first request and the amount of the adjustment awarded and the allow him to request a new leak adjustment either for just the second leak or the total of both leaks (Note: Commissioner Wild joined the meeting at this point). Chair Smith asked the Board to consider Agenda Item 4.2 at this point in the meeting to provide Mr. Lieberman and Ms. Schiffman a timely decision, and the Board agreed. Ms. Dawes stated the history of the leaks and the actions taken by the District were included in the Board packet as Attachment 4.2.1 as well as the current leak adjustment policy approved by the Board January

2020. The policy states a customer may request a leak adjustment once in a rolling 24-month period. A leak adjustment for \$36.52 was requested and granted in May 2021, but the policy prevents staff from awarding the second leak adjustment from September 2021 calculated at \$120.33 because it is within the 24-month period from the last adjustment granted. Ms. Dawes pointed out the policy allows for District customers to appeal the policy requirements to the Board as Mr. Lieberman is doing today. Commissioner Wild & Commissioner Meamber expressed sympathy over Mr. Lieberman's frustrating situation. Commissioner Wild stated she would be in favor of awarding the difference between the two leaks. Commissioner Meamber stated it would be difficult to depart from the District's policy to award both leak adjustment requests, but would support Commissioner Wild's suggestion. Commissioner Schuler supported awarding the second adjustment. Ms. Tracy Schiffman commented she and her husband have expended a lot of capital installing a new service line to the house, new indoor plumbing, and a new irrigation system so there should be no more water leaks from their home. Chair Smith stated the Board's consensus seems to be to award the second leak adjustment to Mr. Lieberman and Ms. Schiffman, and he thanked them for bringing their situation to the Board's attention. Commissioner Wild made a motion to reimburse the customer for the maximum amount under the policy for the second (September) leak adjustment request less the amount already awarded in the first (May) leak adjustment request. The motion was seconded by Commissioner Schuler and passed unanimously. Ms. Dawes stated the credit will be posted to their account the next day, and Mr. Lieberman and Ms. Schiffman thanked Ms. Dawes for her help.

3.0 – CONSENT AGENDA

Commissioner Wild asked to discuss Agenda Item 3.1 Meeting Summary. Commissioner Wild stated the tone of the comments in the meeting were not completely captured in the meeting summary pointing to comments made by Commissioner Meamber about the City of Portland's mandatory vaccination policy and response. Commissioner Wild added her read of the summary was the Board was satisfied with the material presented in last month's agenda on a District mandatory vaccination policy and she cited the Board's frustration over not getting the information requested in September at the October meeting but did not want to review the summary word by word. Chair Smith agreed the summary did not seem to reflect the frustration of the Board not receiving the agenda item information they expected. Commissioner Meamber commented that although she did not recall her exact statements, she believed that when she reviewed the summary it reflected what she had said in the meeting. Commissioner Schuler stated some of the confusion could stem from the discussion on the mandate taking place in more than one agenda item. Commissioner Schuler made a motion to accept Agenda Item 3.1. Commissioner Meamber seconded the motion, and the motion passed unanimously. Commissioner Schuler made a motion to approve the Consent Agenda Items consisting of Agenda Items 3.2 through 3.8. Commissioner Meamber seconded the motion, and the motion passed unanimously.

4.0 – DISTRICT ACTIVITIES

4.2 – Leak Adjustment Request - Discussion of this agenda took place earlier in the meeting under Agenda Item 2.0 – Public Comments.

4.3 – Vaccination Policy Mandate – Proposed Concepts

Because Commissioner Schuler needed to leave at 6 PM, Agenda Item 4.3 was moved up in the order of discussion by Chair Smith. Mr. Grimm also pointed out District employees Daniel Gridinar and Quinton Anderson were in attendance. Mr. Anderson stated he was interested in hearing what the Board was thinking on this topic. Chair Smith pointed out there are several options presented in the Board packet regarding employee protection from Covid. Mr. Grimm

