

REGULAR MEETING OF THE BOARD OF DIRECTORS

March 15, 2017

1:30 p.m.

The meeting was called to order by Chairman Nicholson with Jim Hickey, John Handler and Mike Sims present. Curt Lorenz was excused. Also present was Manager Bruce Halverson, Keri Scott and Janet Lease. There were no members of the public present.

MINUTES

Mike Sims made a motion to approve the minutes of the February 15, 2017 meeting as presented. The motion was seconded and passed unanimously.

FINANCIAL REPORT

John Handler made a motion to approve the financial report for the month ending January 31, 2017. The motion was seconded and passed unanimously.

UNFINISHED BUSINESS

There is no unfinished business at this time.

NEW BUSINESS

Resolution 2017-01: Recommending Restoring Recreational Immunity Rights

The Recreational Immunity Rights law was passed in 1995 which allowed public access to public and private property for recreational use without fear of lawsuits. There was an incident that occurred in one of Portland's parks where someone was injured due to a maintenance project where a hole was dug and apparently was not marked well enough. The person sued the City of Portland which was eventually brought before the Oregon Supreme Court who then adjusted the law to say an entity cannot be sued for any incident while on entity property, however, an employee or volunteer of the entity can be sued. If an employee or volunteer is sued due to an incident on an entity's property, ultimately, the entity will be supporting their employee or volunteer with legal and insurance coverage so the entity is actually brought into the lawsuit. Special Districts of Oregon is working on legislation to add a 'fix' to the law so employees and volunteers are also immune to lawsuits. At the annual conference, they recommended all public and private entities pass a resolution to support the restoration of the original intent of the law and to send a copy to the lobbyist for SDAO and to our state Senator and Representative. If restoring the original intent of the law does not happen most likely insurance liability premiums will be increased and public and private lands used for recreation will be closed. The NBWA has allowed bird watchers at the lagoons for years and it is listed with many organizations as a place to come and bird watch including the Audubon Society. Until there is restoration of the law, the bird watching gates are locked and the public is not allowed into the lagoons. Resolution 2017-01 is the suggestion resolution as presented by SDAO. Mike Sims suggested a uniform answer be

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NEW BUSINESS CONTINUED

Resolution 2017-01: Recommending Restoring Recreational Immunity Rights Continued developed for all employees and Board members to have available for people who contact us complaining about not being able to bird watch. The uniform answer will make sure everyone understands the reasoning and how they, the public, can get involved to restore the law.

John Handler made a motion adopting Resolution 2017-01: A Resolution of the Nehalem Bay Wastewater Agency Recommending Restoring Recreational Immunity Rights. The motion was seconded and passed unanimously.

Resolution 2017-02: Addendum to Resolution 2015-02: Miscellaneous Fees & Charges

Resolution 2015-02 list all the miscellaneous fees and charges for items like lab testing, RV dump station use, construction inspection fees, etc. There has been requests from customers over the last couple of years to allow payment by credit/debit card. The NBWA has researched options and now has in place now the ability for user fee customers to pay their using fee billing statements with a credit or debit card. The company is called Square and Square like all options available, charge a fee for it's use. A processing fee needs to be added to the current list of miscellaneous fees and charges resolution. The processing fee charged by Square depends on the amount and type of credit/card used i.e. by phone, sliding or with a chip card. A flat rate was decided on for the processing fee to make it consistent for everyone. A \$5.00 processing fee is the rate determined to work for all methods of credit or debit card payments. Resolution 2017-02 adds item 'z' to the current list of miscellaneous fees and charges for the processing fee of \$5.00 per transaction for user fee payments only. Mike Sims made a motion to adopt Resolution 2017-02: Addendum to Resolution 2015-02: Miscellaneous Fees & Charges. The motion was seconded and passed unanimously.

Resolution 2017-03: Safe Deposit Box Authorization

The NBWA has a safe deposit box at the bank which holds all vehicle titles, back-up computer disks and items that need to be kept secure and off-site. Authorization to access the safe deposit box needs to be updated as the only person left on the authorization is Janet Lease. The other names on the list have all retired. Resolution 2017-03 will delete the retired people and add the Bruce Halverson (Manager) and Keri Scott (Office Tech) to the list of people authorized to access the safe deposit box. Mike Sims made a motion to adopt Resolution 2017-03: Safe Deposit Box Authorization. The motion was seconded and passed unanimously.

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NEW BUSINESS CONTINUED

Board Meeting Time Discussion

Manager Halverson noted there have been a few meetings of late that the time of 7:00 pm was changed to day time due to scheduling conflicts and wanted the Board to discuss whether changing the Board meetings to a day time instead of 7:00 p.m. might be in order. The day would not change, it will remain the 3rd Wednesday of every month. Chairman Nicholson recommended keeping the time at 7:00 p.m. as the public is aware of our normal meeting time and it might be difficult for people to attend during the day. After a discussion, the consensus was to continue to have the Board meetings scheduled at 7:00 p.m. and adjust the time if a conflict or a request arises to change the time. Jim Hickey requested the regular meeting to be held on April 19, 2017 be held at 1:30 p.m. due to a scheduling conflict. Schedules were checked and all Board members present agreed with the 1:30 p.m. time for the April 19, 2017 meeting.

MANAGER'S REPORT

Projects Update

Manager Halverson updated the Board on the following projects:

Administration Building Force Main Project: The project is basically completed. Emery & Sons will be back later in the spring to pave, replace landscaping and sidewalks. The project went very well with minimal complaints from the public with the road closures that were needed. Our main concern was the continuing operation of the Nehalem Food Mart. Communication was kept up between Emery & Sons, Mark Tellhed (Onion Peak Engineering) and Manager Halverson with Nehalem Food Mart during the project.

New Discharge Permit: The new five year NPDES permit has been renewed. We should be in possession of the new permit anytime between now and May. (NPDES-National Pollution Discharge Elimination System).

BOARD COMMENTS

Owen Nicholson brought up the federal mileage reimbursement rates and it was confirmed the NBWA uses those rates for any reimbursements. When the feds change their rates, the NBWA follows. The rates are usually adjusted in January every year but there has been some years when the adjustments came quarterly due to the fluctuation of gas prices.

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PUBLIC COMMENTS

There were no members of the public present.

There being no further business, John Handler made a motion to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned at 2:04 p.m.

Owen Nicholson, Chairman

Bruce Halverson, Manager