briefly reviewed the mandatory policy options listed in Attachment 4.3.1 which were organized by option and included the benefit, relative cost, and potential consequences or risks of each option. Chair Smith stated he did not believe a mandatory vaccination policy could be implemented without an exemption process. Commissioner Schuler noted the federal court system has suspended the OSHA Emergency Temporary Standard. Mr. Grimm acknowledged Commissioner Schuler and added the comments from SDAO and HR Answers advising utility members to refrain from making any changes to existing policies until it is known what the courts rule and what emerges from OSHA (and ultimately OR-OSHA) that would apply to small utilities like West Slope. Mr. Grimm also shared the status of other utilities who have implemented a vaccination policy and are experiencing several unintended consequences such as paying for the high cost of Covid testing, problems with employee equity (for example, THPRD's comments about creating a "third class of employees"), and workforce separation. Chair Smith stated there is considerable legal ambiguity about the role of federal rules in a state where OR-OSHA can establish its own rules and what if any impact a federal court striking down the OSHA ETS has on Oregon. Commissioner Meamber asked what measures were currently in place to protect the District and also inquired if any of the other entities Mr. Grimm dialogued with mentioned the issue of lost employee work time from Covid. Mr. Grimm stated the District has asked the public entering the office to wear masks or face coverings. There is a large plexiglass shield at the front office counter where the public does business with the District. Since the start of Covid, though, there are far fewer walk-up customers than pre-pandemic. District employees continue to wear masks and maintain safe distances, and field staff continue to adhere to one person per vehicle in most circumstances. Mr. Grimm stated that he has learned the time away from work for employees to get a weekly Covid test could be 1-3 hours depending on the length of time to get to & from the testing site and the amount of wait time to complete the testing process, but none of the other entities have had any noticeable loss of employee work time due to employee illnesses with Covid, and no entity has reported any business model impact from employees being sick with Covid. Commissioner Meamber shared she understands the Portland Water Bureau's meter reading group has been losing staff due to Covid illness until the mandatory policy went in place. Commissioner Schuler stated he doesn't think the virus is going away anytime soon and does not think the District should implement a mandate though the District should continue to practice the known safety measures. Commissioner Schuler commented his own company is facing the same issues and hopes that the pending legal challenges will work their way out over the next several months. Commissioner Schuler stressed the importance of remaining vigilant and "not letting down our guard" regarding Covid. Mr. Grimm stressed the District's staff clearly desires to stay healthy and will certainly continue to act and conduct business appropriately but can also increase protection through the use of KN95 masks for unvaccinated employees. Commissioner Wild mentioned the importance of protecting the District from infections from outside as well as infections from the District back to the outside world (customers and employee families). Commissioner Wild wondered if the District has any liability if someone could claim they developed Covid as a result of interacting with someone at the District.

Note: At this point, Commissioner Schuler left the meeting leaving a quorum of three District Commissioners.

Commissioner Meamber stated her belief is that vaccines are the best weapon against the virus but admits she has become more ambivalent about a mandatory vaccine policy and the disruption it may cause, and as Commissioner Schuler shared, wondered if there is a way to let staff continue to work with District employees to encourage vaccination and be as safe as possible short of a mandatory policy. Mr. Grimm stated he has had group discussions and safe, individual conversations with each staff member and reports that no staff member is against the

vaccination process and its effectiveness, but rather the disagreement stems from the mandatory policy aspect of the issue. It seems this viewpoint is not unique to West Slope but rather is being experienced among many entities both public and private. Mr. Grimm commented the difficulty he would have promoting implementation of a policy that may not recognize the strong-held beliefs of all staff in regards to their own health when the District's strategic plan states we are to be equitable, respectful, and courteous to employees and customers alike. Chair Smith shared his philosophy that the District is a public entity working in the middle of a large pandemic where many have died with the virus, and vaccinating a large percentage of the population is the best way to protect the public. Chair Smith noted the challenges and issues associated with Covid, vaccines, and mandates, and he further commented that he knows of several individuals who have worked in Washington County who have died with Covid and hopes that it does not take individuals having to see the inside of hospital ERs for them to understand the importance of vaccines and achieve a 100% vaccination rate. Chair Smith stated the District should be aware of the greater good to be responsible public servants in this pandemic, and stated he believes it is unlikely the District will be mandated from the outside to adopt a mandatory vaccination policy so the burden for such a policy rests on the District itself to adopt a policy. Chair Smith believes the District needs a policy and needs to discuss timelines to achieve the goals and outcomes of a mandatory policy, and further commented that he hoped the District could see past their own viewpoints to visualize the greater good achieved by a mandatory policy. With the remaining time at this meeting, Chair Smith called for the Board to decide what a policy should look like from the options that were on the table for discussion. Commissioner Wild recognized the Board's quorum but was frustrated the current discussion is taking place missing two members of the Board. Commissioner Wild supports the use of KN95 masks by staff as well as temperature checks when appropriate as well as the potential use of an oximeter. Commissioner Meamber wondered whether it was possible to skip the mandate part and go straight to measures such as all unvaccinated employees would wear a KN95 mask when on the job because even Portland's experience has been those who didn't receive a vaccination and stayed with the City were granted an exemption and then required to wear the KN95 mask. Chair Smith supports the use of KN95 masks for unvaccinated employees more as an accommodation to the vaccination mandate and supports a policy for public employees stating public employees are many, many times more likely to contract and spread the virus. Chair Smith also agrees it is difficult to make a decision on a mandatory policy with only three of five Commissioners and is in favor of bringing this issue back for Board discussion in December. Commissioner Wild asked if the Board should take actions on component issues now or just table the entire discussion until the December meeting, and Chair Smith stated he believed the entire agenda item should be tabled though any measure the General Manager could implement at this time without a mandatory policy should be pursued. Commissioner Wild made a motion to table further discussion of a mandatory policy until the December meeting. Commissioner Meamber seconded the motion, and the motion passed unanimously.

4.4 – District Strategic Plan – Status Update

Mr. Grimm reviewed a brief summary of the District's Strategic Plan's goals and associated strategies as provided in the text of Agenda 4.4 and highlighted a few key strategies under each goal. Chair Smith asked about distinguishing between specific actions and an actual plan to ensure proper succession. Mr. Grimm stated that for a small utility like West Slope, the specific series of actions become the actual plan. The process of on-boarding the new Operations Manager has involved on-going conversations about mutually agreed upon projects and goals. There will be more tasks involved with the succession process for the Finance Manager position. Ms. Dawes stated she has begun to create informational documents providing reference details for information in the annual financial report as well as background information on the websites

& passwords used for accounting, billing, benefits, and reporting tasks for example. Getting the new person validated with all the District's service providers is going to be a complex job. So, a plan exists though it may not seem very formal. Chair Smith asked if metrics can be added to the Strategic Plan's goals and strategies so progress with both can be measured. Mr. Grimm commented the strategies in the plan lack actionable items as stated, but as the Board can see from this agenda item how the tasks the District is pursuing now and planning in the future can fit into the plan. For example, Mr. Grimm cited a proposal to obtain engineering consultants to study the District's infrastructure "backbone" resiliency as a way of achieving resilient, reliable, and valuable service to the District. One of the historic goals of the Board has been to establish a long term water supply for the District, and the major strategy the District has been pursuing toward achieving that goal is the work to establish a new wholesale water sales agreement with the City of Portland. Chair Smith thanked Mr. Grimm for the explanation and asked what kind of training has been done for staff in terms of establishing an equity plan for the District. Mr. Grimm stated the District currently has no formal equity training for staff. Chair Smith stated the items listed in the summary that are currently being followed are good, but the District should be working to help all staff understand what equity to District customers looks like.

Note: Ms. Dawes left the meeting at this point.

4.1 – General Managers Report

Mr. Grimm reviewed the list of projects currently underway including an update on the wholesale water sales agreement work with the City of Portland and the FCS Group and the tasks to complete under Phase 3 of this project, an update on the Beaverton-Hillsdale Hwy water project including plans from the District's engineering consultant and concerns over supply chain issues, an update on a future meeting between the boards of Tualatin Valley WD and West Slope WD with an initial kick-off meeting involving both general managers and one commissioner from each board, an update on the recruitment process to fill the Budget Committee vacant positions, and an update on HB 3115 regarding the regulation of public property during a period of increased homelessness. Commissioner Wild asked which members of the Budget Committee remain, and Mr. Grimm stated both Nick DeMorgan and Michael Smith have unexpired terms who we hope will continue to serve on the committee. Commissioner Wild asked if the recruitment notice in the bill is sent in any other language besides English. Mr. Grimm replied it is not but public notices could be translated into Spanish by Washington County. Currently information from the Regional Water Providers Consortium is sent in multiple languages. Commissioner Wild stated it would be a good practice to include future notices in Spanish. Commissioner Meamber stated the multi-language notice is a good idea to be more equitable for District customers and asked if it were possible for the District to have translation services available to District customers for other publications by calling a number, and Mr. Grimm stated he could investigate such a service. Chair Smith thanked Mr. Grimm for moving forward on the recruitment process and agreed adding a Spanish translation increases the equitable and welcoming outreach to Spanish speaking and bi-lingual customers.

5.0 – COMMISSIONERS COMMUNICATIONS

No discussion of Commissioner communications

6.0 – EXECUTIVE SESSION

The Board left the regular session at 7:05 PM. At 7:05 PM, the Board entered into Executive Session to discuss the performance appraisal process of the General Manager. The Board concluded the Executive Session at 7:54 PM and entered back into regular session also at 7:54 PM. Commissioner Wild made a motion to direct the General Manager to contact Judy Clarke (from Team HR, LLC - consultant), provide a scope of work to the consultant to assist the Board

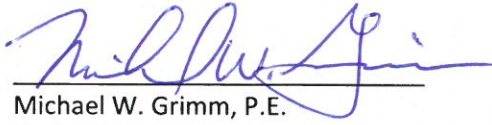
in conducting the General Manager's performance appraisal, furnish the consultant with the General Manager's current contract and interview questions from last year, invite the consultant to the December 15 Board of Commissioners meeting for an executive session with the Board and the General Manager, and negotiate a personal services contract with the consultant for a not-to-exceed amount of \$5,000. In addition, the General Manager is to compile a list of 2021 accomplishments as part of the performance appraisal process. Commissioner Meamber seconded the motion, and the motion passed unanimously.

7.0 - 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 adjourned the November 17, 2021 Regular Board of Commissioners meeting at 8:00 PM.

Respectfully Submitted,

Approved:



Michael W. Grimm, P.E.
Acting Secretary